

## REGULAR COUNCIL AGENDA

**C-19/2021 - Regular Council**

**Monday, November 15, 2021**

**5:30 PM**

**Town of Pelham Municipal Office - Council Chambers**

**20 Pelham Town Square, Fonthill**

During the ongoing 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

[www.youtube.com/townofpelham/live](http://www.youtube.com/townofpelham/live) and subsequent publication to the Town's website at [www.pelham.ca](http://www.pelham.ca).

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### Pages

#### **1. Call to Order and Declaration of Quorum**

##### **1.1. Land Recognition Statement**

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

#### **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 Pandemic Update – CEMC  
B. Lymburner, Community Emergency Management Co-Ordinator
    - 4.1.2. COVID-19 Pandemic Update – CAO  
D. Cribbs, Chief Administrative Officer
  - 4.2. Delegations
  - 4.3. Report of Regional Councillor
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  - 8.1. Presentation of Recommendations Arising from COW or P&P, for Council Approval
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	1. By-law 4401(2021) - Being a by-law to authorize the use of Optical Scanning Vote Tabulators, Touch Screen Vote Tabulators, and to allow for an alternative voting method, being a hybrid-voting approach for the Municipal Elections, specifically using a combination of in-person voting and special on demand mail in ballots and to Repeal and Replace By-law #3875(2017).	
14.	Motions and Notices of Motion	
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20. Adjournment

## SPECIAL COUNCIL MINUTES

**Meeting #:** SC-16/2021  
**Date:** Monday, November 1, 2021, 4:30 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
 20 Pelham Town Square, Fonthill

**Members Present** Marvin Junkin  
 Lisa Haun  
 Bob Hildebrandt  
 Ron Kore  
 Wayne Olson  
 Marianne Stewart  
 John Wink

**Staff Present** David Cribbs  
 Bob Lymburner  
 Vickie vanRavenswaay  
 Barbara Wiens  
 Sarah Leach  
 Holly Willford

### 1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:30pm.

#### 1.1 Land Recognition Statement

The Mayor read the land acknowledgement into the record.

### 2. Approval of the Agenda

**Moved By** Wayne Olson

**Seconded By** Ron Kore

**BE IT RESOLVED THAT the agenda for the November 1, 2021 Special Meeting of Council be adopted as circulated.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>0</b>
<b>Carried (6 to 0)</b>		

3. Disclosure of Pecuniary Interest and General Nature Thereof

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

4. Resolution to Move in Camera

Moved By Bob Hildebrandt  
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:

(e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality and (f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose (1 item).

	For	Against
Marvin Junkin	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	6	0
Carried (6 to 0)		

5. Rise From In Camera

Moved By Wayne Olson  
Seconded By Marianne Stewart

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

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

**Moved By** Ron Kore  
**Seconded By** Bob Hildebrandt  
**BE IT RESOLVED THAT the Chief Administrative Officer and External Legal Counsel be and is hereby authorized to undertake the directions provided during the In Camera meeting of November 1, 2021.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

**6. Confirming By-law**

**Moved By** Lisa Haun  
**Seconded By** John Wink  
**BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:**  
**Being a By-law No. 4399(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 01st day of November, 2021.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

**7. Adjournment**

**Moved By** Marianne Stewart  
**Seconded By** Wayne Olson

**BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for November 1, 2021 at 5:30 pm.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

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Mayor Marvin Junkin

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Town Clerk, Holly Willford

## REGULAR COUNCIL MINUTES

**Meeting #:** C-18/2021 - Regular Council  
**Date:** Monday, November 1, 2021  
**Time:** 5:30 PM  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present:** Marvin Junkin  
Lisa Haun  
Bob Hildebrandt  
Ron Kore  
Wayne Olson  
Marianne Stewart  
John Wink

**Staff Present:** David Cribbs  
Bob Lymburner  
Jason Marr  
Teresa Quinlin  
Vickie vanRavenswaay  
Barbara Wiens  
Holly Willford  
Sarah Leach

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### 1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:54pm.

#### 1.1 Land Recognition Statement

The Mayor read the land recognition statement into the record.

### 2. Approval of Agenda

**Moved By** Ron Kore

**Seconded By** John Wink

**BE IT RESOLVED THAT the agenda for the November 1, 2021 Regular meeting of Council be adopted, as circulated.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	

Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**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**

**4.1.1 COVID-19 Pandemic Update – CEMC**

Fire Chief and Community Emergency Management Co-Ordinator presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

**Moved By** Marianne Stewart

**Seconded By** Lisa Haun

**BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**4.1.2 COVID-19 Pandemic Update – CAO**

Mr. David Cribbs, CAO stated the Town’s Director of Corporate Services and Treasurer, Ms. Teresa Quinlin, as a Chartered Professional Accountant (CPA) was honored with the highest distinction

of her profession and has been named a Fellow. The Mayor and Council congratulated Ms. Quinlin on receiving this distinction.

**Moved By** Wayne Olson

**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, Chief Administrative Officer, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**4.2 Delegations**

**4.3 Report of Regional Councillor**

**5. Adoption of Minutes**

**Moved By** Ron Kore

**Seconded By** Marianne Stewart

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

**1. C-17/2021 - Regular Council Meeting - October 18, 2021**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		



**6. Business Arising from Council Minutes**

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

Councillor Wink requested item 8.5.3 be lifted for separate consideration.

Councillor Haun requested item 8.3.3 be lifted for separate consideration.

**8. Consent Agenda Items to be Considered in Block**

**Moved By** Lisa Haun

**Seconded By** Wayne Olson

**BE IT RESOLVED THAT the Consent Agenda items as listed on the November 1, 2021 Council Agenda be received and the recommendations contained therein be approved, save and except item 8.5.3 and 8.3.3:**

**8. Consent Agenda Items to be Considered in Block**

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

BE IT RESOLVED THAT Council hereby approves the Recommendations Resulting from the following:

PCOW 06/2021 - Public Meeting under the Planning Act - October 12, 2021

**8.2. Minutes Approval - Committee**

**8.2.1. 1. PCOW 06/2021 - Public Meeting under the Planning Act - October 12, 2021**

BE IT RESOLVED THAT Council receive the following minutes for information:

PCOW-06/2021 Public Meeting Under Planning Act - October 12, 2021

**8.3. Staff Reports of a Routine Nature for Information or Action**

**8.3.1. Revised 2022 Council Meeting Schedule , 2021-0184-Clerks**

BE IT RESOLVED THAT Council receive Report #2021-0184-Clerks Revised 2022 Council Meeting Schedule;

AND THAT the Revised 2022 Council Meeting Schedule as provided in Appendix A to this Report be approved;

AND THAT Staff be directed to publish the Revised 2022 Council Meeting Schedule to the Town of Pelham Website.

**8.3.2. Municipal Modernization Program Intake 3 Applications, 2021-0165-Corporate Services**

BE IT RESOLVED THAT Council receive Report # 2021-0165- Municipal Modernization Program Intake 3 (MMP Intake 3) Applications, for information;

AND THAT Council approve the grant submissions for the MMP Intake 3 relating to the following:

(1) implementation of software for Human Resources digitization; (2) implementation of software for automation in Corporate Services; and (3) review of Recreation, Culture and Wellness third party review for service delivery and organizational structure.

~~8.3.3. Peninsula West Power Inc. (PWPI) Subsidiary Update, 2021-0183 Corporate Services~~

~~BE IT RESOLVED THAT Council receive Report # 2021-0183 Peninsula West Power Inc. (PWPI) Subsidiary Update, for information.(lifted)~~

8.4. Action Correspondence of a Routine Nature

8.4.1. Ontario Garlic Festival re: Ontario Garlic Week - Supporting Food & Beverage

BE IT RESOLVED that Council receive correspondence from Toronto Garlic Festival dated October 18, 2021 with respect to supporting Ontario Garlic Week;

AND THAT Council direct staff to promote and share Ontario Garlic Week information within the Pelham Community.

8.5. Information Correspondence Items

8.5.1. Mark Iannizzi Correspondence re: Request for Traffic Calming Policy

BE IT RESOLVED THAT Council receive correspondence from Mark Iannizzi regarding a request for a traffic calming policy on Lookout Street, for information.

8.5.2. Rosemarie Haegens Correspondence re: Road Deterioration in North Pelham

BE IT RESOLVED THAT Council receive correspondence from Rosemarie Haegens regarding Road Deterioration in North Pelham, for information.

~~8.5.3. Pelham Active Transportation Committee Correspondence re: Town's Traffic Calming Policy~~

~~BE IT RESOLVED Council receive the correspondence dated October, 25, 2021 from the Pelham Active Transportation Committee regarding the Town's Traffic Calming Policy, for information.(lifted)~~

8.5.4. Niagara Region re: Niagara Region Incentives Policy

BE IT RESOLVED THAT Council receive from the Regional Municipality of Niagara the Niagara Region Incentives Policy, for information.

8.5.5. Niagara Region re: Regional Incentives Information and Alternatives

BE IT RESOLVED THAT Council receive from the Regional Municipality of Niagara the Regional Incentives Information and Alternatives, for information.

8.7. Committee Minutes for Information

8.7.1. Cannabis Control Committee Minutes

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated September 8, 2021, for information.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

**9. Items for Separate Consideration, if Any**

**9.1 Peninsula West Power Inc. (PWPI) Subsidiary Update, 2021-0183-Corporate Services**

Councillor Haun requested it be noted in the minutes that each Councillor Haun and Councillor Hildebrandt declared conflicts of interest in past meetings with respect to this matter being considered before Council.

**Moved By** Lisa Haun  
**Seconded By** Wayne Olson

**BE IT RESOLVED THAT Council receive Report # 2021-0183-Peninsula West Power Inc. (PWPI) Subsidiary Update, for information.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore		X
Wayne Olson	X	

Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>6</b>	<b>1</b>
<b>Carried (6 to 1)</b>		

**9.2 Pelham Active Transportation Committee Correspondence re: Town's Traffic Calming Policy**

BE IT RESOLVED Council receive the correspondence dated October, 25, 2021 from the Pelham Active Transportation Committee regarding the Town's Traffic Calming Policy, for information.

**Amendment: Moved By** John Wink  
**Seconded By** Bob Hildebrandt

**THAT the motion be amended to include:**

**AND THAT Council direct staff to promote the Town’s Neighborhood Traffic Management Policy No. S801-02 (aka traffic calming policy) annually through a variety of media, included by not limited to: print advertisement, Town’s website, social media and feature successful neighborhood stories when appropriate to do so.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**Main Motion as Amended :Moved By** John Wink  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED Council receive the correspondence dated October, 25, 2021 from the Pelham Active Transportation Committee regarding the Town's Traffic Calming Policy, for information;**

**AND THAT Council direct staff to promote the Town’s Neighborhood Traffic Management Policy No. S801-02 (aka traffic calming policy) annually through a variety of media, included by not limited to: print advertisement, Town’s**

**website, social media and feature successful neighborhood stories when appropriate to do so.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**10. Presentation & Consideration of Reports**

**10.1 Reports from Members of Council:**

**10.1.1 Councillor Wink**

Councillor Wink discussed the last Pelham Active Transportation Advisory Committee meeting. In particular, in voiced the committee’s desire to have the top coat of paving to be completed on Port Robinson Road and surrounding division.

**Moved By** Wayne Olson  
**Seconded By** Bob Hildebrandt

**BE IT RESOLVED THAT Council receive the verbal presentation from Councillor Wink with respect to Pelham Active Transportation Committee, for information.**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**10.1.2 Councillor Olson**

Councillor Olson spoke on the need for the annual forum for service club support and open houses for municipal drain matters. He stated he was pleased staff is currently working towards hosting both meeting types in the New Year.

**Moved By** Ron Kore

**Seconded By** John Wink

**BE IT RESOLVED THAT Council receive Councillor Olson's verbal presentation regarding Annual Open House re: Municipal Drain Matters and Annual Forum re: Service Club Support, for information.**

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
<b>Carried (7 to 0)</b>		

**10.2 Staff Reports Requiring Action**

**10.2.1 Christmas in Pelham 2021, 2021-0182-Recreation**

**Moved By** Lisa Haun

**Seconded By** Marianne Stewart

**BE IT RESOLVED THAT Council receive Report #2021-0182 – Christmas in Pelham 2021;**

**AND THAT Council designate Christmas in Pelham 2021 - Outdoor Christmas Market, to be held on Friday December 3, 2021, from 4pm to 10pm at Pelham Town Square, as a Municipally Significant Event;**

**AND THAT the Clerk be authorized to make application for a Special Occasion Permit for the Christmas in Pelham – Outdoor Christmas Market;**

**AND FURTHER THAT Council authorize the following road closures; Pelham Town Square entrance at Pelham Street to 55 meters east of Pelham Street, from 7:00am to 11:59pm on Friday December 3, 2021;**

For	Against
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Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

- 11. Unfinished Business
- 12. New Business
- 13. Presentation and Consideration of By-Laws

**Moved By** Marianne Stewart  
**Seconded By** Bob Hildebrandt

**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 4397(2021) - Being a by-law to authorize the Mayor and Clerk to enter into an Agreement with The Herrington Group Ltd. for consulting services as per the Proposal to Coordinate Accessibility for Ontarians with Disability Act Compliance for 2022 - 2024, and to Repeal and Replace By-law #4180(2019).**

**2. By-law 4398(2021) - Being a by-law to exempt Block 30 on Plan 59M-476, municipally known as 34, 36, 38, 40, 42 and 44 Lymburner Street, from part lot control. Saffron Meadows Phase 2 Subdivision. (Hert Inc.) File No. PLC 04-2021**

	<b>For</b>	<b>Against</b>
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	

# O

**Carried (7 to 0)**

- 14. Motions and Notices of Motion**
- 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**
- 18. Rise From In Camera**
- 19. Confirming By-Law**

**Moved By** Lisa Haun

**Seconded By** Ron Kore

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

**Being a By-law No. 4400(2021) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 01st day of November, 2021.**

**For**

## Against

Marvin Junkin

X

Lisa Haun

X

Bob Hildebrandt

X

Ron Kore

X

Wayne Olson

X

Marianne Stewart

X

John Wink

X

## Results

7

# O

**Carried (7 to 0)**

- ## 20. Adjournment

**Moved By** Bob Hildebrandt

**Seconded By** Wayne Olson

**BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for November 15, 2021 at 5:30 pm.**

**For**

## Against



Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
<b>Results</b>	<b>7</b>	<b>0</b>
		<b>Carried (7 to 0)</b>

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Mayor: Marvin Junkin

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Town Clerk: Holly Willford

Taxes Written-off Under Section 357/358 of the Municipal Act, 2016

Roll #	Address	Reason	From	To	Property Class	Original Assessment	New Assessment	Increase/ Decrease	Rate	Subtotal	Total Adjustment
<b>2019</b>											
2732 030 017 09800	230 Chantler Rd	Demolition/Razed by Fire	2019-01-01	2019-12-31	RT	306,000	218,572	(87,428)	0.01282989	(1,121.69)	(1,121.69)
<b>2020</b>											
2732 030 017 09800	230 Chantler Rd	Demolition/Razed by Fire	2020-01-01	2020-12-31	RT	796,000	706,000	(90,000)	0.01305805	(1,175.22)	(1,175.22)
2732 010 016 14500	821 Foss Rd	Demolition/Razed by Fire	2020-01-01	2020-12-31	RT	236,000	145,000	(91,000)	0.01305805	(1,188.28)	(1,188.28)
<b>2021</b>											
2732 030 017 09800	230 Chantler Rd	Demolition/Razed by Fire	2021-01-01	2021-12-31	RT	796,000	706,000	(90,000)	0.01325985	(1,193.39)	(1,193.39)
2732 010 014 19700	987 Balfour St	Demolition/Razed by Fire	2021-05-17	2021-12-31	FT	219,000	209,300	(9,700)	0.00331497	(20.17)	(20.17)
2732 010 014 19700	987 Balfour St	Demolition/Razed by Fire	2021-05-17	2021-12-31	RT	140,000	16,700	(123,300)	0.01325985	(1,025.76)	(1,025.76)
2732 010 016 14500	821 Foss Rd	Demolition/Razed by Fire	2021-01-01	2021-12-31	RT	236,000	145,000	(91,000)	0.01325985	(1,206.65)	(1,206.65)
2732 020 010 02400	205 Highway 20	Demolition/Razed by Fire	2021-03-31	2021-12-31	RT	381,000	379,000	(2,000)	0.01325985	(20.05)	(20.05)
<b>Total Taxes Written Off Under Section 357/358</b>											<u><u>(6,951.22)</u></u>

**Subject:** Recommendation Report for Application AM-05-2021, Saffron Meadows Phase 1 & 2 and River Estates Phase 2 Subdivisions Zoning By-law Amendment

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0188 – Recommendation for Application AM-05-2021, Saffron Meadows Phase 1 & 2 and River Estates Phase 2 Subdivision Zoning By-Law Amendment;**

**AND THAT Council direct Planning staff to prepare the necessary By-law for approval of the Zoning By-law amendment for Council's consideration.**

**Background:**

The purpose of this report is to provide Council with a recommendation regarding a housekeeping zoning by-law amendment to amend Zoning By-law No. 1136 (1987) for lands within the Saffron Meadows Phase 1 & 2 and River Estates Phase 2 Subdivisions. The proposed Zoning By-law Amendment would rectify zoning interpretations and potential for non-compliance with the zoning by-law for the street townhouse blocks/units in these two subdivisions as it relates to lot frontage and a smaller Daylight Triangle.

**Location:**

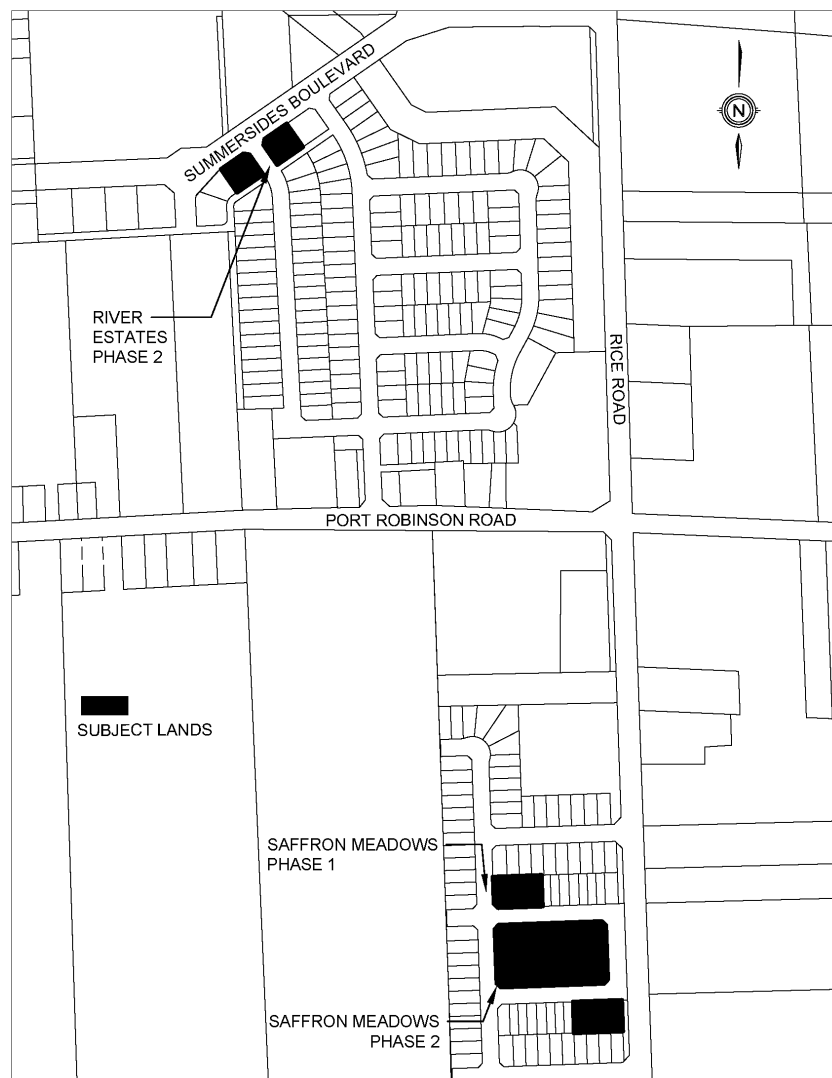
The subject lands within the River Estates Phase 2 subdivision are located on the south side of Summersides Boulevard, lying west of Rice Road. Legally described as Blocks 39 and 40, Registered Plan 59M-471 and municipally known as 96, 98, 100 Summersides Boulevard and 161 Susan Drive, in the Town of Pelham.

The subject lands within the Saffron Meadows Phase 1 subdivision are located on the south side of Port Robinson Road, lying west of Rice Road. Legally described as Blocks 44, 45, 46 and 47, Registered Plan 59M-456 and municipally known as 120-130, 132, 134, 136, 138, 140 and 142 Lymburner Street, in the Town of Pelham.

The subject lands within the Saffron Meadows Phase 2 subdivision are located on the south side of Port Robinson Road, lying west of Rice Road. Legally described as Blocks 31, 32, 33, 34, 35 and 36, Registered Plan 59M-476 and municipally known as 1, 3, 5, 7, 11, 13, 15, 17, 33, 35, 37, 39, 43, 45, 47, 49, 53, 55, 57 and 59 Lymburner Street, in the Town of Pelham.

The lots are under construction for street townhouses or have recently completed construction for townhouse units.

*Figure 1: Key Map*



### **Project Description and Purpose:**

The Saffron Meadows Phase 1 & 2 Subdivisions were rezoned to a site-specific provision: Residential Multiple 1 - 268 (RM1-268) by Amending By-law 3810

(2016). RM1-268 allows for the use of street townhouses and contains detailed regulations on the required lot and building. Saffron Meadows Phase 1 Subdivision agreement was registered on June 2018, and Saffron Meadows Phase 2 Subdivision agreement was registered on May 2020.

The River Estates Phase 2 Subdivision was rezoned to a site-specific provision: Residential Multiple 1 - 287 (RM1-287) by Amending By-law 4041 (2018). RM1-287 would allow for the use of street townhouse and contains detailed regulations on the required lot and building. River Estates Phase 2 Subdivision was registered on July 2019. All of the subdivisions have received building permits and construction have proceeded.

During the review of building permits for the street townhouse units, there has been confusion with regards to the interpretation of the lot frontage and exterior side yard setbacks. While the block of townhouse units conform to the requirements of the by-law, at time of building permit stage as the property the townhouse unit is located on is one large block and not an individual townhouse lot. The individual lot is created at Part Lot Control stage after the townhouse dwelling units are constructed. This has led to some variation in the interpretation of the by-law with building staff, planning staff and the designer and builder of the townhouse units. The proposed zoning by-law amendment is meant to resolve these interpretation issues of some of the zone requirements and resolve potential issues that arise when the individual lot is created through part lot control, after the dwelling is constructed so as to not create unintentional non-complying situations after the dwelling is constructed and the lot is created.

## **Analysis:**

### Planning Act

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS 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 (PPS) designates the subject lands within the 'Settlement Area'. Policy 1.1.3.1 states that settlement areas will be the focus of growth and development and their vitality and regeneration shall be promoted.

The proposed zoning by-law amendment is of technical purpose to rectify any zoning interpretation issues and will facilitate an already approved development. Planning staff are of the opinion that the application is consistent with the Provincial Policy Statement.

#### Greenbelt Plan, 2017

The subject parcel is located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

#### Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

#### The Growth Plan for the Greater Golden Horseshoe, 2017

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan.

#### Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

#### Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject lands as 'Secondary Plan Area' within the Fonthill Settlement Area. The East Fonthill Secondary Plan designates the subject lands in the River Estates Phase 2 Subdivision as 'EF – Medium Density Residential', and the subject lands in the Saffron Meadows Phase 1 and 2 Subdivision as 'EF – Low Density Residential'.

Zoning By-law 1136 (1987), as amended

The subject lands in the River Estates Phase 2 Subdivision are currently zoned 'Residential Multiple 1 - 287 (RM1-287)' by Amending By-law 4041 (2018). On June 30, 2020, the Committee of Adjustment approved minor variances A16/2020P and A17/2020P to permit the reductions to the front (Block 40) and exterior side yards (Block 39). Although the building locations were approved through the minor variances, the application did not address the corresponding requirement for a reduction to the Daylight Triangle provisions of the Zoning By-law. The summary of zoning deficiencies for the townhouse blocks within the subdivision is below:

<b>River Estates Phase 2 (Blocks 39 and 40, Registered Plan 59M-471)</b>			
<b>RM1-287</b>	<b>Zoning Regulation</b>	<b>Required</b>	<b>Existing</b>
Block 39: 96, 98, 100 Summersides Boulevard and 161 Susan Drive	6.27 Daylight Triangles – no structure shall be greater than 0.5 m (1.64 ft) in the established Daylight Triangle (9 m x 9 m)	No structure greater than 0.5 m	Same with Daylight Triangle (6m x 6m)
Block 40: 84, 86, 88 Summersides Boulevard and 160 Susan Drive	6.27 Daylight Triangles – no structure shall be greater than 0.5 m (1.64 ft) in the established Daylight Triangle (9 m x 9 m)	No structure greater than 0.5 m	Same with Daylight Triangle (6m x 6m)

The subject lands in the Saffron Meadows Phase 1 Subdivision are currently zoned 'Residential Multiple 1 - 268 (RM1-268)' by Amending By-law 3810 (2016). Below are the summary of zoning deficiencies of the townhouse blocks within the subdivision:

<b>Saffron Meadows Phase 1 (Blocks 44, 45, 46 and 47, Registered Plan 59M-456)</b>			
RM1-268	Zoning Regulation	Required	Existing
Block 44: 121, 123, 125, 127, 129 Lymburner Street	16.4 (b) Minimum Corner Lot Frontage (Site-Specific)	12 m	11.8 m
Block 45: 120, 122, 124, 126 Lymburner Street	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.7 m
Block 46: 128, 130, 132, 134 Lymburner Street	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.7 m
Block 47: 136, 138, 140, 142 Lymburner Street	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.57 m

The subject lands in the Saffron Meadows Phase 2 Subdivision are currently zoned 'Residential Multiple 1 - 268 (RM1-268)' by Amending By-law 3810 (2016). Below are the summary of zoning deficiencies of the townhouse blocks within the subdivision:

<b>Saffron Meadows Phase 2 (Blocks 31, 32, 33, 34, 35 and 36, Registered Plan 59M-476)</b>			
RM1-268	Zoning Regulation	Required	Existing
Block 31: 22, 24, 26, 28, 30 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	8.3 m
Block 32: 11, 13, 15, 17 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	8.75 m
Block 33: 33, 35, 37, 39 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling	9 m	7.5 m



<b>Saffron Meadows Phase 2 (Blocks 31, 32, 33, 34, 35 and 36, Registered Plan 59M-476)</b>			
RM1-268	Zoning Regulation	Required	Existing
	attached on one side only		
Block 34: 43, 45, 47, 49 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.65 m
Block 35: 53, 55, 57, 59 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.4 m
Block 36: 1, 3, 5, 7 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	8.7 m

### **Financial Considerations:**

n/a

### **Alternatives Reviewed:**

Council could choose not to approve the application for amendment to the Zoning By-law.

### **Consultation:**

On Wednesday, the 15<sup>th</sup> day of September 2021, a Public Meeting Notice was posted on the Town of Pelham website. On Wednesday, the 22<sup>nd</sup> day of September 2021, a Public Meeting Notice was published in the local newspaper. No members of the public registered as delegations for the public meeting hosted on October 12, 2021 and one letter of support was received at the time of writing of this report.

Council raised some questions regarding how a building permit could be issued for townhouse units if they did not comply with the zoning by-law. It is important to note, that at the time of building permit application a block of townhouse units are sited within one whole block and the building permit plans submitted show that the townhouses comply with the zoning by-law. The individual lot lines between the townhouse units do not yet exist and can only be confirmed after the dividing wall

between each of the townhouse units is framed. It is only after the framing stage of construction can a surveyor confirm the centre line location of the dividing walls between the individual townhouse units and therefore the lot lines between the units. Often during construction, depending on the accuracy of the various trades, there can be a shifting of a couple of inches for each townhouse unit which can result in a number of inches over an entire block of 4 or 5 townhouses that results in the unintentional zoning non-compliances that are only discovered at the time the blocks are surveyed for part lot control.

### **Planning Staff Comments:**

Town departments and commenting agencies offered no objections to the application. The proposed Zoning By-law Amendment would rectify zoning interpretations and potential for non-compliance with the zoning by-law for the street townhouse blocks/units in these two subdivisions as it relates to lot frontage and the smaller Daylight Triangle.

In conclusion, Town staff have evaluated the rezoning application against the Provincial Policy Statement, applicable Provincial Plans, Region of Niagara Official Plan and Town Official Plan. The proposed rezoning is acceptable from a planning perspective, will address the unintentional zoning non-compliances and should be approved for the following reasons:

1. The proposed rezoning application is consistent with the Provincial Policy Statement (PPS), conforms with applicable provincial plans and policies;
2. The proposed zoning standards are in conformity with the Regional and Town Official Plan and are compatible with the existing adjacent uses of land.

### **Other Pertinent Reports/Attachments:**

Information Report 2021-0172

### **Prepared and Recommended by:**

Kenny Ng, B.ES  
Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

### **Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Information Report – Zoning By-law Amendment  
Application (AM-05-2021)

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0172 for information and recommend to Council:**

**THAT Planning staff be directed to prepare the Recommendation Report for consideration of adopting the Zoning By-law Amendment.**

**Background:**

The purpose of this report is to provide Council and the public with information regarding a housekeeping zoning by-law amendment to amend Zoning By-law No. 1136 (1987) for the lands within the Saffron Meadows Phase 1 & 2 and River Estates Phase 2 Subdivisions.

The proposed Zoning By-law Amendment would rectify zoning interpretations and potential for non-compliance with the zoning by-law for the street townhouse blocks/units in these two subdivisions as it relates to lot frontage and exterior side yard setbacks.

**Location**

The subject lands within the River Estates Phase 2 subdivision are located on the south side of Summersides Boulevard, lying west of Rice Road. Legally described as Blocks 39 and 40, Registered Plan 59M-471 and municipally known as 96, 98, 100 Summersides Boulevard and 161 Susan Drive, in the Town of Pelham.

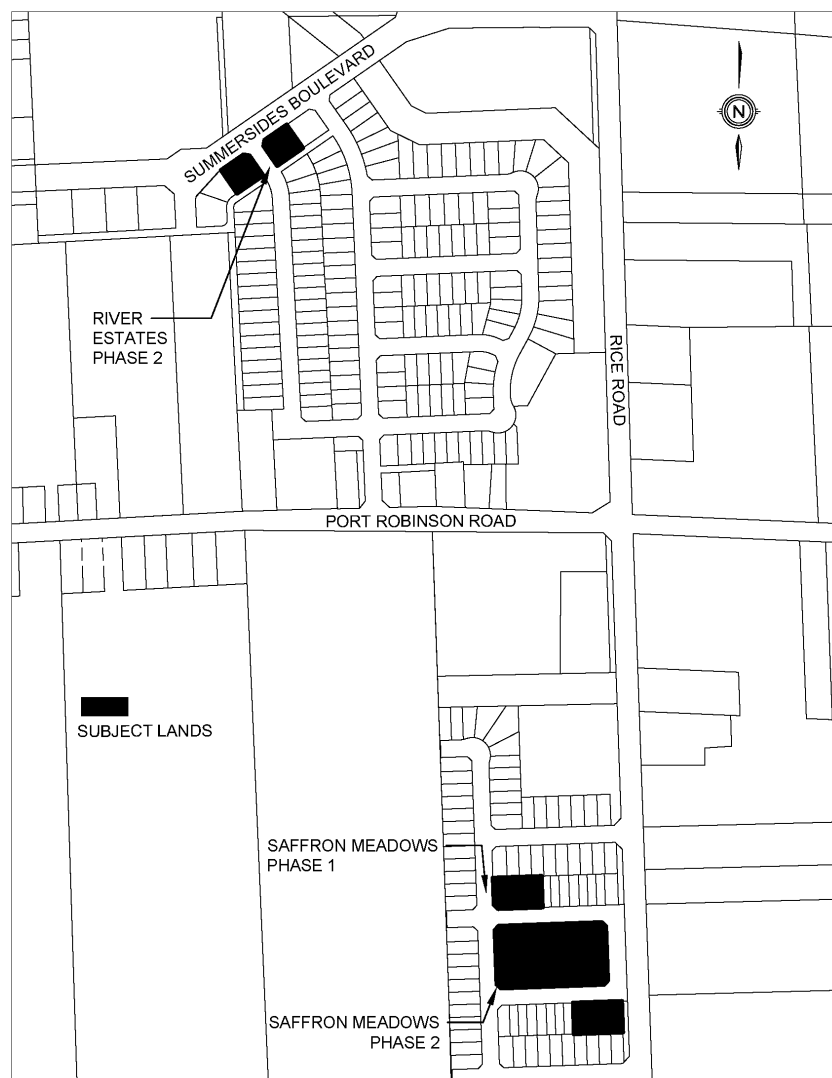
The subject lands within the Saffron Meadows Phase 1 subdivision are located on the south side of Port Robinson Road, lying west of Rice Road. Legally described as Blocks 44, 45, 46 and 47, Registered Plan 59M-456 and municipally known as 120-130, 132, 134, 136, 138, 140 and 142 Lymburner Street, in the Town of Pelham.

