

REGULAR COUNCIL AGENDA

C-07/2020 - Regular Council

Monday, April 27, 2020

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During this unprecedented global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream publication of the meetings and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum

Moment of Silence in Memory of Ward One Councillor, Mike Ciolfi

2. Approval of Agenda

3. Disclosure of Pecuniary Interests and General Nature Thereof

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Update

4.2 Delegations

4.3 Report of Regional Councillor

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8.6 Regional Municipality of Niagara - Action Items

8.7 Committee Minutes for Information

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.2 Staff Reports Requiring Action

10.2.1 Establishment of Municipal Heritage Committee, 2020- 205 - 213
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10.2.2 Short Term Accommodations - April 20, 2020, 2020- 214 - 295
0049-Planning

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws 296 - 348

1. By-law 4219(2020) - Being a by-law to authorize the sale of Town-owned lands to 2494557 Ontario Inc. or successors in title, the lands being described on Schedules A and B appended hereto; and to authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.

2. By-law 4225(2020) - Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham; And to repeal and replace By-law #4200 (2020), being a by-law authorizing borrowing.

3. By-law 4226(2020) - Being a By-law to Provide for Council Remuneration and Benefits for Members of Council and to Repeal and Replace Council Remuneration By-law 4062(2019).

4. By-law 4227(2020) - Being a by-law to authorize the execution of a site plan agreement for the lands located at Part 5 on RP 59R-16105. Summerside Blvd Inc. File No. SP-03-19

5. By-law 4228(2020) - A By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and Establish a System of Administrative Penalties

14. Motions and Notices of Motion

Moved by Councillor Stewart

Seconded by Councillor Hildebrandt

BE IT RESOLVED THAT Staff be directed to prepare a report for Council consideration by September 2020, to identify a range of parking options, choices and requirements that are detailed in other Niagara Official Plan documents, specifically as they pertain to new construction and infill development or intensification of use developments.

15. Matters for Committee of the Whole or Policy and Priorities Committee

16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

17. Resolution to Move in Camera

Pursuant to *Municipal Act*, 2001, Section 239(2)(d) - labour relations and employee negotiations - COVID-19 Update

18. Rise From In Camera

19. Confirming By-Law

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20. Adjournment

REGULAR COUNCIL MINUTES

Meeting #: C-06/2020 - Regular Council
Date: Monday, April 6, 2020
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin
Lisa Haun (Electronic)
Bob Hildebrandt (Electronic)
Marianne Stewart (Electronic)
John Wink (Electronic)

Regrets Mike Ciolfi

Staff Present: David Cribbs (Electronic)
Nancy Bozzato
Bob Lymburner (Electronic)
Jason Marr (Electronic)
Teresa Quinlin (Electronic)
Vickie vanRavenswaay (Electronic)
Barbara Wiens (Electronic)

Other: Summersides Mews Representatives (Electronic)

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30 pm.

To officially open the meeting, the Mayor read remarks relating to COVID-19, Novel Coronavirus and urged the public to stay home and practice social distancing.

2. Approval of Agenda

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the April 6, 2020 Regular meeting of Council be adopted.

Amendment:

Moved By John Wink

Seconded By Marianne Stewart

THAT Agenda Item 11.1 be considered immediately following the delegation.

Carried

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT the agenda for the April 6, 2020 Regular meeting of Council be adopted as amended.

Carried

3. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.2 Delegations

4.2.1 Drew Toth - Summersides Mews

The representatives from this development provided detailed information on the proposed site plan for this housing project, that will include affordable housing components. They provided response to Councillor queries relating to the overall plan, and were willing to consider removal of pedestrian access through the development to the Meridian Community Centre parking area.

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED that Council receive the delegation by Drew Toth regarding the Summersides Mews development project, for information.

Carried

4.3 Site Plan Approval - Summersides Mews (SP-03-19) - Recommendation Report, 2020-0036-Planning

Council recessed to a closed session to obtain legal advice.

Moved By Marianne Stewart

Seconded By John Wink

THAT Council receive Report #2020-0036 - Planning pertaining to Site Plan control file SP-03-19 and;

THAT the By-law and Site Plan Agreement for Part 5 on RP 59R-16105 be submitted for approval by Council at the next regular meeting, authorizing the Mayor and Clerk to sign the Site Plan Agreement with the purchaser 2494557 Ontario Inc.

Moved By John Wink

Seconded By Lisa Haun

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider the following:

Pursuant to the Municipal Act,

Subsection 239(2) (f) advice that is subject to solicitor-client privilege (1 item);

Carried

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report

Carried

Moved By Bob Hildebrandt

Seconded By Lisa Haun

THAT the Site Plan Agreement be amended to include the following:

THAT a fence be installed across the MCC parking lot on the north side of Summersides Boulevard;

AND THAT the walkway may remain provided the walkway is closed off from the back of the lots to the parking lot.

Carried

Moved By Marianne Stewart

Seconded By John Wink

THAT Council receive Report #2020-0036 - Planning pertaining to Site Plan control file SP-03-19 and;

THAT the By-law and Site Plan Agreement for Part 5 on RP 59R-16105 be submitted for approval by Council at the next regular meeting, authorizing the Mayor and Clerk to sign the Site Plan Agreement with the purchaser 2494557 Ontario Inc.; and

THAT a fence be installed across the MCC parking lot on the north side of Summersides; and

THAT the walkway may remain provided the walkway is closed off from the back of the lots to the parking lot.

Carried

4.4 Report of Regional Councillor

No Report.

5. Adoption of Minutes

Moved By Lisa Haun

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1.SC-05/2020 - Special Council - March 17, 2020

2. C-05/2020 - Council Minutes - March 23, 2020

3. SC-06/2020 Special Council - March 23, 2020

Carried

6. Business Arising from Council Minutes

None

7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration

No items were lifted.

8. Consent Agenda Items to be Considered in Block

Moved By Marianne Stewart

Seconded By John Wink

BE IT RESOLVED THAT the Consent Agenda items as listed on the April 6th, 2020 Council Agenda be received and the

recommendations contained therein be approved, as applicable.

9.1 Presentation of Recommendations Arising from PCOW and COW, for Council Approval

BE IT RESOLVED THAT COUNCIL HEREBY approves the Recommendations Resulting from the following:

- 1. PCOW-02/2020 Public Meeting - March 9, 2020**
- 2. COW-03/2020 Committee of the Whole - March 23, 2020**

9.2 Minutes Approval – Committee

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

- 1. PCOW-02/2020 Public Meeting - March 9, 2020**
- 2. COW-03/2020 Committee of the Whole - March 23, 2020**

9.5 Information Correspondence Items

9.5.1 Letter from Gary Accursi

BE IT RESOLVED THAT Council receive the letter from Gary Accursi, dated March 11, 2020, for information.

9.7 Committee Minutes for Information

9.7.1 Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated January 29, 2020, for information.

9.7.2 Summerfest Committee

BE IT RESOLVED THAT Council receive the Summerfest committee minutes dated February 12, 2020, for information.

9.7.3 Pelham Seniors Advisory Committee

BE IT RESOLVED THAT Council receive the Pelham Seniors Advisory Committee minutes dated February 20, 2020, for information.

9.7.4 MCC Hospitality Advisory Committee

BE IT RESOLVED THAT Council receive the MCC Hospitality Advisory Committee minutes dated February 12, 2020, for information.

Carried

8.1 Presentation of Recommendations Arising from COW or P&P, for Council Approval

9. Items for Separate Consideration, if Any

Not Applicable.

10. Presentation & Consideration of Reports

10.1 Reports from Members of Council:

10.2 Staff Reports Requiring Action

10.2.1 Recommendation Report for Proposed Zoning By-law Amendment 1084 Quaker Road, 2020-0046-Planning

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-46 as it pertains to 1084 Quaker Road (File no. AM-01-20);

AND THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Site Specific Residential 1-26 (R1-26) zone to the site specific Residential 1 (R1-298) zone.

Amendment:

Moved By Lisa Haun

Seconded By John Wink

THAT the approval be considered on humanitarian and compassionate grounds.

Carried

Moved By Bob Hildebrandt

Seconded By Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2020-46 as it pertains to 1084 Quaker Road (File no. AM-01-20);

AND THAT Council approve the By-law, attached hereto as Appendix D, amending the zoning of the subject property from the Site Specific Residential 1-26 (R1-26) zone to the site specific Residential 1 (R1-298) zone;

AND THAT the approval be considered on humanitarian and compassionate grounds.

Carried

**10.2.2 Whistleblower Policy, 2020-0033-Chief
Administrator Officer**

Moved By Lisa Haun

Seconded By Marianne Stewart

**BE IT RESOLVED THAT Council receive Report
#2020-0033;**

**AND THAT Council approve the Whistleblower Policy
attached as Appendix "A"**

Carried

**10.2.3 Benefits Analysis, 2020-0034-Chief
Administrator Officer**

Moved By Lisa Haun

Seconded By Marianne Stewart

**BE IT RESOLVED THAT Council receive Report
#2020-0034;**

**AND THAT Council direct the Human Resources
Department and Treasurer to utilize the Town's
Insurance Broker to obtain quotations for benefits
coverage starting October, 2020;**

**AND THAT Council approve the extension of benefits
coverage to include elected officials, while
maintaining the capacity for elected officials to
decline said coverage, starting October, 2020.**

Carried

11. Unfinished Business

12. New Business

12.1 Update on Impacts to Town of Pelham From COVID-19

Chief Lymburner provided an update on the COVID-19 events occurring throughout the Province. He suggested that pro-active efforts are making a big difference throughout Ontario.

Ms. Quinlin, Treasurer provided a financial impact of the COVID-19, noting Senior Staff has identified for deferral of projects to help with the offset of expenditures relating to this pandemic.

Ms. vanRavenswaay updated Council on Pelham Transit, noting there has been a drop in transit use across the Region. All providers have altered the routes. Staff is proposing to amend the contract under the uncontrollable circumstances clause and

provide an on-demand service only. This would result in a savings of approximately \$52,000. She circulated this information to Council this afternoon outlining this proposal.

Moved By Marianne Stewart
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council receive the following verbal presentation, regarding the impacts on the Town of Pelham from COVID-19, for information from:

- 1. B. Lymburner - Community Emergency Management Coordinator;**
- 2. T. Quinlin - Financial Impacts;**
- 3. V. vanRavenswaay - Pelham Transit.**

Carried

Moved By John Wink
Seconded By Lisa Haun

THAT the Rules of Procedure as contained in the Town of Pelham Procedural By-law, be suspended;

AND THAT the specified meeting curfew time of 9:00 p.m. be and is hereby waived;

AND THAT the remainder of the business listed on the agenda for this meeting continue to be considered until all matter have been concluded

Carried

Moved By Lisa Haun
Seconded By Bob Hildebrandt

THAT the Town of Pelham immediately cease transit operations during this COVID 19 pandemic; and

THAT the control group work with the community to provide transportation to people in need.

Amendment:
Moved By Bob Hildebrandt
Seconded By Marianne Stewart

That the motion be amended, by replacing the word "immediately", with the following:

THAT prior to the Town of Pelham ceasing transit operations during this COVID-19 pandemic, staff report back to Council May 4th, 2020 with data on dial-a-ride usage, including the number of riders, drop off and pick up locations, etc.; and

THAT educational information be provided on the bus regarding pick up and drop off services and other alternatives available within the community.

Carried

Moved By Lisa Haun

Seconded By Bob Hildebrandt

THAT prior to the Town of Pelham ceasing transit operations during this COVID-19 pandemic, staff report back to Council May 4th, 2020 with data on the dial-a-ride usage, including the number of riders, drop off and pickup locations, etc.,

AND THAT educational information be provided on the bus regarding pick up and drop off services and other alternatives available within the community,

AND THAT the Emergency Control Group work with the community to provide transportation to people in need.

Carried

13. Presentation and Consideration of By-Laws

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

1. By-law 4218(2020) - Being a by-law to authorize the Mayor & Clerk to enter into Agreements with five (5) establishments licensed by the Alcohol and Gaming Commission of Ontario that are situate within the Summerfest licensed area, those establishments being namely The Butcher and Banker Fonthill

Inc., Root and Bone, 1856 Social Ltd. (O/A HillFire SMK & BBQ), Gelato Village and Kame and Kettle Beer Works for the purposes of obtaining a Special Occasion Permit for the Summerfest event to be held on Friday, July 17 and Saturday, July 18, 2020, and to Repeal By-law 4095(2019).

2. By-law 4220(2020) - Being a by-law to amend Zoning By-law 1136 (1987), as amended, for lands located on the south side of Quaker Road, west of Kevin Drive, municipally known as 1084 Quaker Road, Town of Pelham, Regional Municipality of Niagara, by changing the zoning from the R1-26 (Residential 1 – 26) zone to the R1-298 (Residential 1 – 298) zone. Town of Pelham. File No. AM-01-20.

3. By-law 4221(2020) - Being a by-law to Establish an Administrative Monetary Penalty System for Non-Parking Related Offences and to amend all By-Law's referenced in Schedule 'A'.

4. By-law 4222(2020) - Being a By-law to amend Environmental Protection By-law 3357(2013) to prohibiting or regulating the placing or dumping of fill within Pelham.

5. By-law 4223(2020) - Being a By-law to regulate Open Air Burning in the Town of Pelham, and to Repeal and Replace By-law # 3160(2010).

Carried

14. Motions and Notices of Motion: None

15. Matters for Committee of the Whole or Policy and Priorities Committee: None

16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee: None

17. Resolution to Move in Camera

During the meeting, Council approved a closed session item to obtain legal advice. See Item 4.3.

Moved By Lisa Haun

Seconded By Marianne Stewart

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(d) - labour relations or employee negotiations.

Carried

18. Rise From In Camera

Moved By Marianne Stewart

Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise With Report.

Carried

Moved By Marianne Stewart

Seconded By Lisa Haun

BE IT RESOLVED THAT the Chief Administrative Officer be and is hereby authorized to undertake the directions provided during the In Camera meeting of April 6, 2020.

Carried

19. Confirming By-Law

Moved By John Wink

Seconded By Marianne Stewart

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4224 (2020) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 6th day of April, 2020.

Carried

20. Adjournment

Moved By Bob Hildebrandt

Seconded By John Wink

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for April 20, 2020 at 5:30 pm.

Carried

Mayor: Marvin Junkin

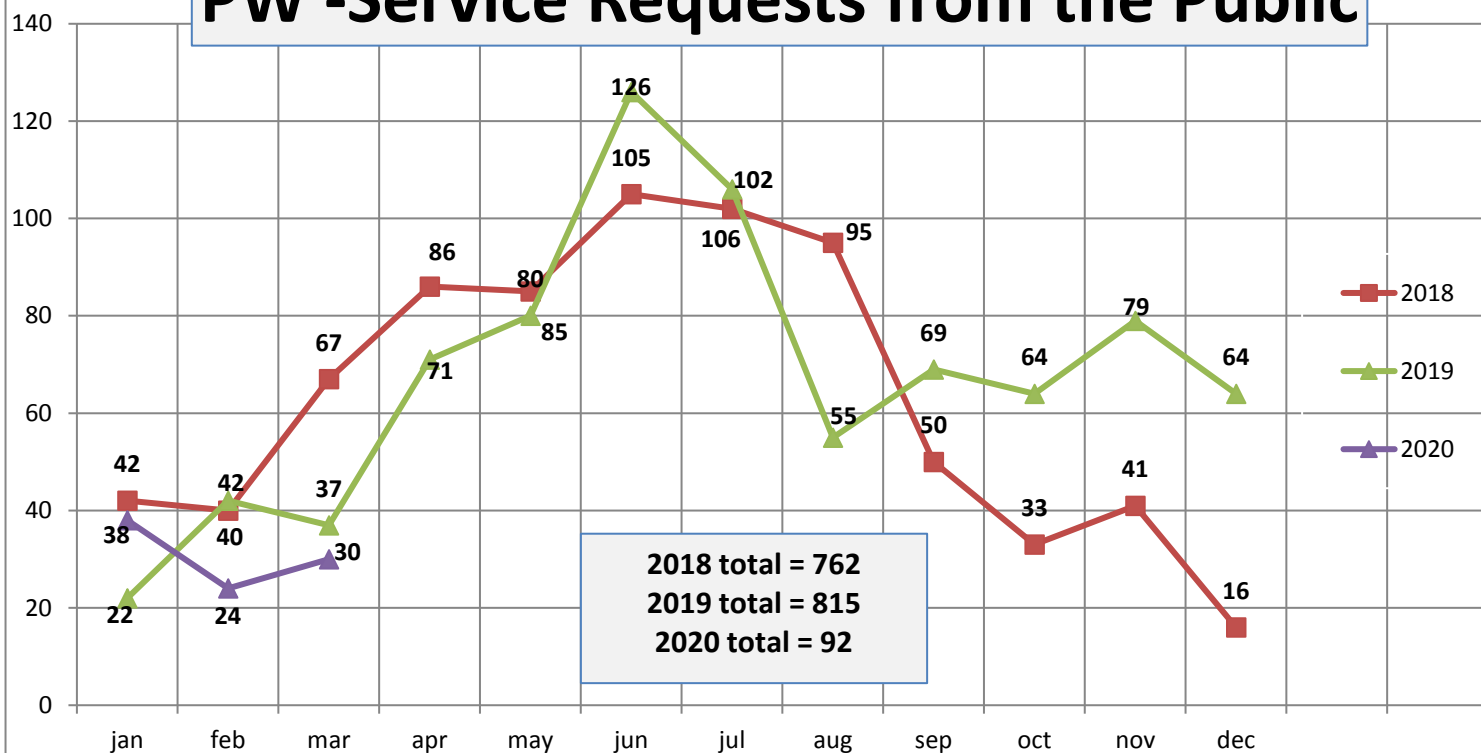
Town Clerk: Nancy J. Bozzato

PUBLIC WORKS MONTHLY REPORT

APRIL, 2020

DEPARTMENT OVERVIEW & STATISTICS

PW -Service Requests from the Public



PROJECTS

ROADS

The Winter Operations Season in the Town of Pelham is five (5) months in duration. It commences on November 1 and ends on March 31 of the following year. The Town's response to winter weather is guided by



the Public Works Winter Operations Policy S801-13, and the Winter Operations Plan, which is based on Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways, as well as the Federal Code of Practice for the Environmental Management of Road Salts.

The 2019/20 winter season was slightly higher than average in terms of the number of operations, snow accumulation, and sand/salt use. This was because of the number and severity of winter storms in November and December which is normally mild. In the last two months of 2019 we received approximately 63 cm of snow and 10 mm of freezing rain. The remainder of the winter season has been below average with only 83 cm of accumulation.

In 2020, in response to winter weather Public Works conducted 24 winter operations requiring more than 4 pieces of equipment. In the process, 1736 tons of 5:1 sand/salt and 181 tons of salt were applied to municipal roads to reduce the formation of ice. Approximately 1900 tons of sand/salt and 175 tons of salt have been purchased in 2020. The department is running comfortably within the budget for winter sand/salt purchases with 30% of the \$130,000 budget allotment remaining. The contracted services expenses for winter maintenance are also lower than the same period last year with an expected 46% of the budget remaining, however not all invoices were received at the time of this report.

When not responding to winter weather Roads Staff continue to perform maintenance activities identified during routine road patrols as per the *Ontario Regulation 239/02; Minimum Maintenance Standards for Municipal Highways*, of the *Municipal Act, 2001*. With a milder than normal winter and an increase number of freeze/thaw cycles roads in Pelham have experienced an increase number of potholes this winter. Between January 1 and March 31 staff have completed 1200 pothole work orders identified by regular road patrols. There are typically a number of potholes identified on each work order so the total number of holes is difficult to report; however, the department purchased approximately 100 tons of cold-patch this period at a cost of \$13,900.

Roads staff routinely inspect and clear catch basins, culverts, swales and ditches in order to improve drainage during winter thaws. There are over 1200 catch basins in the Town of Pelham. Some are not easily accessible and located in rear yards while others are highly susceptible to poor seasonal cleaning efforts by property owners resulting in leaves and other organic material blocking them. Staff maintain a list of 14 catch basins and culverts which are routinely monitored due to their flooding potential.

On Sunday March 29/2020 a cold front moved through the area and brought a brief period of heavy rain. Many catch basins, urban ditches and swales became blocked with leaves and debris causing minor flooding. This situation has improved since the implementation of a second street sweeping operation in the fall, however, it is not possible to keep drains clear during heavy rain fall in early spring with the amount of debris and organic material on the road from winter. The spring street sweeping program began this year on April 1/2020 which is earlier than normal due to the mild temperatures experienced this spring.

BEAUTIFICATION

Beautification staff take part in winter operations and respond to winter weather events. All staff within Beautification are either assigned a plow route under the Winter Operations Plan.

Staff maintain the Cemetery and prepare the grounds for funerals throughout the winter season. They are also responsible for garbage and litterbin collection in the parks and playgrounds, setting up and removing Christmas decorations and lights, designing beds and ordering plant material for spring planting, responding to tree concerns and post storm cleanup.

WATER/WASTEWATER

Water/Wastewater operators also take part in Winter Operations and respond to winter weather events. Water/wastewater maintenance activities continue throughout the winter season. Operators perform system pressure monitoring, flush water mains to ensure adequate chlorine residual, and respond to customer complaints or concerns.

Weekly water sampling and Chlorine Residual monitoring occurs on a weekly basis as required by the *Ontario Safe Drinking Water Act*. Sampling for Lead, THMs and HAAs was completed in this quarter as well. All results were below the Drinking Water Standard(s) levels. We have had no incidence of adverse water quality or exceedance in our critical control points under our DWQMS.

Staff repaired one (1) water main break on Terrace Heights Court in January and repaired three (3) leaking water services. The Water Operators have also been working with the contractor on Pelham Street North to commission the new water main in the area.

The annual external audit of the Town of Pelham's DWQMS system has been scheduled in April to ensure it remains in compliance to Ontario Drinking Water Regulations. The DWQMS representative and distribution system ORO will prepare and send the documentation requested by the auditor by email or shared file server as this is an offsite audit.

ENGINEERING

The following is a summary of the activities that have occurred in the Engineering Department between December 2019 and March 2020:

Sulphur Springs Rehabilitation – An updated RFP for this project is being prepared in accordance with Town Council's direction for a Design and Build Project. It is anticipated that this RFP will be released in Q2 of 2020.

Pelham Street North – Project is progressing; construction is approximately 50% complete. Staff are currently working with the contractor and the consultant to determine a timeline for completion of the project. Staff has requested that all road surfaces are restored to Base Asphalt surface by the Summer of 2020.

Pelham Street South – The Town has received Federal and Provincial funding towards completing a total reconstruction of Pelham Street to the Town Boundary south of Welland Road. The works include new storm and sanitary sewer, new water main, and updates to existing water mains, as well as, new curb, asphalt, and sidewalks. Design for this work was originally completed in 2013. Staff prepared an RFP for an engineering consultant to confirm the existing design and update it in accordance with current standards. Engineering works for this project were awarded to Associated Engineering to complete the scope of the RFP. Staff met with Associated Engineering at the beginning of March 2020 and discussed requirements and deliverables. All required reference material was provided to Associated Engineering. As of this report, staff are awaiting an update report from Associated Engineering, expected to be received in April 2020.

Haist Street Water Main Replacement – This project is 90% complete, outstanding items as of this date are restorations and paving top course asphalt on Welland Road and Haist Street. Staff have been in communication with Peter's Excavating to stay up-to-date on the contractor's schedule to complete restorations. Works are expected to be completed by end of May 2020 pending work restrictions related to the COVID-19 pandemic.

Road Rehabilitation & Base Repair Program - to be Tendered in late spring 2020.

Concrete Repair and Replacement Program – This program is currently in the tender development stage. This program focusses on the repair and replacement of damaged or failed sidewalk panels, curb, and slabs within Town right-of-way. It also encompasses facilities concrete repair and replacement needs. It is anticipated that this contract will be tendered in spring of 2020.

Bridge & Culvert Inspection Program – this project went out as an RFP and has been awarded to Ellis Engineering. The inspections will be carried out when the water levels are low enough to inspect the structures fully.

Bridge Replacement Program – This program is to replace the failing culvert on Balfour Street south of Sixteen Road, or on Sixteen Road east of Balfour Street. Staff are in communication with Ellis Engineering, the consultant who is completing the Bridge Inspection Program, to determine which culvert is a higher priority. The works will include removal of the existing culvert, installation of a new culvert, and restoration.

Poth Street Culvert Replacement – Project was tendered and awarded to Duffin Contracting. The project was successfully completed within the approved 2019 budget in October of this year.

Culvert Replacement Program – this project will be tendered late summer following the inspections.

Roadside Ditching Program – to be tendered in the spring of 2020.

Station Street Storm Pond Rehabilitation – this project has been tendered and awarded to Duffin Contracting.

Other commitments by Engineering staff:

Engineering staff continue to thoroughly review all Planning and Committee of Adjustment applications. Reviews entail a site visit and detailed analysis of drawings and reports, to ensure Town standards are adhered to. For more complex applications, this process sometimes involves several re-submissions and repeated reviews by staff. Engineering staff also continue to manage requests for assumption of subdivisions, and for reduction of securities at various stages of the development process. In addition, Engineering Staff complete reviews on lot grading plans for building permits received through the Planning Department. In addition, Engineering Staff continue to support the Pelham Active Transportation Committee (PATC), generating reports for other departments to be sent back to the federal government, and coordinating other Town departments for assistance.

CORPORATE CLIMATE CHANGE ADAPTATION PLAN

The following is an update on the development of the Town's Corporate Climate Change Adaptation Plan since September 2019:

- In **September**, a report was brought forth to Council regarding the latest update on the development of the Town's Corporate Climate Change Adaptation Plan. Council had endorsed the development of the plan, along with the creation of an internal Adaptation Steering Committee and external Stakeholder Advisory Committee. The internal committee met for the first time in mid-September, where they worked closely with the Climate Change Coordinator to identify existing impacts posed by climate change within each of their respective departments. The Town also participated in the third Niagara Adapts workshop, called "Climate change vulnerability assessment". The workshop began with a lecture by Dr. Ryan Plummer, which was designed to provide an overview of the concepts of climate change vulnerability. Following the lecture, all municipalities ranked their vulnerability indicators based on their unique geographical location. This type of participatory approach was important for creating a context-specific vulnerability assessment.

- In **October**, Niagara Adapts launched a survey on behalf of the corresponding municipalities involved with the partnership to assess their vulnerability to climate change (i.e. Pelham, Niagara-on-the-Lake, Grimsby, Town of Lincoln, Welland, City of St. Catharines, and Niagara Falls). The results from the survey will be used to define the risks posed by climate change as well as identify measures on how the Town can adapt to particular impacts. The Climate Change Coordinator connected with local newspaper agencies and online networking

platforms to encourage participation in the survey. Town staff also created a particular webpage on the Town's website, recognized as "Climate and Sustainability", which provides further information on the development of the Town's adaptation plan.

- In **November**, the Town participated in the official launch of the Niagara Adapts partnership. The purpose of the event was to heighten public awareness along with public participation in local climate change initiatives. The event kicked off by screening the documentary *Resilience – a Climate Change Documentary of Hope*, followed by a panel discussion and a community reception.

- Within the months of **December, January, and February**, the Climate Change Coordinator sent out the finalized list of impact statements to the internal Adaptation Steering Committee, which were originally identified back in September during the first workshop. The committee provided comments to each given impact statement and also identified the municipal departments that would be responsible for the corresponding impact. An amended version of the impact statements will be sent to the committee in the coming weeks, where they will conduct a vulnerability and risk assessment on each identified impact statement. The results from the residential vulnerability analysis survey, supported by Brock University's Niagara Adapts partnership, along with the results identified by the ASC in the vulnerability and risk assessment, will provide further support on the given actions for the adaptation plan.

CONSTITUENT CONCERNS & ISSUES ARISING

COVID-19 PUBLIC WORKS RESPONSE

The Public Works Department has implemented measures to help reduce the spread of COVID-19 and provide a safe work environment for staff.

Where possible and appropriate staff have been directed to work from home. The Engineering Department consists of 5 staff all of whom are currently working from home. Engineering staff are busy preparing tenders and RFPs for the 2020 Capital and Operating program, continue to complete administration and site inspection on projects and operations that are considered essential, and work with the review of development delayed items.

Pursuant to the new Provincial guidelines, Public Works Operations staff are considered to be an essential service. In order to reduce the exposure to COVID-19 and to help protect staff Public works has implemented a split shift consisting of two (2) six person crews that alternate shifts Monday through Saturday. The duration of the shifts has been adjusted to ten hours per shift giving each crew 30 hours per week. In addition, during

off times staff are required to be on-call in the event that an emergency situation needs to be addressed. Further, in order to further protect staff single worker crews with one employee per vehicle has been implemented, as well as, increased levels of cleaning and disinfecting of all facilities and equipment that our staff comes into contact with.

Public Works staff are concentrating on critical and essential activities related to providing safe drinking water, safe wastewater collection and disposal, and maintaining safe roadways in accordance with the minimum maintenance standards as set forth by the Province and the *Municipal Act, 2001*. In addition, the Town's Beautification crews continue to maintain the cemeteries and conduct funeral services as required.

As of this moment staff are continuing with any capital projects that were in progress and are critical to the health and safety of the public (ie. Water main replacement). All other capital projects that have not started prior to April 4th and are not considered critical will be on hold.

Regular maintenance activities with third party contractors will only be undertaken if the situation is deemed an emergency (ie. tree removals). The Public Works Department is currently completing operations such as street sweeping and the intention is to provide roadside mowing once the grass starts growing. In addition, capital and operating activities such as ditching will be completed as required on an emergency basis.

Public Works staff intend to continue with the issuing of Request for Proposals (RFPs), and Tenders as the Town's method of procuring these services is fully digital and does not require hand delivered submissions. The RFPs and tenders will continue to be reviewed and will be awarded with the provision that the service provider will not start during the pandemic and will include an irrevocable period of 90 days to secure the pricing.

PERSONNEL

In February the Town celebrated the retirement of Mark Lovell from the Beautification Department and Cemeteries after 30 years with the Town of Pelham. The Town wishes him a very happy retirement. Further, Mitch Holland was successful and has transitioned to the Cemetery Attendant position. Lastly, Mike Craig was successful in the recruitment for the Town's arborist position and joined the Town on April 6th.

GRANTS, CONTRACTS, RFPs & AGREEMENTS

Contracts, tenders and RFP awards as reported by Corporate Services.



Development and subdivision agreements reviewed and comments provided, as reported through Planning.

Engineering staff are reviewing the second phase of Ontario Municipal Commuter Cycling funding program.

MEETINGS

Staff have attended regular meetings as required.

FIRE & BY-LAW SERVICES MONTHLY REPORT**APRIL, 2020****DEPARTMENT OVERVIEW & STATISTICS****By-Law**

- The first 3 months of 2020 have been a challenging time for the By-law Department.
- With the Provincial Governments implementation of the *Emergency Measures and Civil Protection Act (EMCPA)* in relation to COVID-19, all Municipal By-law Officers have been granted more provincial authority in regard to enforcement of the Act including issuing Provincial Offences Notices (PONs) to citizens and companies in violation of the ACT. This includes non-essential businesses remaining open or operating, gatherings of 5 or more people, trespassing in municipal parks, playgrounds and trails and any other violation covered under the Act.
- The Town of Pelham By-law Department is working closely with the Niagara Regional Police in regard to complaints and enforcement relating to possible violations of the *EMCPA*. Beginning in April, the NRP has been forwarding all Pelham *EMCPA* complaints and concerns to the By-law Department 7 days a week between 8 am and 8 pm for investigation and enforcement. A By-law Officer will now be on call after normal business hours during these time periods to respond, investigate and enforce the *EMCPA* within Pelham.
- In the first quarter of this year the By-law Department created a new By-law in regard to the Administrative Municipal Penalty System (AMPS) and how it relates to non-parking violations. This new By-law was passed by Council in March 2020 and affects approximately 15 current Town By-laws. Penalty Notices can now be issued to violators of these By-laws without having to go through the Provincial Offences Courts.
- It is anticipated that the workload for the By-law Department will increase dramatically during the time that the *EMCPA* is in place. The Niagara Regional Police are relying heavily on municipal By-law Officers to assist them during this time and are relying on us to respond, investigate and lay charges when applicable.

Fire Prevention

Fire prevention started off the year scheduling weekly, monthly & annual inspections of multiple services & buildings within the Town of Pelham. The main goal this year is to inspect town restaurants and update preplans and emergency contact information.

The dedicated Facebook page has been relaying a lot of great fire safety messages as well as



information on various town activities. Positive feedback has been received. Social media outlets have been a great way to get information out for daily operations of the Fire and Bylaw departments as well as updating & educating the community surrounding COVID -19.

Council recently passed a new burning by-law. Residents are required to retain a permit prior to any outdoor burning. Since fire administration is closed residents who currently hold a 2019 burn permit can continue to burn under this permit. A reminder to all residents who have permits to burn clean dry wood and follow the Town's other requirements as outlined in the bylaw.

Take care everyone and wash your hands #weareinthistogether #COVID-19

Emergency Management

The Town of Pelham remains in a declared state of emergency and the EOC is in partial activation. The emergency control group meets virtually Monday-Friday @ 0900. Sample copy of daily minutes distributed to members is attached to this report.

Suppression

The fire department continues to respond to all types of incidents with the exception of some modified medical responses. The modified medical responses are to:

1. Reduce risk to firefighters to relating to COVID-19
2. To preserve personal protective equipment as the equipment inventories are low.

All fire equipment is being cleaned after each use and at least once per week if no responses occur. Resources are not compromised at this time & we are responding with full compliment. There have been no major incidents which has resulted in the loss of property or life during this period.

PROJECTS

We are currently revising the clean yards by-law, nuisance by-law, entry onto lands by-law and sign by-law is currently at council seeking approval.

CONSTITUENT CONCERNS & ISSUES ARISING

Ongoing COVID-19 pandemic

PERSONNEL

Lieutenant Yvon Audette retired April 30, 2020 after service Town of Pelham fire department for 32.75 years; we wish him all the best.

Internal Officer promotions:



Lt Jason Longhurst promoted to captain
Firefighter Ian Kuckyt promoted to Lieutenant
Firefighter Greg Young promoted to Lieutenant

GRANTS, CONTRACTS, RFPs & AGREEMENTS

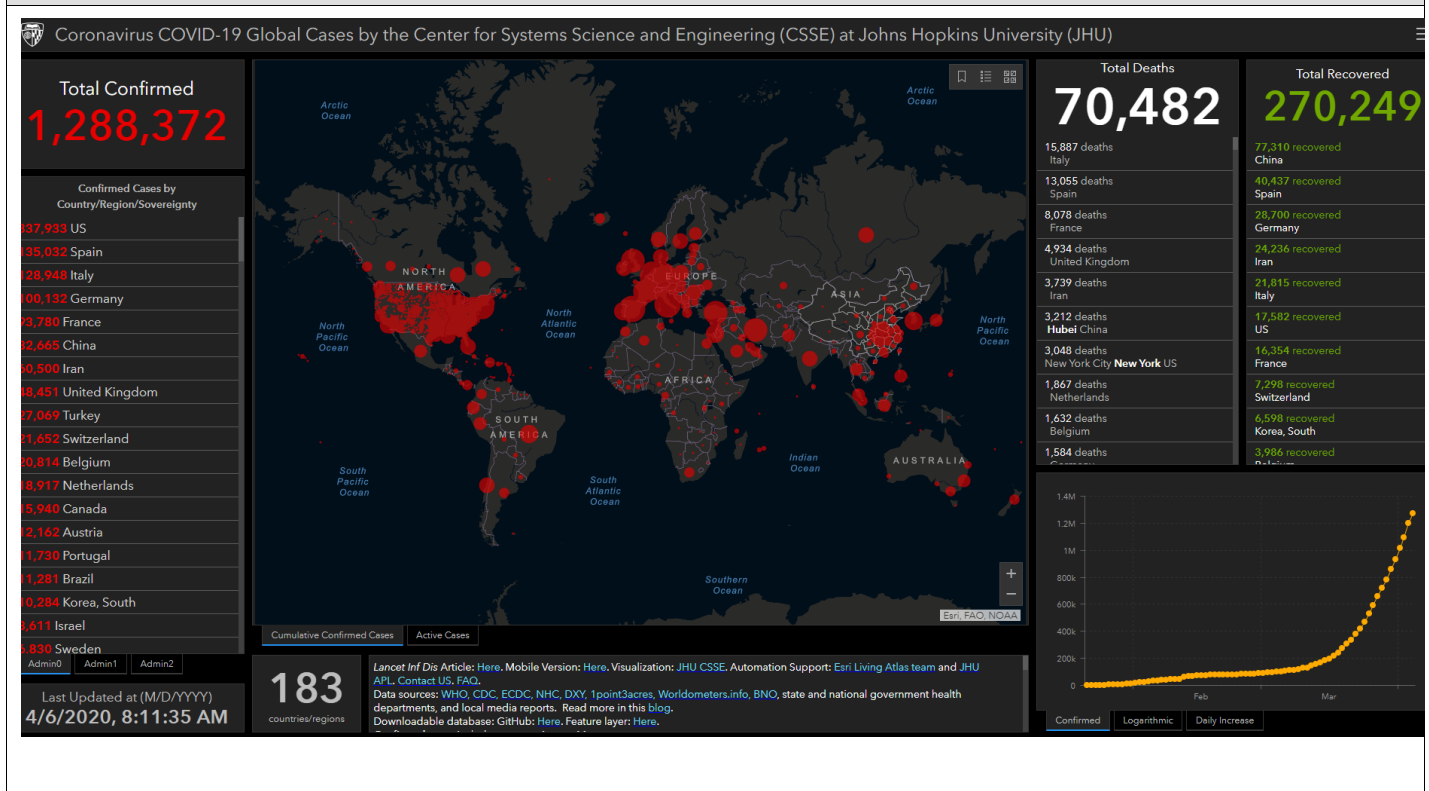
Currently participated regional RFP for fire hose, bunker gear, gloves and boots

MEETINGS

SLT (senior leadership team), EOC (emergency operations centre), MEG (municipal emergency group), REOC (regional emergency operations centre), MAC (medical assist committee), DC (district chiefs), regional chiefs, mayor, council, cannabis control committee

INCIDENT BRIEFING (IMS 201)

1. Incident Name:	2. Date/Time Initiated:		
COVID-19 – Town of Pelham	Date:	04/06/2020	Start Time: 09:00
			Finish Time: 09:52
3. Background:			
<p>a) On 2019-12-31, the World Health Organization, China Country Office was informed of cases of pneumonia unknown etiology (unknown cause) detected in Wuhan City, Hubei Province of China. Days later, researchers in China identified a new virus that had infected dozens of people in Asia which has since been labelled COVID-19 Novel Corona Virus.</p> <p>b) On 2020-01-25, Dr. David Williams, Ontario's Chief Medical Officer of Health, announced Ontario's first presumptive confirmed case of Wuhan novel coronavirus in Toronto.</p> <p>c) On 2020-03-13, Dr. Mustafa Hirji, medical officer of health (acting), Niagara Region Public Health and Emergency Services confirmed a case of Novel Coronavirus (COVID-19) in Niagara Region.</p> <p>d) On 2020-03-9 Dr. Hirji announced he will be changing his messaging to align with Province & Federal. Stay home, limit exposure, proper hand washing & social distance</p>			
4. Current Situation:			
<p>a) Niagara is at 158 cases, Ontario is at 4,038 cases, Canada is at 15,500 cases.</p> <p>b) 232 municipalities in Ontario have declared & 56 first nations</p> <p>c) 5 outbreaks in Niagara retirement/nursing home. One in Niagara Falls being investigated as they had a “pub nite” March 28, outbreak March 30</p>			
5. Map (sketch, GIS image, or description of Incident area):			



Incident Briefing

IMS Forms Package

6. Summary of Current Actions:

The Town of Pelham still remains as partially activated its Emergency Operations Centre in response to the spread of the virus, moving forward on the best measures to protect the health of the public and staff.

The Town of Pelham along with Niagara Region & 11 other Niagara municipalities declared emergency on Friday April 3, 2020 at approx. 11:00.

Bob

- As of this morning we are closed all entrances to parks. Harold Black, Centennial, North Pelham, barricading them all – complaint over weekend cars parked in them
- People can walk trails and streets as long as they keep they physical distancing
- Public health - people tested, check online for results with your health card number
- Serious issue with PPE, N95 masks none to be had. Changed procedure on fire calls
- Public health has recommended the public not wear N95 masks. They pose a greater risk to donning & doffing & touching their faces.
- Outside landscaping companies calling are they able to continue working
 - <https://www.ontario.ca/page/list-essential-workplaces>
 - **MAINTENANCE** (line 20) Maintenance, repair and property management services strictly necessary to manage and maintain the safety, security, sanitation and essential operation of institutional, commercial, industrial and residential properties and buildings.
 - Group agrees to allow, separate vehicles, personal distance, work alone, yard maintenance is essential as long as they keep within restrictions
- Tonight council meeting on zoom, who will be logged on
 - As per David, Nancy & mayor will be in chambers. Brianna will be on whole call, along with councilors
 - Not everyone has to be logged on Bob, Vickie, Barb will say their part
 - When each SLT member talk, log onto zoom, thereafter just livestream (but there is a lag in livestream)
 - Come on at 17.00, zoom should work with approx. 30 people connected & connection
 - Control group agrees meeting should be virtual. Communication will go out to group & councilors today stating this
 - public is banned from building
- Self-assessment tool on door, if you answer **YES** to any of those questions **DO NOT ENTER BUILDING**, contact your manager. If you wake in the morning not feeling well do not come in, contact your supervisor.
 - This has to be done by every employee coming into any Town building
 - Amount of staff we have employees should be understanding this
 - All Town doors will be checked again to make sure signage is on them for assessment

Vickie

- Gave David transit contract, David will look at today
- Transit is an essential service, we have reduced to 1 bus
- Nancy mentioned councilor Haun will be brining motion forward tonight to ban transit in Pelham (as per The Voice article)
- Most regional transit is 800-2000 & weekends 1000-1800 every hour
- Possibly go on demand, which would also cut 1 bus back as well

Barb

- Revised list of essential businesses. Existing residential can continue
 - Continue to receive new applications for new builds, withhold permits.
 - No new construction, until ban is lifted we will hold onto permits.
- Building staff will still be doing inspections
- There still will be activity around Town
- Building staff can also help with By-Law department

Amy

- Spanish sign is ready to go, also are adding about hand sanitizer being distributed by Welland McMaster health team
- Using 3D printer to make parts for PPE

Ryan

- Guys are cleaning Pelham Street today
 - Bob said tanker is also available if needed

Jason

- Construction project that is critical can continue on
 - Only one right now South Pelham aging water main installation.
 - Will proceed as long as following guidelines, contractor is on board
- Conference call later this morning for existing projects which are out

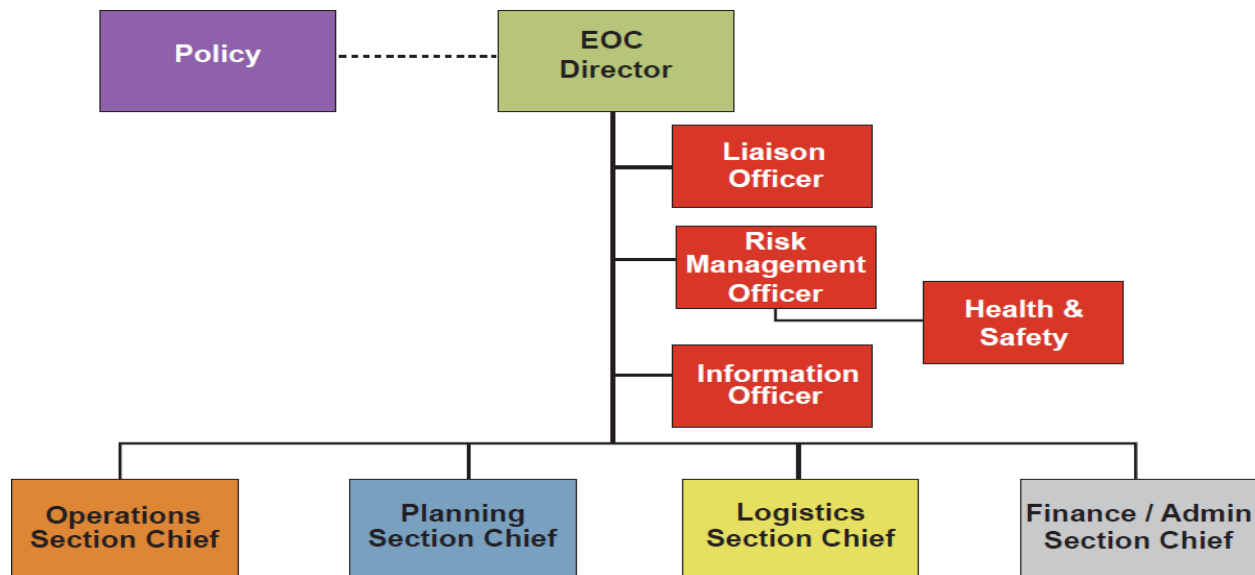
Marc

- Had to block some users on social media over weekend due to comments
- Everyone else understanding education we have been putting out

David

- Since province has new restrictions in province, will have impact with Jason & Barb areas

7. Current Organization:



14. Organization Assignment – IN ATTENDANCE

Command Model: (Check one)

☒ Single Command ☐ Unified Command

Incident or EOC Commander(s):

David Cribbs – EOC Director

Safety Officer:

Bob Lymburner

Operations Section Chief:

Ryan Cook

Information Officer:

Marc McDonald

Planning Section Chief:

Barb Wiens

Liaison Officer(s):

Marc McDonald

Logistics Section Chief:

Jason Marr

Human Resources:

Not present

Fin/Admin. Section Chief:

Teresa Quinlin

Parks & Recreation:

Vickie vanRavenswaay

Clerks Section Chief:

Nancy Bozzato

Library :

Amy Guilmette

Scribe:

Sylvia Zappitelli

Mayor:

Marv Junkin

16. Prepared By (Fire Department Scribe):

Name:

Sylvia Zappitelli

Signature:

17. Approved By (Incident or EOC Commander):

Name:

Bob Lymburner
(CEMC)

Signature:

Date:

April 6, 2020

FIRE & BY-LAW ADMINISTRATION

FIRE RESPONSES													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
STRUCTURE/VEHICLE FIRE	4	2	2										
MUTUAL AID OTHER DEPT	1	0	1										
MVC	15	4	8	3									
UNKNOWN 9-1-1	0	0	0										
REMOTE ALARMS	12	4	3	5									
MEDICAL ASSIST	27	9	9	9									
EMERG. & NON EMERG ASSIST	7	2	2	3									
PUBLIC ASSISTANCE	2	2	0										
GRASS/BRUSH FIRE/COMPLAINT	5	3	0	2									
RESCUES	0	0	0										
ODOUR INVESTIGATION	1	0	1										
CO INVESTIGATIONS	4	3	0	1									
Monthly Totals		29	26	23	0	0	0	0	0	0	0	0	0
Annual Total 2020	78												
Total Responses for 2019	566												

FIRE PREVENTION 2019													
INSPECTIONS													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Inspections	13	6	5	2									
Town Monthly Building Inspect.	36	12	12	12									
Plan reviews	0	0	0	0									
Tapp-C	0	0	0	0									
Fireworks Permit	0	0	0	0									
Open Air Burning Permit	48	20	10	18									
Observed fire drill	0	0	0	0									
Court appearance	0	0	0	0									
Monthly Totals		38	27	32	0	0	0	0	0	0	0	0	0
Annual Total 2020	97												
Total Responses for 2019	534												
MONTHLY COMMITTEE/ASSOCIATION MEETINGS													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
OMFPOA	1	1	0	0									
Arson Committee	0	0	0	0									
TAPP-C	0	0	0	0									
Development Coordinator Meeting	1	1	0	0									
Town staff meeting	1	0	1	0									
Meetings, various (n.o.s.)	9	5	4	0									
Monthly Totals		7	5	0	0	0	0	0	0	0	0	0	0
Annual Total 2020	12												
Total Responses for 2019	89												
FIRE INVESTIGATIONS													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	0												
Monthly Totals		0	0	0	0	0	0	0	0	0	0	0	0
Annual Total 2020	0	0											
Total Responses for 2019	2												
PUBLIC EDUCATION													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Station Visit School	0	0	0	0									
Fire Prevention Education Event	0	0	0	0									
Child / Children Visit Station	2	1	1	0									
Public Education Presentation	0	0	0	0									
General inquiries	25	15	10	0									
Facebook Public Education Posts	65	20	20	25									
Other Public Education Activities	0	0	0	0									
Monthly Totals		36	31	25	0	0	0	0	0	0	0	0	0
Annual Total 2020	92												
Total Responses for 2019	460												
OTHER ACTIVITIES													
	Total	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Compliance Letter	2	1	1	0									
Fire safety plan/fire drill scenario review	1	1	0	0									
Training for firefighters	0	0	0	0									
Training Course	1	1	0	0									

Monthly Totals		3	1	0	0	0	0	0	0	0	0	0	0
Annual Total 2020	4												
Total Responses for 2019	37												

BY-LAW SERVICES REPORT 2020													
BY-LAW COMPLAINTS RECEIVED													
	TOTAL	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
New Complaints		12	16	17									
Monthly Total		12	16	17	0	0	0	0	0	0	0	0	0
Annual Total 2020	45												
2019 Total	209												
PARKING INFRACTIONS ISSUED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Tickets Issued	Total	30	48	0									
Monthly Total		30	48	0	0	0	0	0	0	0	0	0	0
Annual Total 2020	78												
2019 Total	119												
PARKING WARNINGS ISSUED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Warnings issued	Total	0	0	0									
Monthly Total		0	0	0	0	0	0	0	0	0	0	0	0
Annual Total 2020	0												
2019 Total	13												
ENVIRONMENTAL BY-LAW FILL APPLICATIONS RECEIVED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
Received	5	1	3	1									
Authorized	2		2										
Properties Exempt	0												
Denied	3	1	1	1									
Monthly Total		1	3	1	0	0	0	0	0	0	0	0	0
Annual Total 2020	5												
2019 Total	13												
POLICE REPORTS FILED													
		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
	Total												
Mischief	0												
Vandalism	0												
Trespassing	0												
Graffiti	1		1										
Other	1	1											
Monthly Total		1	1	0	0	0	0	0	0	0	0	0	0
Annual Total 2020	2												
2019 Total	2												
CANNABIS ODOUR COMPLAINTS RECEIVED													
	TOTALS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
NEW Complaints	2	2											
REPEAT Complaint	10	5	3	2									
	0												
From PELHAM	12	7	3	2									
From WELLAND	0												
Monthly Total		7	3	2	0	0	0	0	0	0	0	0	0
Annual Total 2020	12												
2019 Total	91												
CANNABIS OPERATIONS LIGHT POLLUTION COMPLAINTS RECEIVED													
	TOTALS	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC
NEW Complaints	0	0	0	0									
REPEAT Complaints	0	0											
From PELHAM	0												
From WELLAND	0												

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RECREATION, CULTURE & WELLNESS MONTHLY REPORT

Q1

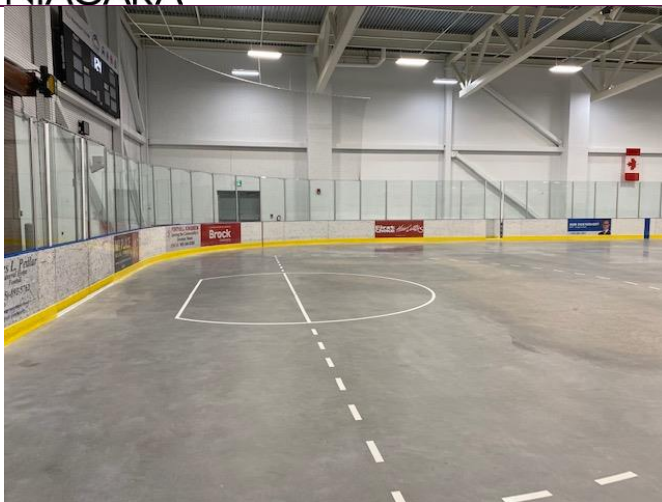
DEPARTMENT OVERVIEW & STATISTICS

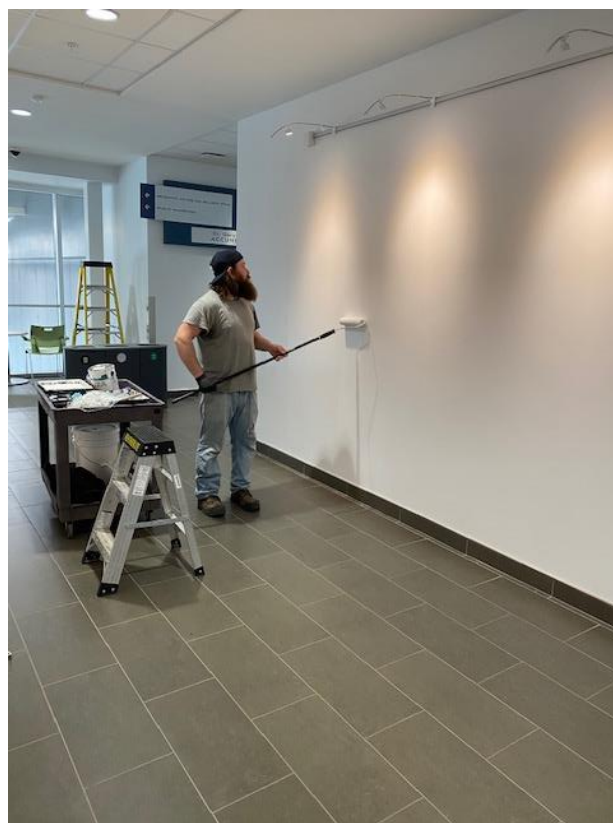
PROJECTS

1) Meridian Community Centre – Winter 2019 -2020

Highlights from the MCC:

- Attendance tracking continued and in December the MCC attracted 35,495 guests, followed by 34,711 in January, 38,421 in February and until March 16 the building had seen 17,765 guests. This was a busy time for the Community Centre with an attendance of over **126,392** guests using the facility.
- Facility Operator and Facility Attendant professional development has continued throughout the winter season. Most recently RCW hosted Ontario Recreation Facilities Association Legal Awareness 1 and Legal Awareness 2 training sessions which was attended by Municipal staff from around Ontario as far away as Sudbury. As a result of this training, all of the Facility Operators have completed their Legal 1 and Legal 2 certifications. All Facility Attendants have now completed their Legal 1 certificates.
- March has been a much different month at the MCC. Activity was extremely robust until the 16th. As a result of the cancellations related to the Covid-19 virus, and subsequent closures the ice in the Duliban Rink was removed earlier than was planned. MCC staff have taken the opportunity to begin painting and sprucing up the Community Centre, as well as performing essential annual refrigeration maintenance that could not be done with the ice in.





1) Recreation Programs:

Programs

Ballroom Socials – two were held – a Christmas themed one in December and a Valentine's themed one in February. A few new programs were added ie yogalates, Fit with Brock and 55+ cardio. These programs compliment the existing programs of zumba, chair yoga, hatha yoga, volleyball, pickleball and the ever popular walking track.

On the cold side:

The MCC was host to the Pelham Regional Silverstick in December, the International Silverstick in January, the Glynn A Green Tournament in February and the Niagara Centre Skating Gala in March. In addition, E. L. Crossley Girls hosted the AA Sossa Championships in March.

All things Senior:

In conjunction with the Pelham Seniors Advisory Committee, numerous events had been planned for spring including the Alzheimer's Society screening of the Caregivers Club, a documentary of 4 families' journeys, some of whom have local ties. A cooking for 1 session



**Recreation, Culture
& Wellness**

was to take place at Lookout Ridge and a "Know your Rights" session (Landlord and Tenant Act) with Sylvia Dimitrova from Justice Niagara just to name a few. These are all on hold and will be rescheduled.

The Seniors Active Living Lounge continues to draw members with good turn out for the men's breakfasts and ladies' socials. Getting to know your Municipal leaders kicked off with David Cribbs and Vickie vanRavenswaay guests of honour for the first sessions.

Youth Programs

Youth Drawing Classes

The Town of Pelham partnered with Artist Melynn Rose throughout the month of February to offer a Youth Drawing Lesson, specializing in anime style art. This 5-week program ran on Saturday afternoons and provided youth ages 8-18 with instruction and guidance to learn aspects of anime including character anatomy and implementing characters in manga. This program was a great success with a full class of 11 participants, and 3 on the wait list. The Town is planning to run this class again in the spring, as it received great feedback from participants and their families. This is the first time this program has run and was the first creative youth program held at the Meridian Community Centre. As it proved to be a great success, which encourages the implementation of running similar programs in the future!

Youth Tennis

The Town of Pelham in partnership with Niagara Junior Tennis had opened registration for a 5-week Beginner Tennis Lesson at the Meridian Community Centre starting in April. This program is instructed by a Certified Tennis Canada Instructor, and allows children to learn the game of tennis while using developmentally appropriate equipment. New program dates will be selected once the Community Centre reopens.

Youth Drop-In Volleyball

Town of Pelham will now be offering Youth Drop-in volleyball on Friday nights from 8:15-10:15pm. This runs at the same time as Adult Drop-in volleyball, with many of the participants bringing their children along to watch. This program will begin after the reopening of the Community Centre.

Birthday Party Packages

Over January, February and March, the Town of Pelham has hosted 12 children's birthday parties. These have ranged from parties with gym time, public skate passes or staff lead games or activities. These parties have been a great success, receiving positive feedback from the community regarding the facility and the accommodating staff. These parties will continue to be booked, with many already scheduled for the upcoming months.

PD Day Camp

The Town has run 2 more successful P.D. Day Camps in January and February hosting

9 and 16 campers. They were able to go skating, do a craft, play sports in the gym, make slime, bouncy balls and make personalized pizzas for lunch! P.D. Day Camps will continue to be available to families when their children are out of school.

Winter Break Camp

Winter Break camp was a success again this year! 7-10 Campers attended each day, which was a larger number than expected due to the way the holidays fell this year. Campers participated in games, skating and winter crafts! They even enjoyed a winter movie with popcorn and hot chocolate, and decorated cookies to take home for Christmas Eve. As there are very few camps and child care facilities open during this time, parents were very appreciative to the Town for offering these services and providing their children with a fun and safe environment to visit over the holidays.

March Break Camp

The Town of Pelham March Break Camp registration filled within 3 weeks, with 50 campers and had 8 additional campers on the waitlist! Families were excited to bring their children to camp for our fun filled week of skating, gym time, crafts, activities and games. In addition, campers were also scheduled to go to the Movie Theatre on Tuesday, and to Disney on Ice in Hamilton on Thursday. March Break Camp did run on Monday March 16th, but was cancelled for the remainder of the week due to COVID-19 precautions. On Monday, 20 campers attended our program and did a great job adjusting to social distancing and increasing handwashing procedures. Campers were disappointed to hear that the trips and activities would be cancelled, but say they will be back to attend our camps in the future!

Strike Camps

With the Schoolboards striking from January until March, the Town of Pelham ran 9 days of strike camp to accommodate residents who were left without childcare on these days. These camps were a great success and received lots of positive feedback from parents, the newspaper and local residents in the community. The Catholic School Board strikes did have a lower number of attendees than the Public School Board strikes, which welcomed between 25 and 45 campers to the Meridian Community Centre.





2) SAY IT! On Stage – Over To You

The final product of the SAY IT! On Stage intergenerational project took place December 13th and 14th at 7:00pm each evening. This project united people of different generations who worked together to craft and perform an original stage play. They joined their talents and efforts to write and rehearse scenes, assemble props, costumes, and designing sets to deliver a night of unprecedented entertainment at the Meridian Community Centre. There were 142 tickets sold for the first night, and 120 tickets sold for the following night.

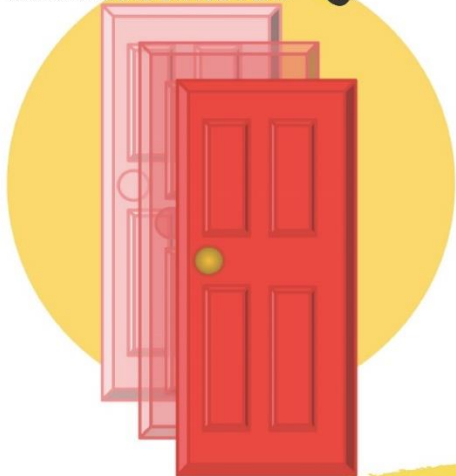
With the funds generated from tickets sales, along with a sponsorship from the Fonthill Meridian, this project will be sustained for a second year. Conversation circles, which are the initial stages and fundamental roots of the project, began January 30, 2020.

<https://www.sayitonstage.com/>

SAY IT! ON STAGE PRESENTS:

"Over to You"

AN ORIGINAL STAGE PLAY



FRI, DEC 13TH & SAT, DEC 14TH

Doors open at 6:30pm

Show starts at 7:00pm

MERIDIAN COMMUNITY CENTRE,

100 Meridian Way

TICKETS: \$10 / \$5 with Membership 55+ / 7&under FREE

Tickets can be purchased at the Meridian Community Centre,
and on Eventbrite.

For more information, please visit: sayitonstage.com

The Town of Pelham gratefully acknowledges the financial support of the Niagara Community Foundation, which is a public foundation serving the people of Niagara. The Foundation builds permanently endowed charitable funds for the changing need and opportunities of the community and provides grants to eligible charitable organizations in culture, health, education, environment, recreation and social service sectors.



FREE PELHAM TRANSIT IS AVAILABLE!
FOR MORE INFORMATION CALL 905-892-2607 EXT. 347



3) Meridian Community Centre – Art Walls

The Art Wall Exhibit is in full swing, with Stuart Hendrie's display of photography taking place for the month of December, E.L. Crossley students displaying their artwork January through February, and Rebecca Hyatt's art students displaying their work for the month of March. The art wall has been received exceptionally well by guests at the MCC, as a plethora of comments on the beauty, colour, character, and pride these displays have brought the Community Centre.

4) Comedy Night

The Pelham Comedy Night took place on Saturday February 29, 2020 at 8:00pm. The event was a huge success with over 200 people in attendance and a sold out show. Ticket prices went from the previous \$20, to \$25 to include a light meal with the show. The event was hosted by David Green, and comedy acts were performed by Luba Magnus, Michelle Zhitomirsky, and Michael Moses.



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5) Big Band Dance Night

The Town of Pelham's Big Band Dance Night, featuring the Jimmy Marando Swing Band, continues to be a huge success. The event takes place every third Tuesday of the month, and averages over 100 attendees per night. The event is free admission, with food and beverages for purchase.

6) Canada Day

The Canada Day planning group met on January 28, 2020 to work on planning the 2020 event. Results of the application to Heritage Canada for the Celebrate Canada Grant for 2020 are expected in late April. The time frame for the days' events will remain essentially the same as last year, if it occurs. The stage and food vendors will be located on the paved area of the park once again and, weather permitting, the children's area will be located on the grassed area. Staff continue to work on logistical bookings for 2020, but will wait for a final decision to proceed or cancel from Town Council.

7) Summerfest

The Summerfest Committee met on January 15, January 29, February 2 and March 12, 2020.

Vendor application were available on the Summerfest website in early January. By the February 28th early bird deadline, 54 applications had been received. The Committee reviewed the applications and staff recommendations at their March 12th meeting. Staff are



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& Wellness**

currently working on contacting the applicants to advise of the status of their application.

Staff have consulted with the Region regarding the relocation of the stage and have received correspondence from Engineering and Permits division that the proposed location is acceptable to the Region. The Committee will move forward with this new layout.

The sponsorship campaign has begun with a number of returning sponsors indicating their continued support of the event. Committee members continue to seek out new sponsor opportunities as well.

Entertainment selection continues and a confirmed line up is anticipated by the end of April.

For the 6th year, Summerfest has been recognized as a Top 100 Festival or Event in Ontario by Festivals & Events Ontario. The award was announced at the FEO Conference on February 27, 2020.

8) Christmas in Pelham

Christmas in Pelham wrapped up two months of seasonal activities and events on January 3, 2020. The Outdoor Christmas Market took place on Friday, December 6th and despite a soggy set up, was a lovely evening attended by nearly 1,900 people. Carriage rides and visits with Santa remain two of the most popular elements with line ups throughout the event time.

9) Street Pole Banners/Honour our Veterans Banner Program

RCW staff have met with the Legion representative to discuss expansion of the Honour our Veterans Banner program. It has been suggested that new installations would be appropriate in the area of the Legion on Highway 20. Discussions have begun with the Region of Niagara to look at this possibility. The Region are currently working on a new Region wide policy with respect to the Veterans program.

RCW staff are working with the Communications & Public Relations Specialist, Marc MacDonald, to develop new spring/summers banners.

10) Volunteer Enhancement Campaign – Winter 2019/2020

Staff continue to promote volunteer opportunities with the Town of Pelham through the Town's website, and emails to the volunteers in the corporate database. Over the winter, Staff interviewed a couple new volunteer applicants who were added to this database.

Staff has provided two OTEC (Ontario Tourism Education Corporation) Service Excellence (Customer Service) training to a total of 25 seniors as part of the Senior VIP (Volunteer in Pelham) program. The Senior VIP program is designed to provide opportunities for seniors to participate, gain experience and assist with providing excellent customer service at the Meridian Community Centre. These trained



volunteers are stationed at the front desk and throughout the Meridian Community Centre, greeting patrons, giving direction, and responding to general inquiries. There are five active volunteers who have completed OTEC training and volunteer orientation. The others Senior VIPs are currently still waiting for police checks.

www.pelham.ca/volunteer

11) MYAC Updates

This term of MYAC has great initiative and is extremely happy with the progress they have made since their first meeting in September. They took part in the Santa Claus Parade and ran laser tag at the Family Day Expo at the Meridian Community Centre, which was the most popular event of the day! The Committee has been growing their social media following through more frequent posting and hosting give-aways. This has in turn lead to an increase of attendance at events they attend, with hopes of it doing the same at events that they host in the future. MYAC had planned a Youth Forum, which was scheduled to take place on April 7th. Unfortunately, due to COVID-19, this event will now be rescheduled. All of the ideas and planning they have done over the past few months will help to host an event to gain greater insight from other youth within the community. Overall, the Committee feels as though they have accomplished more this year than they have in years past, which encourages them to do more and be seen within their community.



12) Pelham Transit Update – Winter 2019/2020

To date, as indicated below, we have had a total of 2,084 riders since January 2020. From January 2019 to December 2019, Pelham Transit had a total of 7,895 riders. The Winter Transit Schedule commenced on January 6th, 2020. There were a few changes from the Fall Transit schedule, as listed below:

- 1) The Shorthills Villa and Pelham Cares stops were discontinued on the conventional

route due to lack of ridership and to create a more efficient route.

- 2) The stops at Sobey's, the Fonthill Marketplace (Food Basics) and Lookout Ridge were moved from being on private property to Highway 20 and Lookout Street, respectively.
- 3) Residents of Shorthills Villa, Lookout Ridge and North Pelham are able to book Dial-a-Rides from 7am-10pm Monday through Saturday.

The Dial-a-Ride and Specialized Transit programs have continued to increase in ridership with an average of 10-15 reoccurring rides booked Monday through Saturday each week. Most of these riders are utilizing Pelham Transit to get to or from Niagara College, adult day programs at Woodlands of Sunset and to Pelham Cares.

As shown in the graphs below, with the exception of the December and late March, ridership numbers have increased comparatively to the previous year. In Fall 2019, Staff adjusted the hours contained in Morning and Mid-day ridership to reflect the impact of regional bus routes on Pelham Transit ridership numbers. Morning ridership is now categorized between 7am-9am, and Mid-day is 9am-3pm. Previously, morning ridership was categorized from 7am-11am. This can be perceived as a shift between the morning and mid-day ridership but staff believe it is due to the change in categorization ridership.

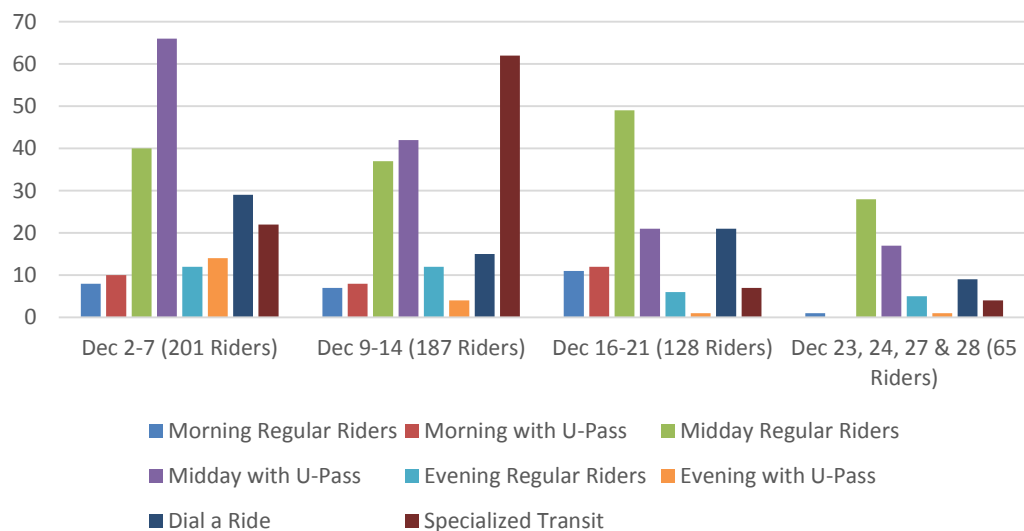
The decrease in ridership in December can be contributed to adverse weather conditions that Pelham experienced. Additionally, December 2018 accounted for 5 weeks of transit operation as data is recorded in the month that weekly ridership (Monday to Saturday) ends in. December 2018 contained five Saturdays. In 2019, there were only four Saturdays in December. December 2019 only accounted for four weeks of transit operation. This would also contribute to the decrease in ridership shown below.

