

**City of Port Colborne  
Council Meeting Agenda**

**Date:** September 13, 2021  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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## **9. Presentations**

## **10. Delegations**

Due to COVID-19 this meeting will be conducted virtually. Anyone wishing to speak to Council is asked to submit a written delegation that will be circulated to Council prior to the meeting. Written delegations will be accepted until noon the day of the meeting by emailing [deputyclerk@portcolborne.ca](mailto:deputyclerk@portcolborne.ca) or submitting a hard copy in the after-hours drop box in front of City Hall, 66 Charlotte Street, Port Colborne. Written delegations accepted after this time will be circulated with the minutes and included as public record.

## **11. Mayor's Report**

## **12. Regional Councillor's Report**

## **13. Staff Remarks**

## **14. Councillors' Remarks**

## **15. Consideration of Items Requiring Separate Discussion**

## **16. Motions**

## **17. Notice of Motions**

**18. Minutes of Boards & Committees**

**19. By-laws**

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**20. Confidential Items**

Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

**21. Procedural Motions**

**22. Information items**

**23. Adjournment**

**From:** Stephen Covey <[marie-pier.triganne@cn.ca](mailto:marie-pier.triganne@cn.ca)>  
**Sent:** August 24, 2021 10:32 AM  
**To:** Scott Luey <[Scott.Luey@portcolborne.ca](mailto:Scott.Luey@portcolborne.ca)>  
**Subject:** We'd like to hear from you: Rail Safety Week 2021 Proclamation request

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



[cn.ca](http://cn.ca)

Dear Mr. Luey:

**Don't forget to adopt the Rail Safety Week 2021 Proclamation**

Rail Safety Week will be held in Canada, the United States, and Mexico from **September 20-26, 2021**. As a proud neighbour of your community, CN is committed to help prevent accidents and injuries at rail crossings by collaborating on efforts to raise rail safety awareness to help keep your fellow citizens safe.

We want to remind you of this important opportunity to become a powerful ally in rail safety efforts by adopting the attached resolution in support of Rail Safety Week. Like many other municipalities, by adopting the resolution your council can help prevent injuries in your community and save lives.

Please send a copy of your proclamation by e-mail to [Marie-Pier.Triganne@cn.ca](mailto:Marie-Pier.Triganne@cn.ca) or by mail to the address below and let us know about your plans to promote rail safety in your community.

CN – Marie-Pier Triganne  
935 de la Gauchetière Street West  
16th floor  
Montreal, Quebec  
H3B 2M9

For questions or concerns about rail safety in your community, please contact our Public Inquiry Line at 1-888-888-5909. For additional information about Rail Safety Week 2021, please consult [cn.ca/railsafety](http://cn.ca/railsafety) or [operationlifesaver.ca](http://operationlifesaver.ca).

Sincerely,

Stephen Covey  
Chief of Police and Chief Security Officer





(Draft Resolution)

**RESOLUTION IN SUPPORT OF RAIL SAFETY WEEK**

**Whereas** *Rail Safety Week* is to be held across Canada from September 20 to 26, 2021;

**Whereas** it is in the public's interest to raise citizens' awareness of the dangers of ignoring safety warnings at level crossings and trespassing on rail property to reduce avoidable deaths, injuries and damage caused by incidents involving trains and citizens;

**Whereas** Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness;

**Whereas** CN has requested City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality;

It is proposed by Councillor \_\_\_\_\_

seconded by Councillor \_\_\_\_\_

It is hereby **RESOLVED** to support national ***Rail Safety Week*** to be held from September 20 to 26, 2021.



**PORT COLBORNE**

September 13, 2021

Moved by Councillor  
Seconded by Councillor

**WHEREAS** Rail Safety Week is to be held across Canada from September 20 to 26, 2021; and

**WHEREAS** it is in the public's interest to raise citizens' awareness of the dangers of ignoring safety warnings at level crossings and trespassing on rail property to reduce avoidable deaths, injuries and damage caused by incidents involving trains and citizens; and

**WHEREAS** Operation Lifesaver is a public/private partnership whose aim is to work with the public, rail industry, governments, police services, media and others to raise rail safety awareness; and

**WHEREAS** CN has requested City Council adopt this resolution in support of its ongoing efforts to raise awareness, save lives and prevent injuries in communities, including our municipality;

**NOW THEREFORE**, I, Mayor William C. Steele, do hereby proclaim September 20 to 26, 2021 as "**National Rail Safety Week**" in the City of Port Colborne.

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William C. Steele  
Mayor

## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Monday, August 23, 2021  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** M. Bagu, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor

**Member(s) Absent:** E. Beauregard, Councillor

**Staff Present:** A. LaPointe, Acting Director of Planning and Development/City Clerk  
S. Luey, Chief Administrative Officer  
C. Madden, Deputy Clerk (minutes)  
B. Boles, Director of Corporate Services/Treasurer  
C. Kalimootoo, Director of Public Works  
S. Lawson, Fire Chief

#### **1. Call to Order**

Mayor Steele called the meeting to order.

#### **2. National Anthem**

#### **3. Proclamations**

#### **4. Adoption of Agenda**

Moved by Councillor F. Danch  
Seconded by Councillor G. Bruno

That the agenda dated August 23, 2021 be confirmed, as circulated.

Carried

**5. Disclosures of Interest**

**6. Approval of Minutes**

**6.1 Regular Meeting of Council - August 9, 2021**

Moved by Councillor A. Desmarais

Seconded by Councillor R. Bodner

That the minutes of the regular meeting of Council, held on August 9, 2021, be approved as presented.

Carried

**7. Staff Reports**

**8. Correspondence Items**

**9. Presentations**

**9.1 Jill Croteau, Niagara Region Physician Recruitment & Retention Coordinator - Physician Recruitment Update**

Jill Croteau, Niagara Region Physician Recruitment & Retention Coordinator, provided Council with a physician recruitment update and introduced Dr. Matthew Vandenberg who is taking over Dr. Alan Daniel's practice effective September 7, 2021. Council welcomed Dr. Vandenberg.

**10. Delegations**

**10.1 Jane Hozian, McKeil Marine Limited - Request to receive exemption from By-law 89-2000 and receive a pass to park on West Street**

Moved by Councillor G. Bruno

Seconded by Councillor R. Bodner

That Council approve granting McKeil Marine Limited a parking permit for the Port Colborne City Hall staff parking lot.

Carried

**11. Mayor's Report**

**12. Regional Councillor's Report**

**13. Staff Remarks**

**13.1 Niagara Region Open House (LaPointe)**

The Acting Director of Planning and Development/City Clerk informed Council that the Niagara Region will be hosting a virtual Open House on September 9, 2021 at 6:00 p.m. regarding the expansion application of Port Colborne Quarries.

**13.2 Road End Study (Luey)**

This Chief Administrative Officer provided Council with an update on the Road End Study.

**13.3 COVID-19 Update (Luey)**

The Chief Administrative Officer provided a COVID-19 operational update and responded to questions received from Council.

**13.4 Parking on Firelanes not owned by the City (Lawson)**

The Fire Chief informed Council that 'No Parking' Fire Route signs will be installed on Firelanes that are not owned by the City in a few weeks and that after installation, the City will have authority to enforce parking on those Firelanes.

**14. Councillors' Remarks**

**14.1 Pleasant Beach Road Allowance Gate (Wells)**

Councillor Wells stated concerns regarding golf carts and inquired as to whether a new process could be established for the road end gates.

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That the Director of Public Works be directed to obtain security locks with numbered keys and limited duplication and install at all road end gates.

Lost

Moved by Councillor D. Kalailieff

Seconded by Councillor G. Bruno

That the Director of Public Works be directed to investigate methods of securing the road ends and bring a report forward to Council with a recommendation.

Carried

**14.2 Parking Ticket on Hillcrest Road (Danch)**

In response to Councillor Danch's inquiry with respect to a resident receiving a parking ticket on Hillcrest Road, the Fire Chief informed Council that he would investigate this matter.

**14.3 Vacant Lot on Main Street (Danch)**

In response to Councillor Danch's inquiry regarding a vacant lot on Main Street that has long grass, the Fire Chief informed Council that staff are in the process of enforcing the Lot Maintenance By-law on this property.

**14.4 Parking on Erie Street (Danch)**

Councillor Danch reported that there is a resident on Erie Street having issues exiting their driveway as it is blocked by other residents who are parking in front of it. The Fire Chief informed Council that he would investigate this matter.

**14.5 Trucks on Barrick Road (Bruno)**

Councillor Bruno expressed gratitude towards the Director of Public Works for coordinating with the Ontario Ministry of Transportation in installing signs at the entrance of Loyalist Park and at the end of Barrick Road notifying truck drivers to not drive on Barrick Road.

**14.6 Killaly Street West (Bruno)**

Councillor Bruno expressed gratitude towards the Fire Chief for his response to the issues that occurred on Killaly Street West.

**14.7 Crews Quarters Moving (Bruno)**

Councillor Bruno expressed appreciation towards the business owners of Crews Quarters for their gift given to the City of Port Colborne. The Councillor further expressed well wishes to them as they move to their new location in Crystal Beach.

**14.8 Canada Community Revitalization Funding (Steele)**

Mayor Steele requested that the Manager of Strategic Initiatives provide a summary of staff's work on the Canada Community Revitalization Funding application to clarify misinformation. The Mayor further expressed gratitude towards staff for their work on this application.

**15. Consideration of Items Requiring Separate Discussion**

**15.1 Erie Street Watermain – Funding and Construction Approval, 2021-205**

Moved by Councillor G. Bruno  
Seconded by Councillor H. Wells

That Public Works Department Report 2021-205 be received;

That Council approve funding for the construction of watermain on Erie Street in the amount of \$1.88 million; and

That Council delegate the authority to the Director of Public Works to award the construction contract to the lowest bid proposal through the City's tender process.

Carried

**15.2 Green Infrastructure Stream Funding for Watermain Replacements, 2021-224**

Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That Public Works Department Report 2021-224 be received; and

That Council direct the Manager of Water and Wastewater to apply for Green Infrastructure Stream funding for watermain replacement projects.

Carried

**15.3 Niagara Transit Governance Update, 2021-206**

Moved by Councillor G. Bruno  
Seconded by Councillor A. Desmarais

That Chief Administrative Office Report 2021-206 be received for information.

Carried

**15.4 Lockview Park – Concepts Plans, 2021-223**

Moved by Councillor G. Bruno  
Seconded by Councillor H. Wells

That Chief Administrative Office Report 2021-223 be received for information.

Carried

**15.5 Niagara Gateway Economic Zone and Centre CIP Expansion, 2021-220**

Moved by Councillor G. Bruno  
Seconded by Councillor H. Wells

That Chief Administrative Office Report 2021-220 be received;

That Council approve expanding the Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP) area as outlined in Appendix A to Chief Administrative Office Report 2021-220; and

That the Economic Development Officer be directed to contact the Niagara Region's Council to request that they match the new boundaries.

**Amendment:** Moved by Councillor G. Bruno  
Seconded by Councillor A. Desmarais

That Chief Administrative Office Report 2021-220 be received;

That Council approve expanding the Niagara Gateway Economic Zone and Centre Community Improvement Plan (CIP) area **to be the southern limit of Lake Erie, the northern City limit, and 350 metres on the east and west sides of the Welland Canal;** and

That the Economic Development Officer be directed to contact the Niagara Region's Council to request that they match the new boundaries.

Carried

**15.6 2021 Beach Operations Update, 2021-219**



Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That Corporate Services Department Report 2021-219, 2021 Beach Operations Update, be received as information.

Carried

**15.7 Signage Renewal Strategy, 2021-215**

Moved by Councillor G. Bruno  
Seconded by Councillor F. Danch

That Chief Administrative Office Report 2021-215 be received for information.

Carried

**15.8 City of Welland - Request Niagara Region to Maintain Existing Grants and Incentive Programs**

Moved by Councillor G. Bruno  
Seconded by Councillor R. Bodner

That correspondence from the City of Welland regarding the Request to the Niagara Region to Maintain Existing Grants and Incentive Programs, be supported.

Carried

**15.9 City of Stratford - Phase Out Ontario's Gas Plants**

Moved by Councillor H. Wells  
Seconded by Councillor M. Bagu

That correspondence from the City of Stratford regarding the Phase Out of Ontario's Gas Plants, be supported.

Carried

**16. Motions**

**17. Notice of Motions**

**18. Minutes of Boards & Committees**

**19. By-laws**

Moved by Councillor R. Bodner  
Seconded by Councillor H. Wells

That items 19.1 to 19.3 be enacted and passed.

Carried

**19.1 By-law to Appoint Whitney Gilliland as a Deputy Clerk  
(Commissioner for Taking Affidavits)**

**19.2 By-law to Appoint Christopher Roome as a Deputy Clerk  
(Commissioner for Taking Affidavits)**

**19.3 By-law to Adopt, Ratify and Confirm the Proceedings of the Council  
of The Corporation of the City of Port Colborne**

**20. Confidential Items**

Moved by Councillor M. Bagu  
Seconded by Councillor D. Kalailieff

That Council do now proceed into closed session in order to address items 20.1 to 20.5.

Carried

**20.1 Minutes of the closed session portion of the July 12, 2021 Council Meeting**

**20.2 Chief Administrative Office Report 2021-225, Proposed or Pending Acquisition or Disposition of Land**

**20.3 Chief Administrative Office Report 2021-217, Proposed or Pending Acquisition or Disposition of Land and Solicitor-Client Privilege**

**20.4 Chief Administrative Office Report 2021-218, Proposed or Pending Acquisition or Disposition of Land**

**20.5 Chief Administrative Office Report 2021-222, Proposed or Pending Acquisition or Disposition of Land**

**21. Procedural Motions**

**22. Information items**

**23. Adjournment**

Council moved into Closed Session at approximately 9:41 p.m.

Council reconvened into Open Session at approximately 10:34 p.m.

Mayor Steele adjourned the meeting at approximately 10:35 p.m.

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William C. Steele, Mayor

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Amber LaPointe, City Clerk



**Subject: Recreation Department Update**

**To: Council**

**From: Corporate Services Department**

Report Number: 2021-233

Meeting Date: September 13, 2021

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**Recommendation:**

That Corporate Services Department Report 2021-233 be received for information.

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**Purpose:**

To update Council on the status and timelines of further reopening plans for the VHWC.

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**Background:**

Entering step 3 of Reopening Ontario, the Vale Health and Wellness Centre (VHWC) commenced limited programming on July 20, 2021. One ice pad and the walking track were opened to the public. Numerous hockey schools and camps operated over the summer, and the YMCA was able to offer youth summer camps. Additionally, minor soccer and baseball, as well as adult slo-pitch were all able to offer league games and tournaments at the TA Lannan Sports Complex fields.

The last scheduled vaccination clinic at the VHWC was held on August 31, 2021. The Niagara Region will now transition the Port Colborne clinic to the Visitor Centre at 76 Main St W. This move has allowed the YMCA to proceed with plans to reopen the branch to members with full access to programs and amenities.

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**Discussion:**

**Vale Health and Wellness (VHWC)**

With the recent announcement from the Province regarding vaccination certificates, the VHWC, including the YMCA will follow any and all requirements regarding vaccination certificates. The YMCA will be asking for proof of vaccination at the time of signing up for membership. Out of an abundance of caution, and to implement a consistent approach in response to the Provincial requirements, the City of Port Colborne will utilize security staff at the rink entrance to screen patrons and to ensure all of those entering the facility are vaccinated. The Ontario Minor Hockey Association (OMHA) has mandated that all participants (players, staff, and coaches) must be vaccinated to play, and will administer those requirements on their end. YMCA members and patrons attending the VHWC will be asked to use the Ontario government's vaccine verification tool as the means for demonstrating proof of vaccination.

The YMCA will reopen to the public beginning September 15, 2021 with a new pricing model. There will now be flexible options for family, student, individual or older adult memberships. Options include:

- Fitness Only (Fitness Floor, Open Gym, Virtual Programs)
- Fitness, Group & Recreation (Fitness Floor, Open Gym, Virtual Programs, Group Fitness Class, Drop-in Sport & Recreation, Fitness and Goal Setting)
- Aquatic Programming (Aquafit, Lane Swimming, Recreational Swimming)
- All-Inclusive (all the above, including Muti-Branch Access)

The YMCA Financial Assistance program will continue to be offered serving those individuals and families who have the greatest need in the community. The YMCA will first open with a gradual approach including limited hours and look to expand programming options and hours of operation when appropriate.

YMCA Hours of Operation:

- Monday to Thursday - 6:30am - 8:30pm,
- Friday – 6:30am - 6:30pm,
- Saturday – 7:00am - 2:00pm,
- Sunday – closed.

Port Colborne Minor Hockey and Girls Wave Hockey are planning for their 2021/22 season, with games beginning in late September/early October. Rink 2 will reopen for rentals beginning September 10, 2021. Both ice pads will be operational, ready to welcome back user groups. On-ice public programs, including public skating, will resume on the same date as the YMCA – September 15, 2021.

VHWC Hours of Operation:

- 7 days a week – 6:00am – 11:00pm.

## **#PORTicipate Pass**

The #PORTicipate pass program to date has allowed Port Colborne residents free access to Nickel and Cedar Bay beaches. Staff are looking at evolving the #PORTicipate pass and have partnered with the YMCA to expand the incentives residents can obtain through the #PORTicipate pass. Residents can now go public skating and try the YMCA for free. Beginning in October, the YMCA will provide a free day pass for anyone that shows their #PORTicipate pass (the YMCA will track the number of participants in a family, and passes will be a one-time use). The City will offer the following public skates free to those that show their #PORTicipate pass at arrival: October 2 and 3, November 6 and 7, and December 4 and 5. More information will be shared prior to the start of this program.

## **Beaches**

The seven (7) day operation at Nickel Beach is now closed for the season. The beach will remain opened on weekends (weather permitting), 10:00am - 6:00pm – passes will be available on the City website. Walk-on gate access will remain open for passive use. Cedar Bay – Centennial Beach is now also closed for the season, and no longer staffed or gated as a result. Park amenities will remain open until Thanksgiving, and walk-on beach access will remain open for passive use.

## **Sugarloaf Marina**

The marina is now on reduced hours until the Thanksgiving weekend. The hours have changed to Monday – Friday from 9:00am – 5:00pm, and Saturday and Sunday from 8:30am – 4:30pm. After Thanksgiving, the marina will only be opened Monday - Friday from 9:00am – 5:00pm and closed on weekends.

The marina had 510 seasonal dock customers this year, marking the highest ever total. Although most boaters book their haul out date later in September and into October, staff have already begun hauling out for the off-season. October 15, 2021 is the end of the boating season, as staff shut power and water off to the docks. Security will stop patrolling the docks on this date. Staff will continue to fuel vessels if required in the interim.

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**Financial Implications:**

There are no direct financial implications. The VHWC will resume day-to-day operations, previously budgeted for.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - Attracting Business Investment and Tourists to Port Colborne
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - People: Supporting and Investing in Human Capital
  - Governance: Communications, Engagement, and Decision-Making
- 

**Conclusion:**

The YMCA and local community and sport groups are eager to return. Staff will continue to follow guidelines from the Province, Niagara Region Public Health, and the City's Emergency Control Group. Staff seeks Council's endorsement to proceed with reopening to offer safe programming and recreation to the residents of Port Colborne and surrounding area.

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Respectfully submitted,

Bryan Theal  
Manager of Recreation  
905-835-2901 ext. 535  
Bryan.theal@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

**Subject: COVID-19 Vaccination Policy**

**To: Council**

**From: Corporate Services Department**

Report Number: 2021-239

Meeting Date: September 13, 2021

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**Recommendation:**

That Corporate Services Department Report 2021-239 be received; and

That staff be directed to implement a COVID-19 Vaccination Policy setting out vaccine requirements as outlined in Report 2021-239.

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**Discussion:**

The subject of vaccine policies has been widely discussed across Canada given the ongoing global pandemic and the increase of more transmissible and deadly variants. Throughout the pandemic the City's Corporate Leadership Team has been committed to ensuring City workplaces are safe and this commitment is evident in the policies and procedures that have been enacted throughout the pandemic.

As Council is aware, Niagara Region has confirmed they are implementing a vaccine policy and many local municipalities have indicated they will implement policies of their own. At the time of writing this report an anonymous survey has been sent to all staff regarding vaccination and vaccination policies. In addition to this, a Town Hall meeting has been scheduled for all staff on September 8<sup>th</sup>, which at the time of writing this report has not occurred.

The City's Emergency Control Group (ECG) unanimously recommends that a vaccination policy consistent with the City's Corporate Values, Collective Agreement Language, the Ontario Human Rights Code and all applicable legislation be drafted and implemented.

Such a policy would extend to City of Port Colborne employees, students, volunteers and members of Council, who would be required to comply with this policy. Staff recommend that for those who have not been fully vaccinated or who have chosen to not disclose their



vaccination status and have not provided proof of a bona fide medical or Human Rights Code exemption the following recommendations be included in the policy;

- Completion of a mandatory education session;
- Adherence to extra PPE measures (masking at all time while in City facilities, etc);
- Requirement to attend rapid antigen testing at regular intervals (to be determined by Staff);
- If these staff are required to self isolate due to a potential COVID exposure outside of the workplace, they must use unpaid time or banked vacation or lieu time;
- Redeployment to a different work location if necessary;
- Accommodation to point of undue hardship.

Vaccination requirements are subject to bona fide Human Rights Code exemptions. In recognition of the City's obligations under the Human Rights Code, a worker who presents and substantiates a valid legal justification for exemption on the basis of grounds listed under the Human Rights Code will be accommodated in accordance with the City's processes. Those who have a bona fide exemption can still be required to undergo regular rapid antigen testing should the City choose to implement this requirement in its policy. Staff recommend that, in these cases, the City pay for the cost of the test, rather than the Employee.

As the pandemic continues to be an evolving situation staff recognize the continued need to be able to adapt policies and processes quickly, staff must be prepared to make changes to policy and adapt as required to new direction and guidance from the Provincial Government and local public health authorities. Any such changes will be made in accordance with the language of the City's Collective Agreements, the Ontario Human Rights Code and any and all applicable legislation.

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### **Internal Consultations:**

All City employees were provided the opportunity to complete a confidential and anonymous survey regarding Vaccination Policies in the workplace. At the time of writing this report the survey had not yet closed and was still available to staff to provide their responses.

A workplace "Town Hall" meeting has been scheduled with all employees on September 8<sup>th</sup>, which at the time of writing this report has not occurred.

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## **Financial Implications:**

The City's ECG recommends the cost for rapid antigen testing for employees who require testing under the policy be borne by the employee.

If the City decides to fund the cost of rapid antigen testing, there will be a cost per test. Staff is still sourcing available testing options at the time of writing this report.

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## **Public Engagement:**

This proposed policy would not pertain to members of the public.

Active screening is required for the public to access some City facilities, and proof of vaccination is required for other City facilities and activities based on user group regulations. These processes will remain in place.

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## **Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - Attracting Business Investment and Tourists to Port Colborne
  - People: Supporting and Investing in Human Capital
  - Governance: Communications, Engagement, and Decision-Making
- 

## **Conclusion:**

The ECG recognizes the severity of COVID-19 and has through monitoring the operating environment, become aware that several organizations including the federal, provincial and Niagara Regional governments have implemented or intend to implement vaccination policies.

Out of an abundance of caution and the fact that many organizations have moved to implement Vaccination Policies the ECG recommends to Council the adoption of a Vaccination Policy for the City of Port Colborne.

The Vaccination Policy will protect employees, students, patrons, volunteers and members of council.

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Respectfully submitted,

Mary Murray  
Manager of Human Resources  
905-835-2900 extension 309  
Mary.murray@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

**Subject: Downtown BIA Harvest Festival and Downtown Cruise Night**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2021-228

Meeting Date: September 13, 2021

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**Recommendation:**

That Chief Administrative Office Report 2021-228 be received; and

That Council approves the following road closures for the Downtown Cruise Nights on Thursday, September 23, 2021 and Thursday September 30, 2021:

- Clarence Street from the western limit of King Street to the eastern limit of Catherine Street; and
- Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte Street;
- The City to provide the road barricades and assist with the road closures.

That Council approves the following road closures for Harvest Fest on Saturday, September 25, 2021:

- Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte street.

That council approves the following support for Harvest Fest:

- Waiver of the \$83.20 fee for use of King George Park and access to hydro;
  - The City to provide road barricades and assist with the road closures;
  - Provide 10 large pylons;
  - Provide additional garbage bins at King George Park;
  - Ensure the Harbour Master Building Washrooms are open for the public.
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**Purpose:**

The purpose of this report is to present a request to Council from the Port Colborne Downtown Business Improvement Area Board of Management (Downtown BIA). The Downtown BIA is requesting road closures to host the “Harvest Fest” event as well as two Downtown Cruiser’s Cruise nights on City Streets.

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**Background:**

The proposed Cruise Night will operate from 5:00 p.m. to 9:00 p.m. on Thursday, September 23, 2021 and Thursday, September 30, 2021. Due to construction occurring on West Street north of Clarence Street in September, the traditional footprint for the cruise nights will have to be altered. The new proposed footprint will be the following:

- Clarence Street from the western limit of King Street to the eastern limit of Catherine Street; and
- Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte Street;
- The City will need to provide road barricades to assist with closing of the roads at 5:00 p.m. for each event.

The Cruise nights are going to use a pre-registration system. Classic vehicle entrants must pre-register and then they will be assigned a spot to park. In the event that classic vehicles show up with out registering, the Market Square parking lot can be used as overflow to accommodate these vehicles. Each parking spot will be spaced by at least 6 feet to ensure proper distancing. Volunteers will be on-site to ensure that event goers are following COVID-19 protocols and are not gathering in large groups. The Downtown Cruisers are also requesting that an entertainer named “COVID Elvis” play music in King George Park for the duration of the event. The Downtown BIA will be sanctioning this event.

The proposed Harvest Fest event will operate in the evening on Friday, September 24, 2021 and from 10:00 a.m. to 4:00 p.m. and on Saturday, September 25, 2021. On Friday, September 24, the event will consist of local restaurants and business offering Harvest Fest specials and hosting local entertainment at their own establishments. Below is the proposed Harvest Fest itinerary for Saturday, September 25, 2021.

- Market Square will be left open for parking.
- Closure of Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte Street to host 20 artisan vendors.
- Port Cares parking lot will host entertainers and 10 vendors.
- Mariner’s park will host entertainers and 10 vendors.
- Buskers to be located in various locations on West Street, Clarence Street, and Charlotte Street.

- Artistic vendors to be located at St. James & St. Brendan Church.
- Use of King George Park for vendors.
- Downtown Businesses to host sidewalk sales.
- Downtown Restaurants to promote festival specials.

The Downtown BIA has indicated that in order to enforce and control COVID protocols and social distancing measures, they will be hiring security guards to monitor the event spaces. The Downtown BIA has also indicated they will have a team of 3-4 volunteers at each event location to assist with controlling crowds and ensuring proper social distancing is taking place.

The Downtown BIA is requesting the following support from the City:

- Reach out and alert emergency services of the event;
- Approval of road closure of Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte Street;
- Waive the \$83.20 fee for use of King George Park and access to hydro;
- Provide road barricades and assist with the closure of Catherine Street;
- Provide 10 large pylons;
- Provide additional garbage bins at King George Park;
- Ensure the Harbour Master building washrooms are open for the duration of the event.

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## Discussion:

City event staff have discussed the proposed events with the Downtown BIA and later presented the proposed event to the City's Emergency Control Group (ECG). The ECG has raised concerns on the potential liability and negative public image around having events with road closures and potential large gatherings due to the growing COVID-19 numbers throughout Ontario and the Niagara Region. The ECG has also indicated that the City's By-law Enforcement capacity limits the availability for City staff to be on-site enforcing social distancing guidelines and COVID-19 protocols at the events. This responsibility will fall onto the Downtown BIA through the use of security personnel and event volunteers.

The ECG will continue to monitor the impact the COVID-19 pandemic is having on the province, region, and City of Port Colborne after this Council meeting to ensure that it is still safe to host this event if this report is approved. If the province reduces the current gathering limits in Ontario or COVID-19 cases continue to rise in the Niagara Region, the ECG will consider cancelling the portion of the event that is occurring on City property.

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## Internal Consultations:

Staff have consulted with the ECG, the ECG has provided the following comments:

The Emergency Control Group supports a safe and gradual recovery from the economic impact of the pandemic on businesses in Port Colborne and supports the BIA in the Harvest Fest and Cruise Night initiatives. The ECG notes that, while Ontario is in Step 3 of the provincial recovery framework, case numbers in Ontario are high and COVID variants are prevalent. The ECG strongly encourages the BIA to institute and monitor COVID precautions to ensure the health and safety of everyone involved in these events.

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## Financial Implications:

The Downtown BIA is not requesting any funding for this event. They are however requesting that we waive the \$83.20 fee for the use of King George Park and access to hydro.

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## Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
  - Governance: Communications, Engagement, and Decision-Making
- 

## Conclusion:

In conclusion, staff are looking for direction from Council on whether or not the City should approve the Downtown Cruise nights and Harvest Fest proceeding on City property. If Council does wish to give approval for the road closures, the ECG will continue to monitor the impact COVID-19 is having in the province, region, and in Port Colborne. If the case numbers continue to rise or the provincial government retracts the current gathering limits that are in the place, the ECG may decide to cancel the event from occurring on City property.

The following is being requested for the Downtown Cruise nights on Thursday, September 23 and Thursday, September 30, 2021 from 5:00 p.m. to 9:00 p.m.:

- Clarence Street from the western limit of King Street to the eastern limit of Catherine Street; and

- Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte Street;
- The City to provide the road barricades and assist with the road closures.

The following is being requested for Harvest Fest on Saturday, September 25, 2021 from 10:00 a.m. to 4:00 p.m.:

- Closure of Catherine Street from the southern limit of Clarence Street to the northern limit of Charlotte street to host 20 artisan vendors;
- Waive the \$83.20 fee for use of King George Park and access to hydro;
- The City to provide road barricades and assist with the road closures;
- Provide 10 large pylons;
- Provide additional garbage bins at King George Park;
- Ensure the Harbour Master Building Washrooms are open for the public.

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Respectfully submitted,

Luke Rowe  
Event & Volunteer Coordinator  
905-835-2900 ext. 566  
luke.rowe@portcolborne.ca

### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



**Subject: 2021 AMO Conference Update**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2021-231

Meeting Date: September 13, 2021

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**Recommendation:**

That Chief Administrative Report 2021-231 regarding the City's delegation meetings at the 2021 AMO Conference be received for information.

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**Purpose:**

The purpose of this report is to update Council on the City's delegation meetings at the recent Association of Municipalities of Ontario (AMO) Conference.

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**Background:**

The 2021 AMO Conference, hosted by the City of London, was held virtually with over 1400 delegates attending. AMO is a non-profit organization representing almost all of Ontario's 444 municipal governments. City staff submitted seven (7) Ministerial meeting requests and received six (6) meeting confirmations. The City's delegation, comprised of the Mayor, CAO, and Manager of Strategic Initiatives, had meetings with the following Ministers and Parliamentary Assistants:

- The Honourable Caroline Mulroney, Minister of Transportation
- Jim McDonell, Parliamentary Assistant to the Minister of Municipal Affairs and Housing
- Mike Harris, Parliamentary Assistant to the Minister of Natural Resources and Forestry
- Sheref Sabawy, Parliamentary Assistant to the Minister of Heritage, Sport, Tourism, and Culture Industries
- The Honourable Kinga Surma, Minister of Infrastructure
- Donna Skelly, Parliamentary Assistant to the Minister of Economic Development, Job Creation, and Trade

Each delegation meeting was fifteen (15) minutes in length. City staff provided agenda items and background information to the Ministerial staff prior to the meetings. A news release was issued the week prior to the conference announcing the Ministerial and Parliamentary Assistant meetings confirmed for Port Colborne's delegation.

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### **Discussion:**

The focus of the City's delegation at the 2021 AMO Conference was to increase Port Colborne's profile; discuss priority projects and important issues for our community; build partnerships with decision-makers at Queen's Park; and establish points of contact on key files.

Some of the projects and issues that Port Colborne's delegation highlighted during the Ministerial meetings included: water/wastewater infrastructure funding; developing and funding a marine strategy for investments in ports; COVID-19 and municipal service delivery; a new multi-purpose facility at the City's waterfront; economic recovery and tourism; partnerships to support affordable housing; the City's new cruise ship initiative; flood mitigation and shoreline erosion; and investments in transportation corridors as part of a goods movement strategy.

The City's delegation also watched Ministers Forums, workshops on broadband connectivity and municipal insurance, and presentations by the Premier, the Minister of Infrastructure, the Minister of Municipal Affairs and Housing, and the Minister of Health.

Thank you letters were sent by the Mayor to each of the Ministers and Parliamentary Assistants summarizing key discussion points and inviting each of them to Port Colborne to tour the City and view current projects and areas of future growth and development. City staff have had subsequent conversations about inviting more provincial Ministers, Parliamentary Assistants, and MPPs to Port Colborne.

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### **Internal Consultations:**

Staff from the Office of the Mayor and CAO, Economic Development and Tourism, and Engineering/Public Works worked together on preparing briefing materials. Corporate Communications also assisted in issuing a news release.

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### **Financial Implications:**

There are no financial implications associated with this report. Municipal conferences including AMO and Ontario Good Roads will be held in-person again and staff are recommending that the City have a strong presence at these conferences and request meetings with Ministers and Parliamentary Assistants. Therefore, there will be travel,

accommodation, and conference expenses in the future and these are already budgeted for in the operating budget.

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### **Strategic Plan Alignment:**

The City's meetings with Ministers and Parliamentary Assistants and the topics discussed aligned with most of the pillars in the strategic plan, including the following:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - Attracting Business Investment and Tourists to Port Colborne
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Value: Financial Management to Achieve Financial Sustainability
  - Governance: Communications, Engagement, and Decision-Making
- 

### **Conclusion:**

The City's Corporate Leadership Team (CLT), and the Mayor's Office, are committed to strengthening our working relationships and partnerships with federal, provincial, and regional elected officials and staff as part of a broader plan to enhance our government relations and advocacy strategy. Port Colborne's delegation at the 2021 AMO Conference had six (6) meetings with Ministers and Parliamentary Assistants to discuss important projects and initiatives. Staff will continue the dialogue with provincial contacts on key files and identify other opportunities for Port Colborne's delegation to meet with provincial officials.

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Respectfully submitted,

Gary Long  
Manager of Strategic Initiatives  
905-835-2900 x.502  
[gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca)

### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



**Subject: Dain City Trail Improvements Funding Agreement**

**To: Council**

**From: Chief Administrative Office**

Report Number: 2021-235

Meeting Date: September 13, 2021

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**Recommendation:**

That Chief Administrative Office report 2021-235 be received; and

That Council reaffirms the City's funding commitment to the Dain City Multi-use Trail Improvement Project; and

That Council authorizes the Mayor and City Clerk to sign the Transfer Payment Agreement with the provincial government.

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**Purpose:**

The purpose of this report is to inform Council that the City was successful with an application to the Investing in Canada Infrastructure Program (ICIP) COVID Stream: Local Government Intake regarding funding for Dain City Multi-use Trail Improvements.

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**Background:**

The ICIP program is a cost-shared infrastructure funding program between the federal government, provinces and territories, and recipients. In December 2020, City staff submitted an application to ICIP COVID Stream: Local Government Intake seeking funding for Dain City Multi-use Trail Improvements. This application was a follow up to report 2020-125, dated September 17, 2020, regarding 2021 Capital and Related Projects Budget. It is also supported by report 2021-196, dated July 12, 2021, regarding 2021-2022 Multi-Use Trail Repairs.

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**Discussion:**

The multi-use trail runs from Lakeview Park along the promenade to Dain City. The asphalt trail has reached the end of its life cycle and is due for replacement. The continued deterioration of the trail caused by shoreline erosion resulted in the need to close the trail due to safety concerns. Asphalt will be replaced from the former Robin Hood Mill to the limits of Dain City.

The trail is part of the existing multi-use trail network throughout the City and provides a connection to parklands. Paved multi-use trails contribute to the network of accessible, user-friendly connections to focal points within a community. This trail is very popular for local residents, Niagara region residents and visitors.

Engineering and Public Works staff have fulfilled the requirements of the federal-provincial funding by completing the following: Public Notice of Intent posted on Canadian Impact Registry; Consultation with the Mississaugas of the Credit First Nation; Environmental Effects and Mitigation Measures Form; and receiving approval of work from The St. Lawrence Seaway Management Corporation.

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**Internal Consultations:**

City staff from Economic Development and Tourism, Engineering and Public Works, and Parks and Recreation, have been involved with this application and this project.

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**Financial Implications:**

The total project budget is \$335,000. The Transfer Payment Agreement is authorized to an upset limit of \$213,000 from the federal and provincial governments, with 80/20 percent funding contributions respectively.

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**Public Engagement:**

Not applicable. This is a repair, replacement, and maintenance project. However, there will be public notification and signage provided prior to construction on the various trail locations. This will provide awareness of trail closure during construction.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne

- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Value: Financial Management to Achieve Financial Sustainability
  - Governance: Communications, Engagement, and Decision-Making
- 

## **Conclusion:**

The City was successful in securing funding for Dain City Multi-use Trail Improvements from the ICIP COVID Stream – Local Government Intake. One of the conditions of receiving federal-provincial funding is that the municipality has to enter into a Transfer Payment Agreement. This agreement is attached to a by-law within the by-law section of the Council agenda. Engineering and Public Works staff will be managing and overseeing project completion, scheduled for the fall of 2021.

---

Respectfully submitted,

Gary Long  
Manager of Strategic Initiatives  
905-835-2900 x.502  
[gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca)

Steve Shypowskyj  
Manager, Road & Park Operations  
905-835-2900 x.220  
[steve.shypowskyj@portcolborne.ca](mailto:steve.shypowskyj@portcolborne.ca)

## **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.

**Subject: Appointment of Municipal Law Enforcement Officer  
Matthew Roy**

**To: Council**

**From: Community Safety & Enforcement Department**

Report Number: 2021-232

Meeting Date: September 13, 2021

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**Recommendation:**

That Community Safety and Enforcement Department Report 2021-232 be received;  
and

That the recommendations outlined in Appendix A of Community Safety and  
Enforcement Department Report 2021-232, be approved.

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**Purpose:**

That Council appoint by way of By-law, Matthew Roy as a Municipal Law Enforcement  
Officer.

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**Background:**

Due to some changes in staff, the temporary replacement of the By-law Intake Officer  
for the By-law Enforcement Division requires a person to conduct administrative duties,  
as well as some enforcement; as necessary.

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**Discussion:**

The successful candidate for the vacant temporary replacement of the By-law Intake  
Officer position was Matthew Roy who started on August 31, 2021.

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### **Internal Consultations:**

Discussions have been held with Human Resources and they have no objections to this appointment.

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### **Conclusion:**

The City of Port Colborne appoints the vacancy in By-law Enforcement Services, so the City will be able to conduct work as per job requirements to administer and enforce the Municipality's by-laws.

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### **Appendices:**

- a. The appointment By-law of Matthew Roy.

Respectfully submitted,

Sherry Hanson  
Manager of By-law Services  
905-835-2900 ext. 210  
[Sherry.Hanson@portcolborne.ca](mailto:Sherry.Hanson@portcolborne.ca)

### **Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to appoint Matthew Roy as a Municipal Law Enforcement Officer.

Whereas the *Police Services Act, R.S.O. 1990, C.P. 15* Section 15 provides that a municipal council may appoint persons to enforce the by-laws of the municipality;

Whereas The Corporation of the City of Port Colborne is desirous of appointing a Municipal Law Enforcement Officer;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Matthew Roy be and is hereby appointed Municipal Law Enforcement Officer for the City of Port Colborne;
2. This By-law shall come into force and take effect on the date of passing.

Enacted and passed this 13<sup>th</sup> day of September 2021

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk



**Subject: Narcan (Naloxone) use by Port Colborne Fire & Emergency Services**

**To: Council**

**From: Community Safety & Enforcement Department**

Report Number: 2021-226

Meeting Date: September 13, 2021

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### **Recommendation:**

That Community Safety & Enforcement report 2021-226 be received;

That Council authorize the Chief Administrative Officer to complete the Memorandum of Understanding with the Regional Municipality of Niagara for the use of Narcan (Naloxone) by Port Colborne Fire & Emergency Services; and

That Council direct the Fire Chief to enroll Port Colborne Fire & Emergency Services into the Ontario Provincial Naloxone Program and train all personnel in the use of Narcan (Naloxone) for responses to opioid overdoses.

---

### **Purpose:**

The Fire Chief is requesting authorization from City Council to enroll in the Ontario Provincial Naloxone Program. A Memorandum of Understanding with the Regional Municipality of Niagara also needs to be executed. This will allow Port Colborne Fire & Emergency Services to train in the awareness of opioid risks, protection, patient care, as well as be permitted to carry and administer Naloxone as a life-saving medical intervention.

---

### **Background:**

Port Colborne Fire & Emergency Services currently responds to emergency medical responses as per the Establishing and Regulating By-law 6745/109/19 and the Tiered Response Agreement with Niagara Region Emergency Medical Service.

Historically, Port Colborne Fire & Emergency Services responds to between 400 and 450 medical calls a year. Trend analysis shows a rapid increase in medical responses that are overdose-related. Given the increased risks to citizens and responders due to overdose calls, it is recommended that Port Colborne Fire & Emergency Service personnel be trained to carry and administer Naloxone, as required.

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## Discussion:

Opioids are natural or synthetic substances used to reduce pain in clinical settings; they are also produced and consumed non-medically. While they can be an effective part of pain management for some medically supervised patients, opioid-related harms such as addiction and overdose present a significant challenge to Ontario communities.

Ontario is currently facing an epidemic related to opioid use, with an increase in emergency room visits, hospitalizations and fatal overdoses. Opioids affect the part of the brain that controls breathing. Strong opioids, like fentanyl, are contaminating the illegal drug supply and causing high rates of overdoses and death.

Naloxone is a safe and effective medication used to temporarily block the effects of opioids overdoses. It is an essential tool in preventing fatal opioid overdoses. Due to its high potency, multiple doses of Naloxone may be needed to treat a fentanyl overdose. Naloxone temporarily blocks the effects of respiratory depression caused by opioids for 30-90 minutes. Medical attention is still required following its administration.

Port Colborne Fire & Emergency Services has seen a steady increase in drug-related medical responses over the last five years. To date, staff have already responded to 43 suspected overdose incidents in 2021; that is almost double the total responses for overdose-related medical calls the department responded to in 2017.

Year	Medical Calls	Overdose related	Percentage of Calls
2017	424	23	5.4%
2018	487	27	5.5%
2019	403	31	7.7%
2020	98 (COVID protocols)	18	18.4%
2021 as of Aug 15	151	43	28.4%

Given the increased risk to not only the general public but also first responders, staff recommends that Naloxone be added to Port Colborne Fire & Emergency Services' medical response.

---

**Financial Implications:**

The Province of Ontario supplies first responders with Narcan (Naloxone) kits through the Ontario Provincial Naloxone Program at no cost to the participating emergency services.

The majority of training of all responding suppression staff should be able to be completed during regular training hours. No increase in training cost is anticipated.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - People: Supporting and Investing in Human Capital
- 

**Conclusion:**

With an increasing volume of medical calls for assistance in opioid overdose in the community, Staff feel it is appropriate to add Naloxone protocols to the fire department's response. This service provides added protection, not only to the citizens and visitors of the City, but to the first responders that can come into contact with opioid residues.

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**Appendices:**

- a. Memorandum of Understanding with Regional Municipality of Niagara
- b. Ministry of Health and Long-Term Care - Supplemental Order Form: Naloxone for Police and Fire Services

Respectfully submitted,

Scott Lawson

Fire Chief

905-834-4512 ext 402

scott.lawson@portcolborne.ca

**Report Approval:**

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.



## Memorandum of Understanding

This Memorandum of Understanding (MOU) is hereby made and entered into between:

The Regional Municipality of Niagara (RMON), 1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

and

Port Colborne Fire & Emergency Services, 3 Killaly Street West, Port Colborne, ON L3K 6H1

### **Background:**

Opioid related deaths have drastically increased in the Niagara Region in the last several years. These preventable deaths can be mitigated by the distribution and use of Naloxone, a drug that can temporarily reverse opioid overdoses. In an effort to reduce the number of lives lost in Ontario due to accidental opioid poisonings, the Ministry of Health and Long-Term Care (MOHLTC) is providing Naloxone in a nasal spray form and will be provided to Services who work together with Niagara Region Public Health and other community agencies including fire and police services to reduce the opioid related morbidity in the Niagara Region.

This MOU outlines the roles and responsibilities of the Regional Municipality of Niagara (RMON) and Port Colborne Fire & Emergency Services TO RECEIVE Naloxone through the Niagara Region Public Health department, and the completion of required reporting as outlined by the RMON and the MOHLTC.

### **Purpose:**

One of the goals of this program is to provide Naloxone to Police and Fire Services as a first response tool to work collectively as a team with Emergency Medical Services (EMS) staff should they arrive on scene of a suspected opioid overdose victim prior to EMS arrival. The second goal of this program is to provide Naloxone to front line staff as PPE in the event staff come into contact with potentially toxic opioid analogues and EMS is not immediately available to provide treatment.

### **Program Description:**

The program shall be as directed by the Ministry of Health and Long Term Care as summarized in the letter dated January 24, 2018. Naloxone distribution and training is for agencies and now fire departments and police who work with people at risk of opioid overdose. Port Colborne Fire & Emergency Services will register (with assistance and information from RMON) with the Province of Ontario Naloxone Program and administer Naloxone to an individual in distress as per their Medical Directive, and complete any reporting requirements as established through medical oversight and/or the MOHLTC.