The subject lands within the Saffron Meadows Phase 2 subdivision are located on the south side of Port Robinson Road, lying west of Rice Road. Legally described as Blocks 31, 32, 33, 34, 35 and 36, Registered Plan 59M-476 and municipally known as 1, 3,

5, 7, 11, 13, 15, 17, 33, 35, 37, 39, 43, 45, 47, 49, 53, 55, 57 and 59 Lymburner Street, in the Town of Pelham.

The lots are under construction for street townhouses or have recently completed construction for townhouse units.

*Figure 1: Key Map*



## **Project Description and Purpose**

The Saffron Meadows Phase 1 & 2 Subdivisions were rezoned to a site-specific provision: Residential Multiple 1 - 268 (RM1-268) by Amending By-law 3810 (2016). RM1-268 allows for the use of street townhouse and contains detailed regulations on the required lot and building. Saffron Meadows Phase 1 Subdivision agreement was registered on June 2018, and Saffron Meadows Phase 2 Subdivision agreement was registered on May 2020.

The River Estates Phase 2 Subdivision was rezoned to a site-specific provision: Residential Multiple 1 - 287 (RM1-287) by Amending By-law 4041 (2018). RM1-287 would allow for the use of street townhouse and contains detailed regulations on the required lot and building. River Estates Phase 2 Subdivision was registered on July 2019. All of the subdivisions have received building permits and construction have proceeded.

During the review of building permits for the street townhouse units, there has been confusion with regards to the interpretation of the lot frontage and exterior side yard setbacks. While the block of townhouse units conform to the requirements of the by-law, at time of building permit stage as the property the townhouse unit is located on is one large block and not an individual townhouse lot. The individual lot is created at Part Lot Control stage after the townhouse dwelling units are constructed. This has led to some variation in the interpretation of the by-law with building staff, planning staff and the designer and builder of the townhouse units. The proposed zoning by-law amendment is meant to resolve these interpretation issues of some of the zone requirements and resolve potential issues that arise when the individual lot is created through part lot control, after the dwelling is constructed so as to not create unintentional non-complying situations after the dwelling is constructed and the lot is created.

## **Analysis:**

### Planning Act

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS 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 (PPS) designates the subject lands within the 'Settlement Area'. Policy 1.1.3.1 states that settlement areas will be the focus of growth and development and their vitality and regeneration shall be promoted.

#### The Growth Plan for the Greater Golden Horseshoe, 2017

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is located within a 'Settlement Area' according to the Growth Plan.

#### Regional Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Designated Greenfield Area' within the Urban Area Boundary.

#### Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject lands as 'Secondary Plan Area' within the Fonthill Settlement Area. The East Fonthill Secondary Plan designates the subject lands in the River Estates Phase 2 Subdivision as 'EF – Medium Density Residential', and the subject lands in the Saffron Meadows Phase 1 and 2 Subdivision as 'EF – Low Density Residential'.

#### Zoning By-law 1136 (1987), as amended

The subject lands in the River Estates Phase 2 Subdivision are currently zoned 'Residential Multiple 1 - 287 (RM1-287)' by Amending By-law 4041 (2018). Below are the summary of zoning deficiencies of the townhouse blocks within the subdivision:

<b>River Estates Phase 2 (Blocks 39 and 40, Registered Plan 59M-471)</b>			
RM1-287	Zoning Regulation	Required	Existing
Block 39: 96, 98, 100 Summersides Boulevard and 161 Susan Drive	e) Minimum Exterior Side Yard (Site-Specific)	3 m	1.25 m
Block 40: 84, 86, 88 Summersides Boulevard and 160 Susan Drive	e) Minimum Exterior Side Yard (Site-Specific)	3 m	1.5 m

The subject lands in the Saffron Meadows Phase 1 Subdivision are currently zoned 'Residential Multiple 1 - 268 (RM1-268)' by Amending By-law 3810 (2016). Below are the summary of zoning deficiencies of the townhouse blocks within the subdivision:

<b>Saffron Meadows Phase 1 (Blocks 44, 45, 46 and 47, Registered Plan 59M-456)</b>			
RM1-268	Zoning Regulation	Required	Existing
Block 44: 121, 123, 125, 127, 129 Lymburner Street	16.4 (b) Minimum Corner Lot Frontage (Site-Specific)	12 m	11.8 m
Block 45: 120, 122, 124, 126 Lymburner Street	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.7 m
Block 46: 128, 130, 132, 134 Lymburner Street	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.7 m
Block 47: 136, 138, 140, 142 Lymburner Street	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.57 m

The subject lands in the Saffron Meadows Phase 2 Subdivision are currently zoned 'Residential Multiple 1 - 268 (RM1-268)' by Amending By-law 3810 (2016). Below are the summary of zoning deficiencies of the townhouse blocks within the subdivision:

<b>Saffron Meadows Phase 2 (Blocks 31, 32, 33, 34, 35 and 36, Registered Plan 59M-476)</b>			
RM1-268	Zoning Regulation	Required	Existing
Block 31: 22, 24, 26, 28, 30 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	8.3 m
Block 32: 11, 13, 15, 17 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	8.75 m
Block 33: 33, 35, 37, 39 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.5 m
Block 34: 43, 45, 47, 49 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.65 m
Block 35: 53, 55, 57, 59 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	7.4 m
Block 36: 1, 3, 5, 7 Lymburner St	16.3 (a) Minimum Lot Frontage for an interior lot containing a dwelling attached on one side only	9 m	8.7 m

**Financial Considerations:**

n/a



**Alternatives Reviewed:**

Council could choose not to direct Planning Staff to prepare the Recommendation Report.

**Consultation:**

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. See appendices for comprehensive agency / staff comments. No concerns were expressed from any agencies as of the writing of this report. Agency comments received to date are summarized below:

- Enbridge Gas (September 3, 2021)
  - No objection.

**Public Comments:**

On Wednesday, the 15<sup>th</sup> day of September 2021, a Public Meeting Notice was posted on the Town of Pelham website. On Wednesday, the 22<sup>nd</sup> day of September 2021, a Public Meeting Notice was published in the local newspaper. No public comments were received at the time of writing of this report.

**Planning Staff Comments:**

The purpose of this report is to provide Council and the public with information regarding the proposed By-law Amendment for the aforementioned subdivision townhouse blocks, applicable policies and comments received to date. Council may also provide recommendations for proposed changes to the zoning by-law amendment request based on the public, agency or staff input and consistency with approved plans.

The next steps are for staff to prepare a Recommendation Report for Council's consideration at a future meeting.

**Other Pertinent Reports/Attachments:**

- Appendix A
  - Key Map
- Appendix B:
  - Agency Comments

**Prepared and Recommended by:**

Kenny Ng, B.ES  
Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Recommendation Report for Application AM-06-2021, 588 Chantler Road Zoning By-law Amendment

**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0189 – Recommendation Report for Application AM-06-2021 – 588 Chantler Road Zoning By-Law Amendment;**

**AND THAT Council direct Planning staff to prepare the necessary By-law for approval of the Zoning By-law amendment for Council's consideration.**

**Background:**

The purpose of this report is to provide Council with a recommendation regarding an application to amend Zoning By-law No. 1136 (1987) for the property known as 588 Chantler Road. The rezoning is a condition of consent approval granted by the Committee of Adjustment on August 3, 2021 (file B21-2021P) for the severance of an existing dwelling that is surplus to the owners needs due to farm consolidation from the acquisition of additional farmland. The proposed zoning would rezone:

- Part 1
  - *From Agricultural – 25 (A-25) to Site-specific A (Agricultural) to amend the maximum lot coverage and maximum height for accessory residential structures; and*
- Part 2
  - *From Agricultural – 25 (A-25) and Light Industrial – 25 (M1-25) to Site-specific APO (Agricultural Purposes Only) to prohibit further residential construction in perpetuity.*

**Location:**

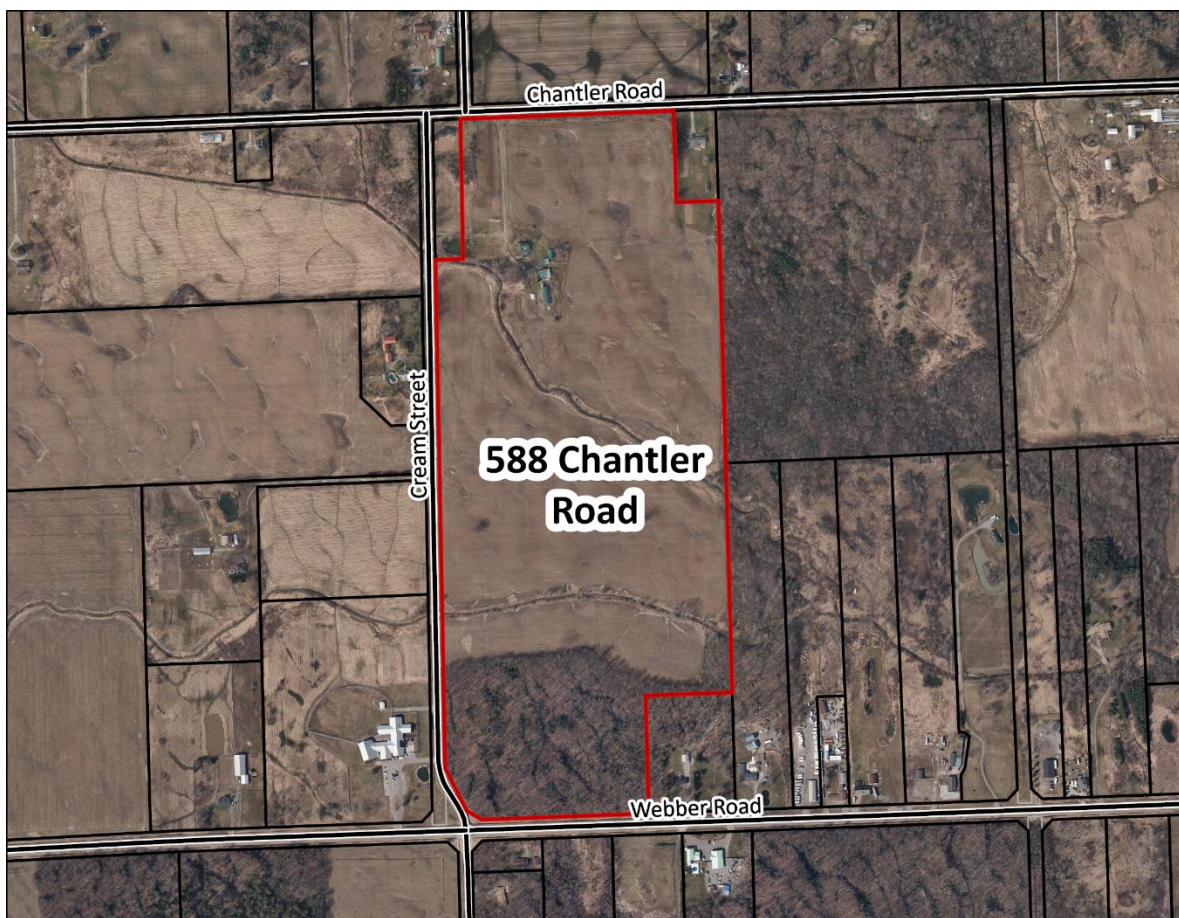
The subject lands are located on the south side of Chantler Road, lying east of Cream Street (Figure 1). Municipally known as 588 Chantler Road, in the Town of

Pelham. The property currently supports one single detached dwelling, agricultural barns and productive farmland on a 38.3 hectares lot.

The subject lands are surrounded by:

- North – Agricultural / *key natural heritage features*
- East – Agricultural / rural residential dwellings / Harold S. Bradshaw Memorial Park
- South – Agricultural / rural residential dwellings / *key natural heritage features*
- West – Agricultural / rural residential dwellings

*Figure 1: Subject Lands (588 Chantler Road)*



### **Project Description and Purpose:**

An application for Zoning By-law Amendment was received for 588 Chantler Road to facilitate a surplus farm dwelling severance. The Committee of Adjustment conditionally approved the severance (Figure 2) on August 3, 2021 (file B21-2021P).

The zoning by-law amendment is a condition of severance approval. The zoning by-law amendment would amend the existing Agricultural - 25 (A-25) and Light Industrial – 25 (M1-25) zone to a site-specific Agricultural (A) zone for Part 1 as well as rezone the retained lands (Part 2) to an Agricultural Purposes Only (APO) zone to prevent further residential construction.

## **Analysis:**

### Planning Act

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS 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 (PPS) designates the subject land within the ‘Prime Agricultural Area’. The permitted uses (among others) include agricultural / agricultural related uses, limited residential development and home occupations. ‘Prime Agricultural Areas’ are defined as including associated Canada Land Inventory Class 4-7 lands as well as ‘Prime Agricultural Lands’ (Class 1-3 lands).

Policy 2.3.1 states that *prime agricultural areas* shall be protected for long-term agricultural use.

Policy 2.3.4.1 c) states that lot creation in *prime agricultural areas* is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation. Provided that, the new lot is limited to the size necessary to accommodate private water and sewage services and that new residential dwellings are prohibited on the remnant parcel of farmland created by the severance.

The applicant has stated the rationale for the larger parcel size proposed for Part 1 in the cover letter and Planning Justification Brief. Similar to the existing single detached dwelling, the existing barns and silos are considered surplus to the consolidating farmer's business needs as their equipment is stored nearby. These accessory structures are anticipated to remain and will become accessory structures to the residential use.

West of the driveway lies a large open space area, as this area is unfarmed, it is proposed to remain with the proposed lot, and is a contributing factor for the configuration and size of the residential lot, along with the existing setback of the dwelling. This open space area is not applicable for the applicant's farming needs and specifically the lot geometry and on-site natural heritage features create an obstacle for them to properly utilize this area of land for agricultural purposes and therefore, this open area is to remain with the newly created lot.

Based on the above information, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement.

#### Greenbelt Plan (2017)

The subject land is located outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

#### Niagara Escarpment Plan (2017)

The subject land is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

#### The Growth Plan for the Greater Golden Horseshoe (2020)

The subject land is located outside of a Settlement Area, however, key natural heritage related policies continue to apply.

#### Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Good General Agricultural Area'. The predominant use of land will be for agricultural of all types.

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Upper Coyle Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 2 Fish Habitat.

The proposed lot is 1.69 ha in size and contains one vacant dwelling that will be serviced by the existing on-site private sewage system, three accessory buildings and a silo.

Policy 10.C.2.1.13 states that *development* and *site alteration* shall only be permitted on lands containing *archaeological resources* or *areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Development, by definition, includes lot creation according to the PPS. Although the subject lands exhibit composite potential for deeply buried archaeological resources according to the Town's Heritage Master Plan, Town Planning staff are of the opinion that this requirement can be waived given that there will be no new disturbance of the land associated with lot creation and the proposed rezoning will restrict new development.

Regional staff provided comments on the consent application (file B21-2021P) and offered no objections pending the remnant lands (Part 2) be rezoned to preclude further residential construction, and the Town is satisfied with any cultural heritage and Minimum Distance Separation requirements.

In conclusion, Regional staff are satisfied that the proposed development is consistent with Regional policies, and offer no objections and comments.

#### Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the majority of the subject land as 'Good General Agricultural' according to Schedule 'A'.

Policy B2.1.3.1 restricts lot creation in the *Good General Agricultural* area in an effort to maintain and protect agricultural resources of the Town, and by directing new residential growth to *urban settlement areas* or existing vacant building lots. However, this policy does allow for the creation of new lots in certain circumstances, specifically provision b), which states the lot is necessary to accommodate a surplus dwelling resulting from a farm consolidation in accordance with Policy B2.1.3.3.

Policy B2.1.3.3 provides consideration of consents related to farm consolidations. Existing farm dwellings rendered surplus as a result of a farm consolidation may be severed, regardless if the farm parcels subject to the consolidation are abutting or independent. Applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4 hectares. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system. In addition, it shall be a requirement that the residual or consolidated farm parcel be zoned to preclude future residential use in perpetuity.

The proposed site-specific APO rezoning would facilitate the conditionally approved severance allowing for the disposal (selling off) of an existing residential dwelling that the applicant considers surplus to their farming needs. According to the application and *Planning Justification Brief*, this existing dwelling poses a financial burden to the applicant as it significantly raises the cost of property ownership carrying costs, (i.e. debt servicing, property tax etc.). The existing agricultural structures are also not needed due to the farmer's nature of business (cash cropping) and storage of farm equipment on other nearby farm property.

#### Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned 'Agricultural-25' (A-25) and 'Light Industrial-25' (M1-25) according to Schedule 'A' and Schedule 'A6' of the Zoning By-law, respectively. A site-specific Zoning By-law Amendment is required as a condition of severance approval to prohibit further residential construction on Part 2 and to address any zoning deficiencies that result from the severance. The following zoning tables outline the regulations at issue.

#### Part 1 – Regulations for buildings accessory to residential dwellings (Section 7.7)

<b>Zone Regulation</b>	<b>A zone Default</b>	<b>Proposed</b>
Maximum Lot Coverage	1%	1.58%
Maximum Building Height	3.7 m	5.9 m (19 feet)

The site specific exceptions to the maximum lot coverage and maximum building height are required due to differing requirements for accessory structures for a residential use vs. accessory structures for an agricultural use. While there will be no physical change to the accessory structures and they met the by-law requirements as accessory structures to an agricultural use, they do not meet these requirements for an accessory structure to a residential use and therefore the zoning by-law will recognize these as opposed to creating a legal non-complying circumstance as result of the severance.



## Part 2 – Permitted uses (Section 7.1)

- Agricultural purposes only to prohibit new residential construction.

The height restrictions provided by the existing 'Agricultural -25' (A-25) and 'Light Industrial -25' (M1-25) zones will continue to apply as they relate to limiting the height on properties that are in proximity to the airport.

### **Financial Considerations:**

The applicant is responsible for all costs associated with the rezoning process.

### **Alternatives Reviewed:**

Council could choose to not approve the proposed zoning by-law amendment, however that would mean that the consent could not be finalized as the proposed zoning by-law amendment is a condition of final consent approval.

### **Strategic Plan Relationship: Strong Organization**

The efficient use and preservation of Prime Agricultural Land and resources supports the local and regional agricultural economy and helps build towards creating a strong community. The rezoning is required as a condition of severance approval which was granted by the Town's Committee of Adjustment on August 3, 2021. Allowing the consolidated farming business to dispose of (sell) the existing residential dwelling eases the financial burden normally associated with carrying expensive residential real estate. This barrier to owning affordable agricultural land makes the purchasing of the retained farmland more attainable.

### **Consultation:**

During the consent application review and the proposed zoning by-law amendment review process, no adverse comments were received from circulated Town departments or agencies. A public meeting to consider the proposed zoning by-law amendment application was held on October 12, 2021 and no members of the public attended the public meeting other than the applicant, and no public comments were received in writing.

### **Planning Staff Comments:**

A pre-consultation was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 1, 2021 to discuss the subject applications.

Regional and Town staff conducted a site visit on June 23, 2021 to meet with the applicant to better understand existing site conditions and the applicant's farming operation.

The applicant (River Bend Farms) operates a long standing, registered farming business growing cash crops such as corn, soybeans and wheat crops. The applicant owns approximately 409.7 hectares of land with another  $\pm$  526 hectares being rented throughout the Township of Wainfleet and Town of Pelham. The personal residence of the applicant is within the Town of Pelham and their farming equipment is located nearby.

In conclusion, Town staff have evaluated the rezoning application against the Provincial Policy Statement, applicable Provincial Plans, Region of Niagara Official Plan and Town Official Plan. The proposed rezoning is acceptable from a planning perspective and should be approved for the following reasons:

1. The proposed rezoning application is consistent with the Provincial Policy Statement (PPS), conforms with applicable provincial plans and policies;
2. The proposed uses and lots are in conformity with the Regional and Town Official Plan and are compatible with the existing adjacent uses of land.
3. The proposed zoning standards are appropriate to accommodate the consent application based on the submitted plan.

**Other Pertinent Reports/Attachments:**

Information Report 2021-0170, Zoning By-law Amendment Application AM-06-2021.

**Prepared and Recommended by:**

Kenny Ng, B.ES  
Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Information Report – Zoning By-law  
Amendment Application (AM-06-2021)**Recommendation:**

**BE IT RESOLVED THAT Council receive Report # 2021-0170 for information and recommend to Council:**

**THAT Planning staff be directed to prepare the Recommendation Report for consideration of adopting the Zoning By-law Amendment.**

**Background:**

The purpose of this report is to provide Council and the public with information regarding an application to amend Zoning By-law No. 1136 (1987) for the property known as 588 Chantler Road. The proposed zoning by-law amendment would rezone:

- Part 1
  - From Agricultural – 25 (A-25) to Site-specific A (*Agricultural*) to amend the maximum lot coverage and maximum height for accessory residential structures; and
- Part 2
  - From Agricultural – 25 (A-25) and Light Industrial – 25 (M1-25) to Site-specific APO (*Agricultural Purposes Only*) to prohibit further residential construction in perpetuity.

**Location:**

The subject lands are located on the south side of Chantler Road, lying east of Cream Street (Figure 1). Municipally known as 588 Chantler Road, in the Town of Pelham. The property currently supports one single detached dwelling, agricultural barns and productive farmland on a 38.3 hectares lot.

The subject lands are surrounded by:

- North – Agricultural / *key natural heritage features*

- East – Agricultural / rural residential dwellings / Harold S. Bradshaw Memorial Park
- South – Agricultural / rural residential dwellings / *key natural heritage features*
- West – Agricultural / rural residential dwellings

*Figure 1: Subject Lands (588 Chantler Road)*

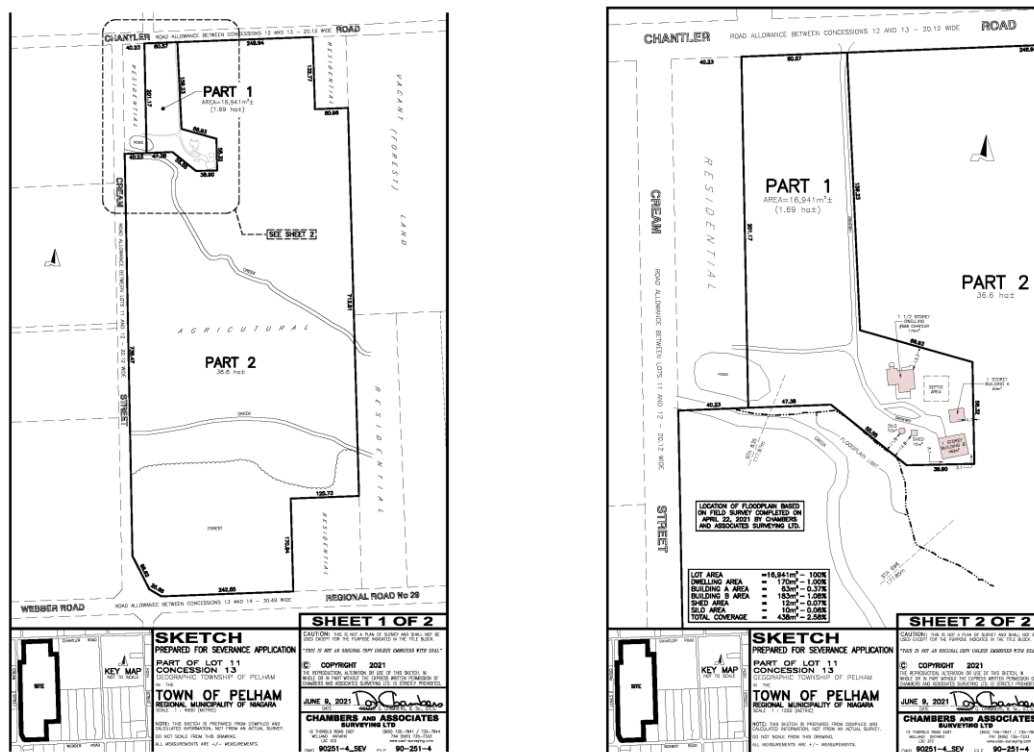


## **Project Description and Purpose**

An application for Zoning By-law Amendment was received for 588 Chantler Road to facilitate a surplus farm dwelling severance. The Committee of Adjustment conditionally approved the severance (Figure 2) on August 3, 2021 (file B21-2021P). The zoning by-law amendment is a condition of severance approval.

The zoning by-law amendment would amend the existing Agricultural - 25 (A-25) and Light Industrial – 25 (M1-25) zone to a site-specific Agricultural (A) zone for Part 1 as well as rezone the retained lands (Part 2) to an Agricultural Purposes Only (APO) zone to prevent further residential construction.

Figure 2: Proposed Consent Sketch



The site-specific zoning provisions are described in greater detail in this Report. The existing residential dwelling and accessory buildings on Part 1 are proposed to remain and with the approval of the severance the accessory buildings become accessory to residential use, vs. being accessory to an agricultural use.

## Analysis:

### Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- The protection of ecological systems, including natural areas, features and functions;
- The protection of the agricultural resources of the Province;
- The conservation of significant cultural, archaeological or scientific interest;
- The efficient use and conservation of energy and water;
- The adequate provision and efficient use of transportation, sewage & water services and waste management systems;
- The minimization of waste;

- h) The orderly development of safe and healthy communities;
- l) The protection of the financial and economic well-being of the Province and its municipalities;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- r) The promotion of built form that is well designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaption to a changing climate.

Section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

#### Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS 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 (PPS) designates the subject land within the ‘Prime Agricultural Area’. The permitted uses (among others) include agricultural / agricultural related uses, limited residential development and home occupations. ‘Prime Agricultural Areas’ are defined as including associated Canada Land Inventory Class 4-7 lands as well as ‘Prime Agricultural Lands’ (Class 1-3 lands).

Policy 2.3.1 states that *prime agricultural areas* shall be protected for long-term agricultural use.

Policy 2.3.4.1 c) states that lot creation in *prime agricultural areas* is discouraged and may only be permitted for a residence surplus to a farming operation as a result of farm consolidation. Provided that, the new lot is limited to the size necessary to accommodate private water and sewage services and that new residential dwellings are prohibited on the remnant parcel of farmland created by the severance.

The applicant has stated the rationale for the larger parcel size proposed for Part 1 in the cover letter and Planning Justification Brief. Similar to the existing single detached dwelling, the existing barns and silos are considered surplus to the consolidating farmer's business needs as their equipment is stored nearby. These accessory structures are anticipated to remain and will become accessory structures to the residential use.

West of the driveway lies a large open space area, as this area is unfarmed, it is proposed to remain with the proposed lot, and is a contributing factor for the configuration and size of the residential lot, along with the existing setback of the dwelling. This open space area is not applicable for the applicant's farming needs and specifically the lot geometry and on-site natural heritage features create an obstacle for them to properly utilize this area of land for agricultural purposes and therefore, this open area is to remain with the newly created lot.

#### Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Good General Agricultural Area'. The predominant use of land will be for agricultural of all types.

The subject lands are impacted by the Region's Core Natural Heritage System (CNHS), consisting of the Upper Coyle Creek Provincially Significant Wetland Complex (PSW), Significant Woodland, Significant Valleyland, and Type 2 Fish Habitat.

The proposed lot is 1.69 ha in size and contains one vacant dwelling that will be serviced by the existing on-site private sewage system, three accessory buildings and a silo.

Policy 10.C.2.1.13 states that *development and site alteration* shall only be permitted on lands containing *archaeological resources or areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Development, by definition, includes lot creation according to the PPS. Although the subject lands exhibit composite potential for deeply buried archaeological resources according to the Town's Heritage Master Plan, Town Planning staff are of the opinion that this requirement can be waived given that there will be no new disturbance of the land associated with lot creation and the proposed rezoning will restrict new development.

Regional staff provided comments on the consent application (file B21-2021P) and offered no objections pending the remnant lands (Part 2) be rezoned to preclude further residential construction, and the Town is satisfied with any cultural heritage and Minimum Distance Separation requirements.

In conclusion, Regional staff are satisfied that the proposed development is consistent with Regional policies, and offer no objections and comments.

#### Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Good General Agricultural' according to Schedule 'A'.

Policy B2.1.3.1 restricts lot creation in the *Good General Agricultural* area in an effort to maintain and protect agricultural resources of the Town, and by directing new residential growth to *urban settlement areas* or existing vacant building lots. However, this policy does allow for the creation of new lots in certain circumstances, specifically provision b), which states the lot is necessary to accommodate a surplus dwelling resulting from a farm consolidation in accordance with Policy B2.1.3.3.

Policy B2.1.3.3 provides consideration of consents related to farm consolidations. Existing farm dwellings rendered surplus as a result of a farm consolidation may be severed, regardless if the farm parcels subject to the consolidation are abutting or independent. Applications to sever a surplus farm dwelling should provide for a maximum lot area of 0.4 hectares. A larger lot size will be considered if an additional area is necessary to accommodate a private water and sewage disposal system. In addition, it shall be a requirement that the residual or consolidated farm parcel be zoned to preclude future residential use in perpetuity.

The proposed site-specific APO rezoning would facilitate the conditionally approved severance allowing for the disposal (selling off) of an existing residential dwelling that the applicant considers surplus to their farming needs. According to the application and *Planning Justification Brief*, this existing dwelling poses a financial burden to the applicant as it significantly raises the cost of property ownership carrying costs, (i.e. debt servicing, property tax etc.). The existing agricultural



structures are also not needed due to the farmer's nature of business (cash cropping) and storage of farm equipment on other nearby farm property.

Pelham Zoning By-law No. 1136 (1987)

The subject lands are currently zoned 'Agricultural-25' (A-25) and 'Light Industrial-25' (M1-25) according to Schedule 'A' and Schedule 'A6' of the Zoning By-law, respectively. A site-specific Zoning By-law Amendment is required as a condition of severance approval to prohibit further residential construction on Part 2 and to address any zoning deficiencies that result from the severance. The following zoning tables outline the regulations at issue.

Part 1 – Regulations for buildings accessory to residential dwellings (Section 7.7)

<b>Zone Regulation</b>	<b>A zone Default</b>	<b>Proposed</b>
Maximum Lot Coverage	1%	1.58%
Maximum Building Height	3.7 m	5.9 m (19 feet)

The site specific exceptions to the maximum lot coverage and maximum building height are required due to differing requirements for accessory structures for a residential use vs. accessory structures for an agricultural use. While there will be no physical change to the accessory structures and they met the by-law requirements as accessory structures to an agricultural use, they do not meet these requirements for an accessory structure to a residential use and therefore the zoning by-law will recognize these as opposed to creating a legal non-complying circumstance as result of the severance.

Part 2 – Permitted uses (Section 7.1)

- Agricultural purposes only to prohibit new residential construction.

The height restrictions provided by the existing 'Agricultural -25' (A-25) and 'Light Industrial -25' (M1-25) zones will continue to apply as they relate to limiting the height on properties that are in proximity to the airport.

**Financial Considerations:**

The applicant is responsible for all costs associated with development.

**Alternatives Reviewed:**

Council could choose not to direct Planning Staff to prepare the Recommendation Report.

## **Strategic Plan Relationship: Build Strong Communities and Cultural Assets**

The efficient use and preservation of Prime Agricultural Land and resources supports the local and regional agricultural economy and helps build towards creating a strong community. The rezoning is required as a condition of severance approval which was granted by the Town's Committee of Adjustment on August 3, 2021. Allowing the consolidated farming business to dispose of (sell) the existing residential dwelling eases the financial burden normally associated with carrying expensive residential real estate (i.e. via debt servicing). This barrier to owning affordable agricultural land makes the purchasing of the retained farmland more attainable.

### **Consultation:**

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. See appendices for comprehensive agency / staff comments. Agency comments received to date are summarized below:

- Building Department (July 20, 2021)
  - No comments (from consent application).
- Canada Post (August 30, 2021)
  - No comments.
- Niagara Region Planning & Development Services (August 16, 2021)
  - Require the 'Agricultural Purposes Only' zoning to be obtained for their previous consent to sever application support.
- Niagara Peninsula Conservation Authority (July 21, 2021)
  - No objections (from consent application).
- Hydro One (September 24, 2021)
  - No comments or concerns.
- Enbridge Gas (August 13, 2021)
  - No objections.

### **Public Comments**

On Wednesday, the 15<sup>th</sup> day of September 2021, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice sign was posted at the public street frontage on Chantler Road. No public comments were received at the time of writing of this report.

### **Planning Staff Comments**

The purpose of this report is to provide Council and the public with information regarding the proposed rezoning application for 588 Chantler Road, applicable

policies and comments received to date. Council may also provide recommendations for proposed changes to the zoning by-law amendment request based on the public, agency or staff input and consistency with approved plans.

A pre-consultation was held with the applicant(s) of the property and staff from the Town and Niagara Region Planning & Development Services on April 1, 2021 to discuss the subject applications.

Regional and Town staff conducted a site visit on June 23, 2021 to meet with the applicant to better understand existing site conditions and the applicant's farming operation.