In December, eight Gold level sponsorships were renewed for the first quarter of 2020. The sponsors were only renewed for the first quarter due to the changes that were to occur with Pelham Transit and the Niagara Region within Spring 2020. Staff is requesting these eight gold-level sponsorships be renewed for the second quarter at this time.

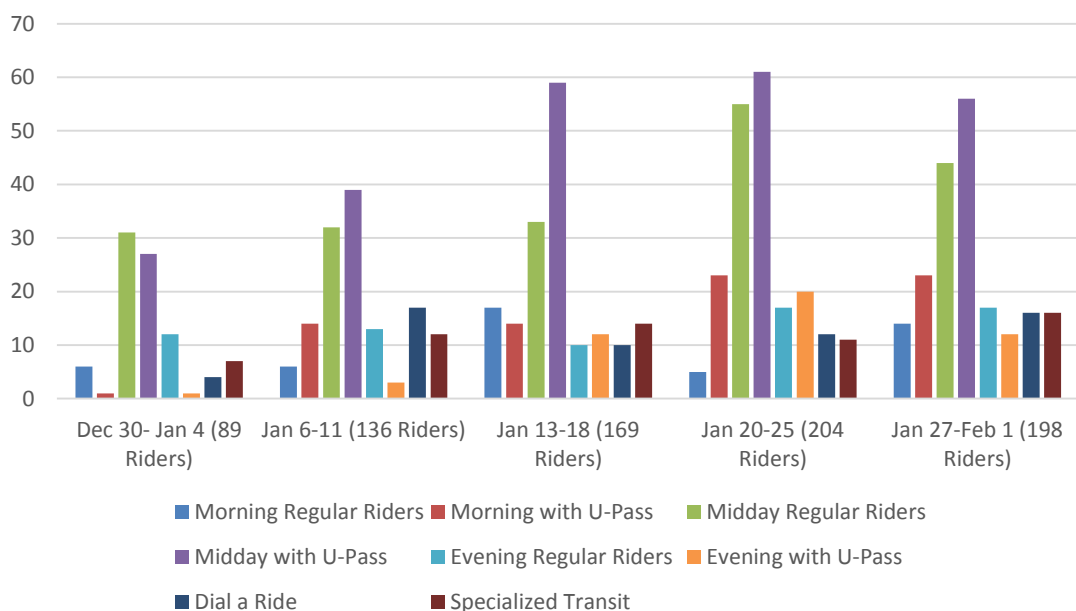
With the onset of the COVID-19 pandemic and the changes made to Niagara Region Transit, on March 23rd Pelham Transit began operating on its Saturday schedule Monday through Saturday until further notice. As well, Pelham Transit is asking that all riders have no interaction with the farebox to encourage social distancing precautions. Social distancing precautions, school closures and more individuals working from home have resulted in a significant decrease in ridership numbers in late March.

See below for transit ridership during the months of December 2019 to March 2020:

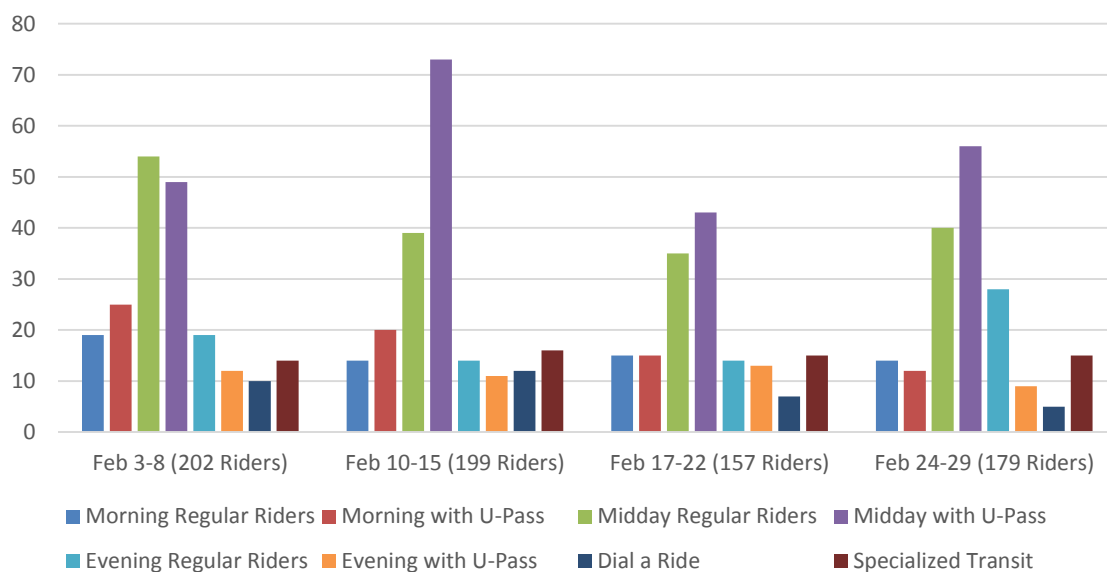
Pelham Transit Ridership December 2019



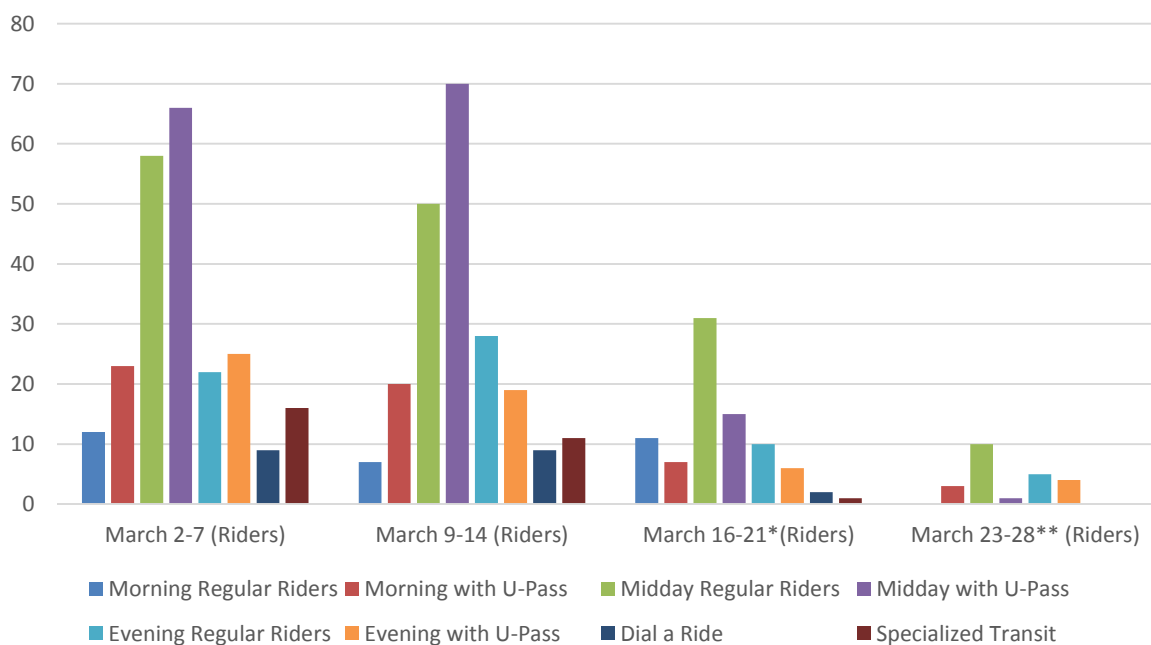
Pelham Transit Ridership January 2020



Pelham Transit Ridership February 2020



Pelham Transit Ridership March 2020

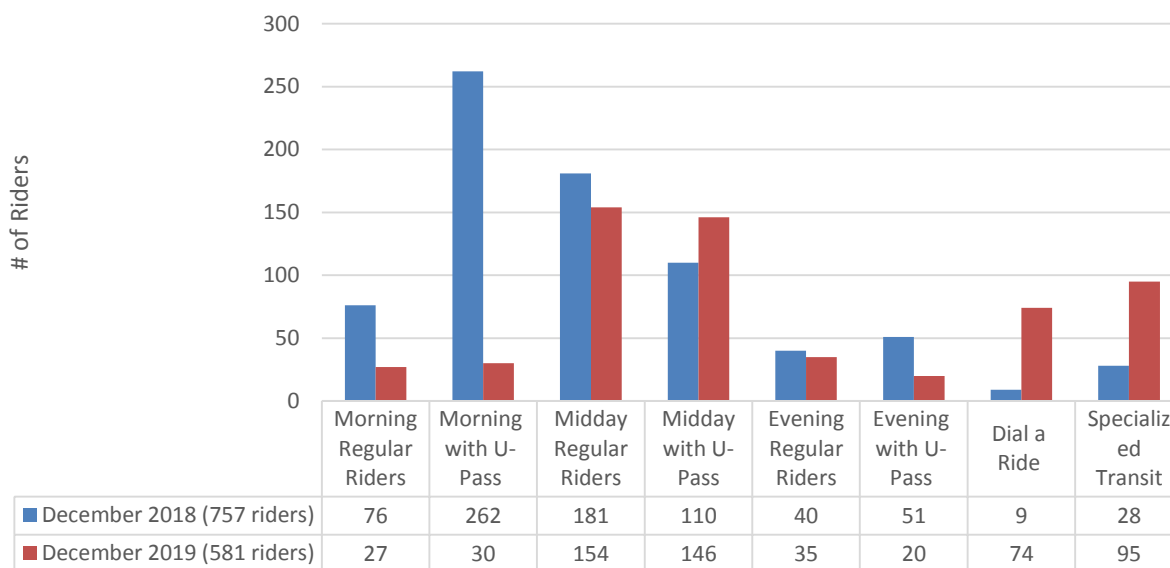


See below for comparisons between ridership during the months of December 2018 – March 2019 to December 2019 – March 2020:

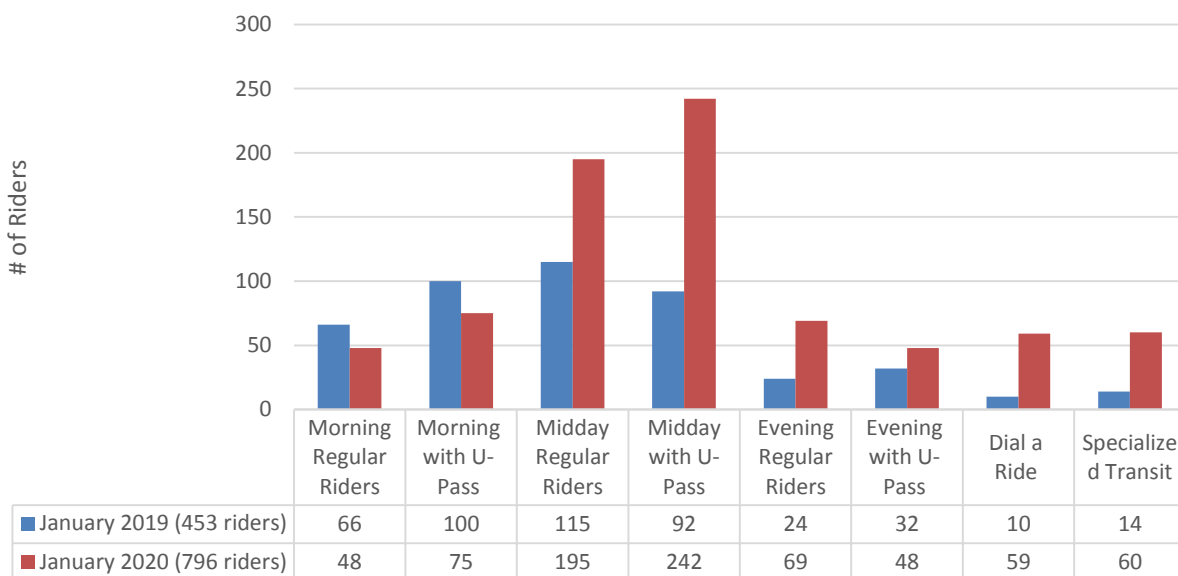


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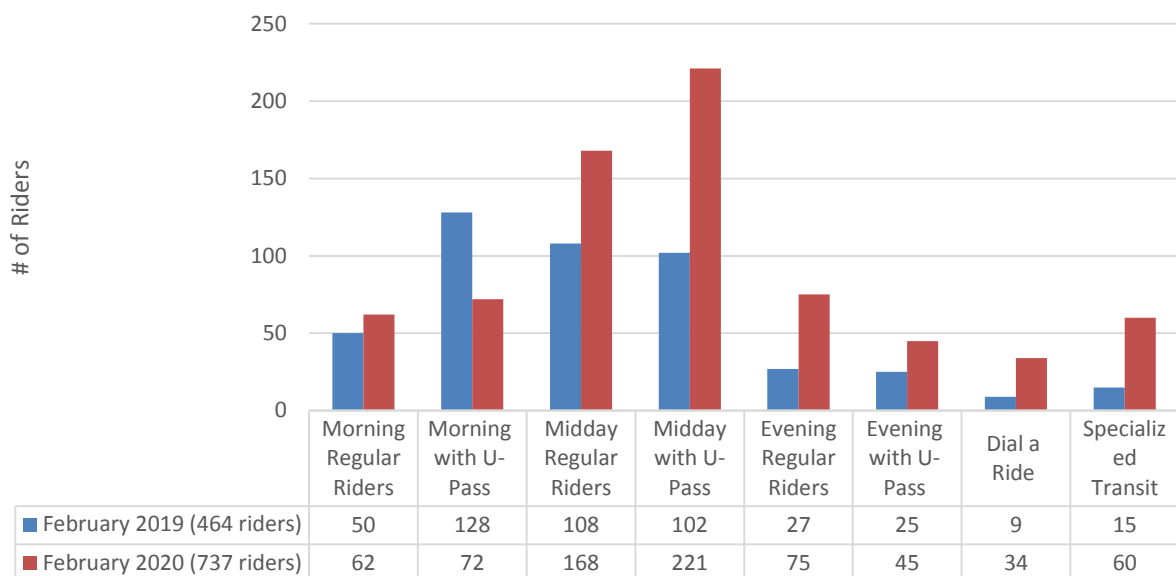
Comparison: December 2018 (blue) vs. December 2019 (red)



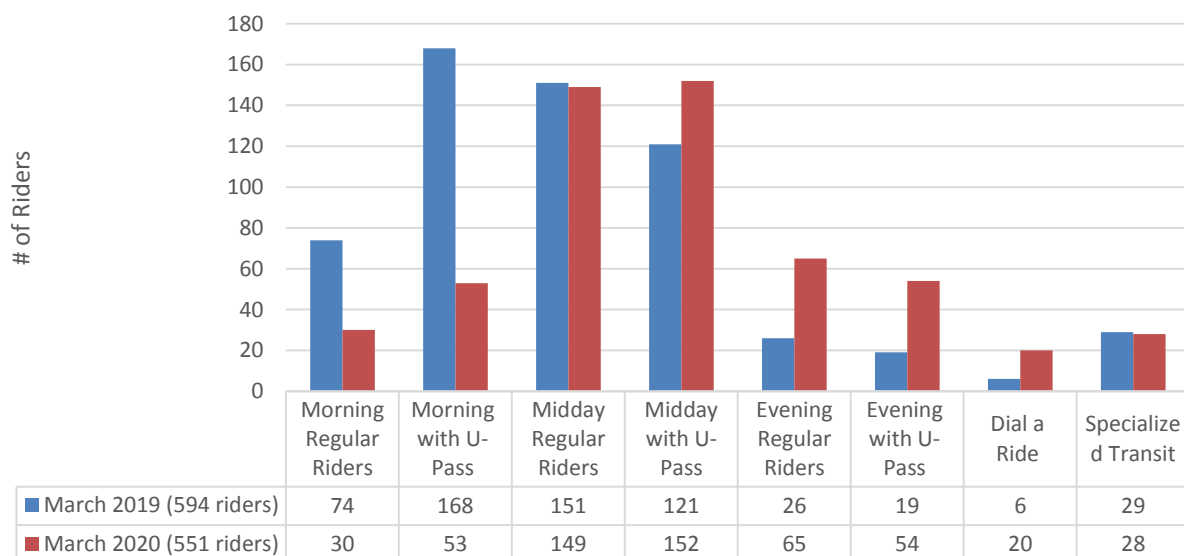
Comparison: January 2019 (blue) vs. January 2020 (red)



Comparison: February 2019 (blue) vs. February 2020 (red)



Comparison: March 2019 (blue) vs. March 2020 (red)



Total Ridership January 2020-Present: 2,084

13) Bench Dedication Program

In December, the two plaques were installed for the bench dedications in 2019. Staff have been working with the Bandshell Committee to organize the installation of four donated benches including creating and installing their plaques. These benches and plaques will be installed by mid-Spring.

CONSTITUENT CONCERNS & ISSUES ARISING

STAFF TRAINING

One person attended the Networking for Municipal Event Planners Meeting and Festival & Events Ontario Conference

One person attended Festival & Events Ontario Conference

Two staff ran 3 Customer Service "Service Excellence" Training sessions for Town Staff.

All RCW Staff; Programmers, Operators, Attendants participated in ORFA Legal Awareness 1 and Legal Awareness 2

GRANTS, CONTRACTS, RFPs & AGREEMENTS

MEETINGS

Summerfest Committee

Canada Day Committee

Pelham Arts Advisory Committee

MCC User Group Round Table Committee

MCC Hospitality Committee

Utility Sustainability Advisory Committee

Pelham Senior Advisory Committee

Regional Waste Management

International Silverstick Opening Ceremonies

Inter Municipal Transit meetings

Senior Leadership Team

Brock University Athletics Dept

Festivals & Events Ontario



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CORPORATE SERVICES MONTHLY REPORT

March, 2020

Dec 2019 to March 2020

DEPARTMENT OVERVIEW & STATISTICS

Overview

December - In the month of December, Caseware programming was completed for the monthly MCC and Transit financial reports, which will save a significant amount of staff time manually inputting information into Excel. Deloitte, the Town's audit firm, conducted interim audit work at Town Hall.

January - Beginning in January, staff began working on the planning, setup and data entry for Questica, the new budget software that was approved as part of the 2020 capital budget.

February - In February, Corporate Services staff began to work on year-end closing procedures and final year-end adjustments and accruals. Planning also commenced regarding the timing of the 2021 budget process.

March - During March, year-end procedures and audit working papers were finalized and the draft financial statements were prepared in advance of the audit in April.

Financial Reports

1. 4th Quarter Capital Projects Update for 2019- see Appendix 1
2. Final Audited December 31, 2019 results will be presented to the Audit Committee first on May 7, 2020, then to Council on May 19, 2020.

Grants

Ontario Community Infrastructure Fund (OCIF) reporting was completed in March. \$456,430 was received in 2019, and \$347,495 was applied to road reconstruction. The unused funds will carry forward and have already been designated to the road project Haist: Welland to Beckett.

Federal Gas Tax reporting was completed in March. \$1,057,561 was received in 2019, and \$535,744 was applied to the Pelham Street Storm and Road Reconstruction project, and the unused funds will carry forward and be applied to the completion of that project.

Three Modernization grants were awarded as follows: (1) \$49,354– Public Works Operational Review; (2) - \$39,534– Savings and Efficiencies Review for Building Inspections with the City of Port

Colborne, the Townships of Wainfleet and West Lincoln, and the Town of Pelham; and (3) \$19,425—Review of Shared Services for Current Information Technology Services with the Township of Wainfleet.

Grant	Amount Applied For
Niagara Region Public Realm Investment Program (PRIP) Grant	
-Add lighting features and shade coverings to the soon to be constructed arches	\$ 85,000
Niagara Region Public Realm Investment Program (PRIP) Grant	
-Trees and Transit shelters to enhance Rice Road / RR # 20	\$ 35,000
Rural Economic Development (RED) Grant	
-Self-serve card lock fuel dispensing system for Niagara Central Dorothy Rungeling Airport	\$ 12,000
TD Friends of the Environment	
-Pelham Community Tree Plant 2020	\$ 1,682
-FCC AgriSpirit fund application for 10 public access defibrillators for use in public locations throughout Pelham and during community events in the amount of \$25,000.	

Taxes

As part of the Ontario Government's Economic and Fiscal Update on March 25, the Hon. Rod Phillips, Minister of Finance, announced the Province's decision to postpone the 2020 Assessment Update.

The provincial government has indicated that property assessments for the 2021 taxation year will continue to be based on the fully phased-in January 1, 2016 current values (i.e., the same valuation date in use for 2020 taxation year). This is will be beneficial to residents and detrimental to Town revenues in 2021.

IT PROJECTS

Cyber Security

As discussed during the March 10th all staff meeting, the Town IT Department is ready to deploy an interactive cyber security training session to all staff. The primary purpose of this training is to enhance end-user awareness regarding phishing attempts and criminal cyber activity.

Advancements in business technology continue to drive better productivity and efficiency levels, especially for Town employees. However, these same advancements can lead organizations vulnerable to more advanced forms of cyber-attacks. Data breaches, ransomware viruses, are all different forms of attacks that can cause financial and daily operations impacts for the Town.

The cyber security training will be sent via electronic methods, primarily via email. The IT Department will display a customary subject line, so all staff will be made aware that it is indeed a cyber-training email. There are other key indicators that staff will be made aware of when the training session is deployed.

The cyber security software that will be used is called Cofense Phishme. The Town has collaborated with the Region of Niagara to attain cost-sharing benefits.

Town Hall CISCO NRBN router upgrade.

Pelham will be removing the EOL (End of life) main core Cisco 1811 router and the existing media converter, with a managed NID (Network Interface Device) from NRBN. The NID will eliminate another potential point of failure in our network, for the NID will directly connect to the providers Fiber connection. The cost for the managed service will be \$150.00 per month.

Broadsoft Unified Client (UC) Software – Hosted IP/PBX Phone System

NRBN is currently testing this high priority software add on module to their hosted IP/PBX phone system. Since most local municipalities are encouraging work from home alternatives, NRBN has been asked of this service from the Town of Pelham and City of Niagara Falls.

The Broadsoft UC client is a software application that can be installed on laptops, desktop computers and mobile cellular devices. Incoming calls from the public can now be answered from the device that has the software installed. The software also can integrate into Outlook calendar to see the



availability of staff (are they in a meeting, training session, un-available, etc.) and thus properly notify the caller of their status and how the current call will be handled.

The UC software also offers screen sharing to its users, internal video/audio conferencing, follow-me (when your extension number is dialed, it can ring your laptop/desk phone/mobile phone) all at the same time, thus improving the efficiency of our customer service offerings.

The monthly re-occurring costs for the UC software is \$7.00/per user/per month. Only the staff members that have a Polycom phone can be considered for the UC software. Currently we have 57 users that could potentially be considered for the Broadsoft UC software license.

CONSTITUENT CONCERNS & ISSUES ARISING

There have been no concerns or issues to report during this period.

PERSONNEL

The following staff have received training to update skills and development in their related fields:

- All department staff attended the Service Excellence training.
- The Deputy Treasurer attended IMS 200 training.
- The Deputy Treasurer and Taxation Clerk attended the MFOA webinar on Property Tax and COVID-19.
- The Deputy Treasurer, Taxation Clerk, and Fixed Assets Accountant attended the MFOA webinar on Finance and COVID-19.

An internal departmental training session was held regarding Adobe Pro and electronic tools useful in a paperless environment.

GRANTS, CONTRACTS, RFPs & AGREEMENTS

Current Bids and Tenders

Invitation to Bid# 2020-PW-05 – Terms of Reference Detailed Design, Pelham Street	
Bidders	Amount
Ambashi Engineering & Management Inc.	\$164,255
Associated Engineering (Ont.) Ltd.	\$119,585
IBI Group Professional Services (Canada) Inc.	\$299,900
Upper Canada Consultants	\$213,185

Award is to *Associated Engineering (Ont.) Ltd.* with a contract value of \$119,585

Invitation to Bid# 2020-PW-04 – Combination Snow Plow & Spreader Unit

Bidders	Amount
Premier Truck Group Hamilton	\$268,958
ARCHER TRUCK SERVICES LTD	\$285,495
Award is to <i>ARCHER TRUCK SERVICES LTD</i> with a contract value of \$285,495	

Invitation to Bid# 2020-PW-02 – Street Sweeping Program

Bidders	Amount
D&D Trucking and Construction Service Inc.	\$49,920
A&G The Road Cleaners Inc.	\$155,688
Award is to <i>D&D Trucking and Construction Service Inc</i> with a contract value of \$49,920	

Invitation to Bid# 2020-PW – Municipal Grass Cutting and Property Maintenance Program

Bidders	Amount
Ibrahim Nassri Trading Inc.	\$690,757 (3 years)
Stevensville Lawn Service Inc.	\$443,290 (3 years)
VanDuzen Fence and Post	\$584,235 (3 years)
843081 Ontario Inc. o/b Snips Landscape and Nursery	\$721,707
Bos Landscaping Inc.	\$138,399 (3 years) 2020 Award \$45,230 (2021 & 2022 c/w approved budget)
Award is to <i>Bos Landscaping Inc.</i> with a contract value of \$138,399 (3 years) 2020 Award \$45,230 (2021 & 2022 c/w approved budget)	

Invitation to Bid# 2020-PW-06 – Bridge and Culvert Inspection Program

Bidders	Amount
Centex Engineering and Development Inc.	\$3,500
ART Engineering Inc.	\$7,490
AUE Structural	\$5,750
AMTEC Engineering Ltd.	\$6,900
Paradigm Engineering Group Ltd.	\$25,000
ELLIS Engineering Inc.	\$7,570
Morrison Hershfield Limited	\$15,179
McIntosh Perry Consulting Engineers Ltd.	\$9,193
Safe Roads Engineering	\$13,989
TSI Inc.	\$3,850
Award is to <i>ELLIS Engineering Inc.</i> with a contract value of \$7,570	

Invitation to Bid# 2020-PW-19 – Gypsy Moth Services	
Bidders	Amount
Lalleman Inc./BioForest	\$21,460
Natural Resource Solutions Inc.	\$16,600
Award is to Lalleman Inc./BioForest with a contract value of \$21,460	
Invitation to Bid # 2020-CS-02 Shared Services Review	
GM Blueplan Engineering	\$45,370
Western Management Consultants of Ontario	\$48,000
Award to GM Blueplan Engineering in the amount of \$45,370	

MEETINGS

- Questica
- F.H. Black & Company
- Deloitte
- Audit Committee
- Ministry of Municipal Affairs and Housing
- Niagara Region
- Marmak
- Active Net
- Area Treasurers
- CIBC
- Meridian
- Emergency Operating Committee

Town of Pelham							Appendix 1	
2019 Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures				Status	Carry Forward Amount
As at December 31, 2019			2019 Original Budget	2019 Revised Budget	2019 Actual	Actual as a % of Revised Budget		
GENERAL GOVERNMENT								
IT 01-19	Annual Equipment PSAB	100162	32,000	32,000	37,597	117%	Completed.	-
							Carry Forward. In progress. RFP soon to be released. Concrete pad will be poured within the next two weeks.	46,000
IT 04-19	Backup Generator for IT Server Room (Town Hall)	100165	46,000	46,000	-	0%		
IT 05-19	Innovation Technology	100166	50,000	50,000	53,020	106%	Completed.	-
Total General Government			128,000	128,000	90,617	71%		
PROTECTION SERVICES								
FD 01-19	Replacement of Self-Contained Breathing Apparatus (SCBA) masks	200113	15,000	15,000	13,967	93%	Completed.	-
FD 02-19	Replacement of Radio Equipment	200112	305,000	305,000	303,099	99%	Completed.	-
Total Protection Services			320,000	320,000	317,065	99%		
TRANSPORTATION SERVICES								
FACILITIES								
FAC 01-19	Concrete & Asphalt Repairs - Various	300446	10,000	10,000	10,176	102%	Completed.	-
FAC 03-19	Municipal Building - foundation, structural, waterproofing, exterior / interior painting - FCA Critical 2016	300448	55,000	55,000	9,163	17%	Carry Forward. Tender awarded. Outside painting Completed. Outstanding deficiencies remain. Contract terminated. Will obtain quotes for interior.	45,837
FAC 04-19	Fire Station #1 - roof repair section 4.1 - FCA Critical 2019 - 2024	300449	45,000	45,000	21,522	48%	Completed.	-
FAC 06-19	Tice Road - well replacement	300451	30,000	30,000	22,104	74%	Completed.	-
FAC 08-19	Fonthill Cemetery Building - replace overhead door	300453	6,500	6,500	1,435	22%	Completed.	-
FAC 09-19	Municipal Building - Partial Roof Replacement	300454	47,000	47,000	21,910	47%	Completed.	-
ROADS								
RD 01-19	Culvert Replacement	300460	400,000	400,000	361,904	90%	Completed.	-
RD 02-19	Concrete Repair & Replacement Program	300461	110,000	110,000	66,208	60%	Carry Forward. 2019 Inspections and program are being undertaken. RFP done. Ongoing.	43,792
RD 03-19	Culvert Replacement Program	300462	60,000	60,000	56,213	94%	Completed.	-
RD 04-19	Engineering	300463	20,000	4,372	3,027	69%	Completed. \$ 15,628.50 to be used towards PCI (RD 06-19). Council approved on 09.03.2019.	

Town of Pelham							Appendix 1	
2019 Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures				Status	Carry Forward Amount
As at December 31, 2019			2019 Original Budget	2019 Revised Budget	2019 Actual	Actual as a % of Revised Budget		
RD 06-19	Pavement Condition Index Study	300465	12,000	27,628	11,682	42%	Carry Forward. RFP awarded. \$ 15,268.50 in budget to come from RD 04-19. Council approved on 09.03.2019.	15,946
RD 07-19	Road Base and Surface Repair Program	300466	170,000	170,000	137,045	81%	Carry Forward. Ongoing.	32,955
RD 08-19	Pelham Street Storm and Road Reconstruction	300467	2,436,055	2,436,055	535,744	22%	Carry Forward. Design approx. 95% complete. Part of WTR 03-19 and RD 11-17. In progress. Savings exists as project under budget.	1,900,311
RD 10-19	Stormwater Facility Maintenance	300469	30,000	30,000	12,288	41%	Carry Forward. Ongoing.	17,712
RD 11-19	Streetlights and Traffic Signal Maintenance	300470	55,000	55,000	57,301	104%	Completed.	
RD 12-19	Road Rehabilitation	300471	400,000	400,000	361,194	90%	Completed.	
RD 13-19	Main Street Revitalization	300472	52,782	52,782	-	0%	Carry Forward. To be completed by March 31, 2020.	52,782
Total Transportation Services			3,939,337	3,939,337	1,688,917	43%		
FLEET								
VEH 01-19	2018 Continued Lease Payments (10 year term)	300455	32,340	32,340	28,248	87%	Completed.	-
VEH 02-19	Seasonal Rental of Summer Fleet	300456	22,750	22,750	22,166	97%	Completed.	-
VEH 03-19	Seasonal Rental of Snow Clearing Equipment	300457	25,550	25,550	24,804	97%	Completed.	-
VEH 04-19	4x4 Patrol and Responses Truck	300458	42,000	42,000	35,423	84%	Completed.	-
Total Fleet			122,640	122,640	110,640	90%		
HEALTH SERVICES								
CEM 01-19	Monument Lifting Device (Health & Safety)	400011	2,500	2,500	3,994	160%	Completed.	-
Total Health Services			2,500	2,500	3,994	160%		

Town of Pelham							Appendix 1	
2019 Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures				Status	Carry Forward Amount
As at December 31, 2019			2019 Original Budget	2019 Revised Budget	2019 Actual	Actual as a % of Revised Budget		
WASTEWATER								
WST 01-19	Design - Church Street Upgrade	700162	60,000	60,000	14,880	25%	Carry Forward. RFP for Design Assignment awarded to Associated Engineering. Ongoing.	45,120
WST 02-19	Haist Street: Welland Rd to Beckett	700163	45,000	45,000	-	0%	Carry Forward. Design complete. Construction anticipated to be completed December. Contingent on laterals from WST 03-19. Awarded to Peters Excavating.	45,000
WST 03-19	Sanitary Lateral Replacement	700164	60,000	60,000	9,906	17%	Completed.	-
WST 04-19	Sanitary Sewer Inspection, CCTV and Flushing	700165	57,500	57,500	49,676	86%	Completed.	-
WST 05-19	Sanitary Sewer Capital	700166	80,000	80,000	-	0%	Carry Forward. Ongoing.	80,000
Total Wastewater			302,500	302,500	74,462	25%		
WATER								
WTR 01-19	Haist Street: Welland Rd to Beckett Cres, including Welland Rd Haist to Edward	700167	519,750	644,750	414,177	64%	Carry Forward. Design complete. Geotech investigation being completed. Budget increased as per Council on 08.12.2019. Awarded to Peters Excavating.	230,573
WTR 02-19	Water System Repair Equipment	700168	30,000	30,000	14,747	49%	Carry Forward. Ongoing.	15,253
WTR 03-19	Pelham St N Watermain Replacement	700169	250,000	250,000	25,757	10%	Carry Forward. Construction ongoing. Awarded to Charlton Group. Part of RD 08-19 and RD 11-17.	224,243
Total Water			799,750	924,750	454,681	49%		
RECREATION & CULTURAL SERVICES - PARK FACILITIES								
PRK 01-19	Tree Removal	500172	80,000	80,000	49,503	62%	Completed.	-
PRK 02-19	Centennial Park Electric Sign	500173	13,000	13,000	11,499	88%	Completed.	-
PRK 05-19	Centennial Park Electrical Upgrades	500176	13,500	13,500	11,635	86%	Carry Forward. Ongoing.	1,865
Total Recreation & Cultural Services			106,500	106,500	72,637	68%		
COMMUNITY PLANNING & DEVELOPMENT								
PLN 01-19	Complete East Fenwick SP	600117	20,000	20,000	6,269	31%	Carry Forward. Work to take place Q1 2020.	13,731
PLN 02-19	Complete Zoning By-law	600118	20,000	20,000	-	0%	Carry Forward. Draft to be circulated to Agencies (RON, NPCA).	20,000
Total Community Planning & Development			40,000	40,000	6,269	16%		

Town of Pelham						Appendix 1		
2019 Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures				Status	Carry Forward Amount
As at December 31, 2019			2019 Original Budget	2019 Revised Budget	2019 Actual	Actual as a % of Revised Budget		
LIBRARY SERVICES								
LIB 01-19	Technology Service Development	500171	10,000	5,000	4,978	100%	Completed.	
Total Library Services			10,000	5,000	4,978	100%		
MUNICIPAL DRAINAGE								
DRN 01-19	Brushing Swayze Drain	900036	30,000	30,000	-	0%	Carry Forward. Work to take place Q1 2020.	
Total Municipal Drainage			30,000	30,000	-	0%		
TOTAL AS PER 2019 APPROVED BUDGET			5,801,227	5,921,227	2,824,261	48%		
CANCELLED AND RED-CIRCLED PROJECTS								
PRK 03-19	Cenotaphs - Maintenance and Conservation	500174	7,500	7,500	-	0%	Cancelled. Red circled.	
RD 05-19	Steve Bauer Trail Paving	300464	100,000	100,000	-	0%	Carry Forward. Red circled project. Investigating Alternatives. Included on Reserve Forecast in 2020 Capital Budget. Report to come to Council.	
RD 14-19	Sulphur Spring Drive Repair	300473	250,000	250,000	-	0%	Carry Forward. On July 15, 2019 Council approved to defer project to 2020 as they want more information on the project with the options. Included in Reserve Forecast in 2020 Capital Budget. Jason to bring report to Council to fund \$ 30K this year and the rest to be carried forward to 2020.	
VEH 05-19	Building Inspector Vehicle	300459	40,000	40,000	-	0%	Cancelled.	
Total Cancelled and Red-Circled Projects			397,500	397,500	-	0%		
Grand Total			6,198,727	6,318,727	2,824,261	45%		
						Total Carry Forward Amount for 2019 Projects	3,211,119	

Town of Pelham									Appendix 1	
Prior Year's Carry Forward Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures						Status	Carry Forward Amount
As at December 31, 2019			Original Budget	Carry Forward Amount	Paid in 2019 Charged to 2018	Paid in 2019 Charged to 2019	Total Paid in 2019	2019 Total to date as a % of Carry Forward		
GENERAL GOVERNMENT										
IT 02-18	Annual Equipment PSAB additions/replacements	100152	30,000	712	-	-	-	0%	Completed.	-
IT 03-18	Innovation Technology	100153	50,000	32,865	26,050	6,815	32,865	100%	Completed.	-
IT 04-18	Voice Activation System	100154	15,000	15,000	-	11,687	11,687	78%	Completed.	-
IT 05-18	Website Enhancements	100155	30,000	30,000	-	28,798	28,798	96%	Completed.	-
Total General Government			125,000	78,577	26,050	47,300	73,350	93%		
TRANSPORTATION SERVICES										
ROADS										
RD 01-16	Pelham Street/Hurricane Road	300201	35,000	35,000	-	10,125	10,125	29%	Completed	-
RD 08-17	Easement for Station Street storm outlet	300261	35,000	35,000	-	-	-	0%	Cancelled. Not moving forward. As per meeting on 09.10.2019, this project is closed and \$ 35K has been added to the 2021 capital budgets.	-
RD 09-17	Station: Town Square to Port Robinson Road	300262	51,500	38,164	38,164	16,061	54,225	142%	Completed.	-
RD 11-17	Road Reconstruction - Haist St: Welland Rd to Beckett Cres, including Welland Rd Haist to Edward	300264	111,150	111,150	3,004	88,732	91,736	83%	Carry Forward. Tender awarded to Peters Excavating. Linked to WTR 03-19 and RD 08-19. Ongoing.	19,414
RD 21-17	Replace 2 Farm Culverts on Big Creek Drain in road authority	300274	10,000	10,000	-	-	-	0%	Completed.	-
No Project ID	Bridge Replacement: Poth St: 100 m N of Weber (resolution during 2017)	100148	-	21,126	-	64,352	64,352	305%	Completed.	-
RD 04-18	Culvert Replacement Program	300429	60,000	6,051	280	2,602	2,881	48%	Completed.	-
RD 10-18	Roadside Ditching Program	300434	110,000	42,292	35,514	2,278	37,792	89%	Completed. On April 1, 2019 Council approved \$ 29,000 budget be reallocated towards WTR 02-18 (1 of 3).	-
RD 11-18	Sign Replacement Program	300435	5,000	5,000	4,469	-	4,469	89%	Completed.	-
RD 12-18	Stormwater Facility Maintenance - Station, Timber Creek	300436	70,000	70,000	-	41,328	41,328	59%	Carry Forward. Design complete. Completing Boar-Holes to determine what material can be used. Need to rebuild entire pond.	28,672
RD 13-18	Streetlights and Traffic Signal Maintenance	300437	55,000	49,817	5,424	7,427	12,851	26%	Completed.	-
RD 14-18	Sulphur Spring Drive Engineering	300438	40,000	19,821	(0)	6,329	6,329	32%	Completed.	-
RD 15-18	Traffic Safety and Intersection Operations Review Consulting	300439	25,000	15,000	4,659	5,510	10,169	68%	Completed.	-
FACILITIES										
FAC 09-17	Masonry Repairs (Park Lane, Fontheill Library, Model Railway, Municipal Building, Tice Rd) - FCA Critical 2017	300253	24,500	24,500	-	-	-	0%	Cancelled.	-
FAC 03-18	Tice Road Operations Centre - Man Door Repairs, insulation and vapour barrier in north bay - FCA Critical 2016	300405	37,000	37,000	-	20,519	20,519	55%	Carry Forward. Doors replaced. Not completing vapour barrier. Approximately \$ 6,000 in incidental costs still forthcoming.	16,481
FAC 09-18	Harold Black Park - reconfiguration of soccer fields	300411	10,000	10,000	-	7,021	7,021	70%	Completed.	-
Total Transportation Services			679,150	529,921	91,514	272,285	363,799	69%		
FLEET										
VEH 01-18	01 - Lease - Heavy Duty Pick-up Truck with landscape box Replaces Truck 125 - 2004 F250	300412	13,596	13,596	-	-	-	0%	Cancelled.	-
VEH 06-18	Fuel Pump / Diesel and Regular Equipment unreliable and Parts no longer available	300417	18,000	18,000	-	15,964	15,964	89%	Completed.	-

Town of Pelham									Appendix 1	
Prior Year's Carry Forward Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures						Status	Carry Forward Amount
As at December 31, 2019			Original Budget	Carry Forward Amount	Paid in 2019 Charged to 2018	Paid in 2019 Charged to 2019	Total Paid in 2019	2019 Total to date as a % of Carry Forward		
VEH 07-18	GPS/ALV Tracking of Snow Clearing Fleet includes \$2400 annual fee for unit tracking and web based reporting platform (annual tracking to go to winter maintenance operating budget in 2019)	300418	20,000	20,000	-	14,740	14,740	74%	Completed.	-
VEH 12-18	2 Tractor w/ plow and spreader - seasonal rent 7 month seasonal rent - (Replaces Truck 422 - 2003, 5 Tonne Sterling) - approved by Council	300423	68,700	35,000	-	-	-	0%	Cancelled.	-
VEH 13-18	Vehicle Pressure Washer - Replaces old 2003 unit Equipment unreliable	300424	10,500	11,000	11,000	277	11,277	103%	Completed.	-
Total Fleet			130,796	97,596	11,000	30,981	41,981	43%		
HEALTH SERVICES										
CEM 01-18	Fonthill Cemetery - circulation fans/dehumidifiers in mausoleum - FCA Critical 2017 - 2025	400010	20,000	20,000	-	-	-	0%	Cancelled. Possible use towards WST 04-18. Report will be going to Council for approval. Additional engineering studies required.	-
Total Health Services			20,000	20,000	-	-	-	0%		
WASTEWATER										
WST 06-17	Hurricane Road Sewer lateral Replacement - Design & Construction: lateral repairs as required	700143	85,000	-	-	-	-		Cancelled and reallocated. On April 1, 2019 Council approved \$ 85,000 budget be reallocated towards WTR 02-18 (2 of 3).	-
WST 01-18	Sanitary Lateral Replacement Program (5 laterals)	700153	60,000	12,000	12,000	120	12,120	101%	Completed.	-
WST 02-18	Sanitary Sewer Inspection, CCTV and Flushing Program	700154	115,000	80,309	19,098	22,581	41,679	52%	Completed.	-
WST 03-18	Pollution Control Plan - Welland Wastewater Treatment Plant	700155	100,000	-	-	-	-		Cancelled and reallocated. On April 1, 2019 Council approved \$ 100,000 budget be reallocated towards WTR 02-18 (3 of 3).	-
WST 04-18	Foss Road Upgrade existing sewer from 350 to 450mm diam	700156	592,800	71,640	-	29,081	29,081	41%	Carry Forward. On June 3, 2019 Council approved \$ 50,000 increase to budget from the Wastewater Reserve. This was for additional permits. The \$ 21,640 was for updating the design following the results of the studies the consultant has to carry out before construction can commence.	42,559
WST 05-18	Rice Road North of 20 - Sewer services - additional	700157	50,000	24,995	24,995	-	24,995	100%	Completed.	-
Total Wastewater			1,002,800	188,944	56,093	51,782	107,875	57%		
WATER										
WTR 03-17	Water Model - Field Calibration & Water Needs Study	700146	45,000	8,254	-	-	-	0%	Completed.	-
WTR 05-17	Design: Haist Street: Welland Rd to Beckett Cres, including Welland Rd Haist to Edward	700148	51,975	26,338	-	-	-	0%	Completed. Design awarded to Associated Engineering. Construction awarded to Peters Excavating.	-
WTR 01-18	Backflow Prevention Program	700158	50,000	50,000	-	12,985	12,985	26%	Carry Forward. Ongoing.	37,015

Town of Pelham									Appendix 1	
Prior Year's Carry Forward Capital Projects - Fourth Quarter Reporting		Cost Centre	Expenditures						Status	Carry Forward Amount
As at December 31, 2019			Original Budget	Carry Forward Amount	Paid in 2019 Charged to 2018	Paid in 2019 Charged to 2019	Total Paid in 2019	2019 Total to date as a % of Carry Forward		
									Carry Forward. Duffin working on this. On April 1, 2019 Council approved \$ 85,000 (WST 06-17), \$ 100,000 (WST 03-18) and \$ 29,000 (RD 10-18) budgets be reallocated towards WTR 02-18 for gas main relocation.	465,702
WTR 02-18	Station Street: Hwy 20 to Port Robinson, Watermain Replacement - trench only	700159	644,442	758,063	10,790	281,571	266,021	35%		
WTR 03-18	Water System Repair	700160	30,000	30,000	11,321	-	11,321	38%	Completed.	-
Total Water			821,417	872,655	22,111	294,555	290,327	33%		
RECREATION & CULTURAL SERVICES- PARK FACILITIES										
REC 02-16	Fenwick Rail Trail Furnishings	500126	75,000	16,932	-	20,491	20,491	121%	Completed.	-
PRK 03-17	Design & Public Consultation - Weiland Heights Park Development	500143	22,500	21,228	-	-	-	0%	Completed.	-
PRK 01-18	Design Build - Weiland Heights Park Development	500158	150,000	150,000	-	159,951	159,951	107%	Completed.	-
PRK 02-18	Ash tree removals - continued program	500159	75,000	15,378	8,994	-	8,994	58%	Carry Forward. Ongoing.	6,384
PRK 03-18	Design Build - Residences at Lookout Park Development	500160	230,000	230,000	-	299,827	299,827	130%	Completed.	-
Total Recreation & Cultural Services			552,500	433,538	8,994	480,269	489,263	113%		
COMMUNITY PLANNING & DEVELOPMENT										
PLN 03-15	Comprehensive Zoning by-law	600105	28,500	26,974	2,151	-	2,151	8%	Completed.	-
PLN 01-17	East Fenwick Secondary Plan	600111	130,000	200	200	-	200	100%	Completed.	-
PLN 03-17	Comprehensive Zoning By-law Mapping	600110	5,900	5,900	5,900	-	5,900	100%	Completed.	-
PLN 04-17	Comprehensive Zoning By-law	600006	17,000	17,000	17,000	-	17,000	100%	Completed.	-
Total Community Planning & Development			181,400	50,074	25,251	-	25,251	50%		
LIBRARY SERVICES										
LIB 02-18	Computer Services Development	500165	5,000	3,002	-	-	-	0%	Cancelled.	-
Total Library Services			5,000	3,002	-	-	-	0%		
EAST FONTHILL										
									Carry Forward. Close and Merge PO's and Actuals with RD 01-17.	-
RD 29-14	East Fonthill Rd (changed to Wellspring/Shaw)	300135	5,400,000	100,000	-	(48,876)	(48,876)	-49%		
RD 02-16	Construction of Summersides East to Rice Rd	300202	2,473,963	50,000	-	51,734	51,734	103%	Completed.	-
RD 01-17	Summersides: Station to Wellspring (E. Fonthill)	300254	2,088,774	250,000	-	370,747	370,747	148%	Carry Forward. Ongoing.	28,129
Total East Fonthill			9,962,737	400,000	-	373,605	373,605	93%		
Subtotal - excluding CANCELLED PROJECTS			13,480,800	2,674,306	241,013	1,550,777	1,765,450	66%		
CANCELLED PROJECTS										
RD 06-18	FUNDING REQUIRED Cycling Signage Initiative	300431	12,000	12,000	-	-	-	0%	Cancelled.	-
RD 16-18	Cycling Counter - PATC Request	300441	3,000	3,000	-	-	-	0%	Cancelled.	-
Total Cancelled			15,000	15,000	-	-	-	0%		
Grand Total			13,495,800	2,689,306	241,013	1,550,777	1,765,450	66%		
								Total Carry Forward Amount for Pre-2019 Projects		644,357
								Total Carry Forward Amount for 2019 Projects		3,211,119
								Total Carry Forward Amount to 2020		3,855,476

CLERK'S DEPARTMENT MONTHLY REPORT

APRIL, 2020

Q1 COW Report Covers January, February and March 2020

DEPARTMENT OVERVIEW & STATISTICS

<u>Area of Responsibility</u>	<u>2019 Year End</u>	<u>2020 Year To Date</u>
Insurance or Small Claims Processed (incl.potential)	29	5
Pelham Deaths Registered	68	11
Deaths Outside of Pelham Registered	96	28
Lottery Licenses Issued	33	7
Council Meetings Attended/Minuted	21	5
Special Council Meetings Attended/Minuted	41	6
COW Meetings Attended/Minuted	17	3
Public Meetings Attended/Minuted	6	2
P & P Meetings Attended/Minuted	8	2
Affidavits Sworn	127	38
FOI Requests Received/Processed	5	4
FOI Appeal or Complaint	0	-
Closed Meeting Investigation	0	1
Committee of Adjustment – Variances	29	22
Committee of Adjustment – Consents	12	9
Committee of Adjustment – Hearings	13	6
LPAT Appeals C of A	4	3
Property Standards Appeals	0	-
Fence Viewing Meetings	0	-
By-laws	120	37
Itinerant Seller/Vehicle Licenses Issued	1	-
Wet/Dry Status to AGCO	1	-
Sidewalk Patio/Sidewalk Sale Permits	2	-
Special Event Permit – Private	1	-
Livestock Valuer Claims	2	-
Drainage Petitions Received	0	-
AMP Review Hearings	19	23
AMP Review Decision Appeals	0	-
Marriage Licenses Issued	31	5
Civil Marriage Ceremonies Officiated	13	-
Proclamations	8	6
Press Releases	27	12
News Briefs	66	42

PROJECTS

COVID-19

Clerk's staff have prioritized website and social media communication during the COVID-19 (coronavirus) pandemic. A webpage is dedicated to news and updates from the Town and Provincial and Federal governments. A comprehensive and multi-faceted approach to communication strategies has been developed. This includes both the town as well as works in close alliance with our sister municipalities in Niagara to ensure consistent messaging aligned with Provincial and Federal expert advice.

The Clerk and Marketing/Communications Specialist participate in daily Emergency Operations Centre conferences. Marketing and Communications also participates regularly in the Niagara Communications Network conferences, while the Clerk is in constant communications with local area Clerks.

Parking Tickets

The first quarter saw an influx of parking tickets as a result of winter operation parking restrictions. In response, Clerk's staff have completed 23 screening reviews during the first quarter of 2020, wherein 2019 saw a total of 19 screening reviews.

Committee of Adjustment Files

Committee of Adjustment files have consumed Clerk's staff for the first quarter. Pursuant to the *Planning Act*, minor variances must be heard within 30 days from the date the application was submitted. Consents must be heard within 60 days. To date 19 minor variance and 4 consent applications have been submitted. 3 decisions are in the appeal process. Clerks staff are working through how to deliver public hearings for Committee of Adjustment during the COVID-19 pandemic. Consideration must be given to the ability to utilize electronic meeting formats, while still allowing for public input.

Gypsy Moth

In conjunction with Public Works staff, Clerks staff are working to develop a gypsy moth communication plan in lieu of a public meeting. Although public access to the Town remains limited at this time, engaging with residents remains a priority.

PR/ Marketing Analytics, January - March 2020

Website

Page Views	Unique	Average Time on Page
114,931	92,598	1:40 minutes

Top 5 pages: MCC, arena programs, careers, cancellations, rec and leisure

Twitter

Tweets	Impressions	New Followers
144	96k	59

Facebook

Engagement	Page Views	Total Reach
11,801	2,148	52,307

Projects

- COVID-19 web pages, links, communications tactics
- Community guide completed in early March for early April distribution
- Gypsy moth communications outline

Print Advertising/Promotion

- Jan – March newsletter
- 11 print ads

CONSTITUENT CONCERNS & ISSUES ARISING

Due to the COVID-19 pandemic, Committee of Adjustment hearings have been postponed until further notice.

PERSONNEL

GRANTS, CONTRACTS, RFPs & AGREEMENTS

MEETINGS

Town Clerk

SLT

Committee of Adjustment Hearing

Committee of Adjustment Review Meeting

Service Excellence Training

EOC - Daily

Marketing/ PR Specialist

eSolutions

RCW marcom x2

2021 Summer Games

EOC – Daily



**Administration
Services**

Niagara Emergency Communicators x3
Service Excellence Training

Deputy Clerk

Committee of Adjustment Applications
Committee of Adjustment Hearing
Committee of Adjustment Review Meeting
Service Excellence Training

Administrative Assistant

Airport meeting
Committee of Adjustment
Committee of Adjustment Review Meeting
Service Excellence Training
EOC – 1 week

COMMUNITY PLANNING & DEVELOPMENT MONTHLY REPORT

DECEMBER 2019, JANUARY, FEBRUARY, MARCH, 2020

DEPARTMENT OVERVIEW & STATISTICS

Planning:

The Planning Department continues to work on the following development applications: five (5) Subdivision Applications, two (2) Official Plan Amendment applications, seven (7) Zoning By-Law Amendments, nine (9) applications for Site Plan Approvals, seven (7) consent applications, twenty (20) minor variance applications and two (2) Niagara Escarpment Development Permit applications.

There were three LPAT appeals relating to the Saffron Meadows Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision approval. Each has been withdrawn. There are 2 LPAT appeals relating to 1440 Pelham Street Zoning By-law Amendment and Site Plan Control applications; one LPAT appeal relating to Development Charges By-law Amendment; and one LPAT appeal relating to the extension of the Interim Control By-law that are pending. The court application by Woodstock Biomed with regards to the initial Interim Control By-law is also pending.

Two public meetings were held in February relating 1409 Station Street and 695 Quaker Road Zoning By-law Amendment applications and one in March regarding the Zoning By-law Amendment for 1084 Quaker Road.

Yearly Planning Summary:

	2018	2019
Subdivision	2	2
Condominium	3	0
Official Plan Amendment	3	2
Zoning By-Law Amendment	13	10
Site Plan Approval	4	9
Part Lot Control	0	1
Consent	6	12
Minor Variance	25	29
Community Improvement Plan	0	0
Development Agreement	3	0
NE Development Permit	6	8
Cell Tower Agreement	0	0
Heritage Designation	2	0
Heritage Permit	1	0
Total/Year:	68	73



**Community Planning
& Development**

Building:

The Building Department continues to receive incoming permit applications consistent with seasonal trends and remains occupied with inspections, conducting a total of 381 inspections since the November 2019 report.

Building Activity Statistics from December 31, 2019 – March 31, 2020:

Months	All Building Permits	Inspections	Demolition Permits	Commercial Building Permits Sq.Ft.		Estimated Total Value of Construction	New Dwelling Units
December 2019:	5	87	2	0	-	\$ 1,065,000	2
January 2020:	10	119	1	1	732	\$ 815,500	2
February 2020:	17	80	0	1	7,480	\$ 4,639,100	4
March 2020:	<u>15</u>	<u>134</u>	<u>1</u>	<u>1</u>	<u>1,604</u>	<u>\$ 3,746,850</u>	<u>6</u>
TOTAL:	47	420	4	3	9,816	\$10,266,450	14

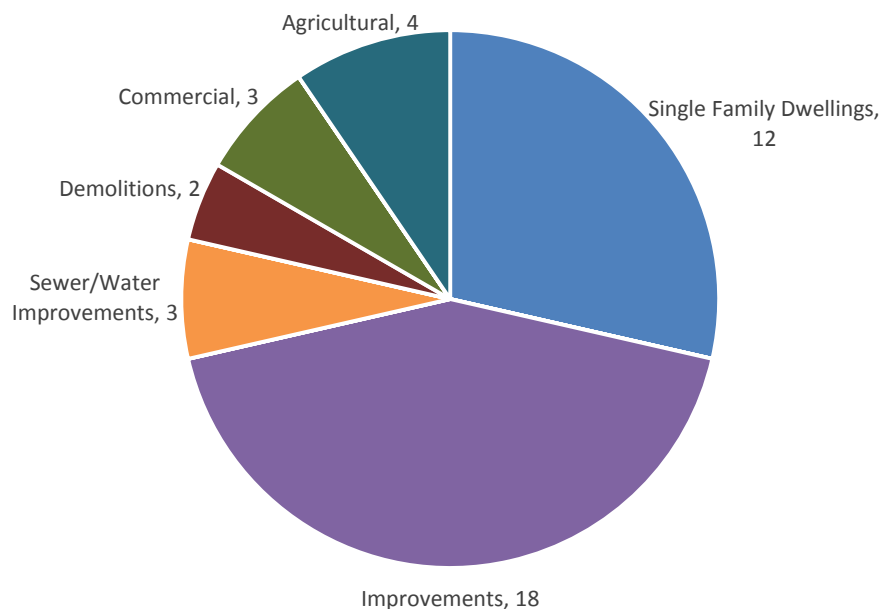
Building Permit Time Frames from December 31, 2019 – March 31, 2020:

Category of Building Type & Required No. of Days to issue or stop process	No. of Permits Issued	Average No. of Days to Issue Permit
House: 10 days	42	3
Small Building: 15 days	1	3
Large Building: 20 days	4	6
Complex Building: 30 days	-	-
Total:	47	

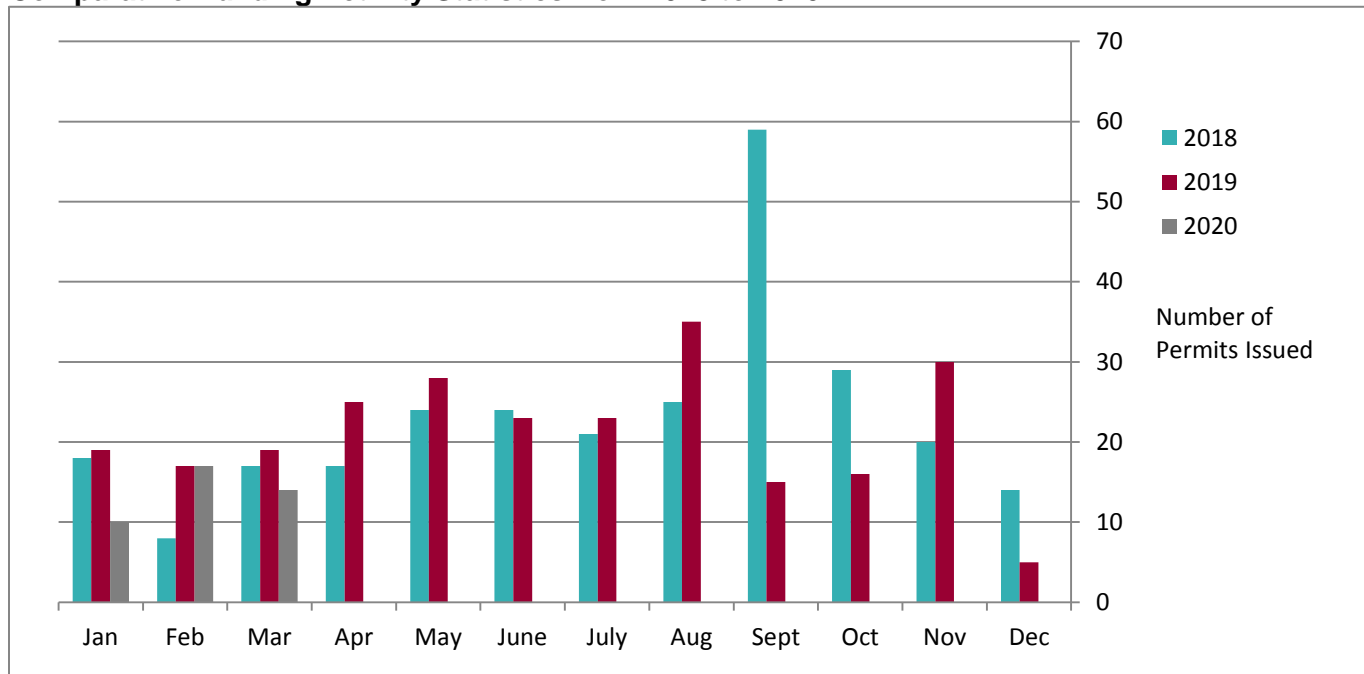
Major Building Projects Over \$250,000 (excluding single family dwelling units):

- \$700,000 greenhouse addition on Maple St
- \$700,000 greenhouse addition on Canboro Rd
- \$900,000 greenhouse addition on Tice Rd

Building Permit Breakdown (Year to Date):



Comparative Building Activity Statistics from 2018 to 2020:



**Community Planning
& Development**

Cannabis

Staff presented draft Official Plan and Zoning By-law amendment to the Cannabis Control Committee on December 11, 2019. At that meeting Committee members expressed initial support for the staff approach, and seemed generally pleased. Unfortunately the CCC declined to provide feedback and comments back to staff at the next meeting or anytime since. In the alternative the Committee requested Council retain an external planning consultant to work with them and also requested additional funding for external legal counsel services. Council endorsed the Committee's request. The Committee retained Meridian Planning Consultants Inc. to prepare Official Plan and Zoning By-law amendments for them which will be provided to Council on or about May 4, 2020.

Staff prepared the Cannabis Land Use Report and presented it Committee of the Whole on February 18, 2020. Council received the Report and directed staff to circulate the Report to the Cannabis Control Committee for Committee's feedback. The Report was provided to the Cannabis Control Committee on February 26, 2020. The Committee has not provided feedback to staff on the final Report. By withholding feedback the CCC has ensured that only its own work product will be presented to Council for consideration in May. Staff have no meaningful involvement in the report that will accompany the CCC's proposed Official Plan and Zoning By-Law Amendments.

The Cannabis Control Committee presented a draft Odourous Industries By-law to Council on February 18, 2020 and a final draft on March 23, 2020. Council adopted the Odourous Industries By-law on March 23, 2020.

A report regarding a second public meeting related to the proposed Official Plan and Zoning By-law amendments was presented to Council on March 2, 2020. No decision was made on whether or not to host a public meeting (staff supported, the CCC opposed). The point has become moot as public meetings are currently prohibited because of the Coronavirus pandemic, but Council will at some point have to determine that a meeting is/is not necessary.

Meridian Planning Consultants Inc. presented draft Official Plan and Zoning By-law amendments to the Committee on March 11, 2020 and a revised draft of both on March 25, 2020.

Municipal Drainage

The annual Open House to receive feedback and input on Municipal Drains was held on December 18th at Fire Station 2. Approximately a dozen residents attended the Open House and the Drainage Superintendent and Director were available to answer questions and received feedback. As a result of the feedback received the Drainage Superintendent investigated issues. Also, the same evening an Open House was held to receive feedback on proposed municipal drain maintenance work to take place on the Swayze Drain in 2020.

Proposed Changes to the Provincial Policy Statement

On February 28th, 2020 the provincial government released a new Provincial Policy Statement 2020 that takes effect May 1st, 2020. (See attached)

The PPS, 2020 supports implementation of the Provincial More Homes, More Choice: Ontario's Housing Supply Action Plan and includes key changes to:

- Encourage an increase in the mix and supply of housing
- Protect the environment and public safety
- Reduce barriers and costs for development and provide greater certainty

- Support rural, northern and Indigenous communities
- Support the economy and job creation

The PPS, 2020 works together with other recent changes to the land use planning system – including changes to the *Planning Act* through Bill 108, *More Homes, More Choice Act*, 2019 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. Collectively, these changes support key provincial government priorities of increasing housing supply, supporting job creation and reducing red tape – while continuing to protect Ontarians' health and safety and the environment, including the Greenbelt. In accordance with legislative requirements of the *Planning Act*, decisions made by Council on planning related matters are to be consistent with the Provincial Policy Statement.

PROJECTS

East Fenwick Secondary Plan: The Developers Group continue to work on Environmental Impact Study which will inform East Fenwick Secondary Plan work.

CONSTITUENT CONCERNS & ISSUES ARISING

Resolution of 42 Emmett Street complaint.

PERSONNEL

Policy Planner position filled February 18, 2020.

Effective March 23, 2020 the Building Intake/Zoning Technician staff member was promoted to Building Inspector and the Building Intake/Zoning Technician position was filled.

The following staff has received training to update skills and development in their related fields:

- Department staff attended Customer Service Excellence Training.
- The Director attended a Cannabis Land Use Workshop by Niagara Region.
- The Senior Planner attended a Cannabis Land Use Workshop by Niagara Region.
- The Policy Planner attended Woodland By-law Stakeholder Session at Niagara Region.
- The 2 Building Inspectors attended HRAI's (Heating, Refrigeration and Air Conditioning Institute of Canada) Residential Ventilation, Section 9.32 of the Building Code.
- The Administrative Assistant completed AMCTO's Municipal Administration Program.

GRANTS, CONTRACTS, RFPs & AGREEMENTS

Sharing of Building and Municipal Drainage Services with Port Colborne, West Lincoln and Wainfleet

MEETINGS

On-going meetings:

- | | |
|---|--|
| ▪ Development Coordinating Meeting | ▪ Pre-Consultation Meetings |
| ▪ Bi-Weekly Cannabis Control Committee Meetings | ▪ SLT Meetings |
| ▪ OBOA Niagara Chapter Meetings | ▪ Joint Health & Safety Committee Meetings |



**Community Planning
& Development**

- Daily EOC Meetings
- Cannabis Control Committee Meetings

In addition to the various conversations with property owners and consultants regarding potential development applications, Staff have been involved in meetings regarding the following substantive matters:

- All Staff meeting
- CIP Coordinators Meeting
- Area Planners Meetings
- Office Ergonomics Training
- Creating Healthy and Vibrant Communities Panel Discussion
- Interviews for Policy Planner and Building Intake/Zoning Technician positions
- Municipal Drain Open House
- Inter-municipal Shared Services Meetings
- Staff Reviews and Goal Setting
- Webinar on Proposed Changes to Drainage Act
- Meeting with Pelham Greenhouse Growers Group



Provincial Policy Statement, 2020

Under the *Planning Act*

PROVINCIAL POLICY STATEMENT, 2020

Approved by the Lieutenant Governor in Council, Order in Council No. 229/2020

This Provincial Policy Statement was issued under section 3 of the *Planning Act* and came into effect May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014.

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Part I: Preamble

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The policies of the Provincial Policy Statement may be complemented by provincial plans or by locally-generated policies regarding matters of municipal interest. Provincial plans and municipal official plans provide a framework for comprehensive, integrated, place-based and long-term planning that supports and integrates the principles of strong communities, a clean and healthy environment and economic growth, for the long term.

Municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning. Official plans shall identify provincial interests and set out appropriate land use designations and policies.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement.

Zoning and development permit by-laws are also important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.

Land use planning is only one of the tools for implementing provincial interests. A wide range of legislation, regulations, policies and programs may apply to decisions with respect to *Planning Act* applications and affect planning matters, and assist in implementing these interests.

Within the Great Lakes – St. Lawrence River Basin, there may be circumstances where planning authorities should consider agreements related to the protection or restoration of the Great Lakes – St. Lawrence River Basin. Examples of these agreements include Great Lakes agreements between Ontario and Canada, between Ontario and Quebec and the Great Lakes States of the United States of America, and between Canada and the United States of America.

Part II: Legislative Authority

The Provincial Policy Statement is issued under the authority of section 3 of the *Planning Act* and came into effect on May 1, 2020.

In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” this Provincial Policy Statement.

Part III: How to Read the Provincial Policy Statement

The provincial policy-led planning system recognizes and addresses the complex inter-relationships among environmental, economic and social factors in land use planning. The Provincial Policy Statement supports a comprehensive, integrated and long-term approach to planning, and recognizes linkages among policy areas.

Read the Entire Provincial Policy Statement

The Provincial Policy Statement is more than a set of individual policies. It is to be read in its entirety and the relevant policies are to be applied to each situation. When more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.

While specific policies sometimes refer to other policies for ease of use, these cross-references do not take away from the need to read the Provincial Policy Statement as a whole.

There is no implied priority in the order in which the policies appear.

Consider Specific Policy Language

When applying the Provincial Policy Statement it is important to consider the specific language of the policies. Each policy provides direction on how it is to be implemented, how it is situated within the broader Provincial Policy Statement, and how it relates to other policies.

Some policies set out positive directives, such as “settlement areas shall be the focus of growth and development.” Other policies set out limitations and prohibitions, such as “development and site alteration shall not be permitted.” Other policies use enabling or supportive language, such as “should,” “promote” and “encourage.”

The choice of language is intended to distinguish between the types of policies and the nature of implementation. There is some discretion when applying a policy with enabling or supportive language in contrast to a policy with a directive, limitation or prohibition.

Geographic Scale of Policies

The Provincial Policy Statement recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility in their implementation provided that provincial interests are upheld.

While the Provincial Policy Statement is to be read as a whole, not all policies will be applicable to every site, feature or area. The Provincial Policy Statement applies at a range of geographic scales.