## Roles and Responsibilities

The RMON agrees to:

1. Provide Naloxone kits in the form of: (2 x 4mg nasal sprays, gloves, prescription identifier card, and step by step instruction pamphlet). The RMON will be responsible for delivering the Naloxone kits to Port Colborne Fire & Emergency Services.
2. The RMON will order and supply Port Colborne Fire & Emergency Services with additional Naloxone Kits as needed, and will accept and replace expired kits.
3. The Harm Reduction Lead (HRL) will maintain regular contact with the Port Colborne Fire & Emergency Services to assess and maintain inventory, identify any issues, and ensure smooth delivery of the of Naloxone to the community.
4. The RMON will provide Port Colborne Fire & Emergency Services with access to a reporting structure and assistance in completing the required MOHLTC reporting.
5. Provide opioid related statistical information as required by Port Colborne Fire & Emergency Services.
6. Provide quarterly reports to the MOHLTC in co-operation with and on behalf of Port Colborne Fire & Emergency Services.
7. Jointly monitor program results with Port Colborne Fire & Emergency Services to ensure the program has the desired impact and to make any necessary program changes.
8. Ensure compliance with the RMON's obligations arising from this MOU.

Port Colborne Fire & Emergency Services agrees to:

1. Register with the Province of Ontario as an Ontario Naloxone Program (ONP), via the completion and submission of the supplemental order form for Police and Fire Services. This form is to be completed by Port Colborne Fire & Emergency Services and submitted to ONP by the RMON.
2. Fulfil ONP eligibility criteria prior to including the development and/or adopting program-related policies and procedures within Port Colborne Fire & Emergency Services including:
  - 2.1 how naloxone would be carried, stored and deployed;
  - 2.2 consulting with legal counsel and other experts about the use of naloxone to prevent overdoses, also potentially to help front-line members in case of exposure to opioids;
  - 2.3 consult with municipal council (especially for fire services) and boards as appropriate;
  - 2.4 arranging training and education of officers and firefighters having access to naloxone;
  - 2.5 Developing and/or adopting program related policies and procedures with the service including how the naloxone will be carried, stored and deployed;
3. Administer Naloxone to members of the public and /or other service members if needed, in coordination with EMS.
4. In addition to the completion of locally required documentation, report data regarding usage of kit at the link below for surveillance purposes.  
[https://www.niagararegion.ca/survey/health/5\\_2/rws5.pl?FORM=NaloxoneUse](https://www.niagararegion.ca/survey/health/5_2/rws5.pl?FORM=NaloxoneUse)

5. Maintain regular contact with the HRL to assess and maintain inventory, identify any issues and to ensure smooth Naloxone delivery to the service members.
6. Regularly monitor kits in stock to ensure they are not expired, and will return expired kits to RMON.
7. Jointly monitor program results with the RMON to ensure the program has the desired impact and to make any necessary program changes.
8. Ensure compliance with Port Colborne Fire & Emergency Services obligations arising from this MOU.

It is understood and agreed, by and between the two parties that:

1. Any modifications to this MOU shall be made by mutual consent between the two parties. A written modification will be created, signed, and dated by authorized officials prior to changes being implemented.
2. Either party may terminate the MOU by providing 30 days' written notice.
3. The MOU does not include any financial obligation.
4. No party may reassign or transfer the responsibilities in this MOU to another party without written consent.

**By signing below, both parties confirm their understanding and participation with this MOU.**

The Regional Municipality of Niagara

1815 Sir Isaac Brock Way, Thorold, ON, L2V 4T7

Name and title:

Dr. Mustafa Hirji

Acting Medical Officer of Health

Niagara Region Public Health

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

I have authority to bind Port Colborne Fire & Emergency Services

3 Killaly Street West, Port Colborne, ON, L3K 6H1

Name and title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Ministry of Health and Long-Term Care**  
**Supplemental Order Form: Naloxone for Police and Fire Services**

Police and fire services in Ontario are eligible to receive naloxone to prevent overdoses, and potentially to help police and firefighters in case of exposure to opioids. The eligibility criteria are:

<b>Police Services</b>	
<b>Eligible</b>	<b>Ineligible</b>
<ul style="list-style-type: none"> <li>• Municipal police officers</li> <li>• Ontario Provincial Police (OPP) officers</li> <li>• First Nations police constables</li> </ul>	<ul style="list-style-type: none"> <li>• RCMP</li> <li>• Special Constables, Auxiliaries, Civilians</li> </ul>
Note: Police services are eligible to receive naloxone to provide access to police officers or First Nations constables who may reasonably encounter a situation where a person has overdosed and may require naloxone, and potentially to help police and firefighters in case of exposure to opioids.	
<b>Fire Services</b>	
<b>Eligible</b>	<b>Ineligible</b>
<ul style="list-style-type: none"> <li>• Municipal fire services</li> <li>• First Nations fire services</li> <li>• Northern Fire Protection Program</li> </ul>	
Note: Fire services are eligible to receive two naloxone kits for each of their vehicles (apparatus) for use in their role as first responders, and potentially to help police and firefighters in case of exposure to opioids.	

1.	Name of police or fire service: <b>Port Colborne Fire &amp; Emergency Services</b>

2.	Address (including postal code) of police or fire service: <b>3 Killaly Street West, Port Colborne ON L3K 6H1</b>

3.	Name and contact information (phone number and e-mail) of organizational lead for naloxone distribution:
<b>Scott Lawson      905-834-4512      scott.lawson@portcolborne.ca</b>	

4.	Size of police or fire service (# of police officers or # of fire vehicles):
7 Vehicles	



5.	How many naloxone kits is your service requesting? For police services, please list the duty assignments (e.g., general patrol, drug squad, specialized teams, etc.) that will carry naloxone, and the estimated number of kits per duty assignment:
7 Kits	

By confirming the statements below, Port Colborne Fire & Emergency Service confirms:

- ☐ It has a signed agreement with the local Public Health Unit for the provision of naloxone.
- ☐ The service has appropriate authorization, training, handling and storage protocols in place to properly use and store naloxone.

Print Name:

Print Position:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Your reporting form may be submitted electronically to:  
[Rhonda.Thompson@niagararegion.ca](mailto:Rhonda.Thompson@niagararegion.ca)

September 3, 2021

The Honourable Doug Ford, M.P.P.  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Sent via email: [premier@ontario.ca](mailto:premier@ontario.ca)

**Re: Comprehensive Marine Strategy  
Our File 35.31.99**

Dear Premier Ford,

At its meeting held on August 30, 2021, St. Catharines City Council approved the following motion:

“WHEREAS Canadians depend on our waterways for leisure, sustenance, and their livelihood and our marine sectors contribute approximately \$31.7 billion annually in gross domestic product and account for close to 300,000 jobs; and

WHEREAS the federal government has consulted widely with the provinces and territories, Indigenous peoples, industry, conservationists, and all Canadians in the development of the Blue Economy Strategy; and

WHEREAS Quebec, British Columbia, and the Atlantic provinces have achieved great success in the emerging marine sector economy, and to remain competitive Ontario must capitalize on the economic potential of its marine sector; and

WHEREAS the marine industry is vital to Ontario’s economy through the creation of jobs, increased supply chain efficiencies and resilience, and the ability to reduce greenhouse gas emissions and road congestions;

THEREFORE BE IT RESOLVED that St. Catharines City Council calls on the Government of Ontario to create a comprehensive Marine Strategy that will:

- Provide the Great Lakes with modern and competitive infrastructures, and
- Ensure efficient and ecosystem-friendly navigation of the Great Lakes, and
- Deliver sustainable development opportunities for maritime communities; and

BE IT FURTHER RESOLVED that St. Catharines City Council calls on the Government of Ontario to signal their commitment to the importance of the marine sector by appointing or creating an Ontario Marine Strategy Secretariat position to lead the consultations and oversee the strategy; and

BE IT FURTHER RESOLVED that a copy of this motion be forwarded to Premier Doug Ford; Vic Fedeli, Minister of Economic Development, Job Creation and Trade; Caroline Mulroney, Minister of Transportation; local MPPs; the Association of Ontario Municipalities (AMO); Ontario's Big City Mayors (formerly Large Urban Mayors Caucus of Ontario-LUMCO); the Niagara Region; all local area municipalities; MP Chris Bittle; MP Vance Badaway; and Kinga Surma, Minister of Infrastructure.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk  
Legal and Clerks Services, Office of the City Clerk  
:em

cc: Vic Fedeli, Minister of Economic Development, Job Creation and Trade [vic.fedeli@pc.ola.org](mailto:vic.fedeli@pc.ola.org)  
Caroline Mulroney, Minister of Transportation [caroline.mulroney@pc.ola.org](mailto:caroline.mulroney@pc.ola.org)  
Kinga Surma, Minister of Infrastructure [kinga.surmaco@pc.ola.org](mailto:kinga.surmaco@pc.ola.org)  
Jennifer Stevens, MPP - St. Catharines, [JStevens-CO@ndp.on.ca](mailto:JStevens-CO@ndp.on.ca)  
Jeff Burch, MPP - Niagara Centre, [JBurch-QP@ndp.on.ca](mailto:JBurch-QP@ndp.on.ca)  
Wayne Gates, MPP - Niagara Falls, [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Sam Oosterhoff, MPP - Niagara West-Glanbrook, [sam.oosterhoff@pc.ola.org](mailto:sam.oosterhoff@pc.ola.org)  
Chris Bittle, MP - St. Catharines [Chris.Bittle@parl.gc.ca](mailto:Chris.Bittle@parl.gc.ca)  
Vance Badaway, MP - Niagara Centre [Vance.Badawey@parl.gc.ca](mailto:Vance.Badawey@parl.gc.ca)  
The Association of Ontario Municipalities (AMO), [amo@amo.on.ca](mailto:amo@amo.on.ca)  
Ontario's Big City Mayors, [info@ontariobigcitymayors.ca](mailto:info@ontariobigcitymayors.ca)  
The Niagara Region  
Local area municipalities  
Brian York, Director of Economic Development and Government Relations  
Melissa Wenzler, Government Relations Advisor, City of St. Catharines

September 1, 2021

**CL 15-2021, August 26, 2021**

**LOCAL AREA MUNICIPALITIES**

**NIAGARA PENINSULA CONSERVATION AUTHORITY**

**NIAGARA REGIONAL POLICE SERVICE**

**SENT ELECTRONICALLY**

**Re: Memorandum CAO 17-2021 COVID-19 Vaccination Policy Update**

Regional Council, at its meeting held on August 26, 2021, passed the following motion:

1. That CAO 17-2021, being a memorandum from R. Tripp, Chief Administrative Officer, dated August 26, 2021, respecting COVID-19 Vaccination Policy Update, **BE RECEIVED**;
2. That staff **BE DIRECTED** to develop and implement a policy, and any required procedures, to require all Regional employees to be fully vaccinated against COVID-19, at the earliest opportunity, subject to and in compliance with any applicable legal directives and requirements, including but not limited to applicable human rights obligations, accommodation of employees legally entitled to accommodation, MFIPPA and PHIPA;
3. That Regional Council **APPROVE** that the applicable provisions of the above-mentioned vaccination policy include members of Regional Council who wish to attend in-person meetings (including Committee and Council), conduct business on Regional property or facilities, or attend official events in their capacity as a Regional Councillor; and
4. That a copy of this resolution **BE PROVIDED** to the Local Area Municipalities, and the Region's agencies boards and commissions, namely NRPS and NPCA.

A copy of Memorandum CAO 17-2021 is attached for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann Marie'.

Ann-Marie Norio  
Regional Clerk

CLK-C 2021-145

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**MEMORANDUM**

**CAO 17-2021**

**Subject:** COVID-19 Vaccination Policy Update

**Date:** August 26, 2021

**To:** Regional Council

**From:** Ron Tripp, P.Eng., Acting Chief Administrative Officer

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This memo is to provide an update on the Region's efforts concerning the Ontario Provincial Government (the "Province") making COVID-19 vaccination policies mandatory for high-risk settings.

**Background**

As members of Council are aware, on August 17, 2021, the Province announced its intention to require businesses operating in certain high-risk settings to implement COVID-19 vaccination policies. In addition, and citing concerns about the transmissibility of the Delta variant, the Province also announced, among other things, that it was pausing the it's exit from the Roadmap to Reopen.

The Province cites this direction is intended to protect vulnerable patients and staff in settings where the risk of contracting and transmitting COVID-19 and the Delta variant is higher, as a result the Chief Medical Officer of Health has issued a directive mandating hospitals and home and community care service providers to have a COVID-19 vaccination policy for employees, staff, contractors, students and volunteers, and for ambulance services to have a COVID-19 vaccination policy for paramedics.

The vaccination policy must be effective no later than September 7, 2021, and at a minimum will require these individuals to provide proof of one of three things:

- Full vaccination against COVID-19;
- A medical reason for not being vaccinated against COVID-19; or
- Completion of a COVID-19 vaccination educational session.

Individuals who do not provide proof of full vaccination against COVID-19 will be required to undertake regular antigen testing. Businesses will be required to track and report on the implementation of their policies to the Province. This is similar to the vaccination policy requirements currently in place for long-term care homes, which have already been in effect since July 1, 2021.

Vaccination policies will also be required to be implemented in other higher-risk settings such as:

- Public funded schools and private schools;
- Licensed child care settings;
- Post-secondary institutions;
- Licensed retirement homes;
- Women's shelters; and
- Congregate group homes and day programs for adults with developmental disabilities, children's treatment centres and other services for children with special needs, and licensed children's residential settings.

Lastly, the directive also requires businesses to collect, maintain, and disclose statistical (non-identifiable) information as requested by the Province.

### Region Next Steps

In order to achieve compliance to the Province's directive, a working group has been established with staff representation from each of our identified high risk settings; with the support of staff from Human Resources, Legal Services, and Public Health. The focus of this group is to establish, implement, and ensure compliance with a COVID-19 vaccination policy and procedures. I have been in discussions with the Local CAO group, kept them apprised of our direction, including have committed to keep the lines of communication on this issue open with them.

The vaccination policy and procedures will require staff, contractors, volunteers, and students to provide one of the following:

1. Proof of full vaccination against COVID-19 (i.e. proof of having received the full series of a vaccine or combination of vaccines approved by the World Health Organization, and having received the final dose of the vaccine at least 14 days ago);
2. Written proof of a medical reason, provided by a physician or registered nurse in the extended class that sets out: (i) a documented medical reason for not being fully vaccinated against COVID-19, and (ii) the effective time-period for the medical reason; or
3. Proof of completing an educational session about the benefits of COVID-19 vaccination prior to declining vaccination for any reason other than a medical reason. Such education session may be one prepared by the Region or another

one that must be approved by the Region and, at minimum, address the following topics:

- a. How COVID-19 vaccines work;
- b. Vaccine safety related to the development of the COVID-19 vaccines;
- c. The benefits of vaccination against COVID-19;
- d. Risks of not being vaccinated against COVID-19; and
- e. Possible side effects of COVID-19 vaccination.

Further, under the directive, Region's policy must also require that where staff, contractors, volunteers, or students do not provide proof of being fully vaccinated, they must submit to regular antigen point of care testing for COVID-19 and demonstrate a negative result at least once every seven days, or more frequently as may be determined by the Region. Outside of long term care, the Region will not be providing this test. As a result, the onus will fall on staff, contractors, volunteers, or students to provide the Region with verification of the negative test in a prescribed manner that enables the Region to confirm the result.

It should be noted that the directive provides for accommodation of unvaccinated individuals who provide a medical basis for their unvaccinated status, the more general duty to accommodate under the Human Rights Code (the "Code") can be triggered for reasons other than disability. For instance, creed is also a protected ground under the Code. Where, for example, an individual provides a religious basis for being unvaccinated, the duty to accommodate under the Code may be triggered. These considerations will be captured in our policy, and are still being reviewed at this time.

Finally, the policy will ensure that the required statistical data will be recorded and maintained.

We are still awaiting further details to be released from the Province, including more information and clarity from the various ministries. We are aware that the City of Toronto, the Province, and perhaps additional municipalities will soon also announce they are implementing vaccination policies that apply to all employees. At the moment our focus remains on following the Province's directive that businesses operating in identified high-risk settings will require policies to be implemented by September 7, 2021. That said, our focus on the development of a vaccination policy and procedures will also remain nimble in the event it is determined appropriate to pivot and act quickly to implement such a policy in other areas, including as far as including all Region staff, contractors, volunteers, or students. Council will continued to be provided any updates as appropriate.



Respectfully submitted and signed by

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Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

**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)

September 1, 2021

**CL 15-2021, August 26, 2021**  
**PEDC 8-2021, August 11, 2021**  
**PDS 32-2021, August 11, 2021**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

Update on Niagara Official Plan – Further Draft Policy Development

PDS 32-2021

Regional Council, at its meeting held on August 26, 2021, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 32-2021, dated August 11, 2021, respecting Update on Niagara Official Plan – Further Draft Policy Development, **BE RECEIVED** and **BE CIRCULATED** to the local area municipalities.

A copy of PDS 32-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2021-132

Distribution List :

M. Sergi, Commissioner, Planning and Development Services  
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services  
D. Heyworth, Official Plan Policy Consultant, Planning and Development

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**Subject:** Update on Niagara Official Plan-Further Draft Policy Development

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, August 11, 2021

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## **Recommendations**

1. That Report PDS 32-2021 **BE RECEIVED** for information; and
2. That a copy of Report PDS 32-2021 **BE CIRCULATED** to the Local Area Municipalities.

## **Key Facts**

- This report provides an update on consultation and ongoing policy work for the Niagara Official Plan (NOP) since Committee's consideration of the Joint Consolidated May Report- (PDS 17-2021).
- This report follows a similar structure to the Joint Consolidated May Report (PDS 17-2021) with Executive Overviews prepared for the new draft policy sections. The draft sections include Source Water Protection, Excess Soils, Petroleum and Mineral Resources, and Performance Indicators and Monitoring will be provided for consultation up until October 1, 2021.
- Updates on policy development such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Niagara Escarpment Plan Area, Open Space, Economic Prosperity, Cultural Heritage and Implementation are provided.
- A separate report at the August 2021 PEDC meeting, Report PDS 33-2021, provides a revised Land Needs Assessment based on feedback received and work undertaken since May 2021.
- Draft Natural Environment System policies, and Region-wide mapping will be available for review and comment in Fall 2021.

## **Financial Considerations**

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

## **Analysis**

In the Joint Consolidated May Report (PDS 17-2021), detailed information was provided on the purpose of an Official Plan, the importance of a new Official Plan and the Pillar Statements and Directives. Also included for further consultation were draft policies pertaining to growth management and supporting draft policies on Infrastructure, Transportation, District and Secondary Planning and Urban Design for the Niagara Official Plan.

This report has three parts:

1. An update on consultation since the release of the May PDS 17-2021 report;
2. Draft policy sections completed since Report PDS 17-2021 including; Source Water Protection; Excess Soils; Petroleum and Mineral Resources; and Performance Indicators and Monitoring; and
3. Updates on ongoing policy development for other Chapters/Sections of the NOP such as the Introduction Chapter, Natural Environment System, Watershed Planning, Climate Change, Open Space, Economic Prosperity, Cultural Heritage and Implementation.

### **4. Update on Consultation**

#### **Prior to the release of the Joint Consolidated May Report PDS 17 2021**

As detailed in Appendix 1 of the Joint Consolidated May Report (PDS 17-2021), hundreds of consultation events have occurred since 2017. Work for the NOP has been informed by consultation from the public, stakeholder groups, local Councils, agencies, Indigenous communities, local municipal planners, local planning workshops, and meetings with the Planning Advisory Committee.

The Region's Planning and Economic Development Committee has been informed by more than 35 Administrative Reports between 2018 and 2021 on the NOP. These

reports and presentations provided updates on the work program, individual sections of the Plan, and consultation.

### **After the release of the Joint Consolidated May Report PDS 17 2021**

At the time of writing this report, consultations on the Niagara Official Plan have been ongoing with the Province, Conservation Authority, several Indigenous Groups (local and treaty rights groups), and the Planning Advisory Committee. In addition, planning staff are in the process of setting up consultation sessions with younger adult groups.

Local municipal planning staff have been and will continue to be engaged on growth management, expansions, technical boundary adjustments, site-specific policy areas and other matters that necessitate detailed discussion.

Updates and information continue to be made available through newsletters and the official plan website.

This Report themes key comments/questions received from Public Information Centres and comments received on the content of the Joint Consolidated May Report (PDS 17-2021).

**A detailed consultation report, including all comments received on the May PDS 17-2021 report and staff responses to the comments, will be provided at the September 15, 2021 PEDC Meeting. Received submissions and a summary of comments will be available on the Region's website on or before August 11, 2021. This will allow members of Council or the public to review comments submitted prior to the PEDC's consideration of the more detailed Consultation Report in September 2021.**

The exception to the above are comments received relating to the land needs assessment, expansion and urban boundary requests, made between May and July 2021. Those are detailed in Report PDS 33-2021 and will be available in early August, or sooner.

### **June 2021 Public Information Centres**

Throughout the month of June, five virtual Public Information Centres were held, with each session focusing on policy topics from a different Chapter of the Niagara Official Plan, being; Growing Region, Sustainable Region, Competitive Region, Connected

Region and Vibrant Region. Draft policy and background information was shared to inform the public and gather feedback.

Across the five sessions, there were 238 attendees, and 204 questions and comments submitted. The majority of questions were answered live by staff during the webinar, however, comments and questions left unanswered due to lack of time or available information, will be posted to the Niagara Official Plan website by approximately August 11, 2021. Additionally, recordings of the PICs will also be placed on the Niagara Official Plan website: <https://www.niagararegion.ca/official-plan/public-information-centres.aspx>

A brief summary of the key themes or questions received include the following:

<b>Chapter/Session</b>	<b>Consistent/Key Comment or Question</b>
Chapter 2: Growing Region	<ul style="list-style-type: none"> <li>- Requests for clarity and more information regarding the process, timelines and proposed locations of settlement area boundary expansions.</li> <li>- Lack of affordable housing options in Niagara.</li> <li>- The implications of potential boundary expansions on the natural environment and agricultural lands.</li> </ul>
Chapter 6: Vibrant Region	<ul style="list-style-type: none"> <li>- Support for low impact development strategies for future developments (urban design).</li> <li>- Coordination with local area municipalities on mapping and implementation of the new Archaeological Management Plan.</li> </ul>
Chapter 4: Competitive Region	<ul style="list-style-type: none"> <li>- Support for protection of existing Specialty Crop Areas and enhanced designation of Prime Agricultural Areas.</li> <li>- Consideration of allowances for Greenhouses and other Agricultural structures to be built on top of Specialty Crop Area.</li> <li>- Comments on Employment Area categorizations.</li> <li>- Approach to recognizing Special Policy Areas in agricultural areas.</li> </ul>
Chapter 5: Connected Region	<ul style="list-style-type: none"> <li>- Concern with accessibility and trip lengths of Regional Transit services.</li> </ul>

	<ul style="list-style-type: none"> <li>- Concerns with stormwater pollution and quantity, and support for reduction strategies through green infrastructure.</li> <li>- Concerns over lateral connections to services outside the settlement area boundary within Specialty Crop areas.</li> </ul>
Chapter 6: Sustainable Region	<ul style="list-style-type: none"> <li>- Information regarding species, planting areas, and public involvement in the Regional Greening Initiative.</li> <li>- Clarification on timelines for draft policy and mapping for the Natural Environment System.</li> <li>- Support for climate change mitigation and integration of climate change policy into various areas of the Plan.</li> </ul>

## Received Submissions

Staff have received numerous written submissions from agencies, stakeholders and the public since Joint Consolidated May Report PDS 17-2021 was brought forward to PEDC. At the time of writing this report, 73 submissions were received between May and mid-July 2021. The key comments/questions raised are summarized in the chart below:

### Themes Emerging From Feedback On Joint Consolidated May Report PDS 17-2021

Chapter	Consistent/Key Comment or Question
Chapter 2: Growing Region	<p>2.1- Growth Allocations and Land Needs</p> <ul style="list-style-type: none"> <li>• Some municipalities suggested higher populations may be more appropriate for them and there were private sector submissions suggesting different distributions.</li> </ul> <p>2.2- Regional Structure</p> <ul style="list-style-type: none"> <li>• Requests for clarification on concepts and policies.</li> </ul> <p>2.3- Housing</p>

	<ul style="list-style-type: none"> <li>Concerns for appropriate housing mix, separation between dwellings, and secondary dwelling units.</li> </ul> <p>SABR</p> <ul style="list-style-type: none"> <li>Various requests for urban boundary expansions/adjustments in Niagara, including Niagara Falls, West Lincoln, Pelham, Fort Erie, Thorold, Welland, and St. Catharines.</li> </ul>
Chapter 3: Sustainable Region	<p>3.1- Natural Environment System</p> <ul style="list-style-type: none"> <li>Questions about balance of protecting natural environment with urban boundary expansions.</li> <li>Emphasis on protection of natural spaces, including trails and parks.</li> </ul> <p>3.5- Climate Change</p> <ul style="list-style-type: none"> <li>The importance of making climate change prominent throughout the plan to address transit, watershed planning, natural heritage system and agriculture.</li> <li>The need to protect mature trees in addition to planting new trees across the region.</li> </ul>
Chapter 4: Competitive Region	<p>4.1- Agriculture</p> <ul style="list-style-type: none"> <li>Requests to expand agricultural areas, as well as requests for removal of land in the Greenbelt Plan area.</li> <li>Comments on recognizing agricultural infrastructure in the NOP.</li> </ul> <p>4.2- Employment Areas</p> <ul style="list-style-type: none"> <li>Specific requests to remove employment areas and letters of support for employment conversions.</li> </ul>



	<p>4.3- Aggregates</p> <ul style="list-style-type: none"> <li>• Questions with respect to technical studies required for new aggregate operations, haul routes, and rehabilitation requirements.</li> <li>• Concern over local and regional amendments for new operations and concern over haul route and rehabilitation policies</li> </ul>
Chapter 5: Connected Region	<p>5.1- Transportation</p> <ul style="list-style-type: none"> <li>• Concern with heavy truck traffic along the Niagara Escarpment crossing to QEW.</li> <li>• Support for lands designated as Major Transit Station Areas and growth surrounding those areas.</li> <li>• Requests for clarity local-regional jurisdictional matters</li> </ul> <p>5.2- Infrastructure</p> <ul style="list-style-type: none"> <li>• Specific request with respect to servicing outside the urban area.</li> <li>• Requests for clarity local-regional jurisdictional matters</li> </ul>
Chapter 6: Vibrant Region	<p>6.1- District and Secondary Planning</p> <ul style="list-style-type: none"> <li>• Comments on requirements to add secondary plan policies into local official plans.</li> <li>• Concern over expanded scope and study for Secondary Plans.</li> </ul> <p>6.2- Urban Design</p>

	<ul style="list-style-type: none"> <li>• Comments on local and regional urban design guidelines.</li> <li>• Concern over regions oversight relative to urban design matters.</li> </ul> <p>6.3- Archaeology</p> <p>Questions regarding when archaeological assessments should be required and exemptions.</p>
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## 5. New Draft Policy Sections

Since the Joint Consolidated May Report PDS 17-2021, additional technical policy sections have been drafted for circulation and comment. These are outlined below by Chapter for the Niagara Official Plan.

As with Report PDS 17-2021, draft policies are accompanied by Executive Overviews (EOs), both of which are attached as Appendices.

### Chapter 3- Sustainable Region

#### Section 3.3- Source Water Protection

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

Based on the 2014 Source Water Protection Plan, Niagara Region prepared an amendment to include source protection policies in the existing Regional Official Plan in 2015. For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect.

The EO and draft policies are attached as Appendices 1.1 and 1.2 respectively. A draft Schedule D for Source Water Protection is attached as Appendix 1.3.

#### Section 3.7- Excess Soils

Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location.

The policies of this section encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil.

The EO and draft policies are attached as Appendices 2.1 and 2.2 respectively.

## **Chapter 4- Competitive Region**

### **Section 4.3.2- Petroleum and Mineral Resources**

Petroleum resources, such as oil, gas, and salt resources extracted through the drilling of wells, are located throughout Niagara region. Mineral resources, including metallic minerals and non-metallic minerals, but not including mineral aggregate resources, have few possible deposits identified across Niagara Region.

Petroleum and mineral resources are finite and must be protected from incompatible land uses or uses that would limit their extraction in the future. Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided.

The EO and draft policies are attached as Appendices 3.1 and 3.2 respectively. A draft Petroleum Resource Schedule H is attached as Appendix 3.3

## **Chapter 7-Implementation**

The Implementation Chapter is very important to carrying out the policies of the Official Plan. Policies for this Chapter are more easily developed as the draft policies associated with other Chapters are finalized.

The EO attached as Appendix 4.1 provides an overview and update on the policy development of the Sections of this Chapter.

Draft policies specific to this report have been developed for performance indicators and monitoring to assist with and compliment the policy direction of Chapter 2: Growing Region.

### **Section 7.3 Performance Indicators and Monitoring**

The policies of the NOP will identify a comprehensive monitoring program to help implement the Plan. A list of indicators will measure progress to ensure that the Plan's policies continue to meet its vision and objectives. Monitoring will also help to identify emerging trends, track progress towards specific targets, and confirm NOP policies remain relevant. Consistent and regular monitoring of the NOP's performance will be key to ensuring its success.

The draft policies are attached as Appendix 4.2

### **Glossary of Terms**

The Glossary of Terms provided in the Joint Consolidated May Report PDS 17-2021 has been updated to define new terms mentioned in these draft policy sections (shown in bold). These definitions align with existing regional Official plan definitions and or provincial definitions.

The updated Glossary of Terms is attached as Appendix 5.

## **6. Update on Other Policy Sections**

**Policies still under development will be incorporated into the final consolidated draft Official Plan for the end of the year. Further consultation will take place on the final consolidated draft Official Plan with the public, agencies and stakeholder groups.**

The following are those policy chapters that will be completed later this year.

### **Chapter 1-Introduction**

The Introduction will establish the following:

- i) The planning context for Niagara;
- ii) Challenges and opportunities centred on managing the inevitable growth coming to Niagara in a manner that provides better housing affordability, protects our natural environment and addresses our changing climate;
- iii) The two-tier planning framework;
- iv) Pillar statements and directives; and
- v) The legislative basis and structure of the Niagara Official Plan.

Planning staff have undertaken consultation with Indigenous groups (both local and treaty rights groups). An acknowledgement of their contributions to the development of the NOP around their areas of interest including archaeology, natural environment, climate change, affordable housing and future consultation will be included as a precursor to the Plan. The Archaeological Master Plan being prepared to inform the NOP will provide the important Indigenous historical context.

## **Chapter 3 Sustainable Region**

### **Section 3.1-Natural Environment System**

The objective of the Natural Environment Work Program (NEWP) is to develop a Regional-scale natural heritage and water resource system. Together these systems will be collectively known as the integrated natural environment system (NES).

PDS 17-2021 which contained the staff recommendation for the preferred NES option was presented to Planning and Economic Development Committee (PEDC) on Wednesday May 12<sup>th</sup>, 2021. At the Regional Council Meeting on Thursday May 20<sup>th</sup>, 2021 staff were directed to move forward with both NES Option 3B and 3C. Regional Council will be requested to make a decision on the NES option at a future date.

The next step in the NEWP is to prepare detailed criteria and definitions for each of the components of the system. This information will be documented in a technical report – which will also include a methodology for mapping the system. It is important that the criteria and methodology are documented before the mapping work is undertaken. The detailed criteria and methodology will be an important tool for the ongoing implementation of the NES once the new Official Plan has been approved.

At the same time the detailed policy sets will be written while the detailed mapping is developed for both Options 3B and 3C. Both mapping and policy development of the NES will involve significant consultation with the Local Municipalities and NPCA.

Additional consultation with the public and other stakeholders will be undertaken. This includes the 3<sup>rd</sup> Point of Engagement once the draft NES maps and policies are prepared.

It is expected that a draft of the technical report, policies, and Region-wide NES mapping will be available for review and comment in Fall 2021. Council will need to make a decision on an Option to move forward with at that time.

### **Section 3.2-Watershed Planning**

Watershed planning is a methodology used to support the protection or restoration of natural resources (with an emphasis on water resources) within a watershed through the development of management plans, policies, and other related tools.

The updated Provincial Growth Plan and Greenbelt Plan place a greater emphasis on the need for watershed planning to inform land-use planning. To ensure that the Niagara Official Plan is informed by watershed planning in accordance with Provincial direction the Niagara Watershed Plan (NWP) project is underway. On June 16<sup>th</sup>, 2021, a report and presentation were made to PEDC.

The NWP is being published in three volumes. Following the June PEDC meeting, a draft of Volume 1 (Characterization) and Volume 2 (Management) were made available for review by the Public and other stakeholders. Comments were requested by July 30<sup>th</sup>, 2021. Planning Staff and the Consulting Team are in the process of reviewing all of the input that was received and will be finalizing in the NWP in Fall 2021.

Volume 3 of the NWP will analyze various growth scenarios as part of the overall Official Plan work program and is currently being completed. A draft of Volume 3 will be made available for review and comment for finalization in September/October.

### **Sections 3.4- Stewardship and 3.5- Climate Change**

The objective of the Climate Change Work Program is to build and broaden climate change goals, objectives and policies in the Niagara Official Plan, working towards the development of resilient communities.

The Climate Change Work Program is comprised of three pillars: climate change policies for the NOP, climate modeling and projections, and a regional greening initiative.

The climate change section of the NOP will have policies to reduce greenhouse gas emissions and adapt to the impacts of climate change, support for other priority areas of

the NOP including Regional Structure, Infrastructure (servicing and transportation), District and Secondary Plans, Natural Environment System, and Urban Design.

PDS-C 31-2021 provided an update on the progress of the Niagara Climate Modeling and Projections Project. At the end of July, a preliminary results session was held with our local municipal partners and the NPCA. The consultant team for the project is currently reviewing comments and feedback. A draft climate projections report is anticipated for September, with the project set to conclude in October 2021.

The Regional Greening Initiative, most recently reported on in July 2021 (PDS-C 44-2021), will be a project connected to the NOP work through the Sustainable Region chapter, including connections to the Natural Environment System (s. 3.1), Stewardship (s. 3.4) and Climate Change (s. 3.5) sections.

The goal of the greening initiative is to enhance vegetative cover across the Region. Staff are preparing material for consultation later this year.

### **Section 3.6- Niagara Escarpment Plan**

Planning staff have been developing an approach to integrate the Niagara Escarpment Plan (NEP) with the NOP. This approach will include identifying the NEP area on key schedules.

This Section of the NOP will acknowledge the NEP plan policies apply within the NEP area, in addition to where Regional planning staff would request more detailed regional policies for a development permit application, such as the Natural Environment System or Infrastructure policies. This approach will be discussed further with Area Planners and Niagara Escarpment Commission staff and refined as appropriate.

## **Chapter 4- Competitive Region**

### **Section 4.4-Economic Prosperity**

This section will pull together and reflect the policies of other Sections in this Chapter and other Chapters with the goal of providing focus on opportunities for greater economic prosperity in relation to land use. For example, cultural heritage and natural heritage landscapes and features can, in a more passive way, provide economic benefits.

These policies will be developed with input from the Region's Economic Development Department and receive input from other stakeholder groups.

## **Chapter 5-Connected Region**

### **Section 5.3-Public Spaces, Recreation, Parks, Trails and Open Spaces**

This section will provide policy that provide context to the importance of open space, trails, and public spaces as part of vibrant places, complete communities, reducing car dependency, and active healthy lifestyles.

## **Chapter 6-Vibrant Region**

### **Section 6.4- Cultural Heritage**

Policies will be developed encouraging the protection of significant built heritage and cultural heritage landscapes and districts. Cultural heritage contributes to preservation of history, contributions to vibrant communities and can provide economic opportunities.

## **Alternatives Reviewed**

There are no alternatives to this report. This report is for information purposes providing an update on certain policy sections. Draft policies on certain Official Plan sections are attached to inform Council and provide the opportunity to receive input from the public, stakeholders, Indigenous communities, local area municipalities, and the Province.

## **Relationship to Council Strategic Priorities**

The Niagara Official Plan will support the following Strategic Priority Objectives:

### **Objective 1.1: Economic Growth and Development**

- Enhance integration with local municipalities' economic development and planning departments to provide supports and improve interactions with businesses to expedite and navigate development processes.
- Forward thinking approach to economic development in Niagara through long term strategic planning and leveraging partnerships with post-secondary institutions.



#### **Objective 1.4: Strategically Target Industry Sectors**

- Define Niagara's role in tourism including areas such as sport, eco, agricultural and culture tourism.

#### **Objective 2.3: Addressing Affordable Housing Needs**

- Retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.

#### **Objective 3.2: Environmental Sustainability and Stewardship**

- A holistic and flexible approach to environmental stewardship and consideration of the natural environment, such as in infrastructure, planning and development, aligned with a renewed Official Plan.
- Drive environmental protection and addressing climate change such as through increasing waste diversion rates and reducing our carbon footprint.

#### **Objective 3.3: Maintain Existing Infrastructure**

- Sound asset management planning to ensure sustainable investments in the infrastructure needed to support existing residents and businesses, as well as future growth in Niagara.

#### **Other Pertinent Reports**

- Joint Consolidated May Report PDS 17-2021:  
<https://www.niagararegion.ca/official-plan/consolidated-policy-report.aspx>
- PDS 33-2021, Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

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Commissioner of Planning and  
Development  
Planning and Development

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Acting Chief Administrative Officer

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**Appendices**

Appendix 1.1	Source Water Protection Executive Overview
Appendix 1.2	Draft Source Water Protection Policies
Appendix 1.3	Draft Schedule D: Source Water Protection
Appendix 2.1	Excess Soil Executive Overview
Appendix 2.2	Draft Excess Soil Policies
Appendix 3.1	Petroleum and Mineral Resources Executive Overview
Appendix 3.2	Draft Petroleum and Mineral Resources Policies
Appendix 3.3	Draft Schedule H: Petroleum and Mineral Resources Areas
Appendix 4.1	Implementation Executive Overview
Appendix 4.2	Draft Performance Indicators and Monitoring Policies
Appendix 5	Glossary of Terms

## EXECUTIVE OVERVIEW

### CHAPTER 3.3 – Source Water Protection

#### SUMMARY

The *Source Protection Plan* for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water.

The Ministry approved and in-effect SPP (2014) evaluated six water treatment plants and determined there were *significant threats* related to land uses for the Decew Falls Water Treatment Plant, Port Colborne Water Treatment Plant, and the Niagara Falls Water Treatment Plant *intake protection zones*.

In 2015, source protection policies were added for the in-effect Official Plan (an exercise known as ROPA 5). The Niagara Official Plan predominantly carries forward those policies and mapping.

- The NPCA is the Source Protection Authority (SPA) in Niagara under the *Clean Water Act*. The SPA provides administrative and technical support to the Source Protection Committee (SPC) and the source protection planning process.
- Responsibility for source water protection planning is that of the SPC with staff support from the NPCA. The Province is the approval authority for Source Protection Plans prepared by the SPC.
- The Niagara Peninsula Source Protection Plan, including the technical Assessment Report and Explanatory Document is in effect as of October 1, 2014.
- ROPA 5- 2015 implemented the *significant threat* policies for Decew Falls, Port Colborne, and Niagara Falls water treatment plants *intake protection zones* in the Regional Official Plan.
- Source water protection policies only apply to municipal drinking water sources. All drinking water in Niagara is from surface water.
- The SPC is currently updating the assessment report and SPP, anticipated to be completed in 2023. Once approved, an amendment to the Niagara Official Plan, Local Official Plans and Local Zoning By-laws will be required.



**A Draft Policy set and schedule is provided with this sub-section document.**

Integration Guide for Sub-sections Reported in PDS 32-2021

<input checked="" type="checkbox"/> Regional Structure	<input type="checkbox"/> Archaeology
<input type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment
<input checked="" type="checkbox"/> Land Needs	<input checked="" type="checkbox"/> Agriculture
<input type="checkbox"/> SABR	<input type="checkbox"/> Aggregates
<input type="checkbox"/> Transportation	<input type="checkbox"/> Natural Heritage incl.
<input checked="" type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Water Systems Options
<input checked="" type="checkbox"/> District/Secondary Plans	<input checked="" type="checkbox"/> Watershed Planning
<input type="checkbox"/> Urban Design	<input type="checkbox"/> Climate Change

**OVERVIEW**

The creation of the *Clean Water Act* (2006) was in direct response to an inquiry led by Justice Dennis O'Connor into the May 2000 Walkerton tragedy and more broadly to the safety of Ontario's drinking water. The CWA established 38 source protection areas within the Province based on Conservation Authority boundaries. Source protection plans are now in place within 38 source protection areas, representing approximately 90 percent of the population.

The purpose of the CWA is to ensure communities are able to protect their municipal drinking water supplies at the source through identifying potential risks to local water supply quality and quantity and create a plan to reduce or eliminate these risks.

In Niagara, the NPCA is the Source Protection Authority (SPA), providing administrative and technical support to the Source Protection Committee (SPC). The SPC is responsible for the source protection process, which includes the development of a Source Protection Plan (SPP) for the Niagara Peninsula Source Protection Area.

An assessment report outlining the vulnerable zones, vulnerability scores, and *significant threats* was prepared, followed by the SPP outlining policies to address *significant threats*, implementation timelines and responsibilities.

The Niagara Peninsula Source Protection Plan evaluated six water treatment plants in Niagara and determined there were *significant threats* for three water treatment plants: Decew Falls, Port Colborne, and Niagara Falls. The SPP was approved by the Province and has been in effect since October 1, 2014.

As required under the CWA and through the SPP, Niagara Region prepared an amendment to include source protection policies in the Regional Official Plan in 2015

(process known as ROPA 5-2015). The amendment included policies to address *significant threats* identified through the SPP for the Decew Falls, Port Colborne, and Niagara Falls water treatment plant *intake protection zones*. The policies also require local municipalities to incorporate source water protection policies into their local official plans and zoning by-laws. A municipal guidance document was prepared to provide a framework for local municipalities to translate Regional Official Plan policy related to source protection, and implement those policies into local Official Plans and associated planning and building processes.

For the new Niagara Official Plan, there are minimal changes being made to this section as the SPP (2014) remains in effect. However, the SPC is currently updating the Assessment Report and SPP for the Niagara Peninsula Source Protection Area. The SPP is anticipated to be completed in 2023, subject to Ministry approval. Once approved and in effect, the Niagara Official Plan and Local Official Plans and Zoning By-laws will require an amendment to conform to the policies of the new SPP.

The attached draft policy and mapping, **Appendix 1.2** and **Appendix 1.3** respectively, predominantly carries forward policies and mapping approved through ROPA 5-2015. For more information on source protection planning in Niagara, please visit the [Niagara Peninsula Drinking Water Source Protection website](https://www.sourceprotection-niagara.ca/) (https://www.sourceprotection-niagara.ca/)

## CHAPTER 3 - SUSTAINABLE REGION

### Section 3.3 Source Water Protection

The Source Protection Plan for the Niagara Peninsula Source Protection Area (SPP) protects existing and future sources of drinking water in Niagara by ensuring activities identified as drinking water threats under the *Clean Water Act* and associated regulations either never become a *significant threat*, or cease to be a *significant threat* to drinking water. The *Source Protection Plan* evaluated six water treatment plants and determined there are *significant threats* related to land uses associated with the DeCew Falls water treatment plant in the City of Thorold, Port Colborne water treatment plant in the City of Port Colborne, and the Niagara Falls water treatment plant in the City of Niagara Falls. The following *source water* protection policies are organized according to the water treatment plant *intake protection zones* for which *significant drinking water threats* have been identified in the *Source Protection Plan*. These water treatment plants and associated *intake protection zones* are identified as an overlay on Schedule D to this Plan. The underlying land use designations on Schedule D continue to apply.

The policies of Section 3.3 must be read with the Niagara Official Plan in its entirety and in conjunction with the Niagara Peninsula *Source Protection Plan*, the Assessment Report and the Explanatory Document which provides the context and rationale for the land use policies and in identifying *significant threats* and eliminating these drinking water threats for the DeCew Falls, Port Colborne and Niagara Falls water treatment plant *intake protection zones*. The policies of Section 3.3 must also be read in conjunction with other applicable plans and legislation.

#### Update to the Source Protection Plan for the Niagara Peninsula Source Protection Area

The SPP was approved by the Ministry of the Environment, Conservation and Parks and is effective as of October 1, 2014.

Under the Clean Water Act, municipal official plans must be amended to conform to the *significant threat* policies within the SPP.

The Source Protection Authority is currently updating the Assessment Report and the SPP for the Niagara Peninsula Source Protection Area. The SPP is anticipated to be completed in 2023, subject to Ministry approval. Once approved, the Niagara Official Plan, Local Official Plans, and Local Zoning By-laws will require an amendment to conform to the policies of the new SPP.

**3.3.1 To protect the water source for the DeCew Falls Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.**

3.3.1.1 The placement of untreated septage to land is considered a *significant drinking water threat* in the DeCew Falls *Intake Protection Zone 1*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the DeCew Falls *Intake Protection Zone 1*.

3.3.1.2 The discharge from new *stormwater management facilities* is considered a *significant threat* where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New *stormwater management facilities*, which meet these criteria, are not permitted to discharge within the DeCew Falls *Intake Protection Zone 1*. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the DeCew Falls *Intake Protection Zone 1*. For the purposes of this policy, new industrial or commercial land uses include industrial or commercial uses which are not currently designated as such in the local municipal Official Plan.

**Untreated septage**

Properties where untreated septage is applied to land are considered *waste disposal sites* under Part V of the Environmental Protection Act (EPA). Untreated septage is typically produced from the clean-out of residential septic system tanks.

3.3.1.3 The discharge from *wastewater treatment plants* or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New *combined sewers, wastewater treatment facilities, and industrial effluent systems* are not permitted where they would be a *significant threat* within the DeCew Falls *Intake Protection Zone 1*.

#### Niagara Peninsula Source Protection Plan

[The Niagara Peninsula Source Protection Plan, Assessment Report and Explanatory Document](http://www.sourceprotection-niagara.ca/) are available at: (<http://www.sourceprotection-niagara.ca/>)

3.3.1.4 Any planning or building application made for a land use other than Residential in the DeCew Falls *Intake Protection Zone 1* may require a Section 59 notice from the *Risk Management Official*. The requirements of the notice will be determined through the application screening process.