The applicant (River Bend Farms) operates a long standing, registered farming business growing cash crops such as corn, soybeans and wheat crops. The applicant owns approximately 409.7 hectares of land with another  $\pm$  526 hectares being rented throughout the Township of Wainfleet and Town of Pelham. The personal residence of the applicant is within the Town of Pelham and their farming equipment is located nearby.

Subject to the input received at the Public Meeting, the next steps are for staff to prepare a Recommendation Report for Council's consideration at a future meeting.

**Other Pertinent Reports/Attachments:**

- Appendix A:
  - Proposed Consent Sketch
- Appendix B:
  - Agency Comments

**Prepared and Recommended by:**

Kenny Ng, B.ES  
Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Unflood Ontario Network**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0190 - Unflood Ontario Network for information purposes;**

**AND THAT Council approve and direct the Town of Pelham become a member of the Unflood Ontario Network.**

**Background:**

The purpose of this report is to satisfy a directive of Council to provide it with information regarding the Unflood Ontario Network and the analysis of the opportunity and benefits of joining the network as a member.

**Analysis:**

Unflood Ontario is not a formal entity or organization, but instead a network of community stakeholders who are dedicated to raising awareness about the benefits and impacts of natural infrastructure, particularly about its role in reducing the harm done by flooding, hence the name. It was founded and hosted by three community foundations across the Golden Horseshoe (Niagara Community Foundation, Toronto Foundation and Durham Community Foundation) in 2019, and is administered/managed by the Small Change Fund. The founding circle has since expanded with the addition of numerous community foundations across Ontario and received support from entities such as: Great Lakes Protection Fund, Insurance Bureau of Canada, TD Bank Group and Walker Industries.

Organizations across Ontario can join the initiative as a network member with the mission to educate and engage the public about the impact of floods and the multiple benefits of natural infrastructure. Some notable network members include: Niagara Peninsula Conservation Authority, City of St. Catharines, Town of Fort Erie, Niagara College, Town of Ajax, Toronto and Region Conservation Authority, City of Burlington, Conservation Ontario, Credit Valley Conservation, Durham Region, Walker Industries, etc. At this time, there is no membership fee for being a network member, however, donations are welcomed to support the network.

The network currently distributes informative videos and a direct call to action video to the community and hosts learning webinars/online events to further educate the public about the role of natural infrastructure and its accessibility to residents. Network members would agree to share the online materials within their networks and would receive regular email updates about what is happening within the network. Online engagement opportunities are proposed to be hosted in the future.

The host community foundations are currently reviewing the future of the network and how to proceed with this initiative in the future; an update to the role of the network is anticipated for next year.

If the Town decides to join Unflood Ontario as a network member, some actions that it can start with would be to share the Network's current materials and resources which are available on the Unflood Ontario website and social media platforms. The Town can forward the materials to the communications department to distribute through various channels, whether it be through local newspaper, town website news updates or social media presence. The Town can also opt to be listed as a member of the network on the website.

#### **Financial Considerations:**

At this time, there is no cost associated with becoming a member of Unflood Ontario.

#### **Alternatives Reviewed:**

Council could choose not to join Unflood Ontario as a member.

#### **Strategic Plan Relationship: Strong Organization**

Green Infrastructure can be defined as the imitation of the natural ecosystem in urban settlements through the use of natural vegetative systems and technologies. Some of the more common green infrastructure practices include: rain gardens, permeable pavements, bio-swales, rainwater harvesting, green roofs and parking, etc. The biggest advantage green infrastructure can provide compared to traditional grey infrastructure, such as sewers which are designed to generally perform one function, is that green infrastructure can be multi-purpose, ranging from stormwater management, to broader environmental and recreational benefits by improving the streetscapes and natural connectivity through linkages in the urban environment.

Rather than being perceived as a replacement of grey infrastructure, green infrastructure can serve as a compliment to the existing grey infrastructure, by alleviating the impacts of heavy rainfalls on the storm sewer system, revitalizing

existing streetscapes, and providing vital habitats for wildlife in the urbanized environment.

The Town of Pelham's Strategic Plan identifies actions to protect environmental assets within the town, one of which is to 'Introduce climate change best practice and community education'. The collaboration with Unflood Ontario to promote the use of Green Infrastructure can solidify the Town's position in supporting the protection and preservation of environmental assets and help implement the above stated strategic plan action.

**Consultation:**

The staff liaison for the Niagara Community Foundation, part of the development team that created the Unflood Ontario Network, was consulted during the drafting of this report.

**Other Pertinent Reports/Attachments:**

- <https://unfloodontario.ca>

**Prepared and Recommended by:**

Kenny Ng, B.ES  
Planner

Barbara Wiens, MCIP, RPP  
Director of Community Planning and Development

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

**Subject:** Pelham Street North Traffic Calming Update**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0185, Pelham Street North Traffic Calming Update, for information.**

**Background:**

Whereas Council received a petition requesting a three-way stop sign at Pelham Street and Shorthill Place on October 19, 2020, and Public Works Report 2020-0171 on November 16, 2020 regarding traffic volume and speed along the section of roadway, this report serves to inform Council of the passive traffic calming measures employed, as well as the results of the completed Traffic Calming Point Assessment.

**Analysis:**

The section of Pelham Street between the urban boundary and Regional Road 20 functions as a Collector Road, as it is a low to moderate volume road which serves to move traffic from local residential streets and rural roads, to arterial roads, as well as residential properties. Pelham Street is one of two municipally owned roadways that traverse the urban form of Fonthill continuously from North to South and is intended to convey traffic to and from neighboring municipalities.

As per By-law 89-2000, the by-law regulating traffic and parking on highways under the jurisdiction of the Town of Pelham, the posted speed limit on this section of Pelham Street is 50 kilometers per hour (km/h).

The reconstruction of Pelham Street between Elm Avenue and 200m North of Shorthill Place has been recently completed. The reconstruction works included traffic calming features including the overall narrowing of the road platform, curb bump-outs at the intersection of Hurricane Road and 100m North of Hurricane Road, as well as lane narrowing North of Shorthill Place near the urban/rural transition. Sidewalks on both sides of Pelham Street pre-existed between Elm Street and Hurricane Road, and were extended to Shorthill Place as part of the reconstruction project.

A dynamic speed indicator sign was installed on the approach to Shorthill Place to

indicate speed in the South Bound Lane as vehicles entering urban areas from rural road sections are generally observed to be higher.

As previously reported, the section of Pelham Street between Regional Road 20 and the urban boundary North of Shorthill Place failed the Traffic Calming Pre-Screening Assessment as per the Town of Pelham Neighborhood Traffic Management Policy.

All-Way stop control warrant studies were undertaken at the intersections of Pelham Street at Hurricane Road, and Shorthill Place. Both locations failed to meet the warrants for 3-way stop controlled intersections. Compliance issues have been raised and reported previously regarding the stop sign at Shorthill Place. The all-way stop control warrant studies have been attached to this report as (Appendix A).

Once the reconstruction project was completed including the top course of asphalt, a second traffic study was undertaken. The study commenced on October 20, 2021 and concluded October 22, 2021, lasting 48 hours. Two traffic analyzers were set up on Pelham Street, 50m South of Shorthill Place to record both north and southbound traffic volume and speed data.

The total recorded volume for a 24 hour period or Annual Average Daily Traffic (AADT) was 1041 vehicles. The peak traffic volume of 23 vehicles was recorded southbound between 2:15pm and 2:30pm. During the peak time the headway, or time observed between vehicles was 37.5 seconds. 37.5 seconds provides sufficient time for turning movements onto and off of Pelham Street, as well as pedestrians to safely cross the road.

In both directions, the combined average speed was recorded at 56km/h. During this study, after the addition of road line markings and the installation of the dynamic speed display the 85<sup>th</sup> percentile speed for southbound traffic was recorded at 69km/h, an increase of 7.5km/h from the previously reported study. Northbound speeds recorded an 85<sup>th</sup> percentile speed of 67km/h which has remained static between 2020 and 2021. The 85<sup>th</sup> percentile represents the speed, at or below, which 85 percent of all vehicles are recorded travelling.

As required by the Neighborhood Traffic Management Policy a Traffic Calming Point Assessment (Appendix B) was completed to quantify the road sections' potential for traffic calming. The minimum number of points required to proceed with the investigation of traffic calming measures differs based on the classification of the roadway. In keeping with the purpose of the policy to restore roadways to their intended function, collector roads are designed and expected to convey moderate volumes of traffic from local residential streets and rural roads to arterial roads. Collector roads require a minimum score of 52 points to qualify for the



implementation of traffic calming.

Pelham Street between Regional Road 20 and the urban boundary scored 30 points and thus fails to meet the requirements of Policy S801-02 for eligibility to implement further traffic calming measures.

### **Financial Considerations:**

There are no financial considerations associated with this report.

### **Alternatives Reviewed:**

Although the studies indicate that it is unwarranted, Council can direct staff to install an All-Way stop control intersection at Pelham Street and Hurricane Road. This intersection is the location of a Canada Post Community Mail Box, a pedestrian crossing, an entrance to the Lathrop Conservancy Trail, and is adjacent to a large residential apartment complex.

Although the introduction of a stop controlled intersection is not recommended for traffic calming purposes the implementation of an intersection would allow for a pedestrian crossing on Pelham Street North which currently does not exist.

### **Strategic Plan Relationship: Strong Organization**

This report serves to communicate the results of traffic studies and the Traffic Calming Point Assessment resulting from a resident lead petition to install 3-way stop controls at the intersection of Pelham Street and Shorthill Place.

### **Consultation:**

Wood Environmental & Infrastructure Solutions completed the all-way stop warrant study at Pelham Street and Shorthill Place.

Associated Engineering completed the all-way stop warrant study at Pelham Street and Hurricane Road.

### **Other Pertinent Reports/Attachments:**

Appendix A – All-way Stop Warrant Studies

Appendix B - Traffic Calming Point Assessment

Public Works Report 2020-0171 - Pelham Street North Speed Study Results, November 16, 2020

Town of Pelham Policy S801-02 – Neighborhood Traffic Management

**Prepared and Recommended by:**

Ryan Cook, Dipl.M.M., CRS  
Manager of Public Works

Jason Marr, P. Eng.  
Director of Public Works

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

# Memo

**To:** Ryan Cook  
**From:** Jeff Suggett, M. Sc.  
**Date:** April 7<sup>th</sup> 2021  
**File:** Pelham Traffic Retainer  
**cc:**  
**Re:** **All-Way Stop Control Warrant: Pelham Street and Shorthill Place**

## 1.0 Introduction

Wood has been retained by the Town of Pelham to conduct an all-way stop warrant at the following intersection of Pelham Street and Shorthill Place. **Figure 1** illustrates the location of the study area.



**Figure 1: Pelham Street and Shorthill Place Intersection**

Pelham Street at Shorthill Place is a three-way intersection with stop control on the minor road (Shorthill Place). The surrounding land use is residential. The posted/statutory speed limit on both approaches is 50 km/h, with semi-urban paved cross-sections and illumination.

Town of Pelham  
7<sup>th</sup> April, 2021

## 2.0 Methodology and Analysis

The subject intersection was evaluated according to the Ontario Traffic Manual Book 5: Regulatory Signs, three-way stop control warrant. On Thursday, March 25th, 2021, Pyramid Traffic Inc. collected intersection turning movement counts (TMCs) during the periods of 7 AM to 9 AM, and 11 AM to 6 PM. These are provided in **Appendix A**, with peak hours indicated.

Due to the nature of the intersection and roadways, the warrant used for minor roads was chosen over arterial roads for this location. For this warrant, there are two conditions that must be satisfied for all-way intersection control: the minimum volume condition and the volume split condition. For a three-leg intersection warrant, the combined minor approach volume must exceed 350 vehicles in an hour period. Furthermore, the volume split between the major and the minor road must not exceed 75/25 for three-way intersections.

## 3.0 Application of Stop Control Warrants

A three-way stop control warrant was conducted for the Pelham Street at Shorthill Place intersection. The warrants can be found in **Appendix B**.

At the intersection, the dominant traffic volumes were experienced on the east and west approaches of Canboro Road. There was a recorded total of 3 pedestrians during the entirety of the study, all crossing the east approach. The peak traffic volumes were between the hours of 8 AM and 9 AM, 1 PM and 2 PM, and 4:15 PM and 5:15 PM.

The results of the warrant for a three-leg all-way stop control for minor roads, indicated that the intersection of Pelham Street and Shorthill Place does not meet either criteria.

Maximum volume for the peak hours was a combined 147 vehicles for all approaches, which falls far below the minimum of 350 vehicles. The volume split was roughly 94/6 favouring the major road, Pelham Street. This value also fails to exceed the volume split requirement for the warrant.

Since neither criterion is satisfied, the three-way stop control warrant is not met.

Additional considerations were made to assess the need for three-way stop control at the intersection based on approach sightlines. It was observed that all approaches provide sufficient sight distance, such that three-way stop control is not warranted.

## 4.0 Recommendations

Given the above findings, it is recommended that the intersection of Pelham Street and Shorthill Place remain in operation as stop-control on the minor road

# Appendix A – Turning Movement Count

# Pelham St @ Shorthill PI

## Morning Peak Diagram

### Specified Period

**From:** 7:00:00

**To:** 9:00:00

### One Hour Peak

**From:** 8:00:00

**To:** 9:00:00

**Municipality:** Pelham

**Site #:** 0000000001

**Intersection:** Pelham St & Shorthill PI

**TFR File #:** 1

**Count date:** 25-Mar-2021

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Cam

### \*\* Non-Signalized Intersection \*\*

**Major Road:** Pelham St runs N/S

North Leg Total: 60

North Entering: 34

North Peds: 0

Peds Cross:  $\nlessgtr$

Heavys	4	0	4
Trucks	0	0	0
Cars	27	3	30
Totals	31	3	

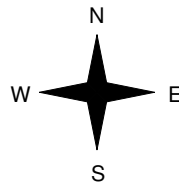
Heavys	1
Trucks	1
Cars	24
Totals	26

East Leg Total: 9

East Entering: 1

East Peds: 0

Peds Cross:  $\nlessgtr$



	Cars	Trucks	Heavys	Totals
Northbound	1	0	0	1
Southbound	0	0	0	0
	1	0	0	

Shorthill PI



Cars	Trucks	Heavys	Totals
8	0	0	8

Cars	27	Cars	23	5	28
Trucks	0	Trucks	1	0	1
Heavys	4	Heavys	1	0	1
Totals	31	Totals	25	5	

Peds Cross:  $\nlessgtr$

South Peds: 2

South Entering: 30

South Leg Total: 61

### Comments

# Pelham St @ Shorthill PI

## Mid-day Peak Diagram

### Specified Period

**From:** 11:00:00

**To:** 14:00:00

### One Hour Peak

**From:** 13:00:00

**To:** 14:00:00

**Municipality:** Pelham

**Site #:** 0000000001

**Intersection:** Pelham St & Shorthill PI

**TFR File #:** 1

**Count date:** 25-Mar-2021

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Cam

**\*\* Non-Signalized Intersection \*\***

**Major Road:** Pelham St runs N/S

North Leg Total: 101

North Entering: 49

North Peds: 0

Peds Cross:  $\nlessgtr$

Heavys	2	0	2
Trucks	1	1	2
Cars	45	0	45
<b>Totals</b>	<b>48</b>	<b>1</b>	

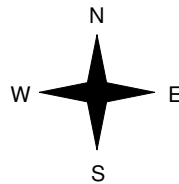
Heavys	1
Trucks	4
Cars	47
<b>Totals</b>	<b>52</b>

East Leg Total: 18

East Entering: 10

East Peds: 0

Peds Cross:  $\nlessgtr$



	Cars	Trucks	Heavys	Totals
Left Turn	6	0	0	6
Through/Right	4	0	0	4
<b>Total</b>	<b>10</b>	<b>0</b>	<b>0</b>	

Shorthill PI



Cars	Trucks	Heavys	Totals
7	1	0	8

Cars	49	Cars	41	7	48
Trucks	1	Trucks	4	0	4
Heavys	2	Heavys	1	0	1
<b>Totals</b>	<b>52</b>	<b>Totals</b>	<b>46</b>	<b>7</b>	

Peds Cross:  $\nlessgtr$

South Peds: 2

South Entering: 53

South Leg Total: 105

## Comments

# Pelham St @ Shorthill PI

## Afternoon Peak Diagram

### Specified Period

**From:** 15:00:00

**To:** 18:00:00

### One Hour Peak

**From:** 16:15:00

**To:** 17:15:00

**Municipality:** Pelham

**Site #:** 0000000001

**Intersection:** Pelham St & Shorthill PI

**TFR File #:** 1

**Count date:** 25-Mar-2021

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Cam

**\*\* Non-Signalized Intersection \*\***

**Major Road:** Pelham St runs N/S

North Leg Total: 138

North Entering: 65

North Peds: 0

Peds Cross:  $\nlessgtr$

Heavys	0	0	0
Trucks	0	1	1
Cars	62	2	64
Totals	62	3	

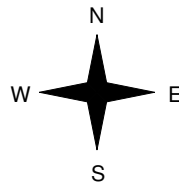
Heavys	1
Trucks	1
Cars	71
Totals	73

East Leg Total: 15

East Entering: 10

East Peds: 0

Peds Cross:  $\nlessgtr$



	Cars	Trucks	Heavys	Totals
Northbound	3	0	0	3
Southbound	6	1	0	7
	9	1	0	

Shorthill PI



	Cars	Trucks	Heavys	Totals
Westbound	4	1	0	5

Cars	68		Cars	68	2	70
Trucks	1		Trucks	1	0	1
Heavys	0		Heavys	1	0	1
Totals	69		Totals	70	2	

Peds Cross:  $\nlessgtr$

South Peds: 3

South Entering: 72

South Leg Total: 141

## Comments



# Pelham St @ Shorthill PI

## Total Count Diagram

**Municipality:** Pelham  
**Site #:** 0000000001  
**Intersection:** Pelham St & Shorthill PI  
**TFR File #:** 1  
**Count date:** 25-Mar-2021

**Weather conditions:**  
 Clear/Dry  
**Person(s) who counted:**  
 Cam

**\*\* Non-Signalized Intersection \*\***

**Major Road:** Pelham St runs N/S

North Leg Total: 704  
 North Entering: 344  
 North Peds: 9  
 Peds Cross:  $\bowtie$

Heavys	8	0	8
Trucks	3	2	5
Cars	318	13	331
Totals	329	15	

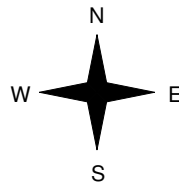


Heavys	8
Trucks	7
Cars	345
Totals	360

East Leg Total: 101  
 East Entering: 57  
 East Peds: 3  
 Peds Cross:  $\bowtie$



Pelham St



Cars	Trucks	Heavys	Totals
30	0	2	32
23	2	0	25
53	2	2	



Shorthill PI



Pelham St



Cars	341
Trucks	5
Heavys	8
Totals	354



Cars	315	27	342
Trucks	7	2	9
Heavys	6	0	6
Totals	328	29	

Peds Cross:  $\bowtie$   
 South Peds: 21  
 South Entering: 357  
 South Leg Total: 711

### Comments

# **Appendix B – Stop Warrant**

## All-Way Stop Warrant Analysis: Minor Roads

**Location:** Pelham Street and Shorthill Place  
**Date:** 25th March 2021  
**Posted Speed:** 50 km/h  
**Minor Street:** Shorthill Place  
**Major Street:** Pelham Street  
**Intersection Type:** 3 Way Stop

### Conditions: According to Ontario Traffic Manual Book 5 - (March,2000)

**Condition 1:** Total vehicle volume on all intersection approaches exceeds 350 for the highest hour recorded

**Condition 2:** Volume split (Vehicles Only) does not exceed 75/25

Calculation Summary:										
	Hourly Period								Total	Total Number of Peds
	6:00 to 07:00	07:00 to 08:00	8:00 to 09:00	11:00 to 12:00	13:00 to 14:00	15:00 to 16:00	16:15 to 17:15	17:00 to 18:00		
Combined Minor Approach Volume (Including Peds)			1		10		10		21	3
Combined Major Approach Volume (Not Including Ped)			64		102		137		303	
Total Combined Volume	0	0	65	0	112	0	147	0		
Minimum Total Combined / Hour	350	350	350	350	350	350	350	350		
Criteria Met	NO	NO	NO	NO	NO	NO	NO	NO		
Condition 1:						Not Met				
Total Volume Split	Major	94.4%								
	Minor	5.6%								
Minimum Split Criteria		75/25								
Criteria Met		NO								
Condition 2:						Not Met				

<b>RESULT OF ANALYSIS:</b>	<b>All-Way Stop - NOT WARRANTED</b>
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Additional Considerations If Warrented:		
Sight Lines	Where sight lines prohibit an operator of a passenger car vehicle from observing a minimum distance of 84 metres	NO
Geometric Design	(A) A distance of 250m must be maintained between traffic control devices, signals, other stop signs or legal pedestrian crossovers	YES
	(B) All-Way stop sign must only be used at two like roadways. Each approach should contain the same number of lanes and have non-skewed approaches	YES



To: Ryan Cook

From: Jeff Suggett, M. Sc.

Client: Town of Pelham

Project Name Pelham Traffic Studies

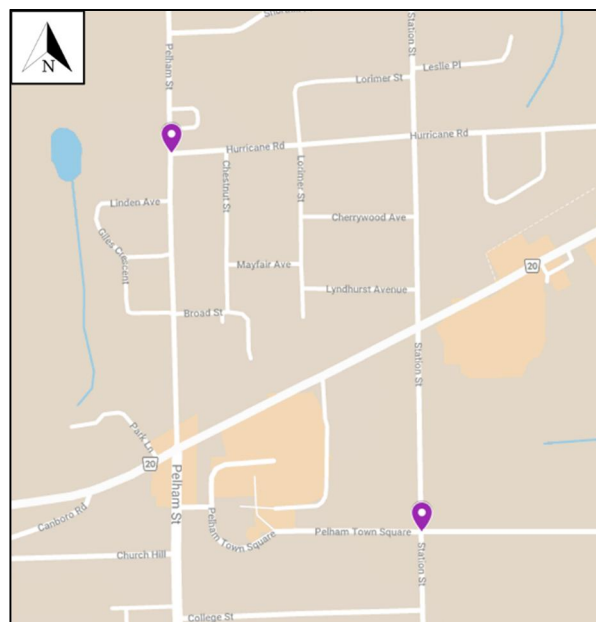
Project No. 2018-5290.030

Subject: All-Way Stop Control Warrants (2 Locations)

## TECHNICAL MEMORANDUM

### 1 INTRODUCTION

Associated Engineering (Ont.) Ltd. was retained by the Town of Pelham to conduct all-way stop control warrants on Hurricane Road at Pelham Street and Station Street at Pelham Town Square. **Figure 1-1** outlines the location of the intersections.



**Figure 1-1**  
**Location of Intersections**

Hurricane Road at Pelham Street is a three-way intersection with stop control on the minor road (Hurricane Road). The intersection is located in a residential subdivision and the posted speed limit on both roadways is 50 kilometres per hour (km/h). Both roads have a rural cross-section, and all approaches are illuminated.

Station Street at Pelham Town Square is a four-way intersection with stop control on the minor road (Pelham Town Square). The east-leg of the intersection was recently constructed. The posted speed limit on both roadways is 50 kilometres per hour (km/h). The two roads have an urban-cross section and all approaches are illuminated.

## 2 METHODOLOGY AND ANALYSIS

The *Ontario Traffic Manual Book 5: Regulatory Signs* was used to conduct a three-way stop control warrant for Hurricane Road at Pelham Street, and a four-way stop control warrant for Station Street at Pelham Town Square. On Wednesday, April 3<sup>rd</sup>, 2019, Pyramid Traffic Inc. collected the intersection turning movement counts (TMCs) during the periods of 7:00 a.m. – 9:00 a.m., 11:00 a.m. – 2:00 p.m., and 3:00 p.m. – 6:00 p.m., which are provided in **Appendix A**.

Due to the nature of the Town's roads, the warrant for minor roads was used. Two conditions must be satisfied for three-way stop control and four-way stop control: the minimum volume condition and the volume split condition. For three-way stop control and four-way stop control, the total vehicle volume on all intersection approaches must exceed 350 for the highest hour recorded. Furthermore, the volume split between the major and minor road must not exceed 75/25 for three-way intersections and 65/35 for the four-way intersection.

## 3 APPLICATION OF STOP CONTROL WARRANTS

A three-way stop control warrant was conducted for Hurricane Road at Pelham Street, and a four-way stop control warrant was conducted for Station Street at Pelham Town Square. The results for both warrants are shown in **Appendix B**.

### 3.1 Hurricane Road at Pelham Street

At the intersection of Hurricane Road at Pelham Street, the dominant traffic volumes were found to be experienced along the north/south approaches on Pelham Street. There were 17 pedestrians counted throughout the entire collection period across the east approach. Peak traffic volumes were experienced during 8:00 a.m. – 9:00 a.m., 12:15 p.m. – 1:15 p.m., and 4:15 p.m. – 5:15 p.m.

The results of the application of the three-way stop control warrant for minor roads indicated that the intersection of Hurricane Road and Pelham Street does not meet the first (minimum volume condition) criteria; however, it does meet the second criteria (volume split condition). Volume for the highest hour was 216 vehicles, falling far below the minimum requirements. The volume split was roughly 67/33, with the major road taking the larger portion. However, as both criteria must be satisfied, the three-way stop control warrant is not met.

### 3.2 Station Street at Pelham Town Square

At the intersection of Station Street at Pelham Town Square, the dominant traffic volumes were found to be experienced along the north/south approaches on Station Street. There were 28 pedestrians counted throughout the entire collection period across the east and west approaches. Peak traffic volumes were experienced during 8:00 a.m. – 9:00 a.m., 12:00 p.m. – 1:00 p.m., and 3:30 p.m. – 4:30 p.m.

The results of the application of the four-way stop control warrant for minor roads indicated that the intersection of Station Street at Pelham Town Square meets both criteria (minimum volume condition and volume split condition). Volumes during 3:00 p.m. – 4:00 p.m. and 4:00 p.m. – 5:00 p.m. both exceeded the minimum requirement of 350 vehicles, at 450 vehicles and 417 vehicles, respectively. The volume split was roughly 54/46, with the major road taking the slightly larger portion. Since both criteria are satisfied, the four-way stop control warrant is met.

#### 4 RECOMMENDATIONS

Given the above findings, it is recommended that the intersection of Hurricane Road at Pelham Street remain in operation as stop-control on the minor road. For the intersection of Station Street at Pelham Town Square, it is recommended that stop-control be implemented along all approaches.

Respectfully submitted,  
Associated Engineering (Ont.) Ltd.

Prepared by:



Jocelyn Lee  
Transportation Technician

Reviewed by:



Jeff Suggett, M. Sc.  
Acting Manager, Transportation

Stamped by:



Geoff Burn, P. Eng.  
Division Manager

## Appendix A – Turning Movement Counts

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# Hurricane Rd @ Pelham St

## Morning Peak Diagram

### Specified Period

**From:** 7:00:00

**To:** 9:00:00

### One Hour Peak

**From:** 8:00:00

**To:** 9:00:00

**Municipality:** Fonthill

**Site #:** 0000000001

**Intersection:** Pelham St & Hurricane Rd

**TFR File #:** 1

**Count date:** 3-Apr-2019

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Rick W

### \*\* Non-Signalized Intersection \*\*

**Major Road:** Pelham St runs N/S

North Leg Total: 111

North Entering: 72

North Peds: 4

Peds Cross:  $\bowtie$

Heavys	1	1	2
Trucks	8	1	9
Cars	38	23	61
<b>Totals</b>	<b>47</b>	<b>25</b>	

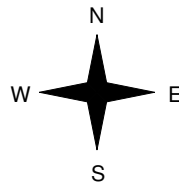
Heavys	0
Trucks	6
Cars	33
<b>Totals</b>	<b>39</b>

East Leg Total: 58

East Entering: 22

East Peds: 5

Peds Cross:  $\bowtie$



	Cars	Trucks	Heavys	Totals
Left Turn	9	1	0	10
Through/Right	10	2	0	12
<b>Totals</b>	<b>19</b>	<b>3</b>	<b>0</b>	

Hurricane Rd



Pelham St

Cars	48	Cars	24	11	35
Trucks	10	Trucks	5	0	5
Heavys	1	Heavys	0	0	0
<b>Totals</b>	<b>59</b>	<b>Totals</b>	<b>29</b>	<b>11</b>	

Peds Cross:  $\bowtie$

South Peds: 1

South Entering: 40

South Leg Total: 99

### Comments



# Hurricane Rd @ Pelham St

## Mid-day Peak Diagram

### Specified Period

**From:** 11:00:00

**To:** 14:00:00

### One Hour Peak

**From:** 12:15:00

**To:** 13:15:00

**Municipality:** Fonthill

**Site #:** 0000000001

**Intersection:** Pelham St & Hurricane Rd

**TFR File #:** 1

**Count date:** 3-Apr-2019

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Rick W

**\*\* Non-Signalized Intersection \*\***

**Major Road:** Pelham St runs N/S

North Leg Total: 133

North Entering: 63

North Peds: 3

Peds Cross:  $\bowtie$

Heavys	0	0	0
Trucks	2	2	4
Cars	46	13	59
<b>Totals</b>	<b>48</b>	<b>15</b>	



Heavys	0
Trucks	6
Cars	64
<b>Totals</b>	<b>70</b>

East Leg Total: 74

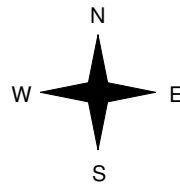
East Entering: 46

East Peds: 3

Peds Cross:  $\bowtie$



Pelham St



Cars	Trucks	Heavys	Totals
22	3	0	25
20	1	0	21
<b>42</b>	<b>4</b>	<b>0</b>	



Hurricane Rd



Cars	Trucks	Heavys	Totals
24	4	0	28

Pelham St



Cars	66
Trucks	3
Heavys	0
<b>Totals</b>	<b>69</b>



Cars	42	11	53
Trucks	3	2	5
Heavys	0	0	0
<b>Totals</b>	<b>45</b>	<b>13</b>	

Peds Cross:  $\bowtie$

South Peds: 3

South Entering: 58

South Leg Total: 127

## Comments

# Hurricane Rd @ Pelham St

## Afternoon Peak Diagram

### Specified Period

**From:** 15:00:00

**To:** 18:00:00

### One Hour Peak

**From:** 16:15:00

**To:** 17:15:00

**Municipality:** Fonthill

**Site #:** 0000000001

**Intersection:** Pelham St & Hurricane Rd

**TFR File #:** 1

**Count date:** 3-Apr-2019

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Rick W

**\*\* Non-Signalized Intersection \*\***

**Major Road:** Pelham St runs N/S

North Leg Total: 139

North Entering: 62

North Peds: 2

Peds Cross:  $\bowtie$

Heavys	0	0	0
Trucks	6	1	7
Cars	42	13	55
<b>Totals</b>	<b>48</b>	<b>14</b>	



Heavys	1
Trucks	10
Cars	66
<b>Totals</b>	<b>77</b>

East Leg Total: 136

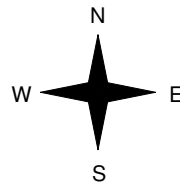
East Entering: 108

East Peds: 0

Peds Cross:  $\bowtie$



Pelham St



Cars	Trucks	Heavys	<b>Totals</b>
32	7	1	40



62	6	0	68
<b>94</b>	<b>13</b>	<b>1</b>	

Hurricane Rd



Cars	Trucks	Heavys	<b>Totals</b>
26	2	0	28

Pelham St



Cars	104
Trucks	12
Heavys	0
<b>Totals</b>	<b>116</b>



Cars	34	13	47
Trucks	3	1	4
Heavys	0	0	0
<b>Totals</b>	<b>37</b>	<b>14</b>	

Peds Cross:  $\bowtie$

South Peds: 0

South Entering: 51

South Leg Total: 167

## Comments

# Hurricane Rd @ Pelham St

## Total Count Diagram

**Municipality:** Fonthill  
**Site #:** 0000000001  
**Intersection:** Pelham St & Hurricane Rd  
**TFR File #:** 1  
**Count date:** 3-Apr-2019

**Weather conditions:**  
 Clear/Dry  
**Person(s) who counted:**  
 Rick W

**\*\* Non-Signalized Intersection \*\***

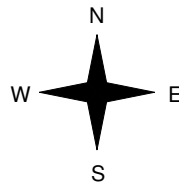
**Major Road:** Pelham St runs N/S

North Leg Total: 955  
 North Entering: 487  
 North Peds: 17  
 Peds Cross:  $\bowtie$

Heavys	1	1	2
Trucks	34	12	46
Cars	320	119	439
Totals	355	132	

Heavys	6
Trucks	58
Cars	404
Totals	468

East Leg Total: 640  
 East Entering: 417  
 East Peds: 19  
 Peds Cross:  $\bowtie$



	Cars	Trucks	Heavys	Totals
Northbound	166	27	4	197
Southbound	198	22	0	220
	364	49	4	



Pelham St

Cars	518	Cars	238	78	316
Trucks	56	Trucks	31	13	44
Heavys	1	Heavys	2	0	2
Totals	575	Totals	271	91	

