

## City of Port Colborne Council Meeting Agenda

**Date:** Tuesday, August 9, 2022  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
 66 Charlotte Street, Port Colborne

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1.	Call to Order	
2.	National Anthem	
3.	Land Acknowledgment	
4.	Proclamations	
5.	Adoption of Agenda	
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	Building strong partnerships and growing Municipal Capacity to Promote and Support Agriculture in the Niagara Region	

## 11. Delegations

In order to speak at a Council meeting, individuals must register no later than 12 noon on the date of the scheduled meeting. To register, complete the online application at [www.portcolborne.ca/delegation](http://www.portcolborne.ca/delegation), email [deputyclerk@portcolborne.ca](mailto:deputyclerk@portcolborne.ca) or phone 905-835-2900, ext. 115.

11.1.	Chris Laverick- Request to receive exemption from By-law# 6949/95/21 and relief from Recharge to Tax Account	148
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<b>14.</b>	<b>Staff Remarks</b>	
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<b>16.</b>	<b>Consideration of Items Requiring Separate Discussion</b>	
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21.4.	By-law to amend by-law 6808/58/20 to set a lapsing date of draft plan approval for Rosedale Subdivision	195
21.5.	By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne	202

## **22. Confidential Items**

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

- 22.1. Minutes of the closed session of the July 12, 2022 Council Meeting
- 22.2. Chief Administrative Office Report 2022-165, a proposed or pending acquisition or disposition of land by the municipality or local board
- 22.3. Chief Administrative Office Report 2022-169, a proposed or pending acquisition or disposition of land by the municipality or local board

## **23. Procedural Motions**

## **24. Information items**

## **25. Adjournment**



**City of Port Colborne**  
**Council Meeting Minutes**

**Date:** Tuesday, July 12, 2022  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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

**Staff Present:** S. Luey, Chief Administrative Officer  
B. Boles, Director of Corporate Services/Treasurer  
C. Kalimootoo, Director of Public Works  
S. Lawson, Fire Chief  
N. Rubli, Acting City Clerk

- 1. Call to Order**  
Mayor Steele called the meeting to order at 6:30 p.m.
- 2. National Anthem**
- 3. Land Acknowledgment**
- 4. Proclamations**
- 5. Adoption of Agenda**

Moved by Councillor R. Bodner  
Seconded by Councillor D. Kalailieff

That the agenda dated July 12, 2022 be confirmed, as amended.

Carried

**6. Disclosures of Interest**

**7. Approval of Minutes**

Moved by Councillor F. Danch

Seconded by Councillor M. Bagu

1. That the minutes of the Regular Meeting of Council held on June 28, 2022, be approved as circulated.
2. That the minutes of the Public Meeting held on June 14, 2022, be approved as circulated.

Carried

**7.1 Regular Meeting of Council June 28, 2022**

**7.2 Public Meeting - June 14, 2022**

**8. Staff Reports**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That items 8.1 to 8.7 be approved, and the recommendations contained therein be adopted.

Carried

**8.1 Merkel Road Property – Surplus, 2022-158**

That Chief Administrative Office-Economic Development and Tourism Services Report 2022-158 be received; and

That Council declare the Merkel Road property, legally described as CON 1 PT LOT 13 LALLOUET; SKETCH LOT 51 L and shown in Appendix A, as surplus to the City's need.

**8.2 Recommendation Report for Proposed Zoning By-law Amendment on the Borden Avenue Road Allowance, File D14-04-22, 2022-153**

That Development and Legislative Services Department – Planning Services Report 2022-153 be received; and

That the Zoning By-law Amendment attached as Appendix A be approved, amending the zoning of the subject lands to R1 (First Density Residential) and R1-69, being a special provision of the First Density Residential zone.

**8.3 Restricted Acts of Council (Lame Duck Provisions), 2022-152**

That Development and Legislative Services Department Report 2022-152 be received; and

That the Bylaw in Appendix A attached to Report 2022-152, being a By-law to temporarily provide the Chief Administrative Officer the ability to conduct certain business in the event Council is restricted pursuant to Section 275 of the *Municipal Act, 2001* be approved.

**8.4 2021 Purchasing Summary, 2022-130**

That Corporate Services Department Report-Financial Services 2022-130 be received for information.

**8.5 Grants Update, 2022-128**

That Chief Administrative Office - Economic Development and Tourism Services Report 2022-128 be received for information.

**8.6 Canal Days Funding Opportunity, 2022-163**

That Corporate Services Department – Recreation Division Report 2022-163 be received; and

That Director of Corporate Services be directed to execute the agreement for the FACTOR Music Festival Reopening Fund grant.

**8.7 Vale Community Fund, 2022-156**

That Corporate Services Department Report 2012-156 be received; and

That the Mayor and Clerk be directed to execute the Vale Community Fund Agreement attached as Appendix A and related By-law attached as Appendix B.

**9. Correspondence Items**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That items 9.1 to 9.4 be received for information.

- 9.1 **Niagara Region - Notice of Adoption - Niagara Official Plan**
- 9.2 **Municipality of Tweed - Ontario Wildlife Damage Compensation Program**
- 9.3 **Township of Hastings - Expanding Amber Alert System**
- 9.4 **Enbridge Gas Inc. - 2021 Utility Earnings and Disposition of Deferral & Variance Account Balances - OEB Notice of Application**
- 10. **Presentations**
- 11. **Delegations**
- 12. **Mayor's Report**

A copy of the Mayor's Report is attached.
- 13. **Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.
- 14. **Staff Remarks**
  - 14.1 **Noise Variance Request 175 King Street-The Belmont (Lawson)**

The Fire Chief provided an update in regards to report 2022-137, Noise Variance Request from June 14, 2022 Council meeting. The Fire Chief advised Council that the By-Law Enforcement department has not received any noise complaints.
  - 14.2 **Sherkston Shores (Luey)**

The Chief Administrative Officer provided an update in regards to restoring requested access by the residents of the Hamlet. The CAO further stated that a meeting will take place with the owners of Sherkston Shores in the near future to address public comments and concerns.
- 15. **Councillors' Remarks**
  - 15.1 **Rejuvenation of the Helicopter Pad (Kalailieff)**

In response to Councillor Kalailieff's request for the rejuvenation of the helicopter pad for use, the Fire Chief advised Council that he will explore all possible options.
  - 15.2 **Garbage Pick-up (Danch)**

Councillor Danch expressed appreciation towards Niagara Regional staff for addressing a resident's garbage pick-up request.

**15.3 Construction on Erie Street (Danch)**

In response to Councillor Danch's request to move the fire hydrant from the west side of Erie Street to a different location, the Director of Public Works confirmed that he will address the issue.

**15.4 Correspondence to Council (Bruno)**

In response to Councillor Bruno's inquiry regarding protocol surrounding correspondence for Council, the City Clerk advised Council that correspondence is added to the agenda in accordance with the Procedural By-law.

**15.5 Mark Fairchild Memorial Bandshell (Bagu)**

Councillor Bagu informed Council that he attended the Mark Fairchild Memorial Bandshell in H.H. Knoll Lakeview Park on July 7, 2022. Councillor Bagu further advised that the band will perform again on July 14 and July 21 at 7:30 p.m. and encouraged residents to attend.

**15.6 Shrapnel from Fireworks (Desmarais)**

In response to Councillor Desmarais' request for an update on safety concerns regarding the Canada Day fireworks, the Fire Chief advised Council that the unexpected fall-out was a result of strong winds and stated that possible solutions are being explored to avoid similar situations.

**15.7 Herbicide Spraying (Wells)**

In response to Councillor Wells' request to explore other herbicides that are not toxic to aquatic life, the Director of Public Works confirmed that he will investigate.