#### Application Screening Process for Section 59 Notice from Risk Management Official

The application screening process will look at whether an application may relate to the application of agriculture source material, the storage of *agriculture source material*, livestock grazing/pasturing and farm animal outdoor confinement areas in DeCew Falls *IPZ 1* or; the storage of pesticides in Port Colborne *IPZ 1* or for the application of pesticides in the Port Colborne *IPZ 1* and *IPZ 2*.

### 3.3.2 To protect the water source for the Port Colborne Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.

3.3.2.1 The placement of untreated septage to land is considered a *significant drinking water threat* in the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*.

3.3.2.2 Any planning or building application made for a land use other than Residential in the Port Colborne *Intake Protection Zone 1* and *2* may require a Section 59 notice from the *Risk Management Official*. The requirements of the notice will be determined through the application screening process.



- 3.3.2.3 The storage of road salt is considered a *significant threat* in the Port Colborne *Intake Protection Zone 1*, if stored outside with no cover, in amounts greater than 5,000 tonnes. Future open storage of road salt greater than 5,000 tonnes is not permitted within the Port Colborne *Intake Protection Zone 1*.
- 3.3.2.4 The storage of snow, and the contaminants associated with it, is considered a *significant threat* in the Port Colborne *Intake Protection Zone 1* if stored in quantities greater than 1 hectare in area. Future storage of snow greater than 1 hectare in area is not permitted within the Port Colborne *Intake Protection Zone 1*.
- 3.3.2.5 The discharge from *wastewater treatment plants* or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 20, Table 21, Table 46, and in Table 47 in Appendix C of the Assessment Report (2013). New *combined sewers, wastewater treatment facilities, and industrial effluent systems* are not permitted where they would be a *significant threat* within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*.
- 3.3.2.6 The discharge from *stormwater management facilities* is a *significant threat* where the storm sewer drainage area is at least 10 ha in size with the predominant land use being commercial or industrial. An application for commercial or industrial *development* or the expansion, extension, or alteration of existing *stormwater management facilities* or the expansion of an existing commercial or industrial *development*, in instances where the *Risk Management Official* and the Region's Chief Planning Official deem such an expansion may pose a *significant threat* to municipal drinking water, within the Port Colborne *Intake Protection Zone 1* and *Intake Protection Zone 2*, shall be accompanied by a stormwater management plan that demonstrates and implements best management practices related to managing stormwater runoff to the satisfaction of the Region's Chief Planning Official and City of Port Colborne, in consultation with the *Risk Management Official*, such that the development does not pose a *significant threat* to municipal drinking water.

- 3.3.2.7 The storage, and application to land of *agricultural source material*, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered *significant threats* in the Port Colborne *Intake Protection Zone 1 and Intake Protection Zone 2*. New agricultural land uses are not permitted within the Port Colborne *Intake Protection Zone 1 and Intake Protection Zone 2*.

**3.3.3 To protect the water source for the Niagara Falls Water Treatment Plant to ensure activities identified as significant threats cease to be significant threats.**

- 3.3.3.1 The application of untreated septage to land is considered a *significant drinking water threat* in the Niagara Falls *Intake Protection Zone 1*. New *waste disposal sites* for the application of untreated septage to land shall not be permitted within the Niagara Falls *Intake Protection Zone 1*.

- 3.3.3.2 The discharge from new *stormwater management facilities* is considered a *significant threat* where the storm sewer drainage area is at least 100 ha in size with the predominant land use being commercial or industrial. New *stormwater management facilities*, which meet these criteria, are not permitted to discharge within the Niagara Falls *Intake Protection Zone 1*. New industrial or commercial land uses which meet the 100 ha storm sewer drainage criteria are not permitted within the Niagara Falls *Intake Protection Zone 1*. For the purposes of this policy, new industrial or commercial land uses only includes industrial or commercial uses which are not currently designated as such in the local municipal Official Plan.
- 3.3.3.3 The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a *significant threat* as defined under the applicable circumstances as outlined by the Ministry of Environment in Table 22 and Table 48 in Appendix C of the Assessment Report (2013). New combined sewers, *wastewater treatment facilities*, and *industrial effluent systems* are not permitted where they would be a *significant threat* within the Niagara Falls *Intake Protection Zone 1*.
- 3.3.3.4 The storage, handling, and application to land of *agricultural source material*, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are considered *significant threats* in the Niagara Falls *Intake Protection Zone 1*. New agricultural land uses are not permitted within the Niagara Falls *Intake Protection Zone 1*.

**3.3.4 To provide direction to local municipalities and monitor significant threats**

- 3.3.4.1 Local municipal Official Plans and Zoning By-laws shall conform to the policies of Section 3.3 of this Plan in accordance with the Niagara Peninsula *Source Protection Plan*.
- 3.3.4.2 The Region will monitor and report on the measures taken to implement the significant threat policies annually in accordance with the Niagara Peninsula *Source Protection Plan*, which shall address the following:

- a) Total number and type of *development* applications in *Intake Protection Zones*;
- b) Pre-consultation meetings related to the Niagara Peninsula *Source Protection Plan*;
- c) Number of *Risk Management Plans* reviewed and approved;
- d) The number and type of development applications in *Intake Protection Zones* with the potential for the creation or modification of a *transport pathway*; and
- e) Steps taken to improve education and research.

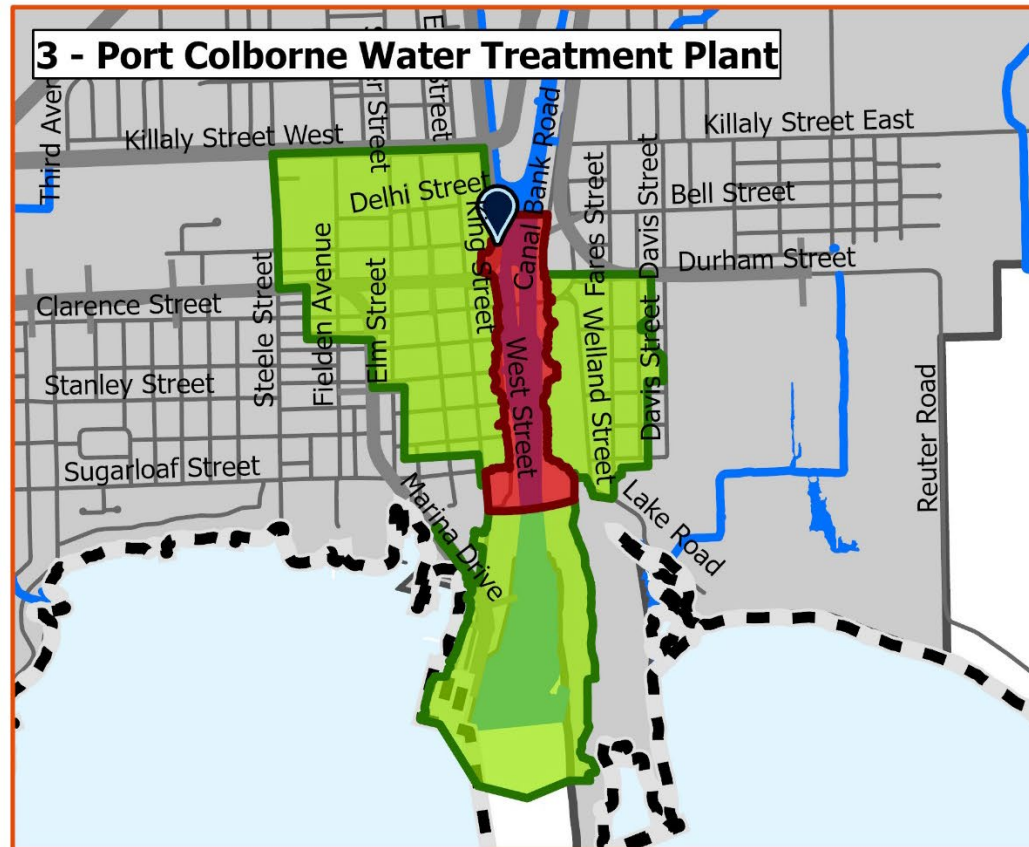
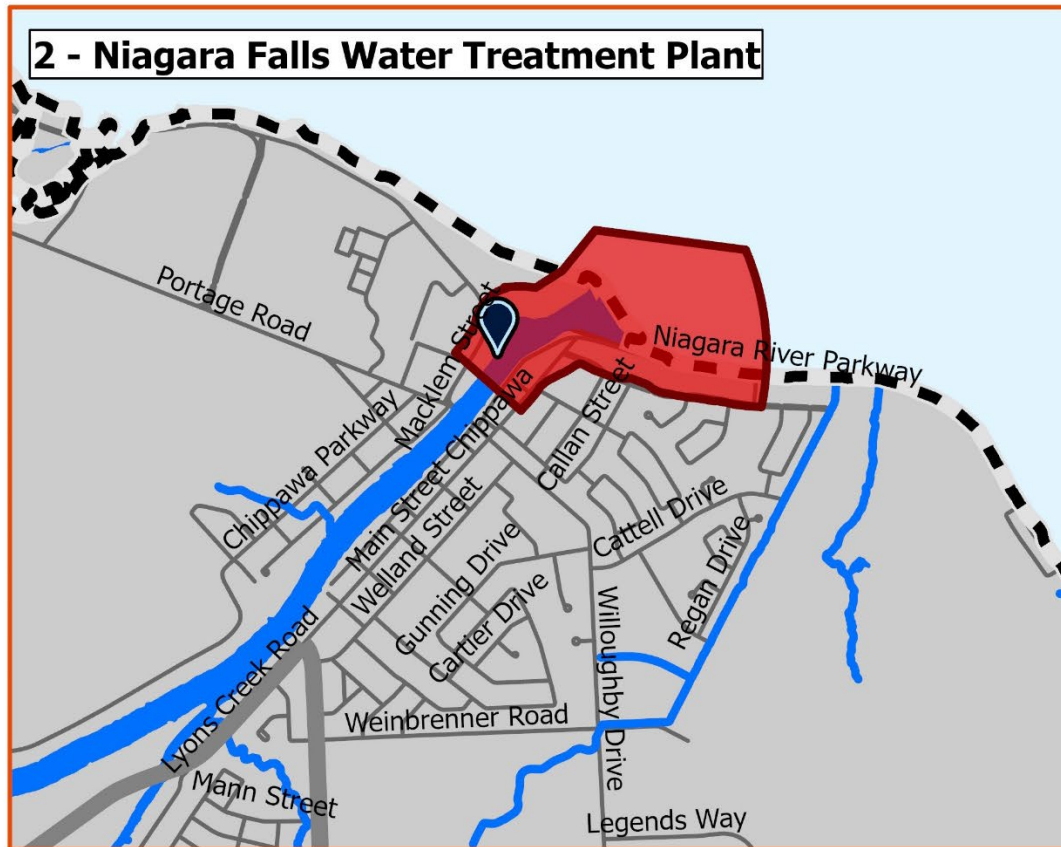
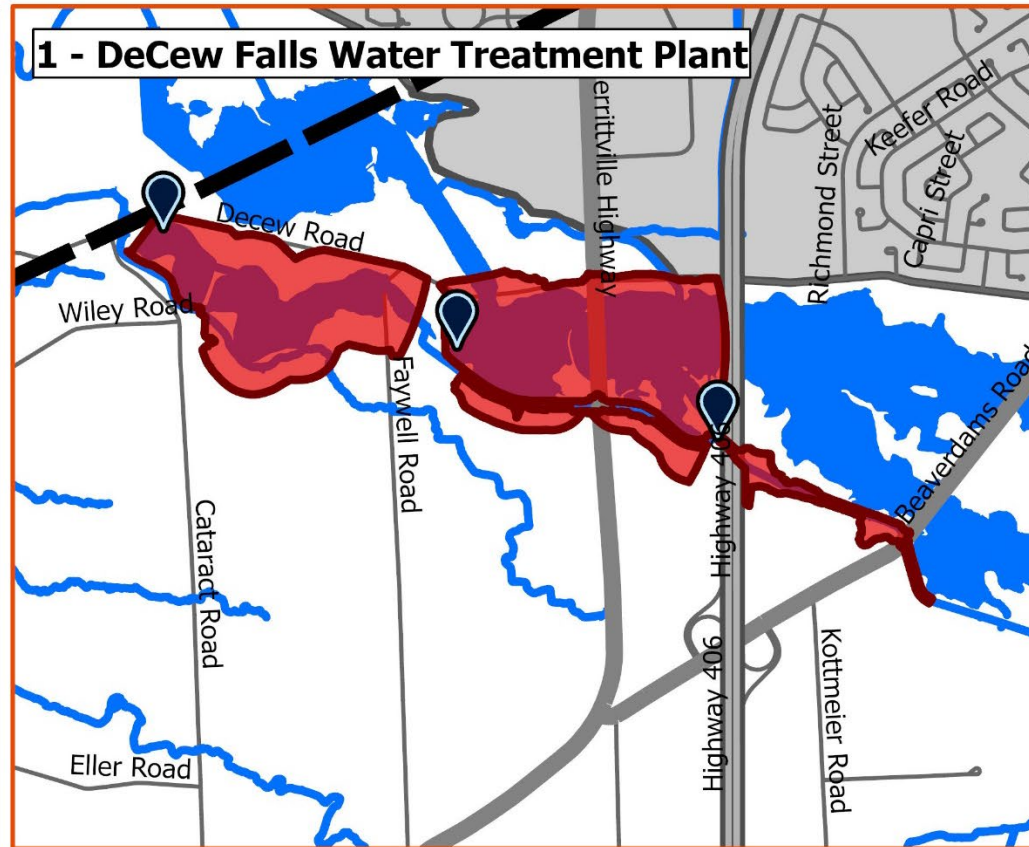
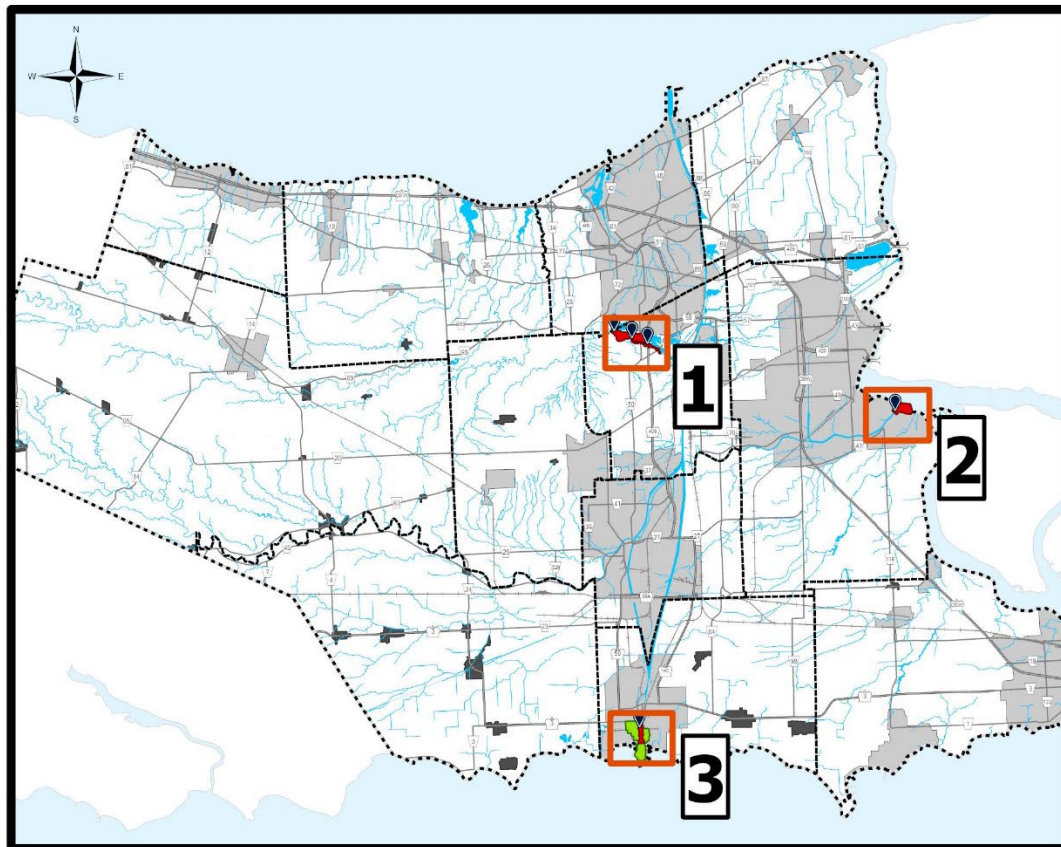
**Monitoring development applications with potential for creation or modification of a transport pathway**

*Transport pathways* are a change in land caused by human activity that increases the vulnerability of a drinking water source.

Examples include storm sewers, discharge pipes, utility trenches, ditches, swales, drainage works or any other types of drain.

Transport pathways are captured in the delineation of *IPZs*, however if any have been added to areas around *IPZs*, there is the possibility of contamination to the intake.





- INTAKE PROTECTION ZONE TYPE
- IPZ-1
  - IPZ-2
  - SURFACE WATER INTAKE
  - NIAGARA REGION
  - MUNICIPAL BOUNDARY
  - PROVINCIAL ROAD
  - REGIONAL ROAD
  - LOCAL ROAD
  - RAILWAY
  - URBAN AREAS
  - RURAL SETTLEMENTS



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## EXECUTIVE OVERVIEW

### CHAPTER 3 – 3.7 Excess Soil Management

#### SUMMARY

The management of *excess soil* is critical to protect human health and the environment as our communities grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new, off-site location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a receiving site.

Provincial direction encourages on-site and local reuse of *excess soil* and requires best management practices for *excess soil*. Provincial direction for *excess soil* is new and has not been previously addressed in the Regional Official Plan.

- Excess soil is a multidisciplinary issue with implications for growth and development, agricultural land, the natural environment system, and transportation.
- The Provincial Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to *excess soil* management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.
- Ontario Regulation 406/19: On-Site and Excess Soil Management established rules for when excess soil is not a waste and outlines soil quality standards for beneficial reuse. The implementation of this regulation is staggered beginning in January 2021.
- The policies in the Niagara Official Plan for excess soil management implement best management practices as outlined in the Province's Management of Excess Soil- A Guide for Best Management Practices (BMP).
- Policy direction for this chapter includes reusing excess soil on-site or locally where possible during development or site alteration and direction to local municipalities to implement best management practices and update site alteration and fill by-laws in accordance with the Municipal Act.

**A Draft Policy set is provided with this sub-section document.**

Integration Guide for Sub-sections Reported in PDS 32-2021			
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<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input checked="" type="checkbox"/>	Climate Change





## **OVERVIEW**

Excess soil is defined as soil, or soil mixed with rock, that has been excavated as part of a project and removed from the project area for the project (O.Reg 406/19). The need to properly manage excess soil has arisen due to the large quantities of soil being generated through site alteration and construction activities in Ontario.

Excess soil is a growing concern for rural municipalities as there have been cases of illegal dumping, impacts to ground or surface water quality, and impacts to natural and agricultural land. Other issues arising from excess soil include contaminated soil when not properly managed, transportation of excess soil causing damage to roads and increased greenhouse gas emissions, and the introduction and spread of invasive species.

The Excess Soil Management Policy Framework document was prepared by the Ministry of the Environment, Conservation and Parks (MOECP) in 2016. This document identifies the need for a revised policy framework to manage excess soil with 22 key actions identified. Important to the updated policy framework is to provide for better life-cycle management, placing greater responsibility on the source sites, where soil is excavated.

Since the Excess Soil Management Policy Framework was published in 2016, there has been the introduction of excess soil re-use policies in Provincial planning documents, changes to the *Municipal Act*, a new regulation introduced under the *Environmental Protection Act (EPA)*.

Provincial land use policy direction emphasizes the need to incorporate best management practices into Official Plans for excess soil management. The Province prepared Management of Excess Soil- A Guide for Best Management Practices to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

Section 142 of the *Municipal Act, 2001* provides authority to local municipalities to establish by-laws to regulate the placement and dumping of fill. There are certain exemptions for sites licenced under the Aggregate Resources Act, normal farm practices, etc. However, changes have been made with respect to municipal site-alteration by-laws and conservation authority regulated areas. Municipal site-alteration by-laws now apply in conservation authority regulated areas, with repeal of section 142(8).

The policies of this chapter encourage local municipalities to create or update their site-alteration and fill by-laws in order to address the Best Management Practices on Excess Soil developed by the Province, changes to the *Municipal Act* in relation to conservation

authority regulated land, and the new excess soil management regulation under the *EPA*.

The attached Draft Policy, **Appendix 2.2** illustrates the direction the Niagara Official Plan is taking as it continues towards a completed final draft status.



## CHAPTER 3- SUSTAINABLE REGION

### Section 3.7 Excess Soil Management

The proper management of *excess soil* is critical to protect human health and the environment as our communities continue to grow. *Excess soil* is soil that is not required at a construction or development site and must be moved to a new location. In some cases, *excess soil* may be temporarily stored at another location before being brought to a final receiving site. Recent changes to Provincial legislation, beginning with the Excess Soil Management Policy Framework (2016) proposed a number of policy changes to create a life-cycle management approach to excess soil management. This includes placing greater responsibility on source sites, where soil is excavated and recognizing opportunities for *excess soil* re-use.

The manner for which *excess soil* is managed and disposed of has implications for greenhouse gas emissions, with trucks moving *excess soil* across communities. Other issues include the quality of *excess soil*, and the need to protect the environment, water, and agriculture. The beneficial re-use of *excess soil* locally can contribute to climate change mitigation goals and overall sustainability of soil.

The policies of Chapter 3.7 are intended to implement best management practices of *excess soil* for a beneficial re-use purpose where appropriate.

#### Best Management Practices for Excess Soil

*Management of Excess Soil – A Guide for Best Management Practices (BMP)* was prepared by the Province to provide guidance for handling excess soil when it is excavated, transported, received at a new site and where soil can be reused for a beneficial purpose.

The BMP is for municipalities, conservation authorities, and project site owners/operators.

#### 3.7.1 Recognize and manage excess soil for new development, site alteration and infrastructure

- 3.7.1.1 *Excess soil* shall be managed in accordance with Ontario Regulation 406/19 under the *Environmental Protection Act*.
- 3.7.1.2 Best management practices for *excess soil* generated and fill received during *development, site alteration*, including *infrastructure development*, shall be implemented to ensure that:
  - a) *Excess soil* generated is to be reused on-site or locally to the maximum extent possible;
  - b) *Temporary storage sites* are encouraged to be permitted close to soil reuse sites to reduce transportation and environmental impacts such as greenhouse gas emissions; and
  - c) *Excess soil* placement at receiving sites are required to demonstrate that the activity will not have a negative impact on

existing land uses, the natural environment, surrounding land uses and cultural heritage resources.

- 3.7.1.3 *A soil management plan, meeting Provincial best practices is to be prepared as part of the Planning Act application process for new development.*

### **3.7.2 Provide direction to local municipalities managing excess soil**

- 3.7.2.1 Local municipalities are encouraged to develop or update site alteration and fill by-laws in accordance with the *Municipal Act*.
- 3.7.2.2 Local municipalities shall incorporate best management practices for the management of *excess soil* generated and fill received during *development* or *site alteration*, including *infrastructure* development, to ensure that:
- a) Any *excess soil* is reused on-site or locally to the maximum extent possible;
  - b) Local official plans and zoning by-laws identify appropriate sites for *excess soil* storage and processing; and
  - c) Site plan approval is utilized for new or expanding soil storage or processing sites.

#### **Soil Management Plans**

Soil management plans are outlined in the Provincial BMPs for Excess Soil. A Soil Management Plan outlines the condition of the soil at the source site, to ensure soil suitability during construction projects and recommends the following:

- Detailed sampling and analysis plan for all excavated soil
- Estimated volume of excess soil to be managed off-site
- Site plan identifying areas to be excavated
- List of potential receiving sites for *excess soil*

## EXECUTIVE OVERVIEW

### Chapter 4 – Section 4.4 Petroleum and Mineral Resources

#### SUMMARY

Petroleum and mineral resources are non-renewable and finite across Niagara Region. These resources are protected for potential extraction and long-term use, but are not the same as mineral aggregate resources.

- The Province provides mapping of petroleum wells and petroleum pools for within the Niagara region. Petroleum pools will be depicted on Draft Schedule H.
- The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates petroleum resources through the Oil, Gas and Salt Resources Act and provincial operating standards. This includes licensing of new wells, and overseeing decommissioning of existing wells.
- Proper and regulated decommissioning of wells is integral to ensuring potential hazards are avoided. Rehabilitation must be conducted according to the Oil, Gas and Salt Resources Act and its regulations and standards.
- Policy direction for this section is primarily focused on ensuring Petroleum resource operations in Niagara and any future possible mineral mining operations, will be protected from incompatible land uses, and the establishment of new operations as well as access to resources should not be hindered by development or activities on the resources or adjacent lands.

**A Draft Policy set is provided with this sub-section document.**

Integration Guide for Sub-sections Reported in PDS 32-2021			
<input checked="" type="checkbox"/>	Regional Structure	<input type="checkbox"/>	Archaeology
<input checked="" type="checkbox"/>	Housing	<input type="checkbox"/>	Employment
<input type="checkbox"/>	Land Needs	<input checked="" type="checkbox"/>	Agriculture
<input type="checkbox"/>	SABR	<input type="checkbox"/>	Aggregates
<input type="checkbox"/>	Transportation	<input checked="" type="checkbox"/>	Natural Heritage incl.
<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Water Systems Options
<input type="checkbox"/>	District/Secondary Plans	<input type="checkbox"/>	Watershed Planning
<input type="checkbox"/>	Urban Design	<input type="checkbox"/>	Climate Change

#### OVERVIEW

Petroleum and mineral resources are finite non-renewable resources and must be protected from incompatible land uses or uses that would limit their extraction in the future.

Petroleum resources include oil, gas, and salt resources. These resources can be found trapped underground in layers of ancient sedimentary rock which underlie all of southern Ontario. Ontario's oil, natural gas and salt resources are extracted by the



drilling of wells. Petroleum Resource Operations is the term used for these wells, and associated facilities and other drilling operations. The Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) regulates petroleum resources through the Oil, Gas and Salt Resources Act (OGSRA) and provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.

Wells may be privately owned or corporately owned, but are all required to be licensed and issued a licensing number accordingly through the MNDMNRF. When wells of all types are no longer needed for the purpose for which they were drilled, they are plugged according to standards in Oil, Gas and Salt Resources of Ontario Operating Standards. Proper and regulated decommissioning of wells, is integral to ensuring potential hazards are avoided.

All wells, whether active, suspended, or plugged and abandoned (i.e., rendered safe as part of site rehabilitation following cessation of production) should be respected in any decisions regarding new development. Namely, in accordance with the OGSRA, a restriction on new developments within 75m of a petroleum resource operation.

The province maps well locations as point features, where a well has been drilled into geological formations for purposes such as; production of oil and gas; injection, storage and withdrawal of oil, gas, brine or other hydrocarbons; or geological evaluation or testing of underground bedrock formations that may contain oil or gas. The province also provides mapping for petroleum pools; where there is a subsurface accumulation of oil and/or natural gas in porous and permeable rock whose presence has been proven by the drilling of petroleum wells and from which hydrocarbons have been or are being produced, or are capable of being produced in economic quantities. Petroleum pools will be mapped on Schedule H of this Plan.

Mineral resources, include metallic minerals; those minerals from which metals (e.g. copper, nickel, gold) are derived, and non-metallic minerals; those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal (e.g. graphite, gypsum, mica). Mineral deposits in the Niagara Region are not as readily mapped or identified, although some mineral occurrences data is available from the MNDMNRF. However, mineral resources are protected in a similar fashion to petroleum resources, to ensure future resource extraction possibilities exist. The closest mineral mining operation is currently a Gypsum mine located in Haldimand County.

The attached draft policy and mapping, **Appendix 3.2** and **Appendix 3.3** respectively, illustrates the direction the Niagara Official Plan is taking as it continues towards completed final draft status.

## CHAPTER 4 – COMPETITIVE REGION

### Section 4.4 Petroleum and Mineral Resources

Known *Petroleum Resources* and *Petroleum Resource Operations*, including wells, are located across areas of the Niagara Region, and are protected for long-term use. Mineral Resources are both metallic and non-metallic *minerals*, but are different from *mineral aggregate resources* identified in Section 4.3 of this Plan. *Mineral deposits* may occur in Niagara region and must be protected for potential extraction. There are no known *Mineral Mining Operations* in Niagara.

#### 4.4.1 Protect the Region's Mineral Deposits and Petroleum Resources

- 4.4.1.1 Schedule H of this Plan, identifies where petroleum pools are located in Niagara region, according to Provincial mapping.
- 4.4.1.2 *Petroleum resource operations* and any future *Mineral Mining Operations* shall be protected from *development* and activities that would preclude or hinder their expansion or continued use or which would be incompatible for reasons of public health, public safety or environmental impact.
- 4.4.1.3 No development shall occur within 75m of a *petroleum resource operation* unless the *petroleum resource operation* has been decommissioned and rehabilitated in accordance with applicable Provincial regulations and standards.
- 4.4.1.4 Development and activities in known *mineral deposits* or known *petroleum resources* or on adjacent lands which would preclude or hinder the establishment of new operations or access to the resources shall only be permitted if:
  - a) resource use would not be feasible; or

#### Petroleum Resource Operations

*Petroleum Resource Operations* is a term that encompasses wells, facilities, and other drilling operations associated with oil, gas, and salt resources.

Over 2000 wells are identified in Niagara Region through provincial mapping. These wells are classified by types, including natural gas wells, storage wells, and dry exploratory holes.

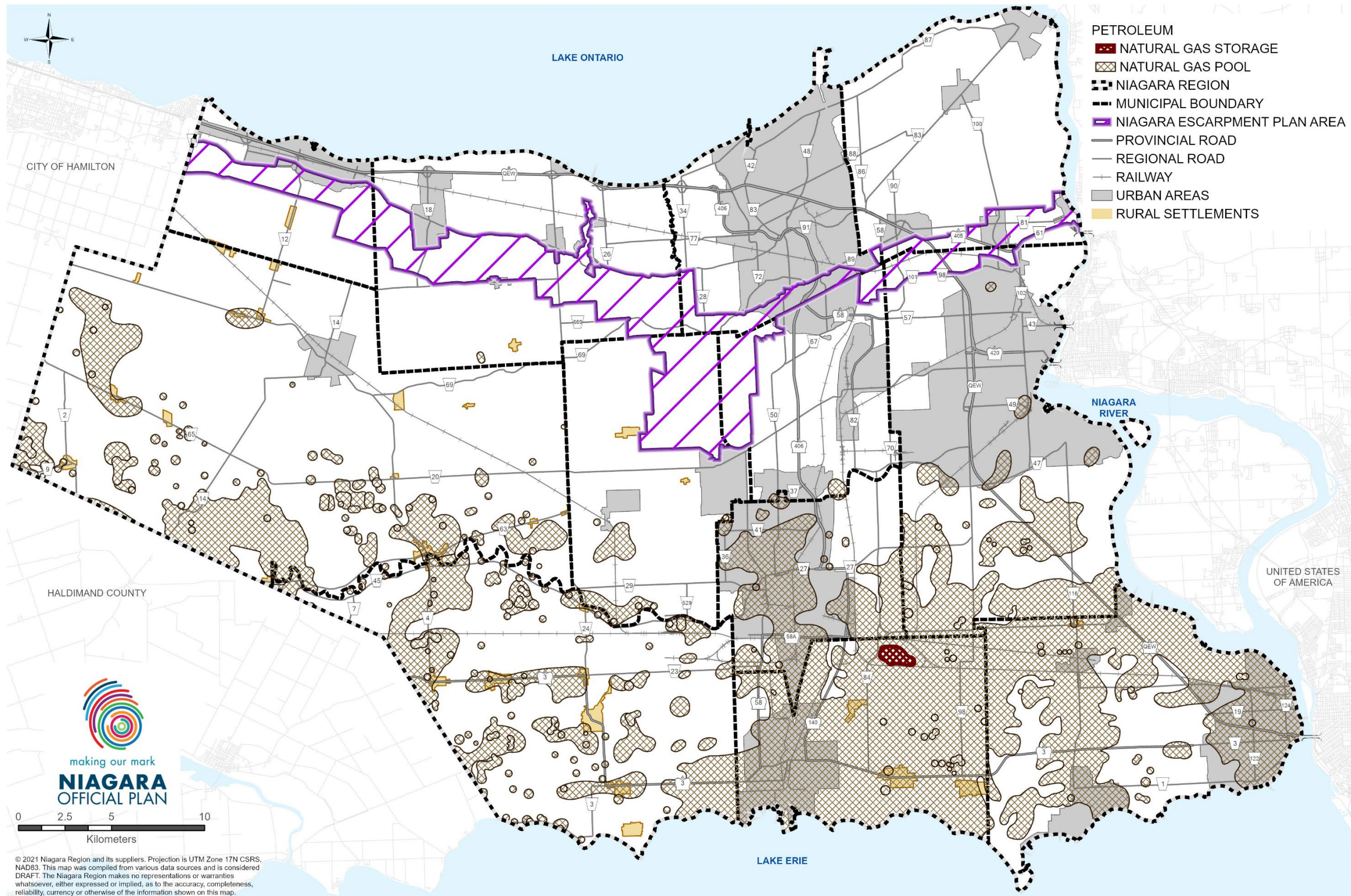
- b) the proposed land use or development serves a greater long-term public interest; and
- c) issues of public health, public safety and environmental impact are addressed.

- 4.4.1.5 Petroleum and mineral resource extraction activities shall be conducted in accordance with the Oil, Gas and Salt Resources Act and its regulations and standards, as well as a licence from the Ministry of Northern Development, Mines, Natural Resources and Forestry.
- 4.4.1.6 Any proposal for a new *mineral mining operation* will require an amendment to this Plan.

### **Oil, Gas, and Salt Resources Act (OGSRA)**

The Ministry of Northern Development, Mines, Natural Resources and Forestry regulates *petroleum resources* through the OGSRA and provincial operating standards. This includes all licensing of new wells, and overseeing decommissioning of existing wells.





June, 2021

# PETROLUUM POOLS - DRAFT









## EXECUTIVE OVERVIEW

### CHAPTER 7 – Implementation

#### **SUMMARY**

The Implementation Chapter is very important to ensure the policy directions in the Niagara Official Plan are carried out efficiently and successfully. There are numerous important components for the implementation of NOP policy direction, namely:

- **7.1 Plan Interpretation**
  - How to read the Plan
- **7.2 Region and Local Roles**
  - Coordinating planning applications
  - Memorandum of Understandings- ensuring this process stays in effect and up to date
  - Exemptions to Regional approvals. An example would be the Region exempting Secondary Plans from Regional approval under certain conditions.
  - Guidance documents
- **7.3 Performance Indicators and Monitoring**
  - Monitor intensification and density targets
  - Land developed
  - Natural environment mapping updates
  - Archaeological Management Plan (AMP) potential mapping updates
- **7.4 Phasing**
  - Local municipalities phasing growth
  - Excess lands
- **7.5 Health Impact Assessment**
  - Establish criteria in Secondary Plans
- **7.6 Asset Management Plan**
  - Assessing the full life cycle costs of infrastructure. The financial sustainability of infrastructure is a Growth Plan objective.
- **7.7 Complete Applications**
  - Identifies the studies required to be submitted with various applications
- **7.8 Review / Updates /Amendments to OP**



- Incorporation and carry over of existing site-specific policy areas.
- **7.9 Consultation and engagement- outline approach for:**
  - Public consultation
  - Consulting with other governments
  - Engaging local municipalities
  - Engaging Indigenous partners

Integration Guide for Sub-sections Reported in PDS 32-2021	
<input checked="" type="checkbox"/> Regional Structure	<input checked="" type="checkbox"/> Archaeology
<input checked="" type="checkbox"/> Housing	<input checked="" type="checkbox"/> Employment
<input checked="" type="checkbox"/> Land Needs	<input checked="" type="checkbox"/> Agriculture
<input checked="" type="checkbox"/> SABR	<input checked="" type="checkbox"/> Aggregates
<input checked="" type="checkbox"/> Transportation	<input checked="" type="checkbox"/> Natural Heritage incl.
<input checked="" type="checkbox"/> Infrastructure	<input checked="" type="checkbox"/> Water Systems Options
<input checked="" type="checkbox"/> District/Secondary Plans	<input checked="" type="checkbox"/> Watershed Planning
<input checked="" type="checkbox"/> Urban Design	<input checked="" type="checkbox"/> Climate Change

## **OVERVIEW**

Policies for this Chapter are more easily developed as the draft policies associated with other Chapters come to fruition. Most policies for this section will be similar to the policy direction in the existing Regional Official Plan with the exception of new policy direction for performance indicator and monitoring, phasing, health impact assessment, asset management and certain consultation elements such as consultation with Indigenous communities.

One section for the Implementation Chapter that has been drafted is the Performance Indicators and Monitoring (Section 7.3). Draft policies have been developed on performance indicators and monitoring early to assist with, and compliment the policy direction within Chapter 2: Growing Region.

Monitoring the implementation of this Plan is critical to:

- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
- b) confirm targets are being met;
- c) respond to trends; and
- d) identify and confirm if the direction of the Plan remains constant or if updates are required.

The policies identify the topic areas that will require monitoring, as well as Regional and Local municipal roles in the monitoring process.

Planning staff have initiated work on other Sections of the Implementation Chapter. For example Regional Planning staff are discussing with all local planning staff which existing site specific policy areas can be removed as they are no longer necessary and which should be carried over into the Niagara Official Plan.

The Draft policies on Performance Indicators and Monitoring are attached as **Appendix 4.2**.

## CHAPTER 7- IMPLEMENTATION

### Section 7.3 Performance Indicators and Monitoring

#### 7.3.1 Ensure objectives are met and targets achieved

- 7.3.1.1 The Region, in collaboration with local municipalities, the Niagara Peninsula Conservation Authority and any other identified stakeholders, as appropriate, will comprehensively monitor and measure the performance of the policies of this Plan.
- 7.3.1.2 Monitoring the implementation of this Plan is critical to:
- a) analyze the effectiveness of the policies in this Plan in meeting its overall goals and objectives;
  - b) confirming targets are being met;
  - c) responding to trends; and
  - d) Identifying and confirming if the direction of the Plan remains constant or if updates are required.
- 7.3.1.3 The Region shall:
- a) Establish a program to monitor, measure, and evaluate performance of this Plan;
  - b) Identify a series of both qualitative and quantitative indicators;
  - c) Prepare regular monitoring reports as set out in Policy XX that measures the success of this Plan; and
  - d) Work in cooperation with local municipalities to establish common measuring and reporting tools to monitor:
    - i) The Growing Region through:
      - Distribution of population and employment allocations to local municipalities as set out in Table 1, Section 2.1;
      - Density targets for *designated greenfield area*, *strategic growth areas*, and *employment areas*;
      - Implementation of local intensification rates as set in Table 2, policy 2.2.6.1; and

- Mix, range, and affordability of housing units, including achievement of the Region's affordable housing target stated in Policy 2.3.2.3;
- ii) The Sustainable Region through:
  - Health of the Natural Heritage System and Water Resource System; and
  - Progress towards climate change mitigation and adaptation measures.
- iii) The Competitive Region through:
  - State of aggregates;
  - Protection of agricultural areas; and
  - Economic development.
- iv) The Connected Region through:
  - Performance of Regional infrastructure; and
  - Performance of Regional transportation facilities.
- v) The Vibrant Region through:
  - The creation of Secondary Plans;
  - Excellence in Urban Design; and
  - The recognition and protection of cultural and archaeological resources.
- vi) Other policies identified through the monitoring program, which requires regular monitoring.

### **7.3.2 Provide clear direction for local municipalities to coordinate monitoring efforts**

#### **7.3.2.1 Local municipalities shall:**

- a) Establish indicators to monitor local implementation of Provincial, Region, and local policy;
- b) Provide data to support the Region's monitoring program, as required; and
- c) Work with the Region to establish common measuring and reporting tools to monitor.

#### **7.3.2.2 Local municipalities shall prepare local monitoring programs and regularly provide updates to the Region at intervals determined through the program.**

## Glossary of Terms

### Active Transportation

Any form of self-propelled transportation that relies on the use of human energy such as walking, cycling, inline skating, jogging, or travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices at a comparable speed. (*Growth Plan*, 2020)

### Affordable

1. in the case of ownership housing, the least expensive of:
  - a) housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
  - b) housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;
2. in the case of rental housing, the least expensive of:
  - a) a unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
  - b) a unit for which the rent is at or below the average market rent of a unit in the regional market area. (*Growth Plan*, 2020)

### Agricultural Impact Assessment

A study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agriculture System and recommends ways to avoid, or, if avoidance is not possible, minimize and mitigate adverse impacts. (*Greenbelt Plan*, 2017)

### Agriculture-Related Uses

Those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity (*PPS*, 2020).

### Agricultural Source Material

**Treated or untreated materials, as defined by the Nutrient Management Act, other than compost that meets the Compost Guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients.**

## **Agricultural System**

The system mapped and issued by the Province, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components:

- a) an agricultural land base comprised of prime agricultural areas, including specialty crop areas, and *rural lands* that together create a continuous, productive land base for agriculture; and
- b) an *agri-food network*, which includes infrastructure, services and assets important to the viability of the agri-food sector. (*Greenbelt Plan*, 2017)

## **Agricultural Uses**

Growing of crops or raising of animals; includes associated on-farm buildings and structures; all types, sizes and intensities; normal farm practices are promoted and protected (e.g. cropland, pastureland, barns and other associated buildings and structures).

## **Agri-food Network**

Within the agricultural system, a network that includes elements important to the viability of the agri-food sector such as regional infrastructure and transportation networks; on-farm buildings and infrastructure; agricultural services, farm markets, distributors, and primary processing; and vibrant, agriculture-supportive communities. (*PPS*, 2020)

## **Agri-Tourism Uses**

Those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation (*PPS*, 2020).

## **Airports**

All Ontario *airports*, including designated lands for future *airports*, with Noise Exposure Forecast (NEF)/Noise Exposure Projection (NEP) mapping. (*PPS*, 2020)

## **Archaeological Resources**

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

## **Areas of Archaeological Potential**

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

## **Brownfields**

Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (*PPS*, 2020)

## **Built Form**

The function, shape, and configuration of buildings, as well as their relationship to streets and open spaces.

## **Built-Up Areas**

The limits of the developed *urban areas* as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan. Built-up areas are delineated in **Schedule B**.

## **Climate Change**

Changes in weather patterns at local and regional levels, including extreme weather events and increased climate variability. (Based on the *PPS*, 2020 and modified for this Plan)

## **Combined Sewers**

A sewer designed to convey both sanitary sewage and storm water through a single pipe to a sewage treatment plant.

## **Community Infrastructure**

Lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security and safety, and affordable housing.

## **Compact Built Form**

A land-use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace and institutional) all within one neighbourhood, active transportation, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multistorey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be



characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

### **Compatible**

A development, building and/or land use that can co-exist or occur without conflict with surrounding land uses and activities in terms of its uses, scale, height, massing and relative location.

### **Complete Communities**

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts. (*Growth Plan*, 2020)

### **Complete Streets**

Streets that are planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists, and are designed for the safety of people of all ages and abilities (Based on *Growth Plan*, 2020 and modified for this Plan)

### **Complete Streets Design Manual**

Guidelines developed as part of the Niagara Region's Transportation Master Plan which define Regional Road typologies and provide guidance on the implementation of complete streets elements that fall within the public right-of-way.

### **Community Housing**

Housing owned and operated by non-profit housing corporations, housing co-operatives and municipal governments, or district social services administration boards. Community housing providers offer subsidized or low-end-of market rents.

### **Community Hubs**

Public service facilities that offer co-located or integrated services such as education, health care and social services.

### **Conservation Authority**

**Refers to the Niagara Peninsula Conservation Authority**

## **Conserved**

The identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

## **Cultural Heritage Resources**

Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. (*Greenbelt Plan*, 2017)

## **Designated Greenfield Areas**

Lands within *urban areas* but outside of built-up areas that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. Designated greenfield areas do not include excess lands, and are identified in **Schedule B**.

## **Development**

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

- a) activities that create or maintain *infrastructure* authorized under an environmental assessment process; or
- b) works subject to the *Drainage Act*.

(Based on *PPS*, 2020 and modified for the *Growth Plan*)

## **Employment Areas**

Areas designated in an Official Plan for clusters of business and economic activities including, but not limited to manufacturing, warehousing, offices, and associated retail and ancillary facilities. (*PPS*, 2020)

## **Employment Land**

Lands that are designated in local official plans or zoning by-laws for employment uses. Employment lands may be within and outside of employment areas.

## **Excess Lands**

Vacant, unbuilt but developable lands within settlement areas but outside of built-up areas that have been designated in an Official Plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan. (*Growth Plan*, 2020)

## **Excess Soil**

**Soil, or soil mixed with rock that has been excavated as part of a project and removed from the project area for the project as defined under O.Reg 406/19 under the *Environmental Protection Act*.**

## **Freight-Supportive**

In regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (*PPS*, 2020)

## **Frequent Transit**

A public transit service that runs at least every 15 minutes in both directions throughout the day and into the evening every day of the week.

## **Fringe Lands**

Fringe land is the area between the agricultural/rural countryside and the built-up city/suburbs. It can further be described as the edge of the urban region where patterns of building development and non-development interweave. The urban fringe is often an area with contrasting land uses and compatibility conflicts. Urban design can play a role in mitigating conflicts and transitioning land uses in these fringe areas.

## **Green Infrastructure**

Natural and human-made elements that provide ecological and hydrologic functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs. (*PPS*, 2020)

## **Greyfield Sites**

Previously developed properties that are not contaminated. They are usually, but not exclusively, former commercial properties that may be underutilized, derelict, or vacant. (*Growth Plan*, 2020 Consolidation)

## **Hamlets**

Small, *rural settlements* that are long-established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater services, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

## **Higher Order Transit**

Transit that generally operates in partially or completely dedicated rights-of-way, outside of mixed traffic, and therefore can achieve levels of speed and reliability greater than mixed-traffic transit. Higher order transit can include heavy rail (such as subways and inter-city rail), light rail, and buses in dedicated rights-of-way. (*Growth Plan*, 2020)

## **Individual On-Site Sewage Service**

A sewage disposal system, other than a holding tank, that is designed and constructed in accordance with applicable Provincial requirements and owned, operated, and managed by the owner of the property upon which the system is located.