Cars	Trucks	Heavys	Totals
197	25	1	223

Peds Cross:  $\bowtie$   
 South Peds: 8  
 South Entering: 362  
 South Leg Total: 937

### Comments

# Station St @ Pelham Town Square

## Morning Peak Diagram

### Specified Period

**From:** 7:00:00

**To:** 9:00:00

### One Hour Peak

**From:** 8:00:00

**To:** 9:00:00

**Municipality:** Fonthill

**Site #:** 0000000002

**Intersection:** Station St & Pelham Town Square

**TFR File #:** 2

**Count date:** 3-Apr-2019

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Diane

### \*\* Non-Signalized Intersection \*\*

**Major Road:** Station St runs N/S

North Leg Total: 212

North Entering: 98

North Peds: 1

Peds Cross:  $\times$

Heavys	1	0	0	1
Trucks	3	2	0	5
Cars	17	70	5	92
Totals	21	72	5	



Heavys 1

Trucks 9

Cars 104

Totals 114

East Leg Total: 66

East Entering: 34

East Peds: 0

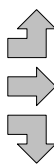
Peds Cross:  $\times$

Heavys	Trucks	Cars	Totals
1	9	66	76

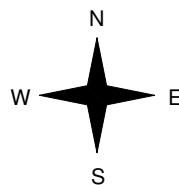


Pelham Town Square

Heavys	Trucks	Cars	Totals
1	7	13	21
0	0	10	10
0	7	5	12
1	14	28	



Station St



Station St

Cars	Trucks	Heavys	Totals
6	0	0	6
11	1	0	12
16	0	0	16
33	1	0	

Pelham Town Square



Cars	Trucks	Heavys	Totals
31	1	0	32

Peds Cross:  $\times$

West Peds: 0

West Entering: 43

West Leg Total: 119

Cars	91	Cars	38	85	16	139
Trucks	9	Trucks	5	2	1	8
Heavys	0	Heavys	0	0	0	0
Totals	100	Totals	43	87	17	



Peds Cross:  $\times$

South Peds: 2

South Entering: 147

South Leg Total: 247

### Comments

# Station St @ Pelham Town Square

## Mid-day Peak Diagram

### Specified Period

**From:** 11:00:00

**To:** 14:00:00

### One Hour Peak

**From:** 12:00:00

**To:** 13:00:00

**Municipality:** Fonthill

**Site #:** 0000000002

**Intersection:** Station St & Pelham Town Square

**TFR File #:** 2

**Count date:** 3-Apr-2019

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Diane

### \*\* Non-Signalized Intersection \*\*

**Major Road:** Station St runs N/S

North Leg Total: 168

North Entering: 78

North Peds: 1

Peds Cross:  $\times$

Heavys	0	0	0	0
Trucks	0	0	0	0
Cars	34	43	1	78
Totals	34	43	1	



Heavys 0

Trucks 1

Cars 89

Totals 90

East Leg Total: 71

East Entering: 36

East Peds: 0

Peds Cross:  $\times$

Heavys	Trucks	Cars	Totals
0	0	82	82

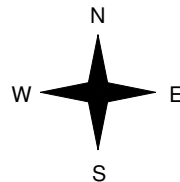


Pelham Town Square

Heavys	Trucks	Cars	Totals
0	1	42	43
0	0	20	20
0	1	48	49
0	2	110	



Station St



Station St

Cars	Trucks	Heavys	Totals
2	0	0	2
15	0	0	15
19	0	0	19
36	0	0	

Pelham Town Square



Cars	Trucks	Heavys	Totals
35	0	0	35

Peds Cross:  $\times$

West Peds: 0

West Entering: 112

West Leg Total: 194

Cars	110
Trucks	1
Heavys	0
Totals	111



Cars	33	45	14	92
Trucks	0	0	0	0
Heavys	0	0	0	0
Totals	33	45	14	

Peds Cross:  $\times$

South Peds: 0

South Entering: 92

South Leg Total: 203

### Comments

# Station St @ Pelham Town Square

## Afternoon Peak Diagram

### Specified Period

**From:** 15:00:00

**To:** 18:00:00

### One Hour Peak

**From:** 15:30:00

**To:** 16:30:00

**Municipality:** Fonthill

**Site #:** 0000000002

**Intersection:** Station St & Pelham Town Square

**TFR File #:** 2

**Count date:** 3-Apr-2019

### Weather conditions:

Clear/Dry

### Person(s) who counted:

Diane

### \*\* Non-Signalized Intersection \*\*

**Major Road:** Station St runs N/S

North Leg Total: 215

North Entering: 91

North Peds: 3

Peds Cross:  $\times$

Heavys	0	0	0	0
Trucks	1	1	0	2
Cars	27	60	2	89
Totals	28	61	2	



Heavys 0

Trucks 5

Cars 119

Totals 124

East Leg Total: 142

East Entering: 115

East Peds: 12

Peds Cross:  $\times$

Heavys	Trucks	Cars	Totals
0	2	102	104

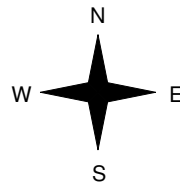


Pelham Town Square

Heavys	Trucks	Cars	Totals
0	1	33	34
0	0	16	16
0	0	62	62
0	1	111	



Station St



Station St

Cars	Trucks	Heavys	Totals
12	0	0	12
39	0	0	39
64	0	0	64
115	0	0	

Pelham Town Square



Cars	Trucks	Heavys	Totals
27	0	0	27

Peds Cross:  $\times$

West Peds: 5

West Entering: 112

West Leg Total: 216

Cars	186
Trucks	1
Heavys	0
Totals	187



Cars	36	74	9	119
Trucks	1	4	0	5
Heavys	0	0	0	0
Totals	37	78	9	

Peds Cross:  $\times$

South Peds: 3

South Entering: 124

South Leg Total: 311

## Comments

# Station St @ Pelham Town Square

## Total Count Diagram

**Municipality:** Fonthill  
**Site #:** 0000000002  
**Intersection:** Station St & Pelham Town Square  
**TFR File #:** 2  
**Count date:** 3-Apr-2019

**Weather conditions:**  
Clear/Dry  
**Person(s) who counted:**  
Diane

**\*\* Non-Signalized Intersection \*\***

**Major Road:** Station St runs N/S

North Leg Total: 1258  
North Entering: 577  
North Peds: 14  
Peds Cross:  $\times$

	Heavys	Trucks	Cars	Totals
Station St (N)	1	0	0	1
Station St (S)	11	12	0	23
Station St (E)	166	370	17	553
Station St (W)	178	382	17	579

Heavys 2  
Trucks 27  
Cars 652  
Totals 681

East Leg Total: 661  
East Entering: 462  
East Peds: 21  
Peds Cross:  $\times$

Heavys	Trucks	Cars	Totals
1	21	557	579

Pelham Town Square

Heavys	Trucks	Cars	Totals
1	12	191	204
0	0	103	103
0	11	356	367
1	23	650	674

Peds Cross:  $\times$   
West Peds: 7  
West Entering: 674  
West Leg Total: 1253

	Cars	Trucks	Heavys	Totals
Station St (N)	217	422	78	717
Station St (S)	8	13	1	22
Station St (E)	0	1	0	1
Station St (W)	225	436	79	717

Peds Cross:  $\times$   
South Peds: 11  
South Entering: 740  
South Leg Total: 1734

## Comments

## Appendix B –Stop Control Warrants

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## All-Way Stop Warrant Analysis: Minor Roads

**Location:** Hurricane Road at Pelham Street  
**Date:** Wednesday, April 03, 2019  
**Posted Speed:** 50 km/h  
**Minor Street:** Hurricane Road  
**Major Street:** Pelham Street  
**Intersection Type:** 3 Way Stop

### Conditions: According to Ontario Traffic Manual Book 5 - (March 2000)

**Condition 1:** Total vehicle volume on all intersection approaches exceeds 350 for the highest hour recorded

**Condition 2:** Volume split (Vehicles Only) does not exceed 75/25

Calcuation Summary:										
	Hourly Period								Total	Total Number of Peds
	6:00 to 07:00	07:00 to 08:00	8:00 to 09:00	11:00 to 12:00	12:00 to 13:00	15:00 to 16:00	16:00 to 17:00	17:00 to 18:00		
Combined Minor Approach Volume (Including Peds)		25	27	36	42	67	104	95	396	17
Combined Major Approach Volume (Not Including Ped)		68	112	113	124	119	112	111	759	
Total Combined Volume	0	93	139	149	166	186	216	206		
Minimum Total Combined / Hour	350	350	350	350	350	350	350	350		
Criteria Met	NO	NO	NO	NO	NO	NO	NO	NO		
Condition 1:						Not Met				
Total Volume Split	Major	66.7%								
	Minor	33.3%								
Minimum Split Criteria		75/25								
Criteria Met		YES								
Condition 2:						Met				

RESULT OF ANALYSIS:	All-Way Stop - NOT WARRANTED
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Additional Considerations If Warrented:		
Sight Lines	Where sight lines prohibit an operator of a passenger car vehicle from observing a minimum distance of 84 metres	N/A
Geometric Design	(A) A distance of 250m must be maintained between traffic control devices, signals, other stop signs or legal pedestrian crossovers	N/A
	(B) All-Way stop sign must only be used at two like roadways. Each approach should contain the same number of lanes and have non-skewed approaches	N/A

## All-Way Stop Warrant Analysis: Minor Roads

**Location:** Station Street at Pelham Town Square  
**Date:** Wednesday, April 03, 2019  
**Posted Speed:** 50 km/h  
**Minor Street:** Pelham Town Square  
**Major Street:** Station Street  
**Intersection Type:** 4 Way Stop

### Conditions: According to Ontario Traffic Manual Book 5 - (March 2000)

**Condition 1:** Total vehicle volume on all intersection approaches exceeds 350 for the highest hour recorded

**Condition 2:** Volume split (Vehicles Only) does not exceed 65/35

Calculation Summary:										
	Hourly Period								Total	Total Number of Peds
	6:00 to 07:00	07:00 to 08:00	8:00 to 09:00	11:00 to 12:00	12:00 to 13:00	15:00 to 16:00	16:00 to 17:00	17:00 to 18:00		
Combined Minor Approach Volume (Including Peds)		23	77	128	148	224	240	181	1021	28
Combined Major Approach Volume (Not Including Ped)		74	245	143	170	226	177	139	1174	
Total Combined Volume	0	97	322	271	318	450	417	320		
Minimum Total Combined / Hour	350	350	350	350	350	350	350	350		
Criteria Met	NO	NO	NO	NO	NO	YES	YES	NO		
Condition 1:						Met				
Total Volume Split	Major	54.2%								
	Minor	45.8%								
Minimum Split Criteria		65/35								
Criteria Met		YES								
Condition 2:						Met				

RESULT OF ANALYSIS:	All-Way Stop - WARRENTED
---------------------	--------------------------

Additional Considerations If Warrented:		
Sight Lines	Where sight lines prohibit an operator of a passenger car vehicle from observing a minimum distance of 84 metres	N/A
Geometric Design	(A) A distance of 250m must be maintained between traffic control devices, signals, other stop signs or legal pedestrian crossovers	N/A
	(B) All-Way stop sign must only be used at two like roadways. Each approach should contain the same number of lanes and have non-skewed approaches	N/A

## TRAFFIC CALMING POINT ASSESSMENT

Location: 1616 Pelham Street

Date Compiled: 10/30/2021

Roadway Type:

Local

Collector - **X** Collector

### Traffic Data

	<u>Feature</u>	<u>Range</u>	<u>Criteria</u>	<u>Total</u>
1a.	Speed	0 to 35	5 points for every 2 km/h that the 85 <sup>th</sup> percentile speed is greater than 10 km/hr over the speed limit (Speed Limit = 50km/h 85 <sup>th</sup> % = 68km/h)	20
1b	High Speed	0 to 5	5 points if minimum of 5% of daily traffic exceeds posted speed by 15-20 km/hr	5
2.	Volume	0 to 20	Local Roadways: 5 points for every 1,500 ADT Collector Roadways: 5 points for every 2,000 ADT (ADT = 1041)	0
3.	Short-Cutting Traffic	0 or 15	5 points if there is a presence of 25% or more short-cutting traffic, additional 5 points for every 10% increment above 25%.	0
4.	Collisions	0 to 10	1 point for every 2 collisions/year over a 3 year period	0

### Road Characteristics

	<u>Feature</u>	<u>Range</u>	<u>Criteria</u>	<u>Total</u>
5.	Sidewalks	0 or 10	10 points for no sidewalks with evidence of pedestrian activity, 5 points for sidewalks on only one side	0
6.	Pedestrian Generators	0 to 15	5 points for each nearby* pedestrian generator such as a school, playground, community centre, libraries, retail centres, etc.	5

### Total

<b>30 Points</b>	Does the location meet the minimum requirements		
	Local roadway = minimum 35 points		
	Rural roadway = minimum 45 points		
	Collector roadway = minimum 52 points	YES	NO - X No

# Memo

**To: Mayor and Members of Council**

**From: Teresa Quinlin-Murphy, Director Corporate Services**

**Date: November 9, 2021**

**RE: Peninsula West Power Inc. (PWPI) Subsidiary Update**

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Dear Mayor and Members of Council,

Council Report # 2021-0183-Corporate Services dated November 1, 2021 reported that the total cost of exploring the selling of PWPI shares was at total of \$66,875. An additional invoice from Torys LLP was received for services to the end of August for \$5,245.86. This invoice was not included in the total provided to Council since it was not processed at the time of reporting. The total cost of the review is \$72,121.

The net cash impact for 2021 is \$72,121 less the cash dividend of \$43,350 for a total impact of \$28,771.



## **MOTTO MARKERS WE SERVE**

**Fonthill Lions Club Inc.  
103 Hurricane Road P.O. Box 849  
Fonthill Ontario L0S 1E0  
(905) 892-5852**



**Town Of Pelham  
Mayor & Councillors**



### **Re Municipal Grants**

The new grant system we understand has categories that do not apply to the Fonthill Lions Club Inc. They are for facilities use only. We don't use the Town's, but feel we supply a service to the community like any other service club, therefore we feel the Fonthill Lions Club Inc can only apply directly to the Town Of Pelham Mayor & Councillors under any grants.

Mayor & Councillors who may not be familiar with the Fonthill Lions Club Inc., This club has been in Fonthill and the Town of Pelham since 1945 they have helped the community with a number of facilities' (old Fonthill Ball Park, the old rink that was in the Fonthill Park, the building which is now used for the pool change room, the old rink that was in the Fonthill Park, We are also looking in the future to assist the Town with the new community centre.

We helped with fund raising for the Community Centre, help with Canada Day, Summerfest. Christmas in Pelham, Christmas Parade.

The club supports youth and senior groups with funds and volunteering, it supports Pelham Cares; helps run the Pelham Food Drive. We help the local schools with programs when funds are available

The Fonthill Lions Club Inc. is supporting community centre. The members feels this is an asset for the community and the people that live here.

Our members have donated their time as volunteers for Town projects and other community projects

Most members of the Fonthill Lions Club Inc. have lived in this community for many years and they like to support the community.

The Fonthill Lions Club Inc. is requesting this grant to offset some of our expenses that we incur while operating our Community Hall, Parks and Children Playground which is open to the residents of the Town of Pelham.

We feel we are an asset to the community and the people of the community and we hope you will consider our request so we can continue to support this great community.

If you have any questions or concerns about this request. Please contact the Fonthill Lions Club Inc. and we would be happy to meeting with you at your convince

Please contact Treasurer Jake Dilts and he will arrange to have the officers of the Fonthill lions Club Inc. attend the meeting. (Lion Jake Dilts 905-933-4123

We are asking if you would consider a grant of \$ 3,500.00 to operate park which is used by the community. The membership understands the Town funds are tight, but if you would consider our request it would be greatly appreciated

Thank You

Members of The MOTTO MAKERS Fonthill Lions Club Inc.

Dated November 27, 2020

cc Town of Pelham Clerk (Holly Willford)  
Adminstrative Assistant to Recreation (Kathy Haist)





**Royal Canadian Legion Branch 613  
141 Regional Road # 20 East  
Fonthill Ontario L0S 1E0  
(905) 892-6293**



**Town Of Pelham  
Mayor & Councillors**



**Re Municipal Grants**

The grant system we understand has categories that do not apply to the Fonthill Legion. They are for facilities use only. We don't use the Towns, but feel we supply a service to the community like any other service club, therefore we feel the Fonthill Legion can only apply directly to the Town of Pelham Mayor & Councillors under any grants

Mayor & Councillors who may not be familiar with the Fonthill Legion., This Branch has been in Fonthill and the Town of Pelham since 1966. They have helped the community with their facilities by having the community use their main hall kitchen and lounge areas. These areas have been used by the Veterans, seniors and youth organization The branch along with the community built the Veterans Park, which is used and enjoyed by the community.

We have assisted the Town with the new community centre.

The branch supports youth, seniors and Veterans groups with funds and volunteering, it supports Pelham Cares;. We help the local schools with programs when funds are available

Our members have donated their time as volunteers for Town projects and other community projects

Most members of the Fonthill Legion have lived in this community for many years and they like to support the community.

The Fonthill Legion. is requesting this grant to offset some of our expenses that we incurred while operating our hall, which helps our seniors and youth groups

We feel we are an asset to the community and the people of the community and we hope you will consider our request so we can continue to support this great community.

If you have any questions or concerns about this request. Please contact the Fonthill Legion and we would be happy to meet with you at your convenience

Please contact 1<sup>st</sup> Vice President Jake Dilts and he will arrange to have the officers of the Fonthill Legion attend the meeting. (Comrade Jake Dilts 905-933-4123)

We have a program set up to supply heat & serve meals to our Veterans and senior at no cost. Although we get a grant to cover some of the cost. It would be helpful to the volunteers if we could purchase a

deep fryer oil cleaning unit this would reduce time burden. This unit has a cost value of \$ 3,800.00.  
Hoping you approve this grant

Thank You

Members of the Fonthill Legion

Dated October 26/2021

cc Town of Pelham Clerk (Holly Willford)  
Administrative Assistant to Recreation, (Kathy Haist)





**City of Welland**  
**Office of the Chief Administrative Officer**  
Office of the City Clerk  
60 East Main Street, Welland, ON L3B 3X4  
**Phone:** 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919  
**Email:** clerk@welland.ca | www.welland.ca

October 19, 2021

**File No. 21-13**

SENT VIA EMAIL

Niagara Region  
P.O. Box 1042  
1815 Sir Isaac Brock Way  
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

**Re: October 12, 2021 – WELLAND CITY COUNCIL**

At its meeting of October 12, 2021, Welland City Council passed the following motion:

**“See attached motion”**

Yours truly,

Tara Stephens  
City Clerk

TS:bl

Enclosure

c.c: - Local Area Municipalities, sent via email



## RESOLUTION

RESOLUTION NO. 2021 -

MOVED BY:

*McLeod*

SECONDED BY:

*Richard*

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRANS-2021-11 – Update # 2 Niagara Region Transit (NRT) Governance Strategy; and

THAT Welland City Council supports the current levels of Niagara Region Transit service in place and the emergence of on-demand services for smaller municipalities, which do not provide conventional and specialized services; and further

THAT The Triple Majority Vote does not occur until the following updates are forwarded to all municipalities;

a) Update the financial model to reflect Welland, St. Catharines, Niagara Falls and Niagara Inter-Regional Transit operating costs based upon Council approved 2022 Transit Budgets including:

i Assumptions regarding PGT funding (OPTA has forecasted a reduction and Welland has assumed a 25% reduction for 2022 Transit Budget) and ridership levels forecasted to be reduced to 70% pre-COVID.

ii Assumptions regarding Safe Restart Funding.

iii Both items (PGT and SRA Funding) are currently being lobbied by Ontario Public Transit Association (OPTA)

iv Proposed annual lease payments to be made to the City of Niagara Falls for the WEGO Transit Facility

b) Updated 5-year Transit Capital Budgets (2022-2026) for Welland, St. Catharines, Niagara Falls and Niagara Inter-Regional Transit. Transit capital costs and allocation percentages proposed to allocate these costs to lower-tiered Municipalities; and further

c) Updated Capital assets schedules for Welland, St. Catharines, Niagara Falls and Niagara Region summarizing assets including but not limited to revenue fleet, non-revenue vehicles and facilities.

...continued...



# RESOLUTION

RESOLUTION NO. 2021 -

THAT Report TRANS-2021-15 – Second Update on Niagara Region Transit (NRT) Governance Strategy be circulated to all area municipalities.

COUNCILLORS	YEAS	NAYS
LAROUCHE		
GREEN		
SPECK		
CHIOCCHIO		
MCLEOD		
DIMARCO		
RICHARD		
GRIMALDI		
MASTROIANNI		
FOKKENS		
MOOTE		
VAN VLIET		
MAYOR CAMPION		

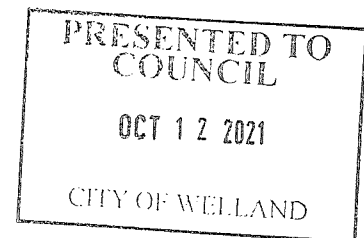
CARRIED



LOST



NOT PUT





# The City of Niagara Falls, Ontario

## Resolution

October 5, 2021

No. 10

**Moved by: Councillor Mike Strange**

**Seconded by: Councillor Chris Dabrowski**

**WHEREAS** Monday, October 24 2022 is Municipal and School Board election day, and municipal clerks who administer Municipal and School Board elections are in the middle of planning for this important democratic event.

**WHEREAS** municipalities have statutory authority to use schools as polling places under section 45 of the Municipal Elections Act, 1996.

**WHEREAS** schools are often the largest, most centrally located and accessible facility in communities which make them ideal locations to host polling stations.

**WHEREAS** many school boards across the Province already work with municipalities to schedule a Professional Development Days (PD Days) on municipal election day every four years.

**WHEREAS** the City Clerk runs the school board elections for the District School Board of Niagara (English Public), Niagara Catholic School Board (English Separate), Conseil Scolaire Viamonde (French Public) and the Conseil Scolaire Catholique MonAvenir (French Separate).

**WHEREAS** in 2018, approximately 25% of school boards agreed to make Municipal and School Board Election Day a PD Day. Approximately another 60% had PD days in October already. Almost 30% of had days within a week of municipal election day and there are a number of school boards that schedule PD Days on Mondays already. And therefore, it is possible to make arrangements for a PD Day to fall on Municipal and School Board Election Day.

**WHEREAS** school boards and municipalities can work together, to increase these rates and make it easier for local voters to cast their ballots while ensuring student safety.

**WHEREAS** partnering with municipalities once every four years to ensure that municipal and school board elections fall on a PD Day has a number of benefits to School boards, schools and the broader community including:

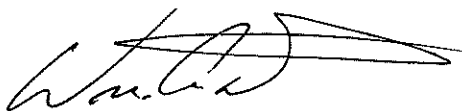
- Easing the facilitation of Election Day so that Clerks can ensure a smooth democratic process which elects school board trustees as well as local council members.
- Ensuring public health promotion and protection through more adequate physical distancing in these larger venues.
- Enhancing the principles of safe schools for both students and teachers by reducing the number of people in the school.
- Providing voters with a large, accessible location to cast their votes for their school board and municipal representatives.

**WHEREAS** school boards are entering into deliberations about the 2022-2023 School year calendar in order to submit their proposed calendars to the Ministry of Education by May 2022.

**THEREFORE BE IT RESOLVED** that the City of Niagara Falls request that the District School Board of Niagara (English Public), Niagara Catholic School Board (English Separate), Conseil Scolaire Viamonde (French Public) and the Conseil Scolaire Catholique MonAvenir (French Separate) schedule a Professional Development Day on Municipal and School Board Election Day, Monday October 24<sup>th</sup> 2022.

**AND THAT** a copy of this resolution be forwarded to Hon. Steve Clark, Minister of Municipal Affairs and Housing, Hon. Stephen Lecce, Minister of Education, the Association of Municipal Managers, Clerks & Treasurers of Ontario (AMCTO) and the Association of Municipalities of Ontario (AMO).

**AND The Seal of the Corporation be hereto affixed. Carried Unanimously**  
**(Councillor Pietrangelo declared a conflict)**



**WILLIAM G. MATSON**  
**CITY CLERK**



**JAMES M. DIODATI**  
**MAYOR**

**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](http://www.niagararegion.ca)

October 27, 2021

**CL 20-2021, October 21, 2021**

**CSC 10-2021, October 13, 2021**

**CSD 58-2021, October 13, 2021**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

Additional Information Re: Optional Small Business Tax Subclass

CSD 58-2021

Regional Council, at its meeting held on October 21, 2021, passed the following recommendations of its Corporate Services Committee:

That Report CSD 58-2021, dated October 13, 2021, respecting Additional Information Re: Optional Small Business Tax Subclass, **BE RECEIVED** and **BE CIRCULATED** to Local Area Municipalities.

A copy of CSD 58-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2021-164

cc: R. Fleming, Senior Tax & Revenue Analyst  
T. Harrison, Commissioner, Corporate Services/Treasurer  
K. Beach, Executive Assistant to the Commissioner, Corporate Services/Treasurer

---

**Subject:** Additional Information Re: Optional Small Business Tax Subclass

**Report to:** Corporate Services Committee

**Report date:** Wednesday, October 13, 2021

---

## Recommendations

1. That Report CSD 58-2021 respecting the Optional Small Business Tax Subclass **BE RECEIVED** as information; and
2. That a copy of Report CSD 58-2021 **BE CIRCULATED** to the Local Area Municipalities.

## Key Facts

- The purpose of this report is to provide Committee with an update on the Optional Small Business Tax Subclass that the Province introduced as part of their 2020 Budget and to recommend that the Region not implement the new subclass.
- In February 2021, staff presented Committee with Report CSD 12-2021 – Optional Small Business Tax Subclass Overview which contained the following recommendation:
  - That staff **BE DIRECTED** to monitor the implementation of the Optional Small Business Tax Subclass for consideration in future taxation years starting in 2022.
- In addition to the February report, at the April 2021 Corporate Services Committee, direction for staff was provided as follows:
  - Consider implementation of a small business tax class.
- In May 2021, the Province released the Regulations for the subclass which provide greater insight into program specifics including the subclass reduction range, administrative requirements as well as implementation considerations.
- Region staff have participated in discussions with Area Treasurers, other municipal organizations and the Municipal Property Assessment Corporation (MPAC) and solicited input through a survey from the Area Treasurers during August 2021, after the release of the Regulations for additional input. Based on the responses from the survey, there was limited desire to pursue the subclass at this time noting many of the challenges that were originally identified in Report CSD 12-2021.

- Based on the challenges that are present and a lack of a clear policy objective for implementation, staff are not recommending that the optional small business subclass be adopted for the Region.

## **Financial Considerations**

Similar to other tax policy decisions, implementation of the small business subclass would not impact the tax revenue generated by the Region, it would however, impact the tax burden experienced by other tax classes most notably Residential which represents 80% of the unweighted assessment base for the Region. Inter-municipal shifts on a Regional basis would also occur as a result of variations in the tax bases across Area Municipalities. These tax shifts may be further exaggerated if different eligibility criteria were to be established for different municipalities across the Region.

If it were Council's direction to implement the subclass, there would be additional administrative costs incurred by the Region or Area Municipalities as required to implement and maintain the subclass depending on any program framework that would need to be established. Expenditures associated with this remain unknown and would likely vary depending on the program administration requirements including Local or Regional administrator, variations in program criteria and level of support from the community which may impact appeals. At a minimum, if the program were to be adopted, the Region would incur estimated one-time implementation expenditures of \$15,000 for consulting and program development. Depending on Region responsibility for administration of the program, an additional annual expenditure of approximately \$100,000 for staffing and administrative resources may be incurred if the subclass administration resides with the Region. Should the Region adopt policy objectives that are different for each Area Municipality, it may be more advantageous for the Area Municipalities to administer independently which may require additional resources at the local level.

## **Analysis**

As announced in the 2020 Ontario Budget, the Province has provided municipalities with the ability to implement an optional small business subclass. In February 2021, staff prepared Report CSD 12-2021 which provided an overview of the subclass to Council and identified some of the opportunities and challenges that may exist with the new subclass.



Subsequent to that report, in May 2021, the Province released amendments to O. Reg. 282/98 under the Assessment Act and O. Reg. 73/03 under the Municipal Act, 2001, which implemented the subclass and provided further details, including requirements for municipal by-laws, administration of the subclass and potential for provincial matching through education property tax reductions. Staff also attended a webinar hosted by the Toronto Region Board of Trade and have engaged the Area Treasurers for input via a survey, all of which has been summarized below for Council's information.

### Overview of Ontario Regulations

As identified in the regulations, municipalities that choose to implement the subclass must consider and enact the following:

- The decision to adopt the subclass by Regional Council including the passing of a Regional by-law.
- Identify if the business subclass tax reduction is to be applied to the commercial and/or industrial property tax classes.
- The reduction percentage; which can range from 0- 35% of the municipal tax rate for the property class.
- Requirements that a property must meet to be included in the subclass.
- Appointing Program Administrator(s) to administer the program, including approving properties for inclusion in the subclass, notifying property owners of decisions and reviewing requests for reconsideration related to a property's eligibility for inclusion in the subclass.
- Appointment of Appellate Authority (or Appellate Authorities) to hear any appeals of the Program Administrator's eligibility decisions.

Through the Regulations it has also been noted that municipalities will have the ability to require landlords to pass the tax reduction to tenants as a condition of eligibility. While this remains an option, staff feel that the enforcement of this would be challenging as it may require staff to engage tenants and landlords which is not typical in the taxation process. One Ontario municipality is considering publishing the addresses of landlords in receipt of the tax reduction in order to place an onus on tenants to pursue the flow through of the tax reduction.

The Province has also noted that there is a requirement to demonstrate how the municipality has engaged the business community before implementing the class which would result in increased lead time for implementation. This process is also not anticipated to provide definitive eligibility guidelines as there is likely much disparity

across the Region in terms of what may be considered a small business. A small business definition would need to be developed that achieves a policy objective for which staff would need to engage appropriate stakeholders to ensure the policy objective is achieved through the chosen definition.

As noted above, municipalities are responsible for establishing detailed eligibility criteria for the optional small business subclass. This would require the Area Municipality or Region to develop and administer a process to identify or approve eligible properties for inclusion in this subclass. Through the appointment of a Program Administrator, Area Municipal or Regional staff would identify qualifying properties classified in the commercial and/or industrial property classes that meet the eligibility criteria. This could be done either through an application-based process or through a criteria-based methodology. Properties approved for inclusion in the subclass by the Program Administrator must be listed in a publicly accessible registry (details of the registry requirements are found in the Municipal Checklist attached as Appendix 1 to Report CSD 58-2021). The Program Administrator would also be required to establish a process where an owner may make a request for reconsideration.

Municipalities that adopt the subclass are also required to appoint a staff member to act as an Area Municipal or Regional Appellate Authority to hear appeals regarding whether or not a property should be included in the subclass. Appeals of assessed value would continue to be directed to the Assessment Review Board.

Based on the additional information that has been included in the Regulations, staff note that many of the challenges that were expressed through Report CSD 12-2021 are still present, including:

- Determining subclass eligibility across Area Municipalities while considering variations in the local priorities, policy objectives and property characteristics.
- Challenge of ensuring tax benefits are passed on to tenants despite the ability for municipalities to make it mandatory through a by-law.
- Inconsistency in eligibility criteria across Area Municipalities for businesses with multiple locations in the Region.
- Tax shifts onto other properties not included in the subclass and the financial implications, business impacts and ability to pay of other residential, commercial and industrial properties not afforded the discount.

At the time of writing this report, MPAC has also released a draft white paper on the subclass outlining MPAC's potential involvement or assistance with implementation and

maintenance of the subclass. In the draft white paper, MPAC also noted some of the challenges previously described as well as other implementation considerations that would need to be explored. A section of MPAC's draft paper has been included as Appendix 2 to Report CSD 58-2021. In the section, MPAC has noted some of the policy objectives that this subclass may assist with achieving including:

- Nurture local small business development in one or more sectors of the economy.
- Support Downtown and Main Streets.
- Nurture the development of Innovation Districts, Creativity Zones or Business Parks.
- Support Business Improvement Areas (BIAs).
- Mitigate the impact of shifts in property values between districts for small businesses.
- Mitigate the impact of widespread revenues losses due to circumstances beyond businesses' control.

#### Overview of Toronto Region Board of Trade Webinar

On August 11, 2021, Regional finance staff participated in a small business subclass webinar hosted by the Toronto Region Board of Trade. In attendance at this meeting were finance and economic development representatives from most Ontario Regions as well as the City of Toronto. The webinar was also attended by Municipal Finance Officer Association (MFOA), Association of Municipalities of Ontario (AMO), and business sector representatives.

Much of the comments that staff heard from their municipal finance counterparts aligned with the commentary provided by Regional staff and Area Treasurers and focussed heavily on the increased administrative burden that the subclass would have on their operations especially given the perceived limited benefits that the subclass would generate. Similar comments were also heard from MFOA and AMO representatives. The economic development staff that were in attendance also expressed lack of clarity around the intent of the program and long-term goals especially since the subclass is not intended to be a COVID-19 relief program but a long-term policy decision. Many economic development staff also noted that there may be other opportunities to assist small businesses in ways that are not through tax policy tools including grants or other non-financial assistance (for example, local business registries). The business sector representatives also expressed that their association did not believe it was fair for businesses that would not qualify for the subclass to subsidize the reduction for

businesses that do qualify. They also noted that inequalities in subclass eligibility may also result in businesses in direct competition with each other being treated differently for property taxation purposes despite being relatively similar in operations.