**15.8 Missing Signs at Nickel Beach (Wells)**

In response to Councillor Wells' inquiry on when the missing signs at Nickel beach will be replaced, the Director of Corporate Services/Treasurer informed Council that the signs have been ordered and will be erected in the near future.

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

**16.1 Physician Recruitment Activities - 2nd Quarter Update, 2022-142**

Jill Croteau, Physician Recruitment & Retention Coordinator, Niagara Region Public Health, provided a presentation on Physician Recruitment within the Region and for the City of Port Colborne and responded to questions received from Council. Ms. Croteau also introduced and welcomed two new doctors to the City of Port Colborne Dr. Raven Mancini and Dr. Jason Vansoelen.

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

That Chief Administrative Office - Economic Development and Tourism Services Report 2022-142 be received for information.

Carried

#### **16.2 2021 Corporate Services Annual Report, 2022-160**

Moved by Councillor G. Bruno  
Seconded by Councillor M. Bagu

That Corporate Services Department Report 2022-160 be received.

Carried

#### **16.3 City Properties – Surplus Declaration, 2022-119**

Moved by Councillor G. Bruno  
Seconded by Councillor M. Bagu

That Chief Administrative Office Report- Economic Development and Tourism Services Division 2022-119 be received for information.

That Council declare the City-owned parcels outlined in Appendix A as surplus.

That Council delegate authority to the Chief Administrative Officer (CAO) to dispose of properties outlined in Appendix A and enter into purchase/sale agreements in accordance with the Sale of Surplus Land Policy, subject to legal review by the City's solicitor and financial review by the Director of Corporate Services/Treasurer.

#### **Amendment:**

Moved by Councillor G. Bruno  
Seconded by Councillor M. Bagu

**That Council refer Chief Administrative Office Economic Development and Tourism Services Division Report 2022-119 to the Chief Administrative Officer for review of the Sale of Surplus Land Policy and bring back recommendations to a Council meeting in September**

Carried

**16.4 Equipment Purchase Opportunity, 2022-157**

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

That Public Works Department- Road & Park Operations Report 2022-157 be received;

That Council approve the purchase of a Road Grader; and

That Council approve a transfer of \$274,752 from the Tangible Capital Asset Reserve to fund the purchase of a Road Grader.

Carried

**16.5 Implementing Pre-consultation Planning Fees, 2022-155**

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

That Development and Legislative Services Department – Planning Division Report 2022-155 be received; and

That Council direct staff to amend Appendix R of By-law No. 6949/95/21 to include a pre-consultation fee as detailed in report 2022-155.

Carried

**16.6 Letter from Ontario Stone, Sand & Gravel Association regarding City Council Meeting on June 28, 2022 with respect to a Moratorium on Future Aggregate Approvals in Ontario**

Moved by Councillor R. Bodner  
Seconded by Councillor E. Beauregard

That the letter from Ontario Stone, Sand & Gravel Association regarding City Council Meeting on June 28, 2022 with respect to a Moratorium on Future Aggregate Approvals in Ontario be received.

Carried

**17. Motions**

**18. Notice of Motions**

**19. Consent Minutes of Boards & Committees**

Moved by Councillor D. Kalailieff

Seconded by Councillor F. Danch

That item 19.1 be approved, as presented.

Carried

**19.1 Downtown BIA Minutes - January 17, February 1, March 1 and April 5, 2022**

That the minutes of the Downtown BIA meetings held on January 17, 2022, February 1, 2022, March 1, 2022 and April 5, 2022 be received.

**20. Recommendations Arising from Boards and Committees**

**20.1 Environmental Advisory Committee Minutes-April 13, 2022-Climate Change Item 6**

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That the EAC report on Climate Change be forwarded to Council; and

That the EAC recommends to Council that the Port Colborne Strategic Plan be amended to include policies on climate change.

Carried

**20.2 Environmental Advisory Committee - April 13, 2022-Aggregate Expansion Application Item 8**

Moved by Councillor M. Bagu

Seconded by Councillor H. Wells



That the EAC recommends that Council endorse the comments prepared by the EAC regarding the Aggregate Expansion Application and the comments be forwarded to the Planning Division for consideration

Carried

**20.3 Environmental Advisory Committee-February 9, 2022-OPA and ZBA to the Mineral Aggregate Policies and Zone, File D09-01-20 and D14-03-20 Item 8**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That the EAC recommends that Council endorse the comments prepared by EAC regarding the review of the aggregate official plan policies and zoning regulations and that the comments be forwarded to the planning division for consideration.

Carried

**21. By-laws**

Moved by Councillor E. Beauregard

Seconded by Councillor G. Bruno

That items 21.1 to 21.5 be enacted and passed.

Carried

**21.1 By-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part of the Borden Avenue Road allowance lying between Knoll Street to the west and Steele Street to the east**

**21.2 By-law to Delegate Authority During any Restricted Period following Nomination Day**

**21.3 By-law to Authorize Entering into an Agreement with the Foundation Assisting Canadian Talent on Recordings (“FACTOR”)**

**21.4 By-law to Authorize Entering into an Agreement with Vale Canada Limited (“Vale”)**

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

**22. 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 22.1 to 22.3.

Carried

**22.1 Minutes of the closed session of the June 28, 2022 Council Meeting**

**22.2 Chief Administrative Office Report 2022-106, a proposed or pending acquisition or disposition of land by the municipality or local board**

**22.3 Corporate Services Department – Human Resources Report 2022-159, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations**

**23. Procedural Motions**

**24. Information items**

**25. Adjournment**

Council moved into Closed Session at approximately 8:49 p.m.

Council reconvened into Open Session at approximately 9:46 p.m.

Mayor Steele adjourned the meeting at approximately 9:47 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk



**Subject: Building Permit Fee Recommendation Report**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-167

Meeting Date: August 9, 2022

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**Recommendation:**

That Development and Legislative Services Department Report 2022-167 be received; and

That Council approve the new Building Permit Fees identified in Appendix A of Appendix A - Building Fee Review Report; and

That the updated Schedule T of the User Fees and Charges By-law be included in a future amendment to By-law 6949/95/21

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**Purpose:**

The purpose of this report is to present revised building permit fees (Appendix A) for Council's consideration.

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**Background:**

Staff retained BMA Management Consulting Inc. (BMA) in November of 2021 to undertake a review of the City's building and planning application fees as they have not been reviewed in a number of years. Since the last review there has been an increase in regulatory requirements and applications have been more complex requiring more staff time to review.

BMA has completed the necessary background work; including analyzing the direct and indirect cost of the building permit process, mapping the application process to determine time estimates for all administrative, plans examination and inspection services, and a comparison of fees to other Niagara Region municipalities to ensure the recommended fees are competitive.

A public meeting, pursuant to Ontario Regulation 305/03 was held on June 14, 2022, to receive a presentation from BMA and to gather feedback from the public regarding the proposed fees. No members of the public spoke at the public meeting. Concerns were raised by members of Council that the proposed building fees did not account for contributions towards the Building Permit Stabilization Reserve Fund (the reserve fund). This fund is intended to manage the risk associated with an economic downturn by offsetting the cost to administer the building division during times of slower building permit activity. Legislation requires this reserve fund to only be used for expenditures related to building division operations and cannot be used to fund tax supported programs and services. As of December 31, 2021, the City has a reserve fund of \$251,000 which represents 55% of the total annual expenditures to operate the building division.

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### **Discussion:**

Following the June 14, 2022, public meeting, staff met internally to discuss using the building permit fees to increase the reserve fund to account for fluctuations in building permit revenues. It was determined that a modest increase to the proposed fees of 5% would be appropriate to ensure the reserve fund is not depleted.