## **Individual on-site water service**

An individual, autonomous water supply system that is designed and constructed in accordance with the Ministry of the Environment Guidelines or other guidelines approved by the municipality and owned, operated, and managed by the owner of the property upon which the system is located.

## **Industrial Effluent System**

Systems which convey and discharge the by-product from an industrial process that can contain contaminants from non-domestic wastes.

## **Infrastructure**

Physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: municipal services, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities. (*PPS*, 2020)

## **Intake Protection Zone**

**Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats. Where a conflict in mapping arises, the Source Protection Plan shall prevail.**

## **Intensification**

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

- a) redevelopment, including the reuse of brownfields;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings. (*PPS*, 2020)

## **Interface**

The physical relationship between two or more uses, such as, a building and street. It is the intent of urban design to reinforce this relationship and increase its impacts positively on the public realm.

## **Lateral Connection**

The point at which a sewer or water line coming out from homes and businesses connects to the municipal sewer or water line.

## **Legal or Technical Reasons**

Severances for purposes such as easements, corrections of deeds, quit claims, and minor boundary adjustments, which do not result in the creation of a new lot (*PPS*, 2020).

## **Low and Moderate Income Households**

In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area. (*Growth Plan*, 2020)

## **Low Impact Development**

An approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and

distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems. Low impact development often employs vegetation and soil in its design, however, that does not always have to be the case and the specific form may vary considering local conditions and community character. (*Growth Plan*, 2020)

### **Major Facilities**

Facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities. (*PPS*, 2020)

### **Major Goods Movement Facilities and Corridors**

Transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, airports, rail facilities, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are freight-supportive may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives. (*PPS*, 2020)

### **Major Institutional Uses**

Major trip generators that provide essential services for every stage of life and benefit from being close to urban services and amenities. Generally, major institutional uses are considered post-secondary institutions (i.e., colleges, universities, and trade schools), health care facilities and research centres (i.e., hospitals); and corporate government headquarters.

### **Major Office Use**

Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with 200 jobs or more. (*Growth Plan*, 2020 Consolidation)

### **Major Retail / Major Commercial Uses**

Large-scale or large-format stand-alone retail stores or retail centres that have the primary purpose of commercial activities. (based on *Growth Plan*, 2020 Consolidation)

## Major Transit Station Areas

The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk. (PPS, 2020)

## Major Trip Generators

Origins and destinations with high population densities or concentrated activities which generate many trips (e.g., urban growth centres and other downtowns, *major office* and *office parks*, *major retail / major commercial*, *employment areas*, community hubs, large parks and recreational destinations, post-secondary institutions and other *public service facilities*, and other mixed-use areas). (based on *Growth Plan*, 2020 Consolidation)

## Marine Facilities

Ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future *marine facilities*. (PPS, 2020)

## Minerals

**Metallic minerals and non-metallic minerals as herin defined, but does not include *mineral aggregate resources* or *petroleum resources*.**

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

**Non-metallic minerals means those minerals that are of value for intrinsic properties of the minerals themselves and not as a source of metal. They are generally synonymous with industrial minerals (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite) (PPS, 2020).**

## Mineral Aggregate Operation

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the *Aggregate Resources Act*;
- b) for lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal zoning by-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products. (PPS, 2020)

## **Mineral Deposits**

**Areas of identified *minerals* that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction (*PPS*, 2020).**

## **Mineral Mining Operation**

**Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use (*PPS*, 2020).**

## **Minimum Distance Separation Formulae**

The formulae and guidelines developed by the *Province*, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities. (*PPS*, 2020)

## **Multimodal Transportation System**

*A transportation system* which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine. (*PPS*, 2020)

## **Municipal Comprehensive Review**

A new official plan, or an official plan amendment, initiated by an upper-or single-tier municipality under section 26 of the *Ontario Planning Act* that comprehensively applies the policies and schedules of this Plan. (*Growth Plan*, 2020 Consolidation)

## **Municipal Water and Wastewater Systems/Services**

Municipal water systems/services are all or part of a drinking-water system:

- a) that is owned by a municipality or by a municipal service board established under section 195 of the *Municipal Act*, 2001;
- b) that is owned by a corporation established under section 203 of the *Municipal Act*, 2001;
- c) from which a municipality obtains or will obtain water under the terms of a contract between the municipality and the owner of the system; or
- d) that is in a prescribed class of municipal drinking-water systems as defined in regulation under the *Safe Drinking Water Act*, 2002.

And, municipal wastewater systems/services are any sewage works owned or operated by a municipality. (*Growth Plan*, 2020 Consolidation and modified for this Plan)



## **Natural Heritage Features and Areas**

Features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands and significant valleylands, habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

## **Natural Heritage System**

A system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include key natural heritage features, key hydrologic features, federal and provincial parks and conservation reserves, other natural heritage features and areas, lands that have been restored or have the potential to be restored to a natural state, associated areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. (*Growth Plan*, 2020)

## **Niagara Economic Gateway**

The total geographic area of the local municipalities a part of the Gateway Economic Centre or Gateway Economic Zone.

## **Normal Farm Practices**

A practice, as defined in the *Farming and Food Production Protection Act*, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with *the Nutrient Management Act*, 2002 and regulations made under that Act (*PPS*, 2020).

## **Office Parks**

Employment areas or areas where there are significant concentrations of offices with high employment densities. (*Growth Plan*, 2020 Consolidation)

## **On-Farm Diversified Uses**

On a farm; secondary use; limited in area; includes, but is not limited to, home occupations, home industries, agri-tourism uses and value-added uses; compatible with surrounding agricultural operations.

## **Petroleum Resources**

**Oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons (PPS, 2020).**

## **Petroleum Resource Operation**

**Oil, gas and salt wells and associated facilities and other drilling operations, oil field fluid disposal wells and associated facilities, and wells and facilities for the underground storage of natural gas and other hydrocarbons (PPS, 2020).**

## **Place-Making**

The purposeful planning, and design of buildings, public realm, and transportation systems to achieve attachment to a place.

## **Planned Corridors**

Corridors or future corridors which are required to meet projected needs, and are identified through this Plan, preferred alignment(s) determined through the Environmental Assessment Act process, or identified through planning studies where the Ministry of Transportation, Ministry of Energy, Northern Development and Mines, Metrolinx, or Independent Electricity System Operator (IESO) or any successor to those Ministries or entities, is actively pursuing the identification of a corridor. Approaches for the protection of planned corridors may be recommended in guidelines developed by the *Province*. (*Growth Plan*, 2020 Consolidation)

## **Prime Agricultural Area**

Areas where prime agricultural lands predominate. This includes areas of prime agricultural lands and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas may be identified by the Ontario Ministry of Agriculture and Food using guidelines developed by the Province as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the Province (*PPS*, 2020).

## **Prime Agricultural Land**

Means *specialty crop areas* and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection (*PPS*, 2020).

**Province**

The Province of Ontario or the relevant Minister of the Provincial government.

**Provincially Significant Employment Zones (PSEZs)**

Areas defined by the Minister in consultation with affected municipalities for the purpose of long-term planning for job creation and economic development. *Provincially significant employment zones* can consist of *employment areas* as well as mixed-use areas that contain a significant number of jobs. (*Growth Plan*, 2020 Consolidation)

**Public Realm**

The publicly owned places and spaces that are accessible by everyone. These can include municipal streets, lanes, squares, plazas, sidewalks, trails, parks, open spaces, waterfronts, public transit systems, conservation areas, and civic buildings and institutions.

**Public Service Facilities**

Lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure. (*PPS*, 2020)

**Public Works Projects**

Construction projects, such as roads, highways or dams, bridges and waterworks financed by public funds and constructed by or under contract with the Region or local municipality for the benefit or use of the public.

**Rail Facilities**

Rail corridors, rail sidings, train stations, inter-modal facilities, rail yards and associated uses, including designated lands for future rail facilities. (*PPS*, 2020).

**Redevelopment**

The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**Regional Market Area**

An area that has a high degree of social and economic interaction. The boundaries of the Niagara Region will serve as the regional market area for the purposes of assessing housing market conditions. (*PPS*, 2020 and modified for this Plan)

## **Residence Surplus to a Farming Operation**

An existing habitable farm residence that is rendered surplus as a result of farm consolidation (the acquisition of additional farm parcels to be operated as one farm operation). (*PPS*, 2020).

## **Resilience**

Definition to be added.

## **Risk Management Official**

**A person appointed under Part IV of the Clean Water Act, 2006, by the Council of a municipality that has authority to pass by-laws respecting water production, treatment, and storage under the Municipal Act, 2001 (Source Protection Plan for the Niagara Source Protection Area).**

## **Rural Areas**

A system of lands within local municipalities that may include rural settlements, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas. (*PPS*, 2020)

## **Rural Lands**

Lands which are located outside settlement areas and which are outside prime agricultural areas. (*PPS*, 2020)

## **Rural Settlements**

Existing hamlets that are delineated in Schedule B of the Niagara Official Plan. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to Official Plan policies that limit growth. All settlement areas that are identified as hamlets in the Greenbelt Plan, or as minor urban centres in the Niagara Escarpment Plan are considered rural settlement areas for the purposes of this Plan, including those that would not otherwise meet this definition. (*Growth Plan*, 2020 Consolidation and modified for this Plan)

## **Sense of Place**

The emotional attachments, meanings and identities people develop or experience in particular locations and environments. It is also used to describe the distinctiveness or unique character of a place.

## **Sensitive Land Uses**

Buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities. (*PPS*, 2020)

## **Settlement Areas**

Urban areas and *rural settlements* within *local municipalities* (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an Official Plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated.

(*Growth Plan*, 2020 Consolidation and modified for this Plan)

## **Sewage Works**

Any works for the collection, transmission, treatment and disposal of sewage or any part of such works but does not include plumbing to which the *Building Code Act*, 1992 applies. For the purposes of this definition: Sewage includes, but is not limited to drainage, storm water, residential wastes, commercial wastes and industrial wastes.

## **Significant**

In regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

## **Significant drinking water treats or significant threat**

**A threat that, according to a risk assessment, poses or has the potential to pose a significant risk to the quality of municipal drinking water (Based on the Source Protection Plan for the Niagara Source Protection Area).**

## **Site Alteration**

**The removal of topsoil and activities such as filling, grading and excavation that would change the landform, grade of the land and natural vegetative**

**characteristics of the land. This does not include the reconstruction, repair or maintenance of a drain approved under the Drainage Act.**

### **Smart City**

Definition to be added.

### **Soil Management Plan**

**A plan completed by a professional engineer or geoscientist that outlines the condition of soil at a source site where soil is excavated. (Best Management Practices for Excess Soil and modified for this Plan)**

### **Source Protection Plan**

**A drinking water source protection plan prepared under of the Clean Water Act, 2006 (Source Protection Plan for the Niagara Source Protection Area).**

### **Source Water**

**Water in its natural or raw state, prior to being drawn into a municipal drinking water system (Source Protection Plan for the Niagara Source Protection Area).**

### **Specialized Housing Needs**

Any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples include, but are not limited to, long-term care homes, adaptable and accessible housing, and housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons. (Based on the *PPS*, 2020 and modified for this Plan)

### **Specialty Crop Area**

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

- a) soils that have suitability to produce specialty crops, or lands that are subject to special climatic conditions, or a combination of both;
  - b) farmers skilled in the production of specialty crops; and
  - c) a long-term investment of capital in areas such as crops, drainage, infrastructure and related facilities and services to produce, store, or process specialty crops.
- (*PPS*, 2020).

## **Specialty Crop Guidelines**

Guidelines developed by the Region or Province, as amended from time to time  
(Developed from the *PPS* definition of specialty crop area and modified for this Plan).

### **Stormwater management facility**

**A facility for the treatment, retention, infiltration or control of stormwater.**

### **Stormwater master plan**

A long-range plan that assesses existing and planned stormwater facilities and systems and outlines stormwater infrastructure requirements for new and existing development within a settlement area. Stormwater master plans are informed by watershed planning and are completed in accordance with the environmental assessment processes under the *Environmental Assessment Act* 1990, as amended.

### **Strategic Growth Areas**

Within settlement areas, nodes, corridors, and other areas that have been identified in Schedule B to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form. Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas. (*Growth Plan*, 2020)

### **Subwatershed**

An area that is drained by a tributary or some defined portion of a stream.

### **Sustainable**

Definition to be added.

### **Sustainable Design**

The design of the urban environment that is resilient to the impacts of climate change, (achieves complete communities, low impact development, active transportation, and complete streets, reduces consumption of non-renewable resources, minimizes waste, supports energy conservation and efficiency, reduces greenhouse gas emissions, and improves air quality), and reduces or eliminates other negative environmental impacts.

### **Temporary Storage Site**

**Sites owned or controlled by the owner/operator of a source site or receiving site, at which excess soil is temporarily stored for 2 years or less. Includes sites to**

**treat, remediate and transfer excess soil to other sites for final placement or disposal (Best Management Practices for Excess Soil and modified for this Plan).**

### **Transit-supportive**

Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. Transit-supportive development will be consistent with Ontario's Transit Supportive Guidelines. (*Growth Plan*, 2020)

### **Transport pathway**

**In respect of an *intake protection zone*, means works or any other thing that reduces the time it takes for a contaminant to reach a surface water intake and may include storm sewers, discharge pipes, utility trenches, ditches, swales, drainage works or any other types of drain (2017 Technical Rules under the Clean Water Act).**

### **Transportation System**

A system consisting of corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park-and-ride lots, service centres, rest stops, vehicle inspection stations, inter-modal terminals, harbours, and associated facilities such as storage and maintenance.

### **Urban Agriculture**

Within *urban areas*, agricultural production of food and non-food products accessory to the principle use of a property. Examples of urban agriculture include community, school, and rooftop gardens, ground-based outdoor community and urban market gardens, urban livestock, and hydroponic farms.

### **Urban Areas**

Lands located within a defined boundary as identified in Schedule B. Urban areas are made up of built-up areas, designated greenfield areas and excess lands and does not include *hamlets*.

### **Utility**

Any system, works, plant, pipeline, or equipment providing a service necessary to the public interest including but not limited to electric power generation and transmission, stormwater management, water supply, sewage treatment and disposal, waste management, communications and telecommunications, and oil and gas pipelines and associated facilities.



## **Waste Disposal Sites**

The application of untreated septage, the storage, treatment, and discharge of tailings from mines and waste disposal sites as defined under Part V of the *Ontario Environmental Protection Act*, 1990 with respect to Source Water Protection.

## **Waste Management**

Waste management includes the activities and actions required to manage waste from its inception to its final disposal. This includes the collection, transport, treatment, and disposal of waste, together with monitoring and regulation of the waste management process.

## **Wastewater Treatment Plant/Facility**

The part of a sewage works that treats or disposes of sewage but does not include the part of the sewage works that collects or transmits sewage.

## **Wastewater Services**

Any works provided by the municipality for the collection, lateral connection, transmission, and treatment of sewage that are connected to a centralized wastewater treatment facility.

## **Water Budget**

An accounting of the inflow to, outflow from, and storage changes of water in a hydrologic unit.

## **Water Services**

Any works provided by the municipality for the distribution, lateral connection, transmission, and treatment of drinking water.

## **Watershed Planning**

Planning that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts. Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessments; consideration of the impacts of a changing climate and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for the use of environmental best management practices, programs, and performance measures; criteria for evaluating the protection of quality and quantity of water; the identification

and protection of hydrologic features, areas, and functions and the inter-relationships between or among them; and targets for the protection and restoration of riparian areas.

**Administration**

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September 7, 2021

**CL 15-2021, August 26, 2021**  
**PEDC 8-2021, August 11, 2021**  
**PDS 33-2021, August 11, 2021**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

Niagara Official Plan: Land Needs Assessment and Settlement Area

Boundary Review Update

PDS 33-2021

Regional Council, at its meeting held on August 26, 2021, passed the following recommendation of its Planning & Economic Development Committee:

That Report PDS 33-2021, dated August 11, 2021, respecting Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Council **ENDORSE**, in principle, the use of the Made-in-Niagara Forecast and the Revised Land Needs Assessment (Appendix 1 of Report PDS 33-2021), to advance the Niagara Official Plan, the Water and Wastewater Master Plan, the Transportation Master Plan, the Development Charge Background Study and By-law, and other Regional programs; and
2. That Report PDS 33-2021 **BE CIRCULATED** to local area municipalities, partner agencies and the Province.

A copy of PDS 33-2021 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:cv

CLK-C 2021-146

CC:

M. Sergi, Commissioner, Planning and Development Services  
N. Oakes, Executive Assistant to the Commissioner, Planning and  
Development Services  
G. Bowie, Senior Planner, Planning and Development Services

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**Subject:** Niagara Official Plan: Land Needs Assessment and Settlement Area Boundary Review Update

**Report to:** Planning and Economic Development Committee

**Report date:** Wednesday, August 11, 2021

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## Recommendations

1. That Council **ENDORSE**, in principle, the use of the Made-in-Niagara Forecast and the Revised Land Needs Assessment (Appendix 1 of Report PDS 33-2021), to advance the Niagara Official Plan, the Water and Wastewater Master Plan, the Transportation Master Plan, the Development Charge Background Study and By-law, and other Regional programs; and
2. That Report PDS 33-2021 **BE CIRCULATED** to local area municipalities, partner agencies and the Province.

## Key Facts

- This report recommends a “Made-in-Niagara” growth forecast to 2051. The Forecast is a land needs assessment (“LNA”) derived from the Provincial Land Needs Methodology. The Region must conform to the Provincial requirements, including this Methodology.
- The Made-in-Niagara Forecast provides a 2051 population of 694,000 people and 272,000 jobs.
- The Made-in-Niagara Forecast is similar to the previously-released forecast from May 2021, provided in the May Joint Report PDS 17-2021. Population forecasts have increased slightly in two municipalities to account for market demand and provide additional affordable housing options. Importantly, the updates since May are focussed exclusively in built-up areas – not greenfields – meaning that it does not result in additional residential land needed through urban boundary expansions.
- The Made-in-Niagara Forecasts and updated LNA result in a Region-wide net community area land need of 495 Ha and net employment area land need of 210 Ha. The Region-wide intensification rate is 60%, which is 10% greater than the minimum

required. Density is 50 people and jobs per Ha for greenfields and larger densities in the Region's Strategic Growth Areas.

- Feedback was carefully considered in making this recommendation. Staff have considered other key interests, like the Natural Environment System ("NES"), agricultural system, and affordability.
- The Forecasts need to be endorsed in principle at this time. These are used to make decisions about changes to urban and rural boundaries (called the Settlement Area Boundary Review or "SABR"). They are also used as part of the Niagara 2051 program to inform the Water/Wastewater Master Servicing Plan and Transportation Master Plan. The Region's infrastructure is paid for through Development Charges based on this information.
- Changes to municipal boundaries through the SABR can only occur as part of the Region's new Official Plan (with very limited exceptions). Staff need endorsement of the Made-in-Niagara Forecasts to move forward with the SABR. No decisions on SABR itself are requested now - that will be reported on further this Fall.
- The Forecasts and updated LNA are sought for endorsement in principle to allow the programs noted above to move forward. Adjustments to the forecasts are likely, prior to finalizing, to reflect any recommended employment conversions and other matters. This will be provided for consideration at a future Council meeting.

## **Financial Considerations**

There are no financial considerations directly related to this report. However, as described below, a decision on the Made-in-Niagara Forecast is critical to establishing the 2022 Development Change By-law where growth-related costs are recovered.

This report is prepared as part of the Niagara Official Plan ("NOP") program. Council approved the resources to complete the NOP over a 5 year period as part of the 2017 Budget Process.

The growth forecasts identified here will be used in the upcoming revisions to the Water and Wastewater Master Servicing Plan ("MSP"), Transportation Master Plan ("TMP") and Development Charges Study ("DCS"). Those studies identify projects to be built based on the growth forecasts.

The DCS sets out a calculation of how all or a portion of those costs can be recovered through development charges. The Development Charge By-law must be passed in advance of current by-law expiry in August 2022. The Made-in-Niagara Forecasts are needed at this time for the inputs to the Development Charges work so that program can be advanced in time for the August 2022 deadline.

## **Analysis**

On May 20, 2021, Regional Council received PDS 17-2021 Niagara Official Plan Consolidated Policy Report (the “May Joint Report”). The May Joint Report provided a comprehensive update on the NOP process and draft materials for consultation with local municipalities, stakeholders and public.

Staff asked for feedback by July 2, 2021 so it could be considered as part of this report, among other things. Feedback has been carefully considered and is described further below.

Two separate reports are advanced at this time. This report (PDS 33-2021) relates to the updated Made-in-Niagara forecasts and its relationship to SABR and Niagara 2051.

A second, related report, is PDS 32-2021, provided at this same August 11, 2021 PEDC meeting. That report speaks to the additional work that has occurred relating to other Official Plan matters since the May Joint Report. Although these reports are under separate cover, they have been prepared comprehensively with continued consideration of integrated planning of the new NOP.

At this time, the Region seeks endorsement in principle of the Made-in-Niagara Forecast. This allows the SABR program to move forward, and advancement of the Niagara 2051 work, including the Development Charges By-law.

Adjustments to the forecast and LNA are likely to be proposed prior to finalizing these documents. As described further below, employment conversion requests have not yet been considered. Depending on the outcome of that review, the forecast and LNA may be revised for Council consideration.

Further, the Provincial Land Needs Assessment Methodology contemplates that final adjustments may be made, after all other steps are undertaken, to account for specific circumstances like vacancy rates, constrained land from infrastructure, lands that may not develop because of landowner choice, and other economic or demographic factors.

Revised forecasts and LNA will be provided to Council in a future report for consideration.

### **Growth Forecast Consultation**

A Place to Grow (2020) (“Growth Plan”) establishes a *minimum* population and employment forecasts for upper- and single-tier municipalities in the Greater Golden Horseshoe. The Region must plan for these minimum forecasts and assign the forecast to local municipalities.

The Region has done significant forecasting work over several years. Most recently, its forecasting work was set out as part of the May Joint Report, PDS 17-2021 [Appendix 3.3](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-3.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-3.pdf>), Growth Allocation Update to 2051 (Hemson, 2021). This work aligned regional forecasts with the recently-released 2020 *Growth Plan* (the “May 2021 Forecast”).

The May 2021 Forecasts distributed the minimum Growth Plan Schedule 3 forecast of 674,000 people and 272,000 jobs throughout Niagara’s 12 municipalities. Forecasts were distributed based on the Preferred Growth Option, established through Niagara 2041 (Niagara 2041: Preferred Growth Option (Hemson, 2019), with revisions made based on the new 2051 planning horizon and emerging development trends. This was based on the 2020 Growth Plan and a newly released Provincial LNA Methodology.

The May 2021 forecasts provided information on housing mix within each municipality and areas within them. This work was done to show how the forecasts represent market-based housing demand and support affordable housing.

The May Joint Report also provided specific data on affordability. Appendix 5.2, Niagara Region Housing Affordability and Growth Plan 2051 (CANCEA, 2021) set out that achieving the minimum Growth Plan forecast of 674,000 people would keep the Region’s Core Housing need at 13%.

The CANCEA conclusion was clear: if the Region grew too slowly, affordability would worsen.

The Region also released its Regional Structure through the May Joint Report. The Regional Structure identified locations and density targets for Strategic Growth Areas (SGAs). SGAs will accommodate a significant amount of growth, support infrastructure investment and contribute to complete communities.



On many occasions before and after the May Joint Report release, the Region met individually with planning staff at each local municipality to discuss growth forecasts, SGAs, intensification rates, densities, and related matters.

Since May 2021, the Region held five public information centres (PICs) and held dozens of meetings with interested parties about these same growth-related matters.

Additionally, the Region progressed on the TMP, MSP, and DCS update. This process involves a Niagara 2051 working group of various staff across many departments and consultation events held in the spring 2021.

Almost all feedback was supportive of the Region's process. The Region received comments on specific aspects of its May 2021 forecasts, with some parties recommending adjustments or changes reflecting a variety of interests.

Importantly, there was general public support, and local planning staff support, of the Region's overall land needs program and the Regional Structure components.

A comment summary of the land needs-related comments is provided in **Appendix 3**. The full set of comments received can be viewed here: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) (<https://www.niagararegion.ca/official-plan/>).

Additional comments, unrelated to land needs, are reported in PDS 32-2021.

Since the release of the May 2021 Forecasts, the Region carefully considered feedback received. Staff also conducted a further review of individual growth areas and existing and proposed development applications. Additional progress on the detailed work towards finalizing the NES has been made since May 2021.

On this basis, Staff recommend two categories of change be made to what was released in May 2021.

The first is additional intensification growth be allocated to Lincoln and Welland.

The second is including the most current information on the NES.

These topics are described in the following sections of this report.

## Summary of Changes to the Land Needs Assessment

The Growth Plan (2020) allows Niagara to use alternative growth forecasts beyond those identified in Growth Plan Schedule 3. The Made-in-Niagara Forecast is an alternative growth forecast.

This alternative growth forecast can be only be advanced by a Region or single-tier government.

Details of the Made-in-Niagara Forecast are provided in **Appendix 1**. This is a revised version of [Appendix 3.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-3-2.pdf>) of the May Joint Report.

The Province provided three growth scenarios in its draft materials for the 2020 Growth Plan. One of those scenarios was a high growth forecast of 700,000 people for Niagara. At that time, Niagara Region staff supported the high scenario.

The proposed, Made-in-Niagara Forecast of 694,000 people is slightly below this high scenario identified by the Province.

The May 2021 Forecast identified a total population of 674,000 people. The additional 20,000 people above the May 2021 forecast have been allocated to Lincoln and Welland. Lincoln's 2051 population has been revised from 35,660 to 45,660 in the current forecast. Welland's 2051 population has been revised from 73,000 to 83,000.

Based on the analysis and consultation noted in the previous section, the Region proposes the following Preliminary Municipal Growth Allocations: 2021 and 2051 (i.e. the Made-in-Niagara Forecast):

**Table 1: Preliminary Municipal Growth Allocations: 2021 and 2051**

<b>Municipality</b>	<b>Population 2021</b>	<b>Population 2051</b>	<b>Households 2021</b>	<b>Households 2051</b>	<b>Employment 2021</b>	<b>Employment 2051</b>
Fort Erie	33,930	48,050	14,150	21,510	10,530	17,430
Grimsby	30,300	37,000	11,470	16,070	10,690	14,670
Lincoln	26,860	45,660	9,590	19,405	11,390	15,960
Niagara Falls	97,220	141,650	38,520	58,740	37,780	58,110
Niagara-on-the-Lake	19,970	28,900	7,910	12,500	11,800	16,960
Pelham	19,320	28,830	7,150	11,280	4,810	7,140
Port Colborne	19,250	23,230	8,210	10,500	5,910	7,550
St. Catharines	140,250	171,890	58,550	78,320	61,780	81,010
Thorold	24,440	39,690	9,230	15,660	8,530	12,080
Wainfleet	7,000	7,730	2,580	3,040	1,400	1,830
Welland	56,210	83,000	23,610	37,540	18,030	28,790
West Lincoln	16,370	38,370	5,330	14,060	4,460	10,480
<b>Niagara Region</b>	<b>491,120</b>	<b>694,000</b>	<b>196,300</b>	<b>298,645</b>	<b>187,110</b>	<b>272,000</b>

### **Revised Intensification Rates**

Through the comments received and additional analysis done by the Region, Staff determined that the draft May 2021 Forecasts for Lincoln and Welland were likely to be achieved earlier than set out. In our view, higher forecasts were required to ensure alignment with infrastructure investment and to better align with planned development.

In Lincoln and Welland, the additional growth proposed is within the existing urban, built up areas with development or redevelopment potential. Thus, this is considered “intensification” growth. This kind of development supports a broader, more affordable housing mix of more townhouses and apartment units.

These changes reflect the planned infrastructure to sustain the anticipated growth. The Region seeks to proactively plan to accommodate the growth to ensure communities are more sustainable, better connected, healthy and safe.

As note above, the additional forecasted growth to Lincoln and Welland are within the built-up areas as intensification. In other words, more development is proposed within the existing boundaries. There is no impact to Community Area (residential/mixed use) land need to accommodate this additional population and these changes do not result in need for additional land through boundary expansions.

The “intensification rate” is a measure of how much growth is going to built-up areas rather than new greenfield areas. In the updated Forecast, Lincoln’s intensification rate has increased from 80% to 90%, and Welland’s from 60% to 75%. When these changes are incorporated to a Region-wide average, the Region’s intensification rate increases from 56% to 60%.

Table 2 is the revised intensification rates by municipality and the overall Region rate.

**Table 2: Revised Intensification Rates to 2051**

<b>Municipality</b>	<b>Intensification Rate</b>
Fort Erie	50%
Grimsby	98%
Lincoln	90%
Niagara Falls	50%
Niagara-on-the-Lake	25%
Pelham	25%
Port Colborne	30%
St. Catharines	95%
Thorold	25%
Wainfleet	0%
Welland	75%
West Lincoln	13%
<b>Niagara Region</b>	<b>60%</b>

The above paragraphs describe the changes in terms of population and intensification rates – the Region also looks at this in terms of units. The number of additional units proposed is 10,500. These additional units are predominately medium- and high-density housing types, such as townhouses, apartments, and other multi-unit dwellings.

Increasing this unit type is key to help address core housing need, driven primarily by affordability.

The diversification of Niagara’s existing, low-density housing stock is supported by the Region’s recent housing analyses completed by CANCEA, included in Appendix 5 to the May Joint Report, and noted above. The CANCEA work concluded that more dense forms of housing is needed to support Provincial growth targets, and consequently, to address rates of core housing need over time.

In short, more dense forms of housing are needed to address affordability.

### **Updated Natural Environment Work**

Work on the Natural Environment program has been ongoing for many years.

Since May 2021, the Region has refined the analysis of Natural Environment developable area. The most current information suggests a need to remove non-developable lands from the land needs assessment calculation.

In other words, more land should be protected than identified in the May 2021 Forecast; in turn, less land is available for development. This results in a greater *overall need* for land (since less is available for development). This means a small increase of land needed for the Community Area (i.e. residential and mixed use) and a modest increase in land needed for Employment Areas (i.e. mostly industrial areas).

At the May 20, 2021 Regional Council meeting, Council directed Staff to prepare materials for Natural Environment System (NES) Options 3B and 3C, with a decision by Council on the preferred NES Option to be made at a later time.

Importantly, the land need difference between NES Option 3B and 3C is negligible. Regardless of which NES Option is selected at a later time, the land needs will be similar. For this reason, there is no need to await an Option selection to advance the land needs at this time. When an Option is selected, minor adjustments can be made to the land needs, if needed, before it is finalized..

### **Community Area Land Needs – Rural Settlement Areas**

As directed by the Provincial Land Needs Assessment Methodology, an additional assessment was undertaken for Rural Settlement Areas.

Niagara has a modest population and employment base outside of urban settlement areas. Growth is anticipated to continue within rural areas and rural settlement areas. Between 2021 and 2051, Hemson Consulting forecast an additional 900 housing units and 8,090 jobs will occur in the rural area.

The Rural Settlement Area assessment determines where the forecast growth will occur within the rural areas and if additional land is required within rural settlement areas primarily focussed in Wainfleet and West Lincoln.

Further details of the rural settlement area assessment is provided in **Appendix 1**.

### August 2021 Preliminary Draft Land Needs Assessment

As discussed above, the May 2021 Forecast was refined based on the alternative Made-in-Niagara Forecast, higher Regional intensification rate and recent NES work.

The detailed Forecast is provided in **Appendix 1**.

Table 3 below is a summary of the overall preliminary land needs by municipality.

**Table 3: August 2021 Preliminary Draft Land Needs Assessment**

Municipality	Community Area Land Needs (ha)	Employment Area Land Needs (ha)
Fort Erie	105	155
Grimsby	5	(5)
Lincoln	0	15
Niagara Falls	270	10
Niagara-on-the-Lake	5	(20)
Pelham	40	0
Port Colborne	(160)	(40)
St. Catharines	15	30
Thorold	(155)	(35)
Wainfleet	0	0
Welland	0	45
West Lincoln	370	45
<b>Niagara Region (net)</b>	<b>495</b>	<b>210</b>

In the May 2021 Forecast, the Region's net overall community land need was 460 Ha and net employment area land need was -20 Ha.

The net Community Area land need in the current Forecast and LNA is similar to the May 2021 Forecast. The net Employment Area land need is now 210 Ha compared to the previous surplus of 20 Ha.

Through consultation with the Province, the Region has also been advised that the LNA should result in a single number for land need; a blended number where Community Area land need and Employment Area land need are combined. This combined net land need is 705 hectares.

For the reasons noted elsewhere in this report, adjustments may be made to this preliminary forecast. Those adjustments will be provided to Council for consideration at a later time.

### **Employment Area Requests for Conversion**

The Region is considering Employment Land Employment Area conversions as part of its new Official Plan. The Provincial Land Needs Assessment Methodology implementation section contemplates that this should be considered for reducing the amount of settlement area expansion required for forecasted growth.

Employment land exists both within and outside of Employment Areas in almost all of Niagara's communities. Through the NOP, the Region is mapping Employment Areas, or clusters of employment uses, to define these boundaries. Employment Areas are of Regional interest as they relate to the provision and protection of employment land employment jobs, typically those within industrial areas and business parks.

The Growth Plan contains criteria for conversion of employment lands within an Employment Area and provides direction for when conversions can be considered as part of a Municipal Comprehensive Review. In Niagara's case, this is the NOP process.

Information on conversion criteria considerations was provided in the Employment Policy Paper PDS 17-2021 – [Appendix 10.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-10-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-10-2.pdf>).

The Region received seven requests for Employment Areas conversions. These requests remain under consideration and will be reported further as part of the SABR review. The conversion requests are summarized in **Appendix 3**.

One of the tests for employment conversion is land need. Based on the current LNA presented with this report, the Region has a demand for 210 Ha more employment area. In other words, on a regional scale, there is a net land need demand for more employment area, not removal of employment area through conversions. However, individual conversion sites remain under review based on local considerations.

As indicated above, the review of conversion requests is part of the SABR review, with recommendations to be reported in the fall, including any associated adjustments to the forecast and land needs.

## **Settlement Area Boundary Review**

Only the Region can make settlement area boundary changes and the NOP is the time to do so.

In order to make SABR decisions, the Made-in-Niagara Forecast needs to be endorsed. If not, Staff will not know how much land is needed to review and adjust boundaries accordingly.

The SABR will review candidate land adjacent to the existing settlement area boundaries to determine the most appropriate location for settlement area expansion to be accommodated. Regional staff have developed criteria and an assessment process to consider both urban and rural settlement area boundary expansions.

The location of SABR expansion requests are mapped on **Appendix 2**.

## **SABR Assessment Criteria and Process**

The SABR assessment criteria was developed based on direction from the Provincial Policy Statement (2020), the Growth Plan, and Regional considerations. Staff consulted local area planners on many occasions, as a group and in individual meetings. Local planning staff support the criteria.

Additionally, the draft criteria was publically shared as part of the May Joint Report [Appendix 18.2](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-2.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-2.pdf>) for urban areas and [Appendix 18.3](https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-3.pdf) (<https://www.niagararegion.ca/official-plan/pdf/pds-17-2021-appendix-18-3.pdf>) for rural settlement areas. Since that time, until July 2, 2021, the Region received comments on the criteria. With one small site-specific exception, no negative comments on the criteria were received. In fact, in many cases, the draft criteria are already under use by those making submissions to support a SABR request.

For these reasons, the Region will continue to use the criteria in its SABR review this summer and fall.

The criteria are divided into two parts. The first is an initial screening of the requests. Not all requests could be considered eligible for reasons related to Provincial Plan prohibitions. For example, the Greenbelt Plan prohibits expansion into the Specialty Crop Area and the Niagara Escarpment Plan also prohibits expansion of Minor Urban



Centres. The Region has no ability to make these changes, and therefore, these types of requests will not proceed.

As a result of this initial screening, 17 requests are being removed from further consideration.

If part one is satisfied, a request proceeds to the second part which contains more detailed criteria, including:

- Sanitary Servicing
- Municipal Water Supply
- Transit and Transportation
- Environmental Protection and Natural Resources
- Agricultural / Agri-food Network
- Aggregate Resources
- Growth Management

To undertake the second part of the SABR process, a review team comprised of regional staff across many disciplines has been assembled (including those relating to water, wastewater natural environment, transportation, aggregates, agriculture and growth management). The team may also draw on additional staff resources, if required, in relation to some topic areas where specific knowledge would assist. Local municipal staff will also participate within their respective areas.

For the SABR process, staff will rely on primary sources of study reference and technical data. The expectation is the same sources of information will be used for all sites being reviewed.

Additionally, any supplemental information provided by requestors will also be reviewed. Not all SABR requests received have supplemental information – it was not required. The supplemental information will be carefully considered; however, no additional weight is given to those requests that have supplemental information.

Some local municipalities have undertaken expansion-related study work or specific comments on expansions that will be carefully considered by the Region's review team.

Criteria for rural settlement area (Hamlet) review differs from the urban SABR. Rural settlement expansion focuses on maintaining rural character and supporting the

agricultural community and rural population needs. Rural settlement areas will continue to be serviced through private systems.

### **SABR Request Details**

The Region received about 87 private owner submissions related to the SABR process. These are specific to the existing Official Plan process; separate from comments made to the Province through the 2017 Coordinated Plan Review (CPR). CPR comments are not currently being processed by the Region (with three exceptions) since these matters are for Provincial review period only. The Region cannot make changes to Provincial Plans as part of the Niagara Official Plan process to accommodate expansion.

The three noted exceptions are sites in Lincoln (Albright Manor), Niagara Falls (Cotton Construction), and Niagara-on-the-Lake (Queenston Quarry) that were changed in the Niagara Escarpment Plan to Urban Area or Escarpment Recreation Area during the past review. Since these changes were made by the Province, the Region is processing these sites through its SABR.

In addition to the private owner requests for this Official Plan, the Region has received a number of local municipal requests for expansion consideration. The requests have been delivered through local Council resolution and will be reviewed along with all other requests made. Some local municipalities are still working on such recommendations, for circulation to the Region in the near future.

Local municipal requests comprise an additional 30 locations to date.

In addition to the private requests and municipal requests, noted above, the Region is reviewing additional candidate lands. The Region must consider what lands should be included – whether or not a request has been made – to ensure a holistic and objective review of Provincial policy in determining “the most appropriate location” for expansion.

As of writing, the total number of locations for expansions is approximately 147, including all categories described above.

A map of the SABR expansion areas is set out in **Appendix 2**.

### **SABR Consultation**

In preparing this report, careful consideration was given to comments provided on land needs, SABR requests and criteria, and employment conversions. All comments

received prior to July 15, 2021 were reviewed in preparing this report. Comments were requested by July 2, 2021.

The Region received over 20 comments related to the LNA. These submissions, as well as responses, are summarized in **Appendix 3**. Generally, the submissions are favourable and support the direction of the LNA. Some landowners made land need- or conversion- related suggestions specific to their interests.

As noted above, the Region also received a number of SABR and conversion requests. These requests have been acknowledged and remain under consideration. Recommendations will be made in the fall.

Prior to advancing SABR recommendations, staff will gather public input. The Region has created a public mapping tool that illustrates the requests for expansion and allows for comments. It is available at the following link: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) (<https://www.niagararegion.ca/official-plan/>).

In addition to the SABR website, additional public consultation is planned to receive input in the candidate locations. This is not intended to be a forum to have requests added or removed from consideration. It will be a dialogue to inform the process and received information on the assessment process and recommendations.

## **Policy Review**

The *Planning Act, 1990* requires all municipal Council decisions to be consistent with, conform to, or not conflict with the applicable Provincial policy. Regional and local planning staff must provide planning advice and make recommendations under the same requirements.

Below outlines relevant Provincial Policy for the LNA and SABR process. The Made-in-Niagara Forecast and updated LNA conforms to, is consistent with, and does not conflict with these documents, as applicable.

### *Provincial Policy Statement (PPS), 2020*

The PPS, 2020 provides direction on land use planning to promote sustainable, strong communities, a strong economy, and a clean and healthy environment.

Section 1.1 - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns supplies many of the referenced policies appearing in the SABR Assessment Criteria including:

*“1.1.1 Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

*d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; ...*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*h) promoting development and land use patterns that conserve biodiversity;”*

Respecting the policy context for use in the SABR assessment from a community building perspective, the consistent theme of healthy, livable, safe communities that are efficiently designed, cost effective, transit-supportive and integrated, underscores the direction expansion consideration should take while reminding and recognizing future expansion needs to be a consideration.

Section 1.1.3 – “Settlement Areas” includes direction for settlement area boundary expansions only at the time of an MCR and only after there has been demonstrated need. New to the 2020 PPS is a policy that refers to satisfying market demand.

Policies of Section 1.1.3 also direct that agricultural land and industry be held in regard of decisions being made concerning expansion. This too is reflected in the SABR Criteria to be used in expansion review.

Other policies of the PPS, such as Housing, Employment, Infrastructure, Transportation and Wise Use and Management of Resources, all provide important direction for the completion of the LNA and the criteria considerations for the SABR.

*A Place to Grow - Growth Plan for the Greater Golden Horseshoe (2020)*

The Growth Plan provides a strategic, long-range growth management framework for the Greater Golden Horseshoe area. The Growth Plan supports Ontario's vision of building stronger, more efficient, prosperous communities through appropriate growth management.

Similar to the PPS, the guiding principles of the Growth Plan are focused on achieving complete communities, stimulating economic growth, prioritizing intensification and higher densities to optimize infrastructure investments, and mitigating the adverse impacts of climate change.

Policy 2.2.1.5 identifies the Province's Land Needs Assessment methodology to be used by the Region to assess the quantity of land required to accommodate forecasted growth to 2051.

Policy 2.2.8 of the Growth Plan speaks to Settlement Area Boundary Expansions.

Specifically, Policy 2.2.8.2 provides the direction for expansions to proceed through the MCR process based on the components and direction of the LNA. Further, Policy 2.2.8.3 requires any expansion be justified based on a comprehensive list of criteria. These policies were used to develop the Region's SABR criteria and have included consideration for transportation, infrastructure, NES, agricultural lands and operations, and the applicable requirements of other Provincial Plans.

The Greenbelt Plan and Niagara Escarpment Plan were also reviewed. The policies of both provide direction for enhancement and protection of the natural and agricultural systems. Expansions into the Greenbelt and Niagara Escarpment areas are prohibited.

## **Next Steps**

The Region will continue to move forward with the NOP work program. Once the SABR and conversion review process is complete, Staff will prepare a report with recommendations in fall 2021.

The Made-in-Niagara Forecasts will be integrated into the Niagara 2051 strategies: the MSP, TMP and DCS and DC By-law. These strategies work together to ensure the planned growth is serviced and paid for.

### **Alternatives Reviewed**

Alternative 1: Council could not endorse any land needs assessment at this time. This alternative is not recommended as any delay has consequences to the Niagara Official Plan, the MSP, TMP and DCS and DC By-law, for the reasons noted in this report. The Made-in-Niagara Forecasts set out in this Report have been developed to conform to Provincial Policy and are based on significant local planning and public consultation.

Alternative 2: Council could endorse a land need assessment that differs from the Made-in-Niagara Forecast set out in this Report. This option is not recommended as the detailed work undertaken led to adjustments to the intensification growth for Welland and Lincoln. Differing from the Made-in-Niagara Forecast could lead to a misalignment between how growth is planned, serviced and paid for through development charges.

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

The land needs assessment and Niagara Official Plan is important to address Council's priorities, being:

- Supporting Businesses and Economic Growth;
  - Through the identification and protection of employment areas.
- Healthy and Vibrant Community;
  - Through responsible management of growth by directing population and employment allocations as determined through the LNA.
  - The growth management work will also retain, protect and increase the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community.
- Responsible Growth and Infrastructure Planning.

- Through coordinating growth with infrastructure investment to support existing and future growth in Niagara. The Made-in-Niagara Forecast will be integrated into Niagara 2051 strategies to ensure the Region is responsibly coordinating work related to growth.

### **Other Pertinent Reports**

Report	PDS 17-2021 – Niagara Official Plan Consolidated Policy Report (May Joint Report)
Report	PDS 32-2021 – Update on Niagara Official Plan-Further Draft Policy Development

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### **Appendices**

Appendix 1 Niagara Official Plan: Revised Land Needs Assessment Summary (August 2021)

Appendix 2 Settlement Area Boundary Review: Request Mapping

Appendix 3 Summary of Comments Received Relating to Land Needs Assessment  
and Settlement Area Boundary Review

DRAFT



# NIAGARA OFFICIAL PLAN

## **Revised Land Needs Assessment Summary**

Results subject to refinement in draft Official Plan.

Niagara Region  
August 2021

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## Land Needs Assessment Overview

The Land Needs Assessment (“LNA”) is a technical, Region-led process that determines the amount of land required for each local municipality based on the Provincially-allocated overall growth to 2051.

Specifically, the Region must calculate the amount of designated land each local municipality requires to accommodate population, housing and employment forecasts provided in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (“Growth Plan”).

The Minister of Municipal Affairs and Housing, as directed by the *Growth Plan*, released the *Land Needs Assessment Methodology for the Greater Golden Horseshoe* (the “*Methodology*”) in August 2020. The Region is required to use the Methodology in combination with the policies of the *Growth Plan* to determine the amount of land required to accommodate forecasted growth.

The *Methodology* is used to calculate two separate land needs, one for *Community Area* and one for the *Employment Area*.

Conducting the LNA is an iterative process and requires substantial direction and input from background strategies associated with the Niagara Official Plan (“NOP”) as well as consultation with the public, local municipalities and Province.

An earlier Draft LNA Summary was released in May 2021 for the purpose of consultation and refinement. Feedback was received from local municipalities, consultants and the public. Commentary was generally supportive; feedback was made on allocations, methodology assumptions, existing intensification potential and affordable housing.