Some of the policies refer to specific areas or features and can only be applied where these features or areas exist. Other policies refer to planning objectives that need to be considered in the context of the municipality or planning area as a whole, and are not necessarily applicable to a specific site or development proposal.

Policies Represent Minimum Standards

The policies of the Provincial Policy Statement represent minimum standards.

Within the framework of the provincial policy-led planning system, planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement.

Defined Terms and Meanings

Except for references to legislation which are italicized, other italicized terms in the Provincial Policy Statement are defined in the Definitions section. For non-italicized terms, the normal meaning of the word applies. Terms may be italicized only in specific policies; for these terms, the defined meaning applies where they are italicized and the normal meaning applies where they are not italicized. Defined terms in the Definitions section are intended to capture both singular and plural forms of these terms in the policies.

Guidance Material

Guidance material and technical criteria may be issued from time to time to assist planning authorities and decision-makers with implementing the policies of the Provincial Policy Statement. Information, technical criteria and approaches outlined in guidance material are meant to support but not add to or detract from the policies of the Provincial Policy Statement.

Relationship with Provincial Plans

The Provincial Policy Statement provides overall policy directions on matters of provincial interest related to land use planning and development in Ontario, and applies province-wide, except where this policy statement or another provincial plan provides otherwise.

Provincial plans, such as the Greenbelt Plan, A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the Growth Plan for Northern Ontario, build upon the policy foundation provided by the Provincial Policy Statement. They provide additional land use planning policies to address issues facing specific geographic areas in Ontario.

Provincial plans are to be read in conjunction with the Provincial Policy Statement. They take precedence over the policies of the Provincial Policy Statement to the extent of any conflict, except where the relevant legislation provides otherwise.

Where the policies of provincial plans address the same, similar, related, or overlapping matters as the policies of the Provincial Policy Statement, applying the more specific policies of the provincial plan satisfies the more general requirements of the Provincial Policy Statement. In contrast, where matters addressed in the Provincial Policy Statement do not overlap with policies in provincial plans, the policies in the Provincial Policy Statement must be independently satisfied.

Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the Provincial Policy Statement. Where provincial plans are in effect, planning decisions must conform or not conflict with them, as the case may be.

Part IV: Vision for Ontario's Land Use Planning System

The long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages, a clean and healthy environment, and a strong and competitive economy.

Ontario is a vast province with diverse urban, rural and northern communities which may face different challenges related to diversity in population, economic activity, pace of growth and physical and natural conditions. Some areas face challenges related to maintaining population and diversifying their economy, while other areas face challenges related to accommodating and managing the development and population growth which is occurring, while protecting important resources and the quality of the natural environment.

The Province's rich cultural diversity is one of its distinctive and defining features. Indigenous communities have a unique relationship with the land and its resources, which continues to shape the history and economy of the Province today. Ontario recognizes the unique role Indigenous communities have in land use planning and development, and the contribution of Indigenous communities' perspectives and traditional knowledge to land use planning decisions. The Province recognizes the importance of consulting with Aboriginal communities on planning matters that may affect their section 35 Aboriginal or treaty rights. Planning authorities are encouraged to build constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and inform decision-making.

The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region.

Strong, liveable and healthy communities promote and enhance human health and social well-being, are economically and environmentally sound, and are resilient to climate change.

The Province's natural heritage resources, water resources, including the Great Lakes, agricultural resources, mineral resources, and cultural heritage and archaeological resources provide important environmental, economic and social benefits. The wise use and management of these resources over the long term is a key provincial interest. The Province must ensure that its resources are managed in a sustainable way to conserve biodiversity, protect essential ecological processes and public health and safety, provide for the production of food and fibre, minimize environmental and social impacts, provide for recreational opportunities (e.g. fishing, hunting and hiking) and meet its long-term needs.

It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Strong communities, a clean and healthy environment and a strong economy are inextricably linked. Long-term prosperity, human and environmental health and social well-being should take precedence over short-term considerations.

The fundamental principles set out in the Provincial Policy Statement apply throughout Ontario. To support our collective well-being, now and in the future, all land use must be well managed.

Part V: Policies

1.0 Building Strong Healthy Communities

Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

Accordingly:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary *infrastructure* and *public service facilities* are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

- 1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

Within *settlement areas*, sufficient land shall be made available through *intensification* and *redevelopment* and, if necessary, *designated growth areas*.

Nothing in policy 1.1.2 limits the planning for *infrastructure*, *public service facilities* and *employment areas* beyond a 25-year time horizon.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

- 1.1.3.1 *Settlement areas* shall be the focus of growth and development.

- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;
- d) prepare for the *impacts of a changing climate*;
- e) support *active transportation*;
- f) are *transit-supportive*, where transit is planned, exists or may be developed; and
- g) are *freight-supportive*.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.
- 1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.
- 1.1.3.5 Planning authorities shall establish and implement minimum targets for *intensification* and *redevelopment* within built-up areas, based on local conditions. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.
- 1.1.3.6 New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure* and *public service facilities*.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
 - a) that specified targets for *intensification* and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*; and
 - b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public service facilities* required to meet current and projected needs.
- 1.1.3.8 A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:
 - a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
 - b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term, are financially viable over their life cycle, and protect public health and safety and the natural environment;
 - c) in *prime agricultural areas*:
 - 1. the lands do not comprise *specialty crop areas*;
 - 2. alternative locations have been evaluated, and

- i. there are no reasonable alternatives which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
- d) the new or expanding *settlement area* is in compliance with the *minimum distance separation formulae*; and
- e) impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

In undertaking a *comprehensive review*, the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary expansion or development proposal.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of *settlement area* boundaries outside a *comprehensive review* provided:

- a) there would be no net increase in land within the *settlement areas*;
- b) the adjustment would support the municipality's ability to meet *intensification* and *redevelopment* targets established by the municipality;
- c) *prime agricultural areas* are addressed in accordance with 1.1.3.8 (c), (d) and (e); and
- d) the *settlement area* to which lands would be added is appropriately serviced and there is sufficient reserve *infrastructure* capacity to service the lands.

1.1.4 Rural Areas in Municipalities

Rural areas are important to the economic success of the Province and our quality of life. Rural areas are a system of lands that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and other resource areas. Rural areas and urban areas are interdependent in terms of markets, resources and amenities. It is important to leverage rural assets and amenities and protect the environment as a foundation for a sustainable economy.

Ontario's rural areas have diverse population levels, natural resources, geographies and physical characteristics, and economies. Across rural Ontario, local circumstances vary by region. For example, northern Ontario's natural environment and vast geography offer different opportunities than the predominately agricultural areas of southern regions of the Province.

1.1.4.1 Healthy, integrated and viable *rural areas* should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- b) promoting regeneration, including the redevelopment of *brownfield sites*;
- c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
- d) encouraging the conservation and *redevelopment* of existing rural housing stock on *rural lands*;
- e) using rural *infrastructure* and *public service facilities* efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
 - g) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
 - h) conserving biodiversity and considering the ecological benefits provided by nature; and
 - i) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 2.3.
- 1.1.4.2 In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
- 1.1.4.3 When directing development in *rural settlement areas* in accordance with policy 1.1.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.
- 1.1.4.4 Growth and development may be directed to *rural lands* in accordance with policy 1.1.5, including where a municipality does not have a *settlement area*.

1.1.5 Rural Lands in Municipalities

- 1.1.5.1 When directing development on *rural lands*, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.
- 1.1.5.2 On *rural lands* located in municipalities, permitted uses are:
- a) the management or use of resources;
 - b) resource-based recreational uses (including recreational dwellings);
 - c) residential development, including lot creation, that is locally appropriate;
 - d) *agricultural uses, agriculture-related uses, on-farm diversified uses and normal farm practices*, in accordance with provincial standards;
 - e) home occupations and home industries;
 - f) cemeteries; and
 - g) other rural land uses.
- 1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.
- 1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.
- 1.1.5.5 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.

- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.
- 1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

1.1.6 Territory Without Municipal Organization

- 1.1.6.1 On *rural lands* located in territory without municipal organization, the focus of development activity shall be related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings).
- 1.1.6.2 Development shall be appropriate to the *infrastructure* which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this *infrastructure*.
- 1.1.6.3 The establishment of new permanent townsites shall not be permitted.
- 1.1.6.4 In areas adjacent to and surrounding municipalities, only development that is related to the sustainable management or use of resources and resource-based recreational uses (including recreational dwellings) shall be permitted. Other uses may only be permitted if:
 - a) the area forms part of a planning area;
 - b) the necessary *infrastructure* and *public service facilities* are planned or available to support the development and are financially viable over their life cycle; and
 - c) it has been determined, as part of a *comprehensive review*, that the impacts of development will not place an undue strain on the *public service facilities* and *infrastructure* provided by adjacent municipalities, regions and/or the Province.

1.2 Coordination

- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
 - a) managing and/or promoting growth and development that is integrated with *infrastructure* planning;
 - b) economic development strategies;

- c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;
 - d) *infrastructure, multimodal transportation systems, public service facilities and waste management systems*;
 - e) ecosystem, shoreline, watershed, and Great Lakes related issues;
 - f) natural and human-made hazards;
 - g) population, housing and employment projections, based on *regional market areas*; and
 - h) addressing housing needs in accordance with provincial policy statements such as the Policy Statement: Service Manager Housing and Homelessness Plans.
- 1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.
- 1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.
- 1.2.4 Where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with lower-tier municipalities shall:
- a) identify and allocate population, housing and employment projections for lower-tier municipalities. Allocations and projections by upper-tier municipalities shall be based on and reflect *provincial plans* where these exist and informed by provincial guidelines;
 - b) identify areas where growth or development will be directed, including the identification of nodes and the corridors linking these nodes;
 - c) identify targets for *intensification* and *redevelopment* within all or any of the lower-tier municipalities, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8;
 - d) where major transit corridors exist or are to be developed, identify density targets for areas adjacent or in proximity to these corridors and stations, including minimum targets that should be met before expansion of the boundaries of *settlement areas* is permitted in accordance with policy 1.1.3.8; and
 - e) provide policy direction for the lower-tier municipalities on matters that cross municipal boundaries.
- 1.2.5 Where there is no upper-tier municipality, planning authorities shall ensure that policy 1.2.4 is addressed as part of the planning process, and should coordinate these matters with adjacent planning authorities.

1.2.6 Land Use Compatibility

- 1.2.6.1 *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
- 1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:
- a) there is an identified need for the proposed use;
 - b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;
 - c) *adverse effects* to the proposed *sensitive land use* are minimized and mitigated; and
 - d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

1.3 Employment

- 1.3.1 Planning authorities shall promote economic development and competitiveness by:
- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
 - c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
 - d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
 - e) ensuring the necessary *infrastructure* is provided to support current and projected needs.

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.

1.3.2.2 At the time of the official plan review or update, planning authorities should assess *employment areas* identified in local official plans to ensure that this designation is appropriate to the planned function of the *employment area*.

Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from *sensitive land uses* to maintain the long-term operational and economic viability of the planned uses and function of these areas.

1.3.2.3 Within *employment areas* planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other *sensitive land uses* that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-*employment areas*.

1.3.2.4 Planning authorities may permit conversion of lands within *employment areas* to non-employment uses through a *comprehensive review*, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing *employment areas* may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the *employment area*; and
- c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses.

1.3.2.6 Planning authorities shall protect *employment areas* in proximity to *major goods movement facilities and corridors* for employment uses that require those locations.

1.3.2.7 Planning authorities may plan beyond 25 years for the long-term protection of employment areas provided lands are not designated beyond the planning horizon identified in policy 1.1.2.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of *housing options* and densities required to meet projected requirements of current and future residents of the *regional market area*, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through *residential intensification* and *redevelopment* and, if necessary, lands which are *designated and available* for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate *residential intensification* and *redevelopment*, and land in draft approved and registered plans.

1.4.2 Where planning is conducted by an upper-tier municipality:

- a) the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and
- b) the allocation of population and units by the upper-tier municipality shall be based on and reflect *provincial plans* where these exist.

1.4.3 Planning authorities shall provide for an appropriate range and mix of *housing options* and densities to meet projected market-based and affordable housing needs of current and future residents of the *regional market area* by:

- a) establishing and implementing minimum targets for the provision of housing which is *affordable to low and moderate income households* and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
- b) permitting and facilitating:
 - 1. all *housing options* required to meet the social, health, economic and well-being requirements of current and future residents, including *special needs* requirements and needs arising from demographic changes and employment opportunities; and
 - 2. all types of *residential intensification*, including additional residential units, and *redevelopment* in accordance with policy 1.1.3.3;

- c) directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;
- e) requiring *transit-supportive* development and prioritizing *intensification*, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for *residential intensification*, *redevelopment* and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

1.5 Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate *active transportation* and community connectivity;
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for *recreation*, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- c) providing opportunities for public access to shorelines; and
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

1.6 Infrastructure and Public Service Facilities

1.6.1 *Infrastructure* and *public service facilities* shall be provided in an efficient manner that prepares for the *impacts of a changing climate* while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they are:

- a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
- b) available to meet current and projected needs.

1.6.2 Planning authorities should promote *green infrastructure* to complement *infrastructure*.

- 1.6.3 Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
 - b) opportunities for adaptive re-use should be considered, wherever feasible.
- 1.6.4 *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.
- 1.6.5 *Public service facilities* should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.

1.6.6 Sewage, Water and Stormwater

- 1.6.6.1 Planning for *sewage and water services* shall:
- a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services* and *municipal water services*; and
 - 2. *private communal sewage services* and *private communal water services*, where *municipal sewage services* and *municipal water services* are not available or feasible;
 - b) ensure that these systems are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. prepares for the *impacts of a changing climate*;
 - 3. is feasible and financially viable over their lifecycle; and
 - 4. protects human health and safety, and the natural environment;
 - c) promote water conservation and water use efficiency;
 - d) integrate servicing and land use considerations at all stages of the planning process; and
 - e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where *municipal sewage services* and *municipal water services* are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.
- 1.6.6.2 *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. Within *settlement areas* with existing *municipal sewage services* and *municipal water services*, *intensification* and *redevelopment* shall be promoted wherever feasible to optimize the use of the services.

1.6.6.3 Where *municipal sewage services* and *municipal water services* are not available, planned or feasible, *private communal sewage services* and *private communal water services* are the preferred form of servicing for multi-unit/lot *development* to support protection of the environment and minimize potential risks to human health and safety.

1.6.6.4 Where *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services* are not available, planned or feasible, *individual on-site sewage services* and *individual on-site water services* may be used provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In *settlement areas*, *individual on-site sewage services* and *individual on-site water services* may be used for infilling and minor rounding out of existing development.

At the time of the official plan review or update, planning authorities should assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the character of rural *settlement areas*. Where planning is conducted by an upper-tier municipality, the upper-tier municipality should work with lower-tier municipalities at the time of the official plan review or update to assess the long-term impacts of *individual on-site sewage services* and *individual on-site water services* on the environmental health and the desired character of rural *settlement areas* and the feasibility of other forms of servicing set out in policies 1.6.6.2 and 1.6.6.3.

1.6.6.5 *Partial services* shall only be permitted in the following circumstances:

- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development; or
- b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*.

Where *partial services* have been provided to address failed services in accordance with subsection (a), infilling on existing lots of record in *rural areas* in municipalities may be permitted where this would represent a logical and financially viable connection to the existing *partial service* and provided that site conditions are suitable for the long-term provision of such services with no *negative impacts*. In accordance with subsection (a), the extension of *partial services* into *rural areas* is only permitted to address failed *individual on-site sewage* and *individual on-site water services* for existing development.

1.6.6.6 Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5, planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services* and *municipal water services* or *private communal sewage services* and *private communal water services*. The determination of

sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.

1.6.6.7 Planning for stormwater management shall:

- a) be integrated with planning for *sewage and water services* and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increases in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the *impacts of a changing climate* through the effective management of stormwater, including the use of *green infrastructure*;
- d) mitigate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

1.6.7 Transportation Systems

1.6.7.1 *Transportation systems* should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.

1.6.7.2 Efficient use should be made of existing and planned *infrastructure*, including through the use of *transportation demand management* strategies, where feasible.

1.6.7.3 As part of a *multimodal transportation system*, connectivity within and among *transportation systems* and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and *active transportation*.

1.6.8 Transportation and Infrastructure Corridors

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 *Major goods movement facilities and corridors* shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

- 1.6.8.4 The preservation and reuse of abandoned corridors for purposes that maintain the corridor's integrity and continuous linear characteristics should be encouraged, wherever feasible.
- 1.6.8.5 The co-location of linear *infrastructure* should be promoted, where appropriate.
- 1.6.8.6 When planning for corridors and rights-of-way for significant transportation, electricity transmission, and *infrastructure* facilities, consideration will be given to the significant resources in Section 2: Wise Use and Management of Resources.

1.6.9 Airports, Rail and Marine Facilities

- 1.6.9.1 Planning for land uses in the vicinity of *airports*, *rail facilities* and *marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
- b) *airports*, *rail facilities* and *marine facilities* and *sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

- 1.6.9.2 *Airports* shall be protected from incompatible land uses and development by:

- a) prohibiting new residential *development* and other sensitive land uses in areas near *airports* above 30 NEF/NEP;
- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
- c) discouraging land uses which may cause a potential aviation safety hazard.

1.6.10 Waste Management

- 1.6.10.1 *Waste management systems* need to be provided that are of an appropriate size and type to accommodate present and future requirements, and facilitate, encourage and promote reduction, reuse and recycling objectives.

Waste management systems shall be located and designed in accordance with provincial legislation and standards.

1.6.11 Energy Supply

- 1.6.11.1 Planning authorities should provide opportunities for the development of energy supply including electricity generation facilities and transmission and distribution systems, district energy, and *renewable energy systems* and *alternative energy systems*, to accommodate current and projected needs.

1.7 Long-Term Economic Prosperity

- 1.7.1 Long-term economic prosperity should be supported by:
- a) promoting opportunities for economic development and community investment-readiness;
 - b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce;
 - c) optimizing the long-term availability and use of land, resources, *infrastructure* and *public service facilities*;
 - d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
 - e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*;
 - f) promoting the redevelopment of *brownfield sites*;
 - g) providing for an efficient, cost-effective, reliable *multimodal transportation system* that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
 - h) providing opportunities for sustainable tourism development;
 - i) sustaining and enhancing the viability of the *agricultural system* through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the *agri-food network*;
 - j) promoting energy conservation and providing opportunities for increased energy supply;
 - k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
 - l) encouraging efficient and coordinated communications and telecommunications infrastructure.

1.8 Energy Conservation, Air Quality and Climate Change

- 1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the *impacts of a changing climate* through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;
- b) promote the use of *active transportation* and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;
- d) focus freight-intensive land uses to areas well served by major highways, *airports, rail facilities and marine facilities*;
- e) encourage *transit-supportive* development and *intensification* to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
- g) maximize vegetation within *settlement areas*, where feasible.

2.0 Wise Use and Management of Resources

Ontario's long-term prosperity, environmental health, and social well-being depend on conserving biodiversity, protecting the health of the Great Lakes, and protecting natural heritage, water, agricultural, mineral and cultural heritage and archaeological resources for their economic, environmental and social benefits.

Accordingly:

2.1 Natural Heritage

- 2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.
- 2.1.3 *Natural heritage systems* shall be identified in Ecoregions 6E & 7E¹, recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.
- 2.1.4 *Development* and *site alteration* shall not be permitted in:
- a) *significant wetlands* in Ecoregions 5E, 6E and 7E¹; and
 - b) *significant coastal wetlands*.
- 2.1.5 *Development* and *site alteration* shall not be permitted in:
- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E¹;
 - b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
 - c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)¹;
 - d) *significant wildlife habitat*;
 - e) *significant areas of natural and scientific interest*; and
 - f) *coastal wetlands* in Ecoregions 5E, 6E and 7E¹ that are not subject to policy 2.1.4(b)
- unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

¹ Ecoregions 5E, 6E and 7E are shown on Figure 1.

- 2.1.6 *Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.*
- 2.1.7 *Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*
- 2.1.8 *Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*
- 2.1.9 Nothing in policy 2.1 is intended to limit the ability of *agricultural uses* to continue.

2.2 Water

- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
 - c) evaluating and preparing for the *impacts of a changing climate* to water resource systems at the watershed level;
 - d) identifying water resource systems consisting of *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas, which are necessary for the ecological and hydrological integrity of the *watershed*;
 - e) maintaining linkages and related functions among *ground water features, hydrologic functions, natural heritage features and areas, and surface water features* including shoreline areas;
 - f) implementing necessary restrictions on *development and site alteration* to:
 - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
 - 2. protect, improve or restore *vulnerable* surface and ground water, *sensitive surface water features* and *sensitive ground water features*, and their *hydrologic functions*;
 - g) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - h) ensuring consideration of environmental lake capacity, where applicable; and
 - i) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

- 2.2.2 *Development and site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored.

Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore *sensitive surface water features*, *sensitive ground water features*, and their *hydrologic functions*.

2.3 Agriculture

- 2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

- 2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

Planning authorities are encouraged to use an *agricultural system* approach to maintain and enhance the geographic continuity of the agricultural land base and the functional and economic connections to the *agri-food network*.

2.3.3 Permitted Uses

- 2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

- 2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

- 2.3.3.3 New land uses in *prime agricultural areas*, including the creation of lots and new or expanding livestock facilities, shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

- 2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:
- a) *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
 - b) *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
 - c) *a residence surplus to a farming operation* as a result of farm consolidation, provided that:
 - 1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
 - 2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
 - d) *infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- 2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.
- 2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

2.3.5 Removal of Land from Prime Agricultural Areas

- 2.3.5.1 Planning authorities may only exclude land from *prime agricultural areas* for expansions of or identification of *settlement areas* in accordance with policy 1.1.3.8.

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

- 2.3.6.1 Planning authorities may only permit non-agricultural uses in *prime agricultural areas* for:
- a) extraction of *minerals, petroleum resources and mineral aggregate resources*; or
 - b) limited non-residential uses, provided that all of the following are demonstrated:

1. the land does not comprise a *specialty crop area*;
2. the proposed use complies with the *minimum distance separation formulae*;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to accommodate the proposed use; and
4. alternative locations have been evaluated, and
 - i. there are no reasonable alternative locations which avoid *prime agricultural areas*; and
 - ii. there are no reasonable alternative locations in *prime agricultural areas* with lower priority agricultural lands.

2.3.6.2 Impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

2.4 Minerals and Petroleum

2.4.1 *Minerals and petroleum resources* shall be protected for long-term use.

2.4.2 Protection of Long-Term Resource Supply

2.4.2.1 *Mineral mining operations and petroleum resource operations* shall be identified and protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.

2.4.2.2 Known *mineral deposits*, known *petroleum resources* and *significant areas of mineral potential* shall be identified and *development* and activities in these resources or on *adjacent lands* which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

2.4.3 Rehabilitation

2.4.3.1 Rehabilitation to accommodate subsequent land uses shall be required after extraction and other related activities have ceased. Progressive rehabilitation should be undertaken wherever feasible.

2.4.4 Extraction in Prime Agricultural Areas

- 2.4.4.1 Extraction of *minerals* and *petroleum resources* is permitted in *prime agricultural areas* provided that the site will be rehabilitated.

2.5 Mineral Aggregate Resources

- 2.5.1 *Mineral aggregate resources* shall be protected for long-term use and, where provincial information is available, *deposits of mineral aggregate resources* shall be identified.

2.5.2 Protection of Long-Term Resource Supply

- 2.5.2.1 As much of the *mineral aggregate resources* as is realistically possible shall be made available as close to markets as possible.

Demonstration of need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.

- 2.5.2.2 Extraction shall be undertaken in a manner which minimizes social, economic and environmental impacts.

- 2.5.2.3 *Mineral aggregate resource conservation* shall be undertaken, including through the use of accessory aggregate recycling facilities within operations, wherever feasible.

- 2.5.2.4 *Mineral aggregate operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact. Existing *mineral aggregate operations* shall be permitted to continue without the need for official plan amendment, rezoning or development permit under the *Planning Act*. Where the *Aggregate Resources Act* applies, only processes under the *Aggregate Resources Act* shall address the depth of extraction of new or existing *mineral aggregate operations*. When a license for extraction or operation ceases to exist, policy 2.5.2.5 continues to apply.

- 2.5.2.5 In known *deposits of mineral aggregate resources* and on *adjacent lands*, *development* and activities which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:

- a) resource use would not be feasible; or
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

2.5.3 Rehabilitation

- 2.5.3.1 Progressive and final rehabilitation shall be required to accommodate subsequent land uses, to promote land use compatibility, to recognize the interim nature of extraction, and to mitigate negative impacts to the extent possible. Final rehabilitation shall take surrounding land use and approved land use designations into consideration.
- 2.5.3.2 *Comprehensive rehabilitation* planning is encouraged where there is a concentration of mineral aggregate operations.
- 2.5.3.3 In parts of the Province not designated under the *Aggregate Resources Act*, rehabilitation standards that are compatible with those under the Act should be adopted for extraction operations on private lands.

2.5.4 Extraction in Prime Agricultural Areas

- 2.5.4.1 In *prime agricultural areas*, on *prime agricultural land*, extraction of *mineral aggregate resources* is permitted as an interim use provided that the site will be rehabilitated back to an *agricultural condition*.

Complete rehabilitation to an *agricultural condition* is not required if:

- a) outside of a *specialty crop area*, there is a substantial quantity of *mineral aggregate resources* below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
- b) in a *specialty crop area*, there is a substantial quantity of *high quality mineral aggregate resources* below the water table warranting extraction, and the depth of planned extraction makes restoration of pre-extraction agricultural capability unfeasible;
- c) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through 7 lands, resources on lands identified as *designated growth areas*, and resources on *prime agricultural lands* where rehabilitation is feasible. Where no other alternatives are found, *prime agricultural lands* shall be protected in this order of priority: *specialty crop areas*, Canada Land Inventory Class 1, 2 and 3 lands; and
- d) agricultural rehabilitation in remaining areas is maximized.

2.5.5 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants

- 2.5.5.1 *Wayside pits and quarries, portable asphalt plants and portable concrete plants* used on public authority contracts shall be permitted, without the need for an official plan

amendment, rezoning, or development permit under the *Planning Act* in all areas, except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities.

2.6 Cultural Heritage and Archaeology

- 2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 *Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*
- 2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

3.0 Protecting Public Health and Safety

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential for public cost or risk to Ontario's residents from natural or human-made hazards.

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, will require the Province, planning authorities, and conservation authorities to work together.

Accordingly:

3.1 Natural Hazards

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

- a) *hazardous lands* adjacent to the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes* which are impacted by *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*;
- b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and
- c) *hazardous sites*.

3.1.2 *Development* and *site alteration* shall not be permitted within:

- a) the *dynamic beach hazard*;
- b) *defined portions of the flooding hazard along connecting channels* (the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers);
- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards*, *erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.

3.1.3 Planning authorities shall prepare for the *impacts of a changing climate* that may increase the risk associated with natural hazards.

3.1.4 Despite policy 3.1.2, *development* and *site alteration* may be permitted in certain areas associated with the *flooding hazard along river, stream and small inland lake systems*:

- a) in those exceptional situations where a *Special Policy Area* has been approved. The designation of a *Special Policy Area*, and any change or modification to the official plan policies, land use designations or boundaries applying to *Special Policy Area* lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications; or
- b) where the *development* is limited to uses which by their nature must locate within the *floodway*, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

3.1.5 *Development* shall not be permitted to locate in *hazardous lands* and *hazardous sites* where the use is:

- a) an *institutional use* including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;
- b) an *essential emergency service* such as that provided by fire, police and ambulance stations and electrical substations; or
- c) uses associated with the disposal, manufacture, treatment or storage of *hazardous substances*.

3.1.6 Where the *two zone concept* for *flood plains* is applied, *development* and *site alteration* may be permitted in the *flood fringe*, subject to appropriate floodproofing to the *flooding hazard* elevation or another *flooding hazard* standard approved by the Minister of Natural Resources and Forestry.

3.1.7 Further to policy 3.1.6, and except as prohibited in policies 3.1.2 and 3.1.5, *development* and *site alteration* may be permitted in those portions of *hazardous lands* and *hazardous sites* where the effects and risk to public safety are minor, could be mitigated in accordance with provincial standards, and where all of the following are demonstrated and achieved:

- a) *development* and *site alteration* is carried out in accordance with *floodproofing standards*, *protection works standards*, and *access standards*;
- b) vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- c) new hazards are not created and existing hazards are not aggravated; and
- d) no adverse environmental impacts will result.

3.1.8 *Development* shall generally be directed to areas outside of lands that are unsafe for *development* due to the presence of *hazardous forest types for wildland fire*.

Development may however be permitted in lands with *hazardous forest types for wildland fire* where the risk is mitigated in accordance with *wildland fire assessment and mitigation standards*.

3.2 Human-Made Hazards

- 3.2.1 Development on, abutting or adjacent to lands affected by *mine hazards; oil, gas and salt hazards*; or former *mineral mining operations, mineral aggregate operations* or *petroleum resource operations* may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.
- 3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no *adverse effects*.
- 3.2.3 Planning authorities should support, where feasible, on-site and local re-use of excess soil through planning and development approvals while protecting human health and the environment.

4.0 Implementation and Interpretation

- 4.1 This Provincial Policy Statement applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.
- 4.2 This Provincial Policy Statement shall be read in its entirety and all relevant policies are to be applied to each situation.
- 4.3 This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the *Constitution Act, 1982*.
- 4.4 This Provincial Policy Statement shall be implemented in a manner that is consistent with Ontario *Human Rights Code* and the *Canadian Charter of Rights and Freedoms*.
- 4.5 In implementing the Provincial Policy Statement, the Minister of Municipal Affairs and Housing may take into account other considerations when making decisions to support strong communities, a clean and healthy environment and the economic vitality of the Province.
- 4.6 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.

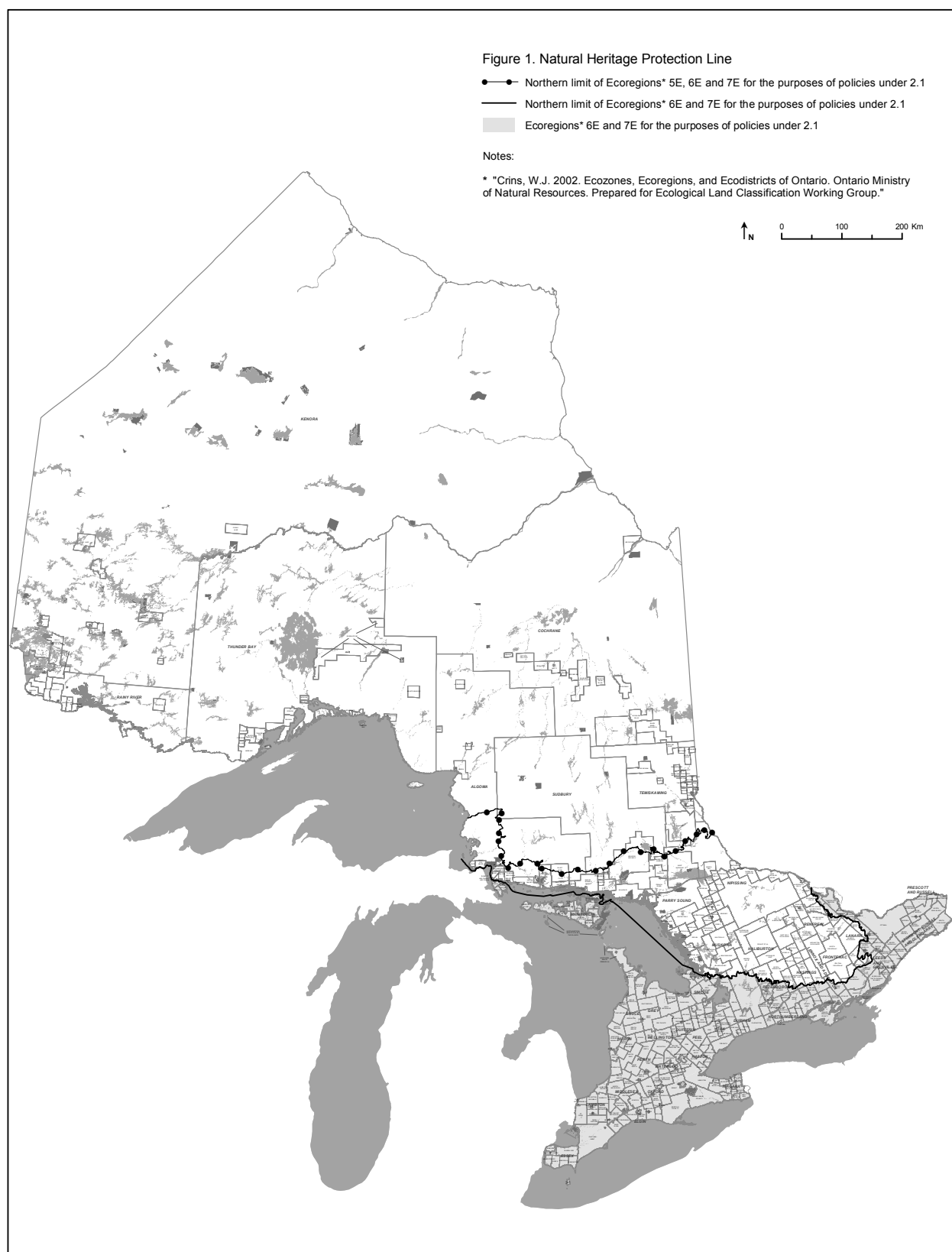
- 4.7 In addition to land use approvals under the *Planning Act*, *infrastructure* may also require approval under other legislation and regulations. An environmental assessment process may be required for new *infrastructure* and modifications to existing *infrastructure* under applicable legislation.

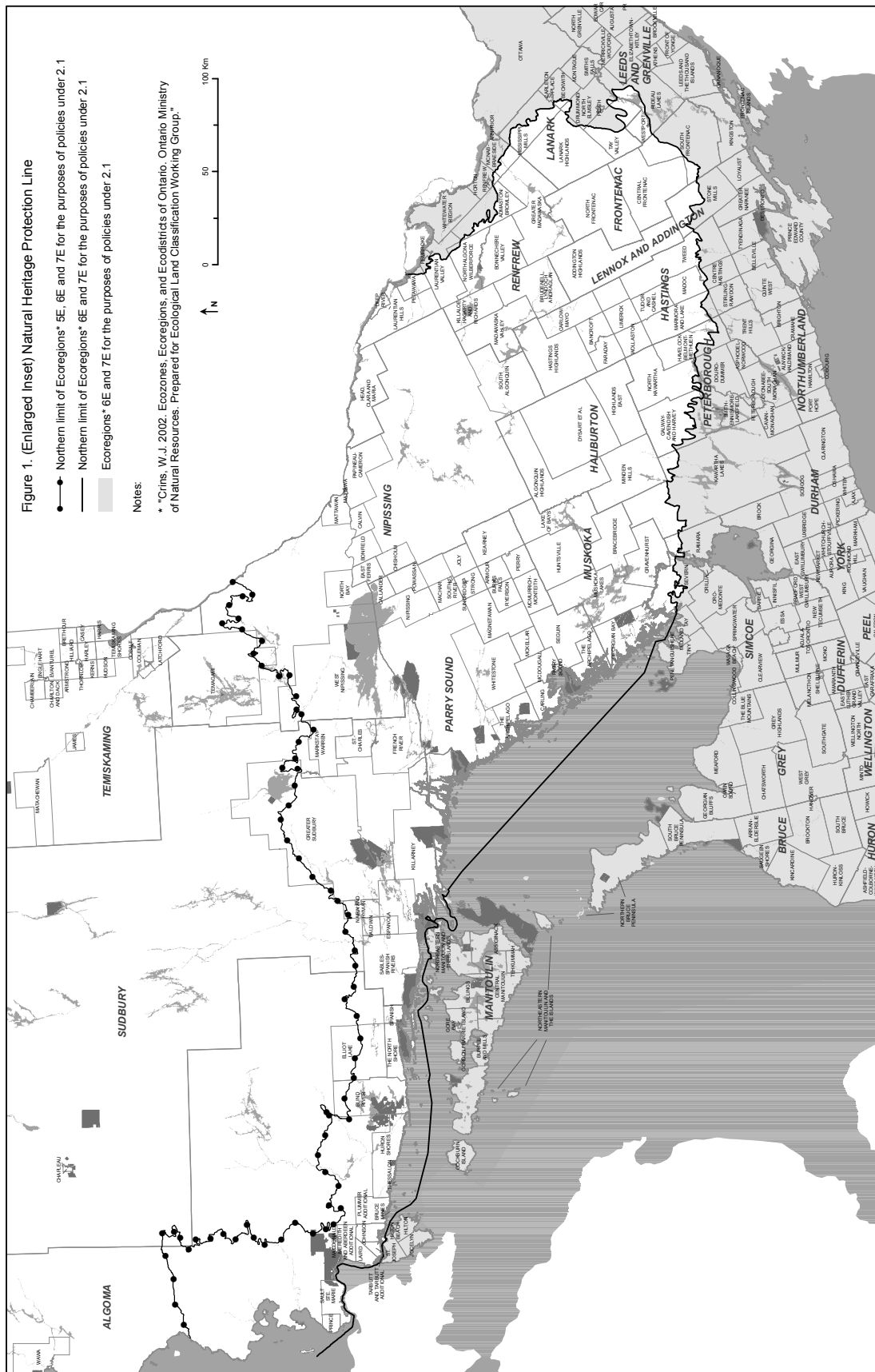
Wherever possible and practical, approvals under the *Planning Act* and other legislation or regulations should be integrated provided the intent and requirements of both processes are met.

- 4.8 The Province, in consultation with municipalities, Indigenous communities, other public bodies and stakeholders shall identify performance indicators for measuring the effectiveness of some or all of the policies. The Province shall monitor their implementation, including reviewing performance indicators concurrent with any review of this Provincial Policy Statement.

- 4.9 Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.

5.0 Figure 1 Natural Heritage Protection Line





6.0 Definitions

Access standards: means methods or procedures to ensure safe vehicular and pedestrian movement, and access for the maintenance and repair of protection works, during times of *flooding hazards, erosion hazards* and/or *other water-related hazards*.

Active transportation: means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Adjacent lands: means

- a) for the purposes of policy 1.6.8.3, those lands contiguous to existing or planned corridors and transportation facilities where *development* would have a negative impact on the corridor or facility. The extent of the *adjacent lands* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives;
- b) for the purposes of policy 2.1.8, those lands contiguous to a specific *natural heritage feature or area* where it is likely that *development* or *site alteration* would have a *negative impact* on the feature or area. The extent of the *adjacent lands* may be recommended by the Province or based on municipal approaches which achieve the same objectives;
- c) for the purposes of policies 2.4.2.2 and 2.5.2.5, those lands contiguous to lands on the surface of known *petroleum resources, mineral deposits, or deposits of mineral aggregate resources* where it is likely that *development* would constrain future access to the resources. The extent of the *adjacent lands* may be recommended by the Province; and
- d) for the purposes of policy 2.6.3, those lands contiguous to a *protected heritage property* or as otherwise defined in the municipal official plan.

Adverse effects: as defined in the *Environmental Protection Act*, means one or more of:

- a) impairment of the quality of the natural environment for any use that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an adverse effect on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human use;
- g) loss of enjoyment of normal use of property; and
- h) interference with normal conduct of business.

Affordable: means

- a) in the case of ownership housing, the least expensive of:
 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the *regional market area*;
- b) in the case of rental housing, the least expensive of:
 1. a unit for which the rent does not exceed 30 percent of gross annual household income for *low and moderate income households*; or
 2. a unit for which the rent is at or below the average market rent of a unit in the *regional market area*.

Agricultural condition: means

- a) in regard to *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored, the same range and productivity of specialty crops common in the area can be achieved, and, where

applicable, the microclimate on which the site and surrounding area may be dependent for specialty crop production will be maintained or restored; and

- b) in regard to *prime agricultural land* outside of *specialty crop areas*, a condition in which substantially the same areas and same average soil capability for agriculture are restored.

Agricultural System: A system comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) An agricultural land base comprised of *prime agricultural areas*, including *specialty crop areas*, and *rural lands* that together create a continuous productive land base for agriculture; and
- b) An *agri-food network* which includes *infrastructure*, services, and assets important to the viability of the agri-food sector.

Agricultural uses: means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Agri-food network: Within the *agricultural system*, a network that includes elements important to the viability of the agri-food sector such as regional *infrastructure* and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities.

Agri-tourism uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Agriculture-related uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Airports: means all Ontario airports, including designated lands for future airports, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping.

Alternative energy system: means a system that uses sources of energy or energy conversion processes to produce power, heat and/or cooling that significantly reduces the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems.

Archaeological resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of archaeological potential: means areas with the likelihood to contain *archaeological resources*. Criteria to identify archaeological potential are established by the Province. The *Ontario Heritage Act* requires archaeological potential to be confirmed by a licensed archaeologist.

Areas of mineral potential: means areas favourable to the discovery of *mineral deposits* due to geology, the presence of known *mineral deposits* or other technical evidence.

Areas of natural and scientific interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Brownfield sites: means undeveloped or previously developed properties that may be

contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Built heritage resource: means a building, structure, monument, installation or any manufactured or constructed part or remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Indigenous community. *Built heritage resources* are located on property that may be designated under Parts IV or V of the *Ontario Heritage Act*, or that may be included on local, provincial, federal and/or international registers.

Coastal wetland: means

- a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
- b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected.

Comprehensive rehabilitation: means rehabilitation of land from which *mineral aggregate resources* have been extracted that is coordinated and complementary, to the extent possible, with the rehabilitation of other sites in an area where there is a high concentration of *mineral aggregate operations*.

Comprehensive review: means

- a) for the purposes of policies 1.1.3.8, 1.1.3.9 and 1.3.2.4, an official plan review which is initiated by a planning authority, or an official plan amendment which is initiated or adopted by a planning authority, which:
 1. is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and *provincial plans*, where applicable; considers alternative directions for growth or development; and determines how best

- to accommodate the development while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth or development through *intensification* and *redevelopment*; and considers physical constraints to accommodating the proposed development within existing *settlement area* boundaries;
3. is integrated with planning for *infrastructure* and *public service facilities*, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
4. confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
5. confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
6. considers cross-jurisdictional issues.
- b) for the purposes of policy 1.1.6, means a review undertaken by a planning authority or comparable body which:
 1. addresses long-term population projections, *infrastructure* requirements and related matters;
 2. confirms that the lands to be developed do not comprise *specialty crop areas* in accordance with policy 2.3.2; and
 3. considers cross-jurisdictional issues.

In undertaking a *comprehensive review* the level of detail of the assessment should correspond with the complexity and scale of the settlement boundary or development proposal.

Conserved: means the identification, protection, management and use of *built heritage resources*, *cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-

maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Cultural heritage landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. *Cultural heritage landscapes* may be properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms.

Defined portions of the flooding hazard along connecting channels: means those areas which are critical to the conveyance of the flows associated with the *one hundred year flood level* along the St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers, where *development or site alteration* will create *flooding hazards*, cause updrift and/or downdrift impacts and/or cause adverse environmental impacts.

Deposits of mineral aggregate resources: means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Designated and available: means lands designated in the official plan for urban residential use. For municipalities where more detailed official plan policies (e.g. secondary plans) are required before development applications can be considered for approval, only lands that have commenced the more detailed planning process are considered to be

designated and available for the purposes of this definition.

Designated growth areas: means lands within *settlement areas* designated in an official plan for growth over the long-term planning horizon provided in policy 1.1.2, but which have not yet been fully developed. *Designated growth areas* include lands which are *designated and available* for residential growth in accordance with policy 1.4.1(a), as well as lands required for employment and other uses.

Designated vulnerable area: means areas defined as vulnerable, in accordance with provincial standards, by virtue of their importance as a drinking water source.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) works subject to the *Drainage Act*; or
- c) for the purposes of policy 2.1.4(a), underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Dynamic beach hazard: means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of the *flooding hazard* limit plus a dynamic beach allowance.

Ecological function: means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered species: means a species that is classified as “Endangered Species” on the Species at Risk in Ontario List, as updated and amended from time to time.

Erosion hazard: means the loss of land, due to human or natural processes, that poses a threat to life and property. The *erosion hazard* limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

Essential emergency service: means services which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion.

Fish: means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

Fish habitat: as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which *fish* depend directly or indirectly in order to carry out their life processes.

Flood fringe: for *river, stream and small inland lake systems*, means the outer portion of the *flood plain* between the *floodway* and the *flooding hazard* limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the *floodway*.

Flood plain: for *river, stream and small inland lake systems*, means the area, usually low lands adjoining a watercourse, which has been or may be subject to *flooding hazards*.

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

a) along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, the *flooding hazard* limit is based on the *one hundred year flood level* plus an allowance for *wave uprush* and *other water-related hazards*;

b) along *river, stream and small inland lake systems*, the *flooding hazard* limit is the greater of:

1. the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
2. the *one hundred year flood*; and
3. a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry;

except where the use of the *one hundred year flood* or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodproofing standard: means the combination of measures incorporated into the basic design and/or construction of buildings, structures, or properties to reduce or eliminate *flooding hazards*, *wave uprush* and *other water-related hazards* along the shorelines of the *Great Lakes - St. Lawrence River System* and *large inland lakes*, and *flooding hazards* along *river, stream and small inland lake systems*.

Floodway: for *river, stream and small inland lake systems*, means the portion of the *flood*

plain where *development* and *site alteration* would cause a danger to public health and safety or property damage.

Where the one zone concept is applied, the *floodway* is the entire contiguous *flood plain*.

Where the *two zone concept* is applied, the *floodway* is the contiguous inner portion of the *flood plain*, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the *two zone concept* applies, the outer portion of the *flood plain* is called the *flood fringe*.

Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Great Lakes - St. Lawrence River System: means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green infrastructure: means natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Ground water feature: means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

Habitat of endangered species and threatened species: means habitat within the meaning of Section 2 of the *Endangered Species Act, 2007*.

Hazardous forest types for wildland fire: means forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

Hazardous lands: means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System*, this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along the shorelines of *large inland lakes*, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard or dynamic beach hazard* limits. Along *river, stream and small inland lake systems*, this means the land, including that covered by water, to the furthest landward limit of the *flooding hazard or erosion hazard* limits.

Hazardous sites: means property or lands that could be unsafe for *development* and *site alteration* due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Hazardous substances: means substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

Heritage attributes: means the principal features or elements that contribute to a *protected heritage property's* cultural heritage value or interest, and may include the

property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a *protected heritage property*).

High quality: means primary and secondary sand and gravel resources and bedrock resources as defined in the Aggregate Resource Inventory Papers (ARIP).

Housing options: means a range of housing types such as, but not limited to single-detached, semi-detached, rowhouses, townhouses, stacked townhouses, multiplexes, additional residential units, tiny homes, multi-residential buildings. The term can also refer to a variety of housing arrangements and forms such as, but not limited to life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, *affordable* housing, housing for people with *special needs*, and housing related to employment, institutional or educational uses.

Hydrologic function: means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

Impacts of a changing climate: means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability.

Individual on-site sewage services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act, 1992*, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual on-site water services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Institutional use: for the purposes of policy 3.1.5, means land uses where there is a threat to the safe evacuation of vulnerable populations such as older persons, persons with disabilities, and those who are sick or young, during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Large inland lakes: means those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

Legal or technical reasons: means severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot.

Low and moderate income households: means

- a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the *regional market area*; or

- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the *regional market area*.

Major facilities: means facilities which may require separation from *sensitive land uses*, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, *rail facilities*, *marine facilities*, sewage treatment facilities, *waste management systems*, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.

Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are *freight-supportive* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Marine facilities: means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*.

Mine hazard: means any feature of a mine as defined under the *Mining Act*, or any related disturbance of the ground that has not been rehabilitated.

Minerals: means metallic minerals and non-metallic minerals as herein defined, but does not include *mineral aggregate resources* or *petroleum resources*.

Metallic minerals means those minerals from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic minerals means those minerals that are of value for intrinsic properties of the

minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral aggregate operation: means

- a) lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral aggregate resources: means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act* suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the *Mining Act*.

Mineral aggregate resource conservation: means

- a) the recovery and recycling of manufactured materials derived from mineral aggregates (e.g. glass, porcelain, brick, concrete, asphalt, slag, etc.), for re-use in construction, manufacturing, industrial or maintenance projects as a substitute for new mineral aggregates; and
- b) the wise use of mineral aggregates including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

Mineral deposits: means areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

Mineral mining operation: means mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Minimum distance separation formulae: means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Multimodal transportation system: means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Municipal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that is owned or operated by a municipality, including centralized and decentralized systems.

Municipal water services: means a municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002*, including centralized and decentralized systems.

Natural heritage features and areas: means features and areas, including *significant wetlands, significant coastal wetlands, other coastal wetlands* in Ecoregions 5E, 6E and 7E, *fish habitat, significant woodlands* and *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species, significant wildlife habitat*, and *significant areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural heritage system: means a system made up of *natural heritage features and areas*,

and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used.

Negative impacts: means

- a) in regard to policy 1.6.6.4 and 1.6.6.5, potential risks to human health and safety and degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development*. *Negative impacts* should be assessed through environmental studies including hydrogeological or water quality impact assessments, in accordance with provincial standards;
- b) in regard to policy 2.2, degradation to the *quality and quantity of water, sensitive surface water features and sensitive ground water features*, and their related *hydrologic functions*, due to single, multiple or successive *development* or *site alteration* activities;
- c) in regard to *fish habitat*, any permanent alteration to, or destruction of *fish habitat*, except where, in conjunction with the appropriate authorities, it has been authorized under the *Fisheries Act*; and
- d) in regard to other *natural heritage features and areas*, degradation that threatens the health and integrity of the natural features or *ecological functions* for which an area is identified due to single, multiple or successive *development* or *site alteration* activities.

Normal farm practices: means a practice, as defined in the *Farming and Food Production Protection Act, 1998*, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the *Nutrient Management Act, 2002* and regulations made under that Act.

Oil, gas and salt hazards: means any feature of a well or work as defined under the *Oil, Gas and Salt Resources Act*, or any related disturbance of the ground that has not been rehabilitated.

On-farm diversified uses: means uses that are secondary to the principal agricultural use of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in *prime agricultural areas*, including *specialty crop areas*, only as *on-farm diversified uses*.

One hundred year flood: for *river, stream and small inland lake systems*, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

One hundred year flood level: means

- a) for the shorelines of the Great Lakes, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equalled or exceeded in any given year;
- b) in the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous stillwater level which has a 1% chance of being equalled or exceeded in any given year; and
- c) for large inland lakes, lake levels and wind setups that have a 1% chance of being

equalled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Other water-related hazards: means water-associated phenomena other than *flooding hazards* and *wave uprush* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming.

Partial services: means

- a) *municipal sewage services* or *private communal sewage services* combined with *individual on-site water services*; or
- b) *municipal water services* or *private communal water services* combined with *individual on-site sewage services*.

Petroleum resource operations: means oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons.

Petroleum resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

Planned corridors: means corridors or future corridors which are required to meet projected needs, and are identified through *provincial plans*, preferred alignment(s) determined through the *Environmental Assessment Act* process, or identified through planning studies where the Ontario Ministry of Transportation, Metrolinx, Ontario Ministry of Energy, Northern Development and Mines or Independent Electricity System Operator (IESO) or any successor to those ministries or entities is actively pursuing the identification of a corridor.

Approaches for the protection of *planned corridors* may be recommended in guidelines developed by the Province.

Portable asphalt plant: means a facility

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

Portable concrete plant: means a building or structure

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

Prime agricultural area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. *Prime agricultural areas* may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A *prime agricultural area* may also be identified through an alternative agricultural land evaluation system approved by the Province.

Prime agricultural land: means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private communal sewage services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six or more lots or private residences and is not owned by a municipality.

Private communal water services: means a non-municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act, 2002* that serves six or more lots or private residences.

Protected heritage property: means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

Protection works standards: means the combination of non-structural or structural works and allowances for slope stability and flooding/erosion to reduce the damage caused by *flooding hazards*, *erosion hazards* and *other water-related hazards*, and to allow access for their maintenance and repair.

Provincial and federal requirements: means

- a) in regard to policy 2.1.6, legislation and policies administered by the federal or provincial governments for the purpose of fisheries protection (including *fish* and *fish habitat*), and related, scientifically established standards such as water quality criteria for protecting lake trout populations; and
- b) in regard to policy 2.1.7, legislation and policies administered by the provincial government or federal government, where applicable, for the purpose of protecting species at risk and their habitat.

Provincial plan: means a provincial plan within the meaning of section 1 of the *Planning Act*.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services.

Public service facilities do not include *infrastructure*.

Quality and quantity of water: is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rail facilities: means rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future *rail facilities*.

Recreation: means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield sites*.

Regional market area: refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the *regional market area*. However, where a *regional market area* extends significantly beyond these boundaries, then the *regional market area* may be based on the larger market area. Where *regional market areas* are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Renewable energy source: means an energy source that is renewed by natural processes and includes wind, water, biomass, biogas, biofuel, solar energy, geothermal energy and tidal forces.

Renewable energy system: means a system that generates electricity, heat and/or cooling from a *renewable energy source*.

Reserve sewage system capacity: means design or planned capacity in a centralized waste water treatment facility which is not yet committed to existing or approved development. For the purposes of policy 1.6.6.6, reserve capacity for *private communal sewage services* and *individual on-site sewage services* is considered sufficient if the hauled sewage from the development can be treated and land-applied on agricultural land under the *Nutrient Management Act*, or disposed of at sites approved under the *Environmental Protection Act* or the *Ontario Water Resources Act*, but not by land-applying untreated, hauled sewage.

Reserve water system capacity: means design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.

Residence surplus to a farming operation: means an existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation).

Residential intensification: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:

- a) redevelopment, including the redevelopment of *brownfield sites*;
- b) the development of vacant or underutilized lots within previously developed areas;
- c) infill development;
- d) development and introduction of new *housing options* within previously developed areas;
- e) the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
- f) the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional residential units, rooming houses, and other *housing options*.

River, stream and small inland lake systems: means all watercourses, rivers, streams, and

small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rural areas: means a system of lands within municipalities that may include rural *settlement areas*, *rural lands*, *prime agricultural areas*, natural heritage features and areas, and resource areas.

Rural lands: means lands which are located outside *settlement areas* and which are outside *prime agricultural areas*.

Sensitive: in regard to *surface water features* and *ground water features*, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built-up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in *designated growth areas* is not available, the *settlement area* may be no larger than the area where development is concentrated.

Sewage and water services: includes *municipal sewage services* and *municipal water services*, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant: means

- a) in regard to *wetlands*, *coastal wetlands* and *areas of natural and scientific interest*, an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time;
- b) in regard to *woodlands*, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria established by the Ontario Ministry of Natural Resources and Forestry;
- c) in regard to other features and areas in policy 2.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or *natural heritage system*;
- d) in regard to *mineral* potential, an area identified as provincially significant through evaluation procedures developed by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and
- e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Criteria for determining significance for the resources identified in sections (c)-(d) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources,

the significance of others can only be determined after evaluation.

Site alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

For the purposes of policy 2.1.4(a), *site alteration* does not include underground or surface mining of *minerals* or advanced exploration on mining lands in *significant areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as in the *Mining Act*. Instead, those matters shall be subject to policy 2.1.5(a).

Special needs: means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of *special needs* housing may include, but are not limited to long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

Special Policy Area: means an area within a community that has historically existed in the *flood plain* and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning *development*. The criteria and procedures for approval are established by the Province.

A *Special Policy Area* is not intended to allow for new or intensified *development* and *site alteration*, if a community has feasible opportunities for *development* outside the *flood plain*.

Specialty crop area: means areas designated using guidelines developed by the Province, as amended from time to time. In these areas, specialty crops are predominantly grown such as tender fruits (peaches, cherries, plums), grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil, usually resulting from:

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
- b) farmers skilled in the production of specialty crops; and
- c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.

Surface water feature: means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

Threatened species: means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time.

Transit-supportive: in regard to land use patterns, means development that makes transit viable, optimizes investments in transit infrastructure, and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities, including air rights development, in proximity to transit stations, corridors and associated elements within the *transportation system*. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Transportation demand management: means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day,

frequency, trip length, regulation, route, or cost.

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Two zone concept: means an approach to *flood plain* management where the *flood plain* is differentiated in two parts: the *floodway* and the *flood fringe*.

Valleylands: means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

Vulnerable: means surface and/or ground water that can be easily changed or impacted.

Waste management system: means sites and facilities to accommodate solid waste from one or more municipalities and includes recycling facilities, transfer stations, processing sites and disposal sites.

Watershed: means an area that is drained by a river and its tributaries.

Wave uprush: means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

Wayside pits and quarries: means a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well

as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition.

Wildland fire assessment and mitigation standards: means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire.

Wildlife habitat: means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

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. *Woodlands* may be delineated according to the *Forestry Act* definition or the Province's Ecological Land Classification system definition for "forest".

Ministry of Municipal Affairs and Housing

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ISBN 978-1-4868-4229-2 (Print)

ISBN 978-1-4868-4230-8 (HTML)

ISBN 978-1-4868-4231-5 (PDF)

370/02/20

Disponible en français

Subject: 2020 Gypsy Moth Management Program
Information**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2020-0050 for information;

Background:

Whereas Council directed staff through the March 23, 2020, Public Works Report No.2020-0039 to conduct a gypsy moth spray program as proposed, this report serves to inform Council on the refined aerial spray blocks and aerial spray timing, as well as the plan to communicate the details of the program in lieu of holding Public Open Houses due to the Covid-19 pandemic.

Analysis:

Staff have continued to refine the gypsy moth spray blocks in consultation with Lallemand Inc./Bioforest and Zimmer Air Services. Initially 118.7 ha were identified to be included in the aerial spray blocks. Additional field inspections of the spray blocks and defoliation data lead to a minor expansion of the program. Some spray zones were expanded slightly and an additional block was identified on Canboro Road between Ridgeville and Fonthill.

The 2020 Gypsy Moth Management Program will now treat 130.14 ha of land within the Town of Pelham, consisting of 759 private properties and 15 municipally owned properties. It is important to note that private properties that have been identified as being "inside a spray zone" may not receive treatment to the entire envelope of the property, depending on the design of the spray block. To include the entire property for treatment, especially along the Canboro Road corridor, would have required the budget to be increased substantially. The finalized spray zone mapping has been added as an attachment to this report as Appendix 1.

BioForest has begun to model leaf emergence and gypsy moth egg hatching to predict the timing of the first of two aerial applications. The model is updated on a weekly basis with up-to-date weather observations and trending. The initial aerial application for the Town of Pelham is anticipated around May 23rd to May 25th; however, it is highly dependent on the weather. Field observation and plot monitoring commenced on April 13th, 2020.

The Town has been actively encouraging residents to undertake home control methods to prevent the spread of gypsy moths. Advertisements in the newspaper have been ongoing since the first week of March, 2020. A dedicated web page, www.pelham.ca/gypsy-moth has been continuously updated with reports, updates, spray block mapping, and more as information has become available. A dedicated social media and newspaper advertising campaign commenced April 7, 2020, which includes calls to action for residents to submit questions via email or regular mail in absence of public meetings. A four-page spread in the Voice of Pelham was secured to share the spray block maps, boost home control methods, and provide alternative options for contracting services for those outside of the spray blocks in the Town's program. Letters to residents within and adjacent to the spray blocks were delivered. Updates for spray dates, changes, and other information will be communicated via the Town website, social media, and newspaper.

Financial Considerations:

The cost of providing a double aerial application of BTK utilizing a twin engine helicopter is \$876.00/ha. The increased size of the treatment program will cost approximately \$115,000. There are no budget implications to this increase as savings in program administration will be realized with the elimination of the public open house and anticipated reduced volunteer program component due to the Covid-19 pandemic.

Alternatives Reviewed:

There were no alternatives considered in preparation of this report.

Strategic Plan Relationship: Grow Revenue - Promote Cultural Assets and Protect Environment

The tree canopy within the municipal boundary is vital to maintaining the quality of life within the Town of Pelham, and is an asset that sets us apart from neighboring municipalities.

Other Pertinent Reports/Attachments:

Public Works Report #2020-0017, Town of Pelham Gypsy Moth Policy and 2020 Gypsy Moth Management Options

Public Works Report #2020-0021, 2019 Gypsy Moth Monitoring Program Report and 2020 Gypsy Moth Management Program

Public Works Report #2020-0039, 2020 Gypsy Moth Aerial Spray Program

Appendix 1 – Consolidated Aerial Treatment Maps

Consultation:

Staff continue to consult with Lallemand Inc./Bioforest Urban Forestry Consultant and Zimmer Air Services.