Through the discussion held at the webinar, only one municipality that was in attendance has initiated the implementation of the subclass, being the City of Toronto. Staff note though that at the time of writing this report, no final decision has been made by the City on implementation. Staff also note that through discussion at a prior Ontario Regional and Single-Tier Treasurers meeting, the City of Ottawa had also expressed a desire to explore implementing the subclass.

#### Overview of Local Area Treasurers Discussions and Survey

Since the introduction of the small business subclass as part of the 2020 Ontario budget, there has been reoccurring discussions regarding the subclass at the Area Treasurers meetings between Regional staff and Area Treasurers. In August, the Region distributed a survey to the Area Treasurers to formalize their comments. The results of the survey, which are reflective of the Area Treasurers opinions only, can be summarized as follows:

- 11 of 12 municipalities completed and returned the survey to the Region.
- 9 of the 11 municipalities were not interested in adopting the new small business subclass with only Welland and Lincoln staff expressing interest.
- Of the 9 municipalities not interested, the following concerns were identified:
  - Potential for inter-class and inter-municipal tax shifts;
  - Lack of fairness in providing relief to only a few businesses that may be eligible despite financial difficulties being experienced by many as a result of COVID-19;
  - Increased administrative challenges including increased levy requirements for program administration;
  - Potential for limited benefit for their municipality;
  - Uncertainty around long-term impacts or objectives of the subclass; and
  - Potential for limited correlation between an eligible small business and their ability to afford property taxes.
- 2 of the 9 municipalities not interested expressed a desire to revisit the subclass in the future.
- For the 2 municipalities that were interested they noted that the following conditions or recommendation need to be in place or considered to proceed:

- Relief should be targeted to commercial only or both commercial and industrial;
- Administration of the subclass should be the responsibility of the Region and not the Area Municipalities;
- Subclass eligibility should be application based; and
- Subclass eligibility could be based on number of employees and/or annual revenue.
- Policy objective work would need to be established through further consultation.

### Recommendation

Based on staff research and the above feedback, Regional finance staff are not in support of implementing the subclass. The regional inequalities, tax impacts on remaining property owners, added administrative burden including additional annual expenditures and lack of clear policy objectives are the main considerations for this recommendation.

### **Alternatives Reviewed**

1. Council could direct staff to initiate the implementation process for this new subclass for the 2022 taxation year. If so, staff will need to consider:

- The checklist requirements as established by the Province which are further detailed on Page 5 of Appendix 1 to Report CSD 58-2021. As a result of the anticipated lead time necessary for implementation and to ensure the Region fully explores the requirements as outlined in the Province's checklist (which include: engaging the business community, designing the program, passing a by-law and assessing impacts)
- Impact on 2022 budget. Implementation in advance of the 2022 property taxation year would not be possible without additional direct financial impact to the Region and Area Municipalities. Implementation after a roll return for a taxation year would also result in in-year tax write-offs for which the Region and Area Municipalities would need to budget. MPAC's draft white paper has also identified other items that staff would need to explore before implementation in order to ensure the properties are accurately reflected on the tax roll each year.
- Subclass should be implemented on a Region-wide basis rather than for only the Area Municipalities that expressed an interest. If it was not implemented on a Region-wide basis, it would result in a redistribution of the Region's levy to Area

Municipalities that have not opted into the new subclass and therefore do not benefit from it.

- Provincial matching requirements. The Province requires program details to be provided to the Province by March 31 of the taxation year for provincial matching of relief on the education tax which would likely not be achievable.
2. Council could direct staff to undertake further public consultation with respect to policy objectives in 2022 and only consider implementation in a future year (i.e., 2023 or later) if compelling enough policy outcomes can be achieved. Implementation would again have to satisfy the same considerations as noted above.

### **Relationship to Council Strategic Priorities**

This report addresses Council's priority of Businesses and Economic Growth.

### **Other Pertinent Reports**

[CSD 12-2021](#) Optional Small Business Tax Subclass Overview

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**Prepared by:**

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Senior Tax & Revenue Analyst  
Corporate Services

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**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

This report was prepared in consultation with the Local Area Treasurers and Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer

## **Appendices**

- Appendix 1      Provincial Bulletin, Checklist – Small Business Subclass – May 2021
- Appendix 2      DRAFT Municipal Property Assessment Corporation White Paper –  
Policy Drivers Section Excerpt

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## NEW OPTIONAL SMALL BUSINESS PROPERTY SUBCLASS May 2021

As announced in the *2020 Ontario Budget*, the Province is providing municipalities with the flexibility to target property tax relief to eligible small businesses through the adoption of a new optional small business property subclass. Amendments to O. Reg. 282/98 under the *Assessment Act*, O. Reg. 73/03 under the *Municipal Act, 2001* and O. Reg. 121/07 under the *City of Toronto Act, 2006* were filed on May 7, 2021, which implement the subclass.

This bulletin provides municipalities with an overview of implementation details, including requirements for municipal by-laws, administration of the subclass and provincial matching of municipal property tax reductions with education property tax reductions.

### IMPLEMENTATION

#### Municipal By-Law

Municipalities that choose to implement the optional small business property subclass are required to pass a municipal by-law providing the following:

- The decision to adopt the subclass
  - In two-tiered municipalities, the upper-tier municipality must pass a by-law to adopt the subclass.
- The subclass tax reduction to be applied to the commercial and/or industrial class municipal tax rate
  - The reduction can be set up to 35% of the municipal rate for the property class.
- Requirements that the property must meet to be included in the subclass
  - Municipalities have a variety of priorities that may influence the definition of “small business” and, as such, are in the best position to define eligibility criteria that reflect their local priorities and needs.
  - Note that all commercial and industrial properties (except properties that are or would be classified in the large industrial property class or the parking lot and vacant land property class, or vacant or excess land), are eligible to be included in the new small business property subclass.
- Appointment of a Program Administrator to administer the program, including approving properties for inclusion in the subclass, notifying property owners of



decisions and reviewing requests for reconsideration related to a property's eligibility for inclusion in the subclass

- Appointment of an Appellate Authority to hear any appeals of the Program Administrator's eligibility decisions

Municipalities may also choose to require in municipal by-law that landlords pass the tax reduction to tenants as a condition of eligibility in the subclass.

As part of the process of developing a small business property subclass by-law, municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties.

### Program Administration

Municipalities are responsible for establishing detailed eligibility criteria for the optional small business subclass. This would require the municipality to develop and administer a process to identify or approve eligible properties for inclusion in this subclass.

Through the appointment of a Program Administrator, municipal staff would identify qualifying properties classified in the commercial or industrial property classes, or both, that meet the eligibility criteria. This could be done either through an application-based process or through a criteria-based determination process. Properties approved for inclusion in the subclass by the Program Administrator must be listed in a publicly accessible registry (details of the registry requirements are found in the Municipal Checklist below). The Program Administrator would also be required to establish a process where an owner may make a request for reconsideration.

Municipalities can utilize the Ontario Property Tax Analysis (OPTA) system to build scenarios and model tax impacts of adopting the small business subclass.

Municipalities are required to notify the Municipal Property Assessment Corporation (MPAC) of the properties included in the subclass, such that MPAC can classify the property within the small business property subclass for taxation purposes.

Municipalities will also be responsible for monitoring ongoing eligibility, updating the registry of eligible properties and notifying MPAC when properties become eligible or ineligible for the subclass as a result of a municipal determination.

Municipalities are also required to appoint an Appellate Authority to hear appeals about whether or not the property should be included in the subclass.

Appeals of assessed value would continue to be directed to the Assessment Review Board.

### Funding the Subclass

Consistent with other property subclasses, municipalities can fund the small business subclass either by absorbing the cost through a levy decrease or by funding it broadly across all property classes.

Municipalities also have the option of funding the small business subclass within the commercial and/or industrial property class through the adoption of revenue neutral tax ratios, as per section 9 in O. Reg 385/98 under the *Municipal Act, 2001* and section 2.2 in O. Reg. 121/07 under the *City of Toronto Act, 2006*.

The adoption of the subclass, including how the tax reduction is funded, is a municipal decision. As with other tax rate decisions, municipalities are responsible for understanding the potential tax impact on affected taxpayers. Municipalities are strongly encouraged to consult with their local business stakeholders and other interested parties prior to finalizing their decision-making.

### Provincial Matching of Tax Reductions

As announced in the *2020 Budget*, the Province will consider matching municipal property tax reductions with education property tax reductions to provide further support for small businesses. To qualify:

- Municipalities would notify the Minister of Finance of the decision to adopt the subclass and submit a municipal by-law outlining the program requirements as well as estimated total municipal tax relief to small businesses.
- Municipalities would conduct consultations with business stakeholders regarding the small business property subclass.
- The Minister would review each submission and determine whether to match municipal reductions on a case-by-case basis.

Submissions to the Minister of Finance can be sent directly to the Minister, with a copy to [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca), prior to **March 31** for the applicable taxation year.

Hon. Peter Bethlenfalvy  
Minister of Finance, and President of the Treasury Board  
Frost Building South, 7th Floor  
7 Queen's Park Cres.  
Toronto, ON M7A 1Y7  
[Minister.fin@ontario.ca](mailto:Minister.fin@ontario.ca)

## Regulations

Regulations implementing the small business property subclass are available on the Government of Ontario's e-laws website at [www.ontario.ca/laws](http://www.ontario.ca/laws). These include:

- O. Reg. 282/98 under the *Assessment Act* is amended by O. Reg. 331/21 establishing the optional small business property subclass
- O. Reg. 73/03 under the *Municipal Act, 2001* is amended by O. Reg. 332/21 setting the municipal reduction factor for the optional small business property subclass
- O. Reg. 121/07 under the *City of Toronto Act, 2006* is amended by O. Reg. 333/21 setting the municipal reduction factor for the optional small business property subclass

## **FURTHER INFORMATION**

Municipalities with any questions regarding the optional small business property subclass may contact the Ministry of Finance at [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca).

**OPTIONAL SMALL BUSINESS PROPERTY SUBCLASS – MUNICIPAL CHECKLIST****MAY 2021****PROGRAM DETAILS**

- ✓ Have you adopted the subclass through municipal by-law?
- ✓ Have you established eligibility criteria for a small business?
- ✓ For municipalities in a two-tiered system, have you discussed proposed changes with lower-tier municipalities?
- ✓ Have you considered how the subclass would be funded?
- ✓ Have you set a discount applicable to the class?
- ✓ Have you consulted with local business stakeholders and other interested parties?

**IMPLEMENTATION**

- ✓ Have you established an application process or established a criteria-based determination process?
- ✓ Have you appointed a Program Administrator?
- ✓ Have you appointed an Appellate Authority?
- ✓ Have you established a publicly accessible registry of eligible properties? The registry may include but is not limited to the following information:
  - Assessment Roll Number
  - Property Address
  - Unit Number (if applicable)
  - Leased Space (if applicable)
- ✓ Have you provided MPAC the list of eligible properties including property details? The list of eligible properties to MPAC would include the following information:
  - Assessment Roll Number
  - Property Address
  - Legal Description
  - Square Footage
  - Floorplan (if applicable)
- ✓ Have you made a submission to the Minister of Finance to request matching the municipal tax reduction with an education tax reduction? Submission would include the following information:
  - By-law adopting the subclass
  - Overview of program requirements
  - Estimated total municipal tax relief to small businesses
  - Confirmation of consultation with the business community

If you have any questions regarding the implementation of the optional small business property subclass, please contact the Ministry of Finance at [info.propertytax@ontario.ca](mailto:info.propertytax@ontario.ca).

## **Ontario's Small Business Property Subclass: Considerations for Municipalities**

### **2. Municipal Guide to Using the Small Business Property Subclass**

#### **2.1. Policy Drivers**

A variety of financial and economic development tools already are available to nurture small business development and support their survival. The Subclass adds to this toolbox. Its use should be considered within the broader context of each municipality's characteristics and policy objectives and the combination of tools that best addresses local issues and goals.

The Municipal Working Group identified six potential policy drivers that municipalities where use of the Subclass may align with municipalities' planning or economic development goals. The Survey of Municipalities (the Survey) indicated that all six are of interest to at least a few municipalities. The percentage of Survey respondents who are considering the Subclass or are unsure about using it is provided for each one.<sup>1</sup> The policy drivers are not mutually exclusive nor exhaustive. Some municipalities are interested in achieving several of them:

1. Nurture local small business development in one or more sectors of the economy;
2. Support Downtown and Main Streets;
3. Nurture the development of Innovation Districts, Creativity Zones or Business Parks;
4. Support Business Improvement Areas (BIAs);
5. Mitigate the impact of shifts in property values between districts for small businesses; and/or,
6. Mitigate the impact of widespread revenues losses due to circumstances beyond businesses' control.

#### **Nurture Local Small Business Development in one or more Sectors of the Economy**

Providing property tax relief by using the Subclass is a tool that municipalities can consider to support small businesses. Property tax is a significant fixed cost, sometimes

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<sup>1</sup> Thirty five Survey respondents (26%) indicated that they did not intend to implement the Subclass and did not answer the questions about the policy objectives they were interested in achieving by using it. They are not included in the calculation of the percentages provided below. The adjusted base is 100 respondents who are considering the Subclass or are unsure about using it.

equalling or exceeding rental levels. The Survey indicated fairly widespread interest in providing broad support to small businesses throughout the municipality (58% of respondents considering the Subclass<sup>2</sup>), while 9% are considering making the support sector specific, all targeting small retailers and some also including arts/culture, manufacturing and commercial offices. Open ended comments included interest in supporting small business development and entrepreneurship to diversify the local economy.

### Support Downtown and Main Streets

Small business support often is synergistic with policies encouraging the revitalization and sustainability of geographic business districts within municipalities. Small commercial businesses tend to predominate in traditional downtowns and main streets, areas which play important community identity, heritage and city-building roles in communities. 11% of the Survey respondents considering the Subclass indicated that downtown or main street support was a policy driver.

### Nurture the Development of Innovation Districts, Creativity Zones or Business Parks

Another example where the tax class may have applicability is to support the clustering of small commercial and industrial businesses and entrepreneurs in “innovation districts” and “creativity zones”. Clustering enables small businesses to build synergies and business-to-business connections among themselves. The zones are sometimes associated with revitalizing industrial and port areas. 5% of the Survey respondents considering the Subclass are interested in targeting “innovation zones”, while 6% are interested in targeting their Central Business Districts.

### Support Business Improvement Areas (BIAs)

The BIA program has shown itself to be an extremely effective self-help tool enabling both commercial and industrial business communities to come together and collectively invest in improvements to municipally owned property as well as promotional and business development activities that strengthen the business district. They fund the investment through a special levy paid by all commercial and industrial property owners within a specific geographic Area.

Many of their activities also benefit the municipality at large, including local residents and other businesses. Examples include festivals, public entertainment, sidewalk amenities and beautification, developing public squares and parkettes, marketing programs that attract more people to the community, etc. Yet the businesses in BIAs pay the total cost, often resulting in their total taxes being significantly higher than property taxes paid by comparable businesses in other districts. The Subclass could be

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<sup>2</sup> As is explained in Footnote 2, the base for this percentage and those that follow is the 100 respondents who either are considering the Subclass or are unsure about implementing it.

used to partially compensate businesses in BIAs for their additional investment. 11% of the Survey respondents considering the Subclass are interested in targeting BIAs.

#### Mitigate the Impact of Shifts in Property Values between Districts for Small Businesses

When a property's CVA increases greater than the average for its tax class, the property owner may experience an increase in property taxes above a general tax levy increase. The increase often is passed through to the business tenants operating in the property (as is further discussed in Section 2.6 below)

This can result in tax shifts between different parts of a municipality.

Examples of situations when shifts in property values between districts may occur include:

- In "Growth Areas", where residential or commercial intensification is permitted by the municipality. CVA may increase in anticipation of the redevelopment of properties to higher densities. Property owners and their business tenants may experience increased property taxes as a result.
- Upgraded infrastructure in a district may lead to higher than average market appreciation leading to higher increases in property values during a reassessment relative to other business areas in the community:

30% of the Survey respondents considering the Subclass indicated that mitigating the impact of high CVA increases on small business was relevant.

#### Mitigate the Impact of Widespread Revenues Losses due to Circumstances Beyond Businesses' Control.

Property tax is a significant fixed cost for most businesses. Therefore, revenue decreases can cause previously sustainable property tax amounts to become less affordable. Small businesses are more vulnerable than larger corporations since they often have limited access to financing or to corporate cash reserves. The Subclass may be a helpful tool for supporting small businesses through such crisis's, especially when the impact is expected to last for several years.

The most recent and dramatic example of widespread business revenue reductions was caused by COVID-19 in 2020 and 2021. Many businesses providing "non-essential" goods and services were required to close or significantly reduce their operations to contain the spread of the pandemic. Impacts for some types of businesses and districts are expected to extend into 2022 and even beyond – especially in sectors and areas dependent on tourism or on employment concentrations where there may be widespread continuation of remote-working. Widespread business support has been provided by the Federal and Provincial governments as well as by many individual municipalities. Specific to property tax stability, the Province continued to use the 2016

CVA for the 2020 and 2021 tax years and reduced the business education tax rate to a maximum of 0.88% throughout the Province.<sup>3</sup> The Subclass provides an additional tool.

Extended construction projects where businesses are impacted by road and sidewalk closures or other significant disruptions are another example. Municipalities could consider using the Subclass to provide property tax relief to small businesses located in districts impacted by multi-year road reconstruction or other major construction projects.

6% of the Survey respondents considering the Subclass indicated that providing post-COVID relief to impacted small businesses was a policy driver, while 1% (one person) added that their municipality was interested in providing assistance to small businesses impacted by major road construction.

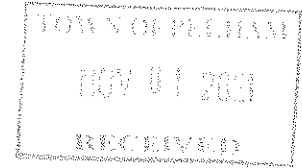
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<sup>3</sup> Previously BET rates were variable with businesses in some municipalities paying 1.25%. Reducing all high BET rates to 0.88% resulted in a \$450 million reduction for businesses.





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Dear Town of Pelham Council:

On behalf of CUPE Ontario's nearly 125,000 active members of the Ontario Municipal Employees Retirement System (OMERS), I am writing today to express our serious concerns with OMERS' investment performance.

In 2020, OMERS posted a net loss 2.7%, representing three billion dollars in losses. This was during a year that comparable defined benefit pension plans and funds in Canada posted substantial investment gains. CUPE Ontario investigated further and tracked investment returns at OMERS for ten years. We found that OMERS has underperformed relative to other large pension plans and funds, as well as relative to its own benchmarks. We also found that OMERS no longer shares this critical information in their annual reporting, making it difficult for plan members to hold their investment managers accountable.

Attached you will find a report detailing OMERS investment underperformance. Also attached, you will find the analysis of a third-party actuary (PBI Actuarial consultants) who confirmed that our reasoning and conclusions were sound.

CUPE Ontario believes plan members and employers have the right to know why OMERS' investments have, over a ten-year period, underperformed other large defined benefit pension plans and funds. If OMERS had performed in line with the average large Canadian public pension plan, it would have a substantial, multi-billion-dollar surplus, versus the deficit it currently faces.

Considering the significant impact such underperformance could have on plan members and on all sponsors who hold the liabilities of the plan, **we are calling on OMERS to cooperate fully with an independent and transparent third-party review of its investment performance** transparent and accountable to plan members, sponsors like CUPE Ontario, other unions, and employers like the Town of Pelham.

We are hoping that the Town of Pelham Council will join our call for an independent expert review of OMERS. **We are asking you, and other municipal councils across the province, to debate the following motion or to pass a similar motion calling for a third-party expert review of OMERS.** The terms of such a review would need to be agreed upon by sponsors and they could explore whether reasonable costs could be funded from the plan.

We simply cannot afford another decade of investment returns so far below other pension plans and funds. We know that ensuring strong investment returns is a goal shared by employers like the Town of Pelham and by unions like CUPE.

CUPE Ontario staff person Liam Bedard is available to answer any questions you may have. He can be reached at [lbedard@cupe.on.ca](mailto:lbedard@cupe.on.ca).

All materials are available in French at [cupe.on.ca/francaisomers](http://cupe.on.ca/francaisomers).

It's time for all of us to work together to #FixOMERS.

Thank you,



Fred Hahn  
President of CUPE Ontario

### **Proposed Motion – Independent Review of OMERS' Investment Performance**

1. The Town of Pelham Council is calling for an immediate, comprehensive and independent third-party expert review of OMERS' investment performance and practices over the past ten years, conducted by the OMERS Pension Plan's sponsors and stakeholders.
2. Such a review would, at a minimum:
  - a. Compare OMERS plan-level, and asset class-level performance to other comparable defined benefit pension plans and funds, OMERS internal benchmarks, and market-based benchmarks.
  - b. Examine OMERS decision-making processes around the timing of various investment decisions.
  - c. Assess the risk management policies and protocols that were in place and determine if they were followed and/or if they were sufficient to protect the plan from undue risk.
  - d. Assess whether the disclosures provided to the OMERS Administrative and Sponsorship Boards were sufficient evidence to allow the Boards to respond appropriately and in a timely manner.
  - e. Examine executive compensation, investment fees and investment costs at OMERS in comparison to other major defined benefit pension plans and funds.
  - f. Examine other relevant issues identified by the third-party expert review.
  - g. Make recommendations for changes at OMERS to ensure stronger returns moving forward.
  - h. Issue their final report and recommendations in a timely manner.
  - i. Publicly release its full report and recommendations to ensure that it is available to OMERS sponsors, stakeholders, and plan members.
3. The Town of Pelham Council further calls on the OMERS Administrative Corporation to:
  - a. Provide all requested data, documentation and information required of the review panel to fulfill its mandate.
  - b. Establish a step-by-step plan, with OMERS sponsors and stakeholders, to implement any recommendations set out in the review report.



**PBI Actuarial Consultants Ltd.**

Suite 1070, One Bentall Centre, 505 Burrard Street, Box 42, Vancouver, BC V7X 1M5  
pbi@pbiactuarial.ca T. 604-687-8056 F. 604-687-8074

April 27, 2021

To: Fred Hahn, President CUPE Ontario  
CUPE Ontario

From: Bradley Hough

Subject: **OMERS Performance Review**

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**Scope of review**

CUPE has asked PBI to review “CUPE Ontario Concerns With OMERS Investment Returns”. PBI has reviewed the performance data, methods, and comparisons of OMERS with peer pension plans and funds in CUPE’s report.

The intention of our review is to determine:

- a) if comparisons made between the pension plans and funds and their respective benchmarks are reasonable; and
- b) if the analysis completed by CUPE supports the conclusions of their report.

We have reviewed the performance comparisons in CUPE’s report by reviewing public information provided by the plans and funds referenced. Statements of investment policies and procedures, actuarial valuation reports, annual reports and other governance documents were reviewed to add as much context around plan performance as possible with the public information available.

**Summary**

We conclude that the comparisons made by CUPE are reasonable and show that there is a significant gap in performance between OMERS and other comparable public pension plans and funds. In our opinion, public information is unable to fully explain the performance gap. More information is required to truly understand why performance is so different between OMERS and comparable public pension plans and funds.

In our opinion, the comparisons and analysis in the report support CUPE’s request for further review of performance.

**Review**

**Is the choice of peer universe reasonable?**

CUPE has chosen a universe of large public sector defined benefit plans (“plans”), or public sector investment managers managing assets (“funds”) including, but not exclusively, defined benefit pension plans. Scale gives public plans and funds a different opportunity set versus smaller private sector plans as a result of the size of assets and also investment opportunities. We therefore believe that CUPE’s approach of focusing on a limited universe of public sector peers rather than a broader pension plan universe is reasonable and fair.

Of the universe supplied, HOOPP, OTPP, BCMPP and LAPP are easier to directly compare given they are pension plans rather than funds; however, the public sector investment managers referenced by CUPE are still useful





points of reference when looking at comparable performance. Performance of funds such as PSP, CDPQ, BCI and AIMCO suggests that client defined benefit plans are likely to have higher absolute returns than OMERS for 2020.

LAPP and AIMCO have not published full performance information for 2020.

### Would conclusions change if the universe of plans was expanded?

Defined benefit plans have different benefits, contributions, funding policies, and member demographics. Making comparisons across universes of defined benefit plans requires caution and it is difficult to draw firm conclusions. However, it is worth noting that OMERS performance is significantly below not only public peers, but wider universes of defined benefit plans.

RBC's universe of pension plans shows a median return of 9.2% for 2020<sup>1</sup>. PBI has access to the Northern Trust universe of Canadian defined benefit pension plans<sup>2</sup> and note that the median return is similar to RBC (full year 2020 median return is 9.9%). The lowest return in the Northern Trust Universe is 5% for 2020. We are not aware of an absolute return for PBI clients below 5%.

### Could 'context' such as different asset mixes driven by Plan demographics or situation explain OMERS performance?

#### a. Asset Mix

We compared asset mixes with HOOPP, BCMPP and OTPP. HOOPP has a liability driven investment strategy and has a higher fixed income allocation. BCMPP and OTPP are return focused like OMERS. OMERS has a higher proportion in real assets and credit than these plans and lower fixed income assets. OTPP has a specific inflation management strategy. However, at a high level, asset allocations between OMERS, BCMPP and OTPP make use of similar asset classes and are comparable.

Asset Class	OMERS	BCMPP	OTPP	HOOPP
Public Equity	31%	33%	19%	23%
Fixed Income	6%	21%	16%	86%
Private Equity	14%	10%	19%	13%
Real Assets	34%	27%	21%	15%
Credit/Mortgages	17%	6%	8%	0%
Inflation Sensitive	0%	0%	17%	0%
Innovation	0%	0%	2%	0%
Absolute Return Strategies	0%	0%	6%	0%
Money Market	-2%	2%	-8%	-37%

Source: annual reports as of December 31, 2020, except for BCMPP, which is as of December 31, 2019.

<sup>1</sup> The RBC pension plan universe is published by RBC Investor and Treasury Services. "All Plan Universe" currently tracks the performance and asset allocation of a cross-section of assets under management across Canadian defined benefit pension plans.

<sup>2</sup> The Northern Trust universe of defined benefit plans is provided to PBI by Northern Trust. It consists of 34 defined benefit plans ranging from \$16.4M to \$8.7B in size. Average plan assets are \$1.9B, median plan assets are \$627M as of December 31, 2020.





As the differences in performance are so large between OMERS and two plans with comparable asset mixes (albeit with some differences), more information on specific strategies within each asset class, such as style of equity manager, exposure to office, retail, and industrial real estate within real assets, use of leverage/overlay strategies and derivatives, currency hedging, and approach to liquidity management would be required to explain differences in performance.

We note that on page 43 of the OMERS 2020 Annual Report, losses were incurred on foreign currency hedging positions due to actions taken to protect liquidity. This contributed \$2.2B to the overall loss. Again, this indicates that a review, significantly beyond simple asset mix comparisons, is required to truly understand performance differentials.

Finally, understanding the role of the 'Total Portfolio Management' approach in determining asset allocations and strategies would be helpful to putting context around the asset mix choices and investment strategies.

#### **b. Membership Demographics**

We note that BCMPP and HOOPP have broadly similar membership demographics to OMERS. OTPP is more mature with a greater proportion of retirees. PBI does not believe plan demographics are different enough to render comparisons between the plans invalid.

#### **Comments on CUPE's five principal findings:**

- 1) **OMERS 10-year annualized performance was below peer group as of December 31, 2019.** PBI believes the comparisons made are reasonable and agree with the conclusion.
- 2) **OMERS performance in 2020 was significantly below peers.** PBI agrees with this conclusion and notes that expanding the peer group adds weight to this conclusion.
- 3) **OMERS does not report comparisons of its annualized long-term returns to its own benchmarks**  
Page 143 of the 2020 report has a comparison of calendar year returns vs benchmarks to 2011. We could not find a comparison of annualized long term performance vs benchmarks for OMERS.

We understand benchmarks are set annually by OMERS and approved by the Administration Corporation Board. From the information made public by OMERS, we would need more detail on the methodology used to derive the absolute return benchmark to interpret performance.

#### **4) 5 to 10-year returns versus 5 to 10-year benchmarks.**

PBI verified the calendar year returns shown by CUPE. We were unable independently to verify the 5 and 10-year performance versus the benchmark as this was provided verbally to CUPE by OMERS and is not published. The peer group of public plans and funds all take different approaches to benchmarking. Some use composites of public market indices/asset class benchmarks according to their target allocations. PSP uses a reference portfolio approach and HOOPP may use a liability focused benchmark. We note that comparisons of relative performance vs stated benchmarks across peer group plans are challenging because of the differences in methodology.

However, in our opinion the analysis is sufficient to show that OMERS is the only Plan underperforming their internal benchmark over a 10-year horizon. Understanding why requires a deeper understanding



of performance and benchmarking methodology beyond the information made public. In our opinion this adds weight to CUPE's request for a review of performance.

- 5) **OMERS 20-year return is not above its 20-year benchmark.** We were unable to independently verify this point as the performance versus the benchmark was provided verbally to CUPE by OMERS and is not publicly available.

### Conclusions

The comparisons made by CUPE are high level and broad by the nature of information made public. However, we believe the comparisons are reasonable and that CUPE has chosen similar public plans and funds as practically possible. Overall, we believe the analysis is sufficient to conclude that OMERS investment performance in 2020 and longer term is significantly lower than other comparable plans.

PBI would require considerably more information than made public on OMERS' total portfolio management approach, investment strategies, third party managers, asset mix policies, liquidity management approach and derivative positions to interpret performance.

In our opinion, the comparisons made demonstrate that the longer-term performance gap between comparable peers is significant and supports CUPE's request for a further, more detailed review of performance beyond the information made public.

Bradley Hough, FIA, ACIA, CAIA

BH:jh

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# NOT JUST ONE "TOUGH YEAR": THE NEED FOR A REVIEW OF OMERS INVESTMENT PERFORMANCE

May 2021





# Executive Summary

CUPE Ontario represents nearly half of the 289,000 active members of the Ontario Municipal Employees Retirement System (OMERS) – the province's Defined Benefit (DB) pension plan for municipal, school board and certain other public sector workers.

While most pension plans had strong returns in 2020, OMERS recently reported billions of dollars of losses over the year. This has prompted CUPE Ontario to examine how OMERS investments have performed compared to other large pension plans and funds. We have also looked at how OMERS has performed against its own internal benchmarks.

We find that OMERS underperformance is not a new or a short-term problem. Specifically, we find that:

- 1) OMERS longer-term performance has significantly lagged behind other large pension funds and plans, in periods both before and after 2020 results were in.
- 2) OMERS has now fallen behind even some of its own internal longer-term return benchmarks – a troubling fact that, contrary to industry standards, is not disclosed in OMERS Annual Report.

Since investment returns fund the vast majority of pensions paid from the plan, returns are incredibly important to DB plan members. Lower investment returns may lead to members being asked to pay more into the plan, or could result in additional pressure for more benefit cuts.

Despite requests, OMERS has not committed to an independent, transparent review of its investment decisions.

CUPE Ontario feels these issues are so serious that a fully transparent expert review of OMERS investment strategies, returns, and internal performance assessment is urgently needed. This review should be conducted by the plan sponsors and stakeholders themselves (the risk-bearing parties to OMERS) and should be fully independent of OMERS staff, who have a clear conflict of interest in conducting a review of their own performance. We invite the other sponsors of OMERS, including our employer counterparts and the broader community of the plan's organizational stakeholders, to support this proposal and to work with us to conduct this review.





# Introduction

CUPE Ontario represents 125,000 plan members of the Ontario Municipal Employees Retirement System (OMERS). We are the largest sponsor in this defined benefit (DB) pension plan that is – at least in theory – jointly-controlled by plan sponsors like CUPE Ontario and other unions and employers.



**WE CONTINUE  
TO STRONGLY  
BELIEVE THAT  
DB PLANS ARE  
A MODEL WORTH  
NOT ONLY  
DEFENDING,  
BUT EXTENDING  
TO ALL WORKERS.**

CUPE Ontario strongly believes that DB pension plans are the best way to provide a decent and secure retirement for our hard-working members. Large public sector DB plans like OMERS allow for an efficient pooling and sharing of costs and risks between employers and plan members. DB plans allow members to know what their pensions will be in retirement. This security is incredibly important for plan members. However, it is not only retirees who benefit from good, secure pension benefits. DB pension plans have been shown to have positive macroeconomic effects on the economy as a whole.<sup>1</sup> The concerns we raise in this report are not concerns with the DB model itself; we continue to strongly believe that DB plans are a model worth not only defending, but extending to all workers.