Ontario Regulation 305/03 under the Ontario Building Code Act requires a public meeting to be held when a municipality is proposing to introduce or change a building permit fee. As the fees are now proposed to increase by 5%, another public meeting must be held. On August 9, 2022, prior to Council consideration of Report 2022-167 another public meeting will be held to satisfy the regulations and receive any additional feedback on the proposed fees.

The revised building permit fees that include the 5% increase are attached as Appendix A – Building Fee Review Report.

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### **Internal Consultations:**

The building division, engineering division and finance department have been consulted as part of the process for determining the proposed building application fees

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### **Financial Implications:**

The building permit fees are used to pay for the administration of the building division and do not impact the levy.

Below are a few examples of hypothetical building projects and what the increase in fees would amount to:

- In calculating the fees for a new single detached dwelling, the Group C – Residential Occupancies fee would apply to the main dwelling. The Group C fee is proposed to increase from \$1.33 per square foot (sq. ft.) to \$1.50 per sq. ft. If there is a garage, or covered/uncovered deck, a separate fee rate would apply. For example, for an 1,800 square foot residential dwelling, the fee would be increasing by \$306 (from \$2,394 to \$2700). If the dwelling has a covered deck or porch, at 400 sq. ft, the increase in fee would be \$28 (from \$188 to \$216). The per sq. ft. fee for covered/ uncovered decks is proposed to increase from \$0.47 to \$0.54.
- For a 600 sq. ft apartment dwelling the fee would increase by \$102 (from \$798 to \$900).
- An industrial warehouse would be classified as a Group F – Industrial Occupancies. This fee is proposed to increase from \$1.04 per sq. ft. to \$1.22 per sq. ft. For a 40,000 sq. ft. warehouse the increase in fees would be \$7,200 (from \$41,600 to \$48,800)

The new fees are recommended to increase by the inflation rate on January 1 of every year to help ensure that the fees keep pace with changes in the cost of service.

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### **Public Engagement:**

Both public meetings (June 14, 2022 and August 9, 2022) were advertised on the City's website. The public meeting information and the proposed fees were emailed to the Niagara Homebuilders Association, the Niagara Industrial Association and to a list of prospector investors that the economic development team has been collaborating with.

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### **Strategic Plan Alignment:**

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

- Value: Financial Management to Achieve Financial Sustainability
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### **Conclusion:**

It is recommended that the new building permit fees as outlined in Appendix A be approved and take effect as of September 1, 2022.

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### **Appendices:**

a. Building Fee Review Report

Respectfully submitted,

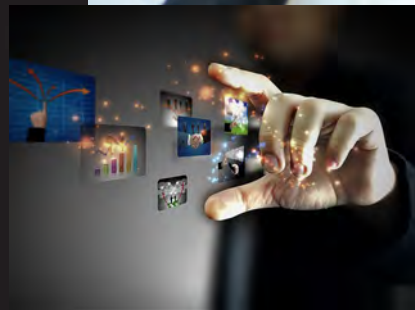
Denise Landry, MCIP, RPP  
Manager of Planning Services  
905-835-2900 x203  
[Denise.Landry@portcolborne.ca](mailto:Denise.Landry@portcolborne.ca)

**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.



# Building Fee Review



**The Corporation of the  
City of Port Colborne**

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## *Introduction*

## *Introduction*

### *Study Objectives*

BMA Management Consulting Inc. was engaged by the City of Port Colborne to undertake a review and make recommendations with respect to building permit fees. A comprehensive review of building permit fees in Port Colborne has not been undertaken in a number of years and as the legislative and regulatory requirements have changed during this time as well as the work processes, the City deemed it an appropriate time to undertake a fee review.

The purpose of the review is to establish the full cost of service and determine appropriate fees as permitted under Provincial legislation. The objectives were to establish fees and related policies that:

- Support financial sustainability;
- Are fair and equitable;
- Recover the full cost of service; and
- Are compliant with all relevant legislative and regulatory requirements.

### *Review Process*

The review process included:

- Reviewing resources/costs to support the programs/services;
- Identifying all costs related to the plans examination and inspection processes (full cost recovery);
- Reviewing the existing fee structure and identifying if there are opportunities to improve the current structure to support principles of fairness and equity;
- Developing process maps to identify the staff involved and the time required to complete each process;
- Developing activity based costing;
- Reviewing the historical and projected levels of construction activity, reserve balances, budgets; and
- Benchmarking fees in Port Colborne in relation to other municipalities in terms of the fees and as well as the fee structure.

### ***Legislative and Regulatory Environment***

To pay for the costs of providing *Building Code* services, municipalities are permitted to charge fees for processing building permit applications. The *Building Code Act (the Act)* requires that permit fees not exceed “the anticipated reasonable costs to administer and enforce the *Building Code* during building construction.” In addition, municipalities are required to prepare annual reports that record the amount of fees received and the costs incurred in administering the process.

Ontario Regulation 305/03 is the associated regulation arising from the *Building Code Statute Law Amendment Act, 2002*. The regulation provides details on the contents of the annual report and the public requirements for the imposition or change in fees. It specifies that annual reports must record both the direct and indirect costs of reviewing applications and conducting building inspections. In this regard:

- Direct costs include the costs of reviewing building permit applications and inspecting buildings; and,
- Indirect costs include the support and overhead costs of administering and enforcing the process.

Annual reports must also include the balance of any building permit reserve funds that municipalities may have. The regulation also sets out the requirements for a public meeting process that must accompany the setting of fees, including:

- Holding at least one public meeting;
- Providing 21 days notice of the public meeting; and,
- Providing in the notice an estimate of the costs of providing *Building Code* services, the amount of new fees, and the rationale for the new fees.



### ***Municipal Benchmarking***

The existing and proposed fees were compared with other Niagara municipalities to ensure that the cost of service in Port Colborne continues to be competitive and to further test for reasonableness. The following issues should be noted regarding the use of comparative analysis in setting fees:

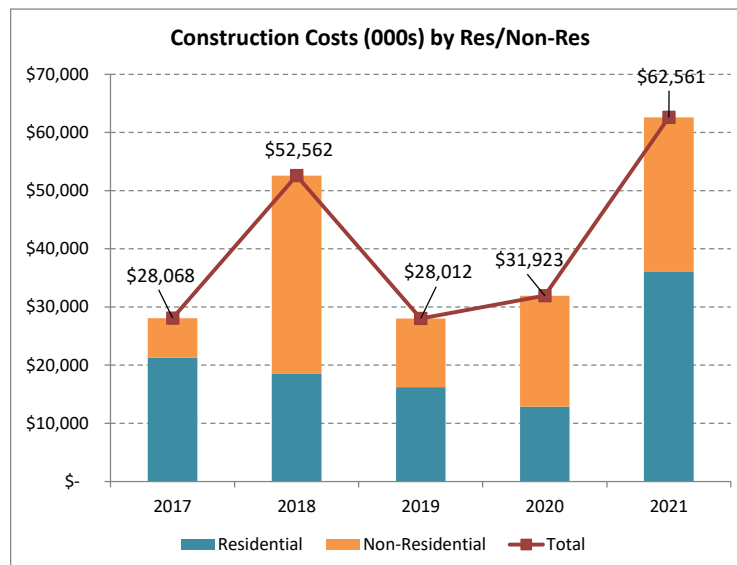
- A comparative analysis does not provide adequate or objective information of the relationship of a municipality's costs to its fees. Therefore, comparative surveys do not help make cost-based decisions.
- Municipalities provide varying levels of service and have varying levels of costs associated with providing services such as staffing levels, salary levels, the inclusion of indirect overhead costs, etc.
- Municipalities may be at different stages in terms of completing fee updates, some of which may not have been updated in a number of years.
- Because each municipality is different, it is recommended that the information contained in the comparative analysis of fees be used as a secondary decision-making tool, rather than a tool for establishing an acceptable price point for services.