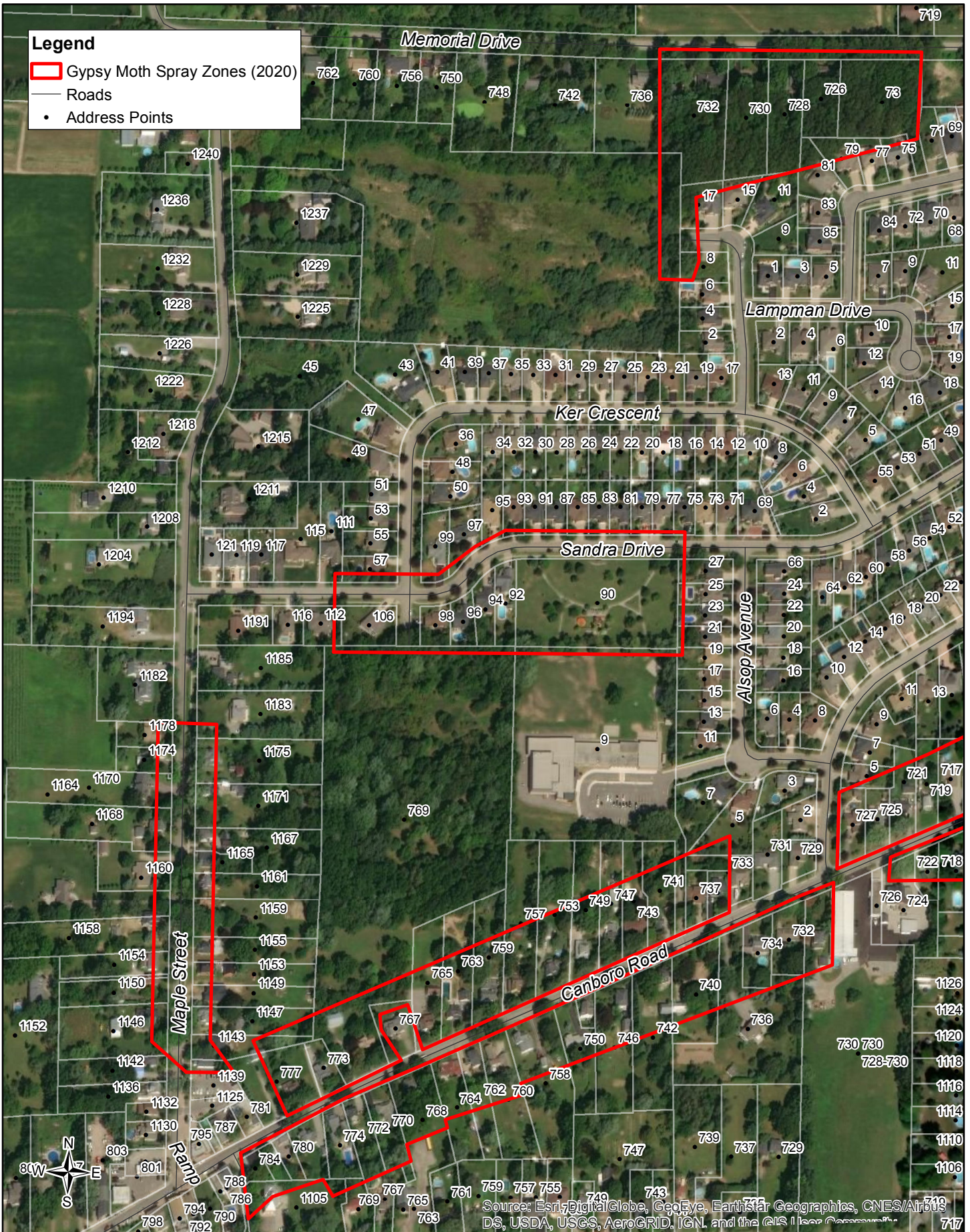
Marc MacDonald – Town of Pelham Communications and Public Relations Specialist

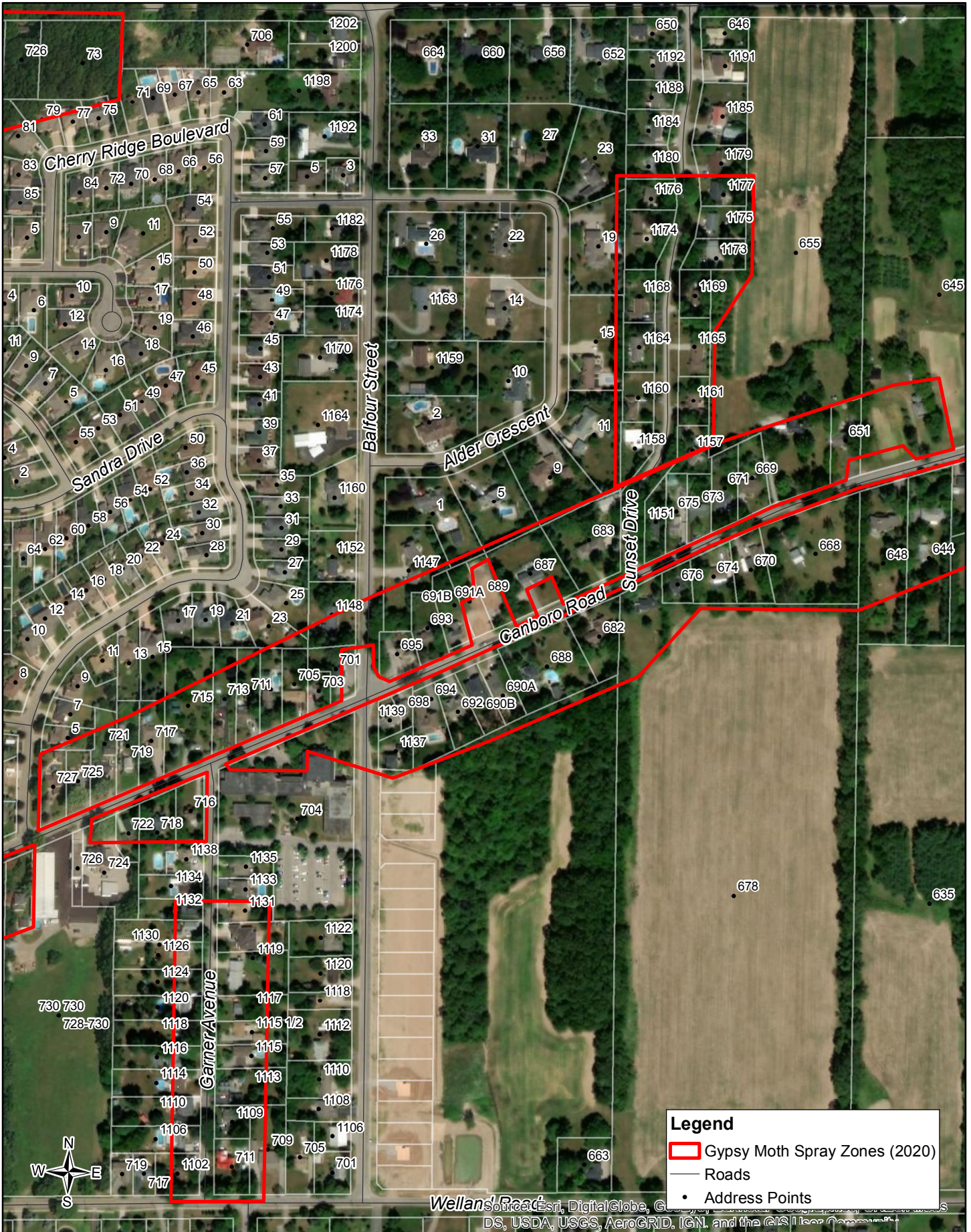
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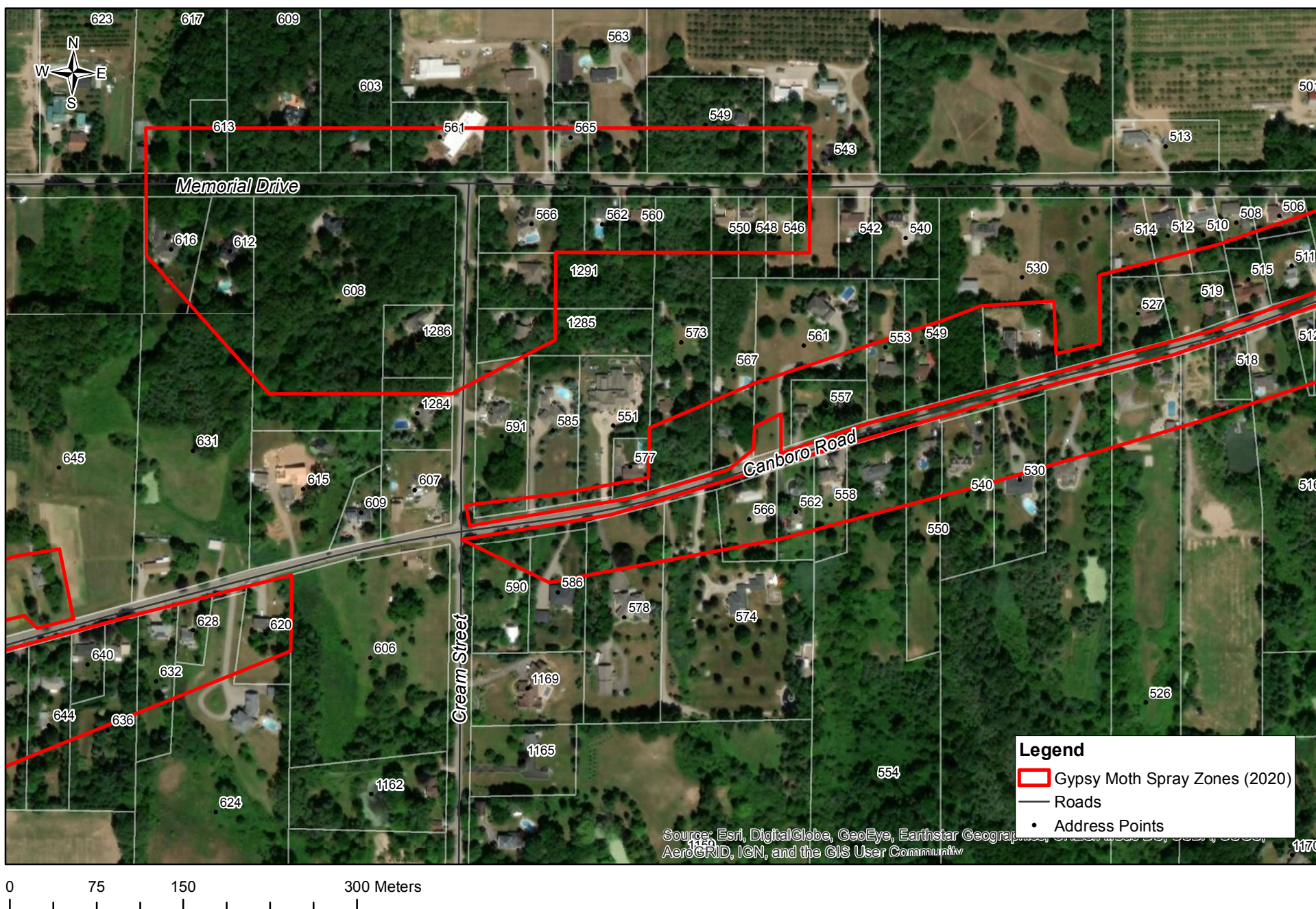
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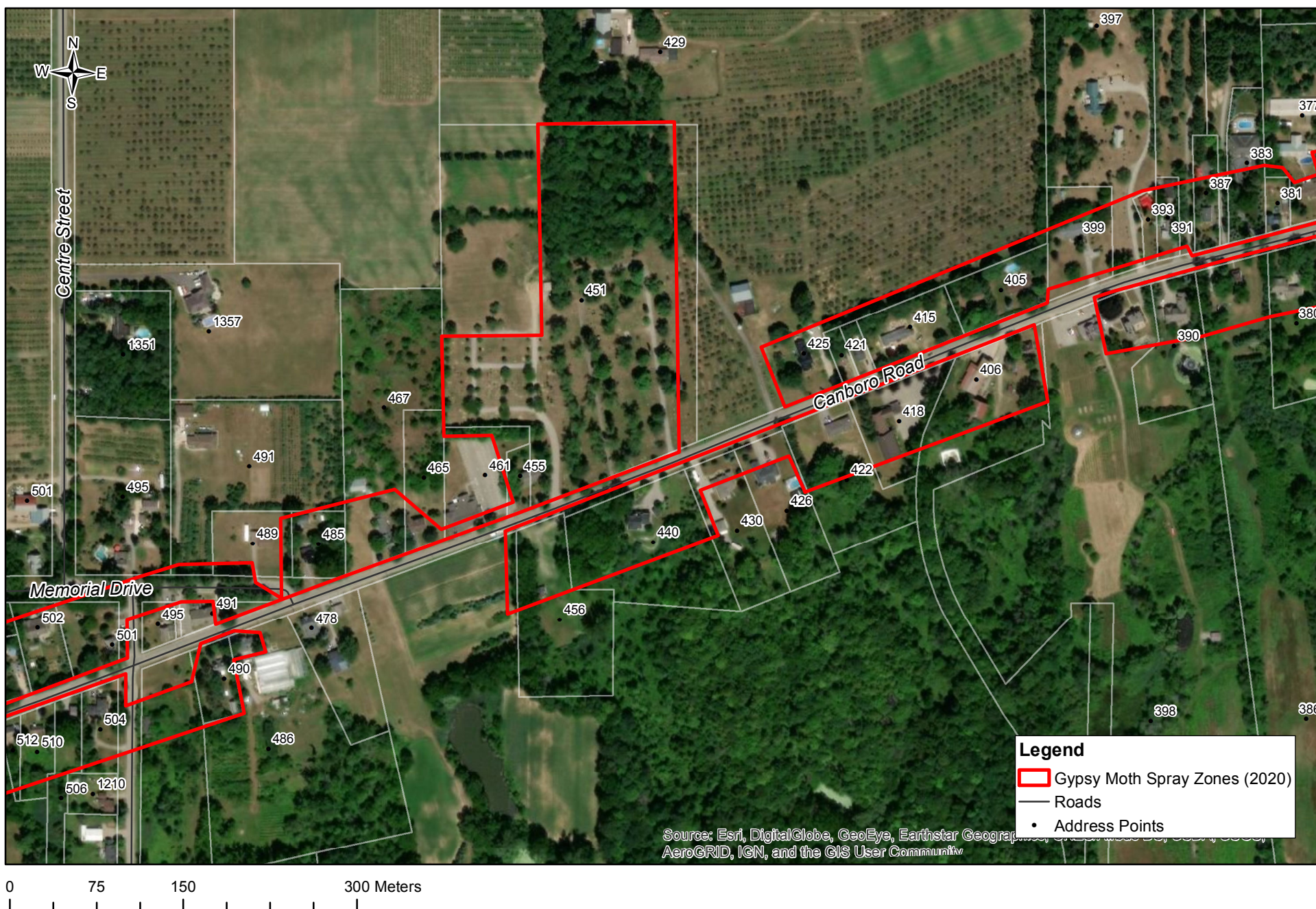
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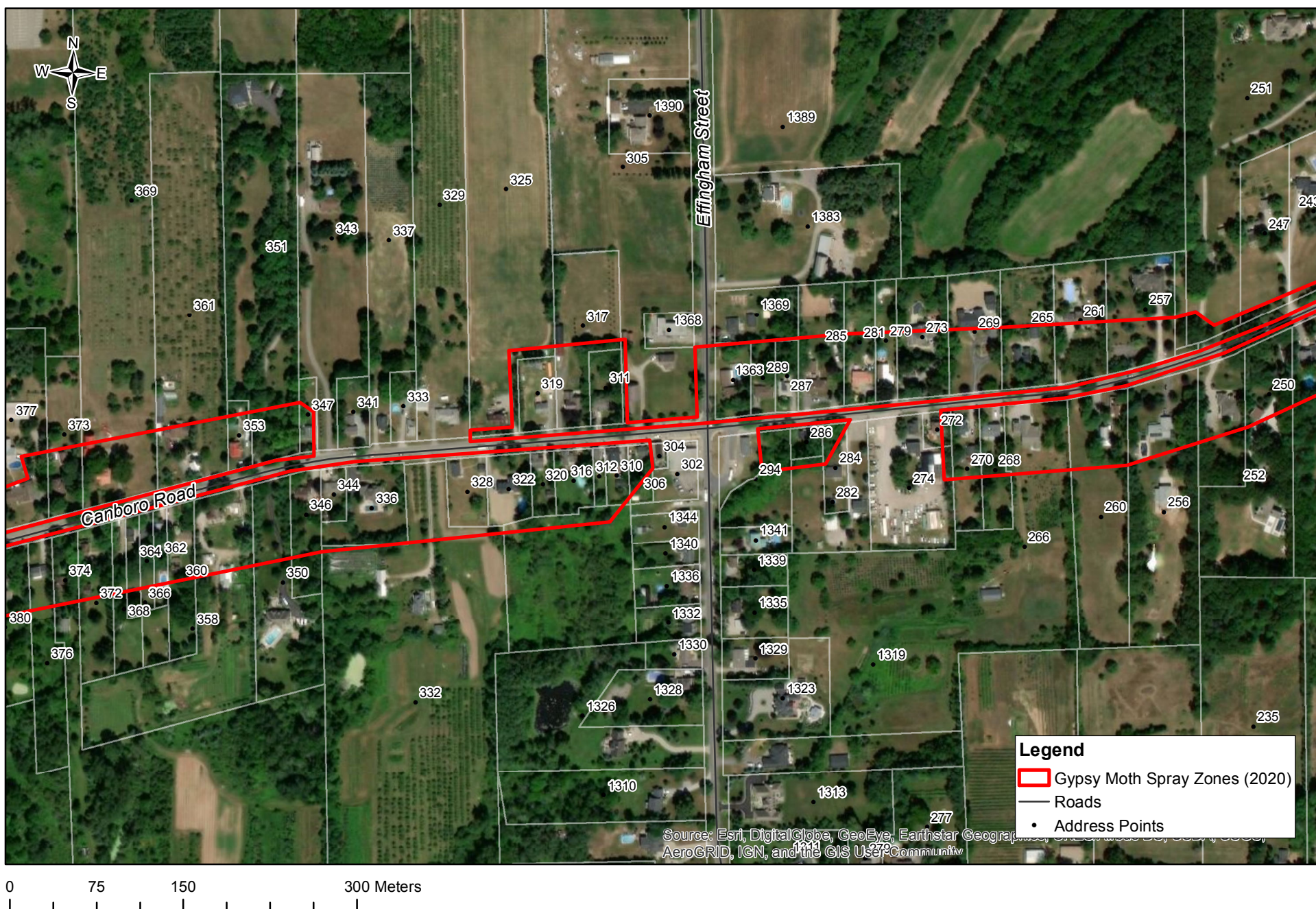
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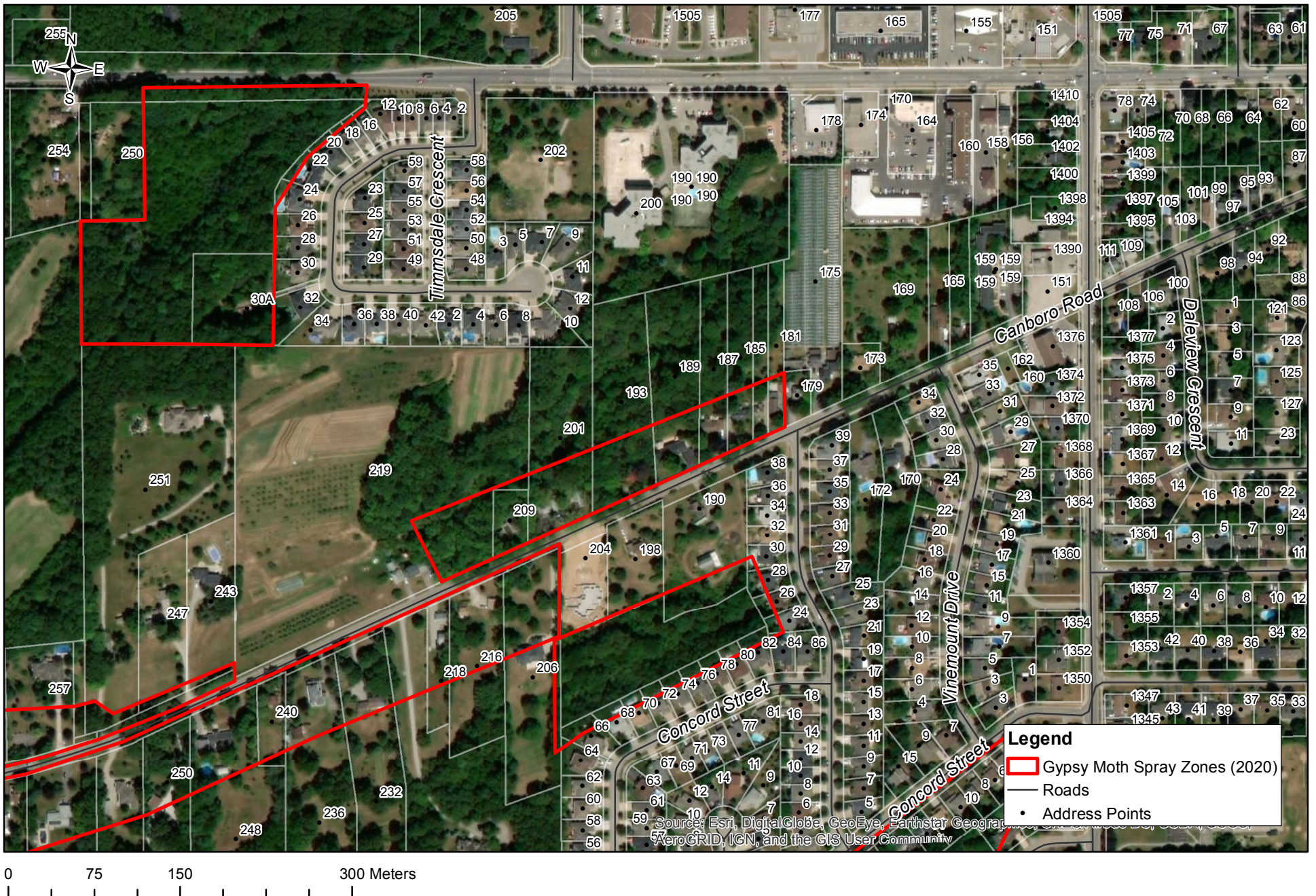


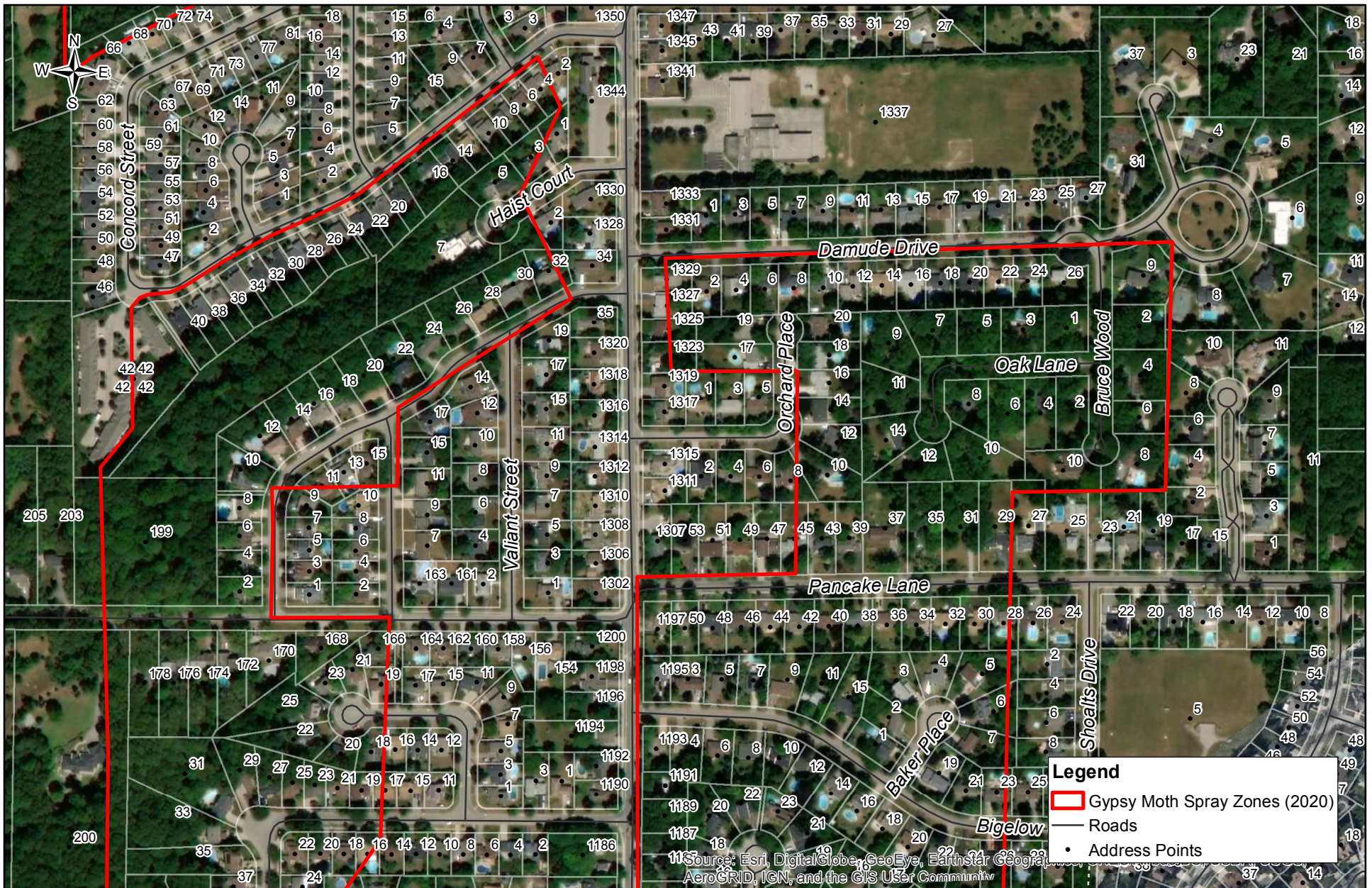


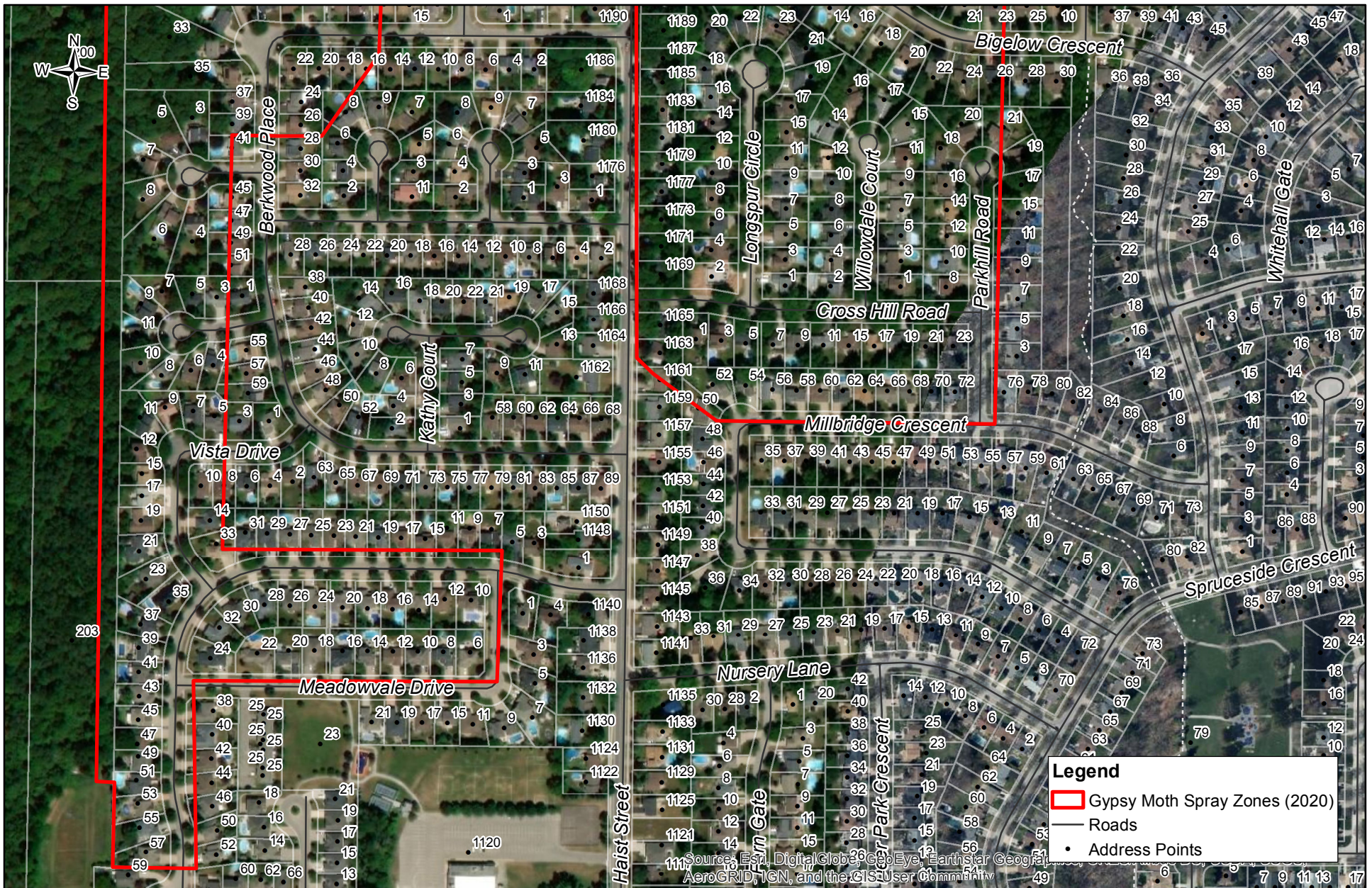




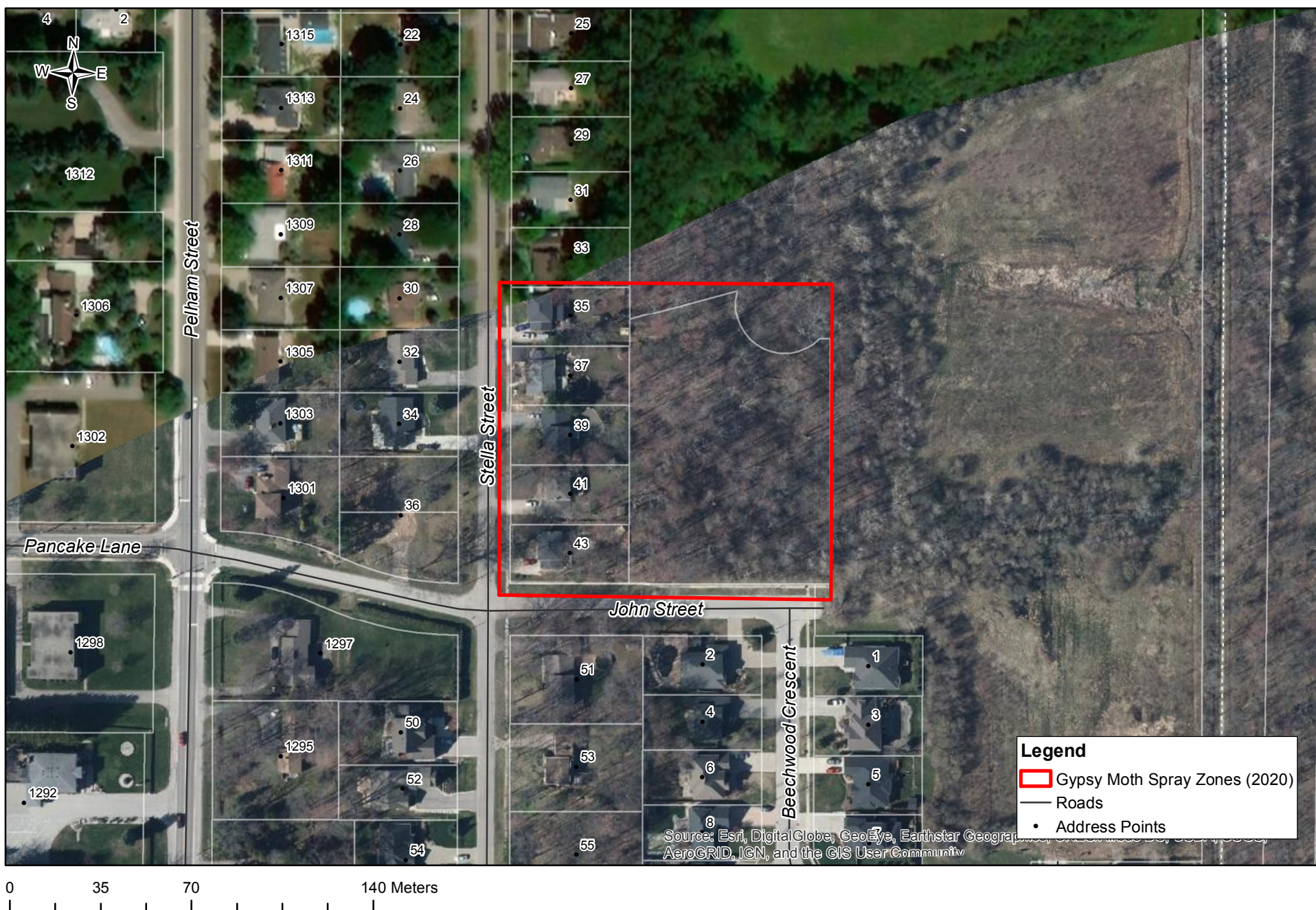








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Ontario
Rett Syndrome
Association
Building Healthy Tomorrows



Honourable Marvin Junkin
Mayor
Town of Pelham
20 Pelham Town Square, P.O. Box 400
Fonthill, ON L0S 1E0

March 10, 2020

Request for Proclamation

Dear Mayor Marvin Junkin or City Clerk

On behalf of the Ontario Rett Syndrome Association (O.R.S.A), and the diagnosed individuals living in the Town of Pelham, I am writing to request your proclamation of the month of October as Rett Syndrome Awareness Month.

Rett Syndrome is a rare neurodevelopment condition that affects mainly females (1 in 10,000 births) and is caused by a mutation in the X chromosome. Individuals with Rett syndrome will lose some if not most acquired skills including speech, and gross and fine motor skills. Some never develop the ability to walk or even talk.

O.R.S.A. exists to ensure that children and adults with Rett syndrome are enabled to achieve their full potential and enjoy the highest quality of life within their community.

This observance gives us a means to focus attention in making it possible for O.R.S.A. to continue public awareness and advocacy, provide parent/family support, operate the Resource Centre, fund research projects through the Hope Fund, host conferences, maintain the Canadian Rett Syndrome Registry, and fund three Rett syndrome clinics in Ontario that provide medical assistance.

If you need anything further, please don't hesitate to contact me by email: smiguel@rett.ca or phone at 519-474-6877.

Thank you for taking the time to consider recognizing and supporting O.R.S.A. as we strive to build "healthy tomorrows" for all Canadians living with Rett syndrome.

Sincerely,

Steve Miguel
Marketing Committee
Ontario Rett Syndrome Association



It is the Ontario Rett Syndrome Association's desire to have the following proclamation considered.

PROCLAMATION

October as Rett Syndrome Awareness Month

WHEREAS Rett Syndrome is a rare neurological condition that is rarely seen in males but is seen almost exclusively in females and is believed to occur in 1:10,000 female births. Parents believe they have a healthy child and the symptoms do not appear until a regression between six to eighteen months of age;

AND WHEREAS throughout their lives these courageous children will need total care and constant support from their family; they will combat many medical challenges. They may have seizures, osteoporosis, scoliosis, breath holding, hyperventilation, nutritional problems and so much more. Apraxia, which is the inability to motor plan, is one of the most challenging aspects of Rett Syndrome along with loss of speech;

AND WHEREAS in 1999 it was discovered that Rett Syndrome is primarily caused by a sporadic mutation in the MECP2 gene on the X chromosome, and since this discovery there are many research projects taking place across Ontario and Canada;

AND WHEREAS as there is no Canadian Rett Syndrome Association, the Ontario Rett Syndrome Association (O.R.S.A.) has members from many provinces across Canada and through donations and fundraising efforts. O.R.S.A. finances the Canadian Rett Syndrome Registry, has funded over \$500,000 in Canadian Rett syndrome research projects, and financially supports the 3 Rett Clinics in Ontario, with one in Ottawa, Toronto and London. The Rett Syndrome clinics provide direct critical support to the families and their child on care and management issues.

NOW THEREFORE, I, [REDACTED], Mayor of the [REDACTED], **DO HEREBY PROCLAIM October 2020 as RETT SYNDROME AWARENESS MONTH** in the [REDACTED]. I urge all citizens to make an effort this month to learn more Rett Syndrome, fight stigma, light Canada purple and wear a purple ribbon to show support.

Dated [REDACTED]

Rett Syndrome Awareness Month

October 2020

WHEREAS, Rett Syndrome is a rare neurological condition that is rarely seen in males but is seen almost exclusively in females and is believed to occur in 1:10,000 female births. Parents believe they have a healthy child and the symptoms do not appear until a regression between six to eighteen months of age;

AND WHEREAS, throughout their lives these courageous children will need total care and constant support from their family; they will combat many medical challenges. They may have seizures, osteoporosis, scoliosis, breath holding, hyperventilation, nutritional problems and so much more. Apraxia, which is the inability to motor plan, is one of the most challenging aspects of Rett Syndrome along with loss of speech;

AND WHEREAS, in 1999 it was discovered that Rett Syndrome is primarily caused by a sporadic mutation in the MECP2 gene on the X chromosome, and since this discovery there are many research projects taking place across Ontario and Canada;

AND WHEREAS, as there is no Canadian Rett Syndrome Association, the Ontario Rett Syndrome Association (O.R.S.A) has members from many provinces across Canada and through donations and fundraising efforts. O.R.S.A finances the Canadian Rett Syndrome Registry, has funded over \$500,000 in Canadian Rett syndrome research projects, and financially supports the 3 Rett Clinics in Ontario, with one in Ottawa, Toronto and London. The Rett Syndrome clinics provide direct critical support to the families and their child on care and management issues.

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim October 2020 as Rett Syndrome Awareness Month.

DATED AT the Town of Pelham this 20th day of April, 2020.

Mayor Marvin Junkin
Town of Pelham

National Day of Mourning

April 28, 2020

WHEREAS, the National Day of Mourning has been recognized since April 28th, 1991;

AND WHEREAS, on April 28th, we pay respect to, and remember, the thousands of workers who have been killed, injured or suffered illness as a result of work-related incidents;

AND WHEREAS, we also honour the many families and friends who have been deeply affected by these tragedies;

AND WHEREAS, according to the Canadian Centre for Occupational Health and Safety in the twenty year period from 1995 to 2014, 18,039 people lost their lives due to work related causes (an average of 902 deaths per year);

AND WHEREAS, the National Day of Mourning has since spread to about 80 countries around the world;

AND WHEREAS, due to the unprecedented event of COVID-19 we are not able to be together in person to honour these workers who remain on our minds and in our hearts. We are not able to shake the hands of those working the front lines and thank them for keeping us safe;

THEREFORE, BE IT RESOLVED THAT the Corporation of the Town of Pelham does hereby proclaim April 28th, 2020 as a Day of Mourning and that flags be lowered to half-mast to honour the lives that have been forever changed or lost as a result of work-related incidents. By working together - employers, workers and our health and safety partners, we can prevent worker injuries and deaths before they occur.

DATED AT the Town of Pelham this 27th day of April, 2020.

Mayor Marvin Junkin
Town of Pelham

Administration

Office of the Regional Clerk

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

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

www.niagararegion.ca

April 3, 2020

CL 5-2020, March 26, 2020
PWC 3-2020, March 11, 2020
Minute Item No. 3.2

Bill Matson, City Clerk
City of Niagara Falls
4310 Queen Street
Niagara Falls, Ontario
L2E 6X5

SENT ELECTRONICALLY

RE: Considerations of City of Niagara Falls Withdrawing from Regional Waste Management Services
Minute Item No. 3.2

Regional Council, at its meeting of March 26, 2020, approved the following recommendation of its Public Works Committee:

1. That the engagement of an outside independent waste management consultant **BE APPROVED** to:
 - review the current practices related to garbage collection and recycling/ recycling materials recovery facility; and
 - to make recommendations on how the system can be made more cost effective and efficient for the taxpayer;
2. That staff **BE DIRECTED** to take the results of the review and work with the newly awarded companies and the operators of the material recovery facility to implement the suggestions over the term of the contract subject to Regional Council approval;
3. That a plan to deal with illegal dumping that could arise as a result of bi-weekly pick-up **BE DEVELOPED** and **IMPLEMENTED**;
4. That a plan to deal with public health problems that could arise as a result of moving to bi-weekly pick-up **BE DEVELOPED** and **IMPLEMENTED**;
5. That this motion **BE CIRCULATED** to the City of Niagara Falls for their endorsement;
6. That Report PW 14-2020 respecting Considerations of City of Niagara Falls Withdrawing from Regional Waste Management Services, **BE RECEIVED** for information; and
7. That this motion **BE CIRCULATED** to the Local Area Municipalities.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann-Marie' followed by a stylized flourish.

Ann-Marie Norio
Regional Clerk
:me

CLK-C 2020-130

cc: Local Area Municipalities

Administration

Office of the Regional Clerk

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

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

www.niagararegion.ca

April 3, 2020

CL 5-2020, March 26, 2020
PEDC 3-2020, March 11, 2020
PDS 9-2020, March 11, 2020

Local Area Municipalities

SENT ELECTRONICALLY

**RE: Niagara Official Plan - Consultation Details and Revised Framework
PDS 9-2020**

Regional Council, at its meeting of March 26, 2020, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 9-2020, dated March 11, 2020, respecting Niagara Official Plan - Consultation Details & Revised Framework, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report PDS 9-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk
:me

CLK-C 2020-133

Subject: Niagara Official Plan - Consultation Details & Revised Framework

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 11, 2020

Recommendations

1. That Report PDS 9-2020 **BE RECEIVED** for information; and
2. That a copy of Report PDS 9-2020 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- This report is a follow up to Report PDS 1-2020 and provides further details on consultation that has occurred to date and additional consultation that will occur and that will contribute to the preparation of draft policy.
- A revised Consultation Timeline Framework is provided which adds local Council workshops, two Public Information Centres (PICs), online surveys and social media engagement.
- Preliminary vision statements and higher level directives, which have been derived from input received to date, have been drafted and will be presented for input as part of the additional consultation outlined above.
- To supplement this report a presentation will be made to the Planning and Economic Development Committee highlighting the contents of the Niagara Official Plan website.

Financial Considerations

Council approved the resources to complete the Niagara Official Plan over a 5 year period as part of the 2017 Budget Process, predominantly funded through Development Charges.

Analysis

This Report follows up on Report PDS 1-2020 which summarized the public/stakeholder consultation gathered to date on the Niagara Official Plan with a focus on the consultation received at the four Public Information Centres in November 2019. At this

meeting the Commissioner of Planning and Development indicated a report would be provided to the Planning and Economic Development Committee highlighting the consultation in further details such as the amount of consultation with Area Planners, local Councils, stakeholder groups and public, as well as provide an overview of the Niagara Official Plan website.

Gathering input from the public and stakeholder groups is an important component of the preparation of the Niagara Official Plan. Another important component is to involve those who will be making recommendations on Plan's adoption and ultimately implementing the Plan. Therefore considerable effort is made to involve Area Planners and local Councils in the process.

Consultation To Date

Consultation details are organized by category in Appendix 1 relative to local Council meetings, meetings with Area Planners, Planning Advisory Committee meetings, workshops with stakeholder groups, indigenous consultation and Public Information Centre (PIC) sessions. However, the following are key consultation detail highlights:

- The key themes that the public identified as being important to address were identified through Imagine Niagara (October 2013 – June 2014). This outreach involved 4,000+ survey responses, 3,700 comments through community events. The results were identified in Appendix 1 of Report PDS 1-2020 and confirmed through much of the Public Information centres carried out in November 2019.
- Throughout 2017, one on one meetings took place with local municipal planners to discuss policy planning issues in general relative to the Regional Official Plan.
- In February 2018, individual meetings took place with local planners to gather input to frame the priority background studies.
- A Special Meeting of Council was also held in July 2018 to hear input on the need for a new Official Plan and what planning matters it could address. A more detailed summary of public comments was provided in Appendix 2 of Report PDS 1-2020.
- Throughout the summer of 2019, there were individual Meetings with local municipal planners and in some cases Economic Development staff to discuss: growth scenarios; urban boundary expansion; and employment land conversion.

- There have been over 15 Area Planners meetings, from 2017 to 2020, where the new Niagara Official Plan, related background studies and related provincial policies have been discussed.
- The Region's Planning Advisory Committee has met six times so far, starting September 2018 providing comments on background work and directives to inform the new Official.
- There have been four meetings with NPCA staff on the Natural Environment Work Program and a presentation to the NPCA Board on September 18, 2019.
- In 2019, eight specific workshop sessions took place with stakeholder groups relative to either the Natural Environment, Housing or Employment Lands Work Plans.
- During 2019 there were two Public information Centre sessions on the Natural Environment Work Program and four on the Official Plan process and background work.
- Staff have travelled to consult with Indigenous groups. There have been eight different meetings in 2019.
- A Climate Change Discussion paper was released in November 2019 for comment. The following groups were contacted to provide input: Climate Change Working Group; Area Planners; stakeholder groups; Indigenous groups; Planning Advisory Committee; subscribers for updates to the Official Plan; Brock University and Niagara Peninsula Conservation Authority.

Refinements to Consultation Timeline Framework

The Consultation Timeline Framework was approved by Council in March 2019. At that time staff indicated that adjustments might be made as the Niagara Official Plan project proceeds. In light of considering the consultation to date, staff have made refinements by adding the following consultation steps during the end of second quarter/beginning of third quarter 2020:

- Workshops with Mayors, Local and Regional Council members to inform on growth allocations, land needs and natural environment options and discuss related issues.

- Two extra PICs to be held at Regional Headquarters on key options, directives/initiatives anticipated to be incorporated in to draft policy.
- Public surveys to gather input on key options, directives/initiatives anticipated to be incorporated in to draft policy. These surveys will be promoted through social media in an attempt to reach people and different demographics who do not attend traditional PICs. Other social media platforms will be explored if the survey responses are not satisfactory.

A revised Consultation timeline framework is attached as Appendix 2.

Preliminary Vision Statements and Higher Level Directives

Planning staff have developed preliminary vision statements and higher level directives for the main sections of the Niagara Official Plan in consideration of all the public input received. Appendix 3 outlines the vision statements and directives relationship to public feedback and Council's Strategic Plan. Planning staff anticipate making these available for public comment during the next public input sessions for the Niagara Official Plan.

New Niagara Official Plan Website

In coordination with the Region's Communications department, a website has been established to support all stages of development of the Niagara Official Plan and provide a platform for staff to share with and gather information from the public and stakeholders. The website is in a constant state of update as work is completed and compiled in support of the Plan's development process. The layout of the website is integrated with the "Making our Mark" branding aesthetic previously developed with the Communications team at the commencement of the project. The website provides a user-friendly platform with options for users to learn about the process of developing the Plan, view materials produced as part of the background work, provide feedback, and subscribe to circulated updates on the Plan's progress.

All submissions made through the website are sent to an email inbox monitored by the Official Plan team members. As Public Information Centres (PICs) are planned, dates and notices are posted at the top of the website homepage. Once the events have occurred, all materials are immediately made available for viewing through the webpage. Additionally, links to topic area specific project pages are also featured on the

website, to allow users to easily find information relevant to certain topic areas such as growth management, rural and natural systems, and archaeology. Contact information is provided on these pages as well.

Alternatives Reviewed

There are no alternatives to this report which provides further consultation details to Report PDS 1-2020 and highlights additional consultation, relative to options and key policy directives, to add to the Consultation Timeline Framework approved by Council in March 2019. Vision statements and high level directives are preliminary and are drafted to receive public input.

Relationship to Council Strategic Priorities

The Niagara Official Plan is important to address Council's priority as a Sustainable Engaging Government. The Plan will address Council's other priorities, being: Supporting Businesses and Economic Growth; Healthy and Vibrant Community; and Responsible Growth and Infrastructure Planning.

Other Pertinent Reports

PDS 1-2020 New Niagara Official Plan-Public Consultation Summary
PDS 33-2019 Growth Management Program Update for New Official Plan
PDS 9-2019 New Official Plan Consultation Timeline Framework
CWCD 421-2019 New Niagara Official Plan Updates

Prepared by:

Dave Heyworth, MCIP, RPP
Official Plan Policy Consultant
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner of Planning and
Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Lindsey Savage, Senior Planner, and Karen Costantini, Planning Analyst and reviewed by Doug Giles, Director of Long Range and Community Planning.

Appendices

Appendix 1	External meetings and consultations	Page 6
Appendix 2	Consultation Timeline Framework	Page 12
Appendix 3	Alignment of Draft Vision and Directives	Page 13

Appendix 1 –

Niagara Official Plan: External Meetings and Consultations

Meetings with Local Planners: Planning Issues for new Niagara Official Plan

Meeting Date	Municipality
September 15, 2017	Niagara-on-the-Lake
September 28, 2017	Fort Erie
September 29, 2017	Niagara Falls
September 29, 2017	Thorold
October 12, 2017	West Lincoln
October 12, 2017	Pelham
October 16, 2017	Lincoln
October 16, 2017	Grimsby
October 17, 2017	Welland
October 29, 2017	St. Catharines
November 3, 2017	Wainfleet

*September 15, 2017 Greater Niagara Chamber of Commerce

*October 19, 2017 Niagara Peninsula Conservation Authority

Area Planners Meetings

Meeting Date	Official Plan Topic(s)
July 24, 2017	<ul style="list-style-type: none"> • Municipal Comprehensive Review • Niagara Official Plan • Growth Plan – Employment Lands Strategy
August 25, 2017	<ul style="list-style-type: none"> • Provincial Policy • Greater Golden Horseshoe – Agricultural System and Natural Heritage System
October 27, 2017	<ul style="list-style-type: none"> • Niagara Official Plan Update – Employment Areas and Employment Lands Strategy
November 17, 2017	<ul style="list-style-type: none"> • Land Needs Methodology • Growth Plan – Agricultural Impact Assessment and Natural heritage System
January 26, 2018	<ul style="list-style-type: none"> • Land Needs Assessment • Process for Individual Urban Boundary Expansion Requests • Urban Structure • Employment Lands Strategy

Meeting Date	Official Plan Topic(s)
	<ul style="list-style-type: none"> • Housing • Natural Environment • Aggregates • Agriculture • Climate Change
March 16, 2018	<ul style="list-style-type: none"> • Natural Environment Framework • Agriculture Framework • Climate Change Framework • Watershed Planning • MNR Species at Risk
June 22, 2018	<ul style="list-style-type: none"> • Greenbelt Alternative Land Use Analysis • Urban Boundary Expansion Requests
September 28, 2018	<ul style="list-style-type: none"> • Niagara Official Plan – Open Houses • Secondary Plans • 2016 Census Population
January 25, 2019	<ul style="list-style-type: none"> • Regional Official Plan Amendment – Exemptions from Approval • Niagara Official Plan Update • Rural Lots
March 22, 2019	<ul style="list-style-type: none"> • Niagara Official Plan Consultation Strategy • Growth Plan Comments
July 11, 2019	<ul style="list-style-type: none"> • New Growth Plan – Employment Land Conversion and Urban Expansion Criteria
July 26, 2019	<ul style="list-style-type: none"> • Niagara Official Plan Update • Employment Land • Housing • Urban Strategy • Land Needs • Natural Environment • Agriculture • Aggregates • Climate Change
September 27, 2019	<ul style="list-style-type: none"> • Niagara Official Plan – Public Information Centres • Employment Land Strategy and Regional Official Plan Amendment 16 • Provincially Significant Employment Zones

Meeting Date	Official Plan Topic(s)
January 24, 2020	<ul style="list-style-type: none"> • Niagara Official Plan – Update on Consultation • Employment Land Strategy and Regional Official Plan Amendment 16

Meetings with Local Municipal Planners

Meeting Date	Official Plan Topic(s)
February 2018 (Various Dates)	<ul style="list-style-type: none"> • Individual Meetings with Local Municipal Planners to discuss: <ul style="list-style-type: none"> ○ Key Issues Relative to Framing of Background Studies
June 27, 2018	<ul style="list-style-type: none"> • Meeting with Niagara Parks Commission Senior Staff to discuss: <ul style="list-style-type: none"> ○ Background Studies for Official Plan
Summer 2019 (Various Dates)	<ul style="list-style-type: none"> • Individual Meetings with Local Municipal Planners (and in some cases Economic Development) to discuss: <ul style="list-style-type: none"> ○ Growth Scenarios ○ Urban Boundary Expansion ○ Employment Land Conversion

Niagara Peninsula Conservation Authority Meetings

Meeting Date	Official Plan Topic(s)
February 2018	Meeting with NPCA Staff – Natural Environment Work Program
June 6, 2019	Meeting with NPCA Senior Staff – Natural Environment Work Program
June 13, 2019	Meeting with NPCA Technical Staff – Natural Environment Work Program
July 23, 2019	Meeting with NPCA Technical Staff – Natural Environment Work Program
September 18, 2019	Presentation to NPCA Board – Natural Environment Work Program

Local Council Presentations

Meeting Date	Municipality
May 22, 2018	Pelham
May 29, 2018	Wainfleet
June 4, 2018	Niagara-on-the-Lake

Meeting Date	Municipality
June 5, 2018	Thorold
June 12, 2018	Welland
June 18, 2018	Fort Erie
June 19, 2018	Niagara Falls
June 25, 2018	Port Colborne
July 9, 2018	Lincoln
July 23, 2018	West Lincoln
August 13, 2018	St. Catharines
September 11, 2018	Grimsby
April 15, 2019	St. Catharines
April 23, 2019	Fort Erie
May 6, 2019	Grimsby
May 7, 2019	Thorold
May 13, 2019	Niagara-on-the-Lake
May 14, 2019	Niagara Falls
May 27, 2019	Port Colborne
May 28, 2019	Wainfleet
June 3, 2019	Pelham
June 10, 2019	West Lincoln
June 11, 2019	Welland
June 17, 2019	Lincoln

Workshops/Sessions

Meeting Date	Official Plan Topic(s)
March 25 and 26, 2019	Niagara Housing Data Consultation Sessions with Local Municipal Planners
May 3, 2019	Natural Environment Workshop with Development Community, Consultants, and Local Planning Staff
May 16, 2019	Natural Environment Workshop with Agricultural Community
May 16, 2019	Natural Environment Workshop with Environmental Stakeholder Groups
June 6, 2019	Housing Database/Market Analysis and Scenario Development Workshop with Area Planners and Local Municipal Staff
October 8, 2019	Employment Strategy Municipal Workshop with Area Planners
October 10, 2019	Employment Strategy Industry Workshop with Industry Stakeholders

Meeting Date	Official Plan Topic(s)
February 25, 2020	Employment Area Strategy Update and Q/A Session with Industry Stakeholders

Public Information Centres

Meeting Date	Official Plan Topic(s)
May 30, 2019	Natural Environment – Public Information Centre (West Lincoln)
June 6, 2019	Natural Environment – Public Information Centre (Welland)
November 6, 2019	Niagara Official Plan Background Initiatives – Public Information Centre (Thorold)
November 7, 2019	Niagara Official Plan Background Initiatives – Public Information Centre (Niagara Falls)
November 13, 2019	Niagara Official Plan Background Initiatives – Public Information Centre (Grimsby)
November 14, 2019	Niagara Official Plan Background Initiatives – Public Information Centre (Fort Erie)

Planning Advisory Committee Meetings

Meeting Date	Official Plan Topic(s)
September 12, 2018	<ul style="list-style-type: none"> • Welcome and Introductions • Planning Areas of Responsibility • Planning Advisory Committee – Points of Interest • Official Plan Framework and Document Structure • Official Plan Themes – Key Priority Background Studies • Urban Structure
November 14, 2018	<ul style="list-style-type: none"> • Provincial Workshop Overview • Natural Environment • Urban Structure • Secondary Plans – Content and Performance Measures
March 20, 2019	<ul style="list-style-type: none"> • Provincial Planning Policy Restructuring • Update on Employment Lands Strategy • Performance Measures/Urban Structure and Secondary Plans
August 14, 2019	<ul style="list-style-type: none"> • Housing Strategy • Draft Vision and Directives
October 23, 2019	<ul style="list-style-type: none"> • Archaeological Management Plan

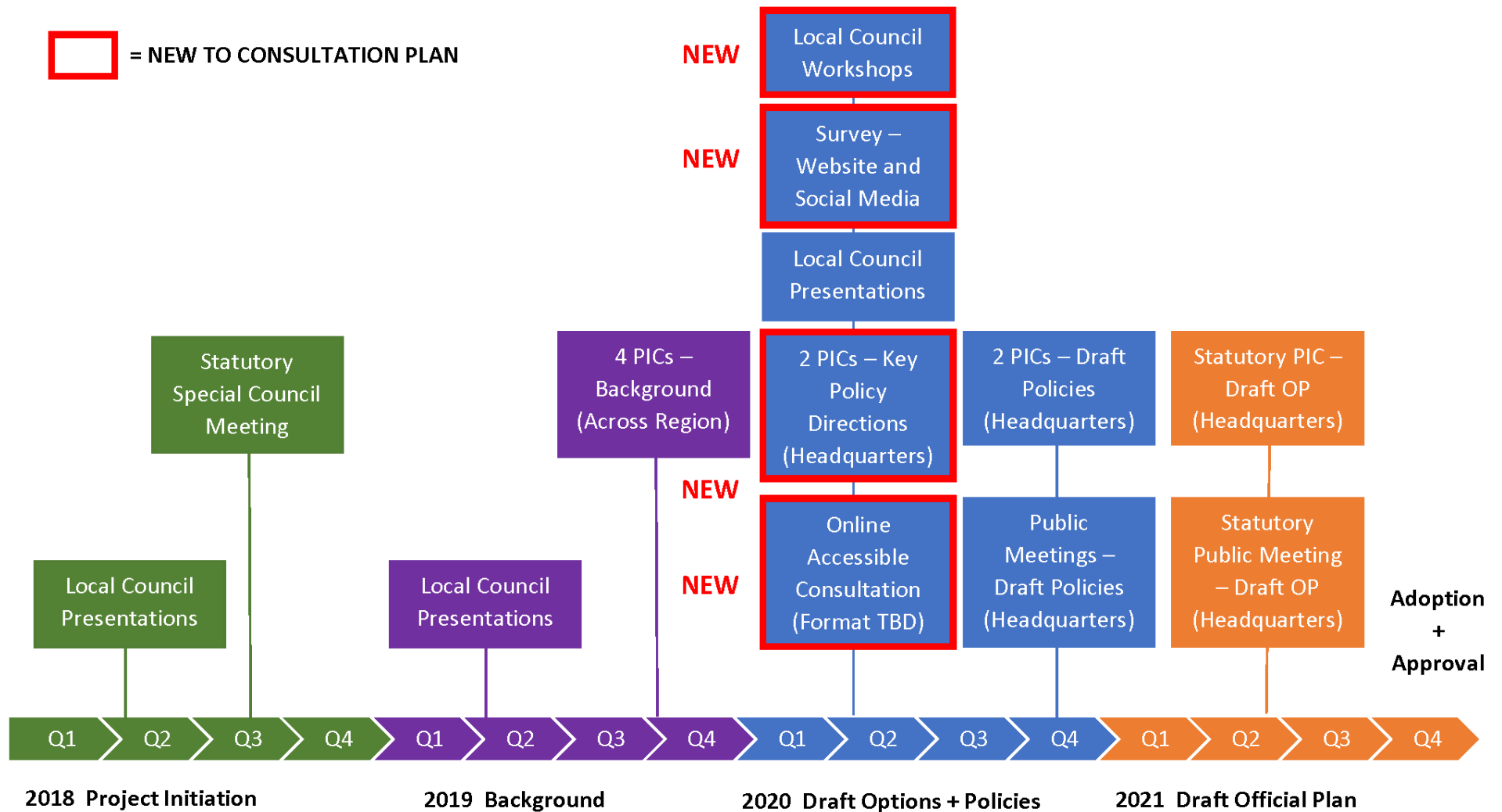
Meeting Date	Official Plan Topic(s)
	<ul style="list-style-type: none"> • Employment Lands Strategy • Vision and Directives • Proposed Provincial Policy Changes
January 15, 2020	<ul style="list-style-type: none"> • Climate Change • Official Plan Consultation Feedback

Meetings with Indigenous Groups

Meeting Date	Indigenous Group and Topic(s)
May 1, 2019	Six Nations Elected Council – Niagara Official Plan
May 1, 2019	Haudenosaunee Development Institute – Niagara Official Plan
May 7, 2019	Fort Erie Friendship Centre – Niagara Official Plan
May 29, 2019	Niagara Region Métis Council – Niagara Official Plan
June 5, 2019	Niagara Regional Native Centre – Niagara Official Plan
June 11, 2019	Mississauga of the Credit First Nation – Niagara Official Plan
August 21, 2019	Mississauga of the Credit First Nation – Regional Archaeological Management Plan
August 21, 2019	Haudenosaunee Development Institute – Regional Archaeological Management Plan

Appendix 2 – Niagara Official Plan – Consultation Timeline

 = NEW TO CONSULTATION PLAN



Engagement with Area Planners, Indigenous Partners and Stakeholders Ongoing

Appendix 3

Alignment of Draft Vision and Directives with Public Consultation Results and Council Strategic Plan

Draft Vision and Directives	Public Consultation Results Public Information Centres – Nov. 2019	Council Strategic Plan 2019-2022
Draft Vision:		
EXCEPTIONAL development and communities	<ul style="list-style-type: none"> Interest in well-planned, high quality development in appropriate locations that improves our communities, while protecting what's valuable 	<ul style="list-style-type: none"> Objective 2.1- enhance community wellbeing
DIVERSE housing types, jobs and population	<ul style="list-style-type: none"> Significant focus on achieving a greater mix of housing types, including affordable housing, for individuals and families living, studying and working in Niagara 	<ul style="list-style-type: none"> Objective 2.3- addressing affordable housing needs
THRIVING agriculture and tourism	<ul style="list-style-type: none"> Interest in leveraging the GO Train to boost tourism and advancing economic opportunities associated with agriculture and nature-based ecotourism 	<ul style="list-style-type: none"> Objective 1.1- economic growth and development Objective 1.4- strategically target industry sectors
RESILIENT urban and natural areas	<ul style="list-style-type: none"> Strong emphasis on the importance of protecting the natural environment and enhancing resilience of urban areas to mitigate and adapt to climate change 	<ul style="list-style-type: none"> Objective 3.2- environmental sustainability and stewardship
Draft Directives:		
GROWING REGION #1 Manage growth strategically and diversify the housing stock to accommodate all ages and incomes	<ul style="list-style-type: none"> Interest in directing growth to appropriate locations supported by infrastructure and servicing, and achieving a greater mix of housing types to support affordability, such as semi-detached dwellings, row housing and apartment buildings 	<ul style="list-style-type: none"> Objective 2.3- addressing affordable housing needs

Draft Vision and Directives	Public Consultation Results Public Information Centres – Nov. 2019	Council Strategic Plan 2019-2022
VIBRANT REGION #2 Elevate the livability and engaging qualities of communities, facilities and attractions	<ul style="list-style-type: none"> Interest in proactive planning and design excellence that improves community livability, while celebrating Niagara's unique features and cultural assets 	<ul style="list-style-type: none"> Objective 2.1- enhance community wellbeing
CONNECTED REGION #3 Provide connections within and between communities and outside of the region	<ul style="list-style-type: none"> Strong emphasis on the importance of infrastructure to support growth, and enhancing public transit and active transportation opportunities 	<ul style="list-style-type: none"> Objective 3.1- advancing regional transit and GO rail service Objective 3.3- maintain existing infrastructure Objective 3.4- facilitating the movement of people and goods
COMPETITIVE REGION #4 Plan and manage growth to position Niagara for economic prosperity	<ul style="list-style-type: none"> Significant interest in managing resource extraction and rehabilitation wisely, as well as protecting employment lands and supporting economic opportunities through investments in transit and tourism 	<ul style="list-style-type: none"> Objective 1.1- economic growth and development Objective 1.4- strategically target industry sectors
SUSTAINABLE REGION #5 Enhance the sustainability and resilience of Niagara's built and natural environment	<ul style="list-style-type: none"> Strong emphasis on protection and enhancement of the natural environment and opportunities within urban areas to both mitigate and adapt to climate change to build resilience 	<ul style="list-style-type: none"> Objective 3.2- environmental sustainability and stewardship

Administration

Office of the Regional Clerk

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

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www.niagararegion.ca

April 3, 2020

CL 5-2020, March 26, 2020
PEDC 3-2020, March 11, 2020
PDS 4-2020, March 11, 2020

DISTRIBUTION LIST

SENT ELECTRONICALLY

**RE: Development Applications Monitoring Report - 2019 Year End
PDS 4-2020**

Regional Council, at its meeting of March 26, 2020, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 4-2020, dated March 11, 2020, respecting Development Applications Monitoring Report - 2019 Year End, **BE RECEIVED** and **BE CIRCULATED** to Local Area Municipalities, the Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

A copy of Report PDS 4-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk

:me

CLK-C 2020-131

Distribution List:

- Local Area Municipalities
- Niagara Peninsula Conservation Authority
- Niagara Home Builders Association
- Niagara Industrial Association
- M. Balsom, President/CEO, Greater Niagara Chamber of Commerce
- D. Fabiano, Executive Director, Niagara Falls Chamber of Commerce, Port Colborne/Wainfleet Chamber of Commerce, Welland/Pelham Chamber of Commerce
- J. Thomson, Niagara-on-the-Lake Chamber of Commerce
- Greater Fort Erie Chamber of Commerce
- G. Willis, President, Grimsby Chamber of Commerce
- D. Potter, Executive Director, West Lincoln Chamber of Commerce
- J. D'Amico, Chair, Niagara Board of Trade and Commerce

S. Mabee, Niagara District School Board
M. Ladouceur, Conseil scolaire Viamonde
S. Whitwell, Niagara Catholic District School Board
A. Aazouz, Conseil Scolaire de District Catholique Centre-Sud
A. Butler, Senior Planner, Planning & Development Services
R. Mostacci, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: Development Applications Monitoring Report - 2019 Year End

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 11, 2020

Recommendations

1. That Report PDS 4-2020 **BE RECEIVED** for information; and,
2. That a copy of Report PDS 4-2020 **BE CIRCULATED** to Local Area Municipalities, the Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to inform Regional Council of 2019 development application activity in Niagara Region.
- Regional Development Planning and Engineering staff reviewed 629 development applications in 2019.
- Regional Development Planning and Engineering staff provided comments for 613 pre-consultation meetings in 2019.
- The Region received \$879,832 in review fees for development applications in 2019 (19% decrease from 2018 fees).

Financial Considerations

There are no direct financial implications associated with this report.

Analysis

Development Applications

Regional Development Services staff reviewed 629 development applications in 2019, representing a 12% decrease from the 2018 total of 718. Figure 1 illustrates the number of applications considered by Development Planning and Engineering staff from 2013 to 2019. These development applications are circulated to the Region based on Provincial legislation requirements and the existing Memorandum of Understanding (MOU) between the Region and Local Area Municipalities for planning in Niagara. This may be attributed, in part, to uncertainty in the development industry as a result of local interim control by-laws passed by certain municipalities and to the development industry wanting to see the proposed Provincial changes to the Development Charges Act.

Staff expects the total number of development applications to be higher in 2020 than in 2019. It should also be noted that in 2020 and beyond, Planning and Development Services has the ability to waive its review function on certain types of minor development applications in local municipalities. This represents an effort to increase efficiency in the planning review function in Niagara and is a result of recent changes to the Memorandum of Understanding between the Niagara Region and Local Area Municipalities.

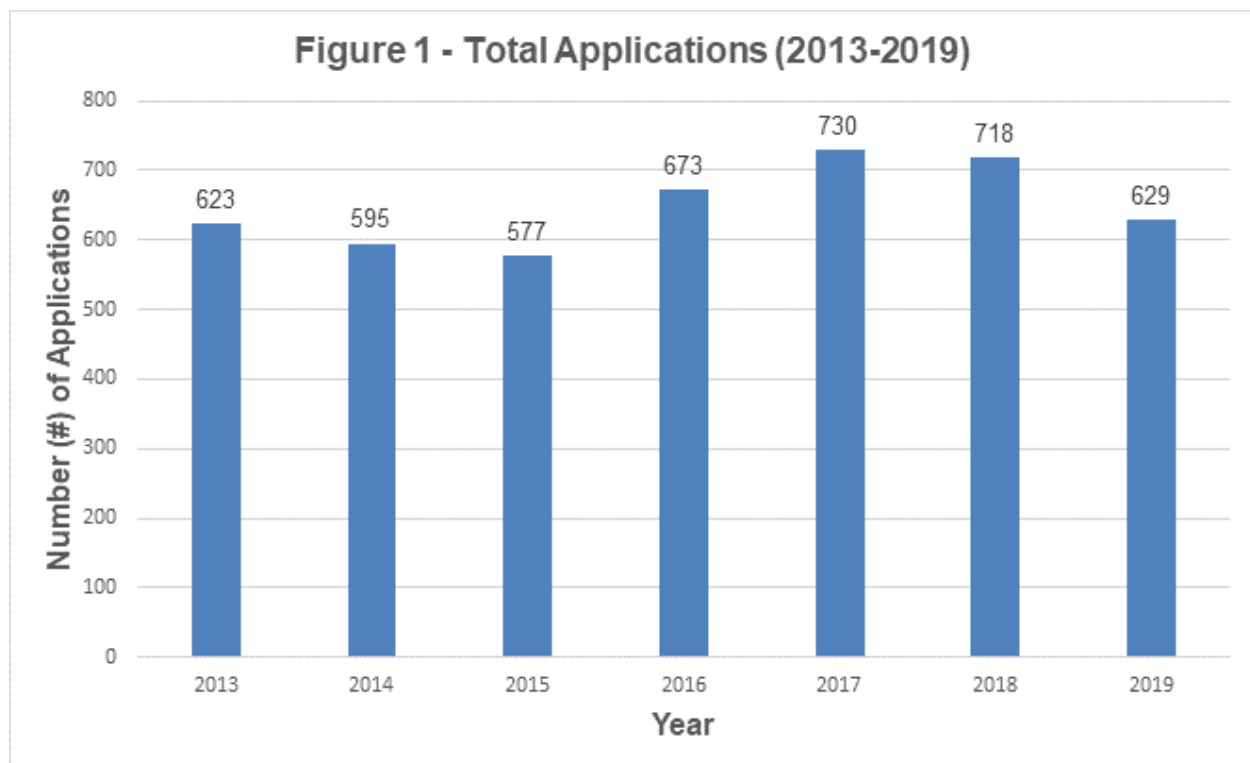
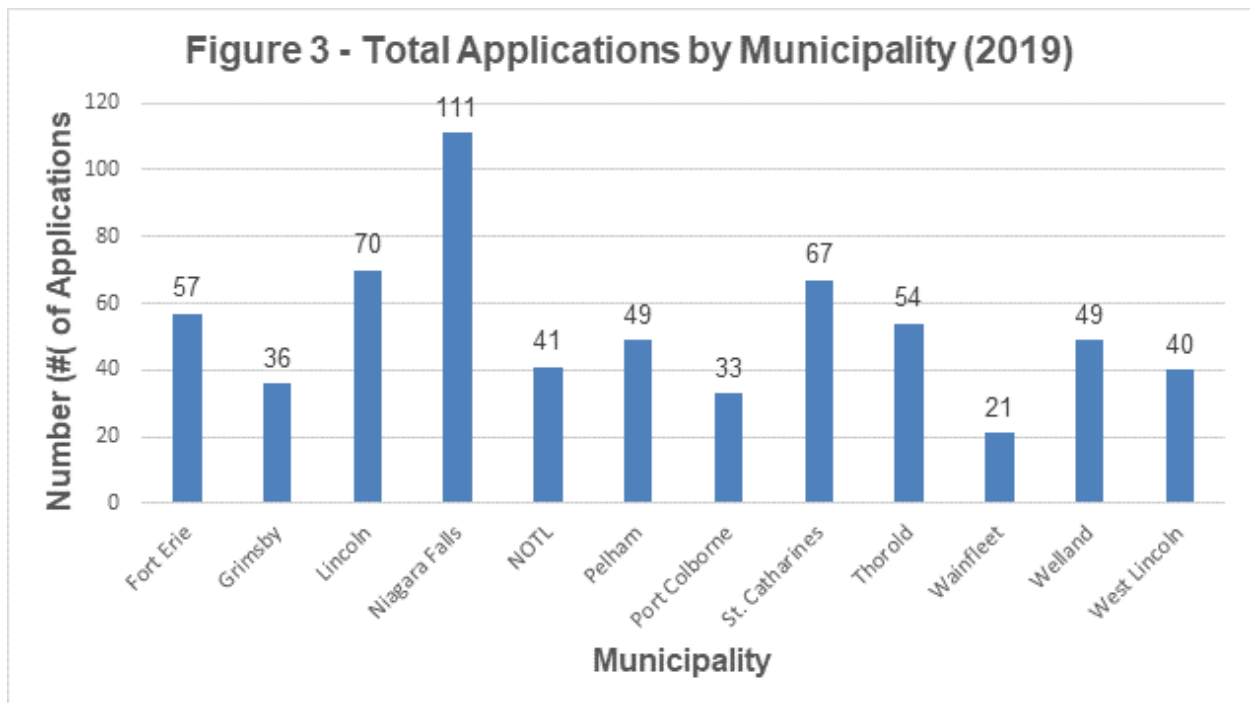
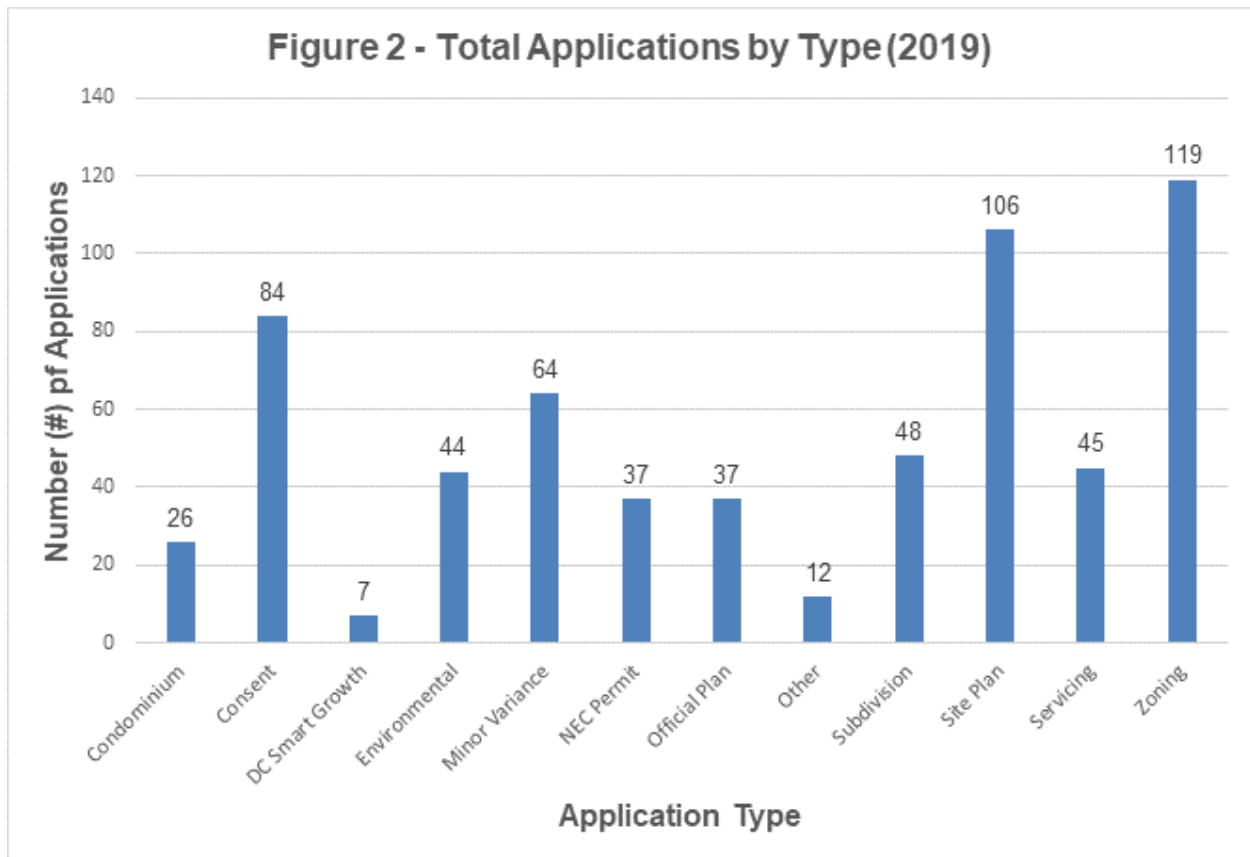


Figure 2 below provides the breakdown of development applications, by type, reviewed by Regional staff in 2019. Some complex development proposals often require multiple planning approvals. As an example, subdivision and condominium applications may also need amendments to the municipal Official Plan and/or Zoning By-law to facilitate the development. The categories with the most applications considered by Regional staff were Zoning By-law Amendments (119), followed by Site Plans (106), Consents (84), and Minor Variances (64).