For a number of years, we have been concerned with the lower level of OMERS pension fund investment returns in comparison to those of other similar plans. OMERS recently reported that the plan had a very bad year in 2020. This has led CUPE Ontario to perform a more in-depth examination of publicly-available annual reporting documents to determine how, in our view, OMERS is performing compared to the seven other large (\$50 billion+) pension plans and funds in Canada.<sup>2</sup> OMERS themselves refer to this club of large plans and funds as the “eight leading Canadian pension plan investment managers,” and occasionally takes coordinated activity with them.<sup>3</sup>

<sup>1</sup> Conference Board of Canada, “Economic Impact of British Columbia’s Public Sector Pension Plans,” October 2013; Boston Consulting Group, “Measuring Impact of Canadian Pension Funds,” October 2015; Ontario Teachers Pension Plan News Release, “New analysis confirms that defined benefit pensions provide significant benefits to Canadian economy,” October 22, 2013.

<sup>2</sup> Unless otherwise specified, the data in this document has been compiled from publicly-available annual reporting of the respective plans. With the exception of CDPO, returns are as reported in these documents, and are net. CDPO results were reported gross of some expenses, and have been reduced by 0.2% to best approximate a net return. Longer-term periods are annualized, and are as reported by the respective plans.

<sup>3</sup> OMERS News Release, “CEOs of Eight Leading Canadian Pension Plan Investment Managers Call on Companies and Investors to Help Drive Sustainable and Inclusive Economic Growth,” November 25, 2020.





**AS BAD AS  
OMERS**  
PERFORMANCE  
WAS IN 2020,  
THIS IS NOT A  
NEW OR A SHORT-  
TERM PROBLEM

Due to their scale, these large pension plans and funds are able to invest in asset classes that are typically not available to smaller investors or individuals. At the same time, we acknowledge that these eight plans are not completely similar: they have their own governance structures, asset mixes, risk appetites, and reporting periods, all of which are described in the public documents of the respective plans. However, we also acknowledge that many of these differences are the result of specific investment decisions made by the respective plans and funds. We therefore believe that there is value in comparing the performance of this small set of large funds, particularly over longer-term periods.

Acronym	Name	Assets Under Management (\$ Billion)	Funded Status in Most Recent Annual Report	Most Recent Annual Reporting Date
<b>CPIB</b>	Canada Pension Plan Investment Board	410	N/A	March 31, 2020
<b>CDPQ</b>	Caisse de dépôt et placement du Québec	366	108% (RREGOP)	Dec 31, 2020
<b>OTPP</b>	Ontario Teachers Pension Plan	221	103%	Dec 31, 2020
<b>PSP</b>	Public Sector Pension Investment Board	170	111% (Public Service Plan)	March 31, 2020
<b>OMERS</b>	Ontario Municipal Employees Retirement System	105	97%	Dec 31, 2020
<b>HOOPP</b>	Healthcare of Ontario Pension Plan	104	119%	Dec 31, 2020
<b>BC MPP</b>	BC Municipal Pension Plan (investments managed by BCI, the BC Investment Management Corporation)	59 (MPP) 171 (BCI)	105%	Dec 31, 2019 (MPP) March 31, 2020 (BCI)
<b>LAPP</b>	Alberta Local Authorities Pension Plan (investments managed by Alberta Investment Management Corporation)	50 (LAPP) 119 (AIMCO)	119%	Dec 31, 2019

In some cases, the pension funds above manage the investments of several pension plans (CDPQ, PSP, BCI, AIMCO are all such cases). In those cases, we look most closely at the returns at an individual plan level for the respective client plan that most closely compares to OMERS.

We have also looked at how OMERS has performed against its own internal benchmarks.

This review has resulted in some very troubling findings which suggest that, as bad as OMERS performance was in 2020, this is not a new or a short-term problem. We found evidence that OMERS longer-term return performance has significantly lagged behind





**HIGHER  
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EMPLOYERS.**

other large pension funds and plans. We also found that OMERS has now fallen behind even some of its own internal longer-term return benchmarks – a troubling fact that, contrary to industry standards, is not disclosed in OMERS Annual Report.

Investment results are incredibly important to DB plan members because compounded returns typically fund the vast majority of the pensions that are eventually paid. OMERS indicates that investment returns are expected to fund approximately 70% of the pensions paid by the plan.<sup>4</sup> When investment returns are insufficient, it can put upward pressure on required contribution rates for both members and employers. Most other plans have now returned to pension surpluses since the global financial crisis more than a decade ago, but OMERS continues its long climb out of deficit. Contribution levels were a central talking point from OMERS when plan decision-makers removed guaranteed indexation in 2020. And we expect that, in the months to come, OMERS will once again be looking to plan members to bear the burden of plan funding issues that are, in part, a result of these investment returns. Meanwhile other pension plans, who have had better returns, are currently holding significant surpluses, many have lower contribution rates and some are even improving pension benefits.<sup>5</sup> Higher investment returns would have been better for OMERS plan members, and for OMERS employers.

Despite requests<sup>6</sup>, OMERS has not committed to an independent, transparent review of its investment decisions. Any reviews that have taken place have been behind closed doors at OMERS and have not been shared with sponsors or described in any detail. While OMERS has outlined several investment policy changes it plans to make, its overriding message remains: “the fundamentals of our long-term strategy remain sound, and we will continue to advance that strategy.”<sup>7</sup>



**A FULLY  
TRANSPARENT  
EXPERT REVIEW  
OF OMERS  
INVESTMENT  
STRATEGIES,  
RETURNS,  
AND INTERNAL  
PERFORMANCE  
ASSESSMENT  
IS URGENTLY  
NEEDED.**

**CUPE Ontario feels these issues are so serious that a fully transparent expert review of OMERS investment strategies, returns, and internal performance assessment is urgently needed. This review should be conducted by the plan sponsors and stakeholders themselves (the risk-bearing parties to OMERS) and should be fully independent of OMERS staff, who have a clear conflict of interest in conducting a review of their own performance. We invite the other sponsors of OMERS, including our employer counterparts and the broader community of the plan’s organizational stakeholders, to support this proposal and to work with us to conduct this review.**

<sup>4</sup> OMERS 2020 Annual Report, p. 2.

<sup>5</sup> HOOPP News Release, “HOOPP posts 11.42% return in 2020, surpasses \$100 billion in assets,” March 31, 2021.

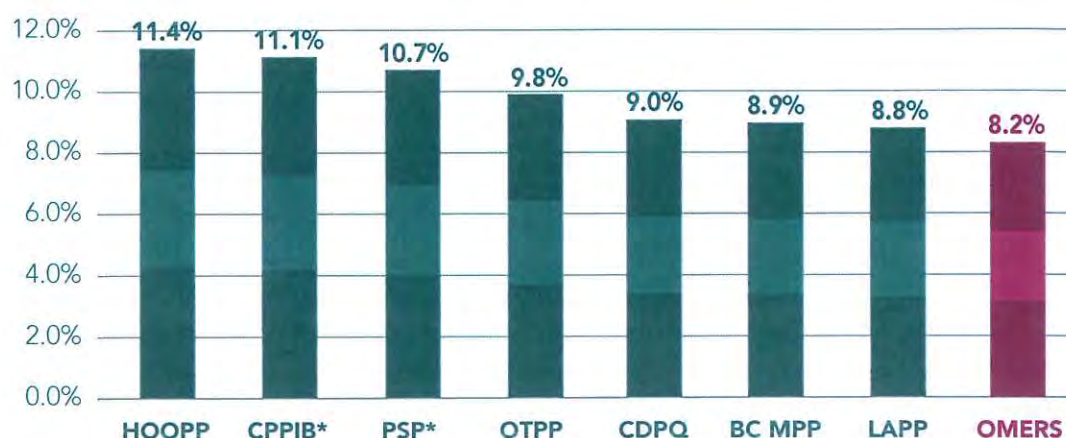
<sup>6</sup> CUPE Ontario Press Release, “We won’t pay for the mistakes of OMERS executives,” February 25, 2021.

<sup>7</sup> OMERS 2020 Annual Report, p. 23.

Our five principal findings are as follows:

1. **CUPE Ontario's concerns go beyond one "difficult" year in 2020. OMERS 10-year annualized returns trailed those of the other major funds and plans before the COVID crisis hit.**

### 10-Year Annualized Returns at 2019



\*To March 31, 2019, otherwise to Dec 31, 2019

Source: Respective Annual Reports



**THIS WAS  
A HISTORIC  
ANNUAL  
UNDER-  
PERFORMANCE  
COMPARED TO  
BENCHMARKS.**

2. **OMERS 2020 investment performance was especially poor**

OMERS 2020 annual return (-2.7%) fell far short of the plan's own benchmark for the year of +6.9%. This was a historic annual underperformance compared to benchmarks.

Other plans, however, have reported very strong annual returns for calendar year 2020:

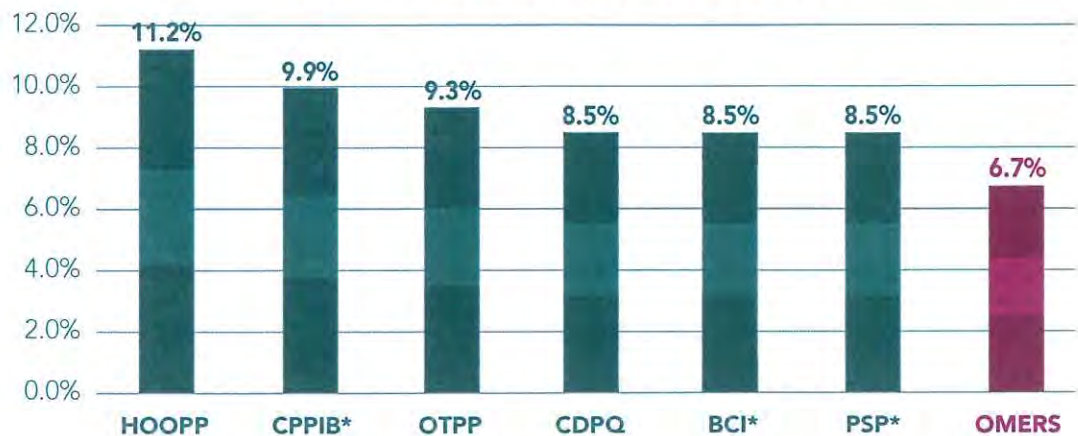
2020 ANNUAL RETURNS	
HOOPP	+ 11.4%
RBC Pension Plan Universe <sup>8</sup>	+ 9.2%
OTPP	+ 8.6%
CDPQ	+ 7.5%
OMERS	- 2.7%

<sup>8</sup> RBC Investor & Treasury Services, "Canadian DB pensions post near-double-digit returns despite historic, turbulent year," January 29, 2021.



This negative result led OMERS 10-year annualized return to fall from 8.2% to 6.7%.

### 10-Year Annualized Returns at 2020



\*To March 31, 2020 otherwise to Dec 31, 2020

The chart above reports the most recent available return information for the respective funds and plans as disclosed in their annual reports. LAPP and BC MPP have yet to report their December 31, 2020 results. AIMCO has also not fully reported its 2020 results. However, BCI (the investment agent for BC MPP and other BC public sector plans) has reported its March 31, 2020 results and has been included here. The chart can be updated as more plans report their 2020 investment returns.



#### OMERS

DOES NOT  
REPORT CLEAR  
COMPARISONS OF  
THE PLAN'S LONG-  
TERM ANNUALIZED  
RETURNS TO ITS  
CORRESPONDING  
LONG-TERM  
BENCHMARKS.

### 3. OMERS does not report comparisons of its annualized long-term returns to its own benchmarks.

Benchmarking is a common practice where an investment *standard or goal* is set, against which *actual plan returns* are compared for ongoing assessment of investment performance. OMERS itself describes a benchmark as "a point of reference against which the performance of an investment is measured."<sup>9</sup> Comparisons of returns vs. benchmarks are typically done on a 1-year basis, but it is very common for long-term annualized comparisons to also be disclosed. Reporting these benchmarks is standard practice for pension plans and third-party investment managers. Even individual investment vehicles like mutual funds and ETFs typically provide details on how their performance compares to both annual and long-term benchmarks.

The OMERS Administration Corporation (AC) sets OMERS benchmarks each year, as described in the "Performance Management" section of the OMERS investment policy document.<sup>10</sup> OMERS Annual Reports describe how these benchmarks are constructed for each asset class. For many years, these reports stated that "Our goal is to earn stable returns that meet or exceed our benchmarks." OMERS Annual Reports compare OMERS single-year returns to the plan's single-year benchmarks. However, in sections describing investment performance, **OMERS does not report clear comparisons of the plan's long-term annualized returns to its corresponding long-term benchmarks.** While the Annual Report does compare performance to the plan's discount rate and a long-term return expectation set by the AC Board, it omits comparisons of the plan's long-term performance against their own long-term benchmarks.

<sup>9</sup> OMERS 2015 Annual Report, p. 131.

<sup>10</sup> OMERS "Statement of Investment Policies and Procedures – Primary Plan," January 1, 2021.





IN THE ABSENCE  
OF LONGER-TERM  
COMPARATIVE  
DATA, STAKE-  
HOLDERS  
FACE SERIOUS  
OBSTACLES IN  
EVALUATING  
PERFORMANCE

OMERS believes that “paying pensions over decades means a long-term approach.”<sup>11</sup> But in the absence of longer-term comparative data, stakeholders face serious obstacles in evaluating performance. A review of historical Annual Reports shows that OMERS had a longstanding practice of reporting these long-term comparisons, but OMERS stopped this reporting, without explanation, in 2013. **This is dramatically out of step with other pension plans and is, in our view, a serious lack of transparency from OMERS.**

	HOOPP	CPPIB	PSP	OTPP	CDPQ	BC MPP	LAPP	OMERS
Does annual report compare annualized longer-term returns to corresponding benchmarks?	YES	YES	YES	YES	YES	YES	YES	NO

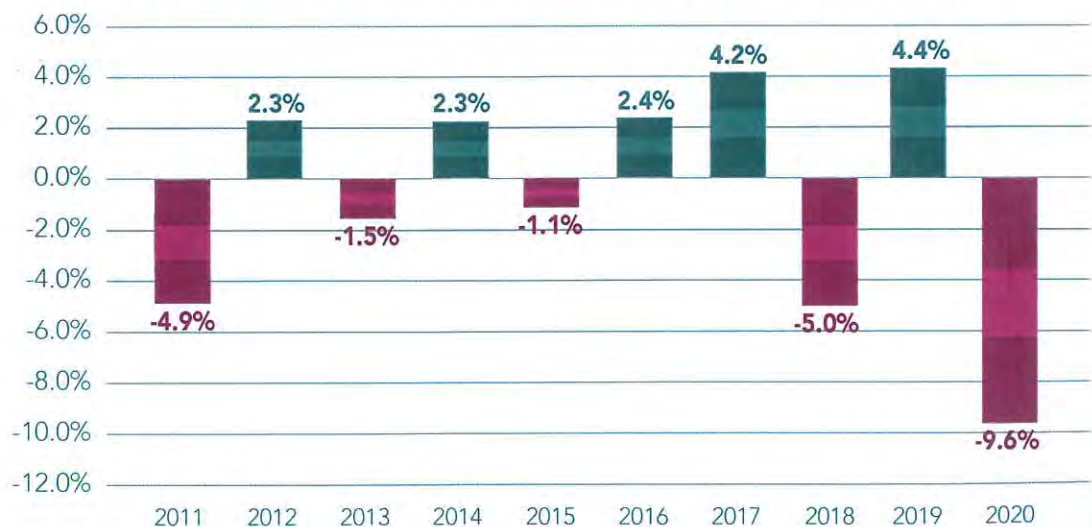


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The OMERS Statement of Investment Policies and Procedures states that “performance reporting is consistent with industry recognized practices.”<sup>12</sup> The OMERS Statement of Investment Beliefs says that “articulating our investment goals and performance measures helps ensure clear accountability.”<sup>13</sup> We do not believe OMERS is meeting these standards of reporting and accountability on this point.

#### 4. OMERS 5 and 10-Year Returns are now below OMERS own benchmarks for these periods.

OMERS Annual Returns vs OMERS Annual Benchmark



Source: OMERS 2020 Annual Report, Ten-Year Financial Review, p. 142.

<sup>11</sup> OMERS News Release, “OMERS Reports 2020 Financial Results: paying pensions over decades means a long-term approach,” February 25, 2021.

<sup>12</sup> OMERS “Statement of Investment Policies and Procedures,” January 1, 2021. [www.omers.com/governance-manual-policies-and-guidelines](http://www.omers.com/governance-manual-policies-and-guidelines)

<sup>13</sup> OMERS “Statement of Investment Beliefs,” January 1, 2020. [www.omers.com/governance-manual-policies-and-guidelines](http://www.omers.com/governance-manual-policies-and-guidelines)

	OMERS Return	OMERS Benchmark	Difference
5-Year Annualized	6.5%	7.4%	-0.9%
10-Year Annualized	6.7%	7.3%	-0.6%

Source: Returns from OMERS 2020 Annual Report  
Annualized Long-Term benchmarks not referenced in Annual Report and were reported verbally to CUPE by OMERS on our request.

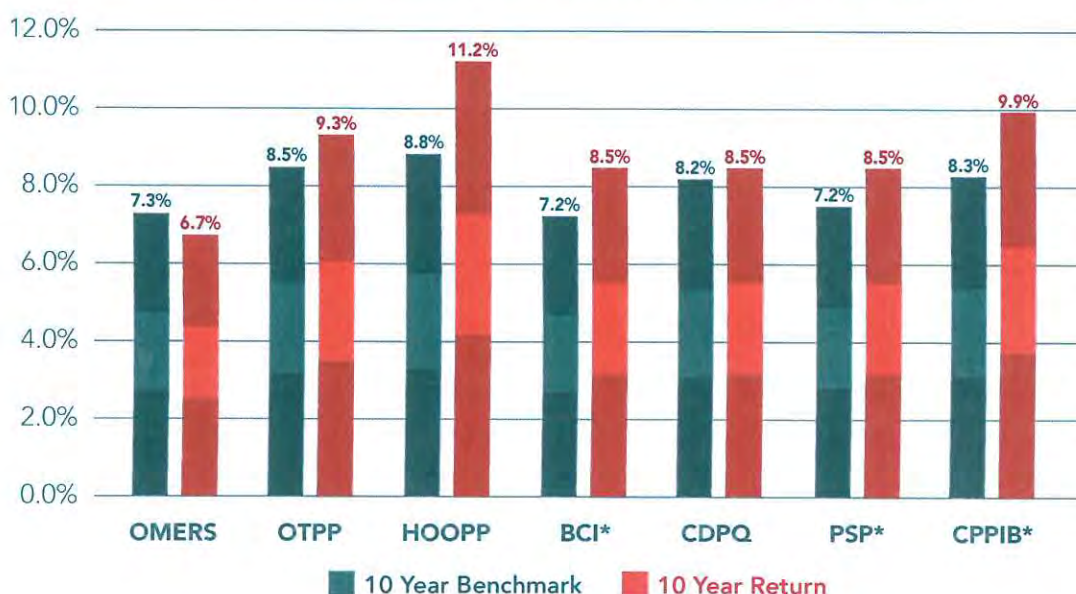
The 5 and 10-year annualized benchmark figures above were not disclosed in the OMERS 2020 Annual Report. OMERS provided these numbers verbally to CUPE Ontario upon our request. Previous OMERS Annual Reports normally included a statement that "Our goal is to earn stable returns that meet or exceed our benchmarks."<sup>14</sup> This statement appears to have been struck from the 2020 Annual Report.

We also note that, OMERS benchmarks are comparatively low over this period when examined alongside other plans. We believe this is due to a different benchmarking methodology for certain investments at OMERS compared to industry standards. The other major plans and funds that have reported 2020 results, however, are all ahead of their 10-year benchmarks as of their most recent annual reports.



THE OTHER MAJOR PLANS AND FUNDS THAT HAVE REPORTED 2020 RESULTS, HOWEVER, ARE ALL AHEAD OF THEIR 10-YEAR BENCHMARKS AS OF THEIR MOST RECENT ANNUAL REPORTS.

### 10-Year Returns vs 10 Year Benchmarks to 2020



\*To March 31, 2020 otherwise to Dec 31, 2020

<sup>14</sup> 2010 Annual Report p. 27; 2011 Annual Report p. 25; 2012 Annual Report p. 23; 2013 Annual Report p. 22; 2014 Annual Report p. 12; 2015 Annual Report p. 9; 2016 Annual Report p. 33; 2017 Annual Report p. 33; 2018 Annual Report p. 33; 2019 Annual Report p. 42; 2020 Annual Report N/A.





**HAD OMERS  
ACHIEVED  
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THE PLAN  
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HOLD A VERY  
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SURPLUS.**

The impact on OMERS of these longer-term below-benchmark returns has been significant. The difference of 0.6% between OMERS actual annualized 10-year investment returns of 6.7% and its benchmark of 7.3% has meant an absolute return outcome that would have been roughly 6% higher after these 10 years (all other factors being equal). Even achieving just this benchmark return on an annualized 10 year basis would have resulted in an asset base of roughly \$6 billion higher current plan assets.<sup>15</sup> This better result would have brought OMERS reported funding level into surplus.

This difference is even greater if we were to compare the impact of OMERS investment performance to that of any of these other large plans. For example, had OMERS achieved the actual 10-year annualized returns of the OTPP of 9.3% (just below the average of the other six plans listed above), the OMERS asset base would now be (all other factors being equal) approximately 27% higher than OMERS actual asset level. In dollar-value terms, this difference represents roughly \$28 billion more in assets after the 10-year period from 2011 to 2020. Had OMERS achieved these better results, the plan would now hold a very substantial surplus.

#### **5. OMERS 20-year return is not above its 20-year benchmark.**

Upon request from CUPE Ontario, OMERS also verbally disclosed that its 20-year return is equal to its 20-year benchmark of 6%. In our view, it is troubling that the plan has not outperformed its benchmark over this long period, and that this comparison is also not disclosed in OMERS annual reporting.

<sup>15</sup> The alternative scenarios for investment performance results outlined in this section are necessarily approximate as they are based on data that is made publicly available by OMERS, and were generated using the reported OMERS asset base as at December 31, 2010 of \$53.3 billion.



# Conclusion

CUPE Ontario has serious concerns with OMERS investment performance, and with what we believe is a troubling lack of transparency about these issues. In our view, these issues cannot be dismissed as a one-year problem.



**THESE ISSUES  
CANNOT BE  
DISMISSED AS  
A ONE-YEAR  
PROBLEM.**

We anticipate that these long-term, below-benchmark investment returns are very likely to lead directly to yet another round of proposals to reduce pension benefits payable to current actives and future retirees. OMERS has already eliminated the guarantee of indexation of pension benefits for service after 2022, and OMERS management has indicated it will be examining further changes in plan design. OMERS has recently stated in writing to CUPE that "the OMERS pension plan has been facing sustainability issues for some time now and the investment results of 2020 have amplified the need to address those issues." At the recent 2021 OMERS AGM, OMERS Sponsors Corporation CEO Michael Rolland stated that "There are no guarantees as to what decisions we will have to make based on our performance...it's a long term performance we need to look at...the results of 2020 did have an impact...and that's why we're taking a look at it."



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BENEFITS PAYABLE  
TO CURRENT  
ACTIVES AND  
FUTURE RETIREES.**

CUPE Ontario is the largest sponsor representing plan members in OMERS, with over 125,000 active members in the plan. It is true that CUPE Ontario appoints representatives to both the OMERS Administrative Corporation and the OMERS Sponsors Corporation. However, because of restrictive confidentiality rules at both boards, our representatives are unable to keep CUPE Ontario fully-informed about what is really happening at OMERS governing boards, and the decisions that are being made about our members' hard-earned retirement savings. We do not believe this is how well-governed jointly-sponsored pension plans are supposed to function. The result is that we feel that we are a plan sponsor in name only. Our members are not being well-served by a structure that effectively cuts them out of playing the oversight function they should over their pension plan.





WE ARE NOT  
CONFIDENT  
THAT OMERS  
MANAGEMENT  
ITSELF HAS TAKEN,  
OR IS PLANNING  
TO TAKE,  
SUFFICIENT STEPS  
TO CRITICALLY  
EXAMINE ITS OWN  
PERFORMANCE.

These barriers will not stop CUPE Ontario from doing everything we can to ensure these concerns about OMERS investment performance are addressed. Based on their public comments to date, we are not confident that OMERS management itself has taken, or is planning to take, sufficient steps to critically examine its own performance, nor are we confident that plan members or sponsors and organizational stakeholders will receive a transparent reporting of any such review.

Therefore, CUPE Ontario is calling on other plan sponsors from both sides of the table to work with us to commission a fully transparent and independent expert review of the investment program at OMERS. This review should be conducted in the open by the sponsors and stakeholders themselves, and not behind closed doors at OMERS. Ensuring our pension returns are as strong as they can be is not a partisan issue, nor is it an issue that the member and employer side of the table should have a difference of opinion on. We want to work with other OMERS sponsors and stakeholders to address these issues for the good of all OMERS members.



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## **Board of Directors Meeting Highlights – October 15<sup>th</sup>, 2021**

On Friday October 15<sup>th</sup>, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting electronically. Highlights from the meeting included:

### **Discussion Paper from the NPCA's Public Advisory Committee**

Jackie Oblak, Chair of the NPCA's Public Advisory Committee (PAC) presented for the Board's consideration, a series of key issues and opportunities identified by her Committee specific to their representative sectors and relative to natural systems in the watershed and to the NPCA as a whole. The Board directed that staff investigate the points raised by the PAC and report back.

### **Niagara Peninsula Conservation Foundation**

Tom Insinna, Chair of the Niagara Peninsula Conservation Foundation (NCPF) appeared as a delegation to formally present the Foundation's 2020 Annual Report and to highlight the accomplishment and achievements of the NCPF during the past year. The Annual Report is posted at <https://niagaraconservationfoundation.com/> and donations to the Foundation can also be received via this website.

### **Watershed Planner / Open Data Hub**

Brian Lee, NPCA GIS Administrator provided a demonstration of the NPCA's open data portal which is available for public use. The portal can be found at the following link: <https://gis-npca-camaps.opendata.arcgis.com/>.

### **NPCA Water Well Decommissioning Grant Program Outreach Strategies**

The Board of Directors received a report on the NPCA's Water Well Decommissioning Grant Program. The Board was informed of the preliminary strategies in place to increase landowner awareness and involvement in the program. These strategies included: information on the NPCA website, cross-promotions on the City of Hamilton and City of Haldimand websites, outreach through the NPCA's restoration program, and public awareness through septic installers and well drillers. More information on the program is available at <https://npca.ca/well-decommissioning>.

The Board was also informed of additional outreach opportunities planned including cross-promotions with Niagara Region and local municipalities, distribution of information materials through local channels such as libraries, distribution to landowners as appropriate, and circulation through the planned media campaign scheduled for this fall.

## **NPCA Strategic Plan: 2021-2031**

The NPCA achieved a significant milestone at this meeting with Board approval of the Strategic Plan 2021-2023, reaffirming the NPCA's commitment to the mandate and purpose of Conservation Authorities in Ontario. The strategic plan process was led by staff under the direction of the C.A.O. with Board Strategic Planning Committee oversight. Extensive input from watershed residents, stakeholders and environmental non-government organizations was received and incorporated with support from the consulting firm of StrategyCorp. Each of the strategic priorities detailed in the plan had specific, measurable, attainable, realistic, and timely goals as well as comprehensive performance metrics to measure the success of the organization's activities.

The Board was briefed on the next steps for the 2021-2031 Strategic Plan that included the development of an operational plan that sets out specific actions to enable the NPCA to meet its goals in collaboration with its communities and partners from 2021 to 2031. As work progresses, outcomes will be monitored and shared publicly through the NPCA's Annual Reports.

## **Update to NPCA Conservation Authorities Act Section 28 Hearing Procedures**

Following the changes made by Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, the Board of Directors directed that the NPCA's Conservation Authorities Act Section 28 Hearing Procedures be updated based on the amended Conservation Ontario Model Hearing Guidelines.

NPCA Staff will be bringing forward the updated NPCA CA Act Section 28 Hearing Procedures as part of the Administrative By-law, to be updated by the end of 2021, as per Provincial requirements resulting from the Conservation Authorities Act regulatory changes. NPCA Staff will also be collaborating with Conservation Ontario to develop appropriate training materials for the Board of Directors regarding hearing procedures in the future.

## **Links to Agendas, Minutes and Video:**

<https://npca.ca/administration/board-meetings>

**OUR MISSION:** The mission of Pelham Public Library is to engage, encourage and enrich our community.

Date: August 25, 2021

Time: 6:00 p.m.

Location: electronically via Zoom

*We begin this gathering by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabeg peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish with One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit Peoples. Acknowledging this reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.*

**Present:** Nicole Nolan (Chair), Councillor Marianne Stewart, Greg Lewis, Gwendoline MacDougall, Catherine McPherson, Gail Pepper, Madison Smith, Tim Wright

**Staff:** Amy Guilmette (Acting CEO), Jo-Anne Teeuwsen (Acting Deputy CEO)

**Regrets:** Donald Brown

1. Call to order/Regrets
  - N. Nolan called the meeting to order at 6 p.m.
2. Approval of the Agenda for the Library Board Meeting of August 25, 2021 and receipt of reports and correspondence (This is the opportunity to have additional items added to the agenda)
  - Moved by G. Lewis, and seconded by M. Smith

**That the agenda for the meeting of August 25, 2021 be approved and the reports and correspondence listed on the agenda be received for discussion/action.**

**CARRIED**
3. Request to Lift Consent Agenda Item(s) for Separate Consideration
  - None.
4. Consent Agenda Items to be Considered in Block
  - 4.1 2021 Board Attendance List
  - 4.2 Minutes of the Library Board Meeting of June 23, 2021
  - 4.3 July 2021 Charitable Account Summary
  - 4.4 Just Browsing for September 2021
  - 4.5 Town of Pelham Council's 2022 Budget Schedule
  - Moved by T. Wright, and seconded by C. McPherson

**That the Consent Agenda items as listed on the August 25, 2021 Library Board Agenda be received. CARRIED**

5. Items for Separate Consideration, If Any
  - None.
6. Conflict of Interest Declarations
  - None declared.
7. Library Reports
  - 7.1 Manager's Report for August 2021
    - Guilmette reported that all library staff would be participating in 4 Seasons Reconciliation training and that there is space for three board members to also take the training. G. Lewis has already completed the training and there is still room for two more volunteers. Orange shirts have been purchased for Library staff to wear on September 30 and other days significant to the Indigenous population.
    - A. Guilmette reported that the Community Garden will be revamped in its second year and run by community volunteers with harvests being delivered to Pelham Cares.
    - A grant application to purchase WiFi Hotspots was completed and while the library waits to hear of the results, the library will go ahead and purchase several WiFi Mobile Hotspots as a pilot for the last quarter of 2021. A. Guilmette reported that WiFi hotspots were included in the updated circulation policy that will be reviewed later in the meeting.
    - Nancy's 50 for 50 fundraiser was declared a success and raised more than twice the initial campaign goal. M. Stewart will bring Council's attention to the community comments regarding the 50 for 50 Fundraiser.
    - A. Guilmette updated the Board on the possible formation of a union library with Lincoln. A timeline for the union library formation will be addressed at the next Library Board Meeting.
    - Moved by G. Lewis, and seconded by G. MacDougall  
**That the Manager's Report and Statistics for August 2021 be received. CARRIED**
8. Finances
  - 8.1 July 31, 2021 Consolidated Financial Report
    - A. Guilmette reported that the Library is operating well within the budget and that a surplus is expected at the end of the year.
    - Moved by G. Pepper, and seconded by T. Wright  
**That the July 31, 2021 Consolidated Financial Report be received. CARRIED**
9. Library Board Reports
  - 9.1 Policy Committee Report (Gwen MacDougall)
    - 9.1 a) Draft – Minutes of the August 18, 2021 LB Policy Committee Meeting
    - 9.1 b) Renewal of COVID-19 Library Board Motions



## Library Board Meeting Minutes

August 25, 2021

- G. MacDougall reported that the motions put into effect in 2020 that directly related to COVID-19 needed to be updated and renewed for 2021. The changes were only to remove the year 2020 so that they continue to be applicable and no year was included so that they could continue as is into 2022.
  - 9.1 c) Revised OP 1.01 Circulation Policy
  - 9.1 d) Revised Fee Schedule
- A. Guilmette reported that most of the updates had already been presented and approved by the Board in sections at earlier meetings, however this time they are now being presented as a whole document. The only addition that the Board had not seen previously was the section on Mobile Hotspots.
- A. Guilmette reported that J. Teeuwsen had suggested that chromebooks and hotspots would have better usage if they are made holdable. This change was endorsed by A. Guilmette and the amendment was added.
  - 9.1 e) Adoption of Town of Pelham's Employee, Accident, Injury and Near Miss Reporting Policy
- G. MacDougall reported that this is a policy is a Town of Pelham policy that the Library Board Policy committee is recommending the Board adopt for library staff as is. It was a piece that had not been covered by any previous policy for the library and will fill a gap.
- Moved by G. MacDonald, and seconded by G. Lewis  
**That the Policy Committee's report be received and that the recommended policies and motions be approved as amended. CARRIED**

### 9.2 Finance Committee Report (Greg Lewis)

- 9.2 a) Draft – Minutes of the August 25, 2021 LB Finance Committee Meeting
- 9.2 b) Draft 2022 Operating Budget Request – Consolidated
- G. Lewis reported that the Finance Committee had met and reviewed the operating budget that A. Guilmette had prepared. This proposed budget request had a 2% increase in the municipal operating grant. The Committee felt this budget was appropriate for COVID and balanced possible continued revenue losses with a reduction in expenses and recommended that the Board approve as a request to Town Council.
- G. Lewis stated that this budget had been produced for a “normal” Pelham Public Library operating year and that if a union library were to be formed a new budget would need to then be created at that time.
- Moved by G. Lewis, and seconded by C. McPherson  
**That the Finance Committee's recommended 2022 Operating Budget Request be approved as presented. CARRIED**
- 9.2 c) Draft 2022 Capital Budget Request
- G. Lewis reported that the Finance Committee had met and reviewed the capital budget that A. Guilmette had prepared. At the suggestion of the Town's Treasurer, the Fonthill branch renovation was moved to the Facilities Department capital budget request. The Town is responsible for the building and the Library Board is



responsible for furnishings and equipment within the building. Therefore, a project to replace the shelving at Fonthill, estimated at \$342,250, would need to occur if a renovation happened and was added to the capital budget request.