Advancement of related to NOP strategies and Niagara 2051, a joint working group made up of the Transportation Master Plan, Water/Wastewater Master Servicing Plan and Development Charge has also occurred since the release of the May 2021 LNA.

The Revised LNA presented in this report is based on the feedback received on the May 2021 draft and updates from associated NOP strategies and Niagara 2051.

**The LNA results provided here are for the purpose of informing the Settlement Area Boundary Review and the Transportation Master Plan, Water/Wastewater Master Servicing Plan and Development Charge Background Study associated with Niagara 2051. The LNA may be further refined through the consolidated Official Plan process later this year.**

## How to Read this Report

This report follows the Provincial *Methodology* process and provides a summary for each component outlined within it. The report does not represent the final land needs assessment; that will be included as a companion to the Official Plan in 2022.

The Revised LNA is based on consultation with the Province, local municipalities, stakeholders, public and Niagara 2051 working group. Details on specific revisions and rationale are provided throughout the report.

The LNA results presented here should not change significantly over the remainder of the Official Plan program. However, advancement and/or refinement to associated Official Plan Strategies may change the output of the LNA.

The Province is the approval authority on the LNA and requires consultation be done prior to submitting the final LNA. The Province has provided feedback on the May 2021 Draft LNA and will continue to be consulted while the LNA is finalized.

The Final LNA will be submitted with the consolidated draft Official Plan for Provincial review and approval.

A **Glossary of Terms** is provided at the end of this summary to provide clarity on frequently used terms and terms from Provincial policy.

## Public Consultation and Engagement

The Municipal Comprehensive Review (now called the Niagara Official Plan) was first initiated in 2014 and has been through significant consultation and continuous evolution.

The following summary identifies milestone consultation efforts made so far which covered growth allocations and land needs assessment.

Project Phase	Date	Description
<b>Niagara 2041: Growth Options</b>	November 17, 2015	Public Information Center: Town of Grimsby
	November 18, 2015	Public Information Centre: City of Port Colborne
	November 19, 2015	Public Information Centre: City of St. Catharines
<b>Council approved Phase 1 and 2 Report (PDS 15-2016)</b>		
<b>Niagara 2041: Preferred Growth Option</b>	June 15, 2016	Public Information Centre: Town of Fort Erie
	June 16, 2016	Public Information Centre: Township of West Lincoln
	June 22, 2016	Public Information Centre: City of Welland
	November 30, 2016	Public Information Centre: City of Niagara Falls
	December 6, 2016	Public Information Centre: City of Thorold
	December 7, 2016	Public Information Centre: Town of Niagara-on-the-Lake
	December 8, 2016	Public Information Centre: Town of Lincoln

Project Phase	Date	Description
<b>Preferred Growth Option Forecast approved for Development Charges Study (PDS 37-2016)</b>		
<b>2017 Provincial Plan Review and Release of Growth Plan (2018)</b>		
<b>Regional Council deem Pre-2017 Growth Plan MCR complete and Growth Management work transitioned into new Niagara Official Plan (PDS 21-2018)</b>		
<b>Niagara Official Plan: Employment Strategy</b>	October 10, 2019	Industry Stakeholder Session: Town of Niagara-on-the-Lake
<b>Niagara Official Plan: Growth Strategy</b>	November 6, 2019	Public Information Centre: City of Thorold
	November 7, 2019	Public Information Centre: City of Niagara Falls
	November 13, 2019	Public Information Centre: Town of Grimsby
	November 14, 2019	Public Information Centre: Town of Fort Erie
<b>Niagara Official Plan: Employment Strategy</b>	February 25, 2020	Industry Stakeholder Session: Town of Niagara-on-the-Lake
<b>Release of Growth Plan (2020) and Revised Land Needs Assessment Methodology</b>		
<b>Settlement Area Boundary Review Program: Growth Plan Forecasts and Land Needs Assessment Update presented to Council (PDS 29-2020)</b>		
<b>Niagara Official Plan: Growth Management and Employment Surveys</b>	September – October, 2020	Online surveys related to Growth Management and Employment directions and options
<b>Niagara Official Plan: Land Needs, Growth Allocations and Settlement Area Boundary Adjustment</b>	October 7, 2020	Virtual Public Information Centre

Project Phase	Date	Description
Niagara Official Plan: Employment Strategy	October 8, 2020	Virtual Public Information Centre
Niagara Official Plan Consolidated Policy Report (PDS 17-2021). Appendix 1 to Report PDS 17-2021 provides a detailed list of all Official Plan consultation efforts.		
Niagara Official Plan: Growing Region	June 9, 2021	Virtual Public Information Centre
Niagara Official Plan: Vibrant Region	June 10, 2021	Virtual Public Information Centre
Niagara Official Plan: Competitive Region	June 16, 2021	Virtual Public Information Centre
Niagara Official Plan: Connected Region	June 17, 2021	Virtual Public Information Centre
Niagara Official Plan: Sustainable Region	June 23, 2021	Virtual Public Information Centre
Feedback on Niagara Official Plan Consolidated Report, and associated materials, was requested by July 2, 2021		

## Summary of Updates since the Draft May 2021 Land Needs Assessment

On May 20, 2021, Regional Council received PDS 17-2021, Niagara Official Plan Consolidated Policy Report. The report provided a comprehensive update on the NOP process and draft materials for consultation with local municipalities, stakeholders and public.

Staff asked for feedback by July 2, 2021, so it could be considered as part of this report, among other things. Feedback has been carefully considered and is described later in this report.

The May 2021 report provided a Draft LNA, based on a Regional forecast of 674,000 people and 272,000 jobs throughout Niagara's 12 municipalities. Forecasts were distributed based on the Preferred Growth Option, established through Niagara 2041 (Niagara 2041: Preferred Growth Option (Hemson, 2019)), with revisions made based on the extended planning horizon and emerging development trends. Municipal specific forecasts, housing mix and employment mix were all extended to 2051 and provided in PDS 17-2021 Appendix 3, Growth Allocation Update to 2051 prepared by Hemson ("*2051 Growth Update Memo*", 2021). Updated forecasts and assessment were based on the 2020 Growth Plan and associated Provincial LNA Methodology (the "*Methodology*").

The May 2021 Forecasts provided information to address housing mix within each municipality, as well as areas within them (Delineated Built-up Area, Designated Greenfield Area and Rural Area). This was done as a component of 2020 Provincial LNA Methodology and meant to show how the forecasts are representing market-based demand for housing and support affordable housing.

The Region retained a consultant to review core housing needs, which is driven primarily by affordability in Niagara. This was reported in PDS 17-2021 Appendix 5.2, Niagara Region Housing Affordability and Growth Plan 2051 (CANCEA, 2021). CANCEA concluded that achieving the *minimum* Growth Plan forecast would keep the Region's core housing need at 13%. More growth – particularly more medium and higher density housing – is needed to better address core housing need (i.e. affordability).

Before and after the May Joint Report release, the Region met individually with planning staff at each local municipality to discuss growth forecasts, among other things. The Region also held five public meetings and dozens of meetings with



interested parties about its forecasts, land needs, and boundary matters. The need to address housing affordability was raised consistently in these meetings.

Additionally, the Region has progressed on the Transportation Master Plan (“TMP”), the Water and Wastewater Master Plan (“WMP”) and its Development Charge Background Study and By-law update (“DCS”). This process is collectively called “Niagara 2051”. It involves a working group of staff across many departments and public consultation events held in the spring 2021. More is planned in 2021 and 2022.

Since the release of the May 2021 forecasts, the Region carefully considered individual feedback received. Staff also conducted a further review of individual growth areas and existing and proposed development applications. Additional progress on the background work to the Natural Environment System has been made since May 2021.

On this basis, Staff identified two categories of change that have modified the LNA from what was presented in May 2021. The first is that additional population and intensification growth be planned for Lincoln and Welland. The second is that adjustments be made to better integrate the Natural Environment Option 3B/3C in to the growth forecasts.

The Growth Plan (2020) allows Niagara to use alternative growth forecasts beyond those identified in Growth Plan Schedule 3. The forecasts provided here are referenced as the “Made-in-Niagara Forecast” since they represent an alternative growth forecast that works better for the Region.

Through the comments received, and additional analysis done by the Region, Staff determined that the draft May 2021 Forecasts for the Lincoln and Welland were likely to be achieved earlier than set out in the 2051 planning period. Higher forecasts are required to ensure alignment with infrastructure investment and to achieve market based demand.

In both Lincoln and Welland, the areas identified for development (beyond the preliminary forecast) are within existing urban, built up areas with development and redevelopment potential. These locations are considered intensification opportunities and will support a broader, more affordable housing mix through this development/redevelopment.

As a result of the increased population forecasts in these municipalities, and the Region overall, these municipalities will achieve a higher intensification rate. In

other words, more development is proposed within the existing boundaries. There is no impact to Community Area (residential/mixed use) land need from this adjustment.

The Made-in-Niagara Forecast and increased intensification rates do not result in additional land through boundary expansions.

The proposed additional intensification for Lincoln and Welland is important to reflect the planned infrastructure to sustain the growth. The Region seeks to proactively plan to accommodate growth and to ensure communities are more sustainable, better connected, healthy and safe. The addition will also better address core housing needs identified by CANCEA.

Recently, at the May 20, 2021 Regional Council meeting, Council directed Staff to prepare policies and mapping for both Natural Environment System (NES) Option 3B and 3C, with a decision on the preferred NES Option to be made at a later time. The finalization of criteria and methodology has begun, and policies and mapping is under way, with reporting later this year. Consultation with the local municipalities on mapping and policy development is ongoing.

Since May 2021, the Region has refined the analysis of developable area based on the NES Options. The most current information for Options 3B and 3C identified a need to remove non-developable lands from the land needs assessment calculation.

In other words, more land should be protected than identified in the May 2021 Forecast; in turn, less land is available for development.

This results in a greater *overall need* for land (since less is available for development). This means a small increase of land is needed for the Community Area (i.e. residential and mixed use) and a modest increase in land needed for Employment Areas (i.e. mostly industrial areas).

Through consultation with the Province, the Region has also been advised that the LNA should result in a single number for land need; a blended number where Community Area land need and Employment Area land need are combined.

In the May 2021 LNA, the Region's net overall land need was 440 hectares. From the above-noted changes, the Region's current overall net land need is 705 hectares.

Additional context and information is provided throughout this document, with particular focus on those component that were revised from the May 2021 LNA.

## Community Area Land Needs Assessment

*Community Area* is defined as the Urban Area, minus *Employment Areas*, and is made up of both the *Delineated Built-Up Area* (as defined and mapped by the Province in 2006) and the Designated Greenfield Area (DGA).

The *Community Area* part of the Land Needs Assessment seeks to quantify the amount (in hectares) of DGA lands that is needed to accommodate the required growth forecasts to 2051.

The *Community Area* Land Needs Assessment is comprised of six components. Below is a discussion of those components and the results.

### Component 1: Population Forecasts

The starting point is the population projection by age group for the Region. This comes from *Growth Plan* Schedule 3, which provides a *minimum* forecast 2051 population of 674,000 for Niagara Region.

Through the work described above, the Region is advancing an alternative growth forecast, referred to as the “Made-in-Niagara Forecast”. This better reflects the growth potential in Niagara’s communities and current work on the NES.

**For the reasons set out in this report, the Made-in-Niagara Forecast uses a population of 694,000.**

### Component 2: Housing Need

The Region has done significant forecasting work, over several years, and based on input from many stakeholders. Most recently, its forecasting work was set out in Report, PDS 17-2021 Appendix 3, Growth Allocation Update to 2051 prepared by Hemson (“*2051 Growth Update Memo*”, 2021).

The *Methodology* requires population to be converted into housing units based on household formation rates. Household formation rates are based on the likelihood or tendency of age groups to live in households.

Niagara’s household formation rates are anticipated to increase between 2016 (the base Census year) and 2051. A contributing factor is Niagara’s aging demographic,

which will continue to grow to 2051, with a significant increase in households maintained by people 75 years of age and older.

The 2051 housing forecast has been updated to reflect the Made-in-Niagara Forecast, based on the assumptions and age cohorts identified in the *2051 Growth Update Memo*.

**Table 1** identifies a need for **296,750 households** based on the 2051 population forecast of 694,000.

Table 1: 2016 and 2051 Occupied Households by Age of Household Maintainer

Age	Headship Rate	Occupied Households		2016-2051 Growth	2016-2051 Growth %
		2016	2051		
15 - 19	1.7%	430	566	136	31.7%
20 - 24	14.5%	4,000	5,066	1,066	26.6%
25 - 29	35.2%	8,640	12,768	4,128	47.8%
30 - 34	48.7%	11,435	17,566	6,131	53.6%
35 - 39	52.9%	12,385	19,461	7,076	57.1%
40 - 44	54.1%	13,825	20,130	6,305	45.6%
45 - 49	57.4%	16,365	22,220	5,855	35.8%
50 - 54	57.7%	19,920	24,897	4,977	25.0%
55 - 59	58.6%	20,050	25,948	5,898	29.4%
60 - 64	58.9%	18,845	25,093	6,248	33.2%
65 - 69	61.2%	18,015	25,711	7,696	42.7%
70 - 74	61.7%	13,675	24,331	10,656	77.9%
75 - 79	65.3%	10,480	24,207	13,727	131.0%
80 - 84	66.5%	8,190	21,747	13,557	165.5%
84 - 89	60.7%	5,185	15,991	10,806	208.4%
90 +	46.3%	2,390	11,048	8,658	362.3%
Total	48.2% ( <b>2016</b> )	183,830	296,750	112,920	61.4%
	50.8% ( <b>2051</b> )				

The forecast population age structure and household formation information is further used to determine households by housing type. The *Methodology* requires housing forecast by four housing types; single/semi-detached, row houses, accessory dwelling and apartment.

As referenced in the *2051 Growth Update Memo*, the starting point for household forecast by housing type was a market-based demand. Market-based demand is a key consideration within the LNA process and, along with housing affordability, is one of the main drivers in establishing housing mix and land need requirements.

The Made-in-Niagara Forecast is driven by an increase of medium and high density housing within existing urban areas. The resulting housing mix, compared to the mix presented in *2051 Growth Update Memo*, is slightly lower for single and semi-detached homes and greater for other housing types. However, there is an overall increase in all housing unit types and is based predominantly on recent development application trends and inquires. Therefore, while the housing mix has changed slightly, it remains reflective of market demand, supports additional intensification, and better aligns with recommendations from CANCEA regarding affordability and core housing need.

**Table 2** provides a summary of household forecast by housing type between 2021 and 2051.

Table 1: Household Forecast by Housing Type - 2021 to 2051

Household Forecast by Housing Type: 2021 to 2051					
Niagara Region	Single/Semi-Detached	Row House	Accessory Dwelling	Apartment Building	Total
Units	44,318	27,404	3,390	27,653	102,765
Share	43%	27%	3%	27%	100%

### Component 3: Allocation of Housing Need to Local Municipalities

Allocation of Housing Need to local municipalities is based on input from local municipalities and public and private stakeholders.

Draft allocation covering the period between 2016 and 2041 was completed through Niagara 2041 (see PDS 37-2016) and formed the basis for completion of the pre-2017 Municipal Comprehensive Review (see PDS 21-2018).

Municipal allocations were revised and extended to the 2051 planning horizon through the *2051 Growth Update Memo*, based on the need to reflect market demand for housing and informed by associated Official Plan strategies, including Watershed, Housing and Employment Strategies.

After release of the May 2021 Forecasts, consultation and collaboration continued with local municipalities, internal Niagara 2051 working group and the public.. Through this work, it was identified that municipal allocations of population growth to the Town of Lincoln and City of Welland were not reflective of growth expectations and anticipated 2051 infrastructure demand.

On this basis, staff increased the population forecast to 694,000 people – an increase of 10,000 to each of Lincoln and Welland. The increase of 20,000 population results in an additional 9,000 housing units to 2051.

All housing units are located within the existing built boundary, support intensification and contribute to the mix of housing needed to improve housing affordability.

### **Housing Affordability**

The Housing Report (CANCEA, 2021) provided in PDS 17-2021 (Appendix 5.2), sets out that the Region's core housing need (including, affordability) will get worse if we continue growth at the existing level. Achieving the minimum forecasts set out the *Growth Plan* will keep the core housing need level at about 13%. To reduce core housing need, even more housing is needed.

Importantly, core housing need can be addressed by providing a greater share of higher density housing types. Row/townhouse and apartment units have a lower average number of people per unit compared to single and semi-detached units. Therefore, increasing the supply of higher density units leads to more housing options and reduced core housing need.

The Made-in-Niagara Forecast supports higher population growth and an increased amount of medium and high density housing. Therefore, this forecast will better address core housing need.

The LNA considers a market-based housing mix and its relationship to the planned housing mix. This is a requirement of the *Methodology*. A market-based approach is useful to identify an appropriate variety of housing units to be built to meet the needs of Niagara's population.

The Greenbelt specialty crop designation, present in northern Niagara municipalities, prohibits expansion of Settlement Areas boundaries. In the communities of Grimsby, Lincoln, St. Catharines and Niagara-on-the-Lake, growth is proposed within existing Settlement Areas through intensification of the Built-Up Area – requiring a greater proportion of higher density housing types.

Municipalities outside of the *Greenbelt Plan* area have a relatively lower intensification rate and, therefore, a higher proportion of lower density housing types. The balance between these two geographies is important for supporting market-based demand for housing and protection of specialty crop lands within the Greenbelt Plan area.

**Table 3** provides municipal-level housing allocations by housing type.

Table 3: Housing Unit Growth by Type and Municipality, 2021 to 2051

Housing Unit Growth by Type and Municipality, 2021 to 2051				
Municipality	Single/Semi	Row	Apartment	Total
Fort Erie	4,060	2,700	600	7,360
Grimsby	130	1,340	3,120	4,590
Lincoln	1,590	2,530	5,695	9,815
Niagara Falls	11,980	5,090	3,140	20,210
Niagara-on-the-Lake	3,060	915	630	4,600
Pelham	2,380	1,070	680	4,130
Port Colborne	1,690	430	180	2,300
St. Catharines	3,040	4,500	12,230	19,770
Thorold	3,900	2,390	160	6,450
Wainfleet	450	0	10	460
Welland	6,010	4,050	4,290	13,930
West Lincoln	6,030	2,390	310	8,730
<b>Niagara Region</b>	<b>44,320</b>	<b>27,405</b>	<b>31,040</b>	<b>102,765</b>

#### Component 4: Housing Supply Potential by Policy Area

The *Methodology* requires municipalities to plan for growth within three policy areas:

1. Delineated Built-Up Area
2. Designated Greenfield Area
3. Rural Area

Development within the *delineated built-up area* is referred to as Intensification. The *delineated built-up area* was established by the Province in 2008 and was further refined through Niagara 2031, the Region's Growth Management Strategy that implemented the policies of the 2006 Growth Plan.

The *Growth Plan* requires 50% of future household growth in Niagara to be directed to the *delineated built-up area*. This is an increase from 40% in the Region’s current Official Plan, which was the intensification target in the 2006 Growth Plan.

The Region seeks to exceed this requirement. The analysis conducted through the Regional Structure Strategy (PDS 17-2021 Appendix 4.2) identified a Regional Intensification Rate of 56%.

Recent work – based on public consultation and the Niagara 2051 servicing review – suggests Niagara can have an even higher intensification rate. As previously noted, the additional population for Lincoln and Welland is entirely planned within the delineated built-up area. No changes are needed to Strategic Growth Areas (SGA) or settlement boundaries from what was set out in the Regional Structure Strategy, as identified in PDS 17-2021, Appendix 4.2.

**The outcome of this recent work reflects an intensification target of 60%.**

This target is well above the minimum 50% target identified in the *Growth Plan*.

The *Designated Greenfield Area* (“DGA”) is the remainder of the designated urban area outside of the *delineated built-up area*.

The *Growth Plan* sets out that the Region must plan for a minimum density target of 50 people and jobs per hectare within the DGA. This target is incorporated in the LNA.

The Rural Area is considered all areas outside of Urban Settlement Areas, and includes the Agricultural System and Rural Settlements (Hamlets). Rural housing need will be addressed in the final Land Needs Assessment. The Rural Land Needs Assessment is discussed in detail later in this report.

Housing forecasts by municipality, within the three policy areas, is based on an assessment of intensification opportunities, including SGA’s, and development potential within the DGA. Intensification rates, established through the Regional Structure, are based on a combination of consultation with local municipalities and an assessment of the capacity for growth within the *delineated built-up area*.

**Table 4** provides household forecast by policy area for each municipality and identifies the overall intensification rate of 60%.



Table 4: Housing Forecast by Policy Area and Municipality, 2021 to 2051

Shares of Household Growth by Policy Area Niagara Region by Local Municipality, 2021-2051				
Municipality	Built Up Area	DGA	Rural	Total
Fort Erie	50%	49.5%	0.5%	100%
Grimsby	98%	2.5%	0.5%	100%
Lincoln	90%	9.5%	0.5%	100%
Niagara Falls	50%	49.5%	0.5%	100%
Niagara-on-the-Lake	25%	74.5%	0.5%	100%
Pelham	25%	74.5%	0.5%	100%
Port Colborne	30%	69.6%	0.5%	100%
St. Catharines	95%	4.5%	0.5%	100%
Thorold	25%	74.5%	0.5%	100%
Wainfleet	0%	0%	100.0%	100%
Welland	75%	24.5%	0.5%	100%
West Lincoln	13%	86.5%	0.5%	100%
<b>Niagara Region</b>	<b>60%</b>	<b>39%</b>	<b>1%</b>	<b>100.0%</b>

As with Component 3, the *Methodology* requires housing forecasts within each of the policy areas to be broken out into housing type. The distribution of housing type within each policy area must be based on an achievable housing mix and consider market-demand.

Within the *delineated built-up area*, the housing mix is predominately higher density forms of housing including row and apartment housing. In contrast, the housing forecast within the DGA and Rural area is predominately ground-related, with 73% of units anticipated to be single or semi-detached.

**Table 5** and **Table 6** provide housing unit forecasts by municipality within the *delineated built-up area* and DGA.

The Township of Wainfleet is excluded from both tables as Wainfleet does not have an Urban Settlement Area and all forecast housing growth will occur within the *Rural Area*, in Rural Settlements and on other agricultural lands. Additional detail is provided in the Rural Settlement Area Assessment section.

Table 2: Housing Forecast by Unit Type, Delineated Built-Up Area, 2021 to 2051

<b>Delineated Built-Up Area Housing Unit Growth, 2021 to 2051</b>				
<b>Municipality</b>	<b>Single/Semi</b>	<b>Row</b>	<b>Apartment</b>	<b>Total</b>
<b>Fort Erie</b>	1,520	1,620	540	3,680
<b>Grimsby</b>	110	1,330	3,060	4,500
<b>Lincoln</b>	1,430	1,920	5,545	8,895
<b>Niagara Falls</b>	4,220	3,050	2,830	10,100
<b>Niagara-on-the-Lake</b>	238	350	563	1,150
<b>Pelham</b>	350	500	180	1,030
<b>Port Colborne</b>	400	130	160	690
<b>St. Catharines</b>	2,480	4,370	11,930	18,780
<b>Thorold</b>	580	890	140	1,610
<b>Welland</b>	2,920	3,330	4,190	10,440
<b>West Lincoln</b>	760	120	250	1,130
<b>Niagara Region</b>	<b>15,008</b>	<b>17,610</b>	<b>29,388</b>	<b>62,005</b>

Table 3: Housing Forecast by Unit Type, DGA, 2021 to 2051

<b>Designated Greenfield Area Housing Unit Growth, 2021 to 2051</b>				
<b>Municipality</b>	<b>Single/Semi</b>	<b>Row</b>	<b>Apartment</b>	<b>Total</b>
<b>Fort Erie</b>	2,500	1,080	60	3,640
<b>Grimsby</b>	0	10	60	70
<b>Lincoln</b>	140	610	150	900
<b>Niagara Falls</b>	7,660	2,040	310	10,010
<b>Niagara-on-the-Lake</b>	2,800	564	66	3,430
<b>Pelham</b>	2,010	570	500	3,080
<b>Port Colborne</b>	1,280	300	20	1,600
<b>St. Catharines</b>	460	130	300	890
<b>Thorold</b>	3,290	1,500	20	4,810
<b>Welland</b>	2,630	720	100	3,450
<b>West Lincoln</b>	5,230	2,270	60	7,560
<b>Niagara Region</b>	<b>28,000</b>	<b>9,794</b>	<b>1,646</b>	<b>39,440</b>

### **Component 5: Community Area Jobs**

The *Methodology* requires *Community Area* jobs be allocated within the DGA portion of the *Community Area* to calculate the total number of residents and jobs occurring within it.

*Community Area* jobs are predominately within the Major Office and Population-Related Employment categories. For the purposes of the *Community Area* assessment, *Community Area* jobs are further distinguished between the *delineated built-up area* and *designated greenfield area*.

*Community Area* jobs were calculated based on existing development proposals, land use permissions, and factoring in Work At Home employment.

### Work At Home

Work at Home employment is incorporated into the Land Needs Assessment impacts *Community* and *Employment Area* Land needs.

Since the onset of the Covid-19 pandemic to the time of preparing this LNA Summary, many jobs have shifted to a Work at Home setting, although the Region does not have specific data quantifying such a shift.

At the time of writing, the Region and other experts are unsure the long-term impacts for Work at Home. For the preparation of the LNA, this is an important consideration for how Work at Home may impact the calculation of different Employment Types.

In Niagara, the majority of *Employment Areas* are considered Core and Dynamic (as defined in the Employment Strategy, **Appendix 10.2**). Jobs within these areas are largely categorized as Employment Land Employment and occur onsite. Therefore, moving Employment Land Employment jobs out of *Employment Areas* would result in an erroneous reduction in *Employment Area* land requirements.

Alternatively, Major Office and Population-Related Employment jobs are those that are most likely to be Work at Home. In other words, those are the types of jobs that may see long-term Work from Home changes. That type of job is predominantly located within the *Community Area*.

The approach taken in the LNA is to maintain similar Work at Home rates, generally consistent with pre-Covid-19 pandemic conditions. This ensures the greatest flexibility within *Employment Areas* and maintains a sufficient supply of lands in the event there is not a significant long-term shift to Work at Home.

In this way, the Region is being conservative in its LNA. Work from Home trends will be carefully monitored and, if warranted, future Official Plan changes will be advanced to address those trends.

**Table 7** provides an estimated number of jobs within the DGA portion of the Community Area for each urban municipality.

Table 4: DGA Community Area Job Forecast, 2021 to 2051

<b>DGA Community Area Job Forecast, 2021-2051</b>	
<b>Municipality</b>	<b>Total</b>
<b>Fort Erie</b>	247
<b>Grimsby</b>	5
<b>Lincoln</b>	744
<b>Niagara Falls</b>	1,065
<b>Niagara-on-the-Lake</b>	1,091
<b>Pelham</b>	559
<b>Port Colborne</b>	362
<b>St. Catharines</b>	1,555
<b>Thorold</b>	532
<b>Welland</b>	266
<b>West Lincoln</b>	1,998
<b>Niagara Region</b>	<b>8,424</b>

## Component 6: Need for Additional Land

The final component of the *Community Area* LNA brings together the forecast housing units and employment within the DGA to establish an overall land need based on achieving the minimum density target of 50 people and jobs per hectare.

To determine land need, the forecast housing units in **Table 6** are compared to the planned units (units that are within either a draft or registered Plan of Subdivision) within each municipality. The surplus, or shortfall, of units is converted into residents based on the Persons Per Unit rate<sup>1</sup> for each unit type.

<sup>1</sup> The Person Per Unit (PPU) rate is based on the 2017 Niagara Region Development Charges Background Study. This Study provides a PPU of 2.91 for single/semi-detached, 2.12 for row and 1.62 for apartment. PPU rates may be revised based on forthcoming Development Charges Study work undertaken later in 2021.

Finally, DGA Community Area job forecasts in **Table 7** are added to establish an overall people and jobs target for the DGA.

The overall population and employment target is converted to a land need in hectares based on the minimum density target of 50 people and jobs per hectare.<sup>2</sup>

**Table 8** provides the *Community Area* Land Needs Assessment results.

Table 5: Overall Community Area Land Need, 2021 to 2051

<b>DGA Community Area Land Need, 2021-2051</b>				
<b>Municipality</b>	<b>Population and Employment Growth within the Unplanned DGA</b>	<b>Area Required (ha)</b>	<b>Area Designated<sup>3</sup> (ha)</b>	<b>Additional Land Need (ha)*</b>
<b>Fort Erie</b>	8,170	165	60	105
<b>Grimsby</b>	120	5	0	5
<b>Lincoln</b>	2,410	25	25	0
<b>Niagara Falls</b>	23,470	470	195	270
<b>Niagara-on-the-Lake</b>	9,935	80	75	5
<b>Pelham</b>	3,215	65	25	40
<b>Port Colborne</b>	4,615	90	250	(160)
<b>St. Catharines</b>	3,655	75	60	15
<b>Thorold</b>	4,830	95	250	(155)
<b>Welland</b>	5,770	115	115	0
<b>West Lincoln</b>	20,545	410	40	370
<b>Niagara Region</b>	<b>86,735</b>	<b>1,590</b>	<b>1,095</b>	<b>495</b>

Note: Above numbers have been rounded to the nearest 5.

<sup>2</sup> The density target of 50 people and jobs per hectare excludes Lincoln, which has a vacant DGA target of 100 people and jobs per hectare due to the land use permissions within the Major Transit Station Area and Niagara-on-the-Lake, which has a target of 125 people and jobs per hectare relating to the Glendale District Plan.

<sup>3</sup> The Area Designated is the gross developable land, within the Designated Greenfield Area, free of non-developable features identified within the *Growth Plan*. The Natural Environment System (NES) area removed is based on draft analysis associated with NES Option 3B/3C as of July 2021.

## Community Area Land Needs Summary

Niagara's 12 local municipalities can be placed into two general categories as it pertains to the Made-in-Niagara Forecast results for Community Area:

### 1. Additional Community Area Land Required

The Town of Fort Erie, City of Niagara Falls and Township of West Lincoln needs more community area land to accommodate the 2051 forecast. The Town of Pelham has a small need for community area land.

### 2. No Additional Community Area Land Required

The Town of Grimsby, Town of Lincoln, Town of Niagara-on-the-Lake, City of St. Catharines, and City of Welland generally have a sufficient supply of designated lands to accommodate the 2051 forecast.

The City of Thorold and City of Port Colborne have a surplus of designated lands to 2051.

## Additional Considerations and Revisions

The *Methodology* allows for final adjustments to be made to *Community Area* Land Needs, including a minor increase to land in the event of any expansions, to create a logical boundary.

The *Methodology* also allows for refinements based on constrained lands due to infrastructure and servicing. Determining servicing constraints will be important in assessing lands that may be considered constrained, rather than surplus.

Finally, revisions to associated strategies will require updates to the Land Needs Assessment. Work on the Natural Environmental System (NES) is ongoing and draft mapping and policies will be released in Fall 2021. Updates to the NES may require minor adjustments to the LNA.

If an *Employment Area* boundary is changed, it will directly impact the *Community Area* land need. If the *Employment Area* is within the BUA, the result may be an increase to Intensification Rate. If the *Employment Area* is within the DGA, the result would be a decrease in *Community Area* land needs.

The final Land Needs Assessment will be a combined overall number of community area and employment area. That requires endorsement by Council and will be provided to the Province for approval.

### Employment Area Land Needs Assessment

#### Component 1: Employment Forecasts

Similar to the *Community Area* assessment, the starting point for determining the overall *Employment Area* land need is the employment forecast set out in *Growth Plan* Schedule 3. The *Growth Plan* requires Niagara Region to plan for a minimum employment base of **272,000 jobs** by 2051.

The *Methodology* requires the employment forecast to be allocated to local municipalities and be categorized by employment type, including Major Office, Population-Related Employment, Employment Land Employment and Rural based employment. These employment types are defined within the **Glossary of Terms** section at the end of this report.

*2051 Growth Update Memo* sets out the distribution of employment forecasts for Niagara Region.

**Table 9** provides an overview of employment growth by municipality, by employment type, from 2021 to 2051.

Table 6: Niagara Region Employment Growth, 2021 to 2051, by Employment Type

Total Employment Growth by Employment Type, 2021-2051					
Municipality	Major Office	Population-Related Employment	Employment Land Employment	Rural Employment	Total Employment
Fort Erie	140	2,890	3,430	440	6,900
Grimsby	380	2,070	1,130	390	3,970
Lincoln	100	1,580	1,390	1,500	4,570
Niagara Falls	1,150	15,550	2,770	850	20,320
Niagara-on-the-Lake	350	3,040	290	1,480	5,160
Pelham	10	1,600	0	710	2,320
Port Colborne	0	750	350	540	1,640
St. Catharines	4,970	10,780	2,880	590	19,220
Thorold	250	2,540	580	170	3,540
Wainfleet	0	0	0	420	420
Welland	360	4,610	5,300	480	10,750
West Lincoln	160	3,580	1,760	520	6,020
<b>Niagara Region</b>	<b>7,870</b>	<b>48,990</b>	<b>19,880</b>	<b>8,090</b>	<b>84,830</b>

Source: Hemson Consulting, Niagara Region Municipal Comprehensive Review – Growth Allocation Update to 2051

## Component 2: Employment Allocation

The *Methodology* requires municipalities to further refine forecasts by allocating employment to the *Community*, *Employment*, and *Rural Areas*.

Employment that is expected to occur outside of urban settlement area boundaries is allocated to the *rural area*. The *Methodology* sets out that a small share of employment land employment and population-related employment should be allocated to the *rural area*. This is particularly important in Niagara where certain local municipalities have existing industrial, manufacturing and greenhouse operations within the *rural area*.

The remaining, non-rural jobs are allocated to *Community Area* and *Employment Areas* within settlement areas. Within Niagara, the vast majority of population-



related employment is based within the *Community Area*; only about 5%<sup>4</sup> occurring within *Employment Areas*.

Major office growth is also predominately within the *Community Area*, Urban Growth Centre and Major Transit Station Areas. However, some major office currently exists within some *Employment Areas* and some growth is expected to occur within those areas accordingly.

Finally, the vast majority of employment land employment job growth will occur within the remaining *Employment Areas*.

**Table 10** provides a summary of employment forecasts by location.

Table 7: Employment Growth by Type and Municipality, 2021 to 2051

Employment Growth by Policy Area, 2021-2051			
Municipality	Community Area	Employment Area	Rural Area
Fort Erie	2,787	3,610	503
Grimsby	2,136	1,412	422
Lincoln	1,535	1,241	1,794
Niagara Falls	15,786	3,501	1,033
Niagara-on-the-Lake	2,250	1,397	1,513
Pelham	1,594	0	726
Port Colborne	705	384	551
St. Catharines	14,253	4,269	727
Thorold	2,005	1,311	230
Wainfleet	0	0	420
Welland	4,513	5,658	579
West Lincoln	3,445	2,001	573
<b>Niagara Region</b>	<b>51,009</b>	<b>24,784</b>	<b>9,072</b>

### Component 3: Employment Area Capacity

The *Methodology* requires employment potential within existing Employment Areas be determined.

<sup>4</sup> 5% is an average. This varies by municipality, particularly those with Knowledge and Innovation Employment Areas as they have a higher share of population-related employment compared to Core and Dynamic Employment Areas.

This is calculated based on the vacant *Employment Area* employment lands and densities identified within the Employment Strategy.

The Employment Policy Paper (PDS 17-2021, Appendix 10.2) provides a breakdown of occupied and vacant lands, as well as associated densities, for each of the 34 Employment Areas across the Region.

**Table 11** provides a summary of existing capacity within Employment Areas, by municipality.

Table 8: Existing Employment Area Potential for Additional Employment

Existing Employment Area Potential	
Municipality	Additional Employment Potential
Fort Erie	1,264
Grimsby	1,679
Lincoln	500
Niagara Falls	3,079
Niagara-on-the-Lake	3,421
Pelham	0
Port Colborne	1,538
St. Catharines	2,663
Thorold	2,128
Wainfleet	0
Welland	4,552
West Lincoln	885
<b>Niagara Region</b>	<b>21,709</b>

#### Component 4: Need for Additional Employment Area Land

The final step in determining the *Employment Area* land need is to compare the forecast growth (**Table 10**) with the job growth potential within existing *Employment Areas* (**Table 11**). The difference between the forecast and the potential is divided by the municipal level vacant *Employment Area* land density target.

The vacant density target is based on the sub-grouping of employment type determined through the Employment Policy Paper. Generally, Core Employment Areas, with traditional/heavier employment type uses, have the lowest vacant land density target. Knowledge and Innovation Employment Areas, with more major office type uses, have the highest density target. Dynamic Employment Areas can have a mix of traditional and lighter employment type uses and have densities that fall in between Core and Knowledge and Innovation.

## Employment Area Densities

Changes to any Employment Area density target within the Employment Strategy will directly impact the Existing Employment Area Potential in **Table 11** and Vacant Employment Area Density Target in **Table 12**. This will either increase or decrease the associated amount of Employment Area land required to meet 2051 forecasts.

**Table 12** provides a summary of the Employment Area Land Needs.

Table 9: Employment Area Land Need, by Municipality, 2021 to 2051

Employment Area Land Need by Municipality, 2021-2051			
Municipality	Unaccommodated Employment Growth	Vacant Employment Area Density Target (Jobs/ha)	Employment Area Land Need (ha)*
Fort Erie	2,345	15	155
Grimsby	(265)	50	(5)
Lincoln	740	45	15
Niagara Falls	420	35	10
Niagara-on-the-Lake	(2,025)	95	(20)
Pelham	0	0	0
Port Colborne	(1,155)	30	(40)
St. Catharines	1,605	50	30
Thorold	(815)	25	(35)
Wainfleet	0	0	0
Welland	1,105	25	45
West Lincoln	1,115	25	45
<b>Niagara Region</b>	<b>3,075</b>	<b>32</b>	<b>210</b>

Note: Above numbers have been rounded to the nearest 5.

## Employment Area Land Needs Summary

The result of the *Employment Area* component of the LNA suggests the Town of Fort Erie, City of Welland and Township of West Lincoln do not have sufficient supply of *Employment Area* to accommodate the forecast growth to 2051.

As noted earlier in this Summary, since May 2021, NES work identified that additional vacant lands need to be removed from the developable area calculated in the land needs assessment. This removal of land was most predominant for employment areas in certain municipalities with a greater vacant employment area land surplus. Specifically, this had the largest impact in Port Colborne and Thorold.

In the current LNA, the surplus has been reduced significantly for these municipalities.

Overall the Region has a need for 210 Hectares of Employment Area.

## Rural Land Needs Assessment

As directed by the Provincial Land Needs Assessment Methodology, an additional assessment was undertaken for Rural Settlement Areas.

Niagara has a modest population and employment base outside of urban settlement areas. Limited growth is anticipated to continue within rural areas and rural settlement areas. Between 2021 and 2051, the *2051 Growth Update Memo* forecast an additional 900 housing units and 8,090 jobs will occur within the rural area.

The Rural Settlement Area assessment determines where the forecast growth will occur within the rural areas and if additional land is required within rural settlement area boundaries (also known as Hamlets).

The Rural Land Needs Assessment has been restricted to municipalities where Rural Settlement Areas currently exist and are outside of the Greenbelt Plan Area. In other words, the analysis only considers the potential for additional Rural Settlement Area lands where supported by Provincial policies.

**Table 13** provides a summary of housing and employment forecasts within both the Rural Area and the proportion to be directed to Rural Settlement Areas. Distribution of units and employment to Rural Settlement Areas is based on historic trends and policy direction within associated Local Official Plans.

Table 13: Rural Area and Rural Settlement Area Forecasts

Rural Area and Rural Settlement Area Forecasts: 2021 to 2051				
Municipality	Rural Area Housing Forecast	Rural Area Employment Forecast	% Rural Employment to Rural Settlement Areas	% Units to Rural Settlement Areas
Fort Erie	40	500	0%	10%
Port Colborne	10	550	100%	100%
Wainfleet	420	460	50%	60%
West Lincoln	40	570	100%	50%

Consultation is ongoing with local municipalities to determine the capacity of existing Rural Settlement Areas, vacant lands and NES mapping. The above Rural Land Needs Assessment may be refined as part of that consultation and included

with the new Niagara Official Plan. It will include a summary of need within Rural Settlement Areas.

## Land Needs Assessment Results

This Land Needs Assessment provides a total amount of land required to support the Made-in-Niagara 2051 forecasts.

The Province requires the Region provide a cumulative need of Community Area and Employment Area assessments. **Niagara Region requires a cumulative need of 705 hectares of additional developable urban lands to support a minimum of 694,000 people and 274,000 jobs by 2051.**

## Conclusion

This LNA Summary provides a revised draft assessment of how *Community Area* and *Employment Area* land need is calculated.

The *Growth Plan* requires that the Province approve the Region's final LNA. The Region has been consulting with the Province on the draft LNA and will continue to communicate until a final assessment is presented to Council as part of the Niagara Official Plan in 2022.

In preparing this document, careful consideration was given to input from the public, agency and local area municipalities, as outlined above. The Region will continue to consult and make minor refinements in preparing the final LNA as part of the new Official Plan. The next round of public consultation is planned for fall 2021.

Regional staff will seek endorsement in principle of these Forecasts. After that, substantive changes are not planned. However, refinements to the overall need, or distribution between municipalities, may be required. The overall land need should generally remain. This is to ensure consistent recommendations can be advanced for settlement boundaries changes and the Niagara 2051 servicing strategies.

## Glossary of Terms

**Community Area:** Areas where most of the housing required to accommodate the forecasted population will be located, as well as most population-related jobs, most office jobs and some employment land employment jobs. Community areas include delineated built-up areas and designated greenfield areas (Provincial Land Needs Assessment Methodology).

**Delineated Built-Up Area:** The limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in the Growth Plan (Growth Plan).

**Designated Greenfield Area:** Lands within *settlement areas* (not including *rural settlements*) but outside of *delineated built-up areas* that have been designated in an official plan for development and are required to accommodate forecasted growth to the horizon of this Plan. *Designated greenfield areas* do not include *excess lands* (Growth Plan).

**Employment Area:** Areas where most of the employment land employment jobs are (i.e. employment in industrial-type buildings), as well as some office jobs and some population-related jobs, particularly those providing services to the employment area. Employment areas may be located in both delineated built-up areas and designated greenfield areas (Provincial Land Needs Assessment Methodology).

**Employment Land Employment:** all employment in urban industrial-type employment areas, excluding major office. As well, large retail concentrations and major institutions that lie within employment areas are excluded from the Employment Land Employment category (2020 Growth Plan).

**Excess lands:** Vacant, unbuilt but developable lands within settlement areas but outside of delineated built-up areas that have been designated in an official plan for development but are in excess of what is needed to accommodate forecasted growth to the horizon of this Plan (Growth Plan).

**Headship Rate:** The headship rate is defined as the ratio of the number of household heads or household maintainers to the population 15 years of age and older (Government of Canada).

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

- a. *redevelopment*, including the reuse of *brownfield sites*;
- b. the development of vacant and/or underutilized lots within previously developed areas;
- c. infill development; and
- d. the expansion or conversion of existing buildings (PPS, 2020).

**Major Office:** Freestanding office buildings of approximately 4,000 square metres of floor space or greater, or with approximately 200 jobs or more (Growth Plan).

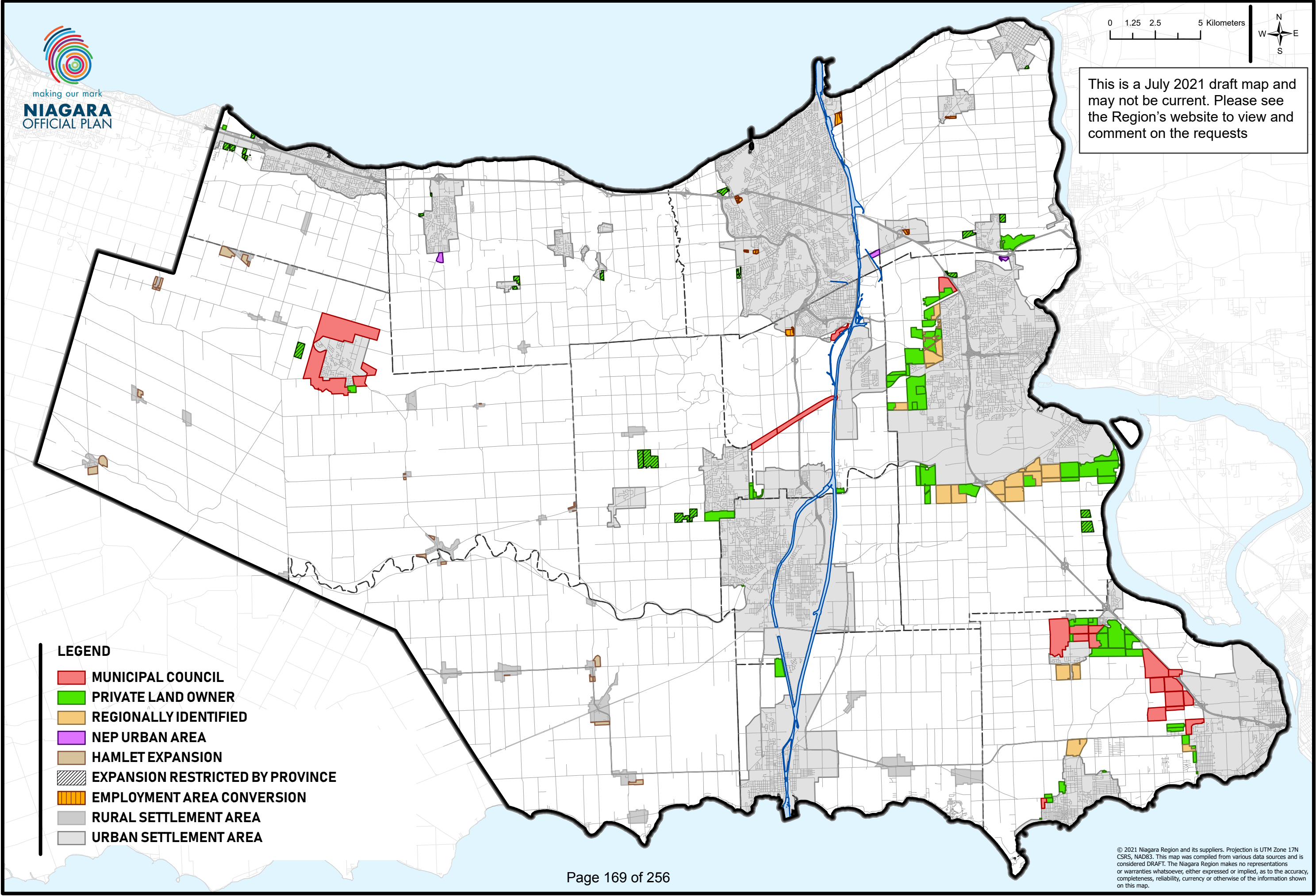
**Population-Related Employment:** Population-Related Employment is all employment within urban community areas, except major office, and is mainly commercial retail, institutional and urban work at home employment. Major concentrations of retail or large institutions excluded from Employment Land Employment are also part of Population-Related Employment (2051 Growth Update).