The distribution of applications circulated to the Region by local municipalities during 2019 is shown on Figure 3. This information indicates relatively high levels of development activity in several communities. The municipalities with the most applications circulated to the Region in the year were Niagara Falls (111), Lincoln (70), St. Catharines (67), Fort Erie (57) and Thorold (54). As stated previously, application volumes were lower in 2019 compared to recent years; few municipalities experienced an increase in volume from 2018 to 2019.

Despite the reduced application volumes, Regional Development Services staff was involved in reviewing several complex development applications, as highlighted later in this report, which often requires more extensive review functions. This can include, among other tasks, internal staff discussions as well as meetings/discussions with the local area municipality, developer and/or consulting team to discuss and resolve issues that can result in the submission and review of revised plans and/or technical studies, and preparation of follow-up Regional comments.

Pre-consultation Meetings

Development Services staff are scheduled to attend regular pre-consultation meeting sessions two days each month in each local municipal office. These meetings are intended to determine complete application submission requirements and assist in the processing of applications. Developers, property owners, local staff and agencies are normally present at pre-consultation meetings. In 2019, Regional staff attended 613 pre-consultation meetings which is a 12% increase from the 2018 total (see Figure 4). Generally, the number of pre-consultation meetings is an indicator of future development applications; accordingly, staff expect development application numbers to increase in 2020 from 2019.

Figure 5 illustrates the number of pre-consultation meetings by municipality in 2019 that involved Regional staff. The municipalities with the highest levels of pre-consultation activity were Fort Erie and (94) and Niagara Falls (93), followed by West Lincoln (64) Welland (63) and Niagara-on-the-Lake (55).

Figure 4 - Preconsultation Meetings (2013-2019)

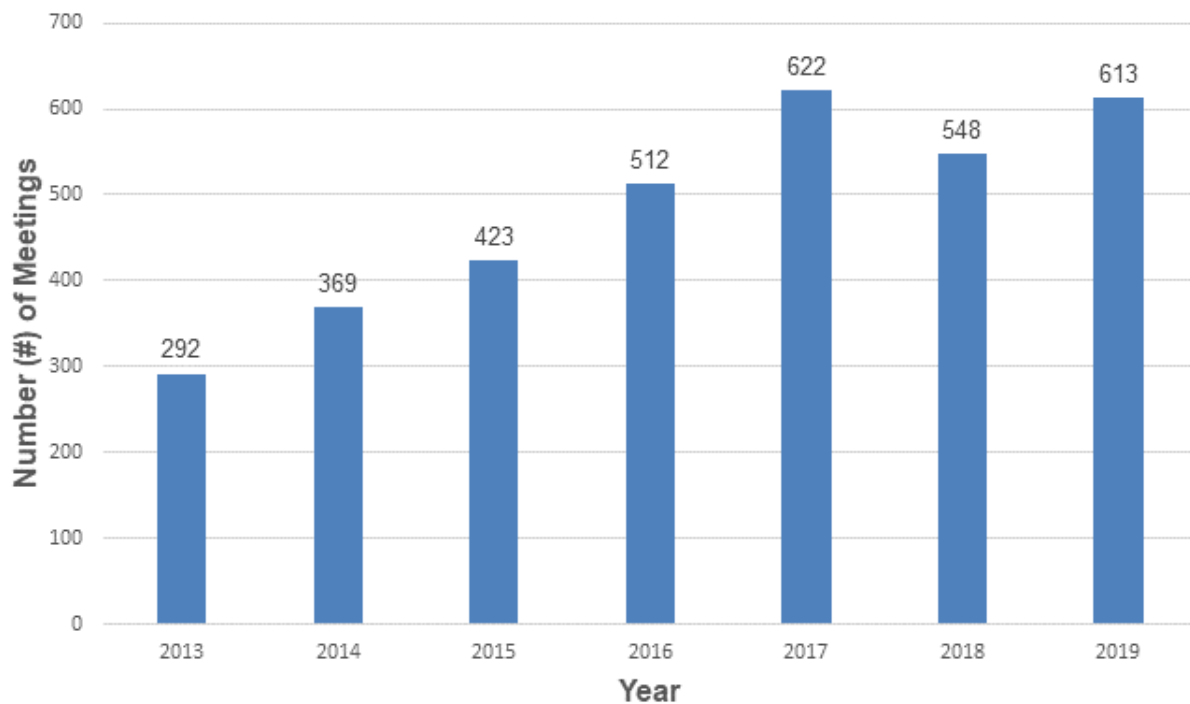
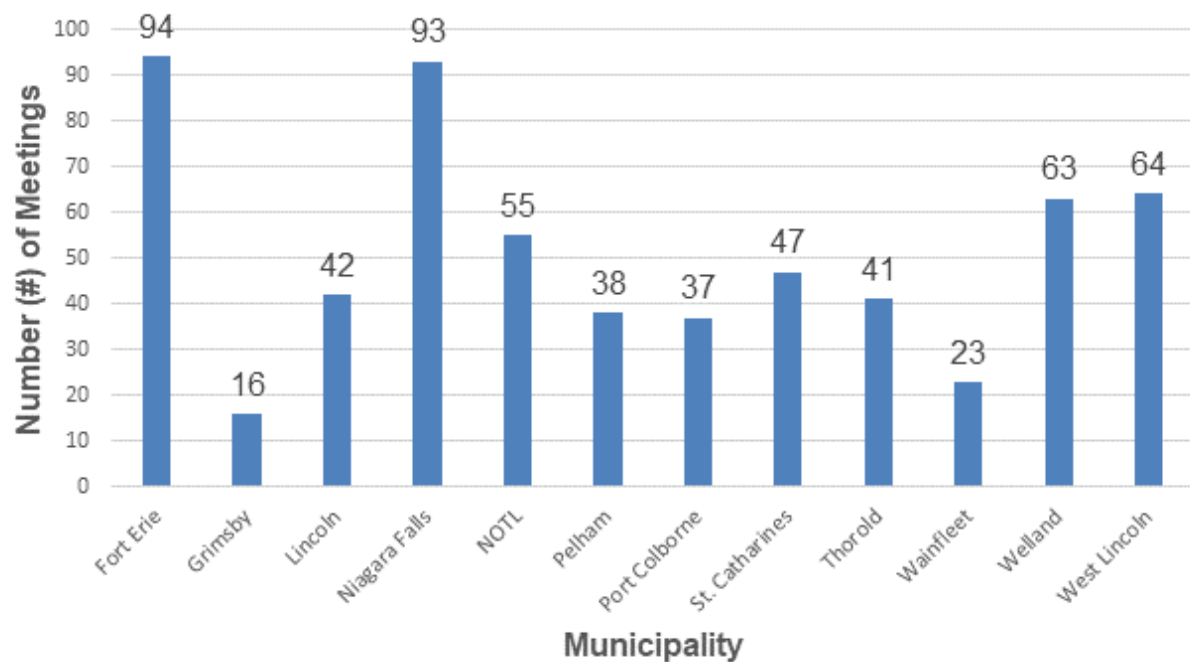
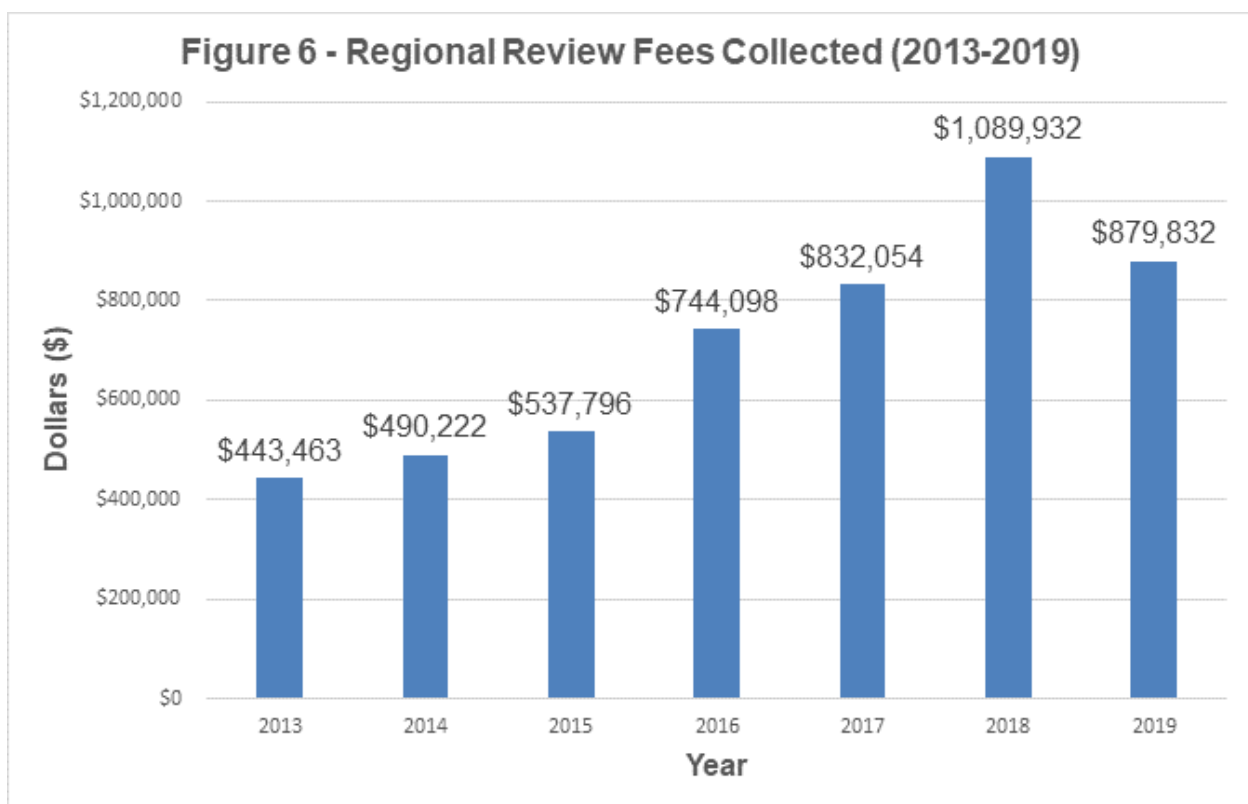


Figure 5 - Preconsultation Meetings by Municipality (2019)



Regional Review Fees

Regional review fees are intended to offset Regional costs for the development review service. Figure 6 summarizes the fees collected between 2013 and 2019 for the Regional review of development applications. The 2019 total of \$879,832 represents a decrease of 19% from 2018, which relates to the decrease in total number of applications. As the total volume of development applications will likely increase from 2019 to 2020, development review fees are also expected to increase, although not to the 2018 level.



Application Review Timelines

Timeline response targets for municipal and agency files vary according to application type (complexity) and are established by Planning Act regulations and the Memorandum of Understanding between the Region and the Local Area Municipalities. The Region consults with municipal staff to establish local priorities and in several cases, extensions were granted to initial comment periods. This arrangement allowed for the resolution of issues, submission of additional information where required and addressed workload demands. Based on this consultation and cooperation with local municipal staff, Regional staff provided review comments satisfying timeline targets for

90% of all Development Planning and Engineering applications with due dates in 2019. Committees of Adjustment applications (i.e., consent and minor variances) represented almost one-third of responses which were past the timeline target. Committee of Adjustment review processes are often condensed and commonly result in delayed comments. In all cases, Regional staff communicate with local staff when timeline targets will not be met.

Current Major Development Applications

Planning and Development Services Staff participated in the review of a number of major development applications in 2019, highlighted in the table below.

Municipality	Application	Developer	Details	Status
Grimsby	Fifth Wheel site redevelopment; Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision	Losani Homes	6 mixed use buildings with 1,240 residential units and 46,000 ft ² of employment space; 36 townhouse units; 19,500 ft ² of commercial space; 2.25 ha of parkland and open space	In process; Public Meeting held on January 28, 2020
Lincoln	Prudhommes Landing site Redevelopment; Zoning By-law Amendment and Draft Plan of Subdivision	FBH Ontario Inc.	Estimated total of 1,173 residential units; single-detached, semi-detached, townhouse and apartment units; 3.92 ha of open space; 3.88 ha of natural area	Draft Plan of Subdivision Approved

Municipality	Application	Developer	Details	Status
Niagara Falls	Riverfront Residential Community; Zoning By-law Amendment and Draft Plan of Subdivision	GR (CAN) Investments Ltd.	Estimated total of 1,045 residential units; single-detached, semi-detached, townhouse and apartment units; 1.86 ha of parkland and open space; 17 ha of natural area	In process; Public Meeting to be scheduled
Niagara Falls	Splendour Residential Development; Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision	Cobas Developments Inc.	104 single-detached dwellings; 16 semi-detached; 148 townhouses; 1 block for future school(s) site	Draft Plan of Subdivision Approved
Niagara Falls	New South Niagara Hospital; Campus Plan	Niagara Health System	Campus Planning for new Niagara South Hospital site	Campus Plan finalized in September 2019; incorporated into Ministry of Health Functional Program Submission
Thorold	Canada Summer Games Complex; Site Plan	Games Operations, 2021 Canada Summer Games	Canada Summer Games Building and Playing Fields	Site Plan Approved; site works in progress

Municipality	Application	Developer	Details	Status
Welland	Hunter's Pointe Golf Course Redevelopment; Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision	2599587 Ontario Ltd.	735 single-detached dwellings; 250 townhouses; 170 residential units and 60,000 ft ² of commercial space within mixed use buildings	In process; Public Meeting to be scheduled

Commissioner Comments

In order to review service delivery and ensure Regional Planning continues to add value to the application review and approval process for local municipalities and developers/investors, an update to the Memorandum of Understanding (MOU) with the Local Area Municipalities was completed in 2019 and is now endorsed by all municipalities and in effect.

The increased level of development in recent years represents a “*new normal*” for the Region. Regional Development Planning has adjusted its approach and practices to be solution oriented and proactive. By providing ongoing support to our local Municipalities, the Region strives to realize complete community planning outcomes that encourage the best possible development throughout the Region. The Urban Design review function within Development Planning is a key component to elevate the quality of development in Niagara and achieve industry leading results, reflecting positively on the Niagara brand.

It is important to keep in mind that the development approval process is not intended to be a substitute for community planning. In the past, some municipalities have only relied on the development approval to achieve their land use objectives, mainly due to resource and staffing constraints. This is not a best practice and undesirable on a go forward basis. Municipalities should anticipate more growth and invest and increase their capacity for proactive planning such as Secondary Plans and Neighbourhood Plans in order to manage that growth, achieve desirable results and meet community expectations. In the coming years, local municipalities will also be challenged to respond to updated Provincial plans and policies as well as the new Regional Official Plan, likely causing even further demand for staffing and resources.

Alternatives Reviewed

None.

Relationship to Council Strategic Priorities

This report provides information on development application activity that contributes to strong economic prosperity throughout the communities within the Niagara Region and supports a sustainable and engaging government through ensuring high quality, efficient and coordinated core services.

Other Pertinent Reports

- PDS 3-2019: Development Applications Monitoring Report - 2018 Year End
- PDS 21-2019: 2018 End of Year Growth Report

Prepared by:

Aaron Butler, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Pat Busnello, MCIP, RPP, Manager, Development Planning and Diana Morreale, MCIP, RPP, Director, Development Approvals.

Administration

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www.niagararegion.ca

April 3, 2020

CL 5-2020, March 26, 2020
PEDC 3-2020, March 11, 2020
PDS 5-2020, March 11, 2020

DISTRIBUTION LIST

SENT ELECTRONICALLY

**RE: Niagara Region 2019 Employment Inventory Results Report
PDS 5-2020**

Regional Council, at its meeting of March 26, 2020, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 5-2020, dated March 11, 2020, respecting Niagara Region 2019 Employment Inventory Results, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, Local Economic Development Offices, Niagara Workforce Planning Board and the Niagara Chambers of Commerce.

A copy of Report PDS 5-2020 is enclosed for your information.

Yours truly,



Ann-Marie Norio
Regional Clerk
:me

CLK-C 2020-132

Distribution List:

- Local Area Municipalities
- D. Degazio, Manager, Economic Development, City of Welland
- C. Grummett, General Manager, Fort Erie Economic Development & Tourism Services
- P. Di Ianni, Economic Development, Town of Lincoln
- S. Felicetti, Director, Business Development, City of Niagara Falls
- J. Douglas-Kameka, Economic Development Officer, City of Port Colborne
- B. York, Director, Economic Development & Government Relations - City of St. Catharines
- Niagara Workforce Planning Board
- M. Balsom, President/CEO, Greater Niagara Chamber of Commerce
- D. Fabiano, Executive Director, Niagara Falls Chamber of Commerce, Port Colborne/Wainfleet Chamber of Commerce, Welland/Pelham Chamber of Commerce

J. Thomson, Niagara-on-the-Lake Chamber of Commerce
Greater Fort Erie Chamber of Commerce
G. Willis, President, Grimsby Chamber of Commerce
D. Potter, Executive Director, West Lincoln Chamber of Commerce
J. D'Amico, Chair, Niagara Board of Trade and Commerce
K. Provost, Economic Development Officer, Niagara Region
V. Kuhns, Acting Director, Economic Development, Niagara Region
J. Docker, Planner, Planning & Development Services
R. Mostacci, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: Niagara Region 2019 Employment Inventory Results

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 11, 2020

Recommendations

1. That Report PDS 5-2020 respecting the 2019 Niagara Region Employment Inventory Results report **BE RECEIVED** for information; and
2. That a copy Report PDS 5-2020 **BE CIRCULATED** to the Local Area Municipalities, Local Economic Development Offices, Niagara Workforce Planning Board and the Niagara Chambers of Commerce.

Key Facts

- This report highlights the key performance indicators of the data collected during the 2019 Employment Inventory period.
- The Employment Inventory is an annual primary data collection exercise where a small team of post-secondary students visits all publically accessible (signed) business within Niagara during the summer months.
- In 2019, the Employment Inventory team inventoried a total of 12,016 businesses throughout the urban and rural areas of Niagara and collected the location of 147,959 full and part-time jobs.
- This year's data collection resulted in a 90% full participation rate, which is an increase of over 20% since 2016. This increase is attributed to ongoing support from local municipal partners and other special interest stakeholders.
- Data captured through the Employment Inventory is a key asset for:
 - Internal Regional departments
 - Local area municipalities
 - Local Economic Development offices
 - Niagara Workforce Planning Board
 - Local Employment Ontario agencies

Financial Considerations

The Niagara Employment Inventory was funded through the Council-approved 2019 operating budget and has been included in the approved 2020 Planning & Development Services base budget. The total cost of the project was \$93,700.

Analysis

Niagara Region is among several municipalities in Ontario that collect employment data on an annual basis. Since 2016, Planning and Development Services has worked closely with Regional Economic Development to collect primary data on the types and sizes of businesses operating in Niagara. The data collected has become vital to monitoring the Region's economic health, as well as aiding in decision and policy making.

Each year, the Employment Inventory is conducted by a small team of post-secondary students between the months of May and September. The primary method of data collection is through door-to-door interviews with local business owners, with additional follow-up engagement conducted through email and telephone communication.

In 2019, the Employment Inventory team visited 12,016 businesses and collected the physical location of 147,959 full and part time jobs. Compared to the 2018 results, this is an increase of nearly 300 surveyed businesses and over 5,000 additional jobs identified.

The Employment Inventory is a comprehensive dataset of business information that indicates: number of jobs, business locations, business size, type of business activity, level of foreign investment, and exporting patterns relating to each business. The inventory is a geo-coded, spatially enabled dataset, which facilitates analysis at the street-address level.

The Employment Inventory has become a key dataset for informing a wide variety of Regional policies and service delivery decisions. The dataset is currently being used to help inform the following initiatives:

- Supporting development of ongoing District Plan studies
- Informing Niagara Region Employment Areas Strategy
- Facilitating Economic Development investment inquiries
- Providing up-to-date employer data for the Building Employment Networks Niagara (BENN) application
- Informing Economic Prosperity Dashboard indicators

Participation in the Employment Inventory is voluntary. Despite best efforts, the inventory team is unable to make direct contact with all business owners or, occasionally, a business refuses to participate. Due to these factors, the reported results may not fully align with other surveys conducted by Statistics Canada or other interest groups.

The business questionnaire (included as Appendix 1) was developed based on best practices from other municipalities in the Greater Toronto and Hamilton area as well as through consultation with the following stakeholders:

- Internal Regional departments
- Local area municipalities
- Local Economic Development offices
- Local Employment Ontario agencies
- Niagara Workforce Planning Board

With assistance from local municipal partners and other stakeholders, the inventory response rate continues to steadily grow. In 2019, it was a 90% participation rate.

Each year, the inventory questionnaire features a unique subset of questions that are specifically tailored to gain further insight into the local business community. This year, the Niagara Workforce Planning Board developed a question designed to better understand the recruiting methods used by local businesses. The results of these questions will directly inform the extent to which local employers are hiring through non-public channels.

Results

Table 1 (below) illustrates the proportion of complete and partially complete survey responses from 2016 to 2019. 2019 resulted in a 90% full participation rate, which has increased 22% since 2016. A full participation rate indicates that a business provided responses to all survey questions from beginning to end.

Table 1 – Inventory Response Rate

Year	Complete Survey Response	Partially Complete Survey Response	Refused to Participate
2016	68%	30%	2%
2017	76%	22%	2%
2018	87%	12%	1%
2019	90%	9%	<1%

The steady increase in the completion rate can be attributed to greater familiarity with the survey team, a streamlined data entry methodology, and joint communication outreach conducted by our local Chambers of Commerce and other interest groups. The Employment Inventory continues to see a low refusal rate of less than 1%.

Partially completed responses still capture several key attributes in the survey record. Data points, such as physical location and the associated industry code, are logged by the survey team despite not making direct contact with a business representative. Project staff continually work with local area municipalities and other partners to reduce the number of partially completed responses.

Table 2 (below) illustrates the number of businesses inventoried and the number of jobs reported from respondents over the 4-year survey period.

It is important to note that the totals reported do not reflect an overall increase in the number of business and jobs per year. Rather, the increase is the result of improved inventory participation rate.

Table 2 – Number of Businesses and Jobs Reported

Year	Businesses Inventoried	Full Time Jobs Reported	Part Time Jobs Reported	Total Jobs Reported
2016	10,743	71,899	38,239	110,138
2017	11,202	91,216	39,848	131,144
2018	11,720	98,706	43,478	142,184
2019	12,016	97,829	50,130	147,959

** Home-based and mobile businesses were not inventoried.*

Table 3 (below) illustrates the municipal breakdown of the number of businesses and jobs over the 4-year survey period.

Table 3 – Distribution of Businesses and Jobs by Municipality

	2016		2017		2018		2019	
	Total Businesses	Total Jobs	Total Businesses	Total Jobs	Total Businesses	Total Jobs	Total Businesses	Total Jobs
Fort Erie	709	6,351	719	6,867	763	8,414	775	8,301
Grimsby	443	4,009	455	4,750	465	5,204	479	6,682
Lincoln	440	4,198	543	6,650	564	6,964	571	8,108
Niagara Falls	2,514	22,929	2,553	32,982	2,642	32,687	2,715	33,473
NOTL	456	7,082	513	9,707	560	11,238	596	10,926
Pelham	271	1,743	301	2,275	318	2,677	334	3,202
Port Colborne	461	2,912	465	3,917	468	4,176	478	4,682
St.Catharines	3,657	43,045	3,771	44,254	3,966	48,130	4,051	48,726
Thorold	460	4,980	491	5,307	523	5,674	538	6,693
Wainfleet	43	179	58	402	60	507	61	479
Welland	1,161	11,221	1,158	12,122	1,188	14,149	1,214	14,010
West Lincoln	128	1,489	175	1,911	203	2,364	204	2,677
Niagara Region	10,743	110,138	11,202	131,144	11,720	142,184	12,016	147,959

Other Data Sources

The data collected each year through the Employment Inventory provides detailed local business information that is not available through Statistics Canada data. In most cases, Statistics Canada data is updated once every 5 years, whereas the Employment Inventory is updated on a yearly basis.

Statistics Canada data remains the authoritative data source for performing analysis at regional and municipal level geographies, but lacks the ability to analyze raw business data at the street address level. Collecting annual business data at the street address level allows for micro analysis to be done at custom geographies and time series.

The Employment Inventory results are used in conjunction with Statistics Canada data and other data sources to accurately monitor the Regional economy to better understand where the Region can take action to help facilitate economic growth.

Reliable business data is an integral resource to better understand the Region's employment context. This dataset plays a significant role in supporting decisions related to: population and employment growth, infrastructure investment (including public transit), economic development inquiries, and the ongoing monitoring of economic conditions and trends.

Job Type Results

Table 4 (below) illustrates the number of businesses and jobs captured in 2019 based on the 2-digit North American Industry Classification System (NAICS). NAICS is a standardized industry classification system used to sort business establishments according to type of economic activity or industry.

The top three number of businesses inventoried by NAICS code in 2019 were in the categories of: Retail trade, followed by Accommodation and food services, and finally Other services (such as repair shops, personal care facilities and laundry services). These sectors consist of over half (50.3%) of all the Region's businesses.

If we look at employment numbers, rather than number of businesses, the 2019 top three NAICS code jobs was for Retail trade, Accommodation and food services, and Health care and social assistance. Together, these types of businesses provided jobs for 43.4% of Niagara's workforce.

Table 4 – Number of Businesses and Jobs by NAICS Sector

NAICS Industry Sector (2-Digit)	Number of Businesses 2019	Number of Businesses Proportion of Region	Number of Jobs 2019	Number of Jobs Proportion of Region
Retail trade	2,712	22.6%	23,387	15.8%
Accommodation and food services	1,695	14.1%	20,732	14.0%
Health care and social assistance	1,261	10.5%	20,088	13.6%
Manufacturing	860	7.2%	17,107	11.6%
Educational services	237	2.0%	9,979	6.7%
Arts, entertainment and recreation	389	3.2%	8,649	5.8%
Public administration	212	1.8%	8,148	5.5%
Other services (except public administration)	1,639	13.6%	5,626	3.8%
Construction	385	3.2%	5,428	3.7%
Administrative and support, waste management and remediation services	283	2.4%	5,320	3.6%
Finance and insurance	468	3.9%	4,780	3.2%
Professional, scientific and technical services	737	6.1%	4,286	2.9%
Transportation and warehousing	224	1.9%	3,544	2.4%
Agriculture, forestry, fishing and hunting	141	1.2%	3,480	2.4%
Wholesale trade	263	2.2%	3,350	2.3%
Real estate and rental and leasing	295	2.5%	2,234	1.5%
Information and cultural industries	158	1.3%	1,065	0.7%
Utilities	32	0.3%	589	0.4%
Management of companies and enterprises	10	0.1%	99	0.1%
Mining, quarrying, and oil and gas extraction	8	0.1%	68	0.0%
Undetermined	7	0.1%	0	0.0%
Total	12,016	100%	147,959	100%

Relationship Building

The Employment Inventory also provides a key opportunity for the Region to personally connect with local businesses in order to further develop partnerships and foster an environment for innovation and development within the Niagara business community.

Addressing concerns of business owners is an important step in building and maintaining strong working relationships with the community. In an effort to address concerns raised, the inventory team distributed over 3,000 communication flyers directing businesses to an online directory of available Regional and local business support services. The online directory had over 250 page views since its launch in May 2019.

On occasion, concerns expressed by business owners required immediate action from Regional staff. In 2019, the inventory team received 18 concerns that required immediate follow-up. These concerns ranged from providing assistance for way-finding signage, to seeking help to recruit staff for skilled positions.

Table 5 (below) highlights the responses received when business owners were asked “Is there anything Niagara Region could do to help support your business?”

For reporting purposes, the responses have been categorized into theme only. The raw comments are shared with internal staff and local municipal partners, as needed.

Table 5 - “Is there anything Niagara Region could do to help support your business?”

Response Theme	Responses Received	Proportion 2018	Proportion 2019
Taxes and Utilities	312	15%	18.2%
Business Exposure	281	14.5%	16.4%
Skills and Labour Force	207	10.2%	12.1%
Beautification/Infrastructure/Traffic Issues/Construction	188	14.2%	11.0%
Incentives/Grants/Contracts	128	13.5%	7.5%
Uncategorized	107	3.6%	6.3%
Health and Safety	93	1.9%	5.4%
Parking Issues	91	3.9%	5.3%
Transit	80	5.3%	4.7%
Social Support Programs/Programs	61	4.9%	3.6%
Waste Management	61	3.4%	3.6%
Development Process/Zoning/Land Use	59	2.6%	3.4%
Awareness and Education	29	4.7%	1.7%
Development Charges	11	0.8%	0.6%
Minimum Wage Increase Concerns	5	1.5%	0.3%
Total	1713	100%	100%

In keeping with Niagara Region's corporate values on partnerships and collaboration, this year's inventory featured a question developed by the Niagara Workforce Planning Board (NWPB). The question was designed to determine the extent to which employers are hiring through non-public channels.

The responses to this question will support NWPB's work on sharing job demand data, and the analysis of in-demand skill requirements. It also helps support those employers, who do not hire through public-facing tools, to better understand the labour market and be more successful in their hiring efforts leading to better staffing outcomes.

Table 6 (below) illustrates the responses from businesses from the following question:

"Among the following recruitment methods, which do you find the most effective: word-of-mouth recruitment, online job boards, social media recruitment, or government employment centres/websites"?

Table 6 – Preferred recruitment methods

Method	Number of Businesses	Proportion
Online Job Boards	2,519	39%
Word of Mouth	1,958	30%
Other	1,548	24%
Government of employment centre websites	159	3%
Social Media	154	2%
Direct Recruitment from post-secondary institutions	136	2%
Total	6,474	100%

Open Data

Each year, a subset of the Employment Inventory results are released to the public through the Niagara Region Open Data Portal. Open Data places information in the hands of the public, promoting innovation and fostering greater transparency and accountability.

Since the dataset was initially released to the public in May 2017, it has generated a total of over 1,200 download events. This significant uptake demonstrates the importance of this information as it relates to our general public users.

The following attributes from the Employment Inventory dataset are made available to the public:

- Business Name
- Street Address, Unit #
- Municipality
- Postal Code
- Business Website
- 6-digit North American Industry Classification System (NAICS) code
- Employee Size based on Statistics Canada, Canadian Industry Statistics.
 - Micro 1-4 employees
 - Small 5-99 employees
 - Medium 100-499 employees
 - Large 500 + employees

Alternatives Reviewed

The goal of the Employment Inventory is to update the data on an annual basis to monitor, understand, and track trends over time. With successive years of data collection, historic trends analysis of the data will show how specific businesses, business sectors and geographic areas of employment in Niagara evolve over time as our economy changes.

Continuing to collect this level of data annually provides a baseline to analyze historical trends, forecast employment growth, supplement other employment sources and provide a resource back to the community.

Relationship to Council Strategic Priorities

The Employment Inventory is a key tool that the Niagara Region uses to strengthen its economic competitiveness by better understanding its current employment landscape and workforce composition.

Data collected through the Employment Inventory plays a significant role towards informing future decisions related to population and employment growth, infrastructure investment, public transit planning, economic development, and the ongoing monitoring of economic conditions.

The Niagara Region and Area Municipalities rely on this dataset as a valuable asset when developing robust business cases designed to attract investment, innovation, and entrepreneurship to Niagara and strengthen the Region's position globally.

Other Pertinent Reports

- PDS 13-2016 – Niagara Region Employment Survey
- PDS 1-2017 – Niagara Region Employment Inventory Preliminary Results
- PDS 5-2018 – Niagara Region 2017 Employment Inventory Results
- PDS 6-2019 – Niagara Region 2018 Employment Inventory Results

Prepared by:

John Docker
Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Darcy Persad, Employment Inventory Data Intern, and reviewed by Isaiah Banach, Manager, Long Range Planning.

Appendices

Appendix 1 2019 Employment Inventory Questionnaire

Page 12

2019 Niagara Region Employment Inventory

Niagara Region is conducting an annual inventory of businesses to gather information for planning policy and economic development purposes. Information collected through this inventory will be grouped together and publicly reported to Regional Council in 2019. Information collected through this inventory will also be shared with Niagara's local municipal governments, economic development offices and Employment Ontario agencies. A subset of the information collected will be released publically through Niagara Region's open data program, observing your rights and freedoms outlined in the Municipal Freedom of Information and Protection of Privacy Act. For more information about this initiative please visit www.niagararegion.ca/employmentinventory.

Business Identification

Business Name:			
Business Contact Name:			
Business Street Address:			
Unit/Suite #:	Municipality:	Postal Code:	
Public Business Telephone #:	Business Contact Email:		
Business Website:			
Business Mailing Address: (only if different from above)			

What year did this business open in Niagara?

Is business involved in the tourism sector? Yes ☐ No ☐

Is business engaged in e-commerce activities, i.e. selling online and/or sourcing online? Yes ☐ No ☐

Does business sell goods or services outside Canada? Yes ☐ No ☐

Does business import goods from outside Canada? Yes ☐ No ☐

Does business have foreign or international ownership? Yes ☐ No ☐

***If yes**, what is the primary country of origin of the foreign ownership?*

Provide details about the specific services and/or agricultural activities associated with this business. (e.g. Full-service restaurant, Home furnishing store, Insurance agency, Machine shop, Engineering services, Roofing contractor, Vineyard, Dairy cattle farm, etc).

What is the INDOOR floor size (GFA) of this business?

What is the OUTDOOR operating area of this business (if applicable)?

 ☐ Feet ☐ Metres ☐ Estimate

 ☐ Acres ☐ Hectares ☐ Estimate

Please return completed form to Niagara Region, Planning and Development Services at your earliest convenience.

How many people are presently employed (including owners) at THIS location?

	# of Full Time Employees (work more than 30 hours per week)	# of Part Time Employees (work less than 30 hours per week)
PERMANENT		
SEASONAL (between 4-6 months per year)		
CONTRACT		

Do your employees work shift work?
(Work outside the hours of 7:00 am to 6:00 pm)

☐ Yes ☐ No

Do your employees work weekends? ☐ Yes ☐ No

Educational required to work for this business (payroll employees)

Do ALL positions (excluding students) within your business require a minimum grade 12 diploma or equivalency? ☐ Yes ☐ No

Recruitment Methods

Among the following recruitment methods, which do you find the most effective (Select One):

- ☐ Word-of-mouth recruitment
 ☐ Online job boards
 ☐ Social media recruitment
☐ Government employment centres/websites
 ☐ Direct recruitment from post-secondary institutions
 ☐ Other (Please specify below)

Additional Information

Is there anything the Niagara Region could do to help support your business?

Consent

Do you consent to receive email communication from NIAGARA REGION on specific regional programs or services that may be related to your business? Yes ☐ No ☐

Please return completed form to Niagara Region, Planning and Development Services at your earliest convenience.

E-mail: employmentinventory@niagararegion.ca Fax: 905-641-5208 Mail: Employment Inventory, 1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél.: 416 585-7000



234-2020-902

Dear Heads of Council / Clerks and CAOs:

Nothing is more important than protecting the health and well-being of all Ontarians. Since first learning of COVID-19, Ontario has taken decisive action to stop the spread of the virus.

Our government knows that an increasing number of municipalities are responding to the COVID-19 outbreak by diverting resources to essential services, instructing non-essential staff to work from home and suspending in-person meetings. We appreciate that the current situation is not “business as usual,” and that meeting statutory timelines associated with decisions on planning applications can be difficult, if not impossible.

In response to requests from municipalities and the Association of Municipalities of Ontario, our government intends to introduce legislation in the coming weeks to allow for the suspension of specified timelines associated with land use planning matters that could be applied retroactively to the date that an emergency was declared. If passed, these changes would provide authority for the Minister of Municipal Affairs and Housing to give municipalities time to focus on the COVID-19 outbreak.

If approved, municipalities and planning boards would still be able to make decisions on land use planning matters during this time if they so desired and can consider using electronic and virtual channels as appropriate to engage and solicit feedback from the public on land use planning matters. It is vital for the economy that we move the administrative process along to the best of our collective ability in order to continue the important job of creating housing and keeping infrastructure projects moving.

Municipalities that instead wish to pause their consideration of planning applications and direct their resources and attention to more immediate priorities would be permitted to do so without the threat of appeal.

We know that such a change could have a significant effect on your municipality’s land use planning matters, but it is necessary to ensure we can all offer our full support to help our health care sector to stop the spread of COVID-19.

.../2

Our government also supports growth paying for growth and ensuring municipalities have the tools to ensure complete communities are built. Therefore, we will also be proposing amendments to the *Development Charges Act* to ensure these important principles would continue during the COVID-19 outbreak.

If passed, our proposed changes would allow municipalities to continue to use their existing development charge bylaw during the COVID-19 outbreak and for a short period thereafter. We know that if a municipality's development charge bylaw is scheduled to expire in the coming months it would be difficult to replace given the current situation. We are taking this measure to ensure municipalities can continue to count on this vital source of revenue for local infrastructure and services.

We have also extended the current Environmental Registry of Ontario posting related to community benefits charges until April 20, 2020. The extension of the Environmental Registry of Ontario posting along with the proposed development charge changes will allow municipalities more time to consider the alignment of future development charge bylaws with the new community benefits tool to support local growth.

Let me assure you that our government is working to support you, our municipal partners, and will continue to work collaboratively to keep all Ontarians safe.

Further details and information will be provided once the legislation is introduced.

Sincerely,



Steve Clark
Minister

c. Association of Municipalities of Ontario



ADR
CHAMBERS

Integrity Commissioner Office
for the Town of Pelham

March 19, 2020

SENT BY EMAIL TO: Nancy Bozzato
Town Clerk
Town of Pelham
20 Pelham Town Square
Fonthill, Ontario L0S 1E0

Re: Town of Pelham Integrity Commissioner
Annual Report - February 4, 2019 – December 31, 2019

Dear Ms. Bozzato,

Thank you for the opportunity to act as the Integrity Commissioner (the “IC”) for the Town of Pelham (the “Town”) over the past year.

In accordance with the terms of the Agreement between the Town and ADR Chambers Inc. and pursuant to s. 223.3 (1) of the *Municipal Act 2001*, I am providing my annual report for the first operating period of the agreement covering the period of February 4, 2019 – December 31, 2019. We have determined to set the end date of this review to coincide with the calendar year in order to assist you with your budgeting process.

As you know, the IC’s role is to help Members of Council (“Members”) ensure that they are performing their functions in accordance with the Town’s *Code of Conduct* (the “Code”) and the Municipal Conflict of Interest Act (“MCIA”). The IC is available to educate and provide advice to Members on matters governing their ethical behavior and compliance with the Code and the MCIA. The IC is also responsible for receiving, assessing and investigating appropriate complaints made by Council, Members, and members of the public respecting alleged breaches of the Code by Members.

Activities During the First Year:

During our first year of service to the Town, the IC was requested to and conducted a review of the Town’s Code of Conduct and formulated a number of suggested revisions to it and the Town’s Protocol for the processing of complaints under the Code.

We also attended before Council in June 2019 to provide an educational seminar for Members of Council focusing on the implementation of various provisions of Bill 69 which involved changes to the Municipal Act and the MCIA which affect all members of Council and the Town.

We also provided full written responses to two Requests for Advice from Councillors with respect to matters within our mandate under the Code and the MCIA.

Cost

The total cost incurred by the Town during the year for the services performed (including an education seminar for Council) amounted to \$7,000.92 (including tax). This amount however does not include any billings for work performed with respect to matters before me which were initiated or in progress during 2020.

Issues to be Considered Going Forward

As a result of our experience during the past year, it is respectfully suggested that Council consider the following issues on a going forward basis:

- The provisions of Bill 68 came into force on March 1, 2019 and contain some significant amendments to the *Municipal Act 2001* and the *Municipal Conflict of Interest Act* which affect the role and powers of the Integrity Commissioner and the obligation of Members under the Town's Code. We suggest that an *in camera* education seminar should be scheduled in the near future in order to review our experience with these changes and once again familiarize all Councillors with the effect of these new amendments as well as emphasizing the importance of not disclosing confidential information in accordance with the requirements of the Code.
- We are generally seeing an increase in complaints being filed by a Member against other Members. Consideration should be given to amending the Town's investigation protocol to include a provision conferring on the IC the discretion to mandatorily order a mediation session when, in the judgment of the IC, circumstances so warrant.

Summary

It has been a pleasure to assist the Town and its Members with the issues that have arisen in connection with the administration of its Code of Conduct. I look forward to continuing to provide the services of Integrity Commissioner to the Town in the upcoming year.

Yours truly,

Edward T. McDermott



Integrity Commissioner Town of Pelham

**Ministry of Municipal Affairs
and Housing**

Office of the Minister

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234-2020-1284

April 16, 2020

Dear Head of Council:

As you know, on March 17, 2020, our government declared a provincial emergency pursuant to the authority granted under the *Emergency Management and Civil Protection Act* (EMCPA). I am writing to update you that on April 16, 2020, our government issued an emergency order under the EMCPA (O. Reg. 157/20) to provide municipalities with the flexibility to deploy certain of their staff to where they are needed most. At this critical time, it is important that municipalities continue to work collaboratively and engage in good faith with their bargaining agents. The order is effective immediately and we intend for it to remain in effect for the duration of the declared provincial emergency.

I know that these are challenging times for municipalities, particularly as the situation around us changes so quickly. In these unprecedented times, I have heard a strong and consistent message from municipalities and numerous sector organizations that the authority to enable work deployment similar to what has been provided by the Province for hospitals and public health units is urgently needed to ensure continuity of critical services.

I thank you for sharing these concerns. We have heard you and have worked quickly to issue this order. This order is a temporary measure and provides your municipality – as an employer – the authority to take any reasonable measure necessary to respond to COVID-19 with respect to internal work deployment.

In order to exercise this authority, if it hasn't already, the municipality will need to also declare an emergency under section 4 of the EMCPA concurrent with this order. The authority provided for in this order includes the ability for municipalities to redeploy certain of their staff within the same employer or to employ volunteers to perform bargaining unit work, cancel leaves and change assignment of work, for those priority services listed in the order.

The orders specify conditions under which the authority can be exercised. This includes requiring a municipality to provide at least 24 hours of advance notice to affected bargaining units before implementing a redeployment plan. The *Occupational Health and Safety Act* and existing rights under the *Employment Standards Act* will continue to apply. Municipalities, as employers, are required to comply with all provincial orders, as

well as any guidance and safety standards prescribed by the province for COVID-19. They are also responsible for ensuring that any staff being reassigned to new duties have the required training and skills. Full details of the orders can be reviewed online at [Ontario.ca/alert](https://ontario.ca/alert).

I want to acknowledge and applaud the proactive efforts that many municipalities have already taken to engage in good faith with their bargaining agents to keep their staff employed and safe, and to establish local arrangements to redeploy employees to high-need areas. I would also encourage municipalities to continue leveraging their existing authorities as employers and building on pre-existing relationships and structures with your bargaining agent partners, such as joint health and safety committees, to address staffing needs and allocate resources.

Moreover, as you and others in your organization consider whether and how you will exercise the authority under the emergency order, I would ask that you maintain the following important objectives:

- In making staffing decisions, first provide opportunity for full-time work to existing part-time staff before seeking out and employing extra full-time staff from outside your organization.
- In redeploying staff, should there be a difference in the terms and conditions of work, in the different departments of the organization, the expectation is that staff will not receive a lower wage than their home position.

Municipalities are encouraged to review this and other applicable orders (available on the Government's Emergency Information webpage at: [Ontario.ca/alert](https://ontario.ca/alert)) and work with their legal counsel for advice and understanding of the flexibility it provides to you in managing your organizations.

If your municipality chooses to implement the authority in these orders, I would ask that you keep my staff apprised by letting your local Municipal Services Office know when you use it. If your municipality has any further questions regarding this order, we encourage contacting [your local Municipal Services Office](#).

I thank you for your continued support and collaboration in these challenging times. This collaborative relationship is critical at all times, and never more so than during this emergency.

Head of Council
Page 3

Visit Ontario's [website](#) to learn more about how the province continues to protect Ontarians from COVID-19

Sincerely,



Steve Clark
Minister of Municipal Affairs and Housing

- c: Chief Administrative Officers
Municipal Clerks
Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing
Brian Rosborough, Executive Director, Association of Municipalities of Ontario
Cam Guthrie, Chair, Large Urban Mayor's Caucus of Ontario
Karen Redman, Chair, Mayors and Regional Chairs of Ontario
Jane Albright, President, Ontario Municipal Human Resources Association

MEMORANDUM

Subject: Recent Changes to Niagara Region's Waste Management Services and Programs as a result of COVID-19

Date: April 20, 2020

To: All Local Area Municipality Clerks

From: Catherine Habermehl, Director Waste Management Services

Waste Management is a visible service that affects residents weekly. As such, this memorandum and attached information are being provided to you for distribution to your Council members in case they receive questions from their constituents about the recent changes to Niagara Region's waste management services and programs, as a result of the COVID-19 situation. Niagara's changes to programs is comparable to other regional and municipal governments who have similarly either canceled or modified waste management services and programs.

Niagara staff have focused on striking a balance between providing essential services while protecting front-line workers; both Regional employees and contracted staff, when implementing these temporary service changes. In addition, the changes specifically related to the landfill sites were made to align with the April 3, 2020 State of Emergency declaration by Regional Chair Bradley and the 12 Area Mayors.

As you know, the current situation is fluid, and we are reviewing our programs / services daily and will continue to make the appropriate adjustments, as needed. Should you have any questions regarding the information provided, please do not hesitate to contact the undersigned at catherine.habermehl@niagararegion.ca.

Respectfully submitted and signed by



Catherine Habermehl
Director, Waste Management Services

Encl.

Service changes at Niagara Region landfills during the COVID-19 pandemic

(As the current situation is fluid, please refer to Niagara Region's website at www.niagararegion.ca for regular updates)

State of Emergency

Niagara Region and Niagara's 12 local municipalities have jointly declared a state of emergency in response to COVID-19 to help protect the health of Niagara. We understand residents want to use their time at home to get started on their spring cleaning, however, landfill sites are open to focus on essential services. #stayhomeniagara

Landfill Service Changes

Landfill sites and drop-off depots are open for essential loads only:

- Collection vehicles
- Commercial / contractors (including farmers)
- Municipal vehicles
- Commercial / municipal brush
- Residential Household Hazardous Waste disposal
- Residential large household / bulky goods - one visit per month per license plate
- Residential move outs - limit to three trips per licence plate for the duration of the service changes for residents moving out of their homes

In order minimize non-essential trips in the community, restrictions have been put in place at out sites. Residents are permitted one trip, every two weeks, to dispose of the following:

- Leaf and yard waste, which is still being collected at the curb
- Grass clippings, but residents are being encouraged to grasscycle
- Oversize brush bundles, tree limbs

Expect Delays

THERE WILL BE DELAYS AT THE SITES due to the recent changes implemented to prevent the spread of COVID-19.

- Limit the number of people on the drop-off pad
- Preferred methods of payment are debit and credit, using the tap option.

Recycling/Green Bin Distribution Locations Closed

- Use alternative rigid plastic containers. For more information, visit niagararegion.ca/waste

Other Waste Related Service Changes due to COVID-19 pandemic

Curbside Collection Requirements – Bag Garbage and Organics

- Place used tissues and other organic material, in paper bags or certified compostable bags. Bags must be tied before being placed in the Green Bin so they don't fall out.
- Garbage shouldn't be loose in garbage containers and should be bagged. Several smaller kitchen sized garbage bags may be used and placed inside a garbage container.

Large household item suspension

Curbside collection of large household item / bulk goods for single family homes and apartments with six units or less is suspended until May 30. This will prioritize regular curbside collection of waste, recycling and organics.

Residents are encouraged to hold on to their large household items until service resumes. For those who need to dispose of a large household item due to a residential move out, residents are restricted to one visit per month per license plate for the duration of the service changes. Be prepared to provide your address to confirm your property is eligible for this service. Large items brought to Walker Environmental, in Thorold, require a disposal fee.

Leaf and yard waste collection

Effective Monday April 13, 2020, only three (3) bags/cans of yard waste will be collected per collection day, per single family homes and apartments with 6 units or less. Residents may experience delays with leaf and yard waste collection so that front line collectors can prioritize the weekly collection of garbage, recycling and organics. Ripped leaf and yard waste bags must be re-bagged or placed in another container to ensure material can be collected.

Curbside Battery Collection

Battery collection originally scheduled for April 20-24 has been postponed until further notice.

Compost Giveaway

Compost giveaway originally scheduled for May 4-9 has been postponed until further notice.

For the most recent service changes related to COVID-19, visit niagararegion.ca/waste Information regarding Walker's drop off depot can be found at www.walkerind.com/brands/walker-waste-services/

From: "Provost, Kelly" <Kelly.Provost@niagararegion.ca>

Date: April 17, 2020 at 3:52:24 PM EDT

To: Harry Schlange <hschlange@grimsby.ca>, "Bev Hendry - West Lincoln" (bhendry@westlincoln.ca)" <bhendry@westlincoln.ca>, Manoj Dilwaria <Manoj.Dilwaria@thorold.ca>, Sheldon Randall <sheldon.randall@notl.com>, "wkolasa" (wkolasa@wainfleet.ca)" <wkolasa@wainfleet.ca>, David Cribbs <DCribbs@pelham.ca>

Subject: Open In Niagara business mapping tool

Good afternoon everyone,

In response to the COVID-19 crisis and the need for businesses to adapt and find new and innovative ways to remain competitive, the Niagara Region is launching the OpenInNiagara website. This website has been designed to crowdsource business's information and to let residents know what essential businesses are open and how they are delivering their services.

You can find the website at www.OpenInNiagara.ca (not compatible with Internet Explorer).

Any business that wants to participate will be able to simply go to the site and click on the "Add a Business" button in the upper right hand corner. It will then ask them to complete a web form

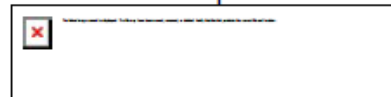
with their information and then all they have to do is click 'save'. Our office will receive a notification that a business wants to be added, we will review the information and approve the listing.

Please share this information with your members and through your website/social channels, and help us get the word out that OpenInNiagara.ca is where businesses can advertise that they are indeed open for business.

Feel free to let me know if you have any questions.

Thanks and stay healthy!
Kelly

Kelly Provost
Economic Development Officer



Economic Development, Niagara Region
3rd Floor, 1815 Sir Isaac Brock Way
P.O. Box 1042, Thorold, ON L2V 4T7
Cell: 289-929-7633
Office: 905-980-6000 ext. 3334
Email: kelly.provost@niagararegion.ca

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Subject: Establishment of Municipal Heritage Advisory Committee**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2020-055; and

THAT Council approve the Terms of Reference for the establishment of a Municipal Heritage Advisory Committee attached to this report; and

THAT Council direct staff proceed with the advertisement for community members to apply for the Municipal Heritage Advisory Committee; and

THAT the appointment of community members to the Municipal Heritage Advisory Committee occur after the temporary provincial and municipal coronavirus COVID-19 pandemic restrictions on meetings of advisory committees has been lifted.

Background:

On November 4, 2109 Council passed a resolution requesting that staff bring a report to Council regarding the re-establishment of a Heritage Committee. Also at the Special Council meeting of February 24, 2020 where Council established its strategic planning priority and goals for the remainder of its term, the establishment of a Heritage Advisory Committee was identified as a strategic goal of Council and at that time, Council was informed that staff would bring a report to them in April.

Analysis:Legislative Authority and Context

The *Ontario Heritage Act* provides the legislative authority for Council to establish a municipal heritage committee. Section 28 of the *Ontario Heritage Act* states that a municipality may by by-law establish a municipal heritage committee to advise and assist the Council on matters relating to Part IV and Part V of the Act and such other heritage matters as Council may specify by by-law. There is no requirement

that any municipality must have municipal heritage committee, but rather the Act is permissive and states that a municipality may establish such a committee by by-law, therefore it is at Council's discretion should it wish to establish a municipal heritage committee.

Part IV matters under the Act that a municipal heritage committee would provide advice on relate to properties that are individually designated under the *Ontario Heritage Act* by a municipality or the Minister as being of cultural heritage value or interest to the community, i.e., designated properties. The Town of Pelham currently has eight such properties:

1. 1544 Pelham Street – Kinsman House – designated in 1984
2. 495 Canboro Road – Pollard House – designated in 1985
3. 417 Tice Road – Rice Moore Home – designated in 1994
4. 1732 Cream Street – Comfort Maple – designated in 2000
5. Maple Street – Fenwick Flag Pole – designated in 2013
6. 1732 Cream Street – Comfort House – designated in 2016
7. 1141 Maple Street – Quaker Meeting House – designated in 2018
8. 808 Canboro Raod – United Church Manse – designated in 2018

Part IV of the Act also provides for the keeping of a register of non-designated properties that Council believes to be of cultural heritage value or interest that a municipal heritage committee could provide advice and assistance on. A considerable amount of work has been conducted by staff on the preparation of a register of non-designated properties, however to date it remains incomplete.

Part V matters under the Act that a municipal heritage committee would provide advice on to Council relate to heritage conservation districts. The Town does not currently have a heritage conservation district.

The Act also specifies that the Committee shall not be comprised of no fewer than 5 members appointed by Council.

In February 2015 the by-law that established the previous Heritage Pelham Advisory Committee was rescinded and the previous Committee ceased to function. Since that time, staff have been reporting directly to Council on cultural heritage matters.

Terms of Reference for Municipal Heritage Advisory Committee

Staff have prepared Terms of Reference for a Municipal Heritage Advisory Committee (MHAC) for Council's consideration. The Terms of Reference provide that the mandate of the MHAC is to advise Council on matters relating to the

conservation of significant built heritage resources and significant cultural heritage landscapes within the Town of Pelham including:

- The establishment and maintenance of a register of properties of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*, and to encourage the conservation of the heritage attributes of these properties;
- The designation of individual properties by By-law under Part IV of the *Ontario Heritage Act*;
- Any amendments and repealing of Part IV designation by-laws under the *Ontario Heritage Act*;
- The establishment of heritage conservation district (s) under Part V of *Ontario Heritage Act*, and to encourage the conservation of the heritage attributes of the district(s);
- Heritage permit applications to alter or demolish cultural heritage resources of properties designated under Part IV or Part V of the *Ontario Heritage Act*;
- The establishment and maintenance, including additions and deletions, of a register of properties of cultural heritage value or interest that are not designated under the *Ontario Heritage Act* in accordance with appropriate evaluation criteria; and
- Reviewing and providing cultural heritage conservation comments to Council regarding development applications, demolitions and other municipal projects that have a direct impact on cultural heritage resources

The objective of the MHAC is to advise Council on matters of cultural heritage conservation including:

- The support of cultural heritage conservation and adaptive reuse within the community;
- The review of policies that relate to cultural heritage resources in the community, including resources owned by the Town;
- Review and evaluate potential financial incentive programs;
- The use of sound cultural heritage conservation practices in the conservation of significant built heritage resources and significant cultural heritage landscapes;
- Recommend best practices for cultural heritage conservation;
- Research and preparation of reference materials regarding the significant cultural heritage resources in the community.

The Terms of Reference state that the MHAC shall consist of five (5) members from the community at large and one (1) member of Council as an ex-officio member along with being supported by Planning Staff also as ex-officio member(s).

Appointment of members to the MHAC by Council shall be based on the applicant's demonstrated knowledge, expertise, or skill set related to conservation and/or

restoration of cultural heritage buildings, structures and/or cultural heritage landscapes. As such preference will be given to persons with experience in the following professions:

- Heritage Architect
- Structural Engineer
- Archivist
- Landscape Architect
- Restoration Tradesperson (mason, carpenter, etc.)
- Building Inspector
- Architectural Historian
- Heritage Planner
- Historian

Should Council wish to establish a Municipal Heritage Advisory Committee, staff should be directed to prepare the appropriate advertisement advertising community members to apply to be on the Committee. However, due to the current temporary restrictions in place regarding meetings and the cancellation of all Town advisory committees (except the Cannabis Control Committee that meets via teleconference), as a result of the provincial and municipal restrictions relating to the coronavirus COVID-19 pandemic, the appointment of members to the MHAC will take place once the restrictions related to the pandemic have been lifted.

Financial Considerations:

Should Council proceed with the establishment of Municipal Heritage Advisory Committee, a budget for this Committee will need to be established as part of the 2021 budget and going forward. Currently within the Planning budget there is only a budget of \$1350 for materials and supplies related to heritage that is available. A total budget of \$5,000 per annum is recommended. The \$1,350 is likely adequate as a pro-rated amount for 2020.

Alternatives Reviewed:

The alternative is to not establish a municipal heritage advisory committee and maintain that responsibility with staff as has been the case since the previous committee was dissolved in 2015.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The establishment of a Municipal Heritage Advisory Committee will help support building strong communities and cultural assets. The Municipal Heritage Advisory Committee will have a particular interest in support and advancement of cultural heritage matters under Parts IV and V of the *Ontario Heritage Act*.

Consultation:

The Town Clerk and CAO were consulted on the preparation of this report and the Terms of Reference for the Municipal Heritage Advisory Committee.

Other Pertinent Reports/Attachments:

Terms of Reference for Municipal Heritage Advisory Committee

Prepared and Recommended by:

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Strategic Goal: Build Strong Communities and Cultural Assets**Departmental Reporting: Community Planning and Development****Goals**

The Town of Pelham Municipal Heritage Advisory Committee shall be an advisory committee providing advice and recommendations on cultural heritage matters to Council and is established in accordance with Section 28 of the *Ontario Heritage Act*.

The Committee shall be known as the Town of Pelham Municipal Heritage Advisory Committee, hereinafter called the “MHAC”.

The mandate of the MHAC is to advise Council on matters relating to the conservation of significant built heritage resources and significant cultural heritage landscapes within the Town of Pelham including:

- a) The establishment and maintenance of a register of properties of cultural heritage value or interest under Part IV of the *Ontario Heritage Act*, and to encourage the conservation of the heritage attributes of these properties;
- b) The designation of individual properties by By-law under Part IV of the *Ontario Heritage Act*;
- c) Any amendments and repealing of Part IV designation by-laws under the *Ontario Heritage Act*;
- d) The establishment of heritage conservation district (s) under Part V of *Ontario Heritage Act*, and to encourage the conservation of the heritage attributes of the district(s);
- e) Heritage permit applications to alter or demolish cultural heritage resources of properties designated under Part IV or Part V of the *Ontario Heritage Act*;
- f) The establishment and maintenance, including additions and deletions, of a register of properties of cultural heritage value or interest that are not designated under the *Ontario Heritage Act* in accordance with appropriate evaluation criteria; and
- g) Reviewing and providing cultural heritage conservation comments to Council regarding development applications, demolitions and other municipal projects that have a direct impact on cultural heritage resources

The objective of the MHAC is to advise Council on matters of cultural heritage conservation including:

- a) The support of cultural heritage conservation and adaptive reuse within the community;

- b) The review of policies that relate to cultural heritage resources in the community, including resources owned by the Town;
- c) Review and evaluate potential financial incentive programs;
- d) The use of sound cultural heritage conservation practices in the conservation of significant built heritage resources and significant cultural heritage landscapes ;
- e) Recommend best practices for cultural heritage conservation;
- f) Research and preparation of reference materials regarding the significant cultural heritage resources in the community.

Membership

Consideration of appointments to the MHAC by Council shall be based on a demonstrated knowledge, expertise, or skill set related to conservation and/or restoration of cultural heritage buildings, structures and/or cultural heritage landscapes in the following professions:

- Heritage Architect
- Structural Engineer
- Archivist
- Landscape Architect
- Restoration Tradesperson (mason, carpenter, etc.)
- Building Inspector
- Architectural Historian
- Heritage Planner
- Historian

The MHAC shall consist of five (5) members from the community at large and one (1) member of Council as an ex-officio member.

Members shall have access to a computer and shall have an email address in order to receive and respond to committee communications and information.

Members shall be residents of the Town of Pelham, or work in the Town, or have a place of business in the Town.

The Staff Liaison to the MHAC shall be the Director of Community Planning and Development, or designated Town Planner as a resource.

All members shall have voting rights, except staff who serve as a resource and the ex-officio member of Council. Members shall be appointed by by-law by Council and the term of office shall be consistent with the Term of Council. Vacancies shall be replaced by Council appointment. Any Committee Member missing three (3) consecutive meetings without

reasonable cause or explanation will be deemed to have resigned and the Staff Liaison shall inform the Town Clerk to seek applications to fill such vacancy.

The Chair and Vice Chair will be elected from the Committee's membership at the first meeting of the Committee. The ex-officio member of Council is not eligible for such position.

Meeting Protocols

The following meeting protocols shall apply:

- Quorum for meetings of the Committee shall be determined according to the Town's Procedural By-law, and declared by the Chair.
- Approval of any motion shall require 50% plus one of the voting members in attendance at the meeting.
- If quorum is not attained within 15 minutes of the scheduled start time of the meeting, no actions or recommendations emanating from a meeting have any force or effect.

Minutes shall be recorded and retained by staff, and copies shall be forwarded to Town Council for information after committee approval.

The Committee reports to Council via minutes of its meetings, presentations as requested and/or as deemed necessary. Recommendations for Council shall be forwarded in resolution form, under the signature of the Chair.

Meetings shall be scheduled a minimum of quarterly and to a maximum of once per month. All meetings shall be open to the public and shall be consistent with the Town Procedural By-law, as amended with modifications where necessary, for the conduct of meetings and if so convened, shall not be held in the absence of the staff liaison. Meeting dates shall be posted on the Town website.

The Chair shall call and preside at all meetings of the MHAC. The Chair acts as the contact person between the public, media, staff liaison and the MHAC. During the absence or inability of the Chair to preside, the duties and responsibilities shall be exercised by the Vice Chair.

The MHAC shall be supported in their work by Community Planning and Development staff who will provide expert advice, technical reports, background information and resource support.

The minutes of the MHAC meeting(s) and any recommendations of the MHAC shall be reported to Council and Council will make the final determination/decision as it relates to actions of the MHAC.

The records of the MHAC shall be retained in accordance with the Town's Records Retention By-law.

Financial Reporting

Financial reporting will be administered by the Town of Pelham Corporate Services Department. The MHAC shall maintain an annual budget as determined and approved by Council. Expenditures will be authorized by a majority of vote of the MHAC and in accordance with the Town's Purchasing Policy for initiatives that have obtained Council approval.

Committee Approval Date:

Council Approval Date:

Subject: Short Term Accommodations

Recommendation:

THAT Council receive Report 2020-0049 as it pertains to Short Term Accommodations Policies and Regulations (file No. AM-12-18);

THAT the revisions made to the Official Plan and Zoning By-law since the public meeting was held are minor in nature and no further public meeting is required;

THAT Council approve the amendments to the Official Plan and Zoning By-law as well as the Licencing By-law for Bed and Breakfast Establishments and Short Term Accommodations.

Background:

In September of 2018, Council directed staff to undertake a consultation process that would inform policy and regulatory changes for the Town to undertake relating to short term accommodations. Between November 2018 and April 2019, Town staff reached out to a number of different stakeholders and conducted on-one-one meetings, conducted research and prepared draft policy and regulatory changes for comments including draft Official Plan and Zoning By-law amendments and a draft Licencing By-law. On October 1st, 2019, Staff held a roundtable with various stakeholder groups to outline the proposed changes, provide copies and receive some additional feedback in advance of the public meeting on October 22nd, 2019. The draft documents were also circulated to agencies for review and comment.

Following the public meeting (Appendix A Public Meeting Minutes) revisions were made to the draft policies and regulations to address the questions and concerns raised by Council and members of the public, and direction received from Council. The proposed policy and regulatory changes include:

- A revised draft Official Plan Amendment;
- A revised draft Zoning By-law Amendment; and
- A revised draft Licencing By-law.

All of the proposed policies and regulations are appended to this report.

Staff reviewed zoning and licencing requirements of other municipalities, including the City of Toronto, Town of Oakville, Town of Niagara-on-the-Lake, Town of Blue Mountains, Prince Edward County and Kelowna, British Columbia as part of our research of best practices and understanding of how other jurisdictions address short term accommodations. Each municipality has adopted an approach that best suits their circumstances and issues that they face. While some of the approaches are similar, each are unique to address the local context and issues, and each require differing levels of enforcement and administration. The approach recommended by staff builds on the experiences of other municipalities while still addressing the needs of the Town of Pelham.

Analysis:

Planning Act

Sections 17 and 34 of the *Planning Act*, R.S.O. 1990 provide the process for consideration of Official Plan and Zoning By-law amendments.

The *Planning Act*, R.S.O. 1990 provides that decisions of Council in respect to planning matters shall be consistent with provincial policy statements that are in effect as of the date of Council's decision and shall conform with provincial plans that are in effect.

Provincial Policy Statement, 2014

Policy 1.1.1 speaks to sustaining healthy, livable and safe communities by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) and commercial uses as well as avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Policy 1.1.4.1 indicates that healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources and providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets.

Policy 1.1.5 indicates that permitted uses on rural lands include resource-based recreational uses (including recreational dwellings), home occupations and home industries and that recreational, tourism and other economic opportunities should be

promoted. Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses. Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Policy 2.3.3 permits agricultural uses, agriculture-related uses and on-farm diversified uses provided agriculture-related uses and on-farm diversified uses are compatible with do not hinder surrounding agricultural operations.

Greenbelt Plan, 2017

The Greenbelt Plan, 2017 applies to lands designated Specialty Agricultural and Rural Settlement Area (North Pelham) in the Town's Official Plan. The Specialty Agricultural areas are designated Protected Countryside and Niagara Peninsula Tender Fruit and Grape Area and the Rural Settlement Area is designated settlement area in the Greenbelt Plan.

Goals for the Protected Countryside include support for the Niagara Peninsula specialty crop area as a destination for and centre of agriculture focused on the agri-food sector and agri-tourism related to grape and tender fruit production (1.2.2.1(b)(i)); Additional goals relating to culture, recreation and tourism include enabling continued opportunities for sustainable tourism development (1.2.3(c)). Goals for settlement areas are supporting a strong rural economy by allowing for the social, economic and service functions through the residential, institutional and commercial/industrial uses needed by the current and future population within the Greenbelt and sustaining the character of the countryside and rural communities (1.2.2.4(a) & (b)).

Lands within the specialty crop areas and prime agricultural areas of the Protected Countryside permit a whole range of agricultural uses, agriculture-related uses and on-farm diversified uses provided agriculture-related uses and on-farm diversified uses are compatible with and do not hinder surrounding agricultural uses are promoted and protected (3.1.3.1 & 3.1.2.1).

Policies for Hamlets (Rural Settlement Area) are contained within the Growth Plan for the Greater Golden Horseshoe, 2019.

Niagara Escarpment Plan, 2017

The Niagara Escarpment Plan, 2017 (NEP) applies to lands designated Niagara Escarpment Plan Area in the Town of Pelham Official Plan, 2014. Policies of the NEP apply to these lands. Areas within the Town of Pelham are designated Escarpment Rural Area, Escarpment Protection Area and Escarpment Natural Area.

The NEP permits single dwellings and bed and breakfasts in the Escarpment Natural Area, Escarpment Rural Area, Escarpment Protection Area (1.3.3, 1.4.3 & 1.5.3). The Niagara Escarpment Plan defines a bed and breakfast as “sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public within an existing single dwelling that is the principal residence of the proprietor.”

Part 1.1.1 of the NEP allows municipalities to set standards and policies that are more stringent than the requirements of the NEP unless doing so would conflict with the NEP. Zoning By-laws do not apply to the NEP area.

Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan for the Greater Golden Horseshoe, 2019 (GPGGH) applies to lands within the Town’s urban areas of Fenwick and Fonthill (Settlement Areas), north Pelham (Rural Settlement Area) and the Good General Agricultural Area in the Town’s Official Plan (Prime Agricultural Area).

The GPGGH aims to support complete communities that have diverse residential and employment uses, improve quality of life for people of all ages, abilities and incomes and provide a mix of housing units to accommodate the needs of all household sizes and incomes (2.2.1.4(a), (b) & (c)).

Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character and capacity of the resource and the surrounding rural landscape and may include commercial uses to serve the needs of visitors and where appropriate, resource-based recreational dwellings for seasonal accommodation (2.2.9.4).

Municipalities are encouraged to implement approaches to sustain and enhance the Agricultural System and the long-term economic prosperity and viability of the agri-food sector by promoting the sustainability of agricultural, agri-food and agri-product businesses while protecting agricultural resources and minimizing land use conflicts (4.2.6.7).

Regional Official Plan, consolidated August 2015

The Regional Official Plan (ROP) applies to all lands within the Town of Pelham. The Regional Official Plan encourages a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.3 states that the Region encourages housing which allows people to work at home or in relatively close proximity to work.

Policy 5.B.17 indicates that farm diversification uses may be permitted and are a potentially significant contributor to economically sustainable agriculture in Niagara, contributing more access to local food and VQA wines, contributing toward the preservation of the agricultural land base and the scenic quality of the agricultural landscape. Value added marketing uses are supported with limits to the scale included in local Official Plans. Bed and breakfast facilities are not permitted to exceed 6 bedrooms (5.B.24).