- The IT budget request will be for \$10,000, which was an increase that had been within the timeline of capital requests from previous years.

- Moved by G. Lewis, and seconded by M. Stewart

**That the Finance Committee's recommended 2022 Capital Budget Request be approved as presented. CARRIED**

- Moved by G. Pepper, and seconded by M. Smith

**That the Finance Committee's report be received. CARRIED**

#### 9.3 Councillor's Report (Marianne Stewart)

#### 9.4 Maple Acre Friends' Report (Madison Smith)

- M. Smith reported that the Maple Acre Friends have organized a mini craft sale in the Fonthill branch parking lot on bandshell nights. They will also be selling used books, and will set up the crafters and book sales from 4 pm – 9 pm on Thursday, September 2 and Thursday, September 9.

#### 9.5 Town of Pelham Seniors Advisory Committee Report (Gwen MacDougall)

- G. MacDougall reported that the Seniors Advisory Committee has not met since the last Library Board meeting.

#### 9.6 Pelham Art Festival Report (Donald Brown)

- A. Guilmette reported that the Pelham Art Festival plans to donate \$8,000 to the Library and that they plan to hold an online art sale at Christmas.

- Moved by C. McPherson, and seconded by T. Wright

**That the Councillor's report, the Maple Acre Friends' report, the Town of Pelham Seniors Advisory Committee report and the Pelham Art Festival report be received. CARRIED**

### 10. New Business

#### 10.1 Memo – Recognition of Staff Member for Fundraising Initiative

- A. Guilmette requested that the Library Board consider presenting N. Ward with an additional paid day off for her contribution and effort in her wildly successful 50 for 50 campaign.
- The Library Board was unanimous in their desire to recognize N. Ward for the 50 for 50 Fundraiser and they increased the recognition to two paid days off.
- Moved by G. Lewis, and seconded by C. McPherson

**In recognition of her outstanding 50 for 50 fundraising effort, that Nancy Ward be awarded two additional paid vacation days to be used by the end of 2022. CARRIED**

# **Library Board Meeting Minutes**


August 25, 2021


11. Next Library Board meeting date: September 22, 2021 at 6 p.m. via Zoom
12. Adjournment
  - Moved by G. Lewis

**That the Library Board meeting of August 25, 2021 be adjourned at 7:24 pm.**

**The foregoing minutes were approved by Pelham Public Library Board on**

Sept. 22/21  
(date)

  
\_\_\_\_\_  
**Amy Guilmette, Secretary**

  
\_\_\_\_\_  
**Nicole Nolan, Chair**

**Joint Accessibility Advisory Committee**  
**Meeting Minutes**  
**Thursday, October 28, 2021**  
**Zoom Meeting**  
**6:30 p.m. – 8:00 p.m.**

**Present:** Kathleen Kelly (Lincoln), Stephen Barker (Grimsby), Karen Lemieux (West Lincoln), Dave Antaya (NOTL) Andrea Mamo (Port Colborne), Joey Hewitt (Thorold), Donna Herrington (JAAC Coordinator), Ann Villalta (Pelham), Laura Slade (Port Colborne), Brenda Mitchell (Lincoln)

**Regrets:** Carole Furher (Lincoln), Rhys Evans (Pelham), Mary Murray (Admin Group Rep.)

**Absent:** Dianne Rintjema (Lincoln Council Rep), Victoria Wilson (Thorold Council Rep).

**1. Call to order.**

Stephen called the meeting to order at 6:30 p.m. Welcome to Laura from Port Colborne.

**2. Approval of Agenda**

Be it resolved that the agenda is approved as presented. Moved by Dave Antaya, seconded by Karen Lemieux. CARRIED.

**3. Approval of Minutes from August 12, 2021**

A correction of our next meeting date (to be changed from October 14 to October 28) is required. Be it resolved that the minutes are approved as amended. Moved by Dave Antaya seconded by Karen Lemieux. CARRIED.

**5. Business Arising from the Minutes**

**a) Presentations to Councils**

- Dave presented at NOTL Council – Looking to meet with the local Chamber of Commerce regarding the old hospital site and accessibility in NOTL. Dave recommended the building of a parking garage while keeping with the heritage look. This issue will take a great deal of dialogue and discussion about heritage buildings and expandability of accessibility will be necessary.
- Kathleen & Rhys attended on September 20<sup>th</sup> to West Lincoln, as a result of the feedback from council at that meeting, it was recommended that council

review AODA training and Donna sent out that communication. Kathleen & Rhys also attended a presentation to Lincoln on October 18<sup>th</sup>, 2021. All requests by the JAAC committee were approved.

- Ann & Rhys attend Pelham Council – all went well, well received by council and all requests granted.
- Joey attended Thorold Council. We were welcomed warmly and Council shared all of the AODA improvements that has taken place in the city. Thorold Council is aware of the We are Accessible program and continues to support the committee's efforts.
- Port Colborne – November 8<sup>th</sup> – Donna & Stephen to present, Andrea volunteered to facilitate the presentation. Donna will confirm attendance with Mary Murray.
- Stephen presented at Grimsby, was well received and presentation went well.

**b) Audits**

- On hold due to Donna's health, will be pushed out to the new year

**c) Potential JAAC member**

- Previous Committee member – Leanne Cayer, a Thorold resident, is interested in rejoining the JAAC. Although there are vacancies, these municipalities want people who live in their municipality to represent them. This may mean that Leanne must wait until the next election to re-apply to the JAAC.

**6. New Business**

**a) Niagara Regional Transit**

- Stephen circulated a letter to the committee about the app being inaccessible. Stephen attended the meeting and NRT is taking over everyone's transit and be merged into one system. Stephen attended and was not received well. Human Rights complaint filed against NRT due to the inaccessibility. Stephen will follow up with Diane from Lincoln about sending the letter out – Mike the CAO of Beamsville recommended.

Joey recommends that a letter is sent to regional transit and involve other AAC committees to be a shared voice about the requirement of making transit more accessible. Andrea stated that she attended a meeting regarding stops and was disregarded, accessibility is not being addressed. Letter to be emailed to committee for review before submission.

**MOTION: Be it resolved that a letter be prepared by Stephen and Andrea. Once approved by the JAAC, the letter be sent to the CEO and Mayors of all 12 municipalities as well as the Niagara Regional Transit. We will also send copies to the Chairs of the other accessibility committees for awareness.**

**b) Update Multi-Year Accessibility Plan**

- Due for an update in the new year, Donna will provide us with a sketch of where we are currently with the plan, Donna will bring plan to February meeting.

**c) Grimsby Chamber of Commerce**

- Stephen spoke with Chamber of Commerce and they were interested in collaborating with the JAAC but has not received any information. He will follow up.

**d) Community News**

- Per Joey - City of Thorold requires proof of double vaccination by October 1<sup>st</sup>, 2021 in order to participate in JAAC committee and presentations at council. Much discussion about Vaccine policies across several municipalities.
- Per Dave – ribbon cutting ceremony at community centre for day care in NOTL, open and running, questionable accessibility as not reviewed by committee. Recommending that this facility should be put forward for review.

7. **Next Meeting** – Thursday, December 9, 2021, via Zoom. Be festive!

8. **Adjournment**

Moved by Brenda Mitchell, seconded by Dave Antaya.

**Committee of Adjustment****Minutes**

**Meeting #:** CofA 10/2021  
**Date:** Tuesday, October 5, 2021  
**Time:** 4:00 pm  
**Location:** Town of Pelham Municipal Office - Council Chambers  
20 Pelham Town Square, Fonthill

**Members Present** John Klassen  
Sandra Marsh  
Brenda Stan

**Members Absent** Donald Cook  
Bernie Law

**Staff Present** Kenny Ng  
Holly Willford  
Sarah Leach  
Derek Young  
Jacqueline Miller

**1. Attendance**

Applicant, Agents and viewing members of the public via Town of Pelham YouTube Channel by Live-streaming.

**2. Call to Order, Declaration of Quorum and Introduction of Committee and Staff**

Ms. Sarah Leach, Assistant Secretary-Treasurer, recited the land recognition statement.

Noting that a quorum was present, Chair Klassen called the meeting to order at approximately 4:00 pm. The Chair read the opening remarks to inform those present on the meeting protocols and he introduced the hearing panel and members of staff present.

**3. Disclosure of Pecuniary Interest and General Nature Thereof**

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

#### **4. Requests for Withdrawal or Adjournment**

Ms. Leach, Assistant Secretary-Treasurer stated no requests for withdrawal or adjournment have been made.

#### **5. Applications for Minor Variance**

##### **5.1 A35/2021P - 260 Welland Road**

###### **Purpose of Application**

Application is made for relief of Section 7.7(a) "Maximum (Accessory) Lot Coverage" – to permit a maximum lot coverage of 1.4% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10 percent and Section 7.7(d) "Maximum Building Height" – to permit a maximum building height of 7.3m whereas the by-law allows 3.7m.

###### **Representation**

The Agent, Mr. Joel Rypstra and Applicants, David and Krista Morrison were electronically present.

###### **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Niagara Region
5. NPCA

###### **Applicants Comments**

A Member inquired if the proposed building would be built around the existing barn. The Agent, Mr. Rypstra responded that the existing barn will be removed. A Member sought clarification as to whether a demolition permit was required for removal of the barn. Mr. Rypstra indicated that it is an agricultural structure and would not require a demolition permit. A Member asked if the building would re-use the exact footprint of the barn, or exceed the current footprint. Mr. Rypstra responded that although the building would use the existing footprint it will be increased. A Member requested the height of the existing barn. Mr. Rypstra responded that the proposed building would be equal or less than the current structure.

## **Public Comments**

Ms. Sarah Leach, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:19 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

## **Member Comments**

The Members indicated they had no further comments.

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**THAT Application for relief of Section 7.7(a) “Maximum (Accessory) Lot Coverage” – to permit a maximum lot coverage of 1.4% whereas the by-law allows 1% provided the maximum lot coverage of all buildings does not exceed 10 percent; is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal given that adequate land area remains available for storm water runoff, privacy, the existing septic system and amenity area.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it reuses the existing building footprint and the design employs typical rural built form which demonstrates and maintains the rural character of the property.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis**



and recommendation that this application meets the Planning Act tests for minor variance.

**AND THAT Application for relief of Section 7.7(d) “Maximum Building Height” – to permit a maximum building height of 7.3m whereas the by-law allows 3.7m; is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal given the rural context.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because it allows for enhanced storage and use of the facility.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. No objections were received from commenting agencies or abutting property owners.**
- 7. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**The above decisions are subject to the following conditions:**

- 1. That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official, and shall not be approved for living accommodations or plumbing within the accessory building.**

**Prior to Building Permit:**

- 1. To the Satisfaction of the Niagara Region**
  - a. Conduct and submit a Stage 1 Archaeological Assessment, prepared by a licensed archaeologist, to the Ministry of Heritage, Sport, Tourism and Culture Industries, for review and approval**

with a copy provided to the Niagara Region. The report must be accepted by the Ministry, to the satisfaction of Niagara Region, prior to clearance of this condition. If required, subsequent Stage 2, 3 or 4 Archaeological Assessment must also be submitted to and accepted by the Ministry, to the satisfaction of Niagara Region. No demolition, grading or other soil disturbances shall take place on the subject property prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.

2. **To the Satisfaction of the Niagara Peninsula Conservation Authority**
  - a. **Apply for and receive a work permit. The complete work permit application shall include an Erosion and Sediment Control Plan, along with the establishment of an enhanced naturalized buffer between the proposed works to the edge of the PSW.**

**Carried**

## **5.2 A36/2021P - 368 Canboro Road**

### **Purpose of Application**

Application is made for relief, to construct a 2 storey single detached dwelling, from: Section 7.4(c) "Maximum Lot Coverage" – to permit a maximum lot coverage of 15% whereas the by-law allows 10%; Section 7.4(d) "Minimum Front Yard" – to permit a minimum front yard of 11 metres whereas the by-law requires 13 metres; Section 7.4(f) "Minimum Side Yard" – to permit a minimum side yard of 1.2 metres whereas the by-law requires 9 metres; and Section 6.16(d)(iv) "Ingress and Egress – Minimum Distance Between Driveways" – to permit a minimum distance between driveways of 3.5 metres from the western property line and 1.5 metres from the eastern property line whereas the by-law requires 7.5 metres.

## **Representation**

The Agents, Mr. Craig Rohe and Mr. Ethan Laman of Upper Canada Consultants and Applicant, James Van Den Brink were electronically present.

## **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Nagara Region
5. NPCA
6. Yvon and Wendy Audette

### **Pre-Registered Members of the Public**

1. Caitlin Manson

## **Applicants Comments**

A Member requested confirmation that it is the intent of the Applicants to remove the existing structure and re-build. The Agent, Mr. Craig Rohe provided confirmation and stated that the current configuration and integrity of the existing structure is not suitable to meet the requirements of the Applicants. Mr. Rohe further stated that the requested variances are intended to establish general parameters that will afford the applicants the ability to develop a suitable home while also being respectful of the requirements along The Canboro Road Corridor.

Mr. Rohe provided an overview of each requested variance. He indicated that the requested front yard setback was in the interest of Town staff as it would position the home closer to the road thereby aligning it with existing dwellings along Canboro Road. Mr. Rohe stated that the requested side yard setback would bring the building envelope to closer conformity with the Zoning By-law. He stated that the relief is consistent with the Ontario Building Code and provides the Applicants greater flexibility. Mr. Rohe reiterated that all requested conditions are to the satisfaction of Town Staff and therefore may result in alterations of the building footprint.

With regard to lot coverage, Mr. Rohe stated that the request is appropriate for the property and would provide the Applicants the ability to construct an accessory structure in the future. Mr. Rohe indicated that the request is proposed at this time to avoid coming back to the Committee of Adjustment in the near future.

Mr. Rohe stated that the lot is 12 metres long and does not provide great flexibility for the location of the driveway. He further stated that the variance would allow for a safe location while maintaining the existing character. Mr. Rohe expressed satisfaction with respect to the staff recommendation report and recommended conditions.

A Member expressed concern regarding access to the backyard without encroaching onto the neighboring property. In response, Mr. Rohe indicated that the building footprint requires massaging, noting that the minor variances have been pursued to set up minimums and facilitate the building design. Mr. Rohe stated that access will be looked at and may be offered by way of augmenting the building to provide a clear path of travel or using the garage and side door for passage. In addition, Mr. Rohe stated that pursuant to the conditions, Town Staff will have final approval on the front and side elevations of the dwelling and will consider this prior to clearance and building permit issuance. The Member expressed concern with regard to the feasibility of performing construction without equipment being required to cross the property line, specifically referencing the side yard setback. Mr. Rohe responded that the requested minimum side yard would provide for greater room for maneuverability than the current structure.

A Member asked if Town Staff had suggested the new structure be closer to the front lot line. Mr. Rohe responded that the suggestion originated from pre-consultation with Town Staff. He further explained that Official Plan policies exist within the Town of Pelham that speak to The Canboro Road Corridor, which encourage structures to be located closer to the street. Mr. Rohe noted that from a planning perspective, this makes sense for urban design.

A Member further expressed concern with regard to rear access of the property. The Member asked if the proposed plans had yet been approved by Town Staff. Mr. Rohe indicated that the requested side yard setback is standard and is in closer conformity with the Zoning By-law. Mr. Rohe reaffirmed that staff have no objection to the variance in principle but offer conditions to provide for additional checks. The Member stated that the written public comments related to access have been considered. The Member expressed satisfaction with the Town reviewing and approving the final documentation as requested in the proposed conditions.

## Public Comments

Neighboring resident, Mr. Nigel Witteveen appeared on behalf of himself and Ms. Caitlin Manson. Mr. Witteveen expressed concern with the reduction of the side yard, noting that the home would be in close proximity to the windows of the neighboring property. Mr. Witteveen suggested that positioning the home farther back would mitigate the obstruction of the neighboring windows and satisfy concerns.

At the direction of the Chair, Mr. Rohe responded the proposed placement of the home originated from consultation with Town Staff. He further noted that the Applicant indicated they may be comfortable positioning the home farther back. Mr. Rohe suggested that through the design exercise and submission of detailed plans, the neighbor will gain a better understanding of design elements such as window placement. Mr. Rohe indicated that the requested conditions provide direction to the Applicant to evaluate and address the concern brought forward by Mr. Witteveen.

A Member inquired how to ensure the concern will be addressed, suggesting either a condition be implemented or commitment by Town Staff. Ms. Leach noted staff's presence in the hearing, additionally indicating that Mr. Witteveen's comments are on record for Staff's consideration during the clearance and building permit stage. The Secretary-Treasurer, Ms. Willford, noted that if the Committee were to approve the variance as requested, the Committee would be establishing minimums. Ms. Willford further stated that approval would allow the Applicants to build within the minimums, with no guarantee that the house would be pushed back as a result of the concern. Ms. Willford identified the Committees ability to grant the variances as requested or revise closer to the Zoning By-law. Town Planner, Kenny Ng noted that the concern of the neighbor will be addressed during the clearance of conditions which require the submission of front and side lot elevation plans as well as perspective view drawings. A Member asked if the neighbor could be included in the review process. Mr. Ng responded that the neighbor's comments would be considered.

Ms. Sarah Leach, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 4:54 pm and confirmed no e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

## **Member Comments**

The Members offered no further comments.

**Moved By** Brenda Stan

**Seconded By** Sandra Marsh

**Application for relief of Section 7.4(c) “Maximum Lot Coverage” – to permit a maximum lot coverage of 15% whereas the by-law allows 10%; is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as the impact on the subject property and adjacent properties is minimal.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**
- 4. The proposal is desirable for the appropriate development and/or use of the land because the overall lot coverage is not significantly increase and the proposed dwelling is average sized.**
- 5. This application is granted without prejudice to any other application in the Town of Pelham.**
- 6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.**

**Application for relief of Section 7.4(d) “Minimum Front Yard” – to permit a minimum front yard of 11 metres whereas the by-law requires 13 metres; is hereby: GRANTED;**

**The above decision is based on the following reasons:**

- 1. The variance is minor in nature as adequate distance separates the building face from the public street and is in line with adjacent properties.**
- 2. The general purpose and intent of the Zoning By-Law is maintained.**
- 3. The intent of the Official Plan is maintained.**

4. The proposal is desirable for the appropriate development and/or use of the land because it is in keeping with the frontage of adjacent properties.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application for relief of Section 7.4(f) “Minimum Side Yard” – to permit a minimum side yard of 1.2 metres whereas the by-law requires 9 metres; is hereby: GRANTED;**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as the redevelopment will not result in drainage issues, subject to conditions.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because the proposed dwelling has approximately the same side yard setback (to the west) as the existing building and provides for visual screening.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

**Application for relief of Section 6.16(d)(iv) “Ingress and Egress – Minimum Distance Between Driveways” – to permit a minimum distance between driveways of 3.5 metres from the western property lines and 1.5 metres from the eastern property line whereas the by-law requires 7.5 metres. is hereby: GRANTED;**

**The above decision is based on the following reasons:**

1. The variance is minor in nature as the proposed driveway is generally located in the same area and is more central within the site.
2. The general purpose and intent of the Zoning By-Law is maintained.
3. The intent of the Official Plan is maintained.
4. The proposal is desirable for the appropriate development and/or use of the land because it will be relocated to a more central location and improve vehicular circulation and access.
5. This application is granted without prejudice to any other application in the Town of Pelham.
6. The Committee of Adjustment considered the written and oral comments and agrees with the minor variance report analysis and recommendation that this application meets the Planning Act tests for minor variance.

The above decisions are subject to the following conditions:

1. That all necessary building permits are required prior to construction commencing, to the satisfaction of the Chief Building Official.

Prior to Building Permit:

1. To the Satisfaction of the Director of Community Planning and Development
  1. Provide front and side dwelling *Elevation Plan(s)* and perspective view drawing(s) that positively contribute to the surrounding neighbourhood and demonstrate compatibility and harmonious transition with the existing streetscape with respect to height, massing and design continuity, through the use of a front porch, windows symmetrically proportionate to the building's mass, a congruent use of exterior cladding, reduced garage dominance, etc. Said *Elevation Plans* shall be substantially unaltered from those at the time of building permit.
  2. Undertake a Tree Savings Plan identifying trees to be retained and remain undisrupted.



3. **Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture.**
2. **To the Satisfaction of the Director of Public Works**
    1. **Obtain approval for a Driveway Entrance & Culvert Permit, as applicable, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.**
    2. **Submit a comprehensive Lot Grading & Drainage Plan demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**
  3. **To the Satisfaction of the Niagara Region**
    1. **Apply for and submit a New Septic Permit Application along with a detailed septic design by an approved septic contractor/designer, to the Niagara Region, for review and approval. The plan must demonstrate that the proposed development can be serviced by a new septic system on the restrictive lot. No construction shall commence prior to the clearance of this condition and upon a new septic system in place which can ensure full functionality.**

**Carried**

## **6. Applications for Consent**

### **6.1 B29/2021P - 1239 Pelham Street (Part 3)**

#### **Purpose of Application**

Applications B29/2021P - 1239 Pelham Street (Part 3) and B30/2021P - 1239 Pelham Street (Part 2) were heard concurrently.

Application B29/2021P is made for partial discharge of mortgage and consent to convey 1235.2 square metres of land (Part 3), for future construction of a single detached dwelling.

Application B30/2021P is made for partial discharge of mortgage and consent to convey 1157.6 square metres of land (Part 2), for future construction of a single detached dwelling. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1239 Pelham Street.

### **Representation**

The Agent, Mr. Mudassir Ahmed and Applicants, Mark and Wendy Wikston were electronically present.

### **Correspondence**

1. Town of Pelham Planning
2. Town of Pelham Public Works
3. Town of Pelham Building
4. Hydro One
5. Bell Canada
6. Adrienne Markarian and David Burke

### **Pre-Registered Members of the Public**

1. Cindy Pfeffer

### **Applicants Comments**

The Agent, Mr. Mudassir Ahmed stated the intent of the Applicants is to sever two pieces of land from their large lot. Mr. Ahmed indicated that the Applicants have submitted a grading and drainage plan as well as the stage 1-2 archaeological assessment.

### **Public Comments**

Adjacent property owner, Ms. Cindy Pfeffer spoke in favor of the application. Ms. Pfeffer noted her preference of additional housing as opposed to alternatives such as a drive-through. Additionally, Ms. Pfeffer stated that she is hopeful new development will reduce street noise within her home.

Ms. Leach, Assistant Secretary Treasurer checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address and confirmed that written comments were received from

Mr. William Kilpatrick during the public portion of the meeting. Ms. Leach read the public correspondence into the record, stating concerns with respect to ground water flooding. A copy is available through the Clerk's department.

At the request of the Chair, Mr. Ahmed responded that he has no prior knowledge of the purported drainage issues in the area. He further indicated that grading and drainage plans, along with foundation drawings will be submitted for the review and approval of Town Staff. Mr. Ahmed expressed that he is confident these provisions will ensure construction occurs appropriately with no impact on neighboring properties.

A Member indicated that that comments are related to an existing drainage problem and asked Mr. Ahmed if the Town had directed the Applicants to address this issue. Mr. Ahmed responded that this was the first time hearing of the issue and once a definite building footprint has been established, a grading plan will be submitted to the Town for review.

A Member asked if the Applicant is only responsible for the water on the subject land. The Agent, Mr. Ahmed confirmed this to be true. Manager of Engineering, Mr. Derek Young stated that there is an existing drainage plan for the Brookfield/ Stefflar area that indicates the storm water runoff from the proposed lots does drain to the catch basin. Mr. Young confirmed that Mr. Ahmed is following what was previously designed. Mr. Young further commented that the original design illustrates a 3 metre swale that ran down the back of the lots which back onto this open land which no longer exists. A Member inquired if the Town must be notified of changes to property that may negatively impact drainage. Mr. Young confirmed that notification is not required unless of an existing registered easement. Mr. Young reaffirmed that Mr. Ahmed is working in accordance with the original design.

Ms. Sarah Leach, Assistant Secretary Treasurer indicated she checked the [clerks@pelham.ca](mailto:clerks@pelham.ca) email address at 5:13 pm and confirmed no further e-mails had been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and deliberate.

### **Member Comments**

The Members provided no additional comments.

**Moved By** Sandra Marsh  
**Seconded By** Brenda Stan

**Application B29/2021P for partial discharge of mortgage and consent to convey 1235.2 square metres of land (Part 3), for future construction of a single detached dwelling. Parts 1 and 2 are to be retained for continued residential use of the dwelling known municipally as 1239 Pelham Street; is hereby: GRANTED;**

**Application B30/2021P for partial discharge of mortgage and consent to convey 1157.6 square metres of land (Part 2), for future construction of a single detached dwelling. Part 1 is to be retained for continued residential use of the dwelling known municipally as 1239 Pelham Street; is hereby: is hereby: GRANTED;**

**The above decisions are subject to the following conditions:**

**To the Satisfaction of the Director of Public Works**

- 1. Submit a comprehensive Lot Grading & Drainage Plan for all parcels demonstrating that the drainage neither relies, nor negatively impacts neighbouring properties, and that all drainage will be contained within the respective lots, to the satisfaction of the Director of Public Works, or designate.**
- 2. Confirm that no existing utilities cross the proposed lot lines. Should any services cross these lot lines, the applicant shall be responsible for costs associated with their relocation and / or removal.**
- 3. Obtain a Driveway Entrance & Culvert Permit for the construction and/or modification of all new or existing driveways or entrances, issued through the Public Works department, to Town standards. The applicant shall bear all costs associated with these works.**

**To the Satisfaction of the Director of Community Planning & Development**

- 1. Sign the Town of Pelham's standard "Memorandum of Understanding" explaining that development charges and cash-in-lieu of the dedication of land for park purposes are required prior to the issuance of a Building Permit.**
- 2. Conduct a Stage 1-2 Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of**

**Heritage, Sport, Tourism & Culture. At a minimum, the Assessment must cover the building envelope of the proposed lot eligible for disturbance, and be accepted by the Ministry prior to clearance of this condition. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken. No demolition, grading or other soil disturbances shall take place on the subject land prior to the issuance of a Ministry letter confirming that all archaeological resource concerns have been mitigated and meet licensing and resource conservation requirements.**

**To the Satisfaction of the Secretary-Treasurer**

- 1. That application for consent, file B29/2021P and B30/2021 receive final certification of the Secretary-Treasurer concurrently.**
- 2. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.**
- 3. That the final certification fee of \$399, payable to the Treasurer, Town of Pelham, be submitted to the Secretary-Treasurer. All costs associated with fulfilling conditions of consent shall be borne by the applicant.**

**The decisions are based on the following reasons:**

- 1. The application conforms to the policies of the Town of Pelham Official Plan, Regional Policy Plan and Provincial Policy Statement, and complies with the Town's Zoning By-law.**
- 2. This Decision is rendered having regard to the provisions of Sections 51(24) and 51(25) of the Planning Act, R.S.O., as amended.**
- 3. The Committee of Adjustment considered all written and oral submissions and finds that, subject to the conditions of provisional consent, this application meets Planning Act criteria, is consistent with the Provincial Policy Statement and complies with the Growth Plan, the Niagara Region Official Plan and the Town Official Plan.**

**Carried**

**6.2 B30/2021P - 1239 Pelham Street (Part 2)**

Application B30/2021P was heard concurrently with application B29/2021P. See application B29/2021P for minutes and decision.

**7. Minutes for Approval**

**Moved By** Sandra Marsh

**Seconded By** Brenda Stan

**That the Committee of Adjustment minutes dated September 8, 2021 be approved.**

**Carried**

**8. Adjournment**

**BE IT RESOLVED THAT this Meeting of the Committee of Adjustment Hearing be adjourned until the next regular meeting scheduled for November 2, 2021 at 4:00 pm.**



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John Klassen, Chair



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Assistant Secretary-Treasurer, Sarah Leach

**Subject:** Pelham Year of the Garden 2022 Options**Recommendation:**

**BE IT RESOLVED THAT Council receive Report #2021-0186 – Pelham Year of the Garden 2022 Options for information;**

**AND THAT Council authorize and direct staff to proceed with option(s) \_\_\_\_\_.**

**Background:**

At the October 4, 2021 regular meeting of Council, Council passed the following motion designating 2022 as the “Year of the Garden” in the Town of Pelham:

**WHEREAS the Year of the Garden celebrates the Centennial of Canada’s horticulture sector;**

**AND WHEREAS gardens and gardening contribute to the quality of life of the municipality and create safe and healthy places where people can come together;**

**AND WHEREAS gardens and gardening have helped Pelham face the challenges of the COVID pandemic;**

**AND WHEREAS the Year of the Garden will highlight and celebrate the important contributions of our local gardening organizations and horticulture professionals and businesses;**

**AND WHEREAS Communities in Bloom in collaboration with the Canadian Garden Council, invites all municipalities to celebrate the Year of the Garden;**

**NOW THEREFORE BE IT RESOLVED THAT the Town of Pelham hereby proclaims 2022 as the Year of the Garden in celebration of the contribution of gardens and gardening to the development of the country, the municipality and the lives of residents in terms of health, quality of life and**

**environmental challenges;**

**AND THAT the Saturday before Father's Day, June 18, 2022, be recognized as Garden Day in the Town of Pelham as a legacy of Canada's Year of the Garden 2022;**

**AND THAT the Town of Pelham is committed to be a Garden Friendly Town supporting the development of its garden culture;**

**AND THAT all municipalities across Canada be invited to proclaim 2022 to be the Year of the Garden in their respective municipalities, and that a copy of this Proclamation be provided to the FCM, AMO, and sent to MP Dean Allison for that purpose.**

At the October 18, 2021 regular meeting of Council, Council passed the following motion directing staff to research various gardening initiatives in the Town of Pelham and to report back to Council by December 2021:

**WHEREAS the Town of Pelham is committed to enhancing engagement with the community and building strong communities;**

**AND WHEREAS the Council for the Town of Pelham has proclaimed the year 2022 as the Year of the Garden;**

**AND WHEREAS gardening is an activity enjoyed by many which provides numerous benefits to the gardener;**

**NOW THEREFORE BE IT RESOLVED THAT the Town of Pelham Council direct staff to research various gardening initiatives the Town of Pelham can consider launching in 2022, including but not limited to a garden bed competition, community vegetable gardens and bee friendly gardens;**

**AND THAT Council direct staff to include potential budget implications in the said report back to Council; AND THAT Council direct staff to report back by December, 2021.**

This report is written in response to both of the aforementioned directives of Council.

Both motions follow the Town's 2020 pilot project with a community garden competition. While that project was not entirely successful, it was launched early in the pandemic and there was not enough lead time for a traditional communications



campaign for promotion. Residents of Pelham clearly have a passion for gardening, which is an activity that is engaged in both for commercial and recreational purposes. There is every reason to believe that any of the options contained within this report would be successful given appropriate lead time and the benefits of lessons learned.

From January 1 to December 31, 2022, The Year of the Garden, 2022 a Centennial Celebration of Pelham's horticulture sector, the Town will celebrate its vibrant garden culture and create important legacies for a sustainable future.

The Year of the Garden, 2022 is a unique opportunity for Pelham to engage citizens and the community to highlight and make progress on priorities such as: post-COVID recovery, quality of life, healthy citizens, environmental climate action, economic growth, enhance cultural vibrancy, reconciliation, and inclusivity tourism destination readiness. The Year of the Garden 2022 campaign will reach and inspire the public to learn about the connections gardens and gardening have with many important community quality of life benefits including:

#### **Environmental Benefits:**

- (1) Integration of more plants into city life: tree canopy, community gardens, public parks, green roofs, green infrastructure.
- (2) More plants and more gardens produce more oxygen, sequester more carbon, mitigate heat island effect in urban areas; and
- (3) Engaging Canadians in the Federal government's commitment to plant 2 billion trees, and commitment to fight Climate Change Contribute to attaining sustainable development goals.

#### **Economic Benefits:**

- (1) Gardens and gardening generate economic activity for local agri-businesses,
- (2) The impact of public garden visitation, a demonstrated major tourism draw,
- (3) Generate economic development, attracting residents, businesses, and visitors in communities across the country; and
- (4) Enhancing quality of life favours the economic stability of Canadians.