Fort Erie
Grimsby
Lincoln
Niagara Falls
Niagara-on-the-Lake
Pelham
St Catharines
Thorold
Wainfleet
Welland
West Lincoln

*Construction Activity and Reserves*

## Construction Revenues

The following graph reflects the volatility of construction activity in the City of Port Colborne from 2017-2021. Building activity is cyclical in nature which has a direct impact on the revenues generated and to a lesser extent the cost of operations. As shown in the graph, construction activity varies annually from a low of \$28 million in 2019 to a high of \$63 million in 2021.



- One large project can result in a spike in revenues. As illustrated above, increases in 2018 were the result of above average industrial activity and in 2021 of residential activity respectively;
- An unanticipated economic slowdown can result in an operating deficit; and
- A number of the costs of operations are fixed or are difficult to immediately adjust to changes in the levels of construction activity.

There is considerable fluctuations in the construction activity from year to year. It is anticipated that the increased value of construction in 2021 will continue over the next few years. In years of high activity (e.g. 2018, 2021), revenues exceeded costs and the balance was transferred to the Building Stabilization Reserve which will be discussed in the next section of the report. However, in slower periods costs may exceed revenues whereby funds were transferred from the Reserve as a result of lower than anticipated revenues.

### ***Building Permit Stabilization Reserve Fund***

Building Departments are typically operated as an “Enterprise Model” which means that the building permit fees are established to recover 100% of the costs of the operations. The vast majority of municipalities surveyed operate on a full cost recovery basis, consistent with the approach undertaken in the City of Port Colborne.

Optimally, a matching of revenues and expenditures, on an annual basis, ensures that the cost of service is fully recovered from the associated fee revenues but, to balance the revenues and expenditures on an annual basis is challenging given that there is considerable fluctuation in activity, as shown previously in the report. Further, given that building operations do not have sufficient elasticity to adjust operating expenditures (which is primarily driven by staffing costs and overhead allocations), to align with the fluctuations in building activity, a best practice of municipalities is to establish a dedicated reserve fund to smooth the impact as permitted under the *Act*. The net revenues/expenditures of the Building Department operations are deposited to/drawn from the Building Permit Stabilization Reserve Fund. The stabilization reserve manages the risk associated with an economic downturn; spreads the impact of market fluctuations across an economic cycle; avoids fluctuations in fees and is available to fund one-time capital requirements.

The City currently has an estimated Building Stabilization Reserve Fund to address the fluctuations in revenues associated with annual building permit fees. The City has a Building Permit Stabilization Reserve Fund with approximately \$251,000 as of December 31, 2021. This represents 55% of expenditures.

Without reserve funds, a sustained shortfall would need to be funded from fee increases or property taxes. Legislation requires this Reserve Fund to be used only for expenditures related to Building operations (segregated fund) and cannot be used to fund tax supported programs and services. Municipalities across Ontario have typically established a ceiling for the Building Permit Stabilization Reserve Fund balance to be 100%-300% of the operating expenditures. This is required to sustain the municipality through economic downturns which can last for several years.

NOTE: City staff requested that a 5% increase be added to the proposed fees to ensure that the building reserve fund is at an adequate level to address potential economic down turns.

***Building Permit Fee Calculation***



### ***Building Permit Fee Calculation***

The following provides an overview of the process used to calculate the fees.

- ***Identify Cost of Service***
- ***Process Mapping and Time Estimates***
- ***Calculate Fees***

#### ***Identify Cost of Service***

Port Colborne’s Building Department Operating Budget includes both direct costs (associated with plans examination and inspection services to support the *Building Code*) and indirect costs (support and overhead costs of administering and enforcing the process). The approach is to establish the fees using a 100% cost recovery model which is consistent with the practices of the majority of municipalities surveyed, operating as an “Enterprise Model.” Further, the *Act* requires that permit fees not exceed “the anticipated reasonable costs to administer and enforce the Building Code during building construction”.

This section of the report provides an analysis of the direct and indirect costs of processing building permit applications.

- Direct Costs—This includes salaries, wages and benefits of the staff undertaking and overseeing the inspection and plans examination work.
- Indirect Department Costs—This includes the support and overhead costs related to the direct service providers such as office supplies, training, car allowance, etc. Departmental indirect costs such as an allocation of a portion of the commissioner’s salary has also been included.

- Indirect—Corporate Cost Allocations & Development Application Approval Processes— Corporate cost allocations have been attributed as overhead support. Corporate costs that have been calculated by the Finance Department related to supporting the Building Department include legal, finance, human resources, communications, accommodation expenses, clerks, information technology, accounting, customer service and insurance.

The following table reflects the 2022 adjusted budgeted cost of services related to building permit fee processing, plans review and inspections.

Expenditures	Budget 2022	% of Total
Salaries & wages	\$ 238,800	51.8%
Benefits	\$ 80,200	17.4%
Admin charges	\$ 112,770	24.5%
Misc Expenses	\$ 26,300	5.7%
Consulting Fees	\$ 2,500	0.5%
<b>Total</b>	<b>\$ 460,570</b>	<b>100.0%</b>

- The base budget for 2022 related to the provision of Building Standards services is \$460,570. The City of Port Colborne budget includes all direct, indirect and corporate cost allocations, in accordance with leading practices.
- As illustrated above, approximately 52% of the budget is related to salaries and wages. The Act allows for including anticipated costs when determining the full cost of providing building services which in 2022 is \$460,570. The total building permit fee revenue in 2021 was \$446,847.

### ***Process Mapping and Time Estimates***

A process mapping exercise was completed by staff and facilitated by BMA. This was used to identify all steps in the process and to estimate the “average” time involved as well as an identification of the staff involved in the process.

Utilization of time estimates is a reasonable and defensible approach, especially since these estimates were developed by experienced staff members who understand service levels and processes unique to the City of Port Colborne.

BMA worked with the City’s staff in developing time estimates with the following criteria:

- Estimates are representative of average times for providing service. Extremely difficult or abnormally simple projects are excluded from the analysis; and
- Estimates were reviewed by BMA for “reasonableness” against experience with other municipalities and validated against activity levels, staffing levels and available hours which are reasonable.

The analysis of the process mapping revealed the following:

- Residential new construction tends to be more consistent in terms of the level of effort required to undertake the plans examination and inspection processes. A process map was developed for a typical residential application in Port Colborne to form the basis for the recommended fees for each type of building permit.
- Residential permit fees would increase by approximately \$0.17 per square foot. On a typical 1,800 square feet house the increase would be approximately \$308.
- The fee calculations were based on the process mapping exercise and calculated to recover 100% of the cost of building operations.

### ***Summary of Recommendations***

1. That the 2022 fees be approved based on the calculated full cost of service, in accordance with Appendix A.
2. That annual inflationary increases be applied to all building permit fees to help ensure that fees keep pace with changes in the cost of service.
3. That a full analysis of Building services cost and the fees charged be conducted every five years.

### ***Building Permit Fee Summary***

The *Ontario Building Code (OBC)* is the provincial regulation that sets the uniform and minimum standards required to be adhered to in the construction of buildings and structures. The main purpose of the *Building Code* is to protect public health, safety and general welfare as it relates to the construction and occupancy of building and structures. Municipalities are responsible for the enforcement of the *OBC* through designated officials. Municipalities recover the cost of service through building permit fees from those who are the direct beneficiary of the services, the applicant.