Agri-tourism uses that are not directly related to agriculture but benefit from a farm location may be regulated in a local Official Plan subject to: limited scale and appropriate to the site and surrounding area, minimal impact on and compatibility with the surrounding agricultural and rural uses, low water and low effluent producing uses that can be accommodated with private water and sewage systems, no off site impacts related to infrastructure or transportation, use does not generate potentially conflicting off-site impacts, special events are occasional and not regular recurring, timing and duration of the use does not hinder agricultural operations and compliance with the Regional Official Plan.

Town of Pelham Official Plan (2014) & Draft Official Plan Amendment

The existing Town of Pelham Official Plan includes some policies and permissions relating to bed and breakfast establishments, but is silent with respect to a dwelling being rented for short term accommodations.

The existing Town of Pelham Official Plan permits a range of residential uses as well as bed and breakfast establishments in single detached dwellings subject to policy requirements (B1.1.2) in the Urban Living Area. Policy B1.1.7 Bed and Breakfast Establishments permits bed and breakfast establishments in single detached dwellings provided that they are located within the principal residence of the owner/operator, preserve the character of the dwelling as a private residence and can be accommodated in terms of parking and access. The Official Plan policies also state that the Zoning By-law should define a bed and breakfast establishment and

provide further regulation regarding the conditions or criteria under which bed and breakfast establishments would be permitted.

The draft Official Plan amendment (Appendix B) proposes to remove the requirement that a bed and breakfast establishment be located within only a single detached dwelling and would extend the allowance to all types of dwellings.

The existing Official Plan permits hotels, inns and bed and breakfast establishments in the Downtown designation (B1.2.2(e)). The draft Official Plan amendment proposes to replace bed and breakfast establishments with short term accommodations.

The existing Official Plan permits inns and bed and breakfasts in the Downtown Transitional Area (B1.3.3(c)). The draft Official Plan amendment proposes to replace bed and breakfast establishments with short term accommodations.

The existing Official Plan permits small-scale inns and bed and breakfasts in the Downtown Transitional Area (B1.3.4.2). The draft Official Plan amendment proposes to replace bed and breakfast establishments with short term accommodations.

The existing Official Plan permits bed and breakfasts subject to Policy B2.1.3.6 of the Plan in the Good General agricultural designation (B2.1.2(c)). The draft Official Plan amendment proposes to replace bed and breakfast establishments with short term accommodations.

For clarity purposes, the permission for a bed and breakfast establishment is proposed to be added to the Townhouse Residential, Low Density Residential and Low Density Residential – Special Policies designations in the North West Fonthill Secondary Plan area (B1.6.2.1(b), B1.6.2.2(b) & B1.6.2.3(b)). Similar permission for a bed and breakfast establishment is proposed to be added to the EF-Low Density Residential, EF-Medium Density Residential and EF-High/Medium Density Residential designations in the East Fonthill Secondary Plan area (B1.7.7.3.1(x), B1.7.7.4.1(a)(xiii) & B1.7.7.5.1(a)(x)).

The proposed Official Plan amendment proposes to replace the permission for a bed and breakfast establishment in the Good General Agricultural, Specialty Agricultural and Environmental Protection. Two designations subject to meeting policy requirements (B1.1.2(c), B2.2.2(e) and B3.3.3.2(d)) relating to the character of the dwelling as a private residence being preserved, adequate parking, traffic, private servicing and legal signage (B2.1.3.6).

Zoning By-law 1136 (1987), as amended & Draft Zoning By-law Amendment

At present, Zoning By-law 1136 (1987) does not contain regulations for bed and breakfast establishments or short term accommodations with the exception of a site specific R1-165 zone for 1541 Haist Street permitting a bed and breakfast with six (6) guest rooms.

The proposed zoning changes (Appendix C) will add definitions for bed and breakfast establishment, principal residence dwelling and short term accommodation as follows:

“Bed and Breakfast Establishment” means a principal residence dwelling in which the owner and operator provides guest rooms for the temporary accommodation for twenty-eight (28) consecutive days or less to the travelling public and may offer meals to the registered guests but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.l.7, as amended.

“Dwelling, Principal Residence” means a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

“Short Term Accommodation (STA)” means a dwelling or dwelling unit, that in whole or part is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.l.7, as amended.

The draft zoning changes propose to allow a bed and breakfast establishment within any principal residence dwelling in specific zones, including the agricultural and commercial zones, but not the residential zones, subject to the following provisions:

- a) one (1) off-street parking space per guest room shall be provided in addition to the required parking for the principal residence dwelling;
- b) all relevant requirements of the Ontario Building Code and Ontario Fire Code shall be complied with; and
- c) licensing in accordance with the Town’s Licencing By-law.

The draft zoning change proposes to permit short term accommodation rentals including bed and breakfast establishments and short term rentals of entire dwelling units in the Agricultural, Special Rural, Neighbourhood Commercial, General Commercial and Commercial Rural zones subject to meeting licencing requirements in accordance with Council’s direction received at the public meeting.

Additional Regulations Draft Licencing By-law

The draft Licencing By-law requires all short term accommodations (including bed and breakfast establishments) to obtain a license. It also:

- details the information that must be provided with an application (insurance, fire safety plans, floor plans, etc);
- requires inspections by Fire and By-law Enforcement staff every two (2) years for non-principal residence dwelling short term accommodations and two (2) years for principal residence dwelling short term accommodations;
- requires that the owner of a Short Term Accommodation premises shall ensure that there is a responsible person available to attend the Short Term Accommodation premises at all times within a period of no greater than one (1) hour from the time of contact by way of telephone or e-mail;
- maintain a record of the renter that includes all pertinent information regarding the renter's name and address, length of stay, and confirmation of receipt of the Renter's Code; and
- requires posting of information for renters relating to emergency egress, noise by-laws, parking, etc. establishes a process for enforcement, penalties and appeals.

The draft Licencing By-law is appended to this report as Appendix D. Combined, the proposed Official Plan amendment, Zoning By-law amendment and Licencing By-law provide the appropriate tools to manage and regulate short term accommodations, including bed and breakfast establishments.

Financial Considerations:

Staff are currently working on establishing the fees associated with Licencing. After reviewing what other municipalities have implemented, the Town is looking at establishing a fee of \$150/per room in a Bed and Breakfast establishment and a fee of \$300/per room for a Short Term Accommodation.

Beyond fees, the Town is also establishing Administrative Monetary Penalties which will be applied by Bylaw Enforcement if the owner(s) contravene the provisions of the By-law. The monetary penalties are in the amount of \$250 for each day on which each contravention or violation occurs or continues.

Alternatives Reviewed:

An alternative could be that Bed and Breakfast Establishments are the only form of a Short Term Accommodation permitted in Residential areas. These establishments are owner occupied and provide for the owner being on the premise during the duration of the stay of the renter. This allows for the guests to be closely monitored while at

the establishment, therefore, not infringing on the surrounding neighbours day to day lives. This alternative would require a change to Section 6.2 of the appended Zoning By-law amendment, to permit Bed and Breakfast Establishments within all zones, which include Residential areas.

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

The Strategic Plan includes addressing Short Term Accommodation requirements and regulations as an action item for 2020. The proposed policy and regulatory changes are required actions to achieve Council's strategic plan goal and contribute to building strong communities.

Consultation:

Agency Comments:

On October 2nd, 2019, a notice was circulated to required commenting agencies and Town departments. To date the following comments have been received (Appendix E):

Niagara Region:

- Regional staff has reviewed the exemption criteria under Policy 14.E.6 and 14.E.7 of the Regional Official Plan, and confirms that the Official Plan Amendment (OPA) is exempt from Regional Council approval, in accordance with the ROP and the Memorandum of Understanding.

Niagara Escarpment Commission:

- The location of the amendment does not include the Niagara Escarpment Plan Area (NEPA). If the amendment did include the NEPA, the introduction of short term accommodation as a permitted use would conflict with the Niagara Escarpment Plan (NEP), as the only provision for short-term accommodation is per the NEP definition of Bed and Breakfast. Therefore, Section 3 – Location of the Amendment should explicitly exclude the Niagara Escarpment Plan Area.

Public Comments:

Planning staff held a roundtable meeting on October 1st, 2019, where stakeholder groups were invited to review and comment on the draft copies of the proposed changes to policies and regulations related to Short Term Accommodations.

On October 2nd, 2019, a public notice was published in the Voice of Pelham, posted on the Town's website and social media as well as circulated to commenting agencies, Town departments and known stakeholder groups.

Planning staff have received thirteen (13) public comments (full comments in Appendix F) in writing since the public meeting on October 22nd, 2019 (minutes in Appendix A). The following is a summary of comments made:

- Concerned for safety of children on the street with unknown people staying in these houses.
- Increased traffic and parking on the street.
- No reference as to how current Air bnb would be handled. Air bnbs should be deemed unacceptable in prime residentially zoned areas.
- Agree with having Short Term Accommodations being permitted in the Rural and Commercial zones, but not permitted in residential zone.
- Signage has no place in a designated prime residential area.
- Bed and Breakfast facility and Short Term Accommodations must have “on lot” parking, but how can that be accommodated in prime residential areas? When did the Town roadways become approved and appropriate parking lot locations?
- How will various code requirements be enforced?
- How does the Town have “rights” to inspect this places?
- Strongly disagree with allowing B&B and Short Term Accommodations anywhere in the Town.
- Keep the tourist industry to Niagara-on-the-Lake and/or Niagara Falls.

Planning staff also consulted with the Town CAO, Town Clerk, the Fire Chief/Manager of By-law Enforcement and By-law staff, particularly with regards to the implementation of the Licencing By-law.

Staff comments:

In response to comments received by the public regarding the policies and regulations associated with Short Term Accommodations and Bed and Breakfast establishments, Planning staff have the following information to offer.

There have been concerns about nuisance issues, like noise, increase in traffic and safety issues for neighbours. Furthermore, Council requested that these establishments not be permitted within residential zones to address the concerns residents have with regards to those issues stated above. Furthermore, the Zoning By-law Amendment, does not permit Short Term Accommodations and Bed and Breakfast establishments in residential zones and will only be permitted in the rural agricultural and commercial zones.

Also, through the licencing application process, the owner of the short term accommodation or bed and breakfast establishment must designate a Responsible Person, who is available to attend the Short Term Accommodation premises at all

times within a period of no greater than one (1) hour from the time of contact by way of telephone or e-mail.

The by-law defines a "Responsible Person" as the owner or an agent assigned by the owner or licensee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this by-law, the license and applicable law.

By establishing a Responsible Person for these types of accommodations it will help negate any nuisance or safety issues by ensuring that any issues will be dealt with in a timely manner.

With regard to the concerns about parking, inspections and enforcement this has been addressed in the Licencing By-law (Appendix D). With respect to parking, one (1) parking space per guest room in addition to the required spaces for the principal dwelling is required and located on the same lot as the use.

A pre-inspection of the premises prior to the consideration of the application is required. The applicant shall cooperate and facilitate in arranging the inspection of the premises, be in attendance during the inspection and shall pay the fees required prior to the inspection. Also, an officer may at any reasonable time inspect any premises or place where a licence has been issued under the Licencing By-law to determine compliance.

Furthermore, a Municipal Law Enforcement Officer who finds that a person has contravened any provision of this by-law, may issue a notice addressed to that person, advising that person, that he or she has failed to comply with a provision to this by-law and that he or she is subject to paying an administrative penalty as a consequence of that non-compliance. The financial penalty is a deterrent and proven to be successful in obtaining compliance in other jurisdictions.

Conclusion:

The proposed Official Plan and Zoning By-law have been revised to address the comments received at the public meeting and Council's direction. It is staff's recommendation that the amendments are considered to be minor in nature and no further public meeting is required.

The proposed Licencing By-law was reviewed with By-law Enforcement Staff and the Town Clerk to ensure that staff have an understanding of the process to be undertaken for a licence to be issued and have the tools needed to implement this new licencing regime.

Together, the proposed Official Plan amendment, Zoning By-law amendment and Licencing By-law will provide the appropriate tools required to manage short term accommodations.

Other Pertinent Reports/Attachments:

Appendix A Public Meeting Minutes – October 22, 2019
Appendix B Draft Official Plan Amendment
Appendix C Draft Zoning By-law Amendment
Appendix D Draft Licencing By-law
Appendix E Agency Comments
Appendix F Public Comments

Prepared and Recommended by:

Tara Lynn O'Toole, B.A. (Hons.)
Policy Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. XX- (2020)

Being a by-law to amend Zoning By-law 1136 (1987), as amended, with respect to Short Term Accommodation in the Town of Pelham

Town of Pelham

File No. AM-12-18

WHEREAS, Section 34 of the Planning Act, RSO 1990, as amended provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

WHEREAS, the Council of the Town of Pelham considers it to desirable to amend Zoning By-law 1136 (1987) to implement the policies of Official Plan Amendment No. XX with respect to short term accommodations in the Town of Pelham;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF PELHAM ENACTS AS FOLLOWS:

1. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 6.2 as follows, and renumbering the remaining Sections accordingly:

6.2 Bed and Breakfast Establishments

A bed and breakfast establishment shall be permitted in any principal residence dwelling in a specific zone subject to the following provisions:

- a) one (1) off-street parking space per guest room shall be provided in addition to the required parking for the principal residence dwelling;
 - b) all relevant requirements of the Ontario Building Code and Ontario Fire Code shall be complied with; and
 - c) licensing in accordance with the Town's Licencing By-law.
2. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 7.1(i) and (j) to Section 7.1 as follows:
 - (i) **Short Term Accommodations, subject to licencing in accordance with the Town's Licencing By-law; and**
 - (j) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
 3. **THAT** By-law 1136 (1987), as amended, is hereby amended by the addition of Section 8.1(f) and (g) to Section 8.1 as follows:
 - (f) **Short Term Accommodations, subject to licencing in accordance with the Town's Licensing By-law; and**

- (g) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
4. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting Section 19.1(c) and replacing it with the following as well as the addition of 19.1(d) as follows:
- (c) Dwelling units **and short term accommodations, in accordance with the Town's Licencing By-law** above the ground floor; **and**
 - (d) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
5. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting Section 20.1 (c) and replacing it with the following, as well as the addition of 20.1(d) as follows:
- (c) Dwelling units **and short term accommodations, in accordance with the Town's Licensing By-law** above the ground floor; **and**
 - (d) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
6. **THAT** By-law 1136 (1987), as amended, is hereby amended by deleting Section 21.1 (c) and replacing it with the following, as well as the addition of 21.1(d) as follows:
- (c) Accessory residential uses to any of the foregoing permitted uses **and short term accommodations in accordance with the Town's Licensing By-law**, except automobile service station; **and**
 - (d) **Bed and Breakfast establishments, subject to licencing in accordance with the Town's Licencing By-law.**
7. **THAT** By-law 1136 (1987), as amended, is hereby amended by adding and alphabetically inserting new definitions into Section 5 as follows:
- "Bed and Breakfast Establishment"** means a principal residence dwelling in which the owner and operator provides guest rooms for the temporary accommodation for twenty-eight (28) consecutive days or less to the travelling public and may offer meals to the registered guests but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.
- "Dwelling, Principal Residence"** means a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.
- "Short Term Accommodation (STA)"** means a dwelling or dwelling unit, that in whole or part, is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.I.7, as amended.
8. **THAT** this Bylaw shall come into effect and force from and after the date of passing thereof, pursuant to Section 34(21) and 34(30) of the Planning Act, RSO 1990, as amended.

ENACTED, SIGNED AND SEALED THIS
XXth DAY OF XXXXXXXXXX, 2020 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY J. BOZZATO

DRAFT

THE CORPORATION OF THE TOWN OF PELHAM

By-Law No. XXX- 2020

A BY-LAW TO ADOPT LICENCING FOR SHORT TERM ACCOMMODATION

BEING A BY-LAW TO LICENCE, REGULATE AND GOVERN THE OPERATION OF SHORT TERM ACCOMMODATION IN THE TOWN OF PELHAM

WHEREAS Section 8 (1) of the *Municipal Act, 2001*. S.O. 2001, c. 25 (hereinafter "*Municipal Act*") provides the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to Section 9 of the *Municipal Act*, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

AND WHEREAS pursuant to Section 11 (2)(6) of the *Municipal Act*, a lower-tier municipality has the authority to implement business licencing in the interest of health and safety, well-being of persons, consumer protection and nuisance control;

AND WHEREAS Sections 11(3)(7) and 11 (3)(8) of the *Municipal Act*, authorize a Municipality to pass by-laws respecting health, safety and well-being of persons, parking on property, structures including fences and signs;

AND WHEREAS Sections 390 to 400 of the *Municipal Act* enable a municipality to pass By-laws for imposing fees or charges for permits and services provided or done by them;

AND WHEREAS Section 425 of the *Municipal Act*, authorizes a Municipality to create offences;

AND WHEREAS pursuant to Section 434.1 of the *Municipal Act*, a municipality has the authority to impose a system of administrative penalties and fees as an additional means of encouraging compliance with this by-law;

AND WHEREAS Section 436 of the *Municipal Act* permits a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law direction, order or licence;

AND WHEREAS Section 444 of the *Municipal Act* provides that if a municipality is satisfied that a contravention of a by-law of the municipality passed under this *Act* has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS the Council of the Corporation of the Town of Pelham has engaged in public consultation, including public meetings, a round table meeting with community groups and in direct consultation with Owners/Operators of short term accommodation facilities including bed and breakfast

establishments and vacation rentals;

AND WHEREAS the Council of the Corporation of the Town of Pelham considers it advisable that such Licencing, regulation and governing takes place with regard to Short Term Accommodation Rentals as defined in this By-law;

AND WHEREAS, Council has enacted Official Plan Amendment No. XX and Zoning By-law Amendment XXXX (2020) under the provisions of the *Planning Act*, R.S.O. 1990, c. P13, as amended, with respect to Short Term Accommodation within the municipality and having done so desires to provide for a system of Licencing to implement said policies and provisions;

AND WHEREAS pursuant to Section 151 of the *Municipal Act*, Council is exercising its authority to provide for a system of licences with respect to Short Term Accommodation businesses; and

NOW THEREFORE the Council of The Corporation of the Town of Pelham enacts as follows:

SECTION 1: DEFINITIONS AND INTERPRETATION

"ADMINISTRATIVE MONETARY PENALTY SYSTEM (AMPS)" By-law # 3505(2014), as amended from time to time, means a civil mechanism for promoting compliance with municipal by-laws. Administrative penalties can be imposed through administrative processes, rather than fines imposed in quasi-criminal court processes.

"ANCILLARY" means a use, building or structure that is located on the same lot that may or may not be detached from the main building and is essential to a principal or main use, building or structure therewith.

"BED & BREAKFAST ESTABLISHMENT" means a principal residence dwelling in which the owner and operator provides guest rooms for the temporary accommodation of twenty-eight (28) consecutive days or less to the traveling public and may offer meals to the registered guests, but does not include a hotel, motel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.1.7, as amended.

"BUILDING" means, a structure occupying an area greater than ten (10) square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems related thereto.

"BUSINESS, Short Term Accommodation" shall mean the business of making or attempting to earn revenue by engaging in or by advertising the availability of a Short Term Accommodation for twenty-eight (28) consecutive days or less for remuneration or other good and valuable consideration.

"COOKING APPLIANCES" means equipment for food preparation, such as a hot plate, microwave, toaster or toaster oven, oven or stove top, but does not include a coffeemaker, kettle or bottle warmer.

"COUNCIL" means the Municipal Council of the Corporation of the Town of Pelham.

"DWELLING UNIT" means one (1) or more habitable rooms, in a building, occupied or capable of being occupied as a single housekeeping unit only, in which sleeping, sanitary conveniences, and kitchen facilities are provided, in which a heating system is provided, and which has a private entrance from outside the building or from a common hallway or stairway inside. For the purposes of this By-law, a dwelling unit does not include a tent, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, a hotel, motel, or motor home.

"DWELLING, PRINCIPAL RESIDENCE" means a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

"FEE" means as set out in the Town of Pelham Annual Rates and Fees Schedule, which is not prorated and non-refundable.

"FIRE PREVENTION OFFICER" means any member of a fire prevention bureau established by a municipality and every person designated by the fire Marshall as an assistant to the fire Marshall.

"GUEST ROOM" means a room or suite of rooms used or maintained for the accommodation of individuals to whom hospitality is extended for compensation.

"LICENCE" means the certificate or other similar document issued pursuant to this by-law as proof of Licencing under this by-law.

"LICENCED" means to have in one's possession a valid and current licence issued under this by-law and unlicensed has the contrary meaning;

"LICENCEE" means a person issued a licence under this by-law to operate a Short Term Accommodation.

"LICENCE ISSUER" means any person or persons provided the authority by the Town to issue a licence under this by-law.

"MUNICIPAL LAW ENFORCEMENT OFFICER" means a municipal law enforcement officer of the Corporation of the Town of Pelham who is duly appointed by the Council of the Corporation for the purpose of enforcing the provisions of the Corporation's By-laws or a Niagara Regional Police (NRP) Officer.

"OWNER" means any person(s) or corporation who is a registered owner, has a legal or equitable interest, has a legal right to obtain possession, and who has control or management of any property, land, building or structure. In the case of a Corporation, any authorized signing officer is considered the Owner for the purposes of this By-law.

"PARKING AREA" means an area provided for the parking of motor vehicles and may include aisles, parking spaces, pedestrian walkways, and related ingress and egress lanes, but shall not include any part of a public street.

"PROPERTY" means any lot, block or other area in which land is held or into which it is subdivided, including the buildings and structures thereon.

"RENTER" means the person, who has obtained entitlement to exclusive use of a portion or the entirety of a Short Term Accommodation rental from the Licencee.

"RENTER'S CODE OF CONDUCT" as set forth in Schedule A means a document that has been prepared by the Town that prescribes the roles and responsibilities of the Renter, including behavioral expectations as they relate to non-disturbance; which provides a warning related to the making of a disturbance; and, which identifies applicable Town by-laws that the renter must comply with including the adherence to the provisions of this by-law.

"RESPONSIBLE PERSON" means the owner or an agent assigned by the owner or Licencee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this By-law, the Licence and applicable laws.

"SECOND DWELLING UNIT" means a dwelling unit within a single-detached, semidetached, or townhouse dwelling; or within a detached structure accessory to a primary dwelling.

"SITE DRAWING" means a plan that identifies those measures the owner will implement so as to ensure compliance with Section 5 of this by-law.

"SHORT TERM ACCOMMODATION (STA)" means a dwelling or dwelling unit, that in whole or part, is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight (28) consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the *Innkeepers Act*, R.S.O. 1990, c.l.7, as amended.

"TOWN" means the Corporation of the Town of Pelham.

"TOWN CLERK" means the person or his/her designate as appointed by the Council of the Town.

"ZONING BY-LAW" means the Town of Pelham's Comprehensive Zoning By-Law 1136 (1987), as amended from time to time and any successors thereto.

SECTION 2: GENERAL PROVISIONS APPLICABLE TO ALL SHORT-TERM ACCOMODATION(S)

1. No person shall use or operate any Short Term Accommodation unless he or she holds a current Licence issued pursuant to this By-law.
2. No person shall advertise a Short Term Accommodation without a licence.
3. Where a lot contains a second dwelling unit as defined by the Comprehensive Zoning By-law, the following shall apply:
 - a) A Principal Residence of the property owner shall be located on the same lot as the Short Term Accommodation; and
 - b) A maximum of three (3) Short Term Accommodation guest rooms are permitted on the same lot.
4. Short Term Accommodation(s) shall comply with all applicable Municipal By-laws and provincial legislation.
5. The following shall be made available to guests:
 - a) a copy of the current Licence displayed interior to the Short Term Accommodation and available for inspection by Town staff;
 - b) a copy of the current Town Noise Control By-law 3130-2010, as amended;
 - c) a copy of the current Town's Public Nuisances By-law 2020-XXXX;
 - d) a copy of the current parking provisions for Short Term Accommodation as described in the Town's Zoning By-law;
 - e) a copy of the current Town Administrative Monetary Penalty System By-law 3505(2014);
 - f) a copy of the current Town Fireworks By-law 2951-2008; and
 - g) a copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes.
6. The Licencee shall be responsible for maintaining the amenity and parking areas.
7. All Short Term Accommodation establishments must provide a 2A-10BC or better fire extinguisher in any cooking area and on every level of the establishment.
8. All Short Term Accommodation establishments must post fire emergency procedures.

9. All Short Term Accommodation establishments shall prepare and have approved by the Fire Chief, a fire safety plan as per section 2.8.2 of the Ontario Fire Code.
10. No Licencee shall rent any guest room in a Short Term Accommodation other than a guest room that was identified and approved as such on the floor plans submitted with the Application for the Short Term Accommodation Licence.
11. All Short Term Accommodation shall provide proof of insurance and carry a minimum of \$2 million dollars' liability insurance, unless a pool or hot tub is present on the premise, then a minimum of \$5 million dollar's liability insurance shall be carried. The insurance shall identify that a STA is being operated on the property. The Insurance coverage required herein shall be endorsed to the effect that the Town of Pelham shall be given at least ten (10) days' notice in writing of any cancellations or material variation to the policy.
12. A person is not eligible to obtain or renew a Licence if the person is indebted to the Town in respect of fines, penalties, judgments or any other amounts owing, including awarding of legal costs and disbursements and outstanding property taxes and late payment charges against all properties owned by the owner.

SECTION 3: SHORT-TERM ACCOMODATION - BED & BREAKFAST ESTABLISHMENTS

1. Where a Bed & Breakfast use is to be issued a Licence in accordance with this By-law, in addition to the General and Specific Provisions, the following provisions and considerations shall apply prior to issuing the Licence:
 - a) A Bed & Breakfast Establishment shall only be permitted in a principal residence of an owner and/or operator.
 - b) A Bed & Breakfast Establishment shall not be established or operated in an accessory building.
 - c) One (1) parking space shall be provided per guest room in addition to the required spaces for the principal dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements outlined in the Zoning By-law.
 - d) A Bed & Breakfast Establishment shall not detract from the general character of the neighbourhood nor be a nuisance in terms of noise, traffic, parking and visual character.
 - e) A Bed & Breakfast Establishment, while being operated as a Bed and Breakfast Establishment, must be occupied and operated by the principal resident while guests occupy or have the right to occupy guest rooms.
 - f) No cooking or cooking appliances shall be permitted in licenced guest rooms, except for a coffee maker, kettle or bottle warmer.
 - g) A Bed and Breakfast Establishment shall post fire emergency procedures in each room and have an approved fire safety plan for the dwelling.
 - h) A Bed & Breakfast Establishment post an emergency evacuation and Fire Safety Plan in each room.
 - i) Each Bed and Breakfast Establishment licenced pursuant to the By-law must provide proof to the Town at least every two (2) years that it complies with the Fire Code and the Town's Property Standards By-law and are required to pay the applicable inspection

fee(s), subject to the **Fee and Charges By-law XXX.**

SECTION 4: SHORT-TERM ACCOMMODATION – SPECIFIC PROVISIONS

1. The following provisions apply to all Short Term Accommodation:
 - a) A Short Term Accommodation shall only be permitted in areas where it is a permitted use as set out in the Town's Zoning By-law.
 - b) Permitted Renter Occupancy shall be the sum of all guest rooms in the Short Term Accommodation and have a maximum occupancy of ten (10) persons per dwelling, which includes the permanent occupants at any one time.
 - c) Occupancy of a Bed and Breakfast establishment is dictated by Section 3 of this By-law.
 - d) All Short Term Accommodation shall comply with the provisions of the Ontario Building Code.
 - e) All Short Term Accommodation must post fire emergency procedures and have an approved fire safety plan for each dwelling.
 - f) A Licencee shall provide to the Town the name and contact information of the Responsible Person who can be readily contacted and respond to an emergency or contravention of any Town By-law, including attendance on site of the Short Term Accommodation within one (1) hour of being notified of the occurrence.
 - g) The licence does not permit a Short Term Accommodation to be used for the hosting of events such as receptions or any other similar group activity in contravention of the Town's Comprehensive Zoning By-law, as amended.
 - h) Each Short Term Accommodation shall provide proof that it complies with the Fire Code and the Town's Property Standards By-law every two (2) years for a Short Term Accommodation as a principal residence or two (2) years for Short Term Accommodation as a whole home and are required to pay the applicable inspection fee(s), subject to the Fee and Charges By-law XXX.**
 - i) The Licencee shall keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code with such record readily available for inspection at all time by a Municipal Law Enforcement Officer for a period of one (1) year.
 - j) Applications for licence and issued licences, along with the legal description, civic address and associated owner, responsible person contact information will be posted on the Town's website.

SECTION 5: LICENCE APPLICATION AND ISSUANCE

1. An Application for a licence for a Short Term Accommodation shall be submitted to the Town and shall include a clear and legible floor plan and site drawing or sketch showing:
 - a) civic address and legal description of the property;
 - b) a photograph of the front of the building;
 - c) a floor plan with accurate dimensions showing an emergency evacuation plan inclusive of each bedroom, sleeping area, smoke alarm, CO alarm, fire extinguisher and existing

- egress door or window, as well as an approved fire safety plan;
- d) the location of the building on the property with setbacks indicated from all property lines;
 - e) the location and dimension of the parking area and the required parking spaces;
 - f) the location of the driveway access to the required parking spaces;
 - g) the location and dimensions of the outdoor amenity area(s); and,
 - h) fencing, landscaping or other buffering if required.
2. The Application shall identify:
- a) the number of guest rooms;
 - b) the maximum number of guests to be accommodated;
 - c) the registered owner and contact information;
 - d) the Owner and if applicable, Agent (alternative) person and related contact information; and
 - e) the licence number of any previous Short Term Accommodation licence.
3. The Application information shall include proof satisfactory to the Town that:
- a) a copy of general liability insurance in an amount of no less than \$2 million, unless a pool or hot tub is located on the premise, then general liability insurance in an amount of no less than \$5 million is required;
 - i. Owner is responsible to maintain a valid insurance policy and will be required to provide proof of insurance every year that the policy is renewed, or if anything has changed.
 - b) an indemnity in favour of the Town from and against claims, demands, losses, costs, damages, actions, suits, or proceedings that arise out of or are attributable to, the STA's owner, which shall be in a form satisfactory to the Town;
 - c) the subject property is adequately insured against damage from fire and confirmation that no restrictions are in place on the Applicant's ability to use the property for short-term accommodations during the period of insurance coverage nor on the amount of times the property may be used for short-term accommodations during such period; and,
 - d) the Applicant's insurance is cancellable on no less than thirty (30) days prior notice.
4. There shall be a maximum of one (1) Short Term Accommodation licence issued per municipal address.
5. The Applicant shall submit a Responsible Person Consent Form (Schedule B) to ensure that there is a responsible person who can be readily contacted and respond to an emergency or contravention of any Town By-law, including attendance on site of the Short Term Accommodation within one (1) hour of being notified of the occurrence.
6. The Applicant shall pay the required licencing fee as per the Town's Fees and Charges By-law.

7. The Applicant shall submit a copy of any advertisement of the Short Term Accommodation demonstrating its promotion to be in compliance with the provisions of this By-law.
8. The licensee shall keep a record of the renter with such record containing the date of entry, the length of stay, home address of the renter and confirmation of receipt of the Renter's Code of Conduct with such record readily available for inspection at all time by a Municipal Law Enforcement Officer for a period of one (1) year.
9. A licence for a Short Term Accommodation may not be renewed or extended unless the licensee has submitted a completed Application form and the applicable fee.
10. A Short Term Accommodation licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:
 - a) The date that is two years (2) after the date of the issuance of the licence; or
 - b) Upon the sale or transfer of the property to a person other than a licensee; and
 - c) A Short Term Accommodation licence cannot be assigned or transferred from the licensee to another party.
11. Any person applying for a licence is responsible to coordinate with the Town and to arrange for an inspection of the property if required as a condition precedent prior to receiving a licence to ensure compliance with the following:
 - a) The Provisions of this By-law;
 - b) The Ontario Fire Code;
 - c) The Ontario Building Code;
 - d) Niagara Region Public Health;
 - e) The Property Standards By-law; and
 - f) The Zoning By-law.
12. The Licensee shall be responsible for informing the Town in writing of any changes to the approved information contained within the licence application or any deviation to the approved plans within seven (7) days of such change or deviation. Nothing herein allows a licensee to rent rooms other than those identified and approved on the floor plans submitted with the Application for a licence unless the Town has approved same.
13. Upon receipt of a completed Application and the payment of the licencing fee, the licence issuer shall, in the case of both new and renewal applications review the application and if in compliance with this By-law, will issue the licence. The licence issuer may request comments from other departments or agencies and attach conditions to the licence.
14. Upon determination by the licence issuer that information requirements and all regulatory and by-law requirements of the Town are met, a licence shall be issued and expire on December 31, of each calendar year and prorate costs, unless the licence is renewed or revoked in accordance with the provisions of this by-law.
15. Licences are not transferable and shall remain the property of the Town.

SECTION 6: TERM OF LICENCE

A Licence issued pursuant to the provisions of this by-law shall expire two (2) years from the date it was issued, unless it is revoked in accordance with the provisions of this by-law.

SECTION 7: LICENCE DENIAL, SUSPENSION OR REVOCATION

1. The licence issuer may refuse to issue or revoke a licence if one or more of the following circumstances are met:
 - a) if the information submitted on the application is incomplete, incorrect, false or misleading; or
 - b) where all the required taxes, fees, administrative monetary penalties or municipal charges have not been paid; or
 - c) where a licence has been previously revoked, suspended, made subject to special condition(s) or has presented a history of contravention with this or other Town by-laws; or
 - d) Where the Applicant is in breach of any provisions of the By-law or the Short Term Accommodation does not comply with any provision of this By-law any breach of the provisions of any other Town By-law or regulations, or
 - e) refusal to comply with any previous notice of violation within seventy-two (72) hours.
2. Notwithstanding the above, if satisfied that the continuation of the licence poses an immediate threat to life or the health or safety of any person, the licence issuer may, for the time and such conditions as are considered appropriate and without a hearing, suspend a licence for not more than fourteen (14) days, and, prior to suspending the licence, shall provide the licensee with the reasons for the suspension, either orally or in writing, with an opportunity to respond to them.
3. Where the Municipal Law Enforcement Officer has issued three (3) or more monetary penalties within a six (6) month period, the licence may be revoked by the licence Issuer.

SECTION 8: INSPECTION

1. A pre-inspection of the premises prior to the provision of comments and prior to the consideration of the application is required. The applicant shall cooperate and facilitate in arranging the inspection of the premises in a timely manner and shall be in attendance during the inspection. In the instance of the requirement of the payment of fees for such an inspection, the applicant shall pay the fees as required prior to the inspection.
2. An officer may at any reasonable time inspect any premises or place where a licence has been issued under this By-law to determine compliance to this By-law.
3. To obstruct or permit the obstruction of an inspection is deemed an offence.
4. Licence shall be issued once all necessary inspections have been undertaken and signed-off on.

SECTION 9: LICENCE FEES NON-REFUNDABLE AND PENALTIES

1. The licence application fee is non-refundable regardless of the ultimate disposition of the licence application.

SECTION 10: ADMINISTRATION AND ENFORCEMENT

1. The Municipal Law Enforcement Officer shall be responsible for the enforcement of this By-law.
2. Every person who contravenes any provision of this By-law is guilty of an AMP and all contraventions of this By-law are designated as continuing offences pursuant to Section 429 of the *Municipal Act*.
3. When in the opinion of the Municipal Law Enforcement Officer, a violation of this By-law has occurred or exists, the Municipal Law Enforcement Officer may issue a written compliance notice to the alleged violator. The notice shall specify those sections of the By-law which are in violation. Failure to comply with the notice enables the Town, at its sole discretion, to correct the alleged violation, failing which the Town may correct the alleged violation at the expense of the Owner / Licencee.
4. Service of any notice under this section shall be carried out by personal service or registered mail addressed to the licensee at the address shown as the licensee's address on the Application.
5. Every person who contravenes any of the provisions of this By-law, including those contained in any of the Schedules and every Owner is guilty of an offence and may be subject to an Administrative Penalty or as an offence and conviction liable to a fine in keeping with the provisions of the *Provincial Offences Act*.
6. Pursuant to Section 447 of the *Municipal Act*, where an owner is convicted of knowingly carrying on or engaging in a Short Term Accommodation business in respect of any property or any part of any property without a licence required by this By-law, or a person is convicted of any other contravention of this By-law and the court determines that the owner or occupant of the property or part of the property in respect of which the conviction was made known or ought to have known of the conduct which formed the subject-matter of the conviction or of any pattern of similar conduct, the court may order that the property or part of the property be closed to any use for a period not exceeding two (2) years.

SECTION 11: ADMINISTRATIVE PENALTY

1. A Municipal Law Enforcement Officer who finds that a person has contravened any provision of this By-law, may issue a notice addressed to that person, advising that person, that he or she has failed to comply with a provision to this by-law and that he or she is subject to paying an administrative penalty as a consequence of that non-compliance.
2. Any person who is issued a penalty notice pursuant to Section 11(1) above shall be liable to pay the Town the administrative penalty in the amount stipulated in the Town's AMPS By-law 3505 (2014) as approved by Council.
3. Each person who contravenes any provision of this by-law shall upon issuance of a penalty notice in accordance with the AMPS By-law 3505 (2014), be liable to pay to the Town an administrative penalty in the amount of \$250.00 for each day on which each contravention or violation occurs or continues.

SECTION 12: APPEAL

1. An applicant, whose application has been refused, or a licensee, whose licence has been revoked, and is not satisfied with the terms or conditions as to why this action was taken, may apply to appeal this decision with Town Council.

2. Every person who initiates an appeal of a decision shall submit a notice of appeal;
 - a) within fourteen (14) days of a refusal or revocation; and
 - b) with the non-refundable required Appeal Fee as detailed in the Town's Fees and Charges by-law; and
 - c) by registered mail to the Town or personally filing with the Town Clerk or Deputy Town Clerk.

SECTION 13: APPEAL HEARING

1. Council shall hear and render a decision on an appeal under Section 12 of this By-law in an expeditious manner.
2. In considering an appeal, Council has the same powers as the municipal official who may issue or revoke a licence and may:
 - a) rescind the refusal or revocation action, or
 - b) confirm the refusal or revocation action, or
 - c) modify the action and create requirements of compliance.
3. The decision of Council on the appeal is final.

SECTION 14: CONFLICT AND SEVERABILITY

1. If any portion of this By-law of the Town is found to be in conflict with any other provision of any zoning, building, fire, safety or other By-law of the Town or regulations, the provision which establishes the higher standard shall prevail.
2. If any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, Council intends the remainder of this By-law or the application of such provision or requirement to all persons other than those to whom it is held to be invalid or unenforceable to not be affected hereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by by-law.

SECTION 15: EFFECTIVE DATE AND TRANSITION PROVISIONS

1. This By-law shall come into full force and effect upon enactment of the By-law at which time all By-laws that are consistent with the provisions of this By-law and the same are hereby repealed insofar as it is necessary to give effect to the provisions of this By-law.
2. Zoning By-law Conformity:
 - a) A property that is subject to a use that is not in conformity to the permitted uses of the Comprehensive Zoning By-law, as amended, shall not be issued a licence.
 - b) In the event that the Applicant for a Short Term Accommodation licence pursuant to this By-law claims that the use as a Short Term Accommodation is a legal non-conforming use pursuant to Section 34(9) of the *Planning Act* or the property that is subject to the application was used as a Short Term Accommodation at the time the By-law was passed by Council, the Applicant shall provide evidence that is satisfactory to the licence issuer together with a sworn Affidavit or Statutory Declaration which shall include but not be limited to the following information:
 - i. That the property was being used as a Short Term Accommodation as of

May 2020;

- ii. The nature and extent of the Short Term Accommodation use in May 2020 so as to determine if the use has changed or intensified since this date; and
- iii. That the property has not at any time since May 2020 stopped being used as a Short Term Accommodation.

- 3. Short Term Accommodation legally existing on the date of passage of this by-law shall have a period ending October 31, 2020 in which to obtain a licence.

SECTION 16: SHORT TITLE

- 1. This By-law shall be known as the “Short Term Accommodation (STA) Licencing By-law”.

Read a first, second and third time and finally passed and enacted this XXX day of _____ 2020.

Nancy Bozzato, Clerk

Marvin Junkin, Mayor

Schedule “A” – Renter Code of Conduct

DRAFT

SCHEDULE A

RENTER CODE OF CONDUCT

1. PREMISE OF THIS CODE

The premise of this Code is that the short term accommodation premises are located in the vicinity of other properties and that the residents/occupants of these properties have the right to enjoy their properties without being imposed upon by nuisance from others.

2. OBJECTIVES OF THIS CODE

The objective of this Code is to establish acceptable standards of behavior for renters and their guests, and to minimize any adverse social or environmental impacts on their neighbors and neighborhood.

3. GUIDING PRINCIPLES

The Guiding Principles for short term accommodation renters are:

- The premise that you are occupying is a home;
- Treat the premise as your own;
- Respect your neighbors; and,
- Leave it as you find it.

4. MAXIMUM NUMBER OF RENTERS AND GUESTS

- Permitted Renter occupancy shall be the sum of all guest rooms in the Short Term Accommodation and have a maximum occupancy of ten (10) persons per dwelling, which includes the permanent occupants at any one time.
- The number of non-occupying guests permitted at a short term accommodation premises must not be such that it may conflict with the neighbourhood or amenity.

5. NOISE AND RESIDENTIAL AMENITY

No person shall make noise so as to cause a disturbance or conduct themselves in an antisocial behaviour. Examples of noise that is deemed to be a disturbance include:

- a) Amplified sound such as noise created by, any radio, television, electronic device, record player, tape player, amplifier, loud speaker, musical instrument or equipment, device or instrument;
- b) Outdoor or backyard gatherings involving excessive noise;
- c) Late or early hour disturbances; and,

- d) Yelling, shouting, chanting and loud conversations.

Please be advised that the Town of Pelham's Noise Control By-law 3130-2010, as amended, is in effect at all times and renters and guests must comply.

6. FUNCTIONS AND PARTIES

No person shall sponsor, conduct, continue, host, create, attend, allow, cause or permit a Nuisance Party. Please be advised that the Town of Pelham's Nuisance By-law XXXX-2020, is in effect at all times.

- a) Short term accommodation renters are not to host commercial functions;
- b) So called "party houses" conflict with residential amenity and are not permitted as per the Nuisance By-law XXXX-2020;
- c) Any gathering, celebration or entertainment at a short term rental accommodation premise Renter must not conflict with residential amenity and must comply with all the other requirements of this Code and the Town of Pelham by-laws; and
- d) No roof parties.

7. ACCESS AND PARKING

This property includes parking in the common parking spots located around the building, on the "first come, first served" bases.

8. RECYCLING AND GARBAGE

Please familiarize yourself and your guests with the protocol for waste management procedures, including the day of the week in which waste collection is scheduled. Place your garbage at the curb by 7 a.m. on your regular collection day. Do not place your garbage bag or can at the curb any earlier than 5 p.m. the day before collection. It should be noted that the "putting out" of waste on a non-scheduled day is prohibited. Waste Collection information is available on the Niagara Region website www.niagararegion.ca/waste/collection.aspx

Schedule “B” – Responsible Person Consent Form

DRAFT

SCHEDULE B

Responsible Person Consent Form Short Term Accommodation (STA) Application **By-law No. XXX-2020**

As required by the *Licensing for Short Term Accommodation By-law No. XXX-2020*, Section 5. (6), the owner of a Short Term Accommodation premises shall ensure that there is a responsible person available to attend the Short Term Accommodation premises at all times within a period of no greater than **one (1) hour** from the time of contact by way of telephone or e-mail.

The by-law defines a “Responsible Person” as *the owner or an agent assigned by the owner or licensee of the Short Term Accommodation to ensure the Short Term Accommodation is operated in accordance with the provisions of this by-law, the license and applicable law.*

Responsible Person Consent

I _____ CERTIFY AND ACKNOWLEDGE THAT:
(Print Name)

I have been appointed by the owner as a “Responsible Person” in accordance with the licensing requirements to operate a Short Term Accommodation at the following address:

_____, Town of Pelham, Ontario
(Street Address)

(Date)

(Signature)

NOTICE OF COLLECTION: The personal information recorded on this form is collected and maintained in accordance with MFIPPA – the Municipal Freedom of Information and Privacy Protection Act and will be used in the administration and enforcement of the Licensing for Short Term Accommodation by-law. Questions about the collection of personal information may be addressed to the Clerks Department, Town of Pelham, 20 Pelham Town Square P.O Box 400, Fonthill, ON L0S 1E0, 905-892-5055

Shannon Larocque

From: Shannon Larocque
Sent: Monday, September 30, 2019 11:48 AM
Subject: Reminder: Short Term Accommodations Roundtable

Good Afternoon,

This email is being sent as a reminder about the roundtable scheduled for tomorrow, Tuesday October 1st @ 2:00pm in the Council Chambers at Town Hall.

We would love to have you attend and provide valuable feedback on the proposed policies and regulations.

If you would confirm your attendance, it would be greatly appreciated. If you are unable to attend, we will distribute draft policies and regulations for review and comment by email following the roundtable.

Thank you,
Shannon



Shannon Larocque, MCIP, RPP
Senior Planner
**Community Planning &
Development**

e: slarocque@pelham.ca
p: 905.892.2607 x319
pelham.ca

20 Pelham Town
P.O. Box 400
Fonthill, ON L0S

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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Shannon Larocque

From: Laven, Amaraine (MNRF) <Amaraine.Laven@ontario.ca>
Sent: Tuesday, November 05, 2019 2:25 PM
To: Shannon Larocque
Cc: Mott, Nancy (MNRF)
Subject: RE: Request for Comments - Proposed Short Term Accommodations Policies and Regulations

Hi Shannon,

We have now had the opportunity to review the documents provided relating to the Zoning By-law and Official Plan amendments for policy and regulation changes to short term accommodations.

We understand that the location of the amendment does not include the Niagara Escarpment Plan Area (NEPA). If the amendment did include the NEPA, the introduction of short term accommodation as a permitted use would conflict with the Niagara Escarpment Plan (NEP), as the only provision for short-term accommodation is per the NEP definition of Bed and Breakfast. Therefore, Section 3 – Location of the Amendment should explicitly exclude the Niagara Escarpment Plan Area.

Additionally, we note the current Official Plan does not contain a standalone definition for *bed and breakfast*. Rather, under the applicable designations it is listed as a permitted use and is further outlined in a standalone section, which indicates that the implementing Zoning By-law shall define it and further detail the conditions under which it may be permitted. The ZBA is proposing to change the definition of bed and breakfast generally to be permitted within any dwelling unit, which is more permissive than the definition provided in the NEP, which allows it only within single dwellings, not dwelling units. Section B3.1.1 states that many of the general policies of the Official Plan are intended to apply to the area of the NEP. Please be advised that if adopted, the more permissive definition of bed and breakfast will not apply within the NEPA and the NEP definition will prevail.

I hope these comments are helpful. Please let me know if you have any questions or require clarification on anything.

Sincerely,

Amaraine Laven, MES(PI)
Senior Planner



Niagara Escarpment Commission
An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-877-1763

Website: www.escarpment.org

Please let me know if you require communication supports or alternate formats.

From: Shannon Larocque <SLarocque@pelham.ca>
Sent: October 22, 2019 1:45 PM
To: Laven, Amaraine (MNRF) <Amaraine.Laven@ontario.ca>
Cc: Mott, Nancy (MNRF) <Nancy.Mott@ontario.ca>
Subject: RE: Request for Comments - Proposed Short Term Accommodations Policies and Regulations

Hi Amaraine,

An extension is definitely possible. I don't have an expected time frame on when a recommendation report will be proceeding to Council at this time.

Regards,
Shannon

From: Laven, Amaraine (MNRF) <Amaraine.Laven@ontario.ca>
Sent: Friday, October 18, 2019 4:53 PM
To: Shannon Larocque <SLarocque@pelham.ca>
Cc: Mott, Nancy (MNRF) <Nancy.Mott@ontario.ca>
Subject: RE: Request for Comments - Proposed Short Term Accommodations Policies and Regulations

Hi Shannon,

We will try to have comments to you prior to the public meeting, however, we may not be able to. Please advise if an extension is possible.

Sincerely,

Amaraine Laven, MES(PI)
Senior Planner



Niagara Escarpment Commission
An agency of the Government of Ontario

232 Guelph Street | Georgetown, ON | L7G 4B1

Tel: 905-877-1763

Website: www.escarpment.org

Please let me know if you require communication supports or alternate formats.

From: Shannon Larocque <SLarocque@pelham.ca>
Sent: October 2, 2019 12:33 PM
To: Fricke, Britney <Britney.Fricke@niagararegion.ca>; Sarah Mastroianni <smastroianni@npca.ca>; Bob Lymburner <BLymburner@pelham.ca>; Derek Young <DYoung@pelham.ca>; Mike Zimmer <MZimmer@pelham.ca>; Mott, Nancy (MNRF) <Nancy.Mott@ontario.ca>; Laven, Amaraine (MNRF) <Amaraine.Laven@ontario.ca>
Cc: Craig Genesse <CGenesse@pelham.ca>; Belinda Menard <BMenard@pelham.ca>; Tolga Aydin <TAydin@pelham.ca>; Xenia Pasiecznik <XPasiecznik@pelham.ca>
Subject: Request for Comments - Proposed Short Term Accommodations Policies and Regulations

Good Afternoon,

Please find attached a public meeting notice as well as a draft OPA, ZBA and nuisance by-law for short term accommodations.

Your comments would be appreciated in advance of the public meeting on October 22nd if possible. We apologize for the shorter than normal notice.

If you have any questions, please feel free to contact me.

Best Regards,



Shannon Larocque, MCIP. RPP.

Senior Planner

Town of Pelham

T: 905-892-2607 x322 | E: slarocque@pelham

20 Pelham Town Square | PO Box 400 | Fonth

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Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

October 22, 2019

File Nos.: D.10.06.OPA-19-025
D.18.06.ZA-19-117

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S1E0

Dear Ms. Larocque:

**Re: Provincial and Regional Comments
Official Plan and Zoning By-law Amendment Applications
Town Initiated Amendments for Short Term Accommodations
City File No.: AM-12-18**

Regional Planning and Development Services staff has reviewed the information circulated with the Town initiated Official Plan and Zoning By-law Amendments to include policies and regulations with respect to short term accommodations within the Town. A Licensing By-law is also proposed. The applications were received on October 2, 2019.

The draft Official Plan Amendment proposes to:

- Permit short term accommodations in the Downtown, Downtown Transitional Area, Good General Agricultural, Speciality Agricultural and Environmental Protection Two designations, subject to specific policy requirements; and,
- Permit bed and breakfast establishments in residential designations.

The draft Zoning By-law Amendment proposes to:

- Permit a bed and breakfast establishment in a residential zone subject to meetings parking, signage, Ontario Building Code, Ontario Fire Code and licensing requirements and being occupied as a principal residence by the owner/operator; and,
- Permit short term accommodations in Agricultural, Special Rural, neighbourhood Commercial, general Commercial and Commercial Rural zones.

Regional staff provides the following comments regarding Provincial and Regional policy to assist the Town in finalizing the amendments before they go to Council.

Official Plan Amendment

Short Term Accommodations in the Downtown & Downtown Transitional Area

Lands designated Downtown and Downtown Transitional are within a Settlement Area under the 2014 Provincial Policy Statement (PPS), subject to the policies of the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and designated Urban Area in the Regional Official Plan (ROP).

The PPS calls for the sustainability of health, liveable and safe communities by accommodating an appropriate range and mix of residential (including rental accommodations), employment, institutional, recreation, park and open space and other uses to meet long-term needs. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The policies emphasize intensification and infill as the preferred form of development to help achieve complete communities that have a mix of land uses, employment opportunities and are active transportation and transit supportive. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

The proposal to introduce permissions for short term accommodations within the Downtown and Downtown Transitional designations will provide further temporary accommodation options in those areas, contributing to the creation of a complete community and providing further housing choice. The proposal is generally supported by Provincial and Regional policy.

Short Term Accommodations in the Good General Agricultural and Specialty Agricultural Areas

Lands designated Good General Agricultural and Specialty Agricultural are within a Prime Agricultural Area and Prime Agricultural Land under the 2014 PPS. Such lands shall be protected for long-term use for agriculture with specialty crop areas being given the highest priority for protection. The ROP designates these lands as Good General Agricultural and Unique Agricultural Area, and a full range of agricultural, agriculture-related and secondary/on-farm diversified uses are permitted within these designations. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The PPS defines agriculture-related uses as farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in

close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. On-farm diversified uses are defined in the PPS as uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

Regional staff consider short term accommodations to be an agri-tourism use that would be permitted as an on-farm diversified use. When considering permissions for short term accommodations within agricultural areas, Town staff should be guided by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Prime Agricultural Areas, which contain criteria that must be met in order for a use to qualify as agriculture-related or on-farm diversified. Consideration should be given to incorporating this criterion within the draft Official Plan Amendment to ensure the proposal aligns with Provincial policy.

Zoning By-law Amendment- Definitions

Several definitions are used within the proposed Amending By-law to refer to specific dwelling types, some of which depend on other definitions. Regional staff suggest that the Town refer to wording employed by the Province to better inform these definitions. For instance, the definition of “Second Unit” refers back to another definition (“Dwelling Unit”), where it might be more clear to use the “Second Unit” definition from the Province, particularly the reference to “...with a private kitchen, bathroom facilities and sleeping areas.” (<https://www.ontario.ca/page/add-second-unit-your-house>)

Conclusion

In conclusion, the proposed Official Plan Amendment for the Downtown and Downtown Transitional designations are consistent with the PPS and conform to the intent of Provincial or Regional policies. Town staff should consider incorporating criteria from the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Prime Agricultural Areas into the draft Official Plan Amendment for the Good General Agriculture and Specialty Agricultural Areas to ensure the proposal aligns with Provincial policy.

Regional staff has reviewed the exemption criteria under Policy 14.E.6 and 14.E.7 of the Regional Official Plan, and confirms that the Official Plan Amendment (OPA) is exempt from Regional Council approval, in accordance with the ROP and the Memorandum of Understanding.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or Lola Emberson, MCIP, RPP, Senior Development Planner, at 905-980-6000 ext. 3518.

D.10.06.OPA-19-025

D.18.06.ZA-19-117

October 22, 2019

Kind regards,

A handwritten signature in cursive script, appearing to read "Britney Fricke".

Britney Fricke, MCIP, RPP
Development Planner

cc: Lola Emberson, MCIP, RPP, Senior Development Planner, Niagara Region

Shannon Larocque

From: Barbara Wiens
Sent: Monday, October 21, 2019 12:09 PM
To: Shannon Larocque
Subject: FW: Air BnB's Ward 2.

Fyi....

From: John Wink
Sent: Wednesday, October 16, 2019 2:58 PM
To: Mike Ciolfi <MCiolfi@pelham.ca>; Lisa Haun <LHaun@pelham.ca>; Bob Hildebrandt <BHildebrandt@pelham.ca>; Ron Kore <RKore@pelham.ca>; Marianne Stewart <MStewart@pelham.ca>; Marvin Junkin <MJunkin@pelham.ca>; David Cribbs <DCribbs@pelham.ca>; Barbara Wiens <BWiens@pelham.ca>
Cc: georgia_major@hotmail.com
Subject: Fwd: Air BnB's Ward 2.

Good afternoon,
I have included an email from ward two residents who were away on vacation and did not have time to complete a submission prior the deadline. I encouraged them to put their concerns in an email which I promised to forward to council. Please review Mr and Mrs Major's comments for council's consideration. Thanks
John Wink

Sent from my iPad

Begin forwarded message:

From: georgia major [REDACTED]
Date: October 16, 2019 at 1:16:25 PM EDT
To: "jwink@pelham.ca" <jwink@pelham.ca>
Subject: Air BnB's Ward 2.

Councillor Wink.

In the Oct 2/19 Voice there was an announcement on page 6 informing the public of a meeting re short term accommodations. I was not able to meet the Oct 9 deadline to request a formal presentation, as a result I am writing you to pose some questions on this subject as well as to express some opinions.

The announcement was silent on several matters.

First; there was no reference as to how current Air bnb facilities would be handled. If it is the intent that current Air bnb facilities would be grandfathered this does not remedy the neighbourhood problem(s). There should be NO short term "commercial" accommodation units in prime residentially zoned areas. Therefore existing Air bnb facilities should be deemed unacceptable in these areas and subsequently given a cease and desist order.

Second, there is no reference to property maintenance. Acceptable short term accommodation facilities should be required to maintain their property in a manner that is representative of the immediate neighbouring properties. This may vary area to area as the surrounding residence may have varying criteria for property maintenance. The concept of "good" property maintenance seems intuitively sound and logical as if one were operating a short term accommodation facility, one would naturally desire that clients have a pleasing experience, both inside and outside the facility. If there is no regard for the outside then the facility is clearly and simply a revenue generating asset (a true commercial operation)⁸ and as such has no place in a residential area. Commercial areas are designed for this form of asset utilization.

Third. Signage is to comply with local by laws. Signage has no place in a designated prime residential area. Residential single family homes have no need for permanent signage, therefore none should be acceptable. Signage is used to promote or advertise some commercial endeavour. Residential zoned areas are not commercial areas, so no signage should be permitted. This would include electronic advertising on the internet, which is the primary method of solicitation of clients for short term accommodation facilities, such as Airbnb's. Realizing that you can not control what is put on the internet this form of signage would only be a vehicle for identification of such facilities to ensure these facilities comply with all finalized requirements.

Parking is addressed in the town by laws, both existing and proposed. Allegedly bed and breakfast facilities and short term accommodation facilities must have "on lot" parking. There is currently at least one facility ([REDACTED]) that offers no "on lot" parking capability. This facility continues to attract multiple clients and uses the street as appropriate parking for such clients. These street parked cars often block views of the adjacent road system creating hazards for all. Additionally the street parked cars do not adhere to normal required distances from drives and corners, thus creating more difficulties. Local by law officers would be employed full time to rectify such violations. However most often these violations occur after normal business hours and as such go unnoticed to these officers. Other existing facilities have limited "on lot" parking capability, so the same street parking problems are experienced at these locations as well. All of this would be eliminated if the facilities were not located in prime residential areas, but appropriately located in a rural or commercial designated area, where "on lot" parking is available and such parking does not create subsequent difficulties. When did the town roadways become approved and appropriate parking lot locations for clients?

Council has addressed many important issues (cannabis, etc) since assuming office and has put the issue of bed and breakfast and short term accommodation to committee for review, public meetings and a subsequent recommendation (Oct 22/19). The issue has not gone away. It has gone to a lower profile, primarily on the belief that the issue is "understood and is real"; that it is going to ultimately be appropriately handled by council in due time and course of town business. To the Air bnb facilities the delay gives more revenue generation time and more reason to believe that their business venture will survive and flourish, neither of which are desirable or acceptable.

The notice of the public meeting also made reference to various code requirements which must be met. This is good, yet it begs the question of how it will be enforced or even understood by the town. Is the process dependent upon "whistle blowers" to inform the town of the existence of a short term rental facility? How does the town then have "rights" to inspect and potentially require change? This is a genuine concern for neighbours who are in a very difficult position-- do they blow the whistle or not! If the town does not have rights to remedy then the neighbour is seriously compromised. They still need to live in the neighbourhood!

Councillor Wink, I respectfully submit this email to you for your personal consideration as my Ward 2 representative. Please manage it as you see fit to properly represent your constituents. I look forward to seeing you at the Oct 22/29 public meeting.

Regards.

Doug Major



Sent from my Samsung Galaxy smartphone.

Shannon Larocque

From: Barbara Wiens
Sent: Tuesday, October 22, 2019 2:03 PM
To: Shannon Larocque
Subject: FW: Short term rentals in residential neighbourhoods

Fyi....

From: Nancy Bozzato
Sent: Tuesday, October 22, 2019 12:17 PM
To: Holly Willford <HWillford@pelham.ca>
Cc: Barbara Wiens <BWiens@pelham.ca>
Subject: FW: Short term rentals in residential neighbourhoods

Hi Holly

Please add to the short term rental list of correspondence received and place a copy at each Councillor desk. This one will not be placed on the public agenda as we have already published the addendum as well as the agenda.

Nan

From: Lisa Haun [REDACTED]
Sent: Tuesday, October 22, 2019 9:01 AM
To: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Fwd: Short term rentals in residential neighbourhoods

Hi Nancy,
Sending to you just in case you haven't already received this....

Sent from my iPhone

Begin forwarded message:

Resent-From: [REDACTED]
From: Scott Strike [REDACTED]
Date: October 21, 2019 at 9:39:37 PM EDT
To: Ron Kore <RKore@pelham.ca>, John Wink <JWink@pelham.ca>, Marvin Junkin <MJunkin@pelham.ca>, Mike Ciolfi <MCiolfi@pelham.ca>, Lisa Haun <LHaun@pelham.ca>, Marianne Stewart <MStewart@pelham.ca>, Bob Hildebrandt <BHildebrandt@pelham.ca>
Subject: Short term rentals in residential neighbourhoods

Hello Council,

Please do not allow for short term rentals in residentially zoned areas in Pelham. We now have a street full of kids here on [REDACTED] now.

We pay really high property tax (\$7,000 a year) and we did not buy into mixed use zoning. We

are worried for the safety of our kids first and foremost. Having \$40 per room per night boarding houses sanctioned by the town can only bring trouble. By trouble, I mean impaired driving, increased traffic and parking, pedophiles. We have worried about that you know, it is not a joke to us. Please do not forget that at one point, my next door neighbour, neighbour across the street and backyard neighbour were all operating as STR.

I am asking you as council please consider people who have chosen to live here and pay taxes to keep the town going long-term over greedy real estate speculators.

I do not understand why senior staff in Pelham is embracing STR when other municipalities are trying to limit it. I give up on senior staff and trying to get them to listen. It has been so long now, they don't care. An example is a mid-day mid-week meeting to discuss STR's. Who was supposed to make that meeting, not working families that is who.

I really do not want to get into MPAC assessment challenges to lower property taxes, litigation in the event of personal or property damage by STR and escalation paths such as the provincial ombudsman if an unenforceable bylaw is passed. If I am pushed into a corner, I will not have reservations in following through with the aforementioned. Don't forget, it has almost been two years now, so frustrations have built.

I really do not want to argue, I just want what I paid for, a quiet residential neighbourhood where we do not have to worry about a revolving door of strangers next door. I think that is only fair, I am happy to pay the high tax as long as I get a residential neighbourhood in return.

Thank you for your time and consideration.

Scott Strike

Sent from my iPhone

Shannon Larocque

From: Barbara Wiens
Sent: Thursday, October 31, 2019 8:13 AM
To: Shannon Larocque
Subject: FW: Short term rentals

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-----Original Message-----

From: Stephanie Echlin [REDACTED]
Sent: Wednesday, October 30, 2019 6:23 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: Short term rentals

Please do not allow the town's lovely residential areas to be spoiled by the coming and going of short term residents who can be expected to have little interest in conducting themselves with consideration of long term residents in neighbouring properties. Not only would these transients contribute nothing of significant value to the town, but their presence would be constantly unsettling to the town's permanent residents who value the consistency of knowing who is using properties adjacent to theirs. Because we live here permanently, we want to know and socialize with our neighbours. We have made a commitment to live and work in Pelham because of its unique character and charm, and we do not want to see our neighbourhoods turned over to transient strangers with whom we have zero connection.

We are expected to believe that the proposed requirement for short term rentals to be limited to owner occupied properties in residential areas will prevent abuse and poor conduct. I personally do not take any consolation from this proposal, as I think it is unenforceable. Such a requirement would be easily overcome by property owners who may be more interested in maximizing their income than in compliance. Even with another bylaw compliance officer, the town could not control what people choose to do with their short term rental properties. I also believe that to allow signage demonstrating that a residential property is licensed to rent short term would lower the property values of neighbouring properties significantly. The only purchasers who would buy those neighbouring properties would be those who also want to rent short term. Please do not allow our neighbourhoods to become short term rental ghettos. Pelham and its residents deserve better.

Sincerely, Stephanie Echlin, [REDACTED]

Sent from my iPad

Shannon Larocque

From: Barbara Wiens
Sent: Wednesday, October 30, 2019 8:08 AM
To: Shannon Larocque
Subject: FW: Short Term Rentals

Fyi...

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-----Original Message-----

From: Lorraine Hildebrandt [REDACTED]
Sent: Tuesday, October 29, 2019 9:06 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: Short Term Rentals

I vote for no short term rentals and B&B's in urban residential areas in the Town of Pelham. Thank you. Lorraine Hildebrandt

Sent from my iPad

Shannon Larocque

From: Barbara Wiens
Sent: Monday, October 28, 2019 12:23 PM
To: Shannon Larocque
Subject: FW: Bed and breakfasts

[Fyi....for the file](#)

From: erin delaney [REDACTED]
Sent: Thursday, October 24, 2019 7:50 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: Bed and breakfasts

Yes I am very concerned about council possibly changing this bylaw to allow people to run bed and breakfasts in residential areas. This will only cause increase of traffic on streets and lots of loud parties going on all hours of the night. Cars will be parked all over possibly blocking people's driveways. This is ridiculous. Please do not pass this bylaw. Fonthill is a small town not a big city. Why is this council always trying to turn fonthill into a big city? Stop doing what the developers want and do what's right for the people of this town and the town itself. Remember its the people of this town who voted you into office and trusted you to do the right thing. If this passes I will leave fonthill immediately and move somewhere else where the town cares more for the people than for developers. Thank you very much. I am just another concerned citizen.

Shannon Larocque

From: Barbara Wiens
Sent: Monday, October 28, 2019 12:20 PM
To: Shannon Larocque
Subject: FW: short term rentals

[Fyi.....For the file.](#)

From: K Turchin [REDACTED]
Sent: Monday, October 28, 2019 9:47 AM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: short term rentals

I do not agree with allowing anykind of short term rentals in a regular residential neighbourhood. I would not want to have one beside me, not knowing who your neighbour is night after night is scary, especially when you have young children.

I totally agree with everything that Corey Ziraldo said in the recent meeting.

Short term rentals should only be permitted in certain areas like rural and commercial.

It is difficult to police them in a residential neighbourhood and basically we are telling the world to come on in and make a buck at the expense of our neighbourhood communities. When I came to buy a house in Fonthill a few years ago, I was in competition with Toronto speculative realtors who ended up buying I don't know how many houses but I had to wait for the next round to 'snag' our family home. Those realtor's don't give a damn about our neighbourhoods, we should not allow our communities to be 'for profit' endeavours for out of towners who have no intention of staying or contributing here.

I also do not think they should be 'grandfathered' in. I hope that all short term rentals are to cease operations if they are not in the designated area. I'm not sorry if those business owners of STR's have to cease their operation. They can easily sell their house and buy another in a commercial or rural zone. That's the nature of business...adapt.

I have a 4,000 square foot house being built across from me with 5 bedrooms and everyone has a bathroom along with a separate entrance to the basement. I am terrified that the plan for this monster house is a short term rental...mini-hotel. I will have to move if that is the case, Fonthill is going to loose many good residents if they are forced to put up with these businesses seeping into our quiet residential zones.

Thank you.
Kerie Turchin

Shannon Larocque

From: Barbara Wiens
Sent: Thursday, October 31, 2019 4:41 PM
To: Shannon Larocque
Subject: FW: AIRBNB

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-----Original Message-----

From: Carolyn McCourt [REDACTED]
Sent: Thursday, October 31, 2019 3:12 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: AIRBNB

To Whom It May Concern:

My husband and I attended the meeting Oct. 22nd regarding short-term rentals.

It was concerning to hear all the negative comments. After listening, it was evident that these homes have issues because they are operated by absentee owners. I too would complain if this happened next door to me.

When my husband and I talked about starting an AIRBNB earlier this year we discussed the steps we would take to do this properly.

1- After contacting the Planning Dept. and we're told there weren't any regulations in place at this time.

2- We then drafted a letter we shared with our neighbours. We explained there wouldn't be any problems with noise or infringement on their properties. Our guests will park in our driveway and will be aware of this before they arrive. So there is no street parking issues.

When we vacation in the winter or summer the AIRBNB is shut down. This is our home, we live here. If we had problems, we wouldn't be doing this.

We have met some wonderful people and haven't had one complaint from anyone. Our guests are respectful of the house rules and we respect our guests. We have often referred our guests to local businesses and restaurants.

Our recommendation would be for all short-term rental residences be owner occupied.

We are considered a 5 Star AIRBNB and I would hate for a handful of absentee owners to spoil it for the rest.

Sincerely Carolyn McCourt

Sent from my iPad

Shannon Larocque

From: Barbara Wiens
Sent: Monday, November 04, 2019 8:17 AM
To: Shannon Larocque
Subject: FW: Short term rentals must go - \$46/night backs onto our neighbourhood playground!
Attachments: Room with a view pelham.pdf



Barbara Wiens, MCIP, RPP

Director of Planning
Town of Pelham

T: 905-892-2607 x316 | E: bwuens@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonthill

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From: Adam Michael Kanar [REDACTED]
Sent: Friday, November 1, 2019 7:57 PM
To: Barbara Wiens <BWuens@pelham.ca>; Lisa Haun <LHaun@pelham.ca>
Subject: Short term rentals must go - \$46/night backs onto our neighbourhood playground!