**Rural Area:** Rural Area, for the purposes of the Land Needs Assessment, refers to all lands outside of urban Settlement Area Boundaries. The Rural Area includes Rural Settlements, Prime Agricultural Lands and Rural Lands.

**Rural Employment:** all employment occurring within the rural geography with the few exceptions for major industrial uses or larger rural industrial areas. Work at home employment is typically a substantial proportion of the rural employment base (Hemson Consulting, Niagara Region Municipal Comprehensive Review – Growth Allocation Update to 2051).

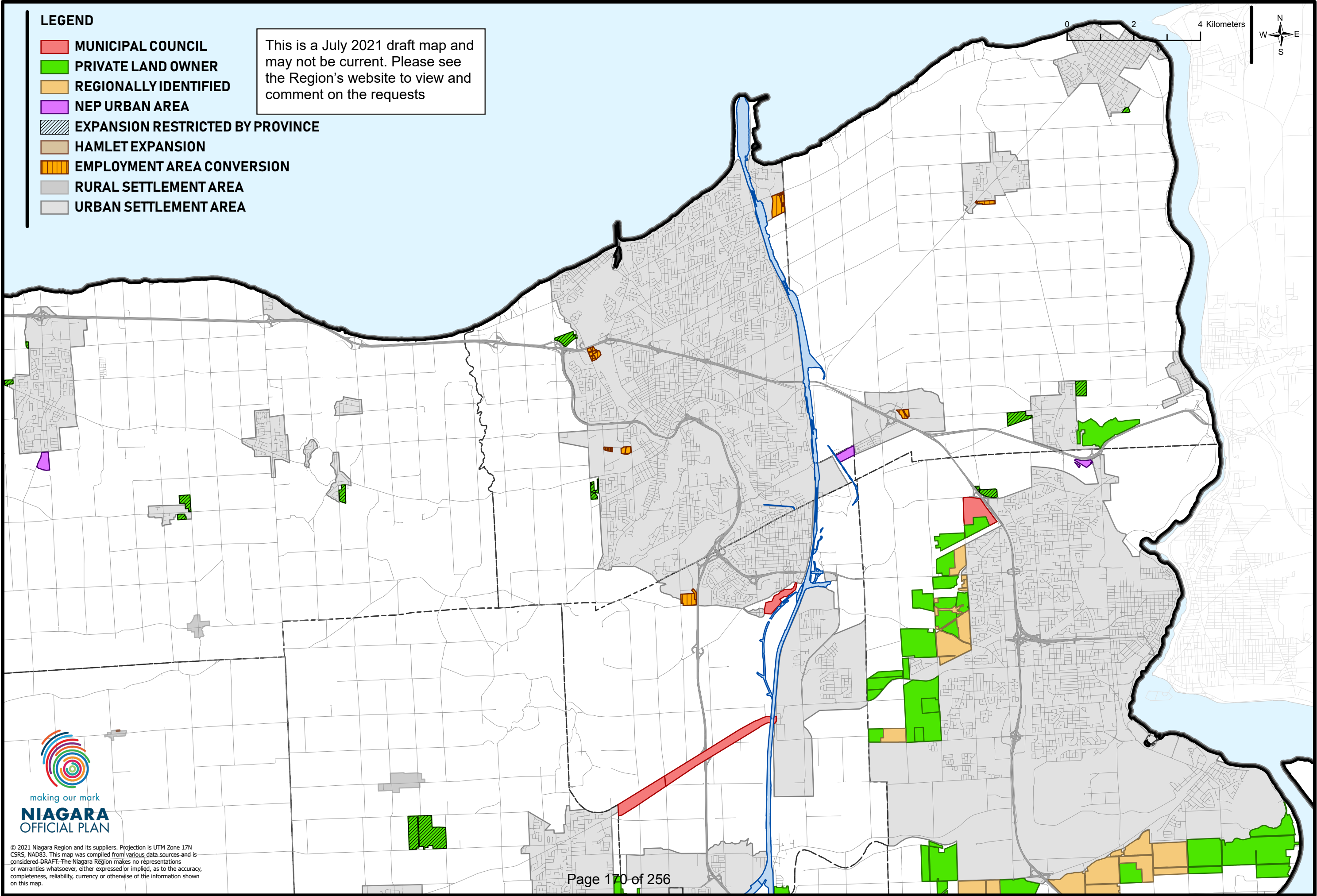


SETTLEMENT AREA BOUDNARY REVIEW REQUESTS  
JULY 2021

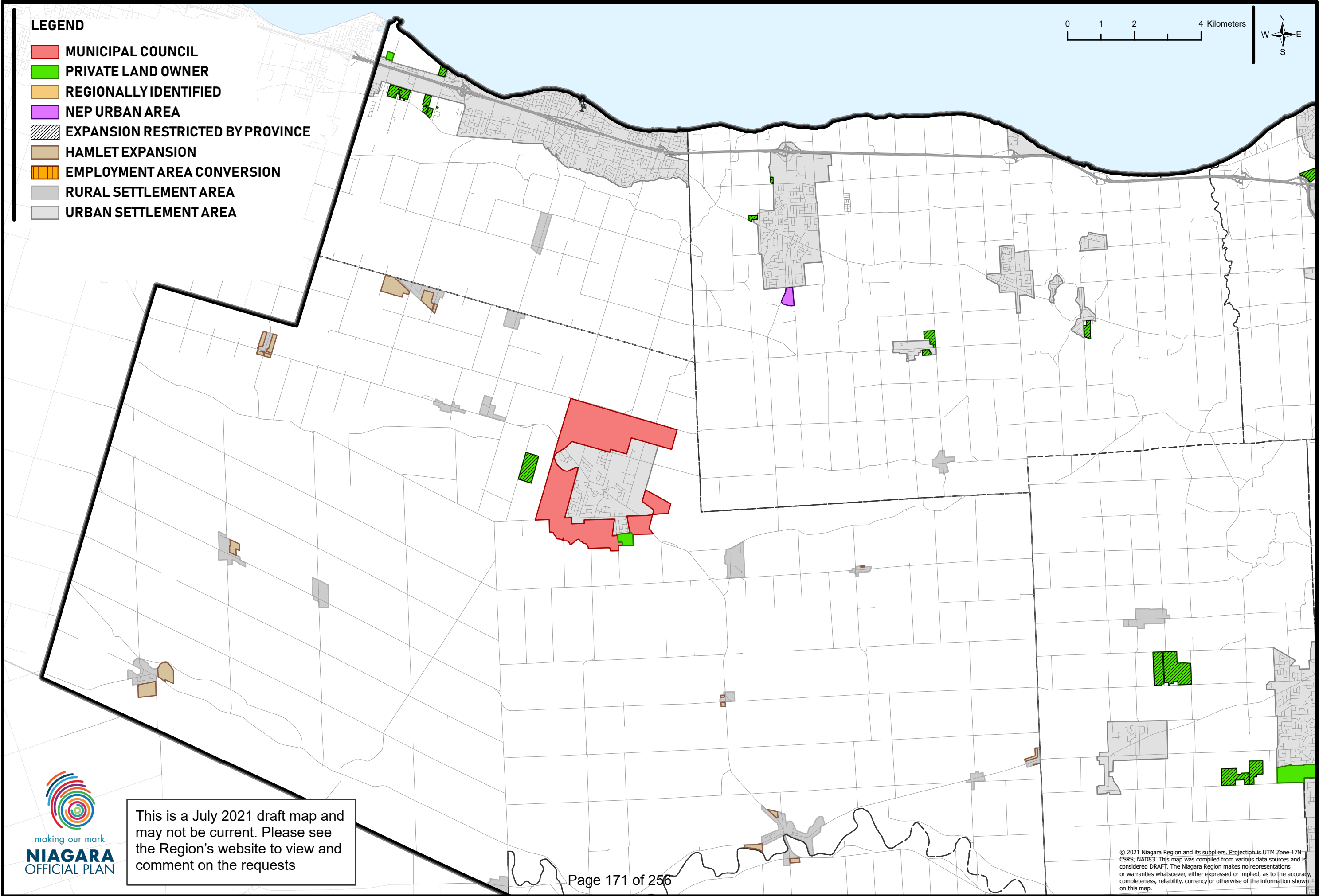




# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS

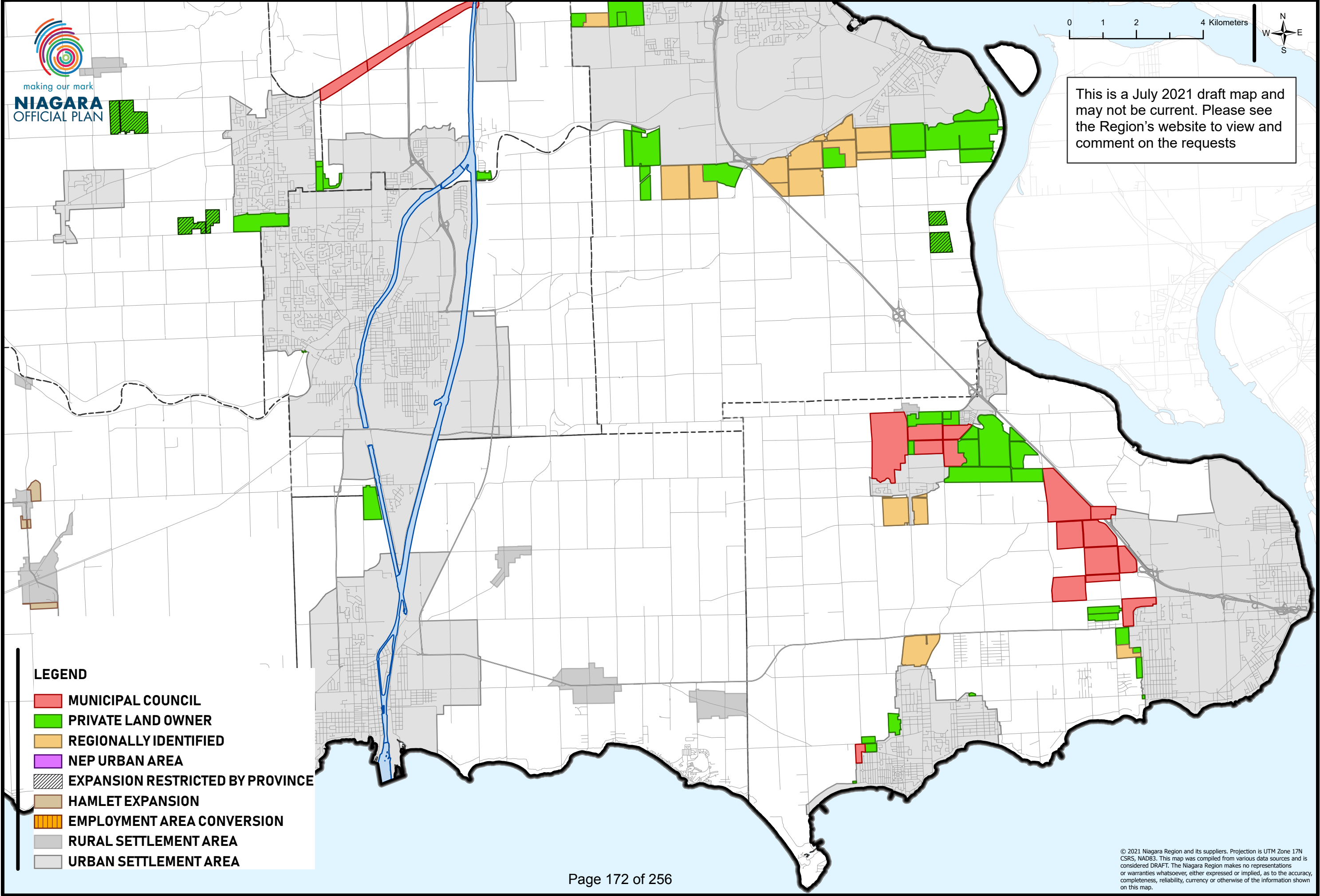


# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS

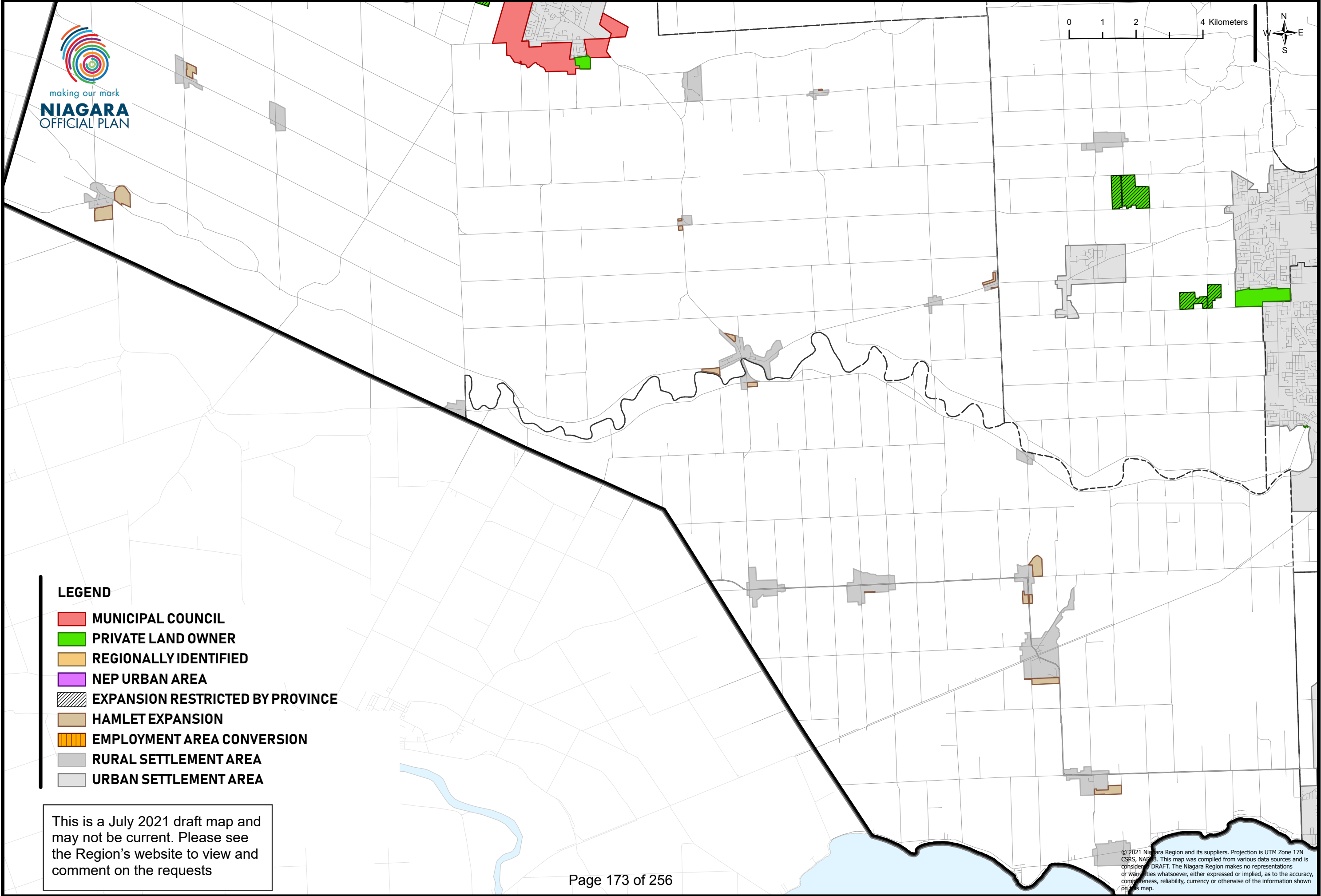




# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



# SETTLEMENT AREA BOUDNARY REVIEW REQUESTS



**Appendix 3: Summary of Comments Received Relating to Land Needs Assessment and Settlement Area Boundary Review**

Below is a summary of written comments received on PDS 17-2021 between May 2021 and July 15, 2021, related specifically to the Land Needs Assessment, Settlement Area Boundary Review, and employment conversions. Comments received verbally through municipal meetings and Public Information Centres are not summarized below.

Detailed comments are available at the Region’s website: [Niagara Official Plan](https://www.niagararegion.ca/official-plan/) https://www.niagararegion.ca/official-plan/

Commenter	Comment Summary	Regional Response	Action Taken
Town of Pelham	Town staff support 2051 population and Employment forecasts, as well as Town’s intensification rate. This was endorsed by Pelham Council (Report #2021-0108).	Staff acknowledge the Town’s support of the Region’s work to date on the forecasts.	Region Planning staff will continue to consult with Pelham staff on the LNA and related processes.
Town of Pelham	Town staff support draft Community Area land need of 40 ha. This was endorsed by Pelham Council (Report #2021-0108).	Staff agree with Pelham comments on minor expansion need.	Region Planning staff will continue to consult with Pelham staff on minor expansion need through its SABR process.
Town of Pelham	Town staff have identified locations for potential expansion through property owner requests and have provided their assessment of those which are practical for consideration and those which are not, having regard for provincial policies relating to expansion.	Comments received.	Region Planning staff will continue to consult with Pelham staff on minor expansion need through its SABR process.

Commenter	Comment Summary	Regional Response	Action Taken
<b>City of Niagara Falls</b>	City staff support the 2051 population target of 141,560 people and housing growth of 20,220 units for the 2021 to 2051 period.	Staff acknowledge the City's support of the Region's the work to date on the forecasts.	Region Planning staff will continue to consult with City staff on the LNA and related processes.
<b>City of Niagara Falls</b>	Niagara Falls staff request that the City intensification rate be changed from 50% to 60%, to reflect work undertaken on the City's Housing Needs and Supply Report. Corresponding changes are requested to the Region's Land Needs assessment materials.	<p>Niagara Region staff support the City's Housing work.</p> <p>The Region's Intensification Rates are based on the Land Needs Assessment Methodology released by the Province. The City's Housing work suggested increased intensification to address Housing needs, but did not include analysis of land needs, including market demand.</p>	<p>The Region will continue to work with the City to support the City's Housing work.</p> <p>The City is encouraged to apply a greater intensification rate, above the minimum identified in the Niagara Official Plan, through the City's future Official Plan conformity exercise. At this time, in the Region's Official Plan, we do not intend to change the City's intensification rate from 50% to 60%.</p>
<b>City of Thorold</b>	Identified excess lands through the Regions' LNA need to be addressed through tools and policies in the Region's Official Plan. At this time, those policies and tools have not yet been prepared. Development of these policies and tools should be done in conjunction with local Planning staff.	Work is ongoing on policies and tools to manage lands that are currently designated beyond the 2051 planning horizon.	Additional policies are forthcoming in Fall 2021 to address this comment. Region and Thorold staff will meet to collaboratively work on policies.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Town of Lincoln</b>	Staff opine that Lincoln's population forecasts are low considering current development proposals and the planned higher densities in the Beamsville GO Station Area and Prudhommes area.	Based on a detailed review of the development proposals and servicing to 2051, more population is needed in Lincoln's built-up area.	Lincoln is assigned an additional 10,000 people to 2051, exclusively in the delineated built-up area. This results in an intensification rate of 90% and no additional need for Community Area lands to 2051.
<b>Town of Lincoln</b>	The Region allocated an additional 900 households to Lincoln's Designated Greenfield Area (DGA) over the next 30 years. Lincoln staff opine this figure is low, given the location of DGA in the Beamsville GO Station area planned for higher transit-oriented densities.	The DGA lands in the Beamsville GO Transit Station Area Secondary Plan Land Use Schedule are predominately Office Commercial and Transit Station Area. Thus, only 900 residential units are forecast. However, this unit forecast is a minimum target.	No action taken at this time. Minor refinements may be made to the housing unit mix prior to the completion of the Niagara Official Plan.
<b>Town of Lincoln</b>	Lincoln supports the Region's allocation of 0.5% growth to the Rural Area.	Staff acknowledge the Town's support of the Region's work.	None.
<b>Town of Lincoln</b>	Staff opine that a larger proportion of growth should be allocated to apartment unit types. This reflects recent applications, planned densities and land supply.	On further data review, Regional staff have adjusted the unit mix and included a greater share of apartment units. This is assigned exclusively within the built-up area.	Lincoln is assigned an additional 4,225 apartment units through the Made-in-Niagara Forecast.



Commenter	Comment Summary	Regional Response	Action Taken
<b>Town of Lincoln</b>	Town staff previously requested a number of technical amendments as part of the Provincial Plans Review and Municipal Comprehensive Review. The Town's suggested boundary amendments that were included in staff report PL 16-13 continue to be carried forward to the Region for consideration. Town staff request to be provided with draft mapping from the Region when it becomes available for comment.	Region staff acknowledge receipt of technical boundary adjustments, and will comment at a later time. Technical adjustments are not the same as boundary expansions – these are minor and intended to fix a technical matter.	Staff are working on technical boundary adjustments for reporting in Fall 2021.
<b>Town of Fort Erie</b>	Town Staff reviewed the Draft LNA and Draft Forecasting Polices and are generally satisfied with the proposed intensification rates, growth allocation numbers and land needs assessment. However the Town felt although close, more employment area was needed based on its consultant findings (Report PDS-54-2021).	Staff acknowledge Town's support of Region's work on the LNA and allocations. The revised Made-in-Niagara Forecast and updated LNA has more employment area in Fort Erie than the May Forecast and LNA.	Region Planning staff will continue to consult with Fort Erie staff on the LNA and related processes.
<b>Town of Fort Erie</b>	The Town, through the approved Urban Area Boundary Expansion Study, has forwarded expansion candidate sites to the Region for consideration.	Staff received the Town's reports on preferred expansions. These will be reviewed as part of the Region's SABR process.	Region Planning staff will continue to work with Fort Erie staff on the SABR expansion process.



Commenter	Comment Summary	Regional Response	Action Taken
<b>Town of Fort Erie</b>	The Town has the ability to legislatively advance 40 ha expansions outside of the MCR process. Addendum 2 of the Urban Area Boundary Expansion Study, identified sites and priorities for these expansions, should candidate sites not be considered by the Region.	<p>Only the Region can expand boundaries.</p> <p>The Growth Plan has a policy that allow expansions for up to 40 Ha in advance of a municipal comprehensive review (i.e. new Official Plan), subject to specific requirements. The Region is not processing 40 Ha expansion requests at this time since it is not in advance of a municipal comprehensive review.</p>	Comment received. No action taken.
<b>City of Welland</b>	Welland staff seek clarification on draft Regional Structure policy 2.2.5.6 as it relates to criteria development by the Region for expansions and local involvement.	This policy relates to criteria developed for the SABR review, which has been discussed at several meetings with local staff.	Regional staff are considering revisions to this policy to better reflect the draft SABR criteria.
<b>City of Welland</b>	City Staff inquired on the relationship between established neighbourhoods and declining population growth over the 30 year planning horizon.	Established neighbourhoods generally have an older demographic than new neighbourhoods; as a result, the average number of people per unit is expected to decline slightly from 2021- 2051.	No action taken.
<b>City of Welland</b>	City Staff inquired how additional dwelling units (sometimes called Secondary Suites) are captured in the forecast and suggested a higher forecast be provided for the City of Welland.	Through consultation with Welland staff after receipt of this comment, the Region and City agreed that 50 additional units per year for Secondary Suites was an achievable target.	Welland is assigned an additional 1,600 apartment units in the Made-in-Niagara Forecast. The majority of additional apartment units are anticipated to be Secondary Units.

Commenter	Comment Summary	Regional Response	Action Taken
City of Welland	City Staff note the population and housing forecast seems low for Welland. Planning applications and pre-consultations surpass some draft figures, especially for apartment units. These projects will commence within the next half decade or less.	Based on a detailed review of development proposals and servicing to 2051, more population is needed in Welland's built-up area.	In the updated Made-in-Niagara Forecast, Welland is assigned an additional 10,000 people to 2051, exclusively in the built-up area. This results in an intensification rate of 75% and no additional need for Community Area lands to 2051.
City of Welland	City Staff noted that Employment Area needs increased as Natural Heritage mapping is updated.	Refinements to the Natural Environment System (NES) have been on going since the May report. Since that time, the Region has protected more environmental lands in Employment Areas, including in Welland. This results in less developable Employment Area in Welland.	The revised LNA has a small need for additional Employment Area land in Welland. NES work, including consultation on it, is ongoing. Thus, the final land need may have minor adjustments prior to completion in the Official Plan.
City of Welland	Based on the methodology for determining developable land, including the removal or discount of Natural Heritage features, City Staff ask if the amount of developable land within existing Employment Areas will be impacted.	The Employment Area calculations for the LNA are based on developable land supply and remove natural heritage features and encumbered lands.	No action taken.

Commenter	Comment Summary	Regional Response	Action Taken
<b>City of Welland</b>	The City is currently having its own forecasts being created as part of our own Official Plan review. These forecasts will be included in the updated Official Plan document. The City will consider policies in its Zoning and OP where necessary that are in adherence to the requirements of Provincial Policy.	The Growth Plan identifies that the Region is responsible for allocating forecasts. Until the Region allocates forecasts, the forecasts that existed on August 28, 2020 remain in effect. Future forecasts established by Welland must conform to the Niagara Official Plan and Growth Plan.	None at this time.
<b>Township of West Lincoln</b>	West Lincoln supports the Regional growth allocations as provided to West Lincoln.	Staff acknowledge the Township's support of the Region's work to date on the forecasts.	None at this time.
<b>Township of West Lincoln</b>	Township staff provided report PD-077-21 which identifies a rural hamlet review work program to be completed in accordance with the Region's SABR Appendix 18.3.	Regional planning staff acknowledge the Township's work plan and are available to consult as needed.	Region will work with Town and consultant as needed during their study.
<b>Niagara Escarpment Commission</b>	NEC requests that it be consulted if any of the proposed urban designations in the Region's Official Plan are for properties within the NEP Area. The Region cannot approve urban amendments, unless the change in designation has first been approved by the Province.	Any boundaries changes related to the NEP area, including technical adjustments, will be discussed with the NEC and local planning staff.	Region has ongoing meetings with the NEC and will address this topic at future meetings.
<b>Niagara Escarpment Commission</b>	NEC would like to assist with mapping discrepancies; it has new digital maps for the NEC Area of Development Control starting July 1, 2021.	Comment received.	None at this time.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Public</b>	Question about potential redevelopment and land use designation changes to the lands west of Garner Road, north of McLeod Road, and south of Lundy's Lane in Niagara Falls. Concerned about urban expansion areas in the vicinity of their rural residence.	This is to be considered as part of the Region's SABR process.	Planning staff communicated with commenter to outline SABR and reasons why the process is needed.
<b>Public</b>	Question about whether the Region has changed the land use designation of lands on the east side of Rice Road, in Pelham, from agricultural land to rural or urban? Contends that it should be re-designated due to Pelham's zoning, extension of services, and dormant agricultural fields.	This area is under consideration for possible expansion.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Public</b>	Will 1538 RR20 will be brought into Bismark Hamlet in West Lincoln? Region should review hamlet boundaries to capture all of the R1A zone.	Staff are reviewing request to determine if request is an expansion or technical adjustment. The change requested will not add building lots in hamlet.	Staff communicated with requestor to outline process and provide location for materials.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Preservation of Agricultural Land Society (PALS)</b>	PALS regards the use of a higher population projection by Niagara than that provided by the province as subversive of good land use planning across Ontario. Comments with respect to rejecting provincial population projections.	<p>The Region must plan for the population forecasted in the Growth Plan, as a minimum.</p> <p>Decision of Regional Council must conform to the Growth Plan.</p> <p>In developing forecasts, Staff consider all planning matters, including climate change, the natural environment system, and core housing needs/affordability. The Made-in-Niagara Forecasts best address these matters.</p>	Staff recommend proceeding with the Made-in-Niagara Forecasts for the reasons identified here and in the covering report.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Preservation of Agricultural Land Society (PALS)</b>	Understands that a 460 hectare urban expansion for residential needs has been determined. Comments that this figure hasn't been defended and logically explained. Inquires about how this can be subject to change and why there is need for expansion of employment lands, with no precise figure provided. This does appear to eliminate the notion that residential needs can be accommodated through re-designating employment lands.	<p>A detailed May 2021 Draft Land Needs Assessment (LNA) is provided in Appendix 3.2 of PDS 17-2021. An updated version of the LNA is attached to this report as Appendix 1. This LNA was developed in conformity to the Provincial Land Needs Assessment Methodology, which identifies the specific components, inputs and assumptions required.</p> <p>Employment Areas are a component of the LNA. The additional Community Area land cannot be supported through re-designating employment lands. A reduction in existing Employment Areas to support Community Area development would create a greater need for Employment Area.</p>	Staff recommend proceeding with the Made-in-Niagara Forecasts for the reasons identified here and in the covering report.
<b>Preservation of Agricultural Land Society (PALS)</b>	Supportive of urban boundary expansion in Welland as it has been carefully planned for 10 years, has a linked natural heritage system, and can be logically serviced by transit. PALS not supportive of urban boundary expansions in Fort Erie and West Lincoln, for reasons of lack of transit support and loss of agricultural land, natural heritage and water resource features.	Comment received.	Expansions remain under consideration as part of SABR process.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Timberlee Glen Development Ltd. (IBI Group)</b>	IBI Group representing Timberlee Glen Development Ltd., respecting lands in the Port Weller East area of St. Catharines, south of Lakeshore Road, between Read Rd and the Welland Canal, outlines reasons for making these lands a mixed-use area. These lands are currently employment and comprise approximately 18.4ha.	This matter is the subject of an OLT appeal relating to St. Catharines OPA 26. At this time, the Region does not agree to change the designation on these lands from employment area.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.
<b>Marco Marchionda (Marcasa Homes Inc.)</b>	Submission made in respect of lands on the north side of Regional Road No. 81 in the area of Cline Rd. comprised of approximately 2.4 ha. in Grimsby.  How does the ROP identify the lands between Casablanca and Kelson Ave? Question about the potential for a MCR in Grimsby rather than NOTL given available infrastructure for development.	Area identified is within Greenbelt and currently prohibited from being considered for expansion. Lands would need to be removed from the Greenbelt through Provincial process prior to consideration for expansion.	Regional staff have advised commenter of Provincial prohibition for expansion.
<b>Owner (Antrix Architects Inc.)</b>	Request to include south side Forkes Street (25 acres south-west of Forks Rd and Elm St) that spans both Welland and Port Colborne municipal boundaries, be brought into Urban Area. Total lands comprise approximately 45.2 ha.	This area is under consideration for possible expansion.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Hummel Properties (urbanMetrics inc.)</b>	<p>Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.</p> <p>Commented on the share of household growth allocated to Niagara-on-the-Lake and suggested a higher rate of 6.8% be used rather than 5%.</p>	<p>Allocations of household growth have been evolving since initial scenarios were established in 2016. In 2019, Town staff suggested, and the Region agreed, the housing share be lowered to 5% as the developments in Old Town, Virgil and St. David's were being built-out.</p>	<p>No action at this time.</p>
<b>Hummel Properties (urbanMetrics inc.)</b>	<p>Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.</p> <p>urbanMetrics suggests consideration be given to seasonal dwellings and how they will impact the LNA.</p>	<p>Niagara has a considerable supply of housing units that are not occupied by a usual resident – this includes both seasonal dwellings and student housing. Additional consideration could be considered for how these units drive housing need.</p>	<p>Consideration for units not occupied by usual residents (seasonal and student dwellings) are under further consideration for possible minor adjustment in final LNA included with Official Plan.</p>
<b>Hummel Properties (urbanMetrics inc.)</b>	<p>Submitted in respect of lands located at 1287, 1301 and 1313 Niagara Stone Road (6.7 ha.) on the southern boundary of Virgil, and 308 Four Mile Creek Road (0.2 ha.) in St. Davids.</p> <p>urbanMetrics requests conversion of lands from employment to non-employment use in Niagara-on-the-Lake, based on specific comments included in their submission.</p>	<p>Comments received.</p>	<p>Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.</p>
<b>502 Winston Road Inc. (IBI Group)</b>	<p>Request for consideration of an urban boundary expansion - Lands at 502 Winston Rd. in Grimsby comprised of approximately 5.8 ha.</p>	<p>Area identified is within Greenbelt. Provincial policy prohibits the Region from expansion in the Greenbelt, unless lands are removed from it.</p>	<p>Regional Planning staff have advised agent of the Provincial Plan prohibition.</p>



Commenter	Comment Summary	Regional Response	Action Taken
<b>Iron Horse Stables (Niagara) Inc. (JV Consulting)</b>	Request for consideration of an urban boundary expansion - Iron Horse Stables (Niagara) Inc. adjacent to existing settlement area boundary in Chippawa. 95 ha in size and bound by Sodom Road (west) and Willoughby Drive (east)- Niagara Falls	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>(1) Niagara Falls Park Inc. (2) Niagara Estates of Chippawa (3) Lyons Creek Niagara Falls (Trans Global Partners Canada)</b>	Request for urban boundary expansion in 3 separate locations in Niagara Falls – (1) 5021 Gardner Rd (81.2 ha.), (2) east side Sodom Rd between Willick Rd and Weaver Rd (36.9 ha.) and (3) northeast corner of Stanley and Logan Rd (36.6 ha.)	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owners (Weston Consulting)</b>	Request for urban boundary expansion at 9941 Lundy's Lane in Niagara Falls being approximately 24.5 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Rankin Engineering Inc. (MHBC Planning)</b>	Request for Employment Area Conversion for lands in the STC-2 Hannover Employment Area for non-employment use. Lands are identified as 218, 222, 250 Martindale Road; 20, 25, 75 Corporate Park Drive and comprise approximately 10 ha. in St. Catharines.	This site was recently addressed through St. Catharines OPA 26. At this time, the Region does not agree to change the designation on these lands from employment area.	Employment Area conversions remain under consideration as part of the SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Grand Niagara (The Planning Partnership)</b>	Grand Niagara request for urban boundary expansion in Niagara Falls being approximately 138 ha. west of the existing Grand Niagara golf course lands.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>River Realty, Club Italia, Redeemer Bible Church (Niagara Planning Group)</b>	Request for urban boundary expansion of approximately 40 ha. in Northwest Niagara Falls between the QEW and Montrose, south of Niagara Sports Centre Limited lands (Regency Motel).	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Anthony Romano, Andrew Zhongan, and Young Hong (Niagara Planning Group)</b>	Request for urban boundary expansion – northeast Corner of Lundy's Lane and Beechwood in Niagara Falls and comprising approximately 12.9 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Niagara Sports Centre Limited (Douglas, Morningstar &amp; Bonin LLP)</b>	Letter of support for Niagara Sports Centre Limited and Ralph Biamonte for expansion of the northwest quadrant in Niagara Falls to include lands of approximately 64.8 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Grand Niagara Legends Estate Inc. (MHBC Planning)</b>	Grand Niagara Legends Estate Inc. request for urban boundary expansion of lands on the north side of Weaver Rd, east of Willoughby Drive, and south of Legend's way in Niagara Falls. Total area requested expansion is approximately 206 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Owner</b> <b>G. Douglas Vallee Limited</b>	Request for urban boundary expansion at 949 Clare Ave in Pelham are comprised of approximately 4.1 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owner</b> <b>G. Douglas Vallee Limited</b>	Water and waste water calculations for 949 Clare Ave potential expansion in Pelham.	Comments received.	None at this time.
<b>Kaneff Properties Limited</b> <b>(MHBC Planning)</b>	Request for urban boundary expansion at 590 Glendale Avenue in St. Catharines being a portion of the site and totaling approximately 17 ha.	Lands currently awaiting decision from NEC on designation.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Prca Global Enterprises Inc.</b> <b>(The Planning Partnership)</b>	Request for both an employment area conversion and settlement area expansion involving lands totaling approximately 16.3 ha. - Price Global Enterprises Inc. at 38 Merritville Inc. and Schmon Parkway.	Comments received.	Expansion and employment conversions are under consideration as part of SABR process, for reporting in Fall 2021.
<b>P. Coletto &amp; Mr. D. Bartels</b> <b>(T. Johns Consulting Group)</b>	Rural settlement area boundary expansion request - 8250 Mud Street West and 3498 Grassie Rd, West Lincoln totaling approximately 31 ha.	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owner</b>	Consultant for 5415 Hwy 20 West Lincoln inquiring about the property and potential expansion of the Bismark Hamlet Boundary. Inquires about studies/reports required and the overall process for the expansion.	Planning staff responded to inquiry to provide information relating to rural settlement area expansion criteria.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>P. Coletto &amp; Mr. D. Bartels</b> <b>T. Johns Consulting Group</b>	Preliminary letter expressing rural settlement area boundary expansion request - 8250 Mud Street West and 3498 Grassie Rd, being totaling approximately 31 ha. in West Lincoln	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Andre Leblanc</b> <b>(IBI Group)</b>	Rural Settlement area boundary expansion request in the Caistorville Hamlet - Part Lot 20, Concession 1, West Lincoln. Request area is approximately 7.1 ha.	Comments received.	Rural expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Stuart Wright</b> <b>(Quartek)</b>	Request for urban boundary expansion- 1555 Nigh Road- Lands West of Buffalo Rd to Rosehill Rd- Town of Fort Erie. Site totals approximately 10.7 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Marz Homes</b> <b>(A.J. Clarke and Associates Ltd.)</b>	Engineering Feasibility Report for expansion at Schooley Rd and Michener Rd in Fort Erie totaling approximately 8.3 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Marz Homes</b> <b>(A.J. Clarke and Associates Ltd.)</b>	Planning Rationale Report for expansion at Schooley Rd and Michener Rd in Fort Erie totaling approximately 8.3 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Marina (Green Acres)</b> <b>Developments Inc.</b> <b>(Niagara Planning Group)</b>	Request for settlement area boundary expansion for lands on the south side of Bertie Street, east of the Fort Erie Golf club and comprised of approximately 10.2 ha. in Fort Erie.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

Commenter	Comment Summary	Regional Response	Action Taken
<b>Jukic Group Inc. (Bousfields Inc.)</b>	Request for urban boundary expansion for 'Black Creek Commons' by Jukic Group Inc. in Fort Erie. Materials provided include planning rationale, concept master plan, and responses to MCR criteria. Total of lands is approximately 371 ha. between Stevensville and Douglastown.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.
<b>Owners (LANDx Developments Ltd.)</b>	Request of for technical mapping adjustment for 100 Dock Road in Thorold.	Comments received.	Staff are working on technical boundary adjustments, for reporting in Fall 2021.
<b>LJM Developments (Niagara Planning Group)</b>	Request for urban boundary expansion for Pt Lot 154 Garner Rd on the west side of Garner between Lundy's Lane and McLeod Road in Niagara Falls, comprised of approximately 24.1 ha.	Comments received.	Expansion consideration is under review as part of SABR process, for reporting in Fall 2021.

July 27, 2021



City of Port Colborne

Mayor Steele and Council

% [bill.steele@niagararegion.ca](mailto:bill.steele@niagararegion.ca) and Nancy Giles, % [nancygiles@portcolborne.ca](mailto:nancygiles@portcolborne.ca)

CC: Dan Aquilina, Director, City Planner, % [danaquilina@portcolborne.ca](mailto:danaquilina@portcolborne.ca)

Dear Mayor Steele, Mr. Aquilina and Members of Council,

Food security is a basic human right yet almost 60,000 people in Niagara are food insecure, experiencing limited access to nutritious, affordable and culturally appropriate food. Food security is essential for healthy eating - without consistent economic access to sufficient nutritious food, healthy eating cannot be achieved, increasing the risk of poor health.

Community gardens act as a promising strategy to decrease food insecurity because of their ability to provide lower-income households with access to nutritious food. More than 1,200 community gardens across Niagara are significantly improving access to healthy and affordable food, often for the most marginalized populations. **Yet, Niagara's community gardens face consistent barriers. The enclosed position statement amplifies the need to address specific barriers that community gardens face in Niagara. It also calls to action the implementation of policies, bylaws and/or practices that improve food security through community gardens.**

Niagara's municipalities have a role in creating barrier free access. The Halton Food Council's Community Garden Policy Scan clearly states **"Local governments do have a significant role to play in the process: by removing policy barriers; enacting supportive policies; providing support related to water access, land tenure, and composting; by signaling their support of community gardens in government communications; and by dedicating staff time to interact with community gardening groups."**

**We highly recommend Niagara's municipalities implement policies and best practices related to:**

- Land Use for community gardens, urban agriculture and food security
- Waiving or reducing fees imposed by the municipality
- Provide options for holding certificates of insurance
- Commitment to the program with reasonable annual investment
- Ongoing program evaluation and development

We thank you in advance for your attention to the statement, the recommendations and for working in your community to advance the impact of community gardens. We look forward to working with you to address these barriers. Should you have any questions or wish to follow up, please contact Tamara Coleman-Lawrie at [tamara@unitedwayniagara.org](mailto:tamara@unitedwayniagara.org).

Sincerely,

A handwritten signature in blue ink, appearing to read "Frances Hallworth".

Frances Hallworth  
Executive Director  
United Way Niagara

A handwritten signature in blue ink, appearing to read "Tamara Coleman-Lawrie".

Tamara Coleman-Lawrie  
Director, Community Impact, United Way Niagara  
Facilitator, Niagara Food Security Network

## Increasing Barrier Free Access to Food Security Through Community Gardens: The Role of Niagara Region Municipalities in Advancing Policy and Reducing Barriers

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Food security is a basic human right yet almost 60,000 people in Niagara are food insecure, experiencing limited access to nutritious, affordable and culturally appropriate food\*.<sup>1</sup> The Government of Canada states “income-related food security is an important public health issue in Canada and is a key social determinant of health. Food security is essential for healthy eating - without consistent economic access to sufficient nutritious food, healthy eating cannot be achieved, increasing the risk of poor health.”<sup>2</sup> We recognize the significant effect that food insecurity can have on one's mental, physical, social and overall health and wellbeing. For Niagara residents to be food secure, as defined by the United Nations Committee on World Food Security, everyone in Niagara, at all times, has physical, social, and economic access to sufficient, safe, and nutritious food that meets their food preferences and dietary needs for an active and healthy life.<sup>3</sup>

Community gardens act as a promising strategy to decrease food insecurity because of their ability to provide lower-income households with access to nutritious food.<sup>4</sup> Community gardens are significantly improving access to healthy and affordable food at the more than 1,200 plots across Niagara, often for our most marginalized populations. Community gardens can affect an individual's skill development, employment and income, our economic landscape, the environment, and our social and community connectedness. The recent Case Study of the St. Catharines Centennial Community Garden highlights how “community gardens not only address food insecurity but also provide a safe space for all participants to form meaningful relationships; with one another, their community and the natural environment”.<sup>5</sup> However, community gardens, while adding tremendous value to the community, **continue to be faced with barriers to success, including policies and protocols related to land access and use, access to water, associated fees and certificates of insurance.**

Best practices in other communities have easily addressed these barriers. Niagara's municipalities can play an important role in creating barrier free access to community gardens, thereby investing in viable solutions to food security. We are positioned well to advance community gardens best practices and policies that are in place in other regions and municipalities. Public Health Ontario's Evidence Brief *Municipal and Community-level Interventions to Promote Sustainable Food Systems* states “municipalities are positioned to intervene in their local food system, and can enact policies and programs that build a culture around local food initiatives.”<sup>6</sup> We believe municipalities in the Niagara region are ready to implement best practices to strengthen our food security system through community gardens.

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<sup>1</sup> PROOF Policy Research Study. May 2021. Retrieved from: [PROOF FACTSHEET Provincial-policies-052021.pdf](#)

<sup>2</sup> Government of Canada. Canadian Community Health Survey. 2004. Retrieved from [Canadian Community Health Survey, Cycle 2.2, Nutrition \(2004\): Income-Related Household Food Security in Canada - Canada.ca](#)

<sup>3</sup> United Nations Committee on World Food Security. Global Strategic Framework for Food Security & Nutrition (GSF). 2017 Edition. Retrieved from [CFS: Online GSF \(fao.org\)](#)

<sup>4</sup> The Blank Page. How Community Gardens Are Tackling Food Insecurity. Published By Dhruvika Angrish. Retrieved from [How community gardens are tackling food insecurity - The Blank Page \(blankpage.org\)](#)

<sup>5</sup> Tamarack Institute. Vibrant Communities. Case Study | Harvesting Local Gifts and Assets at the Centennial Community Garden. May 2021 Retrieved from: [Harvesting Local Gifts & Assets at Centennials Community Garden.pdf](#)

<sup>6</sup> Public Health Ontario. Municipal and Community-level Interventions to Promote Sustainable Food Systems. July 2020. Retrieved from [Municipal and Community-level Interventions to Promote Sustainable Food Systems \(publichealthontario.ca\)](#)



The Halton Food Council's *Community Garden Policy Scan* states "The role of local governments is fundamentally a supportive and enabling one. Community gardens are successful because local gardeners are committed to making them so. When local governments open their doors and invite the community in, there is a great deal of community expertise and experience to be shared. Local governments do have a significant role to play in the process: by removing policy barriers; enacting supportive policies; providing support related to water access, land tenure, and composting; by signaling their support of community gardens in government communications; and by dedicating staff time to interact with community gardening groups." <sup>7</sup>

Now is the time to act. Municipalities can create policies that empower Niagara's citizens and provide them with barrier free access to food through community gardens. **The best practices and policies we encourage and recommend Niagara's municipalities to develop specifically relate to:**

1. Land Use for community gardens, urban agriculture and food security
2. Waiving or reducing fees imposed by the municipality
3. Provide options for holding certificates of insurance
4. Commitment to the program with reasonable annual investment
5. Ongoing program evaluation and development

There is no need to reinvent the wheel in Niagara when it comes to implementing best practices for community gardens. Many cities across Ontario have recognized the critical role community gardens play and have implemented the policies and mechanisms to reduce these barriers. These municipalities include, but are not limited to:

- |             |            |               |
|-------------|------------|---------------|
| - Guelph    | - Hamilton | - Kingston    |
| - Kitchener | - London   | - Mississauga |
| - Ottawa    | - Toronto  | - Windsor     |
| - Waterloo  |            |               |

Community gardens best practices and policies from across the province are readily available and can be found at sources including, but not limited to: [Sustain Ontario](#); [ChangeLab Solutions](#); [Toronto Food Policy Council](#); [Region of Waterloo](#); and local Public Health units including the [Wellington-Dufferin-Guelph Public Health](#). The Niagara Community Garden Network and United Way Niagara, in partnership with the Niagara Food Security Network, would be delighted to provide the recommended policies and work with municipalities to transition to inclusive and barrier free approaches.