The recommended building permit fees will continue to be competitive with Niagara municipalities as shown in Appendix B. It should be noted that building permit fees are one-time in nature and comprise a very small percentage of the overall cost of construction.

Based on projected activity levels, the projected revenues will move the City to full cost recovery.

*Appendix A—Summary of Fees*

## City of Port Colborne—Building Permit Fee Review

New Building Construction and Additions <sup>6,8</sup>	2022 Existing Fee	2022 Proposed Fee
Minimum Fee for all Building Permits <sup>9</sup>	\$125.00	\$130.00

Major Occupancy <sup>7</sup>	Permit Fee Details <sup>1-16</sup>	2022 Existing Fee	2022 Proposed Fee
<b>Group A – Assembly Occupancies</b> <i>Examples: School, church, restaurant, daycare, hall, transit, recreation facility, other</i>	Per sq. ft.	\$1.66	\$2.03
<b>Group B – Institutional Occupancies</b> <i>Examples: Hospital, retention facility, nursing home, other</i>	Per sq. ft.	\$1.87	\$2.20
<b>Group C – Residential Occupancies</b> <i>Single detached dwelling, Semi-detached dwelling, duplex dwelling Townhouse, Multiple unit dwellings, apartment building, townhouse Hotels, motels, Other residential</i>	Per sq. ft.	\$1.33	\$1.50
<b>Group D – Business/Personal Services Occupancies</b> <i>Examples: Office, bank, medical, police station, other</i>	Per sq. ft.	\$1.33	\$1.87
<b>Group E – Mercantile Occupancies</b> <i>Examples: Store, shopping mall/plaza, shop, market, retail, other</i>	Per sq. ft.	\$1.33	\$1.75
<b>Group F – Industrial Occupancies</b> <i>Examples: Industrial mall/plaza/garage, plant, factory, warehouse, other Industrial buildings with no partitions, no plumbing and no mechanical</i>	Per sq. ft.	\$1.04	\$1.29
	Per sq. ft.	\$0.78	\$0.98

New Building Construction and Additions <sup>6,8 (continued)</sup>	Permit Fee Details <sup>1-16</sup>	2022 Existing Fee	2022 Proposed Fee
<b>Special Categories/Occupancies</b>			
Farm building, greenhouse	Per sq. ft.	\$0.30	\$0.34
Park Model Trailer		\$200.00	\$229.18
Tent, temporary fabric structure	Each	\$200.00	\$229.18
Renewable Energy Projects		See note 12	See note 12
<b>Houses and Accessory to Houses:<sup>14</sup></b>			
Garage, carport	Per sq. ft.	\$0.73	\$0.84
Covered deck/porch	Per sq. ft.	\$0.47	\$0.54
Uncovered deck/porch	Per sq. ft.	\$0.47	\$0.54
Sunroom/solarium, 3-Season Room, Add-A-Room (on Park Model Trailers)	Per sq. ft.	\$0.73	\$0.84
Shed/accessory building	Per sq. ft.	\$0.73	\$0.84

## City of Port Colborne—Building Permit Fee Review

Alterations	Permit Fee Details <sup>1-16</sup>	2022 Existing Fee	2022 Proposed Fee
Unfinished basement (new or replaced foundation)	Per sq. ft.	\$0.28	\$0.32
Under pinning foundation		See note 12	See note 12
Roof structure	Per sq. ft.	\$0.16	\$0.18
Fireplace, woodstove, chimney		\$124.85	\$143.07
<b>Interior Alterations:</b>			
Interior alterations, all occupancies, except finished basements	Per sq. ft.	\$0.62	\$0.71
Finishing basement	Per sq. ft.	\$0.62	\$0.71
Other minor alteration		See note 12	See note 12
<b>Partial Permit/Staged Construction<sup>11</sup></b>		<b>2022 Existing Fee</b>	<b>2022 Proposed Fee</b>
All partial permits subject to a surcharge applied to the stage permit value		50%	50%
<b>Foundation Stage<sup>11</sup></b>			
Complete to grade including or excluding underground services within building		15%	15%
<b>Building Shell Stage<sup>11</sup></b>			
Completed structural shell stage		40%	40%
Completed architectural shell stage		80%	80%
<b>Building Completion Stage<sup>11</sup></b>			
Includes completed building stage		100%	100%
<b>Plumbing Only</b>		<b>2022 Existing Fee</b>	<b>2022 Proposed Fee</b>
Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other	Each	\$9.28	\$10.63
All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe	Per linear foot	\$1.25	\$1.43
Water distribution pipe inside a building	Each	\$124.85	\$143.07
<b>Residential<sup>14</sup></b>			
Replace buried water service, sanitary drains or storm drains (single fee applies if multiple services are replaced at the same time)	Each	\$200.00	\$229.00

## City of Port Colborne—Building Permit Fee Review

Mechanical HVAC Only		2022 Existing Fee	2022 Proposed Fee
Group A, B, C (except houses), D E	Per sq. ft.	\$0.10	\$0.11
Houses		\$124.85	\$143.07
Group F	Per sq. ft.	\$0.10	\$0.11
Commercial type Kitchen Exhaust		See note 12	See note 12
Pool		2022 Existing Fee	2022 Proposed Fee
Public pool		\$344.37	\$394.62
Private pool		\$145.66	\$166.92
Designated Structure		2022 Existing Fee	2022 Proposed Fee
As defined in the Ontario Building Code		See note 12	See note 12
Demolition		2022 Existing Fee	2022 Proposed Fee
Houses <sup>14</sup> and buildings less than 3,000 square feet (gross area)	Each	\$156.06	\$178.83
Other demolitions	Per sq. ft.	\$0.10	\$0.11
Conditional <sup>15</sup>		2022 Existing Fee	2022 Proposed Fee
Surcharge		50%	50%
Change of Use		2022 Existing Fee	2022 Proposed Fee
Permit for the change of use of a building or part thereof		\$120.00	\$150.00