Hello,

I live at [REDACTED]

I see a \$46/night rental that backs onto the playground where my 3 and 5 year old children and all of their friends play. You can even see the playground from the pictures they advertise (please see the attached).

Over the past year I've noticed a few strange things that I just thought had to do with odd people living in these townhouses, but events like parties with kids yelling and cussing in these townhouses, peculiar people lurking about by the pine trees, etc. - now I know that these are most likely people who don't belong here!

I'm paying about \$6000 in taxes to live here in this safe neighbourhood, and some guy who owns that townhouse can disrupt the safety of this neighbourhood to make \$46/night? This is not Toronto. This is Fonthill.

Pelham should NOT allow short term rentals. This is a huge issue. Pelham's proximity to Niagara Falls, one of the biggest tourist/gambling destinations in the world, is a liability here. Pelham is fundamentally a family

town, and our town should not be compromised for the sake of a few individual who want to make a little extra cash.

Thank you,

Adam Kanar





Pelham Home with a View

Pelham



Frank

Private room in townhouse

2 guests 1 bedroom 1 bed 1 private bath

Sparkling clean

9 recent guests said this place was sparkling clean.

Great location

100% of recent guests gave the location a 5-star rating.


Great check-in experience


100% of recent guests gave the check-in process a 5-star rating.


In a very good neighbourhood with amenities, parks, buses and community centre.


[Contact host](#)

Amenities

- 

Free parking on premises
- 


Wifi
- 

Kitchen
- 

Essentials

Show all 31 amenities

Sleeping arrangements



Bedroom 1

1 queen bed

Accessibility

- Accessible-height toilet
- Step-free access to the main entrance

Show all

Availability

This host offers 25% off if you stay a week and a 50% monthly discount.

<div>←</div>	November 2019						December 2019						<div>→</div>
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Reviews

4.74 | 47 reviews

 Search reviews

Accuracy	5.0
Check-in	5.0
Communication	4.9
Location	4.9
Value	4.8
Cleanliness	4.6



Athira

October 2019

Frank was really a nice host and place was clean and he was really helpful in giving tips about nearby places.



Pamela

October 2019

You are getting a master suite - bedroom and ensuite - in a townhouse. You have a lot of privacy. We came in late and left early so no idea what the rest of the house was like. Frank was nice enough to wait for us and show us to our room. Not sure what you do about parking,...

[Read more](#)



Catharina

October 2019

Good location, quiet, clean and friendly service.



Jason

September 2019

Frank's a very welcoming host and made my stay comfortable and easy. Would recommend!

**John**

September 2019

Great place, very nice room!

**Jimmy**

September 2019

nice host, friendly guy. cozy place. good place to stay for visit Niagara Falls

**Kaushik**

September 2019

Frank was a wonderful host. He was quick to respond each time I contacted him and helped with parking though I was late reaching the place. The house is located in a beautiful and peaceful neighborhood. I'll definitely plan my next stay at Frank's when I visit Niagara again.

1

2

3

...

7



Hosted by Frank

Pelham, Canada · Joined in June 2018



★ 47 Reviews

I am hard working person who will strive to provide excellent customer service to my guests.

Response rate: **100%**Response time: **within an hour**[Contact host](#)

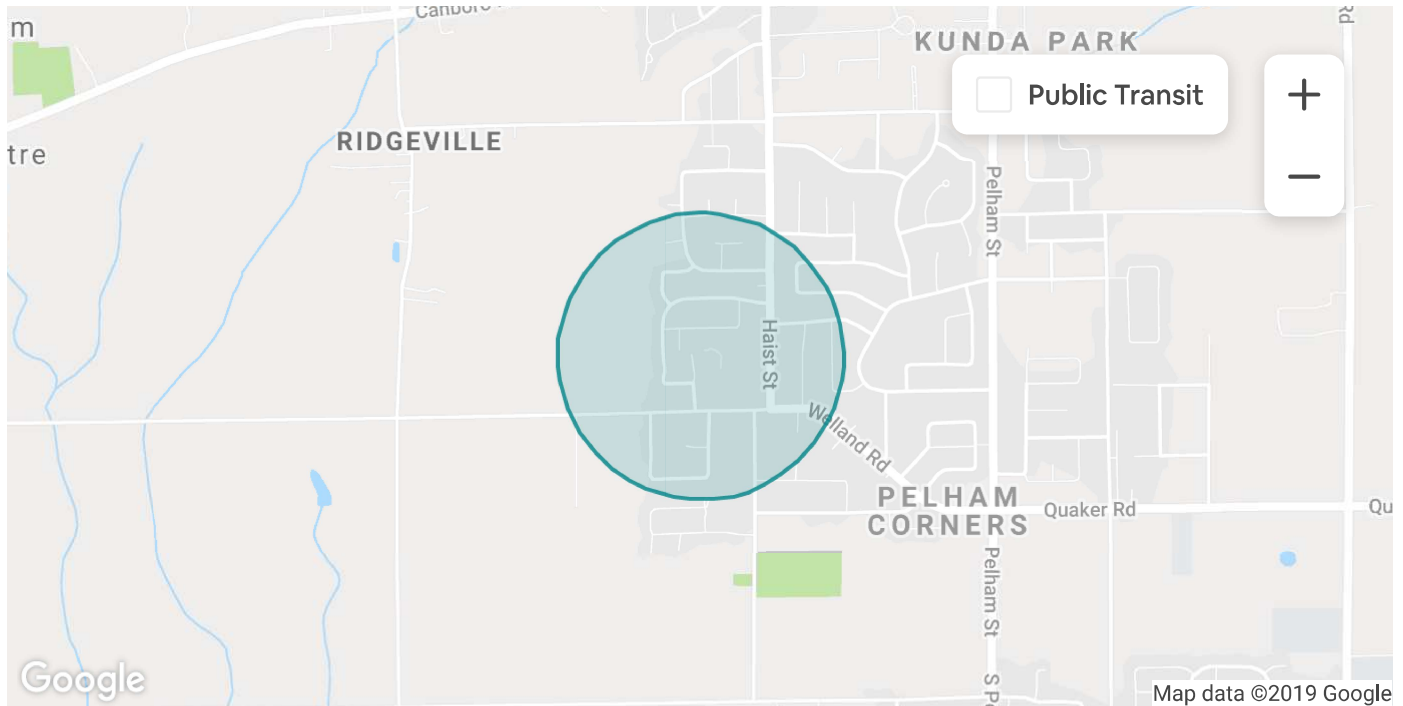
Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Frank's place is located in Pelham, Ontario, Canada.

The neighbourhood is quiet, safe and close to amenity areas such as parks, shopping and recreation facilities.

[See guidebook](#)



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 2PM - 5PM

Checkout: 11AM

House Rules



No smoking



No pets



Parties and events are allowed

Cancellations

Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

Exp

\$46 per night
4.74 (47 reviews)

Add dates for exact pricing

Dates

Check-in → Checkout

Guests

1 guest

Reserve

You won't be charged yet

Report this listing

Pelham

and breakfasts · Lofts · Villas

More p

Toronto

Buffalo

Niagara

Mississ

Roches

Kollunc

Sigone

Oaklan

Cavan

Wentz

Karlhol

Gaienh

Bether

Tudela

Belmor

Barisal

Dorres

Samos

Prefecture

Shannon Larocque

From: Barbara Wiens
Sent: Monday, November 04, 2019 2:45 PM
To: Shannon Larocque
Subject: FW: AIR B&Bs / BED & BREAKFAST ESTABLISHMENTS



Barbara Wiens, MCIP, RPP

Director of Planning
Town of Pelham

T: 905-892-2607 x316 | E: bwuens@pelham.ca
20 Pelham Town Square | PO Box 400 | Fonth

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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From: shirley white [REDACTED]
Sent: Monday, November 4, 2019 1:46 PM
To: Barbara Wiens <BWuens@pelham.ca>; Dean Allison [REDACTED] Marvin Junkin <MJunkin@pelham.ca>; Lisa Haun <LHaun@pelham.ca>; Bob Hildebrandt <BHildebrandt@pelham.ca>
Subject: AIR B&Bs / BED & BREAKFAST ESTABLISHMENTS

RE: The Town of Pelham is PROPOSING TO CHANGE the Official Plan and Zoning By-Laws..... PLEASE.....NO, NO, NO.....

ATTN: WARD 3 COUNCILLORS - We voted for you, now vote for us! Thank you.

We DO NOT want changes to these By-Laws in Fonthill.

We DO NOT need these establishments on our streets near our homes in Fonthill.

Our "quiet, quaint town of Fonthill" is changing enough with all the added building in the area. Our roads in Fonthill are much busier now so we DO NOT need more people (strangers) coming and going every few days as homes are rented to "tourists" a few days at a time.

We DO NOT need transient strangers in our neighbourhoods. We have quiet, friendly streets in Fonthill now and we want to keep them that way.

It's bad enough that a Pot Farm was allowed on Foss Road, (near our subdivision) which has produced a "skunk odour" that has to be endured all summer long while we are trying to enjoy some quiet time on our back decks. This "problem" HAS NOT been remedied, as promised. Will this affect the resale value of our homes???.....we'll see.....time will tell.....

There was no consideration, or thought given, for the "enjoyment" or concern for the residents in the area of Foss Road regarding the terrible skunk smell before building this "business", which affects residential areas, so please DO NOT make us endure these B & B "businesses" that the Town would be forcing on us now. We have no choice but to endure the skunk odour now that the "business" is located on Foss Rd. so don't make us endure strangers on our streets too.

Stop the proposal NOW, BEFORE there are "strangers short-term on our streets", BEFORE the home owners are given the green light to go ahead and rent out their homes. B & B's belong in tourist areas such as Niagara Falls, Niagara on the Lake, Toronto, Vineland wine area, NOT in the small town of Fonthill.

DO NOT ALLOW ANY BED & BREAKFAST ESTABLISHMENTS OR AIR B&B's in the town of Fonthill. NOT ON OUR STREETS !!!!! VOTE NO to this proposal!

Sincerely,
Gary and Shirley White

Shannon Larocque

From: Barbara Wiens
Sent: Friday, November 08, 2019 3:54 PM
To: Shannon Larocque
Subject: FW: Short term rentals must go - \$46/night backs onto our neighbourhood playground!

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-----Original Message-----

From: Nancy Bozzato
Sent: Friday, November 8, 2019 3:53 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: FW: Short term rentals must go - \$46/night backs onto our neighbourhood playground!

Please add this to your file on short term rentals.

Thank you,
Nan

-----Original Message-----

From: Lisa Haun [REDACTED]
Sent: Friday, November 8, 2019 2:49 PM
To: [REDACTED]
Cc: Nancy Bozzato <NBozzato@pelham.ca>
Subject: Re: Short term rentals must go - \$46/night backs onto our neighbourhood playground!

Mr. Kanar,

Thank you for your email. I will also forward this along to our Town Clerk as we have been collecting resident feedback relative to short term rentals.

Kind regards,
Lisa Haun

> On Nov 1, 2019, at 7:57 PM, Adam Michael Kanar [REDACTED] wrote:
>
> Hello,
>
> I live at [REDACTED]
>

> I see a \$46/night rental that backs onto the playground where my 3 and 5 year old children and all of their friends play. You can even see the playground from the pictures they advertise (please see the attached).

>

> Over the past year I've noticed a few strange things that I just thought had to do with odd people living in these townhouses, but events like parties with kids yelling and cussing in these townhouses, peculiar people lurking about by the pine trees, etc. - now I know that these are most likely people who don't belong here!

>

> I'm paying about \$6000 in taxes to live here in this safe neighbourhood, and some guy who owns that townhouse can disrupt the safety of this neighbourhood to make \$46/night? This is not Toronto. This is Fonthill.

>

> Pelham should NOT allow short term rentals. This is a huge issue. Pelham's proximity to Niagara Falls, one of the biggest tourist/gambling destinations in the world, is a liability here. Pelham is fundamentally a family town, and our town should not be compromised for the sake of a few individual who want to make a little extra cash.

>

> Thank you,

>

> Adam Kanar

> 

>

>

> <Room with a view pelham.pdf>

Shannon Larocque

From: Barbara Wiens
Sent: Friday, November 08, 2019 12:30 PM
To: Shannon Larocque
Subject: FW: Against short term rental

Fyi....

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-----Original Message-----

From: Lee Salter [REDACTED]
Sent: Friday, November 8, 2019 11:38 AM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: Against short term rental

Good Morning,

I just read the article on the Voice of Pelham's website regarding short term rentals.

My neighbour currently rents out his basement on Airbnb and has guests pretty much every weekend..

When we purchased our house, I wouldn't have moved into an area that had an airbnb setup, now I'm forced to deal with the issue and if someone looks up the property, my property value will go down— who wants to live by a hotel????

My neighbour is also getting excess income that I doubt the city is seeing, so its a win for him and a loss for the city, and for me personally.

Further, as having a family with 2 small children who play outside frequently, we now have unwelcome strangers coming onto our small street.

For all these reasons and more, I'm entirely against it and just don't understand the logic for a couple of dollars??

With the whole "strangers and young children" issue— we have now setup cameras on our property (another expense).

These are setup just to make sure nothing weird happens both at the front (where our kids bike) and the backyard (where we have a pool that someone could hop the fence and jump into).

Thanks!

Lee Salter

Shannon Larocque

From: Barbara Wiens
Sent: Friday, November 15, 2019 8:31 AM
To: Shannon Larocque
Subject: FW: Short term rental and Airbnb

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-----Original Message-----

From: Diane Vogel [REDACTED]
Sent: Thursday, November 14, 2019 7:44 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: Short term rental and Airbnb

Sent from my iPad. I attended the Council Meeting on October 22nd. 2019 and I applaud the residents who were on the agenda and spoke of their concerns.

As a resident of Fonthill since 1990 I don't want to see our town permit any short term rentals, Airbnb or Bed and Breakfast rentals in residential areas.

Let people who want to use these accommodations because they are cheaper do so in NOTL or Niagara Falls where the tourist industry thrives and there is a need for them.

Thankyou

Diane Vogel
[REDACTED]

Shannon Larocque

From: Barbara Wiens
Sent: Friday, November 15, 2019 4:18 PM
To: Shannon Larocque
Subject: FW: Short term rentals.

TOWN OF PELHAM CONFIDENTIALITY NOTICE

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-----Original Message-----

From: Terence Mortimer [REDACTED]
Sent: Friday, November 15, 2019 2:57 PM
To: Barbara Wiens <BWiens@pelham.ca>
Subject: Short term rentals.

We believe that short term rentals, including bed and breakfasts, should be restricted to the downtown and other commercial areas and certainly out of defined subdivisions. All of them should be owner occupied.

We worry about safety with strangers coming and going at all hours. Also there is bound to be an impact on traffic. Unfortunately Pelham has become so busy since we moved here 20 years ago. We came to live in a quiet, bedroom community, which was full of charm and character. Now we have an ugly strip mall and explosive housing construction. To say nothing of the skunk smell that permeates our streets!

So please don't spoil it further. If we wanted to live in a hive of activity surrounded by airbnbs etc we would have chosen to live in Niagara Falls not Pelham!

Hoping that you really will take concerns of the residents into full consideration. Enough is enough.

Sincerely,

Terry and Linda Mortimer

AMENDMENT NO. XX
TO THE
OFFICIAL PLAN (2014)
FOR THE
CORPORATION OF THE TOWN OF PELHAM

DRAFT

CONTENTS

PART “A” – THE PREAMBLE

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Basis of the Amendment
- Section 5 Implementation of the Amendment

PART “B” – THE AMENDMENT

- Introductory Statement
- Details of the Amendment

PART “A” – THE PREAMBE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the Planning Act, R.S.O. 1990, as amended and shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. XX to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Sections B1.1.2, B1.1.7, B1.2.2, B1.3.3, B2.1.2, B1.6.2.1, B1.6.2.2, B1.6.2.3, B1.7.7.3.1, B1.7.7.4.1, B1.7.7.5.1, B2.1.2, B2.1.3.4, B2.1.3.6, B2.2.2 and B3.3.3.2 of the Town of Pelham Official Plan to implement recommendations on Short Term Accommodations in the Town with the goal to achieve Council’s strategic plan goal.

SECTION 3

LOCATION OF THE AMENDMENT

The lands that are subject to this Amendment are all lands within the Town of Pelham.

SECTION 4

BASIS OF THE AMENDMENT

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

1. The policies will ensure compatibility with the surrounding land uses.
2. This Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

SECTION 5 IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

DRAFT

PART “B” – THE AMENDMENT

1. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.1.2(e):

e) Bed and breakfast establishments in ~~single-detached~~ dwellings, subject to Policy B1.1.7;

2. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.1.7:

Bed and breakfast establishments are permitted in ~~single-detached~~ **all** dwellings, provided the bed and breakfast establishment:

3. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.2.2(e):

e) Hotels, inns and bed and breakfast establishments short term accommodations; Hotels, inns and ~~bed-and-breakfast establishments~~ **short term accommodations;**

4. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.3.3(c):

c) Inns and ~~bed-and-breakfasts~~ **short term accommodations;**

5. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B1.3.4.2:

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and ~~bed-and-breakfast establishments~~ **short term accommodations** are permitted in the *Downtown Transitional Area* designation both as a primary use and as an accessory use to a commercial business.

6. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.2(c):

- c) ~~Bed and breakfast establishments~~ **Short term accommodations** subject to Policy B2.1.3.6 of this Plan;

7. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.6.2.1(b):

- b) Uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, **bed and breakfast establishments**, parks, open space linkages and public works may be permitted within the *Townhouse Residential* designation; and,

8. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.6.2.2 (b):

- b) Uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, **bed and breakfast establishments**, parks, open space linkages, places of worship and day nurseries may be permitted within the *Low Density Residential* designation; and,

9. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.6.2.3(b):

- b) Within areas designated *Low Density Residential – Special Policies* uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, **bed and breakfast establishments**, pocket parks and open space linkages are permitted; and,

10. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham

Planning Area is hereby amended by adding the following to Section B1.7.7.3.1(x):

x) Bed and breakfast establishments.

11. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.7.7.4.1(xxiii):

xxiii) Bed and breakfast establishments.

12. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by adding the following to Section B1.7.7.5.1(x):

x) Bed and breakfast establishments.

13. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.2(c):

c) ~~Bed and breakfast establishments~~ Short term accommodations subject to Policy B2.1.3.6 of this Plan;

14. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.1.3.4(b):

b) The designated heritage building will be used as a Dwelling Unit, either as the Primary Dwelling, a Secondary Dwelling or ~~Bed and Breakfast Establishment~~ Short term accommodations;

15. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham

Planning Area is hereby amended by replacing the entirety of Section B2.1.3.6 as follows:

B2.1.3.6 ~~Bed and Breakfast Establishments~~ Short Term Accommodations

New ~~bed and breakfast establishments~~ **short term accommodations** are permitted in a ~~single detached~~ dwelling in the *Good General Agricultural* designation, subject to the following guidelines which may be implemented in the Comprehensive Zoning By-law:

- a) ~~Bed and breakfast establishments~~ **The uses is are** clearly secondary to the primary use of the dwelling as a residence;
- b) ~~The bed~~ **Bed** and breakfast establishments must be the principal residence of the owner and operator;
- c) The character of the dwelling as a private residence is preserved;
- d) Adequate parking facilities are available on the lot for the proposed use;
- e) **Bed and breakfast establishments have no** more than three bedrooms ~~are~~ available for guests;
- f) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
- g) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal as required by the Regional Niagara Public Works Department; and,
- h) ~~The signage advertising the use is to be designed and located in accordance with the Town's Sign By-law. No~~ **signage is permitted.**

16. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B2.2.2(e):

- e) ~~Bed and breakfast establishments~~ **Short Term Accommodations** in accordance with Policy B2.1.3.6;

17. The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by replacing the following of Section B3.3.3.2(d):

- d) ~~Bed and breakfast establishments~~ **Short term accommodations;**

DRAFT

Minutes

Meeting #: PCOW-05/2019
Date: Tuesday, October 22, 2019
Time: 6:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Marvin Junkin, Mike Ciolfi, Lisa Haun, Bob Hildebrandt,
Ron Kore, Marianne Stewart, John Wink

Staff Present: David Cribbs, Nancy Bozzato, Holly Willford, Barbara
Wiens, Bob Lymburner, Vickie vanRavenswaay

Media: Interested parties and members of the public

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 6:30 pm.

2. Adoption of Agenda

Moved By Mike Ciolfi

THAT the agenda for the October 22, 2019 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

Carried

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application:

The Mayor read into the record the Notice Requirements regarding this application.

4.1 Planning Report - Presentation

4.1.1 Information Report - Proposed Short Term Rental Regulations - 2019-0094-Planning, 2019-0094-Planning

Ms. Barb Wiens, Director of Community Planning and Development provided an overview of the proposed by-laws before Council. A copy is available through the Clerk.

Members of Council requested Ms. Wiens' to provide details on the 'roundtable' discussion held at the Town and

to define the area of lands known as the Downtown and Downtown Transitional Area. In response, Ms. Wiens indicated Appendix 'A' to her report indicated a summary of all comments received at the 'roundtable' and in addition, she could provide a list of attendees. Ms. Wiens advised the Official Plan indicates the Downtown area includes the core area of Fenwick and Fonthill only and the Downtown Transitional Area includes Station Street from Highway 20 south to Summersides Blvd.

Members of Council requested Ms. Wiens' to indicate if she researched other municipalities best practices and she was asked how many short-term rentals are within Pelham. In response, Ms. Wiens indicated she has researched other municipalities, such as: Niagara-on-the-Lake, St. Catharines, Fort Erie, Blue Mountains, along with other municipalities across Canada. She further indicated she researched the City of Toronto however, is awaiting a board decision from an appeal the City received. Ms. Wiens indicated she believes there are approximately 20 short-term rentals within Pelham.

A Member of Council asked if it is possible for the Town to take a zero tolerance stance on short-term rentals. In response, Ms. Wiens indicated this is an approach Council may consider. The Member further requested if it is possible for the Town to indicate short-term rentals may only be permitted in the Downtown, Commercial and Rural Agricultural areas. In response, Ms. Wiens indicated she and staff are looking for guidance from Council on this matter.

A Member of Council requested Ms. Wiens to further expand on licensing, particularly in regards to potential grandfathering, fees and enforcement. In response, Ms. Wiens indicated if Council passed a Licensing By-Law all businesses (existing or new) would require a license. She further indicated any fees charged would be an administration fee and that fees may not be punitive.

A Member asked Ms. Wiens how many of the short-term rentals in Pelham are traditional Bed and Breakfasts. In response, Ms. Wiens indicated approximately 10.

A Member requested Ms. Wiens to indicate how confident she is that there is only 20 short-term rentals in Pelham. Ms. Wiens indicated she has conducted searches on various short-term rental websites and has concluded there are approximately 20 within Pelham. She did indicate there maybe others.

A Member requested information regarding By-Law Officers and receiving noise complaints at 11:00pm. In response, Mr. Bob Lymburner, Fire Chief indicated the Town does not

have By-Law Officers working at night or on the weekends. If there is, a noise complaint at night the complainant can call the police.

A Member asked if Council determines to adopt a zero tolerance policy on short-term rentals what would happen to the existing short-term rentals within the Town. In response, Ms. Wiens indicated this would be something the Town would have to work through.

A Member requested Ms. Wiens to indicate how and if the information received from the roundtable discussion impacted her presentation to Council. In response, Ms. Wiens indicated the roundtable discussion was robust with diverse conversation and dialog.

A Member asked if a Bed and Breakfast serves food is the establishment regulated under public health regulation. In response, Ms. Wiens indicated, yes the establishment would be regulated under public health regulations.

Questions arose regarding the difference between short-term accommodations and student rentals. Ms. Wiens indicated a short-term accommodation would be considered renting less than 28 days, to the same person. If a property is being rented more than 28 days it would be considered a rental and would be regulated by the Landlord and Tenant Act.

A Member requested information regarding short-term rentals in lower levels and basements of homes. In response, Ms. Wiens indicated a short-term rental could rent space within the basement, however would be required to comply with the Building and Fire Code. Furthermore, Mr. Lymburner, Fire Chief indicated among other requirements a basement rental is required to have a second ingress and egress. Mr. Lymburner indicated the Fire Department would complete a site inspection prior to issuing a license.

A Member indicated they had concerns with enforcing By-laws relating to short-term rentals. In response, Ms. Wiens indicated she has spoken with many municipalities regarding enforcement and although she cannot guarantee there will be no issues, once operators realize the Town is enforcing their by-law, operators will comply.

A Member inquired, if a person wishes to buy a property in Pelham would the owner or Real Estate Agent have to declare or advise if a short-term rental is operating beside them. In response, Ms. Wiens indicated purchaser's lawyers sometimes ask the Town to confirm zoning or request a compliance letter.

A Member asked if short-term rentals pay more taxes or development charges. In response, Ms. Wiens indicated typically in other municipalities MPAC applies a surcharge to dwellings with short-term rentals to adjust the tax rate, as they are income-generating properties.

A Member stated if property owners were required to have an inspection and bring their property to regulatory standards, many homes would require renovations and this would be a deterrent.

Moved By Ron Kore

THAT Committee receive Report # 0094 for information as it pertains to the proposed Short Term Accommodations Policies and Regulations; and recommend:

THAT Committee direct Planning staff to prepare the Recommendation Report regarding the Proposed Short Term Accommodations Policies and Regulations.

Carried

4.2 Public Input

Mr. Corey Ziraldo, a resident of the Lookout subdivision stated he is in support of short-term rental accommodations in the agricultural area and for By-law officer funding. He further indicated when purchasing his home he reviewed Town planning documents and believed no short-term rentals would be allowed in his area, however to his dismay the neighboring property is a short-term rental. He stressed he and his wife have safety concerns regarding their and neighboring children.

Ms. Pat Koehler on behalf of Concerned Pelham Residents stated last summer she formed a group which surveyed Pelham election candidates on their views of 'tourist rentals' and provided the information to other Pelham residents. She indicated her group has been in contact with the Town's Planning Department and was part of the roundtable discussion. Ms. Koehler indicated rentals add to parking, garbage and crime. She stated tourist rentals should be treated as hotels. She advised she has no objection to short-term rental within the commercial or rural areas, however objects to rentals within the residential area. She furthermore, voiced concerns regarding enforcement and the licensing process.

Mr. Al Toner read Mr. Larry Sztogryn's written submission into the record. A copy of the written submission formed part of the Public Meeting Agenda package and a copy is on file with the Clerk.

The Mayor opened the floor to the public within the gallery to speak.

Mr. Joe Robbie indicated he and his wife moved to Pelham as an older couple and they question if they should stay within Pelham due to issues such as short-term rentals.

Ms. Carol Jones asked if a short-term rental property remained empty for a length of time would the property owner qualify for a vacancy rebate. Furthermore, she indicated she had insurance concerns and asked if the municipality would have any liability regarding short-term rentals. In response, Ms. Wiens indicated if a property remained vacant for a certain period of time the owner would be able to qualify for a vacancy rebate. Mr. Cribbs indicated the municipality would not attract liability for incidents on private property.

Ms. Lindy Brunarski indicated she has been operating a short-term rental at her property for the last 6 years and has hosted guests from all over the world with no issues. She further advised when she travels she prefers to stay at short-term rentals. She stated she believes there is a place for short-term rental accommodations. Furthermore, she indicated she will be happy to comply with any licensing requires the Town may issue. Ms. Brunarski also indicated she was a participant at the roundtable discussion and indicated there is an elderly couple who runs a Bed & Breakfast and this is a valuable source of income for them.

Mr. Chuck Miller stated concerns he has regarding absent owner short-term rental accommodation units. He asked questions to Ms. Wiens regarding Appendix D of her report, grandfathering, and if existing short-term rental accommodations are legal or illegal based on the current zoning by-law. In response, Ms. Wiens indicated the current zoning by-law is silent on short-term accommodations; therefore, the opinion of staff is that such rentals are allowed.

Mr. Mike Jones stated he has concerns regarding his neighbor who he believes has converted his single residential dwelling to a duplex. He is concerned the neighbor may further use his property as a short-term rental.

Ms. Esther Houghman indicated she has concerns with strangers renting short-term properties within residential neighborhoods. She questioned why it is taking the Town a long time to deal with the issue.

Mr. Kit Lefroy indicated common law provides an unfettered right to the use of ones property in peace. He further stated if one cannot use his/her property he peace that individual has the right to sue. He requested Council ban short-term rentals in the residential area.

Mr. Stewart Galloway indicated the house behind him has been converted into four units and is rented as a short-term accommodation. He stated the noise level from the rental has made their backyard unusable. Mr. Galloway indicated the proposed by-law indicates 3 rooms may be rented, however he suggests an appropriate number would be 2 rooms.

Mr. Ernie Henson indicated he moved to Pelham 39 years ago and never dreamed a short-term rental could operate beside him. He stated he does not want to have any short-term rentals in his area and believes their existence will devalue his property.

Mr. Doug Major asked if any of the input from the meeting of October 1st changed the Planning Departments proposed by-laws. In response, Ms. Wiens indicated the Planning Department is currently collecting feedback and no changes have been made.

Ms. Lisa Galloway stated it has been said there has been successful short-term accommodation rental properties but questions who evaluates success.

Ms. Cherly Crozier indicated she appreciates the community feel Pelham offers and is concerned that short-term accommodation rentals and additional development will take away from that feel.

The Mayor closed the public portion of the meeting and thanked everyone for attending and for speaking.

Moved By Bob Hildebrandt

THAT Committee receive and recommend that Council receive the public written submissions by the following individuals:

1. **Corey Ziraldo**
2. **Jim Marando**
3. **Pat Koehler on behalf of Concerned Pelham Residents**
4. **Larry Sztogryn (Al Toner)**
5. **Apollo and Joanne van Veen**
6. **Ron and Judy Riva**
7. **Blair Minnes and Rose Craig**
8. **Scott Strike**
9. **Jim and Sandy Stokes**

AND THAT Committee receive and recommend that Council receive the verbal submissions by made by the public.

Carried

4.3 Committee Input

A Member requested a timeframe as to when Council may expect to receive a report from staff on this matter. In response, Mr. Cribbs indicated the Town is still receiving public and Council input and reiterated some staff priorities from Council direction and indicated it would be several months until staff would be able to bring a report to Council. The Mayor then stated staff have been busy working on cannabis related By-Laws and referenced the extended interim control by-law.

Mr. Cribbs indicated that Council may debate the topic and provide staff with direction as how to move forward. Mr. Cribbs emphasized staff is required to provide an initial draft which is balanced and fair to each side.

A Member suggested there should be no short-term rentals or bed and breakfasts within the residential area. Other Members agreed and indicated these types of rentals should be limited within the downtown and rural areas. The Mayor added he has concerns about enforcement.

By way of Council consensus staff were directed to revise the proposed By-laws to not allow short-term rentals or bed and breakfasts within the residential areas of the Town.

5. Adjournment

Moved By Lisa Haun

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Carried

Mayor: Marvin Junkin

Deputy Clerk: Holly Willford

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW #4219(2020)

Being a by-law to authorize the sale of Town-owned lands to 2494557 Ontario Inc. or successors in title, the lands being described on Schedules A and B appended hereto; and

To authorize the Mayor and Clerk to execute all necessary documents to complete the transaction.

WHEREAS Council for the Town of Pelham is the registered owner of the lands as described in Schedules "A" and "B" attached hereto;

AND WHEREAS Council has previously determined that the lands therein described are surplus to the Town's needs through the passage of By-law #3928(2018);

AND WHEREAS Council deems it desirable to effect the sale of said lands to 2494557 Ontario Inc., or successors in title, for development in keeping with the Urban Design Guidelines and zoning requirements for said lands, the development to be known as Summersides Mews, and in accordance with the Agreement of Purchase and Sale and the approved Site Plan Agreement dated April 27, 2020;

AND WHEREAS the sale of said lands falls within the provisions of the Towns Sale of Surplus Land By-law,

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the sale of lands described in Schedule "A" to 2494557 Ontario Inc., or successors in title, be and is hereby authorized;
and
- (2) THAT the Mayor and Clerk be and are hereby authorized to execute all documents necessary to complete the transactions for the sale of said lands

ENACTED, SIGNED & SEALED THIS
27th DAY OF APRIL, 2020

M. JUNKIN, MAYOR

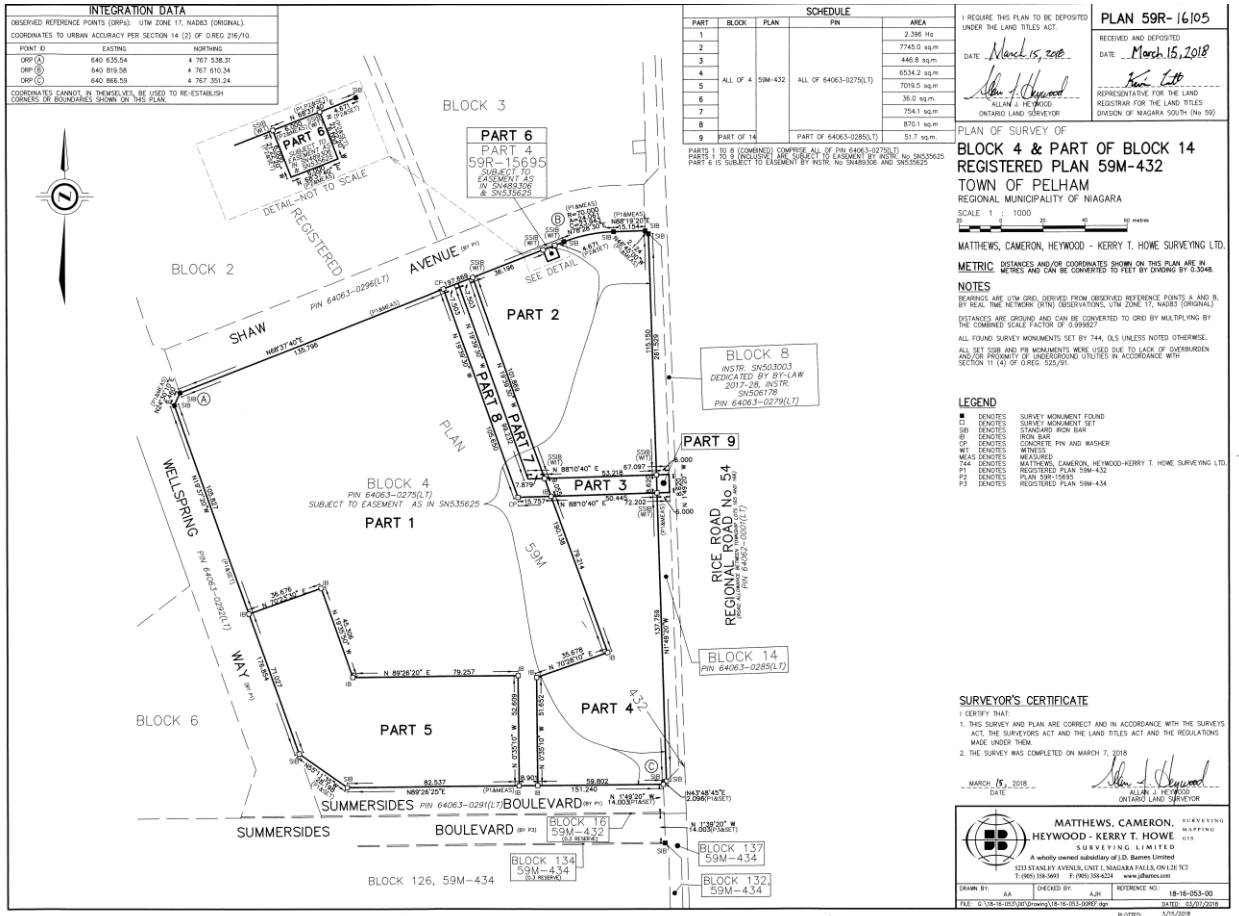
NANCY J. BOZZATO, TOWN CLERK

Schedule A
To By-law #4219 (2020)

Property Description:

Part of PIN 64063-0275(LT)
Part of Block 4, Plan 59M-432
Designated as Part 5 on 59R-16105
Town of Pelham
Comprising 7019.5 square metres (1.735 acres)

Schedule B To By-law #4219(2020)



THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 4225(2020)

Being a by-law authorizing the borrowing of money to meet current expenditures of the Council of the Corporation of the Town of Pelham;

And to repeal and replace By-law #4200 (2020), being a by-law authorizing borrowing.

WHEREAS the *Municipal Act*, S.O. 2001, Chapter M.25, Section 407 provides authority for a municipality to authorize the Head of Council and the Treasurer to borrow from time to time, such sums as the Council considers necessary to meet, until the taxes are collected and other revenues are received, the current expenditures of the Municipality for the year;

AND WHEREAS the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the Municipality, except with approval of the Ontario Municipal Board, is limited by Section 407 of the *Municipal Act*;

NOW THEREFORE the Council of the Town of Pelham hereby enacts as follows:

1. The Head and the Treasurer are authorized on behalf of the Municipality to borrow from time to time from **Canadian Imperial Bank of Commerce** ("CIBC") a sum or sums as may be necessary to meet, until taxes are collected and other revenues are received, the current expenditures of the Municipality for the Current year not exceeding in the aggregate \$11,500,000 pursuant to subsection 407 of the Act, and to execute any documents that are required in connection with the borrowing of the above sum, plus interest, at a rate to be agreed upon from time to time with CIBC, in addition to any reasonable charges of CIBC associated with this borrowing.
2. The Total amount which may be borrowed at any one time under this by-law plus any outstanding amounts of principal borrowed and accrued interest under Section 407 together with the total of any similar borrowings that have not been repaid, shall not exceed from January 1st to September 30th of the current year, 50 percent of the total estimated revenues of the Municipality as set out in the budget adopted for the current year, and from October 1st to December 31st of the current year, 25 percent of the total of the estimated revenues of the Municipality as set out in the budget adopted for the current year, or \$11,500,000 whichever is less.
3. All sums borrowed pursuant to this by-law, as well as all other sums borrowed pursuant to the Act in this year and in previous years from CIBC for any purpose will, with interest thereon, be a charge upon the whole of the revenues of the Municipality for the current year and for all preceding years as and when this revenue is received.
4. The Treasurer shall, at a time when any amount is borrowed under this by-law, ensure that the lender is or has been furnished with a certified copy of this by-law, if applicable, and a statement showing the nature and amount of the estimated revenues for the current year and also showing the total of any other amounts borrowed from any and all sources under authority of Section 407 of the *Municipal Act* that have not been repaid.
5. For the purposes of this by-law the estimated revenues referred to herein do not include revenues derivable or derived from: a) any borrowing, including through any issue of debentures; b) a surplus, including arrears of taxes, fees or charges; or c) a transfer from the capital fund, reserve funds or reserves.

6. If the budget for the current year has not been adopted at the time an amount is borrowed under this by-law, the statement furnished under section 4 shall show the nature and amount of the estimated revenues of the Municipality as set forth in the budget adopted for the previous year and the nature and amount of the revenues received for and on account of the current year.
7. The Treasurer is authorized and directed to apply in payment of all sums borrowed plus interest, all of the moneys collected or received on account in respect of taxes levied for the current year and preceding years or from any other source which may lawfully be applied for this purpose.
8. Schedule "A" attached to, and forming part of this by-law estimates the municipality's gross revenue for 2020, and shall be updated by the Treasurer annually upon adoption of the operating budget.
9. This by-law shall come into force and effect on April 27, 2020.

ENACTED AND PASSED THIS
27th DAY OF APRIL, 2020

MAYOR MARVIN JUNKIN

TOWN CLERK NANCY J. BOZZATO

The Corporation of the Town of Pelham
Schedule "A" to By-law 4225-2020
Estimated Gross Revenues for Borrowing By-law
(Based on 2020 Operating Budget)

Property Taxes	\$14,946,487
Payments in Lieu of Taxes	300,471
User Fees	
General Administration	27,250
Fire	35,450
Building	600,500
By-law	10,300
Public Works Operations	20,000
Facilities	735,342
Cemetery	31,100
Recreation	300,290
Planning	146,840
Water & Wastewater	5,090,945
Grants	414,488
Miscellaneous/Other	390,050
Revenue	
	<hr/>
	\$23,049,513
	<hr/>
25% of Budgeted Gross Revenue	\$5,762,378
50% of Budgeted Gross Revenue	\$11,524,757

THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW # 4226(2020)

Being a By-law to Provide for Council Remuneration and Benefits for Members of Council and to Repeal and Replace Council Remuneration By-law 4062(2019).

WHEREAS Section 283 (1) of the Municipal Act, S.O. 2001, c. 25 provides that a municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality and of the officers and employees of the local board;

AND WHEREAS Section 283 (2) of the Municipal Act, S.O. 2001, c.25 provides that despite any act, a municipality may only pay the expenses of the members of its council or of a local board of the municipality and of the officers and employees of the municipality or local board if the expenses are of those persons in their capacity as members, officers or employees and if, the expenses are actually incurred, or, the expenses are, in lieu of the expenses actually incurred, a reasonable estimate, in the opinion of the council or local board, of the actual expenses that would be incurred;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF PELHAM HEREBY ENACTS AS FOLLOWS:

- (1) **THAT** the Mayor of the Council be paid an annual remuneration of \$34,669.88 effective December 1st, 2018.
- (2) **THAT** the Mayor of the Council be paid a car allowance of \$200.00 per month.
- (3) **THAT** the Councillors of the Council be paid an annual remuneration of \$15,890.08 effective December 1st, 2018.
- (4) **THAT** the remuneration provided for by this by-law shall be paid as follows:
 - (A) Mayor of Council shall be paid bi-weekly at the same time as the full time staff members of the municipality are paid
 - (B) Councillors of Council shall be paid bi-weekly at the same time as the full time staff members of the municipality are paid
- (5) **THAT** Council increase its rate of compensation yearly at the Consumer Price Index rate of inflation annually.
- (6) **THAT** the benefits package for full-time Town staff be extended to the Councillors of the Corporation of the Town of Pelham, at the discretion of each individual Councillor, when benefits renewal occurs beginning October, 2020 and shall adjust and vary as they do for full-time staff.
- (7) **WHERE** a Member of Council does not serve a full 12-month term, or requests a leave of absence, remuneration shall be prorated on a weekly basis for time served or part week thereof and those monies shall stay in the operating budget of the municipality.
- (8) **THAT** By-law #4062(2019), be and is hereby repealed and replaced.

ENACTED, SIGNED AND SEALED THIS
27th DAY OF APRIL, 2020 A.D.

MAYOR MARVIN JUNKIN

CLERK NANCY BOZZATO

THE CORPORATION OF THE
T O W N O F P E L H A M

BY-LAW NO. 4227(2020)

Being a by-law to authorize the execution of a site plan agreement for the lands located at Part 5 on RP 59R-16105.

**Summerside Blvd Inc.
File No. SP-03-19**

WHEREAS By-law No. 1118 (1987) designates the Town of Pelham as a site plan control area, and

WHEREAS it is deemed desirable to enter into a Site Plan Agreement in order to control the lands as described in Schedule 'A' of the Document General which is attached hereto and forms part of this by-law;

NOW THEREFORE the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** the Mayor and Clerk be and are hereby authorized and directed to execute the Document General annexed to this by-law hereto attached as Schedule 'A' in order to effect the Site Plan Agreement with Summerside Blvd Inc. for the lands described in Schedule 'A'.
2. **THAT** in the event minor modifications to the Site Plan Agreement are necessary to effect the intent herein, the Clerk of the Town of Pelham is hereby authorized to complete same in consultation with the Town Solicitor.

Enacted, signed and sealed this
27th Day of April, 2020.

Mayor: Marvin Junkin

Clerk: Nancy J. Bozzato

**Site Plan Agreement
Summerside Blvd Inc.
Part 5 on RP 59R-16105 (Summersides Mews)**

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This Agreement made this _____ day of _____, 2020.

Between:

Summerside Blvd Inc.

Hereinafter called the "Owner"

Of the first part

- and -

The Corporation of the Town of Pelham

Hereinafter called the "Town"

Of the second part

WHEREAS the Owner represents and warrants that it is the owner of the lands in the Town of Pelham described in Schedule 'A' attached hereto (the "Lands");

AND WHEREAS the Owner has assumed and agreed to be bound by the terms and conditions of the Site Plan Agreement;

AND WHEREAS the Owner is looking forward to develop the parcel to a residential use in accordance with Schedule 'C-G' attached hereto, being a Site Plan filed in the Town's offices;

AND WHEREAS the Town has agreed to permit the said construction subject to certain terms and conditions;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the sum of One Dollar (\$1.00) now paid by the Owner to the Town (the receipt whereof is hereby acknowledged), the Parties hereto mutually covenant and agree as follows:

1. Definitions

In this Agreement:

- (a) **Chief Building Official** shall mean the Chief Building Official of the Corporation of the Town of Pelham.
- (b) **Clerk** shall mean the Clerk of the Corporation of the Town of Pelham.
- (c) **Council** shall mean the Council of the Corporation of the Town of Pelham.
- (d) **Director of Community Planning & Development** shall mean the Director of Community Planning & Development of the Corporation of the Town of Pelham.
- (e) **Director of Corporate Services** shall mean the Director of Corporate Services of the Corporation of the Town of Pelham.
- (f) **Director of Public Works** shall mean the Director of Public Works of the Corporation of the Town of Pelham.

- (g) **Facilities and Works** shall mean and includes those facilities and works which are shown on or referred to in any one or more of the plans, drawings and schedules to this Agreement.
- (h) **Lands** shall mean the lands described in Schedule 'A' attached hereto.
- (i) **Professional Engineer** shall mean a Professional Engineer registered in good standing with the Association of Professional Engineers.
- (j) **Surveyor** shall mean an Ontario Land Surveyor registered in good standing with the Association of Ontario Land Surveyors.

2. General Provisions

- (a) The Owner shall develop and maintain the Lands only in accordance with the terms and conditions contained herein and any other applicable by-law of the Town. This shall include any future condominium corporation(s).
- (b) The Owner shall obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the development's completion.
- (c) Unless the context otherwise requires, where the Owner is obligated by this Agreement or the approved plans to make any payments or install, construct, or carry out any services or action, the provisions therefore contained herein shall be deemed to include the words, "at the sole expense of the Owner".
- (d) The Owner shall perform any and all construction and installation of works on the Lands and any off-site works in accordance with the terms and conditions contained herein and as shown on Schedule 'C – H' attached hereto and forming part of this Agreement to the reasonable satisfaction of the Town.
- (e) The Owner shall not perform any construction or installation on the Lands except in accordance with the terms and conditions contained herein and shown on said Schedule 'C – H' attached hereto and forming part of this Agreement and to the reasonable satisfaction of the Town.
- (f) The Owner shall complete modifications to Wellspring Way and Summersides Boulevard as initial primary servicing obligations, prior to building permits. Particularly, the installation of all on-street layby parking stalls.
- (g) The Owner shall maintain and keep in good repair driveways and access servicing the buildings located in the development.
 - i. The Owner shall ensure the perpetual maintenance of the private parking area, internal laneway and all walkways / paths throughout the site including but not limited to snow clearing. Snow stockpiling must remain within the subject lands (private property) and at no time be allowed to stockpile on any sidewalks or public property.
- (h) The Owner shall keep all construction access routes open and ensure that

adequate dust control, mud tracking and debris control measures are carried out during the site's development.

- (i) During construction, the Owner shall ensure all construction related vehicles that are not carrying out the works are parked on the subject lands or the new on-street parking stalls and are not parked within the travelled carriageway of the municipal road allowance, or Meridian Community Centre driveways.
- (j) All delivery / construction trucks taking materials from the subject lands included within this Agreement shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on neighbouring properties or public roadways.
- (k) Should deeply buried archaeological remains / resources be found on the property during construction activities, all activities impacting archaeological resources must cease immediately, notify the Archaeology Programs Unit of the Ontario Ministry of Tourism, Culture & Sport (416-212-8886) and a licensed archaeologist [ASI Archaeologist and Cultural Heritage Services] is required to carry out an archaeological assessment in accordance with the *Ontario Heritage Act* and the *Standards and Guidelines for Consultant Archaeologists*.

In the event that human remains are encountered during construction, all activities must cease immediately and the local Police as well as the Cemeteries Regulation Unit of the Ministry of Government & Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be in contravention of the *Ontario Heritage Act*.

- (l) The Owner grants to the Town, its servants, agents, and assigns permission to enter upon the Lands for the purpose of inspection of any Facilities and Works referred to in this Agreement and for the purpose of the completion of any Facilities and Works in accordance with this Clause and this Agreement.
- (m) The Owner will, at all times, indemnify and save harmless the Town from all loss, costs, damages and injuries which the Town may suffer or be put to for or by reason of the construction, maintenance, or existence of any Facilities and Works done by the Owner, its contractors, servants or agents on the Lands or which the Town may suffer or be put to for, or by reason of the completion by the Town of any of the required Facilities and Works in accordance with this clause and this Agreement.
- (n) The Owner shall not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative tribunal the right of the Town to enter into this Agreement and to enforce each and every term, covenant, and condition herein contained and this Agreement may be pleaded as an estoppel against the Owner in any such proceeding.
- (o) In the event that a Mortgagee(s) exercises any rights as to sale, possession or foreclosure or takes any other steps to enforce its security against the subject lands, then such Mortgagee(s) agrees on behalf of itself, its heirs, executors, administrators, successors and assigns not to deal with the lands

as a development or part thereof unless and until a new Agreement in the same form, mutatis mutandis, as this Agreement has been entered into with the Town.

- (p) Any lands required to be conveyed by the Owner in accordance with the provisions hereof shall be in a neat and tidy condition, free of all debris and trash, and the Owner shall complete all services for the lands in accordance with the terms of this Agreement.
- (q) Notwithstanding the provisions of this Agreement, the Owner shall be subject to all of the Town's By-laws and all Provincial and Federal government statutes and / or regulations and amendments thereto affecting the site's development and installation of municipal services.
- (r) The Owner acknowledges the lands may be exposed to odour and dust from nearby agricultural operations and agricultural-related traffic that may interfere with residents.

3. Design & Supervision of Construction of Services

- (a) The Owner shall employ, at its cost, a competent and qualified Professional Engineer consultant approved by the Director of Public Works to:
 - i. Carry out all soil investigations required by the Director of Public Works;
 - ii. Design all of the works required to be completed in this Agreement;
 - iii. Provide the Director of Public Works with an estimate of the costs of design, construction and maintenance of all works to be constructed under this Agreement to be used as the basis for determining the amount of security to be posted by the Developer prior to execution of this Agreement to guarantee the construction and maintenance of all works required under this Agreement;
 - iv. Prepare engineering drawings that include plans, profiles and specifications for the works and to submit detailed plans, profiles and specifications to the Director of Public Works for approval prior to the installation or construction of such works;
 - v. Submit to the Director of Public Works the detailed plans for signing and also provide two (2) sets of full-sized, signed hard copies and two (2) sets of signed hard copies reduced to A3 (or 11"x17") size;
 - vi. Obtain, in conjunction with the Town, all of the necessary approvals prior to installation or construction of the works;
 - vii. Call tenders for the installation and construction of the works;
 - viii. Obtain the approval from the Director of Public Works of the contractor employed to install or construct the works;
 - ix. Provide full-time resident supervision, inspection and contract administration of all works within the municipal road allowance covered by this Agreement; or in the event that full-time inspection cannot or is not provided, the Town will provide inspection services at a per diem rate of \$1100.00 per day;
 - x. Provide the Director of Public Works, or designate, 48 hours of notice prior to commencing construction on the works. Failure to do so will result in a Stop Work Order being placed on the lands;
 - xi. Have a pre-construction meeting with the Director of Public Works, or

- designate, prior to commencing construction on the works. Failure to do so will result in a Stop Work Order being placed on the lands;
- xii. Maintain all of the records of the installation or construction of the works and submit a copy of the same to the Director of Public Works;
 - xiii. Obtain from the Director of Public Works, the details regarding the form and scale of these drawings prior to their presentation;
 - xiv. Provide the Director of Public Works with individual record sheets illustrating location & depths for all sanitary sewer, storm sewer and water services;
 - xv. Provide building levels for construction purposes as hereinafter provided;
 - xvi. Furnish the Director of Public Works with the preliminary lot grading certificate for the subject lands; and
 - xvii. Provide the Town with the final lot grading certificate.
- (b) The Owner shall not install works prior to a receipt in writing from the Director of Public Works of the detailed plans and specifications therefor.
- (c) All of the works to be installed or constructed under this Agreement shall be installed or constructed under the direct supervision of the Owner's consulting Professional Engineer.
- (d) The Owner shall not close / restrict any public roadway prior to receipt in writing from the Director of Public Works for such activity. In the event that construction works require lane restrictions and / or full closures, a minimum of 48 hours of notice must be given to the Director of Public Works. In addition, the Owner must submit a traffic management plan and is responsible for notification of all affected emergency and non-emergency agencies.

4. Grading

- (a) The Owner shall have prepared by an Ontario Land Surveyor or Professional Engineer, a detailed site drainage plan for the site, said Plan to clearly indicate the existing drainage pattern on all adjacent lands originally flowing through, into, or over the area of the site, to the street storm sewer system or other outlet approved by the Director of Public Works. This Plan, attached hereto as Schedules 'E – F', shall be approved by the Director of Public Works prior to the execution of this Agreement. Minor changes to the Plan may be permitted subject to the approval of the Director of Public Works.
- (b) The Owner shall submit, upon completion of Facilities and Works, a certificate signed by an Ontario Land Surveyor or Professional Engineer which indicates that the grades as stipulated on Schedule 'E' of this Agreement, have been achieved.
- (c) Unless otherwise approved or required by the Town, the Owner shall not alter the grades of the said Lands until such time as a Building Permit is issued for the construction of the buildings contemplated herein.
- (d) The Owner shall provide his Design Engineer's verification that all grading, drainage, and servicing provisions have been installed in conformance with the approved Servicing, Grading & Drainage Plans, attached hereto as

Schedules 'D – F'. The Owner shall provide a copy of the Design Engineer's verification to the Town.

5. Sanitary Sewer System

- (a) All sanitary sewer system works required to service the development must be completed prior to the construction of any buildings.
- (b) The Owner shall, at its own expense, forever maintain all necessary sanitary sewer connections necessary to serve the development; and, without limiting the generality of the foregoing, no storm, surface or roof water or weeping tiles shall be discharged into the sanitary sewer system.
- (c) Domestic waste water from the proposed building(s) shall be discharged into the sanitary sewer system through a drain connection via the sanitary sewer lateral shown on the Servicing Plan (Schedule 'C').
- (d) The sanitary sewer system must comply with the Region's Sewer Use By-law #27-2014.

6. Water Supply

- (a) The Owner shall, at its own expense, forever maintain all necessary connections and all internal water supply services necessary to serve the development including fire hydrants.
- (b) The Owner (including any condominium corporation) shall, at its own expense, provide the Fire & By-law Services department with annual compliance records of the private fire hydrant installed as per Schedule 'D' (Servicing Plan) to the *Fire Chief's* satisfaction.
- (c) The operation of valves which cause the internal water supply service to be charged from existing municipal water mains shall **ONLY** be carried out by Town Staff certified in accordance with Ontario Regulation 128/04.
- (d) The Owner shall comply with the provisions of the *Ontario Water Resources Act and Safe Drinking Water Act* and amendments thereto and all regulations thereunder, on all internal water supply services, which said Act and regulations shall be enforced by the Town.

7. Storm Sewer System

- (a) The Owner shall undertake the installation, repair, and perpetual maintenance of the private stormwater system identified in the Servicing, Grading and Drainage Plans, attached hereto as Schedules 'D – F', and approved by the Director of Public Works.
- (b) The Owner shall ensure that all storm water runoff, including runoff from roof leaders, is contained on-site and discharged in accordance with Schedule 'D – F'.
- (c) The storm sewer system must comply with the Region's Sewer Use By-law #27-2014.

8. Roads, Laneways & Access

- (a) The Owner shall, at its own expense, prior to construction taking place on Town property, obtain a Temporary Works Permit from the Public Works Department.
- (b) The Owner shall, at its own expense, install the layby parking stalls along the public street boulevards as a primary servicing obligation, prior to the issuance of any building permits, and in accordance with Schedule 'C'. The transition between the travelled carriageway and parking bays shall use mountable curbs (OPSD 600.030).
- (c) The Owner shall, at its own expense, restore any asphalt, curb cuts and trench excavations within the roadway / public property as per Town standards. All road restorations shall take place no later than two (2) weeks after completion of the installation. No temporary measures will be permitted.
- (d) The Owner shall locate all private / regulatory signs within the subject lands on private property.
- (e) The Town shall, via by-law, designate and sign the internal laneway and south entrance of the *Meridian Community Centre* as a 'Fire Route'. The Owner shall be responsible for the cost of signage and installation.
- (f) The Town shall, via by-law, designate the private laneway and south entrance to the *Meridian Community Centre* by street name(s) for civic addressing purposes of the subject Lands.
- (g) The following clauses shall be included in all *Agreements of Purchase and Sale* or *Standard Ontario Residential* (or commercial) *Lease Agreements*:
 - i. *"Purchasers / tenants are advised that during waste / recycling collection operations, vehicles may be required to utilize the entire laneway and block traffic."*
 - ii. *"Purchasers / tenants are advised that in order to accommodate Regional waste collection services the laneway and adjacent pavement flanking structures may be required to facilitate vehicle maneuvers. These areas shall be kept clear of personal vehicles and objects for Regional access."*
 - iii. *"Purchasers / tenants of the apartment building (Block C) are advised that waste & recycling collection services will be provided through the use of Molok containers that will be serviced via private contractor."*

9. Landscaping & Trees

- (a) The Owner shall, at its own expense, adequately landscape, plant and maintain all of the Lands not required for buildings, parking, or laneways in accordance with the approved Site & Landscape Plans, attached hereto as Schedule 'C & G'. Minor changes to these Plans may be permitted subject to the approval of the Director of Community Planning & Development.
- (b) The Owner shall, at its own expense, plant medium to large caliper sized street trees in accordance with the Landscape Plan, attached hereto as

Schedule 'G'. The tree species shall vary and be selected from Table 2.17A of the Pelham Engineering Design Manual.

- (c) The Owner shall, at its own expense, install a landscaped hedge row and / or privacy fence along the rear (north) of Blocks B separating the *Meridian Community Centre*. The fence or hedgerow shall restrict access between the internal sidewalk and Meridian Community Centre parking lot.
- (d) The Owner agrees to install appropriate sediment and erosion control fencing prior to the commencement of construction and maintain it in good condition until all construction is complete and all areas are revegetated.

10. Waste Collection

- (a) The Owner shall at all times provide adequate collection and disposal of garbage, recyclables and organic refuse.
- (b) See required warning clauses under Section 8. g).
- (c) The Owner shall enter into an *Indemnity Agreement* with the Region for waste collection service prior to building permit issuance, in accordance with the Regional Corporate Waste Collection Policy, and by-laws relating to curbside waste collection.

11. Easements / Rights-of-Way

- (a) The Owner shall, in words satisfactory to Bell Canada, grant to Bell Canada any easements that may be required, which may include a blanket easement for communications / telecommunications infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
- (b) In the event any easements are required by Enbridge Gas to service the development, the Owner shall provide these to Enbridge Gas Distribution at no cost.
- (c) The Town shall convey a perpetual right-of-way for access purposes in favour of the Owner / subject lands over the southern and western driveway entrances to the *Meridian Community Centre*, as applicable. The Owner shall bear costs associated with reference plan preparation and supply the Town with such plan prior to construction of services.

12. Photometry

- (a) The Owner shall ensure that any lighting facility used to illuminate any building or parking area shall be designed and installed to illuminate downward so as not to deflect upon adjacent buildings or streets.

13. Parking, Curbing, Driveways, Sidewalks & Boulevards

- (a) The Owner shall, at its own expense, provide and at all times maintain on the said Lands, paved parking, laneways and driveway areas acceptable to the Town.

- (b) The Owner shall perpetually maintain all pavement markings, concrete sidewalks, parking lots and curbs in good condition.
- (c) The Owner shall, at its own expense, reinstate the street boulevards as per Schedules 'C & G', this includes the installation of layby parking stalls, concrete curbing and street trees among others, to the satisfaction of the Town.
- (d) The Owner shall install decorative fencing between the parking lot and Wellspring Way lot line to the satisfaction of the Director of Community Planning & Development.

14. Building & Services

- (a) The Owner shall construct and the Town shall permit the construction of the buildings and other structures on the Lands in accordance with the Schedules attached hereto provided that all such uses shall comply with all building and zoning requirements of the Town.

15. Mail Delivery

The Owner shall complete to the satisfaction of the Director of Public Works and Canada Post the following:

- (a) Include on all offers and agreements of purchase & sale or lease for each unit, a statement that advises:
 - i. That the home / business mail delivery will be from a designated *Centralized Mail Box*.
 - ii. That the Owner is responsible for officially notifying the purchasers of the exact *Centralized Mail Box* locations prior to the closing of any sales.
- (b) The Owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable *Centralized Mail Box* locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place for the remainder of the development site.
 - ii. Install a concrete pad in accordance with the requirements of, and in a location approved by Canada Post to facilitate the *Centralized Mail Boxes*.
 - iii. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the development.
 - iv. Determine the location of all centralized mail receiving facilities in cooperation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific *Centralized Mail Facility* locations.

16. Administrative & Consulting Costs

The Owner shall pay the Town's reasonable costs, **\$2,700** (Two-thousand, seven hundred dollars) in connection with this Agreement for preparation, processing,

administration and supervision including, but not limited to, all administrative, legal, inspection and consulting expenses.

17. Deposit for Facilities and Works

(a) At the time of execution of this Agreement, the Owner shall pay to the Town a deposit to guarantee its compliance with this Agreement in an amount equal to:

- i. 20 % of the estimated cost of completing the on-site Facilities and Works; and
- ii. 100% of the estimated cost of completing the off-site works.

The parties have calculated that the estimated cost for completion to be **\$769,570** (Seven hundred sixty-nine thousand, & five hundred seventy dollars), excluding taxes, as set out in Schedule 'B' attached hereto and forming part of this Agreement. Therefore, security in the amount of **\$269,346** (Two hundred sixty-nine Thousand, & three hundred forty-six dollars) shall be provided to the Town.

- (b) The deposit shall be paid to the Town in cash or in the form of an irrevocable letter of credit from a chartered bank or from a recognized lending institution, subject to the approval of the Director of Corporate Services and shall be held as security to ensure the completion of the Facilities and Works until such time as the Town permits its release as ordered herein. The deposit may be used to pay for the cost of any work performed by the Town in accordance with the following clause in the event of the failure of the Owners to comply with the terms of this Agreement.
- (c) Upon completion of the Facilities and Works, the Owner shall provide to the Town, at the Owner's expense, confirmation in writing by the Owner's Qualified Designer or Professional Engineer, or both, that the approved plans appended hereto have been complied with. When such confirmation has been received, the Chief Building Official shall confirm such compliance and the deposit, less any amounts expended to enforce compliance with the Agreement and any amounts refunded or reduced as the work required by this Agreement progresses, shall be returned to the Owner, without interest.
- (d) The Town may, from time to time, demand an increase in the sum of the deposit in accordance with increases in the cost of performing the Facilities and Works required herein to be completed and the Owner covenants and agrees to make such increase. At the sole discretion of the Chief Building Official the amount of the deposit may be reduced at any time after the Owner has reached the stage where the costs to complete the Facilities and Works is less than the amount of the deposit.
- (e) The release of the deposit by the Town does not release the Owner from their obligation to maintain all of the Facilities and Works pursuant to this Agreement.
- (f) The Owner agrees that all of the Facilities and Works required to be provided by the Owner shall be provided, installed or constructed by the Owner within one hundred and eighty (180) days after the date of substantial completion of

the proposed development as determined by the Chief Building Official and shall be maintained at all times in good condition. An extension of the completion of Works may be considered by the Director of Community Planning & Development.

18. Default

Upon breach by the Owner of any covenant, term, condition or requirement of this Agreement, or upon the Owner becoming insolvent or making any assignment for the benefit of creditors, the Town, at its option, may declare the Owner to be in default. Notice of such default shall be given by the Town, and if the Owner shall not remedy such default within such time as provided in the notice, the Town may declare the Owner to be in final default under this Agreement. Upon notice of default having been given, the Town may require all work by the Owner, its servants, agents, independent contractors and sub-contractors to cease (other than any work necessary to remedy such default) until such default shall have been remedied, and in the event of final default, may require all work as aforesaid, to cease. Upon final default of the Owner, the Town may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:

- i. Enter upon the subject Lands by its servants, agents and contractors and complete any work, service, repair or maintenance wholly or in part required herein to be done by the Owner, and collect the cost thereof from the Owner and/or enforce any security available to it;
- ii. Make any payment which ought to have been made by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- iii. Retain any sum of money heretofore paid by the Owner to the Town, for any purpose, and apply the same in payment or part payment for any work which the Town may undertake;
- iv. Bring action to compel specific performance of all or any part of this Agreement for damages; and
- v. Exercise any other remedy granted to the Town under the terms of this Agreement or available to the Town in law.

19. Covenants

The Owner covenants for itself, its successors and assigns and the Owners from time to time of the said Lands and the burden of the covenants contained in this Agreement shall be deemed to be negative and shall run with and be binding upon the Lands to and for the Town, its successors and assigns.

20. Registration

The Owner agrees and consents to the registration of notice of this Agreement against the said Lands.

21. Obligation

This Agreement and the provisions hereof do not give to the Owner or any person acquiring any interest in the said Lands (each hereinafter in this paragraph called "such person") or any other person any rights against the Town with respect to the failure of any such person to perform or fully perform any obligation under this Agreement, or the failure of the Town to force any such person to perform or fully perform any obligation under this Agreement or any negligence of any such person in the performance of the said obligation.

22. Building Permit

Notwithstanding any of the provisions of this Agreement, the Owner, its successors and assigns, shall be subject to all of the by-laws, as amended, of the Town at the time of the issuance of a building permit required pursuant to the terms of the Agreement or at the time of the execution of this Agreement, whichever is applicable.

The Owner shall pay applicable Town & Regional development charges at the time a building permit is issued for the buildings shown on Schedule 'C'.

Limiting Distance for an Exposing Building Face:

- a) In accordance with the *Ontario Building Code*, the Owner and Town agree to the stipulations outlined in Section 9.10.14.2 (4) in order to calculate the *limiting distance* beyond the (future) condominium lot line that will separate Unit 25 from Unit 27 on Schedule 'C'. This clause shall remain perpetually embedded within this Agreement and be registered against the title of the Lands. This *limiting distance* permission shall not compromise the Town's indemnity and the Owner shall comply with the *Ontario Building Code*.

23. Plans

The Owner agrees that all plans shall be drawn by a Qualified Designer or by a Professional Engineer and all surveys by an Ontario Land Surveyor, subject to the reasonable satisfaction of the Town.

24. Notices

Any notice, demand, acceptance or request provided for in this Agreement shall be in writing and shall be deemed to be sufficiently given if personally delivered or sent by registered mail (postage prepaid) as follows:

To the Town at:	Clerk Town of Pelham P.O. Box 400 20 Pelham Town Square Fonthill, ON L0S 1E0
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To the Owner at:	Summerside Blvd Inc. 13 Carleton Street South, Thorold ON L2V 1Z5
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or as such other address as the party to whom such notice is to be given shall have last notified the party giving the notice in the manner provided in this Section. Any notice delivered to the party to whom it is addressed in this Section 24 shall be deemed to have been given and received on the day it is so delivered at such address. Any notice mailed as aforesaid shall be deemed to have been given and received on the fifth day next following the date of its mailing.

25. Schedules

The originals of the plans set out in Schedule 'C – H' are available at the offices of the Town at the address set out in Section 24.

26. Binding Effect

This Agreement shall be binding upon the parties hereto and their heirs, executors, administrators, successors, and assigns.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date and year first above written.

Witness

Summerside Blvd Inc.