#### **Health and Wellness Benefits:**

- (1) The relation between improved health and gardening is well documented,
- (2) Active living for all ages,
- (3) Contribute to healthier Canadians and reduced health costs; and
- (4) Engage Canadians with Canada's healthy eating strategy.

### **Cultural Benefits:**

- (1) Better understanding of the role gardens and gardening play in the development of communities and the country,
- (2) Contribute to the reconciliation with First Nations who prioritize and emphasize living in harmony with nature,
- (3) Contribute to Canada's inclusivity agenda since "in the garden there are no differences", just plants, and people of all ages and cultures who love them; and
- (4) Support the integration of a garden culture in schools and the community-at-large.

### **Analysis:**

Staff have identified a number of gardening related options which may be appropriate for the community as part of the "Year of the Garden".

**1. The establishment of vegetable garden plots in Town parks.** This is a service that the Town offered years ago and has grown rapidly in popularity in other municipalities. For a modest fee (proposed at \$25, however Council could waive this or provide staff with authority to waive the fee for low-income residents), staff could create perhaps two dozen plots as a pilot project in area parks (suggested 100-300 sq. feet for differently sized households). Other than the initial labour (which is a sunk cost) to remove sod, the plots would largely not be maintained by town staff. An additional garbage can and a few rain barrels at each location would be serviced by staff on a routine basis.

Community vegetable gardens are a shared space where people gather together to grow fruits, vegetables, and/or flowers collectively. Community gardens vary widely in their structure, purpose and format. They can consist of collective plots, individual plots, or a combination of the two. Food may be grown for the garden's

members, for local service organizations, or general consumption within the community. The most common type of community garden is one in which garden plots are rented or made available to community members on an annual basis to plant vegetables for their own consumption and enjoyment.

Community gardens provide health, economic, educational, social, and environmental benefits to participants and the community at large. They act to strengthen neighborhoods, by enabling people to produce their own food, beautifying the area, and sharing their passion and knowledge for growing food. Community gardens encourage physical activity for all age groups; create a social gathering place for the community that fosters the sharing of inter-generational and inter-cultural knowledge; helps improve mental health amongst participants as they interact with other people, plants, and nature; and are bee friendly as fruits and vegetables crops require pollination to produce.

Community Gardens are easily constructed at a relatively low cost. Raised garden beds measuring two (2') feet wide by ten inches (10") high may be constructed out of cedar in four foot (4') sections and filled with a garden blend soil for an estimated \$25 per linear foot. Depending on their location the gardens may be serviced with a water spigot supplied with municipal water and installed by staff at a cost of approximately \$2,500. If site control is required, a fence may be constructed around the garden plots. Fencing costs range from \$3 per foot for wire farm fence to \$20 per foot for chain link. A number of parks within the Town of Pelham could support Community Garden projects: Riverview Park on Bergenstein Crescent has been identified by staff as a potential site for the creation of a test project; however, locations should be chosen based on community interest, desire and engagement.

It is anticipated that people living in multi-unit developments in the East Fonthill, where many have no individual yards will seek opportunities to enjoy outdoor spaces and connections to nature. Council could decide on a number of different models to offer garden programs including grants offered to volunteer groups to develop and operate them or operate them as a staff lead programs. As Community Gardens are typically volunteer based, once developed they have little impact on Municipal Operations staff or budgets, as long as there is an interest in the community, and there exists a group of volunteers who feel committed to the development of a garden and have time to devote to it.

**2. Pollinator Gardens.** These could be established in certain municipal parks and naturalized storm water management facilities and/or could be encouraged on private property. The seed packets that would start these gardens could be locally sourced, and Council could decide to subsidize them or provide them free of charge. It is likely that some sort of partnership with local greenhouse businesses could be

arranged. The cost of initial preparation of the pollinator garden beds and planting would be approximately \$500 - \$750 per location. The ongoing maintenance required to upkeep these pollinator gardens would be relatively minimal and could be absorbed in the annual operating budget for Public Works.

The world's food supply depends on pollinators. Birds, bats, bees, butterflies, beetles, and other beneficial insects and small mammals pollinate plants that: (1) bring countless fruits, vegetables, and nuts; (2) support half of the world's edible oils, fibers and raw materials; (3) prevent soil erosion; and (4) increase carbon sequestration. A pollinator garden supports and protects these important creatures by providing food and shelter.

Pollinator Gardens use a variety of flower shapes to attract different types of pollinators. They use a mix of plants which flower at different times of the year so you have blooms all season. It is important to choose native plant species and to let plant debris stand over winter to provide shelter for insects and food for birds. Further bird baths and bee houses can be added close by to keep insects and birds returning to your garden each year. In addition, one of the benefits of pollinator gardens can be to promote ground water re-charging and control of storm water. In fact, pollinator gardens can be used as Low Impact Development (LID) engineering strategies. The implementation of Pollinator Gardens could be considered in public parks placed away from travelled paths and play structures and would fit in well within naturalized spaces such as storm water management facilities.

**3. Potential partnership with Pelham Cares.** Pelham Cares operates an impressive system whereby community partners and volunteers supplied the labour and materials required to create "Home Garden" kits. The kits were assembled in 2021 and included a lined outdoor garden box, garden tools, beginner growing resources and vegetable/herb plants. Completed kits were distributed to families supported by Pelham Cares to assist in access to fresh produce through the summer season. Should this venture again be pursued, Town staff could assist with either construction or delivery of materials.

**4. Potential partnership with the Pelham Garden Club ("PGC").** The PGC already operates a "garden walk" in June of each year. Town administration would rather support the augmentation of an existing program and activities than create competing loyalties. One manner in which the Town can be supportive of the PGC is through its communications department. The Town's communications specialist has considerable skills with respect to event organization and promotion and strong relationships with local media, as well as control over the Town's social media channels, all of which could be made to benefit the PGC.

**5. Joining “Communities in Bloom”.** Pelham has previously participated in this competition in 2001, 2002, 2004 and 2013. Corporate records do not indicate why this was discontinued. Communities in Bloom offers all residents of Pelham a chance to participate, be that by hanging flowering baskets from apartment balconies to creating spectacular gardens in their yards. Communities in Bloom is a point of civic pride for many communities and can be a fun and inexpensive way to bring people together in common cause. For a relatively modest cost (\$700/year), Pelham can register for the competition. One of the many benefits of participation (beyond the widely understood tourism boost) is the sense of community pride which is inspired by participation. A healthy portion of the judging is based on gardens on private lands, so every property owner can participate.

**6. Create a rain barrel campaign.** This has been done occasionally in the past. Other local municipalities including the City of St. Catharines have an annual program that provides subsidized rain barrels to residents. Pelham could look to partner with a neighboring municipality, since the barrel makers generally prefer to sell in bulk (by the truckload). It is unclear what level of demand there is, and Council could choose to subsidize the rain barrels similarly to the City of St. Catharines. The city currently subsidizes approximately 20 percent of the cost of each rain barrel. The cost from the manufacturer is expected to be between \$70 and \$80 per barrel and the delivery cost for a tractor trailer of product is estimated at \$1500 per load. Each tractor trailer load carries approximately 400 barrels. If the Town of Pelham purchased 200 barrels for its residents the total cost of subsidizing the program would be approximately \$5,000 plus advertising and promotion for the event.

This would fit into and advance the stated goals of the environmental and sustainability components of the Town’s strategic plan. In addition, the implementation of this program would satisfy at least one action item in the Town’s Climate Change Adaption Plan that was endorsed by Council in July of 2021. Costs of such an initiative would definitely vary based on how much, if any, the Town wished to subsidize the purchase of rain barrels and would be dependent on the number of barrels ordered. As a value added-service, the Town could possibly arrange to deliver the barrels to residential addresses in Pelham using its fleet of vehicles.

**7. Not proceed with a 2022 Garden Bed Competition.** In 2020, Council endorsed the implementation of a community gardening competition. The program was initiated in the face of the COVID 19 pandemic with the goal of reducing operation costs for the organization by limiting the amount of resources used to beautify the community while providing an outdoor activity for community members.

The competition was launched and encouraged local businesses, service groups or private residents to apply to adopt one of the designated garden locations throughout the Town. Competitors were to provide plant material, and maintenance of the garden including watering and weeding for the duration of the competition. Ten locations were identified for the program and four were selected by a service group, a local interest club, a business and a private resident.

Undertaking a competitive gardening competition creates the following issues:

- 1) Creates an inequitable and unfair advantage for larger corporations that sponsor gardening beds;
- 2) Creates an unfair advantage to a sponsor that selects a gardening bed that already contains perennial plantings planted by Town staff;
- 3) Fosters a competitive environment that tends to go against the essence of what gardening is all about;
- 4) Places the Town at risk regarding the sponsorship of garden beds located on Town property (especially for planting beds located adjacent to roadways).
- 5) Creates potential labour issues with the unionized work force that is responsible for the preparation, placement, and maintenance of the planting beds; and
- 6) Results in a non-uniform and inconsistent approach to the design and planting of the Town's gardening beds.

The Beautification Committee, at its meeting held on October 27<sup>th</sup>, passed the following motion with respect to the Town undertaking a competitive gardening competition:

**THAT the Beautification Committee recommends the promotion of co-operative gardening with recognition rather than competitive gardening, which tends to be non-inclusive.**

The committee endorses the concept of a community based gardening program, but does not endorse a program that would involve a competitive competition as this creates an unfair advantage for some groups depending on the location and type of planting bed is sponsored, as well as, the financial resources available to different sponsors.

In addition, the use of Town owned planting beds on public property may cause labour issues with CUPE Local 1287. Staff have met with and requested a position from the union regarding the concept of a gardening competition using Town owned public property. At the time of writing this report staff have not received an official response from CUPE Local 1287. Further, the Public Works Beautification staff take great pride in the work that they do in making the public spaces throughout the Town look beautiful. Using Public Works staff and resources to maintain the planting beds on public property ensures a consistent approach to the design and maintenance of the beds throughout the Town.

### **Financial Considerations:**

Costs tend to vary with the options contained in this report. None are cost prohibitive. Council can choose to add funding to the operating budget which it is scheduled to approve in January, 2022.

Beyond levy funding, there is currently an opportunity to apply for a private sector grant from Intact Insurance, which is the Town's service provider.

The Municipal Climate Resiliency Grant (MCRG) provides funding for municipalities towards effective, practical solutions that mitigate flood and wildfire risk. Applications are open to any municipality across Canada, or in partnership with an NGO that has a mission to prevent the impacts of flood or wildfire. The MCRG funds initiatives up to \$100,000 for one year and will invest in projects that can increase community resiliency to mitigate flood and wildfire risks. Projects must be slated to start before or by October 2022 and can support operating or select capital expenditures.

It is staff's opinion that this grant can be used to support low impact development related projects such as rain barrel programs, rain gardens, community gardens, and pollinator gardens these features act to control storm water runoff and provide infiltration opportunities prior to the storm water runoff entering the Town's storm water management system.

### **Alternatives Reviewed:**

This report contains 7 options. It is of course open to Council to direct staff to investigate other options, to combine options, or to simply receive and file the report with no further action to be taken.

### **Strategic Plan Relationship: Strong Organization**

Gardening is an excellent activity for the production of healthy food, to beautify the community, to provide moderate exercise and to bring people together for common

purpose and shared interests, all of which builds a stronger community. Similarly, it is hard to deny that gardening forms a key element of culture in both Pelham and the Niagara Region as a whole.

**Consultation:**

This report and the various options were reviewed by most of the senior leadership team, staff from the Public Works Department, staff from the Recreation, Culture and Wellness Department and some of the concepts were reviewed with the Town's Beautification Committee.

**Other Pertinent Reports/Attachments:**

Communities In Bloom – Year of the Garden 2022 Invitation to Municipalities  
How To Participate in Communities In Bloom  
Communities In Bloom Ontario 2022 Registration Form

**Prepared and Submitted by:**

David Cribbs, BA, MA, JD, MPA  
Chief Administrative Officer

Jason Marr, P. Eng.  
Director, Public Works

Vickie van Ravenswaay, CRFP  
Director, Recreation, Culture & Wellness

Ryan Cook, Dipl. M.M., CRS  
Manager, Public Works





## Invitation to Municipalities

### What is The Year of the Garden 2022?

The **Year of the Garden 2022** is the **Centennial Celebration of Canada's horticulture sector** marked with the 100<sup>th</sup> Anniversary of the Canadian Nursery Landscape Association. From January 1 to December 31, 2022, we will commemorate and celebrate Canada's rich garden heritage, celebrate today's vibrant garden culture, and create legacies for a sustainable future.

Planning is underway for a year of exciting activities, celebrations, special events and promotions that will take place in communities, schools, businesses, public gardens, and backyard gardens in all parts of Canada.

### Join the Celebration and Proclaim 2022 as the Year of the Garden in Your Municipality

Join **Canada's Garden-Family** – thousands of plant growers, product manufacturers, retailers, landscape service providers, public gardens and garden experience providers, garden clubs and societies, and affiliated businesses – which will be sharing their knowledge and offering events to help Canadians **Live the Garden Life**.

The **Year of the Garden 2022** is a unique opportunity for your municipality to highlight and have a positive impact on priorities, such as:

- Post COVID Recovery
- Quality of Life
- Healthy Citizens
- Environmental Climate Action
- Economic Growth
- Enhance Cultural Vibrancy
- Reconciliation and Inclusivity
- Garden Tourism Destination positioning

The **Year of the Garden 2022 campaign** will reach and inspire the public to learn about the connections gardens and gardening have with many important community quality of life benefits including:

### **Environmental Benefits**

- Integration of more plants into city life: tree canopy, community gardens, public parks, green roofs, green infrastructure
- More plants and more gardens produce more oxygen, sequester more carbon, mitigate heat island effect in urban areas
- Engaging Canadians in the Federal government's commitment to plant 2 billion trees, and commitment to fight Climate Change
- Contribute to attaining sustainable development goals

### **Economic Benefits**

- Gardens and gardening generate economic activity for the garden family sector of your municipality
- Impact of public garden visitation, a demonstrated major tourism draw
- Generate economic development, attracting residents, businesses, and visitors in communities across the country
- Enhancing quality of life favours economic stability for your municipality and its residents

### **Health and Wellness Benefits**

- The relation between improved health and gardening is well documented
- Active living for all ages
- Contribute to healthier citizens and reduced health costs
- Engage your with Canada's healthy eating strategy

### **Cultural Benefits**

- Better understanding of the role gardens and gardening play in the development of communities and our country
- contribute to the reconciliation with our First Nations who live in harmony with nature and plants
- Contribute to Canada's inclusivity agenda since "in the garden there are no differences", just plants, and people of all ages and cultures who love them and care for them
- support the integration of a garden culture in schools and community gardens

## Our Invitation to All Municipalities:

Communities in Bloom and the Canadian Garden Council **invite municipalities to proclaim 2022 the Year of the Garden** for their citizens to **acknowledge all the benefits that Gardens and Gardening provide.**

By joining Canada's celebration of the **Year of the Garden 2022** you will demonstrate leadership and inspire and engage your citizens using evidence-based information and actions to contribute to the sustainability of your municipality.

### Our Proposal:

- **Proclamation of 2022** as the **Year of the Garden** in your municipality (see attached Proclamation Template)
- **Commitment** to be a **Garden Friendly City**
- **Recognize National Garden Day** in your municipality, Saturday before Fathers Day

Should you have any question, please do not hesitate to contact us. Should you move forward with a proclamation, please send us copy of your proclamation.

Contact: [info@gardencouncil.ca](mailto:info@gardencouncil.ca)

<https://www.communitiesinbloom.ca/>

<https://gardenscanada.ca/year-of-the-garden/>





# How to Participate in Communities in Bloom

[www.cibontario.ca](http://www.cibontario.ca)

*People, Plants and Pride...Growing Together*

## THE PROGRAM

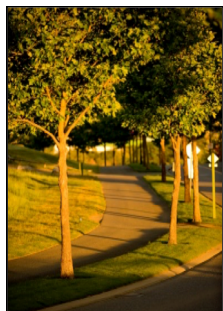
**Communities in Bloom** is a Canadian non-profit organization committed to fostering civic pride, environmental responsibility and beautification through community participation and the challenge of a national program, with focus on enhancing green spaces in communities. National beautification programs have flourished in Europe – including Great Britain, France and Ireland – for decades, and were the inspiration for Communities in Bloom.

The program began in 1995 with 29 Canadian communities and has grown to improve the quality of life in hundreds of participating communities in the provincial, national and international editions.

**All communities are invited to participate in the provincial or national editions, within their population category.**

Trained volunteer judges travel across Canada during the summer to evaluate communities and the overall contributions of municipality, businesses & institutions and residents, including volunteer efforts in regards to the following criteria:

**Tidiness.** Includes an overall tidiness effort. Elements for evaluation are green spaces (parks, etc.), medians, boulevards, sidewalks, streets; municipal, commercial, institutional and residential properties; ditches, road shoulders, vacant lots and buildings; weed control, litter clean-up (including cigarette butts and gum), graffiti and vandalism programs.



< Sun Rivers  
Resort Community,  
BC - Tidiness  
Award Winner,  
presented by  
Natura

**Environmental Action.** Includes efforts and achievement with respect to: policies, by-laws, programs and best practices, 3-R initiatives (reduce/reuse/recycle), waste reduction, composting sites, hazardous waste collections, water conservation, naturalization, and environmental stewardship activities under the guiding principles of sustainable development pertaining to green spaces.



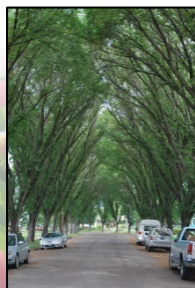
Yarmouth, NS - Environmental Action Award  
Winner, presented by the Canadian Nursery  
and Landscape Association

**Heritage Conservation.** The criteria includes efforts to preserve heritage within their community. Priority in evaluation is given to natural heritage, as well as the integration of landscape and streetscapes as it pertains to the built heritage of a community. Also consists of preservation of cultural heritage which includes monuments, memorials, artefacts, museums and history, archives, traditions, customs, festivals and celebrations.



Jasper, AB - Heritage Conservation Award  
Winner, presented by Beauti-Tone

**Urban Forestry and Trails.** Includes the efforts with regards to written policies, by-laws, standards for tree management (selection, planting, and maintenance), long and short-term management plans, tree replacement policies, tree inventory, Integrated Pest Management (IPM), heritage, memorial and commemorative trees.



< Brandon, MB -  
Urban Forestry  
Award Winner,  
presented by CN

**Landscape.** This section of the evaluation supports all efforts to create an environment showcasing the overall surroundings. The overall plan and design must be suitable for the intended use and location on a year-round basis. Elements for evaluation include: native and introduced materials; balance of plants, materials and constructed elements; appropriate integration of hard surfaces and art elements, use of turf and groundcovers.



< Southwest  
Middlesex,  
ON -  
Landscape  
Award

**Floral Displays.** Evaluates efforts to design, plan, execute, and maintain floral displays. Evaluation includes the design and arrangements of flowers and plants (annuals, perennials, bulbs, ornamental grasses) in the context of originality, distribution, location, diversity and balance, colour, and harmony. This pertains to flowerbeds, carpet bedding, containers, baskets and window boxes.



< Boissevain,  
MB -  
Floral Displays  
Award Winner



Established in 2005, the Communities in Bloom Foundation is dedicated to funding, developing and disseminating education and awareness to a wide audience on the value, improvement, importance and sustainable development of green spaces and natural environment in Canadian society.

For more information or to make a donation, please contact:

Communities in Bloom Foundation  
(514) 694-8871  
bloom.fleurs@sympatico.ca

Or visit: [www.CanadaHelps.org](http://www.CanadaHelps.org)



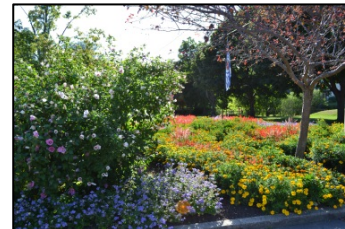
Qualicum Beach, BC - Community Involvement Award Winner, presented by Home Hardware



< Charlottetown, PE - WinterLife Award Winner, presented by Municipal World



Wood Buffalo, AB - Youth Involvement Award Winner, presented by the Communities in Bloom Foundation



Goderich, ON - Community of Gardeners Award Winner, presented by Scotts®

## PROVINCIAL EDITIONS & PARTNERS – CONTACT INFORMATION

To get involved or learn more about the program in your province or territories, please contact:



### BRITISH COLUMBIA

Catherine Kennedy  
info@bccommunitiesinbloom.ca  
www.bccommunitiesinbloom.ca  
604-576-6506



### QUÉBEC

Céline Delzongle  
celine.delzongle@fleuronsduquebec.com  
www.fleuronsduquebec.com  
450-774-5707



### ALBERTA

Karen Snethun  
ksnethun@arpaonline.ca  
www.cib.arpaonline.ca  
587-520-6287



### NEW BRUNSWICK

Program Coordinator  
bloom@cib-cef.com  
www.communitiesinbloom.ca  
514 694-8871



### SASKATCHEWAN

Andrew Exelby  
aexelby@spra.sk.ca  
www.spra.sk.ca  
306-780-9262 / 1-800-563-2555



### NOVA SCOTIA

Tanice Mundle  
tanice@tourism.ca  
www.novascotiainbloom.org  
902-423-4480 / 1-800-948-4267



### MANITOBA

Stephanie Doerksen  
coordinator@mbcommunitiesinbloom.ca  
www.mbcommunitiesinbloom.ca  
204-572-4004



### PRINCE EDWARD ISLAND

Program Coordinator  
bloom@cib-cef.com  
www.communitiesinbloom.ca  
514 694-8871



### ONTARIO

Martin Quinn  
info@cibontario.ca  
1-519-441-3499



### NEWFOUNDLAND & LABRADOR

Stephen Quinton  
squinton@municipalnl.ca  
www.municipalitiesnl.com  
709-753-6820



### YUKON



### NORTHWEST TERRITORIES



### NUNAVUT

Please contact the Program Coordinator at 514-694-8871 – [bloom@cib-cef.com](mailto:bloom@cib-cef.com)

## PROGRAM STRUCTURE

***Communities in Bloom is designed to be a continuous community improvement program. It is divided into three phases: Provincial, National and International.***

### Provincial Editions

Communities participate with other communities in their population category within their province. Provincial judges evaluate the communities on the criteria previously listed and award a certificate with a rating of 1 to 5 blooms (5 being the highest ranking) at a provincial awards ceremony in the fall. Any community is allowed to participate in Friends a non-competitive category either to learn about the program or, if they are past participants, to maintain their initiatives, program and committees.

The provincial editions also include a non-competitive Mentoring category, where an experienced community guides a new community through the process of their first participation. Each provincial organization also offers special programs and categories specific to provincial context and objectives.

### National Edition

***Who is invited to participate in the national edition?***

#### Population

- The top two communities from each province in each population category (excluding the winners of the category) from the previous year's national edition are invited back to the national competition
- Communities from the previous year's provincial editions as recommended by the respective provincial organization. Up to two communities can be recommended from each population category in each province.

#### Circle of Excellence

A non-competitive category, with or without an evaluation where past National winners are invited.

#### Class of Champions

A category where Canadian communities who have won in the Population category compete amongst themselves.

#### Grand Champions

A category where past winners of the Population, International Challenge and Class of Champions compete amongst themselves.

#### Special Attractions

A category that features green attractions such as parks, living history museums, public gardens, etc.

#### International

A competitive category between national and international winners.

## PROGRAM BENEFITS

Communities have recognized numerous benefits from participating in the program:

- Increased civic pride and community involvement
- Environmental stewardship through the enhancement of green spaces
- Mobilization of citizens, groups, organizations, businesses and the municipality
- Best practices and Information exchange
- Valuable information and feedback from the judges
- Economic development and increased property values
- Marketing and promotional opportunities
- Positive benefits for the tourism, hospitality and retail industries
- Improved quality of life
- Participation from all ages and walks of life of the community

## OUTSTANDING ACHIEVEMENT AWARDS

Awards are also part of the provincial and national editions and recognize exemplary achievement in each criteria, plus other special initiatives.

## PROCESS FOR PARTICIPATION Registrations

Helpful Information on the program and the evaluation form are available by contacting the Provincial Office by visiting: <https://cibontario.ca> Registration can be done through the Provincial Office.

## Your Local Committee

The committee is usually composed of local citizens, including one member of council and members of associations, businesses and organizations interested in horticulture, heritage and improving community life.

The committee's objectives are:

- To involve the community by means of local contests, which increase awareness about the program, its benefits and opportunities.
- To act as a liaison with the municipal authorities and Communities in Bloom.

## Bloom Ratings

Communities are rated from 1 to 5 blooms

Up to 55 points:	1 bloom
56-63 points:	2 blooms
64-72 points:	3 blooms
73-81 points:	4 blooms
82 points and more:	5 blooms

*Minton, ON -  
Land  
Reclamation  
Award Winner,  
presented by  
The Butchart  
Gardens*



## Budget

While participation in the program does not require considerable financial resources, obtaining funds to promote the program, involve the community, honour participants and volunteers, attend the award ceremonies, etc. is recommended. It is suggested for the community to prepare an estimated budget and to find sources of funding, such as fundraising programs, community events, etc. Communities in Bloom can provide fundraising ideas and examples from other communities.

## Promotional Merchandise

For information and order forms, please visit [www.communitiesinbloom.ca](http://www.communitiesinbloom.ca) or contact:

Merchandise Coordinator  
Communities in Bloom  
Tel 514-694-8871 • Fax 514-694-3725  
[bloom@cib-cef.com](mailto:bloom@cib-cef.com)





## PROGRAM COMMITMENT

**The participating communities have a responsibility to:**

- Involve the entire community to participate (with the support of municipal council)
- Prepare for the judging during the summer
- Provide lodging for 2 nights for 2 judges.
- Attend the Provincial awards ceremonies.
- Pay a registration fee, based on population categories and level of competition.

## THE JUDGES' VISIT – USEFUL TIPS

- Prepare information that addresses all criteria in the evaluation form.
- Make good use of the time spent by the judges in your community, to benefit from their expertise.
- The judges' itinerary should include all of the criteria.
- Provide the judges with the opportunity to interact with key individuals and network in your community.
- Let them see that you are proud of your achievements.

## AWARDS CEREMONIES

The Provincial Awards Ceremonies are held in the fall and include presentations and awards to all participants along with the judges' feedback.

The National Awards Ceremonies, hosted in a different city each year, is held in the fall, in conjunction with the National Symposium on Parks and Grounds. All National Finalists are encouraged to attend. The communities are showcased by means of community exhibits and promotional material.

## PROMOTIONS

**www.communitiesinbloom.ca:** CiB's website gives visibility to our participants in the NewsComm and Explore our Communities section of our website. The website also includes a resource centre featuring information from sponsors and communities along with electronic copies of our magazines.

**Social Networks:** CiB participants are welcomed to send us updates, news and photos to post on our Facebook and Twitter pages:  
([www.facebook.com/communitiesinbloom](http://www.facebook.com/communitiesinbloom)) &  
([www.twitter.com/cibcef](http://www.twitter.com/cibcef))

**Information Exchange Network:** Information and documents gathered by the judges and made available on the Leisure Information Network (LIN) website. ([www.lin.ca/communities-in-bloom](http://www.lin.ca/communities-in-bloom))

**Magazine:** Published twice-yearly, also showcases participants with photos, results and articles. The magazine is also presented electronically on the website (in the resource centre).

## SPECIAL PROJECTS

**Home Hardware Charity Calendar:** A fundraiser for the SickKids Foundation featuring participating communities. ([www.sickkidsfoundation.com](http://www.sickkidsfoundation.com))

**Scotts Miracle-Gro Garden Contest:** The contest celebrates outstanding residential gardens (flower garden, edible garden and youth-run edible garden).

**Scotts Best Garden Program:** A program that recognizes the hard work and dedication of citizens to create and maintain their gardens. (<https://www.facebook.com/ScottsCanada>)

**Scotts Miracle-Gro GRO1000 Grassroots Gardens:** A commitment to install 1,000 gardens and green spaces in the United States, in Canada and in Europe by 2018.  
([www.grogood.com/GiveBackToGro/GRO1000/Canada](http://www.grogood.com/GiveBackToGro/GRO1000/Canada))

**CN EcoConnexions – From the Ground Up:** A program that aims to promote the greening of municipal properties across Canada.  
([www.cnfromthegroundup.ca](http://www.cnfromthegroundup.ca))

**Agrium Community Green Spaces Program:** A program that aims to establish, create or enhance local green space in a community on municipal properties such as parks, green spaces, and community grounds.

**Nutrients for Life:** Educational material and learning gardens for schools to provide education on soil nutrients. ([www.nutrientsforlife.ca](http://www.nutrientsforlife.ca))



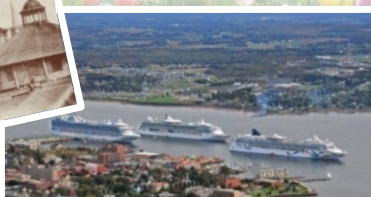
112 Terry Fox  
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bloom@cib-cef.com  
[www.communitiesinbloom.ca](http://www.communitiesinbloom.ca)

## National Sponsors



**Canada' Garden Route:** Presented by VIA Rail, Canada's Garden Route is the most comprehensive listing of Canadian gardens and garden experiences

**Gardens of Remembrance Program:** The program aims to engage communities throughout Canada to honour Veterans by means of remembrance gardens along with local activities.



## 2022 ONTARIO EDITION

**REGISTRATION DEADLINE: APRIL 30**

(extension possible upon request)

<b>Community</b> (please indicate if City, Town, Village, etc.)		<b>Population</b>	<b>Mayor or Head of Council</b>	
<b>Name of Community Contact</b>		<b>Position / Title</b>		
<b>Address</b>		<b>Province</b>		<b>Postal Code</b>
( )	( )	( )	( )	
<b>Phone</b>	<b>Fax</b>	<b>Cell Phone</b>	<b>Evening Phone</b>	
<b>E-mail</b>		<b>Preferred evaluation date*</b> * will be considered but cannot be guaranteed		
<b>CATEGORY: Population ( evaluation ) Friends ( non-evaluated)</b>				

### Population Category (community is evaluated):

- two volunteer judges visit and evaluates the community to provide a **report, mention and bloom rating**
- evaluation will be planned to be scheduled for two days with accommodation provided by the host community
- The evaluation will take place in July or August. The dates are determined in consultation with the community subject to the availability of the volunteer judges.

### Friends Category (community is not evaluated):

- community is not evaluated : becomes part of the Communities in Bloom network

### Benefits of participation

- Communities in Bloom provides access to a reputable **information exchange network**
- **Economic, Social and Environmental** benefits ( as detailed in program information )
- Promotion of the community in the **Ontario Edition** and during the **Awards Ceremonies** in September

### Registration fees

- payment by Cheque is requested at registration by mail. If you wish you may email the registration form with the cheque to follow.
- **Population (evaluated):**

Up to 5,000: \$ 400

20,001 to 50,000: \$ 850

5,001 to 10,000: \$ 575

Over 50,000 : \$ 1000

**10,001 to 20,000: \$ 700**

### Friends (non-evaluated):

\$ 250

Mail, your completed registration form and Cheque to:

**Communities in Bloom Ontario**, 276 Martha St, Goderich, Ontario N7A4N1, quinn@huronia.on.ca



THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4401 (2021)

**Being a by-law to authorize the use of Optical Scanning Vote Tabulators, Touch Screen Vote Tabulators, and to allow for an alternative voting method, being a hybrid-voting approach for the Municipal Elections, specifically using a combination of in-person voting and special on demand mail in ballots and to Repeal and Replace By-law #3875(2017).**

WHEREAS Section 42 of the Municipal Elections Act, S.O. 1996, c.32, as amended, provides that a municipal Council may, by by-law, authorize the use of vote counting equipment and alternative voting methods at municipal elections;

AND WHEREAS Council for the Town of Pelham deems it desirable to pass such a by-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the Council of the Corporation of the Town of Pelham hereby authorizes the use of optical scanning vote tabulators and touch screen vote tabulators for the purpose of counting votes at municipal elections;
- (2) AND THAT the Council of the Corporation of the Town of Pelham hereby authorizes the use of alternative voting methods and authorizes a hybrid-voting approach at municipal elections, specifically allowing in-person voting and special on demand mail in ballots;
- (3) AND THAT this By-law shall come into force and effect upon the date it is passed;
- (4) AND THAT By-law #3875(2017) be and is hereby repealed.

ENACTED, SIGNED & SEALED THIS  
15<sup>th</sup> DAY OF NOVEMBER 2021

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M. JUNKIN, MAYOR

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HOLLY WILLFORD, TOWN CLERK

THE CORPORATION OF THE  
T O W N O F P E L H A M  
BY-LAW #4402(2021)

**Being a by-law to adopt, ratify and confirm the actions of  
the Council at its regular meeting held on the 15th day of  
November 2021.**

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 15th day of  
November, 2021, 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 15th DAY OF NOVEMBER 2021.

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MAYOR MARVIN JUNKIN

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TOWN CLERK HOLLY WILLFORD