## City of Port Colborne—Building Permit Fee Review

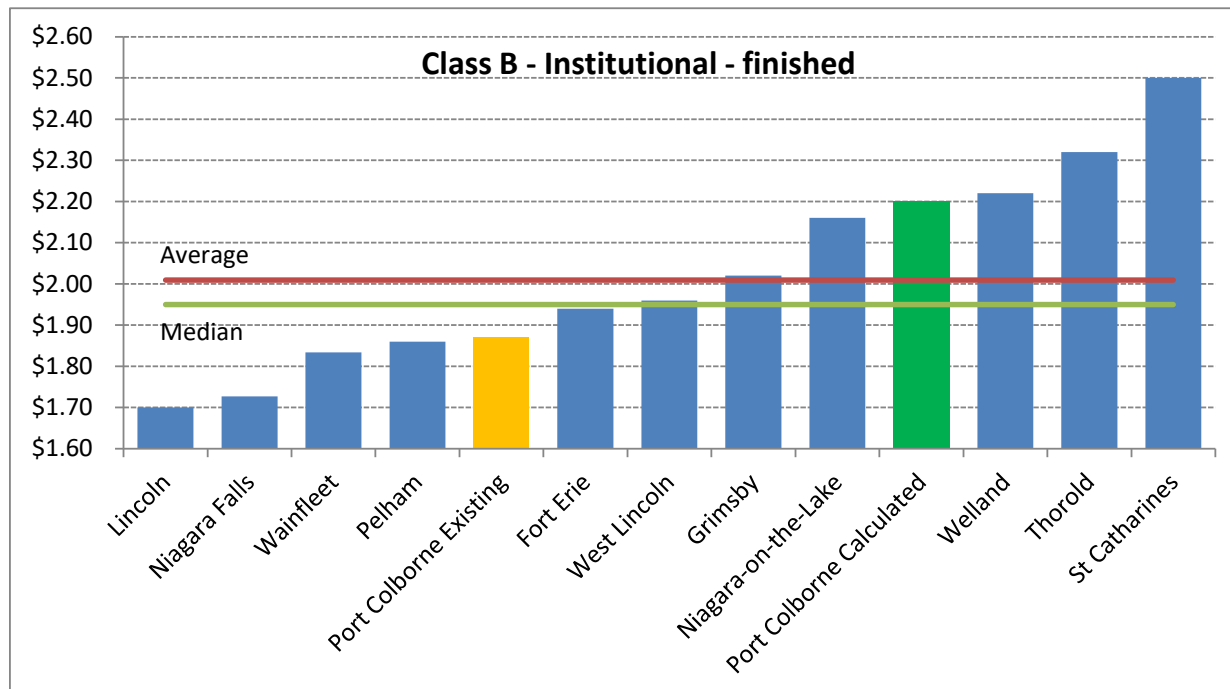
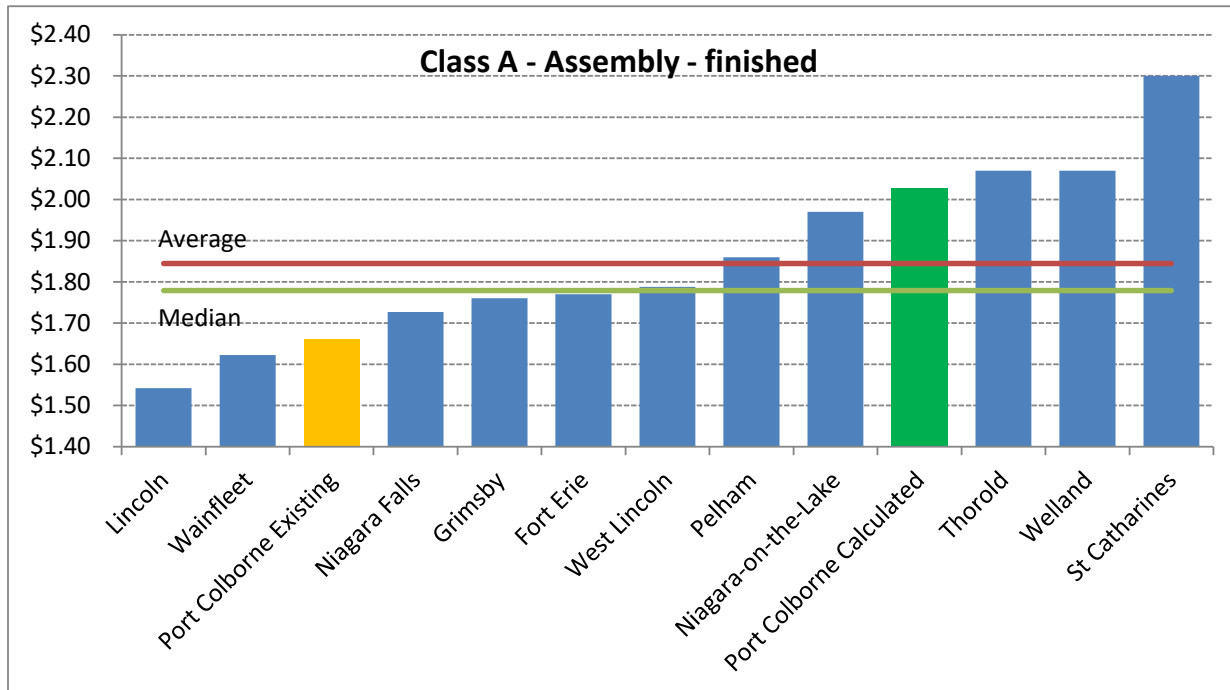
Occupancy		2022 Existing Fee	2022 Proposed Fee
<b>Permit to allow occupancy</b>			
Houses, semi-detached dwellings, townhouses	Each	\$125.00	\$150.00
Other buildings	Each	\$125.00	\$150.00
<b>Permit to allow partial occupancy</b>			
For area of building to be occupied	Per sq. ft. gross floor space to be occupied	\$0.07	\$0.08
Review of proposed application	Per hour	\$100.00	\$110.00
Transfer		2022 Existing Fee	2022 Proposed Fee
Transfer of permit to a new owner		\$120.00	\$150.00
Additional Fees and Charges		2022 Existing Fee	2022 Proposed Fee
Discharge of an Order from property title		\$788.00	\$902.99
Submitting an application for Permit Minimum non-refundable fee for submitting all permit applications. This fee is discounted against the final Permit fee.		\$120.00	\$130.00
Work Without Permit - Percentage increase in applicable fees from this schedule will apply where commencement of construction or demolition has occurred prior to the issuance of the required permit. Refer to Section 4.4 of The Building By-law.		100%	100%
Alternative Solution application (per hour, minimum 4 hours)		\$100.00	\$150.00
Refund of Permit Fees		2022 Existing Fee	2022 Proposed Fee
Permit Issued. Administration functions only have been performed. No field inspections have been performed.		50%	50%
Additional deduction from eligible refund for each field inspection that had been performed.		\$50.00	\$57.00
<b>Notes for Refunds:</b>			
1. No refund will apply one year after date of permit issuance.			
2. If the calculated refund is less than the minimum fee applicable to any permit, no refund shall be made of the fees paid.			
3. No permit fee shall be refunded where the permit has been revoked by the Chief Building Official in accordance with the Act.			