(printed name)

(printed name)

(signature)

(signature)

(date)

(date)

☐ 'I have the authority to bind the Corporation'

The Corporation of the Town of Pelham

Mayor Marvin Junkin

Clerk Nancy J. Bozzato

SCHEDULE 'A'

Legal Description

Part of Block 4, Plan 59M-432 and Part 5 on RP 59R-16105, as in _____;
Town of Pelham

PIN: _____ - _____ (LT)

Municipal: _____

Roll Number: 2732 ____ ____ ____

SCHEDULE 'B'

Cost Estimates, Security Deposits & Cash Payments

On-site	
Water Distribution System	\$106,900
Sanitary Sewer System	\$95,200
Stormwater Management System	\$84,580
Parking Lot / Laneway	\$224,472
Concrete Sidewalks	\$8,400
Top soil	\$2,711
Sodding	\$11,411
Shrubs / Trees	\$6,120
Mulch	\$1,326
Fencing	\$2,602
Subtotal	\$543,722
Contingency (15%)	\$81,558
Total	\$625,280

Off-site	
Water Distribution System	\$7,450
Sanitary Sewer System	\$17,800
Stormwater Management System	\$10,800
Street Trees	\$9,000
Layby Parking Stalls	\$51,620
Concrete Sidewalks	\$23,800
As-Built Survey	\$5,000
Subtotal	\$125,470
Contingency (15%)	\$18,821
Total	\$144,290
Overall Total	\$769,570

Securities

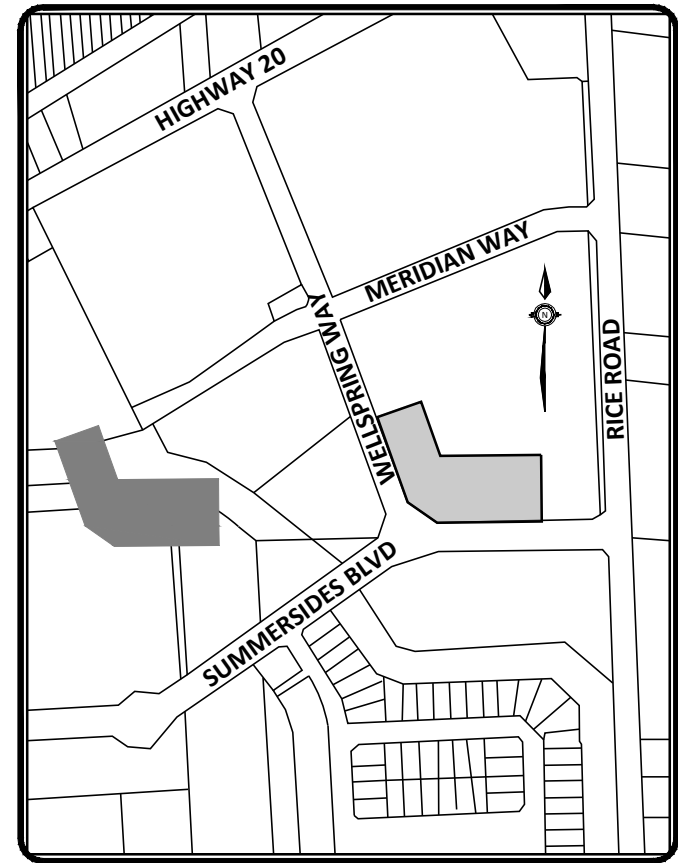
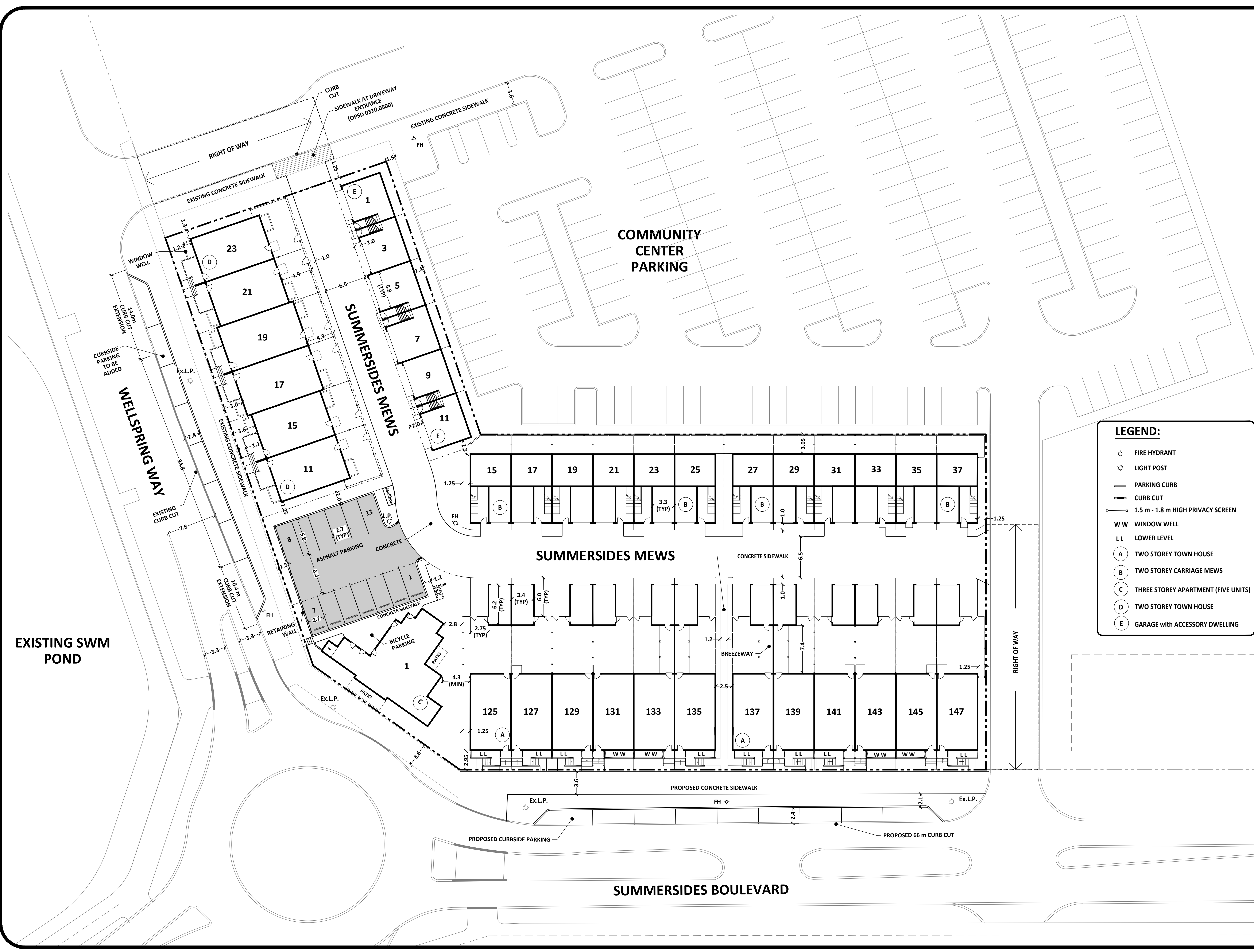
On-Site	20% (\$625,280)	= \$125,056
Off-Site	100% (\$144,290)	= \$144,290

Total **= \$269,346**

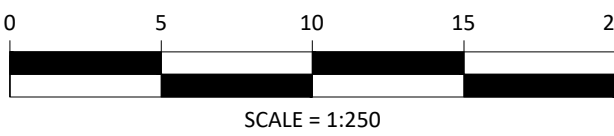
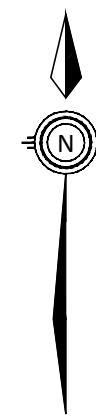
In accordance with Section 14 (a) of this Agreement, that the estimated cost for completion shall be in the amount of **\$769,570** (Seven hundred sixty-nine thousand, & five hundred seventy dollars), excluding taxes. Therefore, security in the amount of **\$269,346** (Two hundred sixty-nine Thousand, & three hundred forty-six dollars) shall be provided to the Town.

Cash Payments

Administration	\$2700
----------------	--------



KEY MAP - NOT TO SCALE



SCALE = 1:250

SITE STATISTICS

SITE AREA	7017 m ²
BUILDING COVERAGE	46%
PAVEMENT COVERAGE	24%
LANDSCAPE COVERAGE	30%

PROPOSED DEVELOPMENT

2 STOREY TOWN HOUSES	30
3 STOREY APARTMENT	1
ACCESSORY DWELLINGS	6

PARKING

GARAGE STALLS	33
SURFACE STALLS	28
TOTAL PARKING STALLS	41
PARKING PADS	20



PROJECT TITLE:

SUMMERSIDES MEWS
Pelham, Ontario

DRAWING TITLE:

SITE PLAN

DATE OF ISSUE:

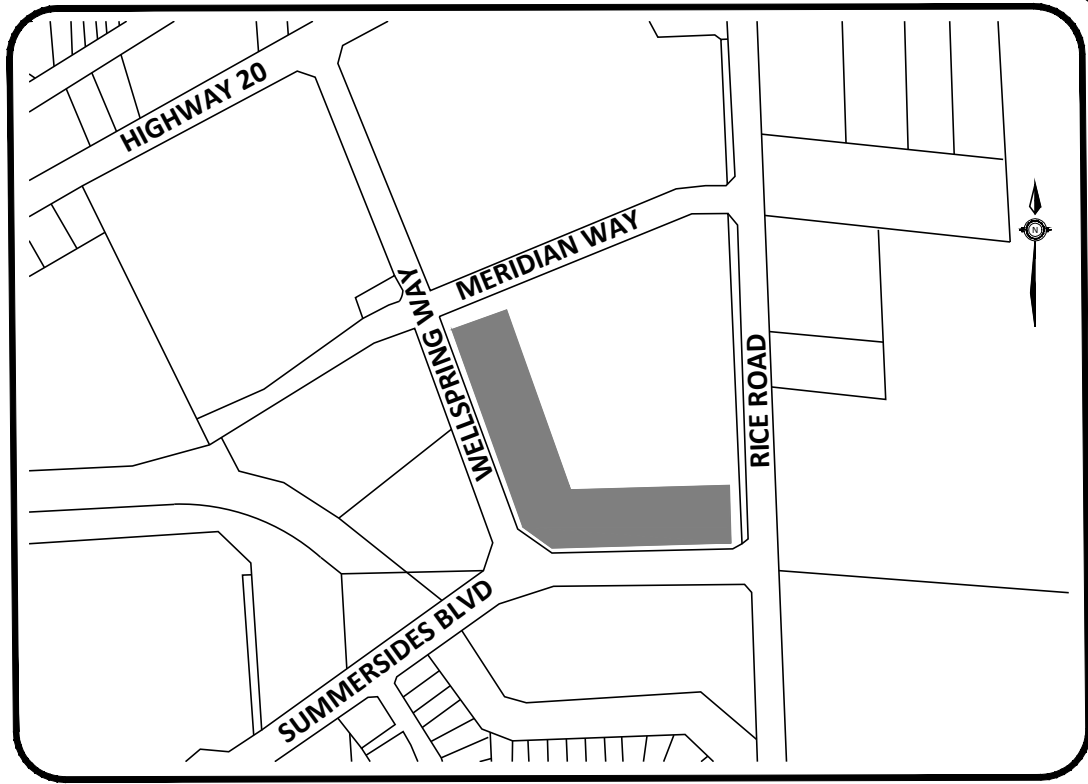
2020 04 13

DRAWING No:

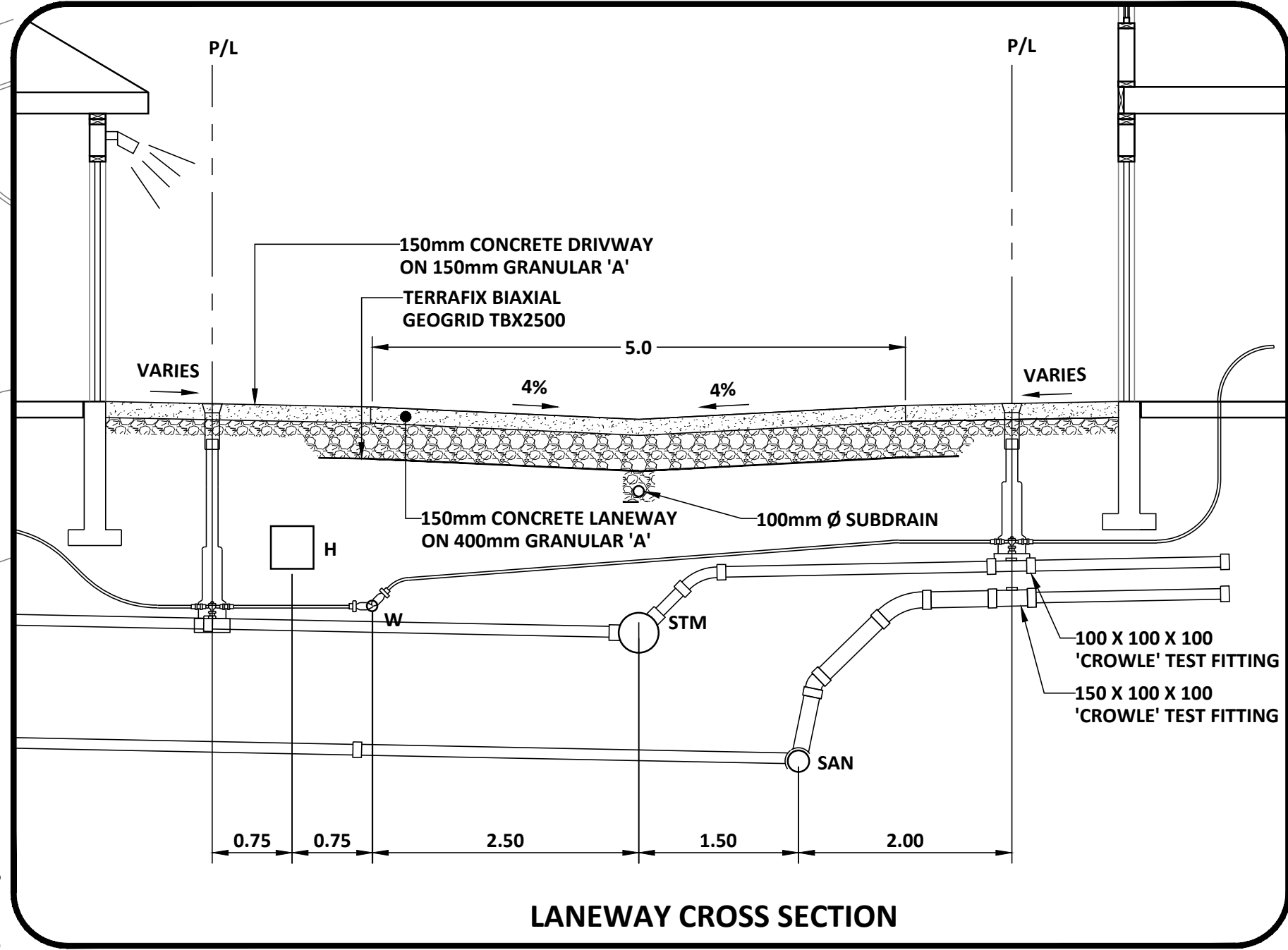
0310 SP 1

REV. NO:

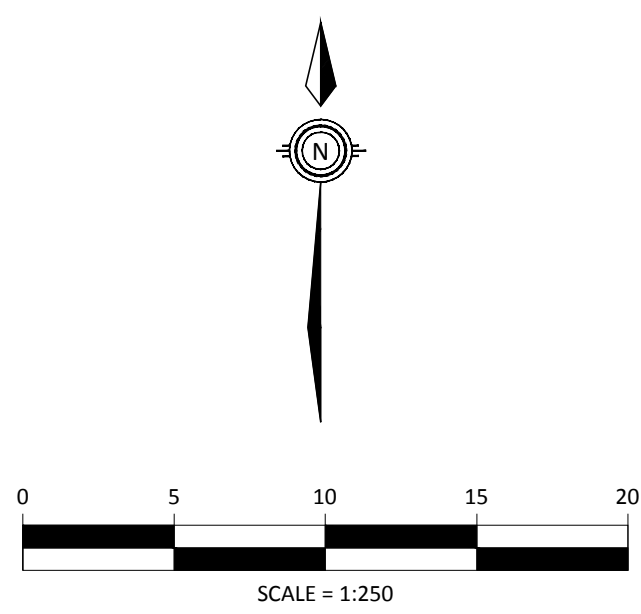
0



KEY MAP - NOT TO SCALE



FOR CONSTRUCTION



b better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, Ontario L2R 5K9
Office: 905.684.8585 betterneighbourhoods.ca

PROJECT TITLE:
SUMMERSIDES MEWS
Pelham, Ontario

DRAWING TITLE:
SERVICING PLAN

DATE OF ISSUE:
2020 04 09

DRAWING No:
0310 SER-1

REV. NO.
0

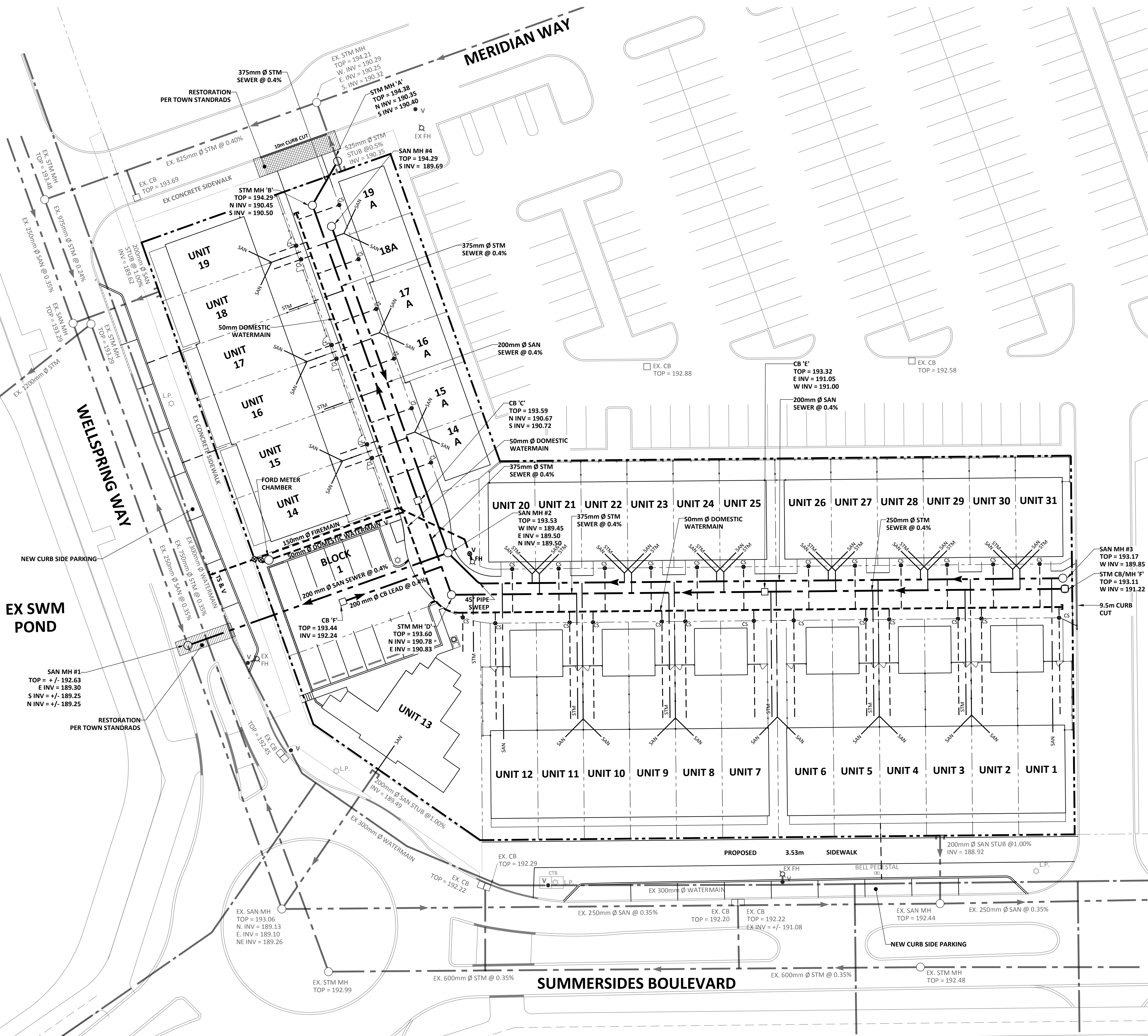
SHORT FORM SPECIFICATIONS:

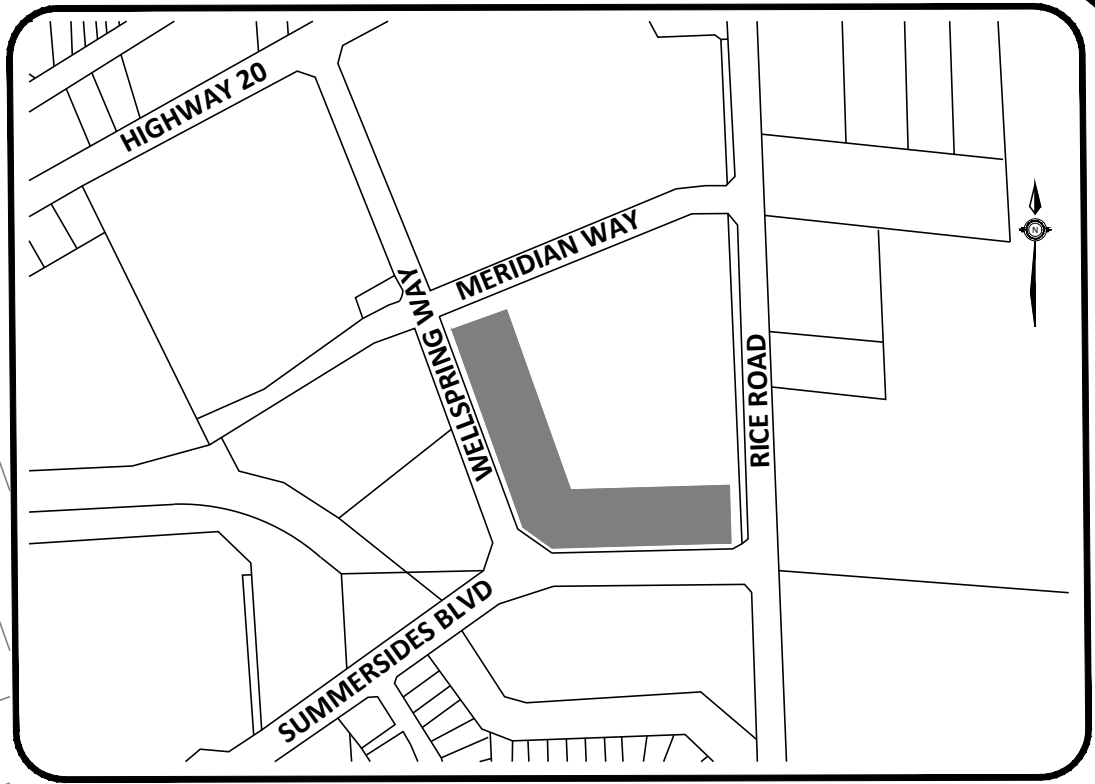
Sanitary Sewer Systems
Sewers - PVC SDR 35 with Class 'B' bedding per OPSD 802.03
Laterals
Single - 100mm Ø PVC SDR 28 with Class 'B' bedding per OPSD 802.03 @ 1.0%
Dual - 150mm Ø PVC SDR 28 with Class 'B' bedding per OPSD 802.03 and 150 x 100 x 100 Crowle Type fitting
Manholes - 1200mm Ø per OPSD 701.01

Storm Sewer Systems
Sewers PVC IPEX "Ultra Rib" pipe with Class 'B' bedding per OPSD 802.03
Manholes - 1200mm Ø per OPSD 701.01
Catchbasins - OPSD 705.01
Laterals - 150mm Ø PVC SDR 28 w Class 'B' bedding per OPSD 802.03

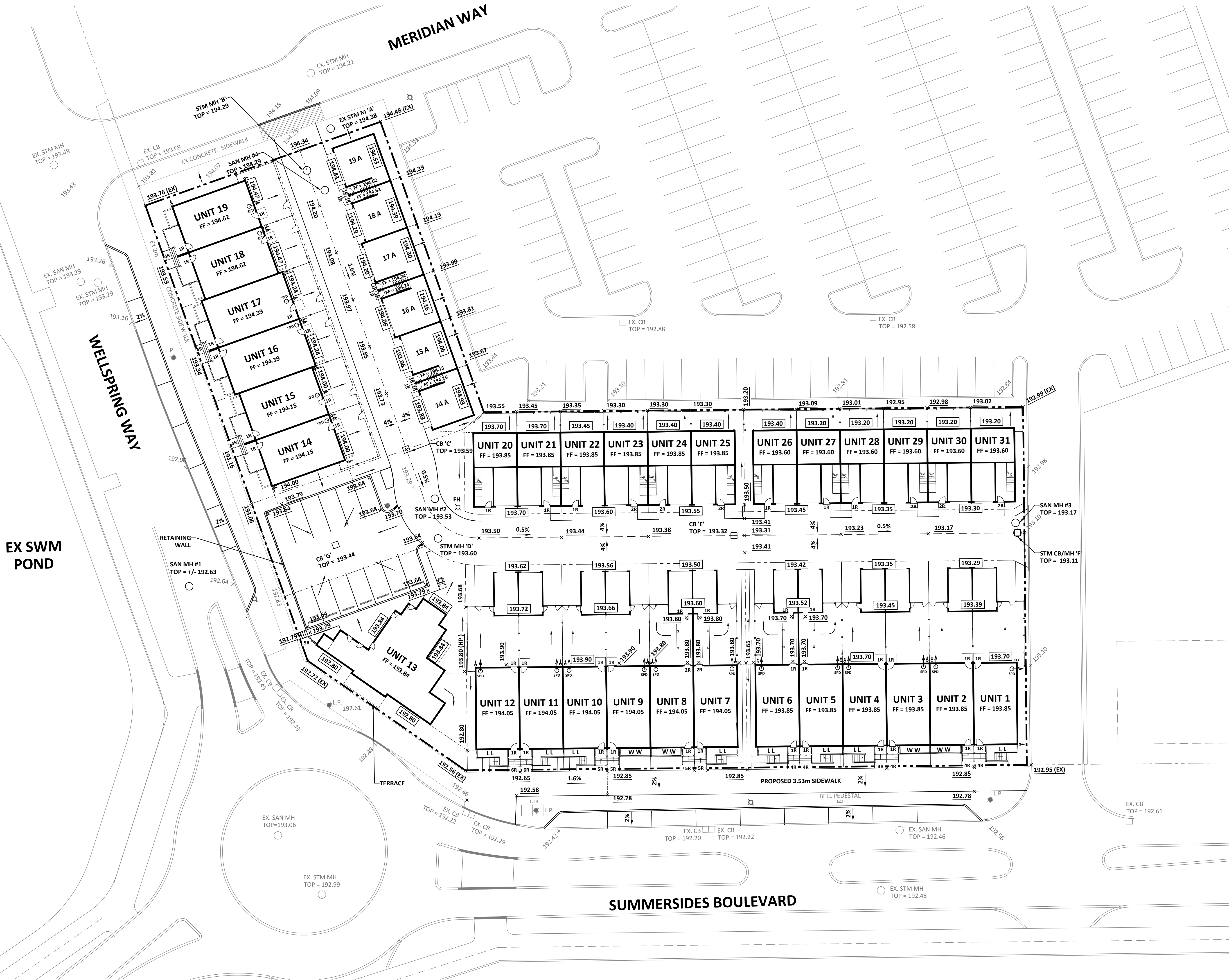
Water Distribution
150mm - PVC SDR 18 Class 150
50mm - "Municipex" PE
Water Services - 25mm "Municipex" PE Pipe

General
Concrete Sidewalk - Per OPSD 310.01
Restoration within municipal road allowance are per Town of Pelham standards
Special Provisions of the contract supersede these Short Form Specifications where applicable.

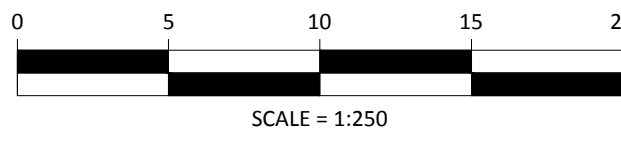
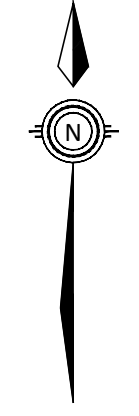




KEY MAP - NOT TO SCALE



FOR CONSTRUCTION



better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, Ontario L2R 5K9
Office: 905.684.8585 betterneighbourhoods.ca

PROJECT TITLE:
SUMMERSIDES MEWS
Pelham, Ontario

DRAWING TITLE:
GRADING PLAN

DATE OF ISSUE:
2020 04 09

DRAWING No: 0310 GP 01
REV. NO: 0



PROJECT

Summersides Mews

Summersides Mews, Pelham, ON

GENERAL NOTES

Contractor is to check and verify all dimensions and conditions on the project and report any discrepancies to the designer before proceeding with the work. Drawings are not to be scaled.

Contract documents are the copyright of the consultants and shall not be used or reproduced without authorization. Documents are to be returned upon completion of the project.

REVISION HISTORY

#	Revision Description	Date
	Issued for SPA	09.24.2019

DATE	9/24/2019 12:23:06 PM
SCALE	As indicated
DRAWN	MAB
CHECKED	TJB
PROJECT NO.	18-026

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a Designer

QUALIFICATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

Todd Barber 22666
FULL NAME BCIN SIGNATURE

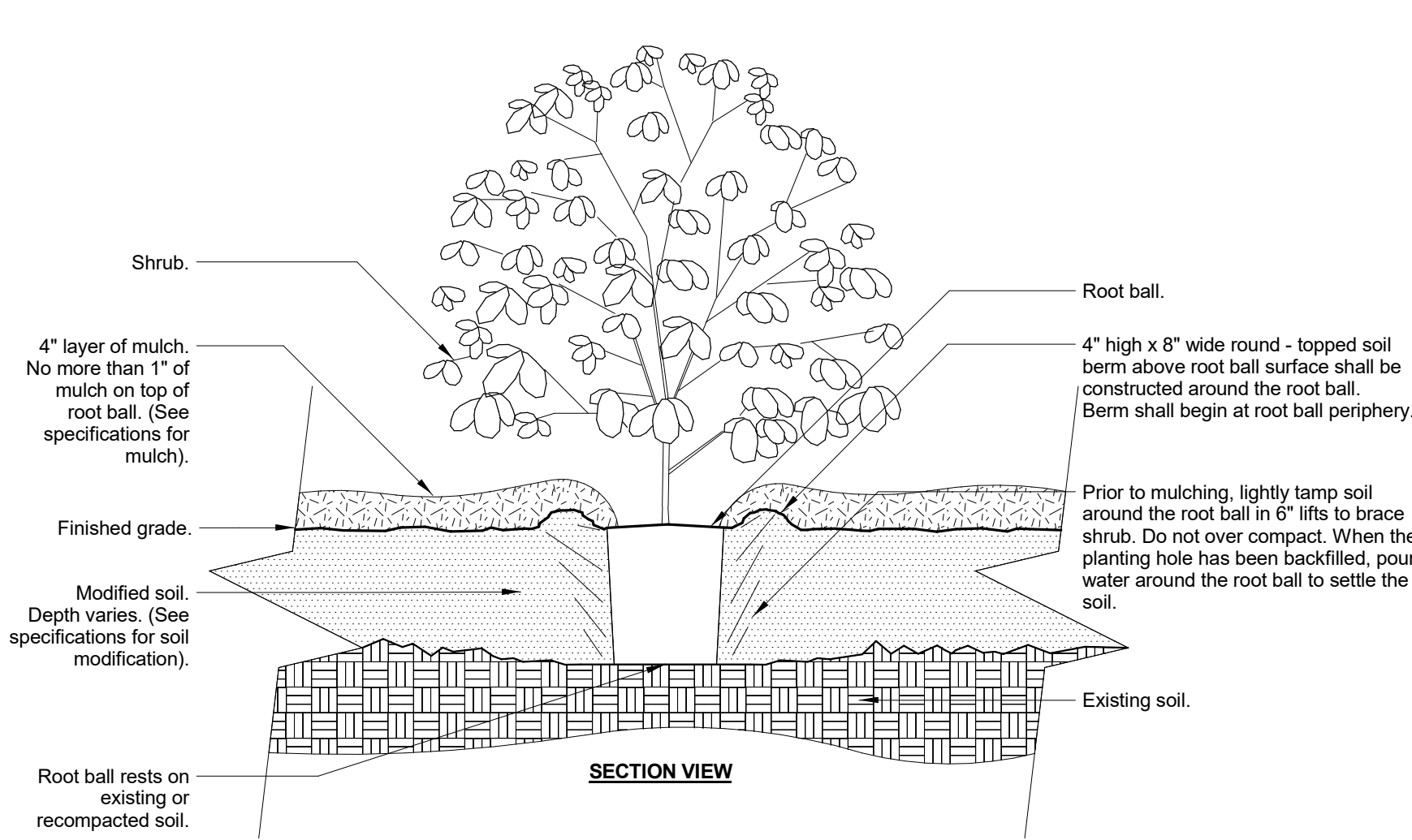
REGISTRATION INFORMATION
Required unless design is exempt under 2.17.5.1 of the building code

Forestgreen Creations Inc. 30817
FULL NAME BCIN SIGNATURE

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DRAWING DRAWING NO.

Landscape Details



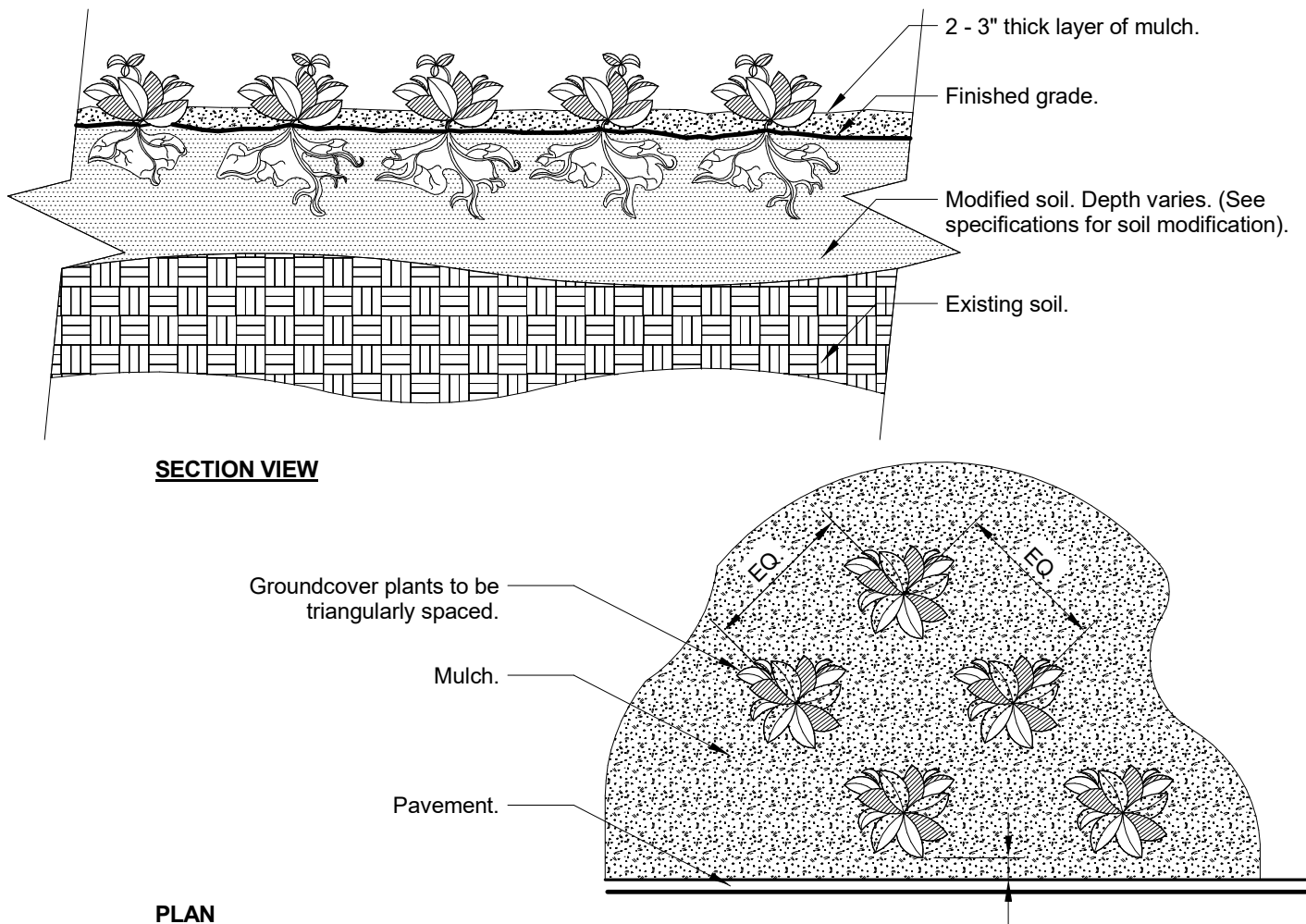
Notes:
1- Shrubs shall be of quality prescribed in the root observations detail and specifications.

2- See specifications for further requirements related to this detail.

URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE

pdet_shrub_modified soil

2 Shrub (Existing Soil Modified)
L1.1 3/4" = 1'-0"

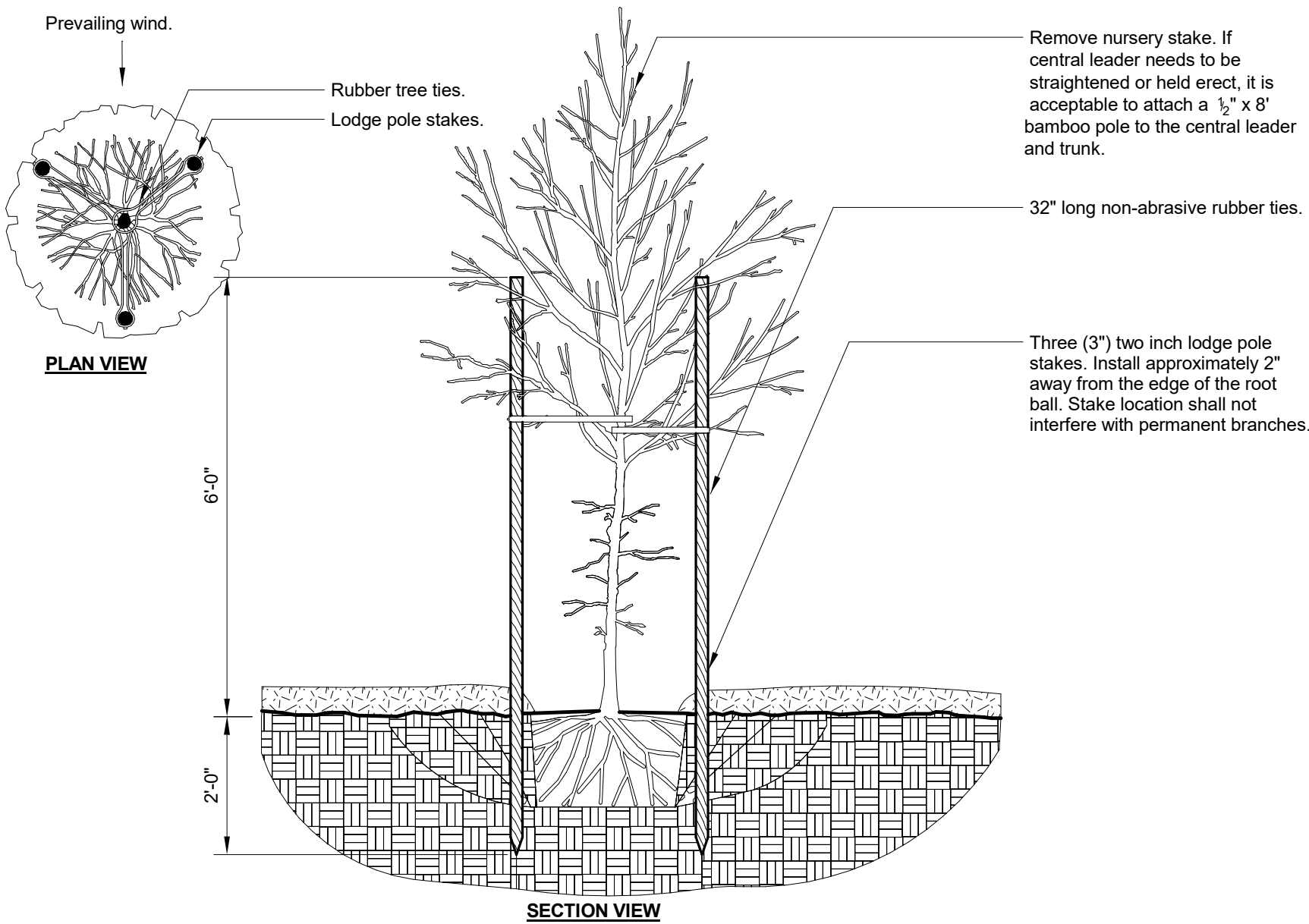


Notes:
1- See planting legend for groundcover species, size, and spacing dimension.
2- Small roots (1/4" or less) that grow around, up, or down the root ball periphery are considered a normal condition in container production and are acceptable however they should be eliminated at the time of planting. Roots on the periphery can be removed at the time of planting. (See root ball shaving container detail).
3- Settle soil around root ball of each groundcover prior to mulching.

URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE

pdet_groundcover

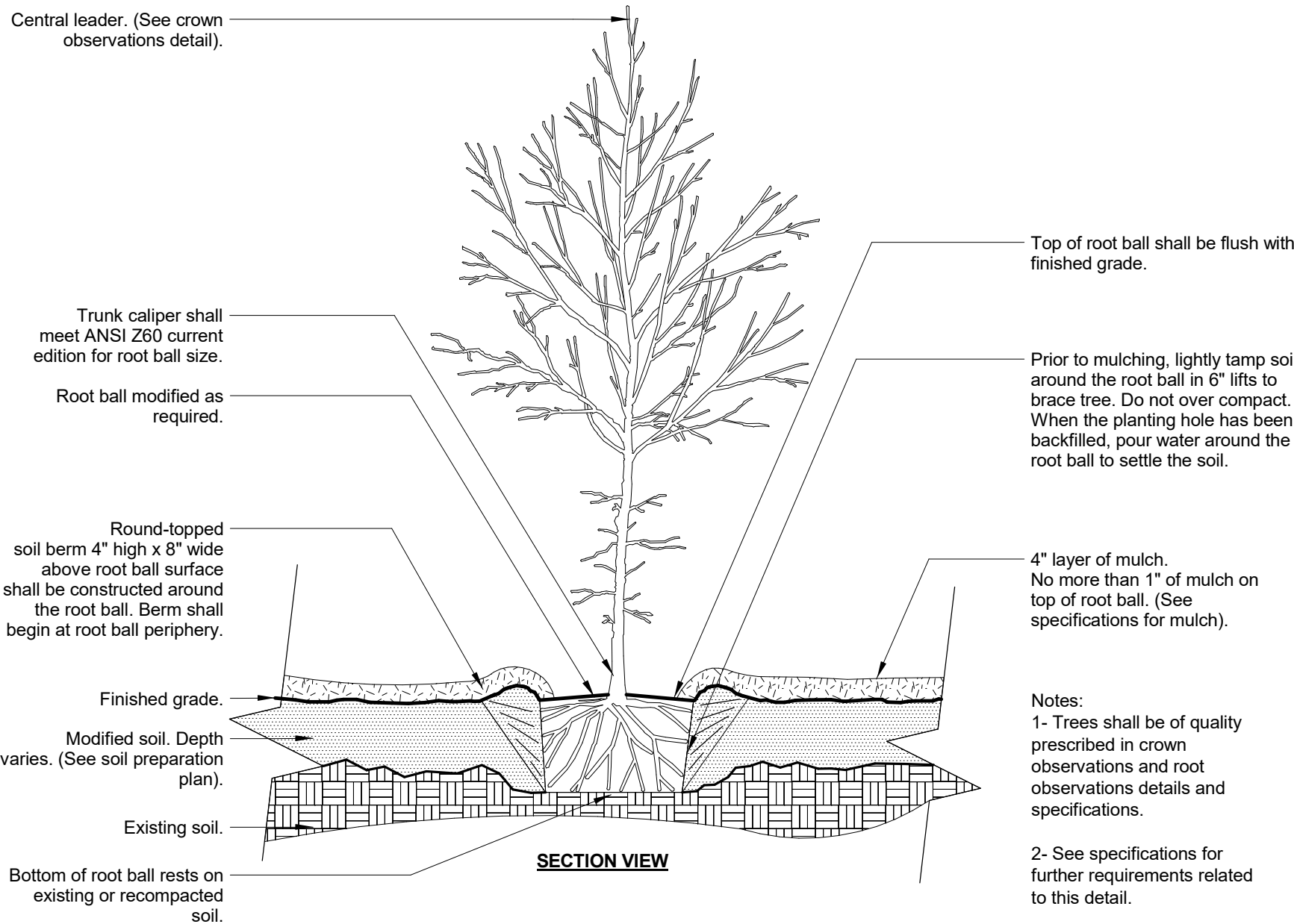
1 Groundcover
L1.1 3/4" = 1'-0"



URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE

L_tree staking_lodgepoles x 3

3 Tree Staking - (3) Lodge Poles
L1.1 1/2" = 1'-0"



URBAN TREE FOUNDATION © 2014
OPEN SOURCE FREE TO USE

L_tree planting_single berm_modified

4 Tree with Berm (Existing Soil Modified)
L1.1 1/2" = 1'-0"



***SUMMERSIDES BOULEVARD
SOUTH ELEVATION
2019 12 19***



125

SUMMERSIDES BOULEVARD
NORTH ELEVATION
2019 12 19

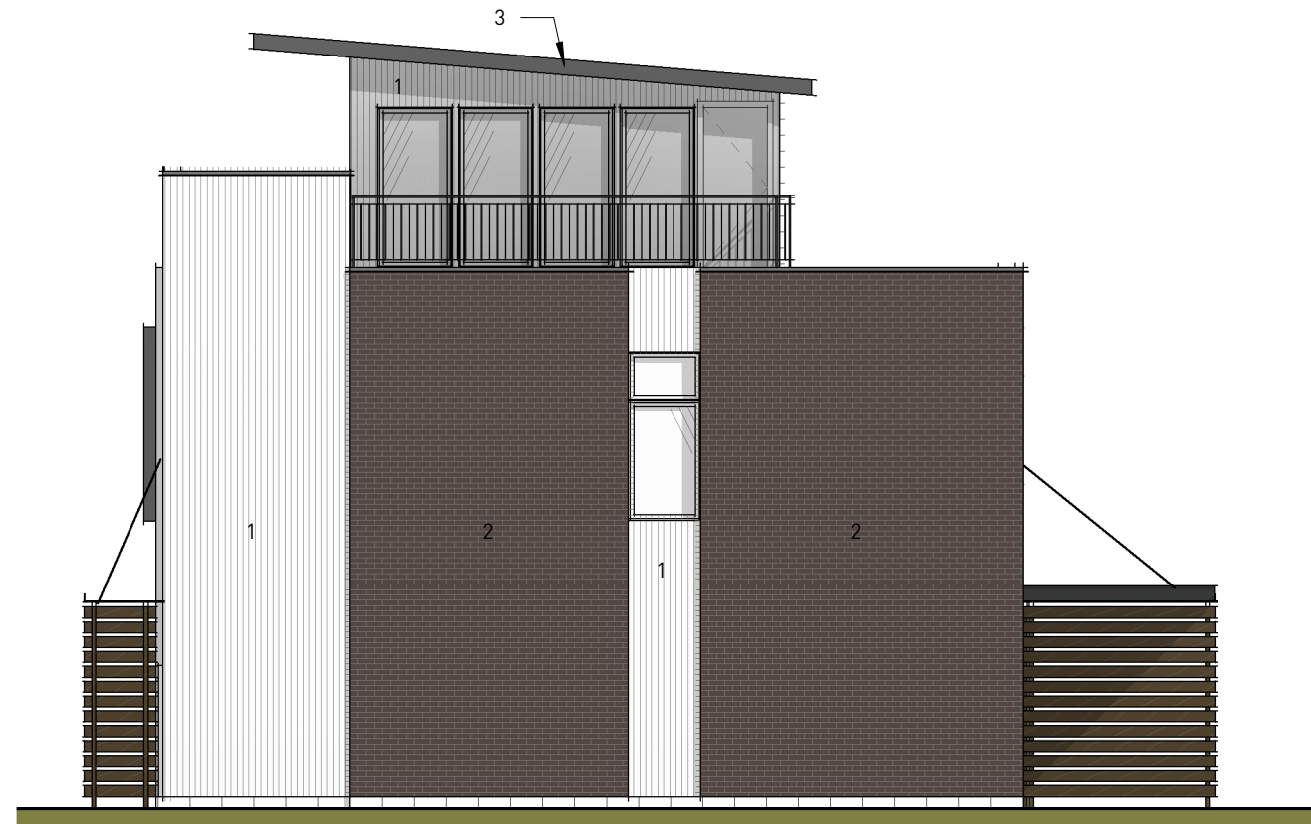


***SUMMERSIDES BOULEVARD
NORTH ELEVATION
2019 12 19***



147

SUMMERSIDES BOULEVARD
EAST ELEVATION
2019 12 19



**MEWS TOWNHOUSE
EAST ELEVATION
DEC.20.2019**

LEGEND
1 - 7/8" CORRUGATED METAL SIDING
2 - BRICK
3 - 2 PLY MODIFIED BITUMEN ROOFING



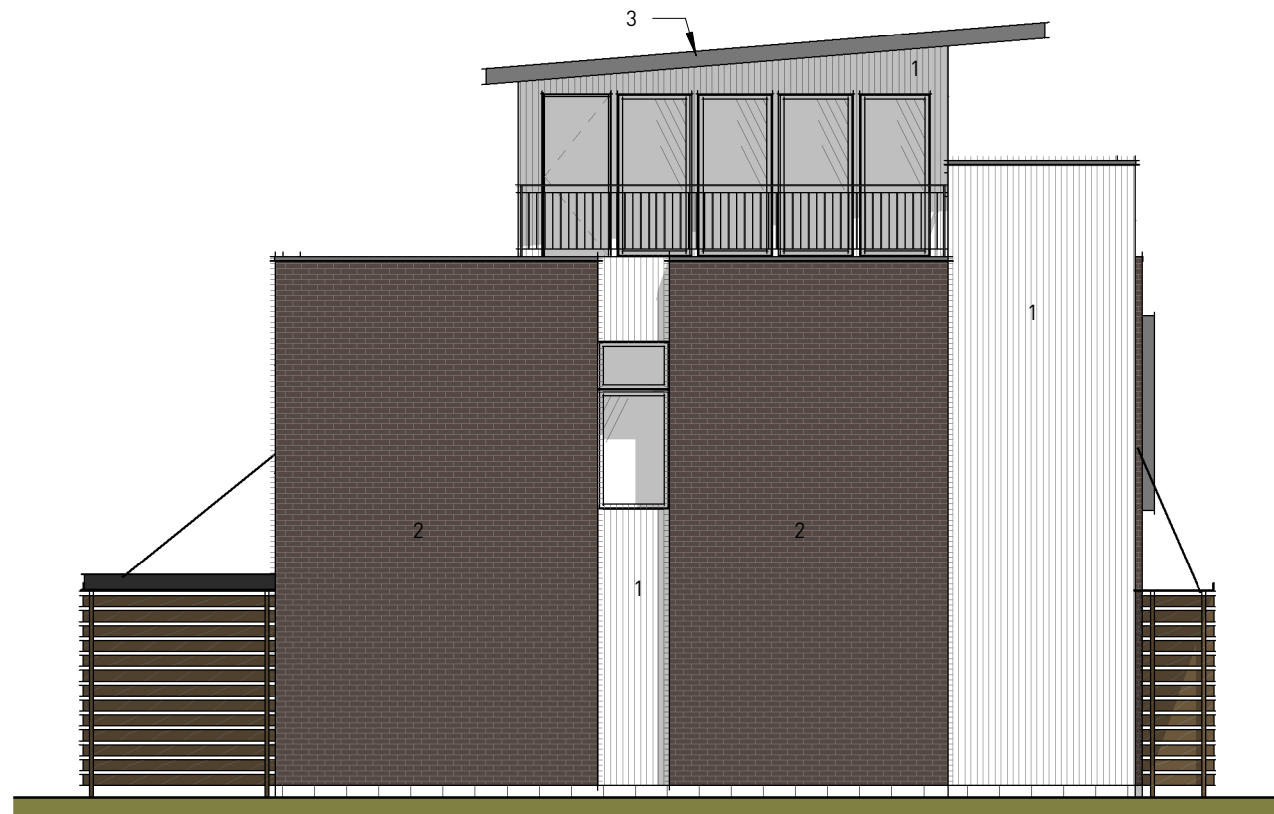
**MEWS TOWNHOUSE
SOUTH ELEVATION
DEC.20.2019**

LEGEND
1 - 7/8" CORRUGATED METAL SIDING
2 - BRICK
3 - 2 PLY MODIFIED BITUMEN ROOFING



**MEWS TOWNHOUSE
NORTH ELEVATION
DEC.20.2019**

LEGEND
1 - 7/8" CORRUGATED METAL SIDING
2 - BRICK
3 - 2 PLY MODIFIED BITUMEN ROOFING



**MEWS TOWNHOUSE
WEST ELEVATION
DEC.20.2019**

LEGEND
1 - 7/8" CORRUGATED METAL SIDING
2 - BRICK
3 - 2 PLY MODIFIED BITUMEN ROOFING



**APARTMENT
SOUTH ELEVATION
DEC.20.2019**

LEGEND
1. MASONRY
2. ASPHALT SHINGLES



**APARTMENT
WEST ELEVATION
DEC.20.2019**

- LEGEND
1. MASONRY
2. ASPHALT SHINGLES
3. DOWNLIGHTING



**APARTMENT
NORTH ELEVATION
DEC.20.2019**

LEGEND
1. MASONRY
2. ASPHALT SHINGLES
3. DOWNLIGHTING



**APARTMENT
EAST ELEVATION
DEC.20.2019**

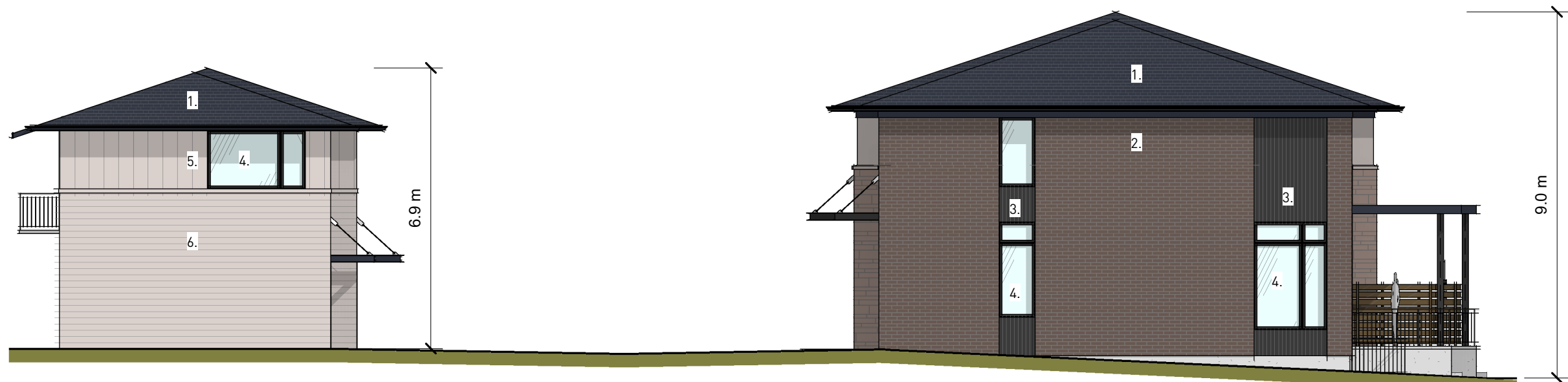
- LEGEND
1. MASONRY
2. ASPHALT SHINGLES
3. DOWNLIGHTING



**BLOCK D
WEST ELEVATION
DEC.20.2019**

LEGEND

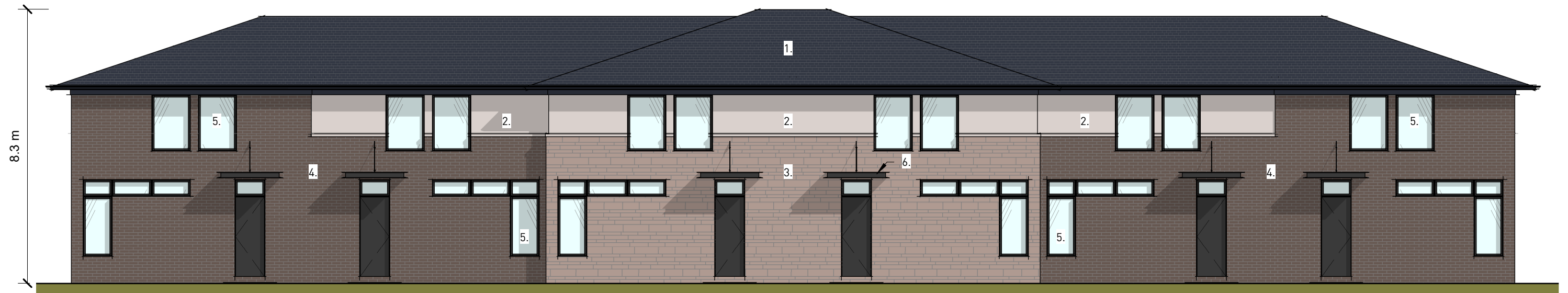
- 1. ASPHALT SHINGLES
- 2. STUCCO
- 3. MASONRY
- 4. BRICK
- 5. ALUMINUM SIDING
- 6. BLACK WINDOWS
- 7. BLACK STEEL I BEAM



**BLOCK D + E
NORTH ELEVATION
DEC.20.2019**

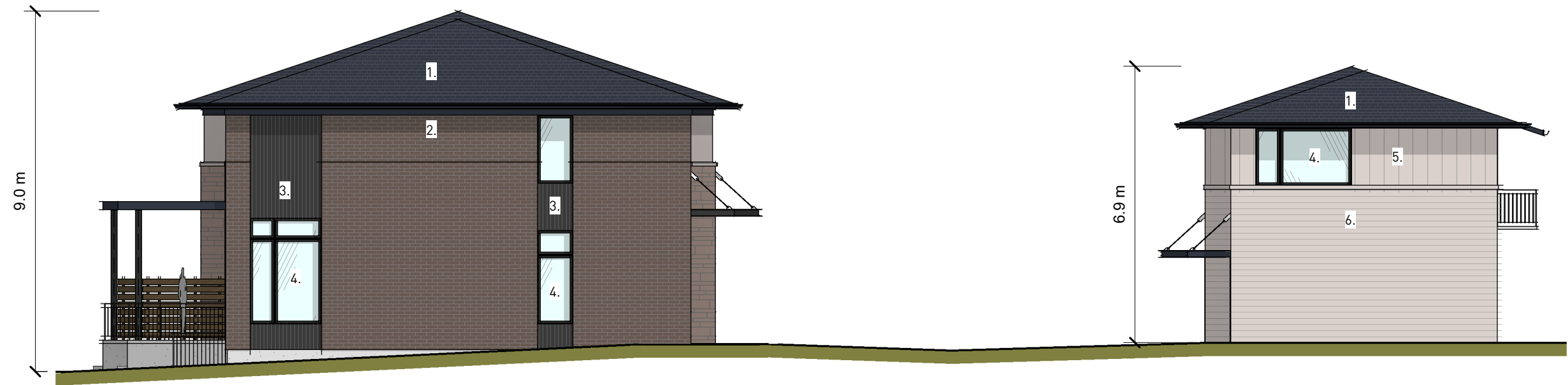
LEGEND

- 1. ASPHALT SHINGLES
- 2. BRICK
- 3. ALUMINUM SIDING
- 4. BLACK WINDOWS
- 5. HARDIE SIDING 1
- 6. HARDIE SIDING 2



**BLOCK D
EAST ELEVATION
DEC.20.2019**

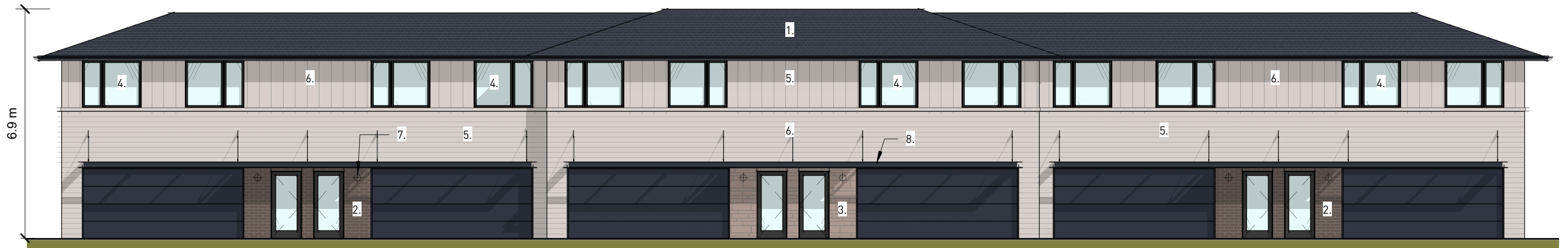
- LEGEND
 1. ASPHALT SHINGLES
 2. STUCCO
 3. MASONRY
 4. BRICK
 5. BLACK WINDOWS
 6. CANOPY



**BLOCK D + E
SOUTH ELEVATION
DEC.20.2019**

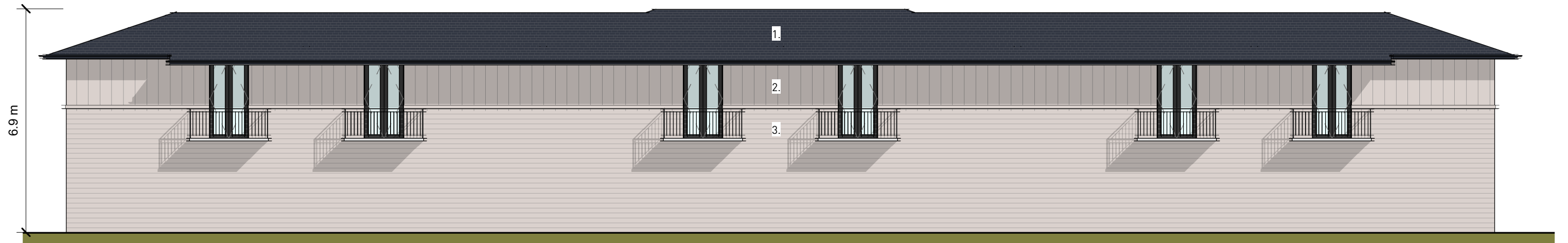
LEGEND

- 1. ASPHALT SHINGLES
- 2. BRICK
- 3. ALUMINUM SIDING
- 4. BLACK WINDOWS
- 5. HARDIE SIDING 1
- 6. HARDIE SIDING 2



**BLOCK E
WEST ELEVATION
DEC.20.2019**

- LEGEND**
- 1. ASPHALT SHINGLES
 - 2. BRICK
 - 3. MASONRY
 - 4. BLACK WINDOWS
 - 5. HARDIE SIDING 1
 - 6. HARDIE SIDING 2
 - 7. COACH STYLE LIGHT FOR ENTRANCE AND LANEWAY
 - 8. CANOPY



**BLOCK E
EAST ELEVATION
DEC.20.2019**

- LEGEND
1. ASPHALT SHINGLES
2. HARDIE SIDING 1
3. HARDIE SIDING 2

**THE CORPORATION OF THE
TOWN OF PELHAM
BY-LAW NO. 4228(2020)**

**A By-law to Promote and Regulate Physical Distancing during the
COVID-19 Emergency and Establish a System of Administrative
Penalties**

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus ("**COVID-19 Pandemic**");

AND WHEREAS on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the "**Act**") related to the COVID-19 Pandemic;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Act* (the "**Provincial Orders**");

AND WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the "**Municipal Act, 2001**") provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS section 434 of the *Municipal Act, 2001* provides that a municipality may create a system for administrative penalties to be applied where a municipality is satisfied that a person has failed to comply with a by-law of the municipality;

AND WHEREAS the Town of Pelham has enacted By-Law 4221 (2020) – A By-law to enact an administrative monetary penalty system for non-parking related offences so as to adopt a consistent approach to bylaw enforcement;

AND WHEREAS the Town of Pelham considers it desirable to enact a by-law to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the Town of Pelham by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS the Provincial Chief Medical Officer of Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household;

NOW THEREFORE the Council of the Town of Pelham enacts as follows:

PART 1- DEFINITIONS

1.1 For the purposes of this By-law,

"**Authorized Staff**" means a Municipal Law Enforcement Officer, Police Officer, Provincial Offences Officer, Peace Officer and the Director of Fire and By-law Services;

"**By-law**" means this By-law;

"**Town**" means the Town of Pelham;

"**COVID-19 Emergency**" means the period of time commencing upon the

date of passing this By-law until the declaration of emergency made by the Province of Ontario under the *Act* in relation to the COVID-19 Pandemic has been terminated;

“Director” means the Director of Fire and By-law Services, or their respective designate, for the Town of Pelham;

“Head of Council” means the Mayor of the Town;

“Person” includes an individual, partnership, association, firm or corporation;

“Police Officer” includes an officer of the Niagara Regional Police;

“Private Space(s)” is any property owned by a non-governmental legal entity.

“Proprietor” means any person, company, governing body or agency which owns, controls, governs or directs activity carried on in a Public Space or Private Property and includes the person who is actually in charge thereof, but excludes the Corporation of the Town of Pelham;

“Provincial Offences Act” means the *Provincial Offence Act*, R.S.O. 1990, c. P33.

“Public Space(s)” means any outdoor or indoor space to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

PART 2 – GENERAL PROVISIONS

2.1 Every person shall maintain a distance of at least two (2) metres from every other person who is not a member of the same household when in a Public Space or Private Space.

2.2 Proprietors shall take reasonable measures to ensure compliance with section 2.1 by:

- a) limiting the number of people allowed on their property;
- b) ensuring that the distancing measures specified in section 2.1 are being enforced on their property; and
- c) ensuring that people who refuse to comply with section 2.1 are promptly asked to leave their property and are reported to Authorized Staff upon failure to comply with this direction.

2.3 No person shall attend a social gathering of more than five (5) people, either in a Public Space or Private Space. Every owner or occupier of property shall ensure that no social gathering(s) of more than five (5) people occurs on their property.

2.4 For greater certainty, sections 2.3 and 2.4 do not apply to a gathering of members of a single household, or a gathering for the purpose of a funeral service that is attended by not more than 10 persons.

PART 3 – EXEMPTIONS

3.1 This By-law does not apply to emergency services staff (fire, EMS, Police Officers), Town employees, Region of Niagara employees,

Provincial Government employees, their agents and assigns or persons hired or engaged by the Town to do work or perform services in a Public Space, while performing policing, municipal, or enforcement services, including but not limited to, the enforcement of this By-law.

PART 4 - ADMINISTRATION AND ENFORCEMENT

- 4.1 The Director is responsible for the administration and enforcement of this By-law and may appoint delegates or assign duties to Town staff under this By-law.
- 4.2 Town staff who carry out any action under this By-law are deemed to be Authorized Staff for the purposes of this By-law, in the absence of evidence to the contrary.
- 4.3 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings, structures or parts thereof that are subject to this By-law for the purposes of determining compliance with this By-law.
- 4.4 Despite section 4.3, inspections of any dwelling unit may only be performed in accordance with the *Municipal Act, 2001*.
- 4.5 For the purposes of this By-law, Authorized Staff may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to an inspection for the purposes of making copies or extracts;
 - c) require information from any person concerning a matter related to an inspection; and
 - d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of an inspection.
- 4.6 Where any person contravenes any provision of this By-law, Authorized Staff may direct such person, verbally or in writing, to comply with this By-law. Every person so directed shall comply with such direction without delay.
- 4.7 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in the exercise of any power or the performance of any activity or duty under this By-law.

PART 5 – OFFENCES AND ADMINISTRATIVE PENALTIES

- 5.1 Every Person who contravenes any provision of this By-law is guilty of an offence and is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act*.
- 5.2 If an offence under the By-law is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.
- 5.3 Each Person who contravenes any provision of this By-law shall, upon issuance of a Penalty Notice in accordance with the Administrative Penalty Process By-law 4228(2020), be liable to pay to the Town an Administrative Penalty in the amount of \$250.00 for each day on which

the contravention occurs or continues.

5.4 Administrative Penalty Process By-law 4228(2020) applies to each Administrative Penalty Notice issued pursuant to this By-law.

PART 6 – MISCELLANEOUS

6.1 **Conflict:** In the event a discrepancy between this By-law and any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails.

6.2 **Severability:** Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

6.3 **Short Title:** This By-law may be referred to as the Pelham Physical Distancing By- law.

6.4 **Effective Date:** This By-law shall become effective on the date approved by Town Council and shall remain in force during the COVID-19 Emergency.

PASSED this 27th day of April, 2020

Mayor Marvin Junkin

Town Clerk Nancy Bozzato

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4230(2020)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 27th day of
April 2020.**

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25, as amended, provides that, except if otherwise authorized, the powers of Council shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) (a) The actions of the Council at its meeting held on the 27th day of April, 2020, including all resolutions or motions approved, are hereby adopted, ratified and confirmed as if they were expressly embodied in this by-law.
(b) The above-mentioned actions shall not include:
 - (I) any actions required by law to be taken by resolution, or
 - (II) any actions for which prior Ontario Municipal Board approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham are hereby authorized and directed to do all things necessary to give effect to the above-mentioned actions and to obtain approvals where required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized and directed to execute and the Clerk to affix the seal of the Corporation of the Town of Pelham to all documents necessary to give effect to the above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is passed.

READ, ENACTED, SIGNED AND SEALED
THIS 27th DAY OF APRIL 2020 A.D.

MAYOR MARVIN JUNKIN

TOWN CLERK, NANCY J. BOZZATO