We ask that Niagara government representatives, stakeholders and community partners take action to improve access to affordable, healthy and culturally appropriate food\* by reducing the barriers imposed by current regional and/or municipal bylaws, policies or practices.

It is highly recommended that each of Niagara's municipalities conduct a review of current policies and practices, assigning the necessary staff and departments to assess and recommend a barrier free approach. We recommend a timely implementation of policies and practices that reduce barriers for community gardens and improve access to healthy, affordable and culturally appropriate food, thereby reducing food insecurity in Niagara.

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<sup>7</sup> Community Garden Policy Scan. Prepared by Dillon Consulting Limited for the Halton Food Council. November 2013. Retrieved from [May 20 2014 Health and Social Services MO1214 Halton Food Council Progress 20122014 MO1214 attachment 2pdf 173641.pdf](#) Source: Barbolet, 2009, p. 6

\* Culturally Appropriate Food - As defined by [Food Secure Canada](#).



**From:** [AMO Communications](#)  
**To:** [City Clerk](#)  
**Subject:** AMO Policy Update - Draft Resolution for Municipal Recognition of September 30th as National Day for Truth and Reconciliation, New Municipal Resource Materials  
**Date:** August 23, 2021 12:29:33 PM

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## AMO Policy Update



August 23, 2021

# **AMO Policy Update – Draft Resolution for Municipal Recognition of September 30<sup>th</sup> as National Day for Truth and Reconciliation, and New Municipal Resource Materials**

Recent discoveries of remains and unmarked graves across Western Canada have led to increased calls for all levels of government to immediately address the recommendations in the Truth and Reconciliation Commission's (TRC) Calls to Action.

All Canadians and all orders of government have a role to play in reconciliation. The TRC's 94 Calls to Action are addressed primarily to the federal, provincial, and territorial governments but also to municipal governments, the corporate sector, and the broader Canadian society. They cover a wide range of government responsibilities including child welfare, education, language and culture, health, justice, commemoration, museums and archives, training for public servants, and a few specific initiatives related to reconciliation.

At the August 14<sup>th</sup> Board Meeting, the AMO Board of Directors approved two resource papers to assist municipal councils' efforts to support Truth and Reconciliation.

The first resource paper provides an overview of the [Truth and Reconciliation Commission's \(TRC's\) Calls to Action](#) that municipal governments can address themselves.

The second resource paper provides ideas and options for [what municipal leaders, councils can do to better support and engage Indigenous residents and neighbours at this time](#).

These AMO resource papers are meant to be organic and to be revised/updated when appropriate and more municipal resource materials are available.

## **Municipal Recognition of September 30<sup>th</sup> as National Day for Truth and Reconciliation – Draft Resolution**

The AMO Board of Directors encourages members to recognize September 30<sup>th</sup> as National Day for Truth and Reconciliation (also known as Orange Shirt Day with the adoption of the following resolution:

*WHEREAS the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation;*

*AND WHEREAS the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action;*

*AND WHEREAS all Canadians and all orders of government have a role to play in reconciliation;*

*AND WHEREAS Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;*

*AND WHEREAS the Federal Government has announced September 30<sup>th</sup>, 2021, as the first National Day for Truth and Reconciliation (National Orange Shirt Day) and a statutory holiday;*

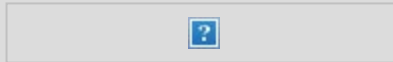
*THEREFORE, BE IT RESOLVED THAT the Council of the [municipality] of [placename] does hereby commit to recognizing September 30<sup>th</sup>, 2021, as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families, and communities.*

AMO's [COVID-19 Resources](#) page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to [covid19@amo.on.ca](mailto:covid19@amo.on.ca).

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



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The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a By-law to Authorize Entering into an Agreement with the Minister of Infrastructure

Whereas at its meeting of September 13, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of CAO Office –Report No. 2021-235, Subject: Dain City Trail Improvements Funding Agreement; and

Whereas Council is desirous of entering into a Transfer Payment Agreement with the Minister of Infrastructure, for the purposes of Investing in Canada Infrastructure Program (ICIP) funding related to the COVID-19 Resilience Infrastructure Stream – Local Government Intake Stream Projects for Dain City Multiuse Trail Improvements; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That The Corporation of the City of Port Colborne enters into a Transfer Payment Agreement with the Ministry of Infrastructure, for the purposes of funding related to the ICIP COVID-19 Resilience Infrastructure Stream – Local Government Intake Stream Projects, specifically Dain City Multi-use Trail Improvements.
2. That the Mayor and the Clerk be and they are hereby authorized and directed to sign the said agreement, attached hereto as Schedule “A”, together with any documents necessary to complete the conditions of the said agreement or any other phase of the Ministry of Infrastructure – COVID 19 Resilience Infrastructure Stream – Local Government Intake Stream Projects, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 13th day of September, 2021.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk

**TRANSFER PAYMENT AGREEMENT  
FOR THE INVESTING IN CANADA INFRASTRUCTURE PROGRAM (ICIP):  
COVID-19 RESILIENCE INFRASTRUCTURE STREAM – LOCAL GOVERNMENT INTAKE**

**THIS TRANSFER PAYMENT AGREEMENT** for Investing in Canada Infrastructure Program (ICIP): COVID-19 Resilience Infrastructure Stream – Local Government Intake Stream Projects (the “**Agreement**”) is effective as of the Effective Date.

**B E T W E E N:**

**Her Majesty the Queen in right of Ontario,**  
as represented by the Minister of Infrastructure

(“**Ontario**” or the “**Province**”)

- and -

**City of Port Colborne**

**(CRA# 106984107)**

(the “**Recipient**”)

**BACKGROUND**

The Investing in Canada Infrastructure Program (“ICIP”) is a federal infrastructure program designed to create long-term economic growth, build inclusive, sustainable and resilient communities, and support a low-carbon economy.

The Government of Canada (“**Canada**”) announced, in its *Budget 2016* and *Budget 2017*, over \$180 billion for the ICIP to support sustainable and inclusive communities, while driving economic growth.

The Honourable Minister of Infrastructure and Communities and the Honourable Minister of Infrastructure entered into the Canada-Ontario Integrated Bilateral Agreement for the Investing in Canada Infrastructure Program for Canada to provide financial support to the Province.

Under the Bilateral Agreement, Canada agrees, amongst other things, to provide contribution funding to the Province under the COVID-19 Resilience Infrastructure stream of ICIP. This stream supports projects that support COVID-19 response and economic recovery efforts.

Also, under the Bilateral Agreement, Ontario agrees to identify projects and be responsible for the transfer of ICIP and provincial funds to eligible recipients pursuant to transfer payment agreements.

The Recipient has applied to the Province for ICIP funds to assist the Recipient in carrying out COVID-19 Resilience Infrastructure Stream – Local Government Intake stream projects.

The Province has submitted to Canada for approval and the Province and Canada have approved, in accordance with the terms and conditions set out in the Bilateral Agreement, the Projects as set out in Schedule “C” (Project Description, Financial Information, and Project Standards).

The Agreement sets out the terms and conditions upon which ICIP funds, up to the Maximum Funds, will be provided to the Recipient for carrying out each Project.

## **CONSIDERATION**

In consideration of the mutual covenants and agreements contained in the Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

### **1.0 ENTIRE AGREEMENT**

**1.1 Schedules to the Agreement.** The following schedules and their sub-schedules form part of the Agreement:

- Schedule “A” - General Terms and Conditions
- Schedule “B” - Specific Information
- Schedule “C” - Project Description, Financial Information, and Project Standards
  - Sub-Schedule “C.1” Project Description and Financial Information
- Schedule “D” - Reports
- Schedule “E” - Eligible Expenditures and Ineligible Expenditures
- Schedule “F” - Evaluation
- Schedule “G” - Communications Protocol
- Schedule “H” - Disposal of Assets
- Schedule “I” - Aboriginal Consultation Protocol
- Schedule “J” - Requests for Payment and Payment Procedures
- Schedule “K” - Committee

**1.2 Entire Agreement.** The Agreement constitutes the entire agreement between the Parties in respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements save and except for the Bilateral Agreement, which shall apply in accordance with section Subsection 2.1.

### **2.0 CONFLICT OR INCONSISTENCY**

- 2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between any of the requirements of:
- (a) the Bilateral Agreement and the Agreement, the Bilateral Agreement will prevail to the extent of the conflict or inconsistency;
  - (b) the main body of the Agreement and any of the requirements of a schedule or a sub-schedule, the main body of the Agreement will prevail to the extent of the conflict or inconsistency;
  - (c) Schedule “A” (General Terms and Conditions) and any of the requirements of another schedule or a sub-schedule, Schedule “A” (General Terms and Conditions) will prevail to the extent of the conflict or inconsistency; or
  - (d) a schedule and any of the requirements of a sub-schedule, the schedule will prevail to the extent of the conflict or inconsistency.

### 3.0 EXECUTION, DELIVERY AND COUNTERPARTS

- 3.1 **One and the Same Agreement.** The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.
- 3.2 **Electronic Execution and Delivery of Agreement.** The Parties agree that the Agreement may be validly executed electronically, and that their respective electronic signature is the legal equivalent of a manual signature. The electronic or manual signature of a Party may be evidenced by one of the following means and transmission of the Agreement may be as follows:
- (i) a manual signature of an authorized signing representative placed in the respective signature line of the Agreement and the Agreement delivered by facsimile transmission to the other Party;
  - (ii) a manual signature of an authorized signing representative placed in the respective signature line of the Agreement and the Agreement scanned as a Portable Document Format (PDF) and delivered by email to the other Party;
  - (iii) a digital signature, including the name of the authorized signing representative typed in the respective signature line of the Agreement, an image of a manual signature or an Adobe signature of an authorized signing representative, or any other digital signature of an authorized signing representative, placed in the respective signature line of the Agreement and the Agreement delivered by email to the other Party; or

- (iv) any other means with the other Party's prior written consent.

#### **4.0 AMENDING THE AGREEMENT AND AGREEMENT REVIEW**

- 4.1 **Amending the Agreement.** The Agreement may only be amended by a written agreement duly executed by the Parties.
- 4.2 **Agreement Review.** If, pursuant to section 25.10 (Review of Agreement) of the Bilateral Agreement, the Bilateral Agreement is reviewed after three or five years, or both, of the effective date of the Bilateral Agreement, and any changes to the Bilateral Agreement are required as a result, the Parties agree to amend the Agreement as necessary and in a manner that is consistent with such changes.

#### **5.0 ACKNOWLEDGEMENT**

- 5.1 **Acknowledgement from Recipient.** The Recipient acknowledges, in respect of the Projects, that:
  - (a) the Funds are to assist the Recipient to carry out the Projects and not to provide goods or services to the Province or Canada;
  - (b) the Province and Canada are not responsible for carrying out the Projects;
  - (c) the Province's and Canada's role in respect of the Projects is limited to making a financial contribution to the Recipient for the Projects, and the Province and Canada are not involved in the Projects or their operation;
  - (d) the Province and Canada are neither decision-makers nor administrators in respect of the Projects;
  - (e) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and any information provided to the Province in connection with the Projects or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act;
  - (f) Canada is bound by the *Access to Information Act* (Canada) and any information provided to Canada by either the Province or the Recipient in connection with the Projects or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act;
  - (g) by receiving Funds, the Recipient may be subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the



*Broader Public Sector Accountability Act, 2010 (Ontario), the Public Sector Salary Disclosure Act, 1996 (Ontario), and the Auditor General Act (Ontario); and*

(h) the Recipient has read and understood the Bilateral Agreement.

- 5.2 **Acknowledgement from Province.** The Province acknowledges that the Recipient may be bound by the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario) and any information provided to the Recipient in connection with the Projects or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

## 6.0 CANADA'S RIGHTS AND INFORMATION SHARING WITH CANADA

- 6.1 **Third Party Beneficiary.** The Recipient agrees that, although the Agreement is between the Province and the Recipient, Canada is, in respect of the rights, covenants, remedies, obligations, indemnities, and benefits (together referred to as "**Rights**") undertaken or given to Canada in the Agreement, a third party beneficiary under the Agreement and is entitled to rely upon and directly enforce those Rights as if Canada were a party to the Agreement.
- 6.2 **Sharing of Information with the Province and Canada.** The Recipient agrees that, consistent with section 6.1 (Third Party Beneficiary) and for the implementation of the Bilateral Agreement:
- (a) the Province or Canada, or both, and in respect of Canada either directly or through the Province, may, upon Notice to the Recipient, request additional information from the Recipient including, without limitation, information for any determination under Article A.27.0 (Environmental Requirements and Assessments) and Article A.28.0 (Aboriginal Consultation);
  - (b) if the Province or Canada, or both, provide the Recipient with Notice under paragraph 6.2(a), the Recipient will, within the timelines set out in the Notice, deliver the information to either the Province or Canada, or both, as required; and
  - (c) the Province or Canada, or both, may share any information received from the Recipient pursuant to the Agreement with each other.

**[SIGNATURE PAGE FOLLOWS]**

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**, as  
represented by the Minister of Infrastructure

\_\_\_\_\_  
Date

\_\_\_\_\_  
p.p. Adam Redish, Assistant Deputy Minister  
The Honourable Kinga Surma  
Minister of Infrastructure

AFFIX  
CORPORATE  
SEAL

**CITY OF PORT COLBORNE**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

I have authority to bind the Recipient.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name:  
Title:

I have authority to bind the Recipient.

**[SCHEDULE “A” – GENERAL TERMS AND CONDITIONS FOLLOWS]**

## **SCHEDULE “A” GENERAL TERMS AND CONDITIONS**

### **A.1.0 INTERPRETATION AND DEFINITIONS**

#### **A.1.1 Interpretation.** For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the background and headings do not form part of the Agreement; they are for information and reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency;
- (e) “shall” and “will” are used interchangeably in the Agreement and denote the same affirmative and imperative obligation on the applicable Party.
- (f) all accounting terms not otherwise defined in the Agreement have their ordinary meanings; and
- (g) “include”, “includes”, and “including” denote that the subsequent list is not exhaustive.

#### **A.1.2 Definitions.** In the Agreement, the following terms have the following meanings:

**“Aboriginal Community”** has the meaning ascribed to it in section I.1.1 (Definitions).

**“Aboriginal Consultation Record”** means the Aboriginal Consultation Record described in section I.3.1 (Requirements for Aboriginal Consultation Record).

**“Agreement”** means this agreement entered into between the Province and the Recipient, all of the schedules and sub-schedules listed in section 1.1 (Schedules to the Agreement), and any amending agreement entered into pursuant to section 4.1 (Amending the Agreement).

**“Asset”** means any real or personal property, or immovable or movable asset, acquired, purchased, constructed, rehabilitated, or improved, in whole or in part, with any of the Funds.

**“Authorities”** means any government authority, agency, body or department having or claiming jurisdiction over the Agreement or the Projects, or both.

**“Bilateral Agreement”** means the Canada-Ontario Integrated Bilateral Agreement for the Investing in Canada Infrastructure Program entered into between Canada and Her Majesty the Queen in right of Ontario, effective as of March 26, 2018, as amended.

**“Business Day”** means any working day the Province is open for business, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day; and any other day on which the Province is not open for business.

**“Canada”** means, unless the context requires otherwise, Her Majesty the Queen in right of Canada.

**“Canada’s Maximum Contribution”** means, for each Project, the maximum contribution from Canada as set out in Sub-schedule “C.1” (Project Description and Financial Information).

**“Committee”** refers to a Committee established pursuant to section A.29.1 (Establishment of Committee).

**“Communications Activities”** means, but is not limited to, public or media events or ceremonies including key milestone events, news releases, reports, web and social media products or postings, blogs, news conferences, public notices, physical and digital signs, publications, success stories and vignettes, photos, videos, multi-media content, advertising campaigns, awareness campaigns, editorials, multi-media products, and all related communication materials under the Agreement.

**“Construction Start”** means the performance of physical activities in relation to the Project which results in changes which are visible to any person inspecting the site and are recognizable as the initial steps for the preparation of the land or the installation of improvements of fixtures, unless otherwise approved by Canada.

**“Contract”** means a contract between the Recipient and a Third Party whereby the Third Party agrees to supply goods or services, or both, in respect of any Project in return for financial consideration.

**“Effective Date”** means the date of signature by the last signing party to the Agreement.

**“Eligible Expenditures”** means the costs in respect of each Project that the Recipient has incurred and paid and that are eligible for payment under the terms and conditions of the Agreement, and that are further described in Schedule “E” (Eligible Expenditures and Ineligible Expenditures).

**“Environmental Laws”** means all applicable governmental, regulations, by-laws, orders, rules, policies, or guidelines respecting the protection of the natural

environment or the public, and the manufacture, importation, handling, transportation, storage, disposal, and treatment of environmental contaminants and includes, without limitation, the *Environmental Protection Act* (Ontario), *Environmental Assessment Act* (Ontario), *Ontario Water Resources Act* (Ontario), *Canadian Environmental Protection Act, 1999* (Canada), *Canadian Environmental Assessment Act, 2012* (Canada), *Fisheries Act* (Canada), the *Impact Assessment Act* (Canada), and the *Canadian Navigable Waters Act* (Canada).

**“Evaluation”** means an evaluation in respect of any Project, the Projects or the ICIP as described in Article F.1.0 (Project and ICIP Evaluations).

**“Event of Default”** has the meaning ascribed to it in section A.12.1 (Events of Default).

**“Expiration Date”** means the expiry date set out in Schedule “B” (Specific Information).

**“Federal Approval Date”** means the date on which Canada has approved each Project identified in Sub-Schedule “C.1” (Project Description and Financial Information).

**“Funding Year”** means:

- (a) in the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31; and
- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31 or the Expiration Date, whichever comes first.

**“Funds”** means the money the Province provides to the Recipient pursuant to the Agreement.

**“Holdback”** means the Holdback described in and to be paid in accordance with section A.4.12 (Retention of Contribution) and Article J.6.0 (Holdback).

**“ICIP”** means the Investing in Canada Infrastructure Program, a federal infrastructure program described in the first paragraph of the “Background” to the Agreement.

**“Indemnified Parties”** means Her Majesty the Queen in right of Ontario and Her Majesty the Queen in right of Canada, and includes their respective ministers, officers, servants, agents, appointees and employees.

**“Ineligible Expenditures”** means the costs in respect of each Project that are ineligible for payment under the terms and conditions of the Agreement, and that are

described in Schedule “E” (Eligible Expenditures and Ineligible Expenditures).

**“Interest or Interest Earned”** means the amount of money earned by the Recipient from placing the Funds in an interest bearing account as set out under section A.4.4 (Interest-Bearing Account) of Schedule “A” of this Agreement, and includes any and all interest or other income generated from the Funds.

**“Loss”** means any cause of action, liability, loss, cost, damage, or expense (including legal, expert, and consultant fees) that anyone incurs or sustains as a result of or in connection with any Project or any part of the Agreement or the Bilateral Agreement.

**“Maximum Funds”** means the maximum Funds amount as set out in Schedule “B” (Specific Information).

**“Notice”** means any communication given or required to be given pursuant to the Agreement.

**“Ontario’s Maximum Contribution”** means, for each Project, the maximum contribution from Ontario as set out in Sub-schedule “C.1” (Project Description and Financial Information).

**“Parties”** means the Province and the Recipient.

**“Party”** means either the Province or the Recipient.

**“Person”** means, without limitation, a person, the Recipient, a Third Party, a corporation, or any other legal entity, and their officers, servants, employees, or agents.

**“Proceeding”** means any action, claim, demand, lawsuit, or other proceeding, whether in contract, tort (including negligence), or otherwise, that anyone makes, brings, or prosecutes as a result of or in connection with any Project or any part of the Agreement or the Bilateral Agreement.

**“Progress Report”** means the Progress Report described in Article D.1.0 (Reporting Requirements).

**“Project”** means any one of the undertakings described in Sub-schedule “C.1” (Project Description and Financial Information).

**“Projects”** means, collectively, the undertakings described in Sub-schedule “C.1” (Project Description and Financial Information).

**“Records Review”** means any assessment the Province conducts pursuant to section A.7.4 (Records Review).

**“Remedial Period”** means the period of time within which the Recipient is required to remedy an Event of Default, pursuant to paragraph A.12.3 (b), and includes any such period or periods of time by which the Province extends that time in accordance with section A.12.4 (Recipient Not Remediating).

**“Reports”** means the reports described in Schedule “D” (Reports).

**“Requirements of Law”** means all applicable requirements, laws, statutes, codes, acts, ordinances, approvals, orders, decrees, injunctions, by-laws, rules, regulations, official plans, permits, licences, authorizations, directions, and agreements with all Authorities, and includes the Environmental Laws.

**“Substantial Completion”** or **“Substantially Completed”** means, in respect of any Project, that the Project can be used for the purpose for which it was intended.

**“Term”** means the period of time described in section A.3.1 (Term).

**“Third Party”** means any person or legal entity, other than a Party, who participates in the implementation of any Project by means of a Contract.

**“Total Financial Assistance”** means for each Project, the total Project funding from all sources including, but not limited to, funding from federal, provincial, territorial, municipal, regional, band council, and Indigenous government sources; private sources; and in-kind contributions.

## **A.2.0 REPRESENTATIONS, WARRANTIES, AND COVENANTS**

**A.2.1 General.** The Recipient represents, warrants, and covenants that, in respect of each Project:

- (a) it has, and will continue to have, the experience and expertise necessary to carry out the Project;
- (b) it is in compliance with, and will continue to comply with, all Requirements of Law related to any aspect of the Project, the Funds, or both;
- (c) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for Funds (including, without limitation, any information relating to any eligibility requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete;
- (d) the Project meets and will continue to meet all of the program’s eligibility criteria, construction conditions and the Recipient will abide by all of the Province’s and Canada’s respective requirements set out in the guidelines, including the

financial, contractual and reporting requirements;

- (e) the Project meets the outcomes of the COVID-19 Resilience Infrastructure Stream – Local Government Intake stream, being:
  - (i) To support COVID-19 response and economic recovery efforts.
- (f) The Project will be community-oriented, non-commercial in nature, and open for use to the public and not limited to a private membership; and
- (g) any Funds received have not displaced, and will continue to not displace, the Recipient's own funding and spending on public transit.

**A.2.2 Execution of Agreement.** The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement, in a manner that is satisfactory to the Province, including passing of a municipal by-law or council resolution authorizing the Recipient to enter into the Agreement, where required.

**A.2.3 Governance.** The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) procedures to enable the Recipient to manage Funds prudently and effectively;
- (b) procedures to enable the Recipient to complete each Project successfully;
- (c) procedures to enable the Recipient to identify risks to the completion of each Project and strategies to address the identified risks, all in a timely manner;
- (d) procedures to enable the preparation and submission of all Reports required pursuant to Article A.7.0 (Reporting, Accounting, and Review); and
- (e) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to enable the Recipient to carry out its obligations under the Agreement.

**A.2.4 Supporting Proof.** Upon the request of the Province, the Recipient will provide the Province with proof of the matters referred to in this Article A.2.0 (Representations, Warranties, and Covenants).

### **A.3.0 TERM OF THE AGREEMENT AND SUBSTANTIAL COMPLETION**



- A.3.1 **Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiration Date, unless terminated earlier pursuant to Article A.11.0 (Termination on Notice) or Article A.12.0 (Event of Default, Corrective Action, and Termination for Default).
- A.3.2 **Substantial Completion.** The Recipient will ensure that each Project is Substantially Completed on or before December 31, 2021, or any other date subject to the prior written consent of the Province.

#### **A.4.0 FUNDS AND CARRYING OUT THE PROJECTS**

A.4.1 **Funds Provided.** The Province will:

- (a) provide the Recipient funding up to the Maximum Funds for the sole purpose of carrying out each Project;
- (b) provide the Funds to the Recipient in accordance with the request for payment and payment procedures provided for in Schedule “J” (Requests for Payment and Payment Procedures); and
- (c) deposit the Funds into an account the Recipient designates, provided that the account:
  - (i) is at a branch of a Canadian financial institution in Ontario; and
  - (ii) is solely in the name of the Recipient.

A.4.2 **Limitation on Payment of Funds.** Despite section A.4.1 (Funds Provided):

- (a) in addition to any other limitation under the Agreement on the payment of Funds, the Province is not obligated to provide:
  - (i) any Funds to the Recipient until the Recipient fulfils the special conditions listed in section A.31.1 (Special Conditions); and
  - (ii) any Funds to the Recipient until the Province and Canada are satisfied with the progress of any Project;
- (b) the Province, at its sole discretion, may adjust the amount of Funds it provides to the Recipient based upon the Province’s assessment of the information the Recipient provides to the Province pursuant to section A.7.2 (Preparation and Submission); and
- (c) any payment of Funds is subject to:

- (i) the requirements of the *Financial Administration Act* (Ontario), including the availability of an appropriation by the Ontario Legislature that is sufficient and constitutes lawful authority for the payment;
- (ii) ministerial funding levels in respect of transfer payments, the program under which the Agreement was made, or otherwise that are sufficient for the payment; and
- (iii) Canada's payment of funds to the Province, pursuant to the Bilateral Agreement, that are sufficient for the payment.

The Province, at its sole discretion, may reduce or cancel any amount of Funds or terminate the Agreement in response to a reduction or lack of federal or provincial government appropriation, ministerial funding levels, or Canada's payment of funds. Notwithstanding Article A.9.0 (Limitation of Liability and Indemnity), the Province will not be liable for any direct, indirect, consequential, exemplary, or punitive damages, regardless of the form of action, whether in contract or in tort (including negligence) or otherwise, arising from any reduction or cancellation of Funds. If any changes to the Agreement, including changes in respect of any Project, are required as a result, the Parties agree to amend the Agreement accordingly.

**A.4.3 Use of Funds and Carry Out the Projects.** The Recipient will, in respect of each Project, do all of the following:

- (a) carry out the Project in accordance with the Agreement;
- (b) use the Funds only for the purpose of carrying out the Project;
- (c) spend the Funds only on Eligible Expenditures as described in Schedule "E" (Eligible Expenditures and Ineligible Expenditures);
- (d) not use the Funds to cover any Ineligible Expenditure; and
- (e) not use the Funds to cover any Eligible Expenditure that has or will be funded or reimbursed by one or more of any third party, or ministry, department, agency, or organization of the Government of Ontario or of the Government of Canada.

**A.4.4 Interest-Bearing Account.** If for any reason, Funds were provided to the Recipient before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest-bearing account solely in the name of the Recipient at a branch of a Canadian financial institution in Ontario. The Recipient will hold the Funds plus any Interest Earned in trust for the Province until the Funds are used in accordance with the Agreement.

**A.4.5 Interest.** If the Recipient earns any Interest on the Funds, the Province may do either

or both of the following:

- (a) deduct an amount equal to the Interest Earned from the remaining Funds, if any;
- (b) demand from the Recipient the payment of an amount equal to the Interest Earned.

**A.4.6 Maximum Funds and Recovery of Excesses.** The Recipient acknowledges that:

- (a) the Funds available to it pursuant to the Agreement will not exceed the Maximum Funds for each Project;
- (b) if Canada's total contribution from all federal sources in respect of any Project exceeds eighty percent of Total Eligible Expenditures, the Province may demand the return of the excess from the Recipient and the Recipient shall return the excess forthwith or the Province, at its discretion, may reduce the remaining Funds under the Agreement by an amount equal to the excess; and
- (c) if the Total Financial Assistance received or due in respect of any Project exceeds one hundred percent (100%) of Total Eligible Expenditures, the Province, at its sole discretion, may, up to the Maximum Funds, demand the return of the excess from the Recipient and the Recipient shall return the excess forthwith or the Province may reduce the remaining Funds under the Agreement by an amount equal to the excess.

**A.4.7 Disclosure of Other Financial Assistance.** The Recipient will inform the Province promptly of any financial assistance received in respect of any Project.

**A.4.8 Rebates, Credits, and Refunds.** The Province will, in respect of each Project, calculate Funds based on the actual costs to the Recipient to carry out the Project, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit, or refund.

**A.4.9 Recipient's Acknowledgement of Responsibility for Projects.** The Recipient will, in respect of each Project, assume full responsibility for the Project, including, without limitation:

- (a) complete, diligent, and timely Project implementation within the costs and timelines specified in the Agreement and in accordance with all other terms and conditions of the Agreement;
- (b) all of the costs of the Project, including, without limitation, unapproved expenditures, Ineligible Expenditures, and cost overruns, if any;
- (c) subsequent operation, maintenance, repair, rehabilitation, construction, demolition, or reconstruction, as required and in accordance with industry

standards, and any related costs for the full lifecycle of the Project; and

(d) the engineering work being undertaken in accordance with industry standards.

**A.4.10 Increase in Project Costs.** If, at any time during the Term the Recipient determines that it will not be possible to complete any Project unless it expends amounts in excess of all funding available to it (a “**Shortfall**”), the Recipient will immediately notify the Province of that determination. If the Recipient so notifies the Province, it will, within 30 days of a request from the Province, provide a summary of the measures that it proposes to remedy the Shortfall. If the Province is not satisfied that the measures proposed will be adequate to remedy the Shortfall, then the Province may exercise one or more of the remedies available to it pursuant to section A.12.4 (Recipient Not Remediating).

**A.4.11 Recipient’s Request for Payment and Payment Procedures.** The Recipient agrees to submit its requests for payment in accordance with the payment procedures provided for in Schedule “J” (Requests for Payment and Payment Procedures).

**A.4.12 Retention of Contribution.** The Province will retain 10% of the Maximum Funds in respect of each Project (“**Holdback**”) up until the Recipient has fulfilled all of its obligations under the Agreement for the Project.

## **A.5.0 RECIPIENT’S ACQUISITION OF GOODS OR SERVICES, CONTRACT PROVISIONS, AND DISPOSAL OF ASSETS**

**A.5.1 Acquisition.** The Recipient will ensure that all Contracts are awarded in way that is:

- (a) is fair, transparent, competitive, and consistent with value for money principles, or in a manner otherwise acceptable to the Province and Canada; and
- (b) if applicable, is in accordance with the Canadian Free Trade Agreement and international agreements.

**A.5.2 Non-Compliance with Acquisition Requirements.** If the Province or Canada determines that a Contract is awarded in a manner that is not in compliance with the requirements in section A.5.1 (Acquisition), upon giving Notice to the Recipient, the Province may consider the expenditures associated with the Contract to be an Ineligible Expenditure.

**A.5.3 Exemptions to Competitive Awarding.** The Province and Canada may consent to the provision of exemptions from competitive awarding of Contracts on a case-by-case basis, in their sole and absolute discretion, if the Recipient:

- (a) provides a written request indicating the business case rationale for the exemption, in advance of the Contract being awarded;

(b) attests to:

- (i) following value-for-money procurement processes for materials and sub-contracts; and
- (ii) following its own policies and procedures.

**A.5.4 Contract Provisions.** The Recipient will ensure that all Contracts are consistent with and incorporate the relevant provisions of the Agreement, including its insurance provisions. More specifically, but without limiting the generality of the foregoing, the Recipient agrees to include provisions in all Contracts to ensure:

- (a) that proper and accurate accounts and records are kept and maintained as described in the Agreement including, but not limited to, in paragraph A.7.3(a);
- (b) that all applicable Requirements of Law including, without limitation, labour and human rights legislation, are complied with; and
- (c) that the Contract secures the respective rights of the Province and Canada, and any authorized representative or independent auditor identified by the Province or Canada, and the Auditor General of Ontario and the Auditor General of Canada to:
  - (i) inspect and audit the terms of any Contract, record or account in respect of each Project; and
  - (ii) have free and timely access to the Project sites and facilities, and any records, documentation or information, as contemplated pursuant to section A.7.5 (Inspection and Removal).

**A.5.5 Disposal of Assets.** The Recipient will not, unless in accordance with the terms and conditions set out in Schedule “H” (Disposal of Assets), sell, lease, encumber, or otherwise dispose, directly or indirectly, of any Asset.

**A.5.6 Revenue from Assets.** If any Asset is used in such a way that over the course of a year revenues are generated from the Asset that exceed its operating expenses, the Recipient will notify the Province within 30 days of the end of the year where such profit was generated. The Province may require the Recipient to immediately pay to the Province a portion of the excess in the same proportion as the total cost of the Asset. This obligation will only apply during the Asset Disposal Period.

## **A.6.0 CONFLICT OF INTEREST**

**A.6.1 Conflict of Interest Includes.** For the purposes of this Article A.6.0 (Conflict of Interest), a conflict of interest includes any circumstances where:

- (a) the Recipient or any person who has the capacity to influence the Recipient's decisions has outside commitments, relationships, or financial interests that could, or could be seen by a reasonable person to interfere with the Recipient's objective, unbiased, and impartial judgment in respect of any Project or the use of the Funds, or both; or
- (b) a former public servant or public office holder to whom any post-employment, ethics and conflict of interest legislation, guidelines, codes, or policies of Canada apply will derive a direct benefit from the Agreement, unless the provision or receipt of such benefits complies with such legislation, guidelines, policies, or codes.

**A.6.2 No Conflict of Interest.** The Recipient will carry out each Project and use the Funds without an actual, potential, or perceived conflict of interest unless:

- (a) the Recipient:
  - (i) provides Notice to the Province disclosing the details of the actual, potential, or perceived conflict of interest; and
  - (ii) requests the consent of the Province to carry out the Project with an actual, potential, or perceived conflict of interest;
- (b) the Province consents in writing to the Recipient carrying out the Project with an actual, potential, or perceived conflict of interest; and
- (c) the Recipient complies with any terms and conditions the Province may prescribe in its consent.

## **A.7.0 REPORTING, ACCOUNTING, AND REVIEW**

**A.7.1 Province and Canada Include.** For the purpose of sections A.7.4 (Records Review), A.7.5 (Inspection and Removal) and A.7.6 (Cooperation), "Province" includes Canada and any auditor or representative that the Province or Canada, or both, may identify.

**A.7.2 Preparation and Submission.** The Recipient will:

- (a) submit to the Province at the address referred to in section A.15.1 (Notice in Writing and Addressed):

- (i) all Reports in accordance with the timelines and content requirements provided for in Schedule “D” (Reports); and
  - (ii) any other reports in accordance with any timelines and content requirements the Province may specify from time to time; and
- (b) ensure that all Reports and other reports are:
  - (i) completed to the satisfaction of the Province; and
  - (ii) signed by an authorized signing officer of the Recipient.

**A.7.3 Record Maintenance.** The Recipient will keep and maintain until March 31, 2034:

- (a) proper and accurate financial accounts and records, kept in a manner consistent with generally accepted accounting principles, including but not limited to its contracts, invoices, statements, receipts, and vouchers and any other evidence of payment relating to the Funds or otherwise to each Project; and
- (b) all non-financial records and documents relating to the Funds or otherwise to each Project.

**A.7.4 Records Review.** The Province, at its sole discretion and expense, may, upon 24 hours’ Notice to the Recipient and during normal business hours, enter upon the Recipient’s premises to conduct an audit or investigation of the Recipient or any Project regarding the Recipient’s compliance with the Agreement, including assessing any of the following:

- (a) the truth of any of the Recipient’s representations and warranties;
- (b) the progress of the Project; or
- (c) the Recipient’s allocation and expenditure of the Funds.

**A.7.5 Inspection and Removal.** For the purposes of any Records Review, the Province may take one or more of the following actions:

- (a) inspect and copy any records or documents referred to in section A.7.3 (Record Maintenance);
- (b) remove any copies the Province makes pursuant to section A.7.5(a); and
- (c) share any documents, records and findings with Canada.

- A.7.6 **Cooperation.** To assist the Province in respect of its rights provided for in section A.7.5 (Inspection and Removal), the Recipient will cooperate with the Province by:
- (a) ensuring that the Province has access to the records and documents wherever they are located;
  - (b) coordinating access with any Third Party;
  - (c) assisting the Province to copy the records and documents;
  - (d) providing to the Province, in the form the Province specifies, any information the Province identifies; and
  - (e) carrying out any other activities the Province requests.
- A.7.7 **No Control of Records.** No provision of the Agreement will be construed so as to give the Province or Canada, or both, any control whatsoever over the Recipient's records.
- A.7.8 **Auditor General (Ontario and Canada).** The Province's rights under this Article A.7.0 (Reporting, Accounting, and Review) are in addition to any rights provided to the Auditor General of Ontario pursuant to section 9.2 of the *Auditor General Act* (Ontario) and to the Auditor General of Canada pursuant to section 7.1 of the *Auditor General Act* (Canada).
- A.7.9 **Sharing of Audit Findings and Reports.** The Recipient acknowledges that Canada and the Province may:
- (a) inform each other, and any of their respective authorized representatives and auditors, that an audit is being conducted; and
  - (b) share the findings of any audit or investigation, including any ensuing report, with each other and any of their respective authorized representatives and auditors.
- A.7.10 **Evaluation.** The Recipient agrees to participate in any Evaluation and comply with the requirements for such Evaluation that are set out in Schedule "F" (Evaluation).
- A.7.11 **Calculations.** The Recipient will make all calculations and prepare all financial data to be submitted in accordance with the generally accepted accounting principles in effect in Canada. These will include, without limitation, those principles and standards approved or recommended from time to time by the Chartered Professional Accountants of Canada or the Public Sector Accounting Board, as applicable, or any successor institute, applied on a consistent basis.
- A.7.12 **Adverse Fact or Event.** The Recipient will inform the Province immediately of any fact or event of which it is aware that has or will compromise, wholly or in part, any Project.



## **A.8.0 COMMUNICATIONS REQUIREMENTS**

- A.8.1 Communications Protocol.** The Parties agree to be bound by the terms and conditions of the communications protocol provided for in Schedule “G” (Communications Protocol).

## **A.9.0 LIMITATION OF LIABILITY AND INDEMNITY**

- A.9.1 Province and Canada Limitation of Liability.** In no event will any of the Indemnified Parties be held liable for any damages, including direct, indirect, consequential, exemplary, or punitive damages, regardless of the form of action, whether in contract, tort (including negligence), or otherwise, for:

- (a) any injury to any Person, including, but not limited to, death, economic loss, or infringement of rights;
- (b) any damage to or loss or destruction of property of, any Person; or
- (c) any obligation of any Person, including, but not limited to, any obligation arising from a loan, capital lease, or other long-term obligation

in relation to the Agreement, the Bilateral Agreement, or any Project or Projects.

- A.9.2 Indemnification of the Province and Canada.** The Recipient will indemnify and hold harmless the Indemnified Parties from and against any Loss and any Proceeding based upon or occasioned by:

- (a) any injury to any Person, including, but not limited to, death, economic loss, or any infringement of rights;
- (b) any damage to, or loss or destruction of, property of any Person; or
- (c) any obligation of any Person, including, but not limited to, any obligation arising from a loan, capital lease, or other long-term obligation,

except to the extent to which such Loss or Proceeding is caused by the negligence or wilful misconduct of any Indemnified Party in the performance of that Indemnified Party's duties.

- A.9.3 Recipient's Participation.** The Recipient will, at its expense, to the extent requested by the Province or Canada, or both, participate in or conduct the defence of any Proceeding against any of the Indemnified Parties and any negotiations for their settlement.

- A.9.4 **Province's Election.** The Province or Canada, or both, may elect to participate in, or conduct the defence of, any Proceeding by providing Notice to the Recipient of such election, without prejudice to any other rights or remedies of the Province under the Agreement or of the Province or Canada under the Bilateral Agreement, at law or in equity. If the Province, Canada, or the Recipient, as applicable, participates in the defence, it will do so by actively participating with the other's counsel.
- A.9.5 **Settlement Authority.** The Recipient will not enter into a settlement of any Proceeding against any of the Indemnified Parties unless the Recipient has obtained from the Province or Canada, as applicable, prior written approval or a waiver of this requirement. If the Recipient is requested by the Province or Canada to participate in or conduct the defence of any Proceeding, the Province or Canada, as applicable, will cooperate with and assist the Recipient to the fullest extent possible in the Proceeding and any related settlement negotiations.
- A.9.6 **Recipient's Cooperation.** If the Province or Canada conducts the defence of any Proceeding, the Recipient will cooperate with and assist the Province or Canada, as applicable, to the fullest extent possible in the Proceeding and any related settlement negotiations.

## **A.10.0 INSURANCE**

- A.10.1 **Recipient's Insurance.** The Recipient represents, warrants, and covenants that it has, and will maintain at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to each Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury, and property damage, to an inclusive limit of not less than \$2,000,000.00 per occurrence, and including products and completed operations coverage with the endorsements identified below:
- (a) the Indemnified Parties as additional insureds in respect of liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
  - (b) a cross-liability clause;
  - (c) contractual liability coverage; and
  - (d) a 30-day written notice of cancellation.
- A.10.2 **Proof of Insurance.** At the request of the Province from time to time, the Recipient will:
- (a) provide to the Province, either:

- (i) annually, certificates of insurance that confirm the insurance coverage as provided in section A.10.1 (Recipient's Insurance); or
  - (ii) other proof that confirms the insurance coverage as provided for in section A.10.1 (Recipient's Insurance); and
- (b) provide to the Province a copy of any of the Recipient's insurance policies that relate to each Project or otherwise to the Agreement or both.

#### **A.11.0 TERMINATION ON NOTICE**

**A.11.1 Termination on Notice.** The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

**A.11.2 Consequences of Termination on Notice by the Province.** If the Province terminates the Agreement pursuant to section A.11.1 (Termination on Notice), the Province may take one or more of the following actions:

- (a) Direct the Recipient not to incur any further costs for any Project subsequent to the Notice of termination. If the Recipient fails to comply with such direction and unless with the Province's prior written consent, the Recipient shall be solely responsible for any further costs incurred after such Notice was given;
- (b) cancel all further instalments of Funds; and
- (c) demand the payment of any Funds plus any Interest Earned remaining in the possession or under the control of the Recipient.

#### **A.12.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT**

**A.12.1 Events of Default.** It will constitute an Event of Default if, in the opinion of the Province, the Recipient breaches any representation, warranty, covenant, or other material term of the Agreement, including:

- (a) failing to carry out any Project in whole or in part in accordance with the terms of the Agreement;
- (b) failing to use or spend Funds in accordance with the terms of the Agreement;
- (c) failing to provide, in accordance with section A.7.2 (Preparation and Submission), Reports or such other reports as the Province may have requested pursuant to the Agreement);

- (d) the Recipient's operations, its financial condition, its organizational structure or its control changes such that it no longer meets one or more of the eligibility requirements of the program under which the Province provides the Funds;
- (e) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
- (f) the Recipient ceases to operate.

**A.12.2 Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, and at its sole discretion, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of any Project;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel all further instalments of Funds;
- (f) demand from the Recipient the payment of any Funds plus any Interest Earned remaining in the possession or under the control of the Recipient;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand from the Recipient the repayment of an amount equal to any Funds the Province provided to the Recipient;
- (i) demand from the Recipient an amount equal to the costs the Province incurred or incurs to enforce its rights under the Agreement, including the costs of any Records Review and the costs it incurs to collect any amounts the Recipient owes to the Province; and
- (j) terminate the Agreement at any time, including immediately, without liability, penalty, or costs to the Province upon giving Notice to the Recipient.

**A.12.3 Opportunity to Remedy.** If, in accordance with paragraph A.12.2(b), the Province

provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Remedial Period.

**A.12.4 Recipient Not Remediating.** If the Province provided the Recipient with an opportunity to remedy the Event of Default pursuant to paragraph A.12.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Remedial Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Remedial Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Remedial Period or initiate any one or more of the actions provided for in paragraphs A.12.2(a), (c), (d), (e), (f), (g), (h), (i) and (j).

**A.12.5 When Termination Effective.** Termination under this Article A.12.0 (Event of Default, Corrective Action, and Termination for Default) will take effect as provided for in the Notice.

### **A.13.0 FUNDS UPON EXPIRY**

**A.13.1 Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds plus Interest Earned remaining in its possession, under its control, or both.

### **A.14.0 DEBT DUE AND PAYMENT**

**A.14.1 Payment of Overpayment.** If at any time the Province provides Funds in excess of the amount the Recipient is entitled to under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds plus any Interest Earned from any further instalments of Funds; or
- (b) demand that the Recipient pay to the Province an amount equal to the excess Funds plus any Interest Earned.

**A.14.2 Debt Due.** If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds, an amount equal to any Funds, or any other amounts owing under the Agreement; or
- (b) the Recipient owes to the Province any Funds, an amount equal to any Funds, or any other amounts under the Agreement, whether or not the Province has demanded their payment,

such amounts will be deemed to be debts due and owing to the Province by the Recipient, and the Recipient will pay the amounts to the Province immediately, unless the Province directs otherwise.