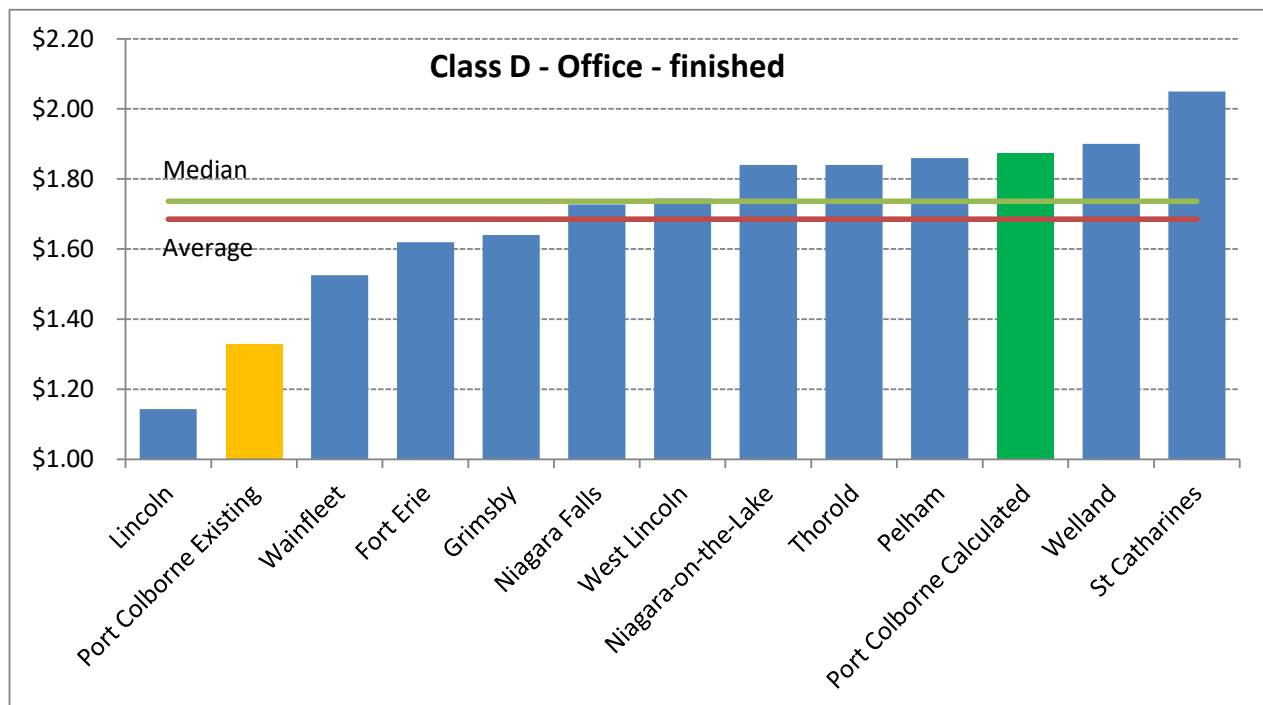
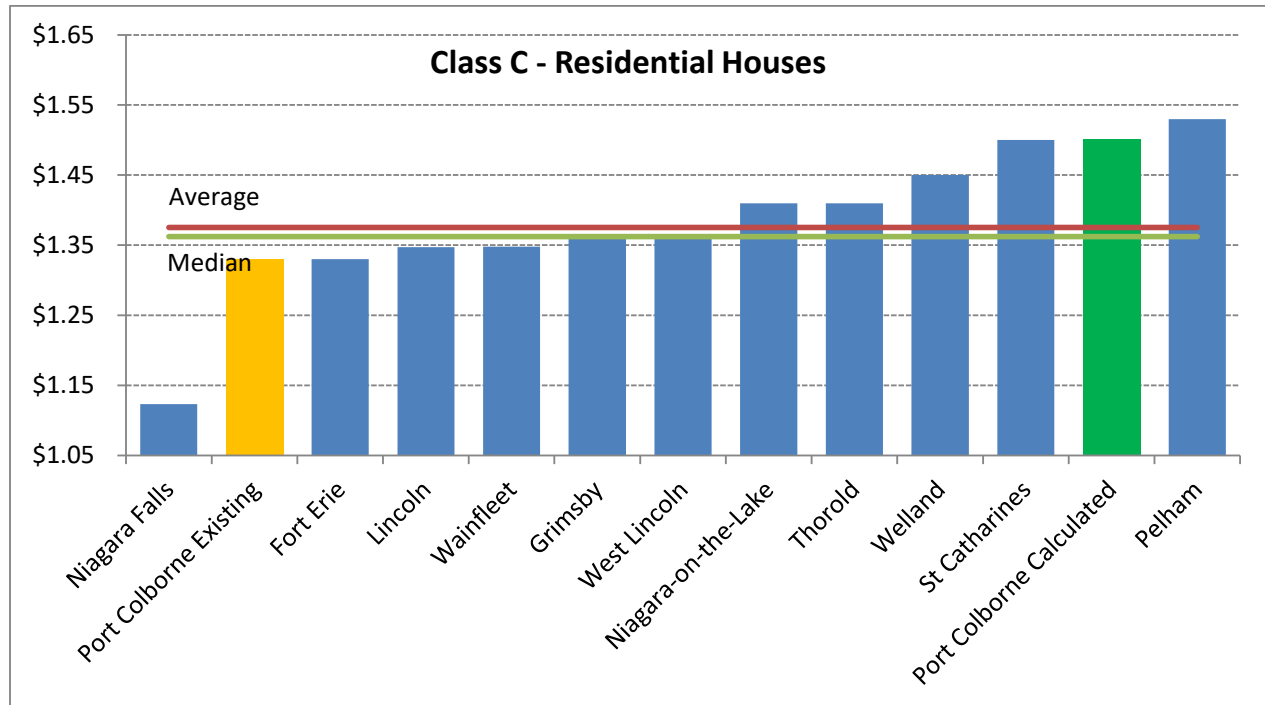
**General Notes:**