- A.14.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing to the Province by the Recipient under the Agreement at the then-current interest rate charged by the Province of Ontario on accounts receivable.
- A.14.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the “Ontario Minister of Finance” and delivered to the Province at the address set out in Schedule “B” (Specific Information) for the purposes of Notice to the Province.
- A.14.5 **Failure to Repay.** Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

## **A.15.0 NOTICE**

- A.15.1 **Notice in Writing and Addressed.** Notice will be:

- (a) in writing;
- (b) delivered by email, postage-prepaid mail, personal delivery, or courier; and
- (c) addressed to the Province and the Recipient as set out in Schedule “B” (Specific Information), or as either Party later designates to the other by Notice.

- A.15.2 **Notice Given.** Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is delivered; and
- (b) in the case of email, personal delivery, or courier, on the date on which the Notice is delivered.

- A.15.3 **Postal Disruption.** Despite paragraph A.15.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be given; and
- (b) the Party giving Notice will provide Notice by email, personal delivery, or courier.

#### **A.16.0 CONSENT BY PROVINCE OR CANADA AND COMPLIANCE BY RECIPIENT**

A.16.1 **Consent.** When the Province or Canada provides its consent pursuant to the Agreement:

- (a) it will do so by Notice;
- (b) it may attach any terms and conditions to the consent; and
- (c) the Recipient may rely on the consent only if the Recipient complies with any terms and conditions the Province or Canada may have attached to the consent.

#### **A.17.0 SEVERABILITY OF PROVISIONS**

A.17.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement.

#### **A.18.0 WAIVER**

A.18.1 **Waiver Request.** Either Party may, by Notice, ask the other Party to waive an obligation under the Agreement.

A.18.2 **Waiver Applies.** If in response to a request made pursuant to section A.18.1 (Waiver Request) a Party consents to a waiver, the waiver will:

- (a) be valid only if the Party that consents to the waiver provides the consent by Notice; and
- (b) apply only to the specific obligation referred to in the waiver.

A.18.3 **Waivers in Writing.** If a Party fails to comply with any term of the Agreement, that Party may only rely on a waiver of the other Party if the other Party has provided a written waiver in accordance with the Notice provisions in Article A.15.0 (Notice). Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply.

#### **A.19.0 INDEPENDENT PARTIES**

A.19.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner, or employee of either the Province or Canada, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

A.19.2 **No Authority to Represent.** Nothing in the Agreement is to be construed as authorizing any Person, including a Third Party, to contract for or to incur any obligation on behalf of the Province or Canada, or both, or to act as an agent for the Province or Canada. The Recipient will take the necessary action to ensure that any Contract between the Recipient and a Third Party contains a provision to that effect.

#### **A.20.0 ASSIGNMENT OF AGREEMENT OR FUNDS**

A.20.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A.20.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on:

- (a) the Recipient's successors and permitted assigns; and
- (b) the successors to Her Majesty the Queen in right of Ontario.

#### **A.21.0 GOVERNING LAW**

A.21.1 **Governing Law.** The Agreement and the rights, obligations, and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

#### **A.22.0 FURTHER ASSURANCES**

A.22.1 **Agreement into Effect.** The Recipient will:

- (a) provide such further assurances as the Province may request from time to time in respect to any matter to which the Agreement pertains; and
- (b) do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

#### **A.23.0 JOINT AND SEVERAL LIABILITY**



A.23.1 **Joint and Several Liability.** Where the Recipient is comprised of more than one entity, each entity will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

#### **A.24.0 RIGHTS AND REMEDIES CUMULATIVE & JOINT AUTHORSHIP**

A.24.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

A.24.2 **Joint Authorship Of Agreement.** Each and every provision of this Agreement shall be construed as though both Parties participated equally in the drafting of same, and any rule of construction that a document shall be construed against the drafting party, including without limitation, the doctrine commonly known as contra proferentem, shall not be applicable to this Agreement. The Parties shall not seek to avoid a provision herein because of its authorship through recourse to a third-party, court, tribunal or arbitrator.

#### **A.25.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS**

A.25.1 **Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition, or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province, at its sole discretion, may suspend the payment of Funds for such period as the Province determines appropriate and may demand immediate repayment or deduct such amounts owing plus any Interest Earned from the remaining Funds, if any, as a result of such Failure.

#### **A.26.0 SURVIVAL**

**A.26.1 Survival.** Any rights and obligations of the Parties that, by their nature, extend beyond the termination of the Agreement will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement, unless otherwise specified herein. Surviving provisions include, without limitation, the following Articles, sections and paragraphs, and all applicable cross-referenced Articles, sections, paragraphs, schedules, and sub-schedules: Articles 1.0 (Entire Agreement), 2.0 (Conflict or Inconsistency), 5.1 (Acknowledgement from Recipient), 6.0 (Canada's Rights and Information Sharing with Canada), A.1.0 (Interpretation and Definitions) and any other applicable definitions, A.2.0 (Representations, Warranties, and Covenants), A.4.2(c), sections A.4.4 (Interest-Bearing Account), A.4.5 (Interest), A.4.6 (Maximum Funds and Recovery of Excesses), A.4.8 (Rebates, Credits, and Refunds), A.4.9 (Recipient's Acknowledgement of Responsibility for Projects), A.5.5 (Disposal of Assets), A.5.6 (Revenue from Assets), A.7.1 (Province and Canada Include), A.7.2 (Preparation and Submission) (to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province), A.7.3 (Record Maintenance), A.7.4 (Records Review), A.7.5 (Inspection and Removal), A.7.6 (Cooperation), A.7.7 (No Control of Records), A.7.8 (Auditor General (Ontario and Canada)), A.7.9 (Sharing of Audit Findings and Reports), A.7.10 (Evaluation), A.7.11 (Calculations), Articles A.8.0 (Communications Requirements), A.9.0 (Limitation of Liability and Indemnity), A.10.1 (Recipient's Insurance) (for a period of 90 Business Days from the date of expiry or termination of the Agreement of the Agreement), sections A.11.2 (Consequences of Termination on Notice by the Province), A.12.1 (Events of Default), paragraphs A.12.2(d), (e), (f), (g), (h) and (i), A.13.0 (Funds Upon Expiry), A.14.0 (Debt Due and Payment), A.15.0 (Notice), and A.17.0 (Severability of Provisions), section A.20.2 (Agreement Binding), and Articles A.21.0 (Governing Law), A.23.0 (Joint and Several Liability), A.24.0 (Rights and Remedies Cumulative & Joint Authorship), A.26.0 (Survival), A.27.0 (Environmental Requirements and Assessments), A.28.0 (Aboriginal Consultation), and A.31.0 (Special Conditions).

## **A.27.0 ENVIRONMENTAL REQUIREMENTS AND ASSESSMENTS**

**A.27.1 Federal Environmental Requirements.** Without limitation to the Recipient's obligations to comply with Environmental Laws and for greater clarity:

- (a) no site preparation, removal of vegetation or construction will occur in respect of any Project; and
- (b) the Province will have no obligation to pay any Eligible Expenditures that are capital costs, as determined by the Province, until Canada is satisfied that federal requirements are met, and continue to be met, under the following:
  - (i) *Canadian Environmental Assessment Act, 2012* or the *Impact Assessment Act*,
  - (ii) other applicable environmental assessment legislation that is or may come

into force during the term of the Agreement; and

(iii) other applicable agreements between Canada and Aboriginal Communities.

A.27.2 **Assessments.** The Recipient will complete the assessments that are further described in Schedule “D” (Reports).

#### **A.28.0 ABORIGINAL CONSULTATION**

A.28.1 **Aboriginal Consultation Protocol.** The Parties agree to be bound by the terms and conditions of the Aboriginal Consultation Protocol provided for in Schedule “I” (Aboriginal Consultation Protocol).

A.28.2 **Legal Duty to Consult.** Until Canada and, if applicable, the Province are satisfied that any legal duty to consult and, where appropriate, to accommodate Aboriginal Communities, or any other federal consultation requirement, has been, and continues to be met:

- (a) no site preparation, removal of vegetation or construction will occur in respect of any Project; and
- (b) despite section A.4.1, the Province has no obligation to pay any Eligible Expenditures that are capital costs, as determined by the Province and Canada; and, for any Project requiring consultation, Canada and, if applicable, the Province must be satisfied that:
  - (i) Aboriginal Communities have been notified and, if applicable, consulted;
  - (ii) where consultation has occurred, the Recipient has provided a summary of consultation or engagement activities, including a list of Aboriginal Communities consulted, concerns raised, and how each of the concerns have been addressed or, if not addressed, an explanation as to why not;
  - (iii) the Recipient is carrying out accommodation measures, where appropriate; and
  - (iv) any other information has been provided which Canada or the Province, or both, may deem appropriate.

A.28.3 **Funding Conditional upon Meeting Aboriginal Consultation Obligations.** No Funds will be provided to the Recipient under the Agreement unless Canada and, if applicable in the opinion of the Province, the Province are satisfied that their respective obligations have been met in respect of the legal duty to consult and, if applicable, accommodate any Aboriginal Community.

## **A.29.0 COMMITTEE**

- A.29.1 **Establishment of Committee.** The Province may, at its sole discretion, require the establishment of a committee to oversee the Agreement (the “Committee”).
- A.29.2 **Notice of Establishment of Committee.** Upon Notice from the Province, the Parties will hold an initial meeting to establish, in accordance with Schedule “K” (Committee), the Committee described in section A.29.1 (Establishment of Committee).

## **A.30.0 DISPUTE RESOLUTION**

- A.30.1 **Contentious Issues.** The Parties will keep each other informed of any issues that could be contentious.
- A.30.2 **Examination by the Committee and Parties.** If a contentious issue arises and a Committee has been established under section A.29.1 (Establishment of Committee), the Parties will refer the contentious issue that may arise to the Committee for examination. In the absence of a Committee, the Parties will examine the contentious issue.
- A.30.3 **Potential Dispute Resolution by Committee.** The Committee or the Parties, as the case may be, will attempt, reasonably and in good faith, to resolve disputes as soon as possible and, in any event, within, for the Committee, 30 days, or, for the Parties, 90 days of receiving Notice of a contentious issue.
- A.30.4 **Dispute Resolution by the Parties.** If the Committee cannot agree on a resolution, the matter will be referred to the Parties for resolution. The Parties will provide a decision within 60 Business Days of the Notice.
- A.30.5 **Alternative Mechanisms for Dispute Resolutions.** Where the Parties cannot agree on a resolution, the Parties may use any alternative dispute resolution mechanisms available to them to resolve the issue.
- A.30.6 **Suspension of Payments.** The Province may suspend any payments related to any contentious issue or dispute raised by either Party, together with the obligations related to such issue, pending resolution.

## **A.31.0 SPECIAL CONDITIONS**

- A.31.1 **Special Conditions.** The Province’s funding under the Agreement is conditional upon,
- (a) on or before the Effective Date, the Recipient having provided to the satisfaction of the Province with:

- (i) a copy of the by-law(s), council resolution(s) or both or any other necessary instrument applicable to the Recipient authorizing its entry into the Agreement;
  - (ii) the certificates of insurance or any other proof the Province may request pursuant to section A.10.2 (Proof of Insurance);
  - (iii) banking information, such as a void cheque or a bank letter, for an interest-bearing account in the name of the Recipient at a Canadian financial institution, into which the Province may transfer funds electronically; and
  - (iv) any other Reports requested by the Province in the format specified.
- (b) prior to submitting a request for payment in respect of any Project under the Agreement if required by the Province,
- (i) the Recipient having provided to the satisfaction of the Province with written confirmation that:
    - a. the Recipient is in compliance with all Environmental Laws, including the Recipient's obligations under section A.27.1 (Federal Environmental Requirements), and has obtained all necessary approvals and permits;
    - b. the Recipient has met any requirements under Article A.28.0 (Aboriginal Consultation) that may apply to the Project; and
    - c. the Recipient has the necessary ownership of any real property required for the completion of the Project; and
  - (ii) the Recipient having provided to the satisfaction of the Province with any required assessments pursuant to Article A.27.0 (Environmental Requirements and Assessments); and

For greater certainty, if the Province provides any Funds to the Recipient before the conditions set out in this Article A.31.0 (Special Conditions) have been met, and unless the Province has waived compliance with such condition in writing, the Province may exercise one or more of the remedies available to it pursuant to section A.12.2 (Consequences of Event of Default and Corrective Action).

## **END OF GENERAL TERMS AND CONDITIONS**

### **[SCHEDULE "B" – SPECIFIC INFORMATION FOLLOWS]**

**SCHEDULE “B”**  
**SPECIFIC INFORMATION**

**B.1.0 EXPIRATION DATE**

B.1.1 **Expiration date.** The Expiration Date is **December 31, 2024.**

**B.2.0 MAXIMUM FUNDS**

B.2.1 **Maximum Funds.** Maximum Funds means, for each Project, the sum of Canada’s Maximum Contribution and Ontario’s Maximum Contribution as set out in Sub-schedule “C.1” (Project Description and Financial Information).

**B.3.0 ADDRESSEES**

B.3.1 **Addressees.** All Reports and Notices under the Agreement will be submitted to the Province at the address listed below:

<b>Contact information for the purposes of Notice to the Province</b>	<b>Address:</b> Ministry of Infrastructure Infrastructure Program Delivery Branch 777 Bay Street, Floor 4, Suite 425 Toronto, Ontario, M7A 2J3  Attention: Manager, Program Delivery Unit  <b>Email:</b> ICIPCOVID@ontario.ca
<b>Contact information for the purposes of Notice to the Recipient</b>	<b>Position:</b> Chief Administrative Officer <b>Address:</b> 66 Charlotte Street/Rue, ON, Port Colborne, L3K3C8 <b>Email:</b> cao@portcolborne.ca

**[SCHEDULE “C” - PROJECT DESCRIPTION, FINANCIAL INFORMATION, AND PROJECT STANDARDS FOLLOWS]**

## **SCHEDULE “C”**

### **PROJECT DESCRIPTION, FINANCIAL INFORMATION, AND PROJECT STANDARDS**

#### **C.1.0 PROJECT DESCRIPTION**

**C.1.1 Project Description.** The Recipient will carry out each Project as described in Sub-schedule “C.1” (Project Description and Financial Information). Notwithstanding anything to the contrary, the Construction Start for any Project must occur by September 30, 2021, or any other date with the prior written consent of the Province.

#### **C.2.0 PROJECT STANDARDS**

**C.2.1 Canada’s Requirements for Standards.** In addition to any other standards that the Recipient must meet or exceed for each Project, the Recipient will ensure the Project meets or exceeds the following:

- (a) any applicable energy efficiency standards for buildings outlined in Canada’s *Pan-Canadian Framework on Clean Growth and Climate Change* provided by Canada at [www.canada.ca/en/services/environment/weather/climatechange/pan-canadian-framework.html](http://www.canada.ca/en/services/environment/weather/climatechange/pan-canadian-framework.html), or at any other location the Province may provide; and
- (b) the accessibility requirements of the highest accessibility standards published in Ontario, in addition to accessibility requirements in applicable provincial building codes and relevant municipal by-laws.

#### **C.3.0 CHANGES TO THE PROJECT DESCRIPTION, FINANCIAL INFORMATION, TIMELINES, AND PROJECT STANDARDS**

**C.3.1 Province’s and Canada’s Consent.** Any change to any Project will require the Province’s and Canada’s consent. When seeking to make a change in respect of any Project, the Recipient will submit updated Project information and any other information that the Province or Canada, or both, may require to the satisfaction of Canada and the Province.

**SUB-SCHEDULE “C.1”  
PROJECT DESCRIPTION AND FINANCIAL INFORMATION**

**(a) List of Projects**

Project ID	Project Title	Federal Approval Date (MM/DD/YYYY)	Total Eligible Expenditures of the Project (\$)	Canada's Maximum Contribution (\$)	Percentage of Federal Support (%)	Ontario's Maximum Contribution (\$)	Percentage of Provincial Support (%)
2020-12-1-1471840654	Dain City Multi-Use Trail Improvements	05/04/2021	\$213,000.00	\$170,400.00	80%	\$42,600.00	20%



## **(b) Project Description**

- (i) Project - Dain City Multi-Use Trail Improvements, case # 2020-12-1-1471840654.

This project will facilitate the replacement of an asphalt trail which has reached the end of its life cycle. The continued deterioration of the trail has resulted in the need to close the trail due to safety concerns.

Project activities include the replacement of asphalt from the Robin Hood Mill to the limits of Dain City. The multi-use Trail runs from Lakeview Park along the promenade to Dain City. The trail is part of the existing multi-use trail network throughout the City and provides a connection to parklands.

The project will result in a paved multi-use trail to contribute to the network of accessible, user-friendly connections to focal points within a community. This trail is very popular for local residents, Niagara region residents and visitors.

**[SCHEDULE “D” – REPORTS FOLLOWS]**

## **SCHEDULE “D” REPORTS**

### **D.1.0 REPORTING REQUIREMENTS**

**D.1.1 Reports.** The Recipient, with respect to each Project, will submit all Reports to the Province in a manner, format, at such dates and with such content, as may be prescribed by the Province from time to time, at its sole discretion, prior to its required submission by the Province. Without limitation and at the sole discretion of the Province, Reports will include the following:

- (a) **Progress Reports.** The Recipient will submit Progress Reports to the Province in a format and on the dates to be prescribed by the Province. Progress Reports will be submitted by the Recipient no less frequently than twice a year;
- (b) **Claim Reports.** The Recipient, with respect to each Project, will submit one (1) request for payment for Eligible Expenditures in a format to be prescribed by the Province within 60 Business Days of reaching Substantial Completion. The request for payment must be submitted by an authorized representative of the Recipient and, subject to any other information the Province, at its sole discretion, may require from time to time, shall include:
  - (i) a detailed breakdown of invoices that are being claimed for reimbursement; and
  - (ii) copies of invoices.

Subject to the prior written consent of the Province, which shall be at the Province’s sole and absolute discretion, the Recipient may request in writing the submission of a request for payment on a more frequent basis. Notwithstanding anything to the contrary, such request shall in no circumstance be more frequent than once per quarter.

- (c) **Reporting Requirements at Project Substantial Completion.** Within 60 Business Days of reaching Substantial Completion, the Recipient shall submit:
  - (i) a declaration of project Substantial Completion;
  - (ii) a final Progress Report in a manner, format, and with such content as may be prescribed by the Province;
  - (iii) a copy of the report for the compliance audit carried out pursuant to Article D.4.0 (Compliance Audit(s));
  - (iv) a summary of any Communications Activities made for the Project; and,

- (v) a photograph of the Project.
- (d) **Other Reports.** Any other reports that the Province so directs on or before such date and with such content as the Province directs.

## **D.2.0 ABORIGINAL CONSULTATION RECORD**

**D.2.1 Inclusion of Aboriginal Consultation Record.** The Recipient will include an updated Aboriginal Consultation Record, if consultation with any Aboriginal Community is required, in its Progress Report.

## **D.3.0 RISK ASSESSMENT**

**D.3.1 Further Details on Risk Assessment.** Upon the Province's written request and within the timelines set out by the Province, the Recipient will provide further details on the risk assessment in respect of each Project.

## **D.4.0 COMPLIANCE AUDIT(S)**

**D.4.1 Compliance Audit(s).** Without limiting the generality of section A.7.4 (Records Review), if requested by the Province from time to time, which request shall be at the Province's sole discretion, the Recipient, at its own expense, will forthwith retain an independent third party auditor to conduct one or more compliance audits of the Recipient or any Project. The audit will be conducted in accordance with Canadian Generally Accepted Auditing Standards, as adopted by the Canadian Institute of Chartered Accountants, applicable as of the date on which a record is kept or required to be kept under such standards. In addition, the audit will assess the Recipient's compliance with the terms of the Agreement and will address, with respect to each Project, without limitation, the following:

- (a) whether the Funds were spent in accordance with the Agreement and with due regard to economy, efficiency, and effectiveness;
- (b) the Project's progress or state of completion;
- (c) whether the financial information the Recipient provided is complete, accurate, and timely, and in accordance with the Agreement;
- (d) whether the Recipient's information and monitoring processes and systems are adequate to identify, capture, validate, and monitor the achievement of intended benefits of the Project;

- (e) the overall management and administration of the Project;
- (f) recommendations for improvement or redress; and
- (g) whether prompt and timely corrective action is taken on prior audit findings.

**[SCHEDULE “E” - ELIGIBLE EXPENDITURES AND INELIGIBLE EXPENDITURES  
FOLLOWS]**

## **SCHEDULE “E”**

### **ELIGIBLE EXPENDITURES AND INELIGIBLE EXPENDITURES**

#### **E.1.0 ELIGIBLE EXPENDITURES**

E.1.1 Notwithstanding anything to the contrary herein the Agreement, for each Project, Eligible Expenditures shall only include those direct costs that are considered, in the Province’s and Canada’s sole and absolute discretion, to be directly necessary for the successful completion of the Project, and must be properly and reasonably incurred and paid to an arm’s length party as evidenced by invoices, receipts or other records that are satisfactory to the Province and Canada, in their sole and absolute discretion, and that are associated with the acquisition, planning, environmental assessments, design and engineering, project management, materials and construction or renovation of the Project. Eligible Expenditures exclude costs set out as Ineligible Expenditures in section E.2.1 below, but may include:

- (a) The incremental costs of the Recipient’s staff or employees provided that:
  - (i) The Recipient is able to demonstrate that it is not economically feasible to tender a Contract that ensures the acquisition of the required services at the best value for money; and
  - (ii) The arrangement is approved in advance in writing by the Province and Canada.
- (b) Any costs that are determined by the Province and Canada, in their sole discretion, to be Eligible Expenditures; and
- (c) Notwithstanding section E.2.1(a) of this Schedule, expenditures related to the Project associated with completing climate lens assessments or associated with Aboriginal consultation and engagement activities, if applicable, that were incurred after February 15, 2018.

#### **E.2.0 INELIGIBLE EXPENDITURES**

E.2.1 Without limiting the discretion of the Province and Canada in section E.1.1, for each Project, the following costs are Ineligible Expenditures and are therefore ineligible to be paid from the Funds:

- (a) Costs incurred prior to the Federal Approval Date;
- (b) Costs incurred after December 31, 2021 or any other date with the prior written consent of the Province;
- (c) All expenditures related to Contracts signed prior to the Federal Approval Date;
- (d) Costs incurred for terminated or cancelled Projects;

- (e) Costs related to developing a business case or proposal or application for funding;
- (f) Costs associated with the acquisition, expropriation or leasing of:
  - (i) Land,
  - (ii) Buildings, or
  - (iii) Other facilities
- (g) Costs associated with the acquisition or leasing of equipment other than equipment directly related to the construction, improvement, repair, rehabilitation or reconstruction of the Project where the Province has not provided its prior written approval;
- (h) Costs that have not been claimed for reimbursement by the date that is 60 Business Days following Substantial Completion;
- (i) Capital costs, including site preparation and construction costs, until Canada and if applicable the Province have confirmed in writing that environmental assessment and Aboriginal consultation obligations have been fully met and continue to be fully met;
- (j) Costs related to any component of the Project other than its approved scope;
- (k) Real estate fees and related costs;
- (l) Costs incurred for the general operation, repair and regularly scheduled maintenance of the Project;
- (m) Services or works normally provided by the Recipient, incurred in the course of implementation of the Project, except those specified as Eligible Expenditures;
- (n) Expenditures related to any goods and services which are received through donations or in-kind contributions;
- (o) Any overhead costs, including salaries and other employment benefits of any employees of the Recipient, its direct or indirect operating or administrative costs, and more specifically its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff, except in accordance with the list of Eligible Expenditures above;
- (p) Unreasonable meal, hospitality or incidental costs or expenses of any Third Party;
- (q) Any amount for which the Recipient has received, will receive or is eligible to receive, a rebate, credit or refund, in full or in part;
- (r) Taxes of any kind;
- (s) Costs of relocating entire communities;
- (t) In the Province's sole discretion, the costs of communication activities undertaken by the Recipient that did not conform with the requirements of the Communications Protocol in Schedule "G";

- (u) Any amounts incurred or paid by the Recipient to an entity that is not at arm's length from the Recipient, except in accordance with the list of Eligible Expenditures above;
- (v) Costs incurred contrary to Article A.5.0 (Recipient's Acquisition of Goods or Services, Contract Provisions, and Disposal of Assets) of Schedule "A" (General Terms and Conditions) of this Agreement;
- (w) The costs, charges, penalties or fees incurred or paid by the Recipient in the process of having a cost determined to be an Ineligible Expenditure.
- (x) Costs, charges, penalties or fees incurred or paid by the Recipient that are a result of late or non-payment, rush requests, or contract termination or non-compliance;
- (y) Legal fees, financing charges and loan interest payments, including those related to easements (e.g., surveys);
- (z) Costs of furnishings and non-fixed assets which are not essential for the operation of the funded Asset or Project, as well as all costs associated with moveable assets or rolling stock;
- (aa) Any costs determined by the Province and Canada, in their sole discretion, to be associated with:
  - (i) tourism infrastructure;
  - (ii) a facility that serves as a home to a professional sports team; or
  - (iii) a planning project;
- (bb) Any other cost which is not specifically listed as an Eligible Expenditure under Article E.1.0 (Eligible Expenditures) and which, in the opinion of the Province, is considered to be ineligible.

**[SCHEDULE "F" – EVALUATION FOLLOWS]**

## **SCHEDULE “F” EVALUATION**

### **F.1.0 PROJECT AND ICIP EVALUATIONS**

- F.1.1 Recipient’s Participation in Project and ICIP Evaluations.** The Recipient understands that the Province or Canada, or both, may ask the Recipient to participate in one or more evaluations in respect of any Project or the ICIP during and for a period of up to six years after March 31, 2028. The Recipient agrees, if asked and at its own expense, to provide Project-related information to the Province or Canada, or both, for any evaluation.
- F.1.2 Results of Project and ICIP Evaluations.** The result of any evaluation carried under section F.1.1 (Recipient’s Participation in Project and ICIP Evaluations) will be made available to the public, subject to all applicable laws and policy requirements.

**[SCHEDULE “G” – COMMUNICATIONS PROTOCOL FOLLOWS]**



## **SCHEDULE “G” COMMUNICATIONS PROTOCOL**

### **G.1.0 DEFINITIONS**

G.1.1 **Definitions.** For the purposes of this Schedule “G” (Communications Protocol):

“**Joint Communications**” means events, news releases, and signage that relate to the Agreement or the Bilateral Agreement, or both, that are not operational in nature, and that are collaboratively developed and approved by,

- (a) in the case of the Bilateral Agreement, Canada, the Province and the Recipient;  
and
- (b) in the case of the Agreement, the Province and the Recipient.

### **G.2.0 PURPOSE**

G.2.1 **Purpose.** This communications protocol outlines the roles and responsibilities of each of the Parties to the Agreement in respect of Communications Activities related to each Project.

G.2.2 **Guidance.** This communications protocol will guide all planning, development and implementation of Communications Activities with a view to ensuring efficient, structured, continuous, consistent, and coordinated communications to the Canadian public.

G.2.3 **Application to Communications Activities.** The provisions of this communications protocol apply to all Communications Activities related to the Agreement and each Project.

### **G.3.0 GUIDING PRINCIPLES**

G.3.1 **Information to Canadians.** Communications Activities undertaken through this communications protocol should ensure that Canadians are informed about the Project’s benefits, including the ways in which the Project helps improve their quality of life.

G.3.2 **Factors to Consider.** The scale and scope of Communications Activities undertaken for any Project will take into consideration the financial value, scope and duration of the Project and the feasibility of Joint Communications for such Communications Activities.

- G.3.3 **Deficiencies and Corrective Actions.** The Province will communicate to the Recipient any deficiencies or corrective actions, or both, identified by the Province, Canada or, as applicable, the Committee.
- G.3.4 **Approval of Communications Material.** The announcement or publication of the Project must be approved by the Parties and Canada prior to being carried out.
- G.3.5 **Costs of Communication Activities.** With the exception of advertising campaigns outlined in Article G.10.0 (Advertising Campaigns), the costs of Communication Activities and signage will follow the eligibility rules established in Schedule “E” (Eligible Expenditures and Ineligible Expenditures).

#### **G.4.0 JOINT COMMUNICATIONS**

- G.4.1 **Subject Matter.** The Parties and Canada may have Joint Communications about the funding and status of each Project.
- G.4.2 **Prior Knowledge and Agreement.** Joint Communications in respect of any Project should not occur without the prior knowledge and agreement of the Parties and Canada.
- G.4.3 **Recognition of the Province’s and Canada’s Contributions.** All Joint Communications material must be approved by the Province and Canada and will recognize the Province’s and Canada’s contribution or the Total Financial Assistance, or both, received in respect of any Project.
- G.4.4 **Notice and Timing.** The Recipient and the Province, on its own behalf or that of Canada, may request Joint Communications. The Party requesting the Joint Communications will provide at least 15 Business Days’ notice to the other Party. If the Communications Activity is an event, it will take place at a date and location mutually agreed to by the Parties and, if applicable, Canada.
- G.4.5 **Participation and Representatives.** The Party requesting a Joint Communications will provide the opportunity for the other Party and Canada to choose to participate and, if they do so choose, their own designated representative (in the case of an event).
- G.4.6 **English and French.** Canada has an obligation to communicate in English and French. Communications products related to events must be bilingual and include the Canada word mark and the logos of the Parties. In such cases, Canada will provide the translation services and final approval on products.
- G.4.7 **Table of Precedence for Canada.** The conduct of all Joint Communications will, as applicable, follow the *Table of Precedence for Canada* provided by Canada at

<https://www.canada.ca/en/canadian-heritage/services/protocol-guidelines-special-event/table-precedence-canada.html>, or at any other location as the Province may provide.

## **G.5.0 INDIVIDUAL COMMUNICATIONS**

- G.5.1 **Canada's Obligations.** Notwithstanding Article G.4.0 (Joint Communications), the Parties agree that Canada or the Province, or both, have the right to communicate information to Canadians and Ontarians about the Agreement and the use of Funds to meet its legislated and regulatory obligations through their respective own Communications Activities.
- G.5.2 **Restrictions.** Each Party may include general ICIP messaging and an overview in respect of any Project in their own Communications Activities. The Province and the Recipient will not unreasonably restrict the use of, for their own purposes, Communications Activities related to any Project and, if the communications are web- or social-media based, the ability to link to it. Canada has also agreed, in the Bilateral Agreement, to the above.
- G.5.3 **Publication.** The Recipient will indicate, in respect of any Project-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of Canada and the Province.
- G.5.4 **Canada's Recognition in Documents.** In respect of any Project where the deliverable is a document, such as but not limited to plans, reports, studies, strategies, training material, webinars, and workshops, the Recipient will clearly recognize Canada's and the Province's respective financial contribution for the Project.
- G.5.5 **Acknowledgement of Support.** Unless the Province directs the Recipient to do otherwise, the Recipient will, in respect of any Project-related publications, whether written, oral, or visual, acknowledge the Province's and Canada's support for the Project.

## **G.6.0 OPERATIONAL COMMUNICATIONS**

- G.6.1 **Responsibility of Recipient.** The Recipient is solely responsible for operational communications in respect of each Project, including but not limited to calls for tender, contract awards, and construction and public safety notices. Operational communications as described above are not subject to the *Official Languages Act* of Canada.

## **G.7.0 MEDIA RELATIONS**

**G.7.1 Significant Media Inquiry.** The Province and the Recipient will share information promptly with the other Party and Canada if significant media inquiries are received or emerging media or stakeholder issues arise in respect of a Project or the ICIP.

## **G.8.0 SIGNAGE**

**G.8.1 Recognition of Funding Contribution.** The Parties agree that Canada, the Province and the Recipient may each have signage recognizing their funding contribution in respect of each Project.

**G.8.2 Funding Recognition.** Unless otherwise agreed by Canada or the Province, or both, the Recipient will produce and install a sign to recognize the funding contributed by the Province or Canada, or both, at each Project site in accordance with, as applicable, their current respective signage guidelines. Federal sign design, content, and installation guidelines will be provided by Canada. Provincial sign design, content, and installation guidelines will be provided by the Province.

**G.8.3 Permanent Plaque.** Where the Recipient decides to install a permanent plaque or another suitable marker in respect of any Project, the Recipient will:

- (a) on the marker, recognize the Province's and Canada's contributions; and
- (b) prior to installing the marker, seek the prior written approval of both Canada and the Province, each respectively, for its content and installation.

**G.8.4 Notice of Sign Installation.** The Recipient will inform the Province of sign installations, including providing the Province with photographs of the sign, once the sign has been installed.

**G.8.5 Timing for Erection of Sign.** If erected, signage recognizing Canada's and the Province's respective contributions will be installed at the Project site(s) 30 days prior to the start of construction, be visible for the duration of the Project, and remain in place until 30 days after construction is completed and the infrastructure is fully operational or opened for public use.

**G.8.6 Size of Sign.** If erected, signage recognizing Canada's and the Province's respective contribution will be at least equivalent in size and prominence to Project signage for contributions by other orders of government and will be installed in a prominent and visible location that takes into consideration pedestrian and traffic safety and visibility.

**G.8.7 Responsibility of Recipient.** The Recipient is responsible for the production and installation of Project signage, and for maintaining the signage in a good state of repair during the Project, or as otherwise agreed upon.

## **G.9.0 COMMUNICATING WITH RECIPIENT**

- G.9.1 Facilitation of Communications.** The Province agrees to facilitate, as required, communications between Canada and the Recipient for Communications Activities.

## **G.10.0 ADVERTISING CAMPAIGNS**

- G.10.1 Notice of Advertising Campaigns.** Recognizing that advertising can be an effective means of communicating with the public, the Recipient agrees that Canada or the Province, or both, may, at their own cost, organize an advertising or public information campaign in respect of any Project or the Agreement. However, such a campaign will respect the provisions of the Agreement. In the event of such a campaign, Canada or the Province will inform each other and the Recipient of its intention no less than 21 Business Days prior to the campaign launch.

**[SCHEDULE “H” – DISPOSAL OF ASSETS FOLLOWS]**

## **SCHEDULE “H” DISPOSAL OF ASSETS**

### **H.1.0 DEFINITIONS**

H.1.1 **Definitions.** For the purposes of this Schedule “H” (Disposal of Assets):

**“Asset Disposal Period”** means the period commencing on the Effective Date and ending five (5) years after the Expiration Date.

### **H.2.0 DISPOSAL OF ASSETS**

H.2.1 **Asset Disposal Period.** Unless otherwise agreed to by the Province, the Recipient will maintain the ongoing operations and retain title to and ownership of any Asset acquired in respect of any Project for the Asset Disposal Period.

H.2.2 **Disposal of Asset and Payment.** If, at any time within the Asset Disposal Period, the Recipient sells, leases, encumbers, or otherwise disposes, directly or indirectly, of any Asset other than to Canada, the Province, or a municipal or regional government established by or under provincial statute, the Province may require the Recipient to reimburse the Province or Canada, via the Province, for any Funds received for any Project.

**[SCHEDULE “I” – ABORIGINAL CONSULTATION PROTOCOL FOLLOWS]**

## **SCHEDULE “I” ABORIGINAL CONSULTATION PROTOCOL**

### **I.1.0 DEFINITIONS**

**I.1.1 Definitions.** For the purposes of this Schedule “I” (Aboriginal Consultation Protocol):

“**Aboriginal Community**”, also known as “Aboriginal Group”, includes First Nation, Métis, and Inuit communities or peoples of Canada.

“**Aboriginal Consultation Plan**” means the Aboriginal Consultation Plan described in section I.2.1 (Development of Plan).

### **I.2.0 ABORIGINAL CONSULTATION PLAN**

**I.2.1 Development of Plan.** The Province, based on the scope and nature of the Project or at the request of Canada, may require the Recipient, in consultation with the Province or Canada, or both, to develop and comply with an Aboriginal consultation plan (“Aboriginal Consultation Plan”) in respect of each Project.

**I.2.2 Procedural Aspects of Aboriginal Consultation.** If consultation with Aboriginal Communities is required, the Recipient agrees that:

- (a) the Province or Canada, or both, may delegate certain procedural aspects of the consultation to the Recipient; and
- (b) the Province or Canada, or both, will provide the Recipient with an initial list of the Aboriginal Communities the Recipient will consult.

**I.2.3 Provision of Plan to Province.** If, pursuant to section I.2.1 (Development of Plan), the Province provides Notice to the Recipient that an Aboriginal Consultation Plan is required, the Recipient will, within the timelines provided in the Notice, provide the Province with a copy of the Aboriginal Consultation Plan.

**I.2.4 Changes to Plan.** The Recipient agrees that the Province or Canada, in the sole discretion of the Province or Canada and from time to time, may require the Recipient to make changes to the Aboriginal Consultation Plan.

### **I.3.0 ABORIGINAL CONSULTATION RECORD**

**I.3.1 Requirements for Aboriginal Consultation Record.** If consultation with an Aboriginal Community is required, the Recipient will maintain an Aboriginal Consultation Record

and provide such record to the Province, and any update to it, as part of its reporting to the Province pursuant to section D.2.1 (Inclusion of Aboriginal Consultation Record).

#### **I.4.0 RESPONSIBILITIES OF THE RECIPIENT**

**I.4.1 Notification to and Direction from the Province.** The Recipient, with respect to each Project, will immediately notify the Province:

- (a) of contact by Aboriginal Communities regarding the Project; or
- (b) of any Aboriginal archaeological resources that are discovered in relation to the Project,

and, in either case, the Recipient agrees that the Province or Canada, or both, may direct the Recipient to take such actions as the Province or Canada, or both, may require. The Recipient will comply with the Province's or Canada's direction.

**I.4.2 Direction from the Province and Contracts.** In any Contract, the Recipient will provide for the Recipient's right and ability to respond to direction from the Province or Canada, or both, as the Province or Canada may provide in accordance with section I.4.1 (Notification to and Direction from the Province).

#### **[SCHEDULE "J" – REQUESTS FOR PAYMENT AND PAYMENT PROCEDURES FOLLOWS]**



## **SCHEDULE “J” REQUESTS FOR PAYMENT AND PAYMENT PROCEDURES**

### **J.1.0 PROCEDURES AND TIMING FOR REQUESTS FOR PAYMENT**

- J.1.1 **Procedures.** The procedures provided for in Article J.2.0 (Procedures for Requests for Payment for Eligible Expenditures) of this Schedule “J” (Request for Payment and Payment Procedures) will apply to requests for payment that the Recipient submits to the Province under the Agreement.
- J.1.2 **Diligent and Timely Manner.** The Recipient will submit its requests for payment for Eligible Expenditures in respect of each Project to the Province in a diligent and timely manner.

### **J.2.0 PROCEDURES FOR REQUESTS FOR PAYMENT FOR ELIGIBLE EXPENDITURES**

- J.2.1 **Timing, Reports and Documents.** The Recipient will submit each request for payment for Eligible Expenditures in respect of each Project to the Province in accordance with Schedule “D” (Reports) and, if the Province so requested pursuant to paragraph K.4.1(f), after review by the Committee.

### **J.3.0 PAYMENTS OF FUNDS**

- J.3.1 **Payment by the Province.** Subject to the terms and conditions of the Agreement, upon receipt of a request for payment fully completed in accordance with this Schedule “J” (Requests for Payment and Payment Procedures), the Province will use its reasonable efforts to pay Funds to the Recipient based on the Recipient’s incurred and paid Eligible Expenditures up to the Maximum Funds, if due and owing under the terms of the Agreement. Claims will be reimbursed based on the Percentage of Provincial Support and the Percentage of Federal Support as set out in Sub-schedule “C.1” (Project Description and Financial Information).
- J.3.2 For greater certainty and without limitation, before the Province makes a payment to the Recipient, the following terms and conditions of the Agreement must be met, in the opinion of the Province or Canada, or both:
- (a) the conditions set out in paragraph A.4.2(c) of Schedule “A”;
  - (b) the special conditions listed in Article A.31.0 of Schedule “A” (Special Conditions);

- (c) receipt and acceptance by the Province of all required Reports and other reports, as applicable;
- (d) compliance with all applicable audit requirements under the Agreement; and
- (e) applicable communications requirements, as set out Schedule “G” (Communications Protocol).

J.3.3 The Province will under no circumstances be liable for interest for failure to make a payment within the time limit provided for in this Article J.3.0 (Payments of Funds).

#### **J.4.0 TIME LIMITS FOR REQUESTS FOR PAYMENTS**

J.4.1 **Timing.** The Recipient will submit all requests for payment within 60 Business Days of any Project’s Substantial Completion.

J.4.2 **No Obligation for Payment.** Notwithstanding anything to the contrary herein, the Province will have no obligation to make any payment for a request for payment that is received by the Province after 60 Business Days following the Substantial Completion of any Project.

#### **J.5.0 FINAL RECONCILIATION AND ADJUSTMENTS**

J.5.1 **Final Reconciliation and Adjustments.** For each Project, following the submission of the final Progress Report and the declaration of Substantial Completion, the Province will carry out a final reconciliation of all requests for payments and payments in respect of the Project and make any adjustments required in the circumstances.

#### **J.6.0 HOLDBACK**

J.6.1 **Holdback.** For each Project, the Province may hold back funding in accordance with section A.4.12 (Retention of Contribution).

#### **J.7.0 FINAL PAYMENT**

J.7.1 **Final Payment.** Subject to paragraph A.4.2(c) of Schedule “A” (General Terms and Conditions), the Province will pay to the Recipient the remainder of the Funds under the Agreement, including the Holdback, after all of the conditions under section A.4.12 (Retention of Contribution) of Schedule “A” (General Terms and Conditions) have been met.

**[SCHEDULE “K” – COMMITTEE FOLLOWS]**

## **SCHEDULE “K” COMMITTEE**

### **K.1.0 ESTABLISHMENT OF COMMITTEE**

**K.1.1 Establishment and Term of Committee.** If the Province requires the establishment of a Committee to oversee the Agreement, pursuant to section A.29.1 (Establishment of Committee), the Parties will, within 60 days of the Province providing Notice, hold an initial meeting to establish the Committee. The Committee’s mandate will expire on the Expiration Date of the Agreement.

### **K.2.0 COMMITTEE MEMBERS, CO-CHAIRS, AND OBSERVERS**

**K.2.1 Appointments by the Province.** The Province will appoint two persons as members of the Committee.

**K.2.2 Appointments by the Recipient.** The Recipient will appoint two persons as members of the Committee.

**K.2.3 Chairs of the Committee.** The Committee will be headed by co-chairs chosen from its members, one appointed by the Province and one appointed by the Recipient. If a co-chair is absent or otherwise unable to act, the member of the Committee duly authorized in writing by the Province or the Recipient, as applicable, will replace him or her and will act as co-chair in his or her place.

**K.2.4 Non-committee Member Staff.** The Parties may invite any of their staff to participate in Committee meetings. The Province may invite up to two representatives from Canada to sit as observers on the Committee. For greater certainty, the staff and representative(s) from Canada will not be considered members and will not be allowed to vote.

### **K.3.0 MEETINGS AND ADMINISTRATIVE MATTERS**

**K.3.1 Rules of Committee.** The Committee will:

- (a) meet at least two times a year, and at other times at the request of a co-chair; and
- (b) keep minutes of meetings approved and signed by the co-chairs as a true record of the Committee meetings.

**K.3.2 Quorum.** A quorum for a meeting of the Committee will exist only when both co-chairs are present.

### **K.4.0 COMMITTEE MANDATE**

**K.4.1 Mandate.** Provided that no action taken by the Committee will conflict with the rights of the Parties under the Agreement, the mandate of the Committee will include, but not be limited to:

- (a) monitoring the implementation of the Agreement including, without limitation, the implementation of Schedule “G” (Communications Protocol), for compliance with the terms and conditions of the Agreement;
- (b) acting as a forum to resolve potential issues or disputes and address concerns;
- (c) reviewing and, as necessary, recommending to the Parties amendments to the Agreement;
- (d) approving and ensuring audit plans are carried out as per the Agreement;

- (e) establishing sub-committees as needed;
- (f) at the request of the Province, reviewing requests for payments; and
- (g) attending to any other function required by the Agreement, including monitoring project risk and mitigation measures, or as mutually directed by the Parties.

**K.4.2 Committee Decisions.** Decisions of the Committee will be made as follows:

- (a) the co-chairs will be the only voting members on the Committee; and
- (b) decisions of the Committee must be unanimous and recorded in writing.

## **K.5.0 ROLE OF THE RECIPIENT**

**K.5.1 Requirements.** The Recipient undertakes to fulfill, in addition to any other requirements provided for in this Schedule “K” (Committee), the following:

- (a) establish a fixed location where the Agreement will be managed, and maintain it until the expiry of the Committee’s mandate and, if relocation is required, establish a new location;
- (b) prepare and retain, at the location described in paragraph K.5.1(a), and make available to the Committee, all documents needed for the work of the Committee, including payment request forms, approval documents, contracts, and agendas and minutes of meetings of the Committee and its subcommittees;
- (c) ensure that any audit required of the Recipient pursuant to the Agreement is carried out and the results are reported to the Committee;
- (d) ensure that administrative and financial systems are developed and implemented for any Project and the work of the Committee;
- (e) promptly inform the Committee of all proposed changes in respect of any Project; and
- (f) provide the Committee, as requested and within the timelines set by the Committee, and to the Committee’s satisfaction, project status information related to Schedule “D” (Reports).

The Corporation of the City of Port Colborne

By-law no. \_\_\_\_\_

Being a by-law to appoint Matthew Roy as a Municipal Law Enforcement Officer.

Whereas the *Police Services Act, R.S.O. 1990, C.P. 15* Section 15 provides that a municipal council may appoint persons to enforce the by-laws of the municipality;

Whereas The Corporation of the City of Port Colborne is desirous of appointing a Municipal Law Enforcement Officer;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Matthew Roy be and is hereby appointed Municipal Law Enforcement Officer for the City of Port Colborne;
2. This By-law shall come into force and take effect on the date of passing.

Enacted and passed this 13<sup>th</sup> day of September 2021

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a by-law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Regular Meeting of September 13, 2021

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of September 13, 2021 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 13th day of September, 2021.

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William C. Steele  
Mayor

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Amber LaPointe  
City Clerk