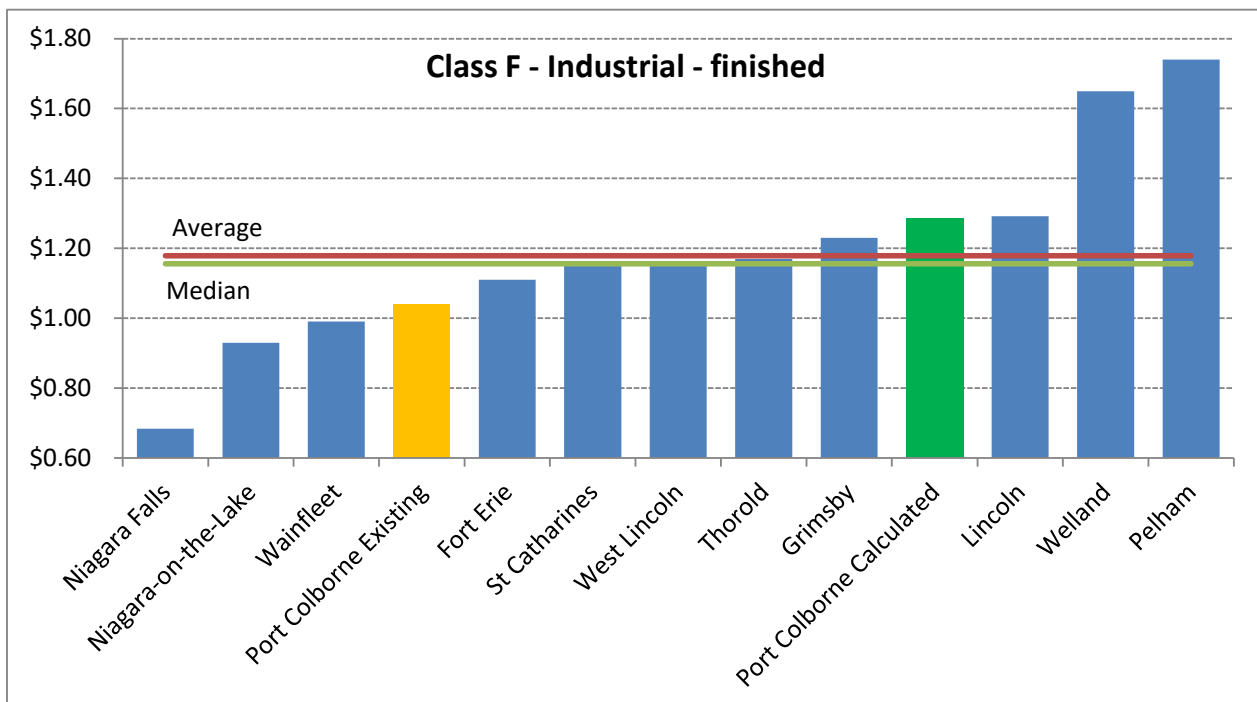
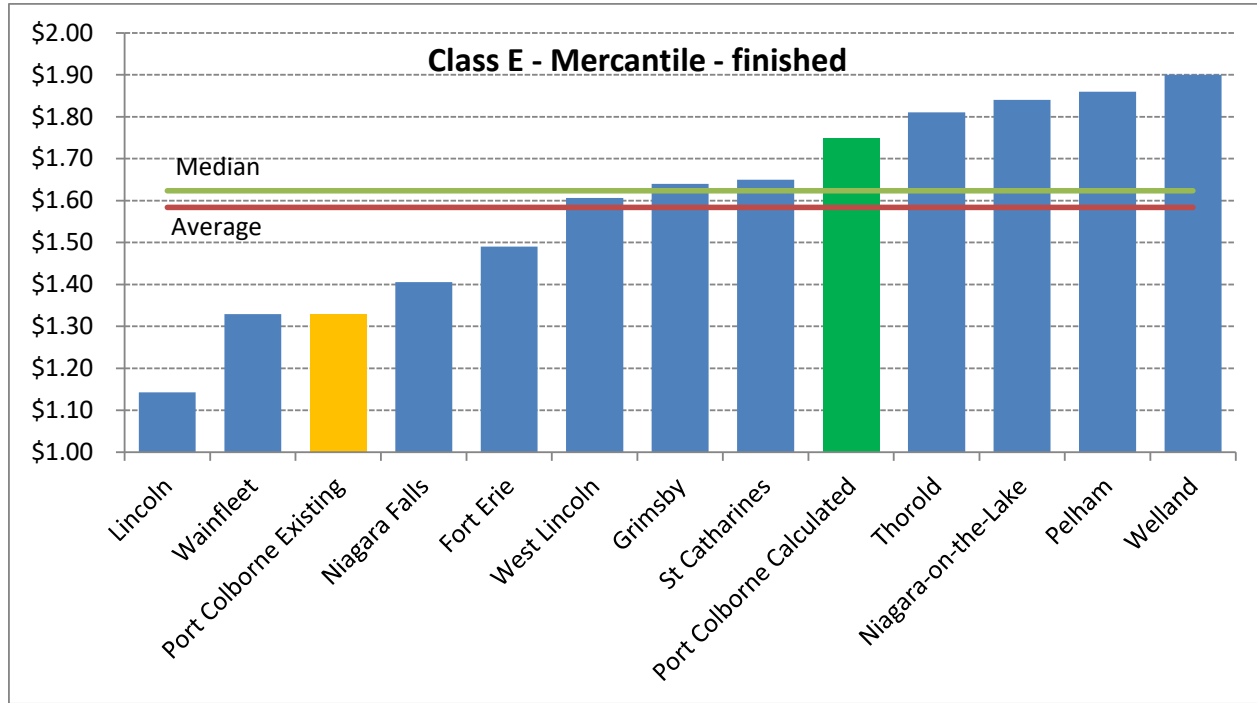
1. Permit fee is \$/square foot, \$/linear foot, or \$ (flat rate).
2. Square foot is gross of all floors above grade measured from the outer face of exterior walls, unless noted otherwise. Mezzanines, lofts, habitable attics and dwelling units below grade are included as floor areas for permit fee calculations.
3. Where there is no floor or exterior walls for the project, square foot is the greatest horizontal area of the structure. For example, buildings or structures supported by posts or columns.
4. \$130.00 paid at time of application plus \$55.00 for each additional inspection in excess of one where the building is not ready for occupancy and which must be paid prior to issuance of Occupancy Permit.
5. There are no deductions from the gross floor area for openings such as stairs, elevators, shafts, etc.
6. Cellars, unfinished basements and crawl spaces are not used in the fee calculation for new construction.
7. Major occupancy is based upon the Ontario Building Code.
8. New construction and additions include plumbing, HVAC and all other regulated building services/components.
9. Minimum permit fee is \$130.00 and is in addition to the per square foot fee.
10. Revision or amendment to an open permit is a minimum \$55.00 fee plus \$55.00 per hour of administration time.
11. For a Partial Permit, the percentage shown for the applicable stage of construction (minus the percentage for any previous Partial Permits) must be multiplied by the applicable permit application fee shown for new construction and then increased by a 50% administrative surcharge to obtain the required total fee for that stage.
12. If the work regulated by the permit cannot be described otherwise, the permit application fee shall be \$15.40 for each \$1,000.00 value of work proposed.
13. Houses in Special Categories and Alterations includes semi-detached, duplexes, triplexes, and townhouses.
14. See “Deposits Required for Permits” for applicable deposits.
15. The fee for a Conditional Permit is equal to the regular permit fee described above plus an additional administrative surcharge of 50% of the regular permit fee. If the Conditional Permit also happens to be a Partial Permit, the Partial Permit fee already increased by 50% must be increased by an additional 50% to obtain the required total fee.
16. A 50% reduction in the fees payable will be applicable to all properties that are located within the project area boundaries of the Olde Humberstone Main Street Community Improvement Plan, the Downtown Central Business District Community Improvement Plan, Brownfield Community Improvement Plan and East Waterfront Community Improvement Plan. No fee reduction will be applied where the 'Work Without Permit' fee is applicable.
17. Third Party Review of applications are undertaken at the discretion of the Chief Building Official and may be required for very large or complex developments. The Chief Building Official may require that the estimated or actual costs associated with the third party review be payable at any time prior to permit issuance.

***Appendix B—Building Fee Municipal Peer Comparison***

The following provides a comparison of building permit fees with other Niagara municipalities.









**Subject: MAT By-law and Agreement**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-148

Meeting Date: August 9, 2022

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**Recommendation:**

That Office of the Chief Administrative Officer-Economic Development and Tourism Division Report 2022-148 be received; and

That the Municipal Accommodation Tax (MAT) at a rate of four per cent (4%), as described in Report 2022-48 dated March 22, 2022, be approved; and

That the By-law to establish a MAT, as set out in Appendix A, be approved and effective September 1, 2022; and

That Council delegate authority to the Mayor and Acting City Clerk to enter into the agreement in Appendix B with Niagara's South Coast Tourism Association to share 50 per cent (50%) of the total amount of MAT revenue collected in a fiscal year.

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**Purpose:**

The purpose of this report is to seek approval to implement a four percent (4%) Municipal Accommodation Tax (MAT) effective September 1, 2022, on camping sites and Sugarloaf Marina in the City of Port Colborne.

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**Background:**

Report 2022-48 from the March 22<sup>nd</sup> Council meeting introduced Ontario Regulation (O. Reg.) 435/17, Transient Accommodation Tax, and the opportunity to implement this tax in the City of Port Colborne. At this meeting, Council committed, in principle, to levying the tax at no more than four per cent (4%) on campsites effective January 1, 2023. Amendments were made at this same meeting to propose an in-effect date of

September 1, 2022, and to include Sugarloaf Marina in the Municipal Accommodation Tax or MAT By-law.

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## **Discussion:**

Once implemented starting September 1, 2022, the MAT will be mandatorily applied to purchases of accommodation for a continuous period of less than or equal to 30 days at camping sites and Sugarloaf Marina boat slips. The By-law accompanying this report provides the definitions, procedures of application or implementation, exemptions, and functions necessary to administer the By-law and collect the MAT. It bears mentioning the By-law also delegates authority to the Director of Corporate Services/Treasurer to implement and administer the By-law, collect the MAT, and take all actions to enforce the By-law.

O. Reg. 435/17 requires that the municipality and an eligible tourism entity, which in this case is Niagara's South Coast Tourism Association (NSCTA), enter into an agreement respecting reasonable financial accountability matters. Such an agreement accompanies this report as item Appendix B. Fifty percent (50%) of the net proceeds collected from the MAT is to be deposited into a fund accessible to the NSCTA.

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## **Internal Consultations:**

Economic Development & Tourism Services staff consulted with colleagues in Corporate Services and Development and Legislative Services regarding the MAT By-law and the agreement between the City and Niagara's South Coast Tourism Association.

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## **Financial Implications:**

Recognizing that lower-tier municipalities like Port Colborne are constantly under pressure to deliver value for taxpayer dollars, the Province's Transient Accommodation Tax Regulation provides a means for funding municipal tourism promotion and development projects without having to draw from property tax revenue or the financing of core services. As dictated in the Regulation, the total revenue from the 4% MAT will be shared in a 50/50 split between the City and the NSCTA. Because the NSCTA's finances are consolidated with those of the City, a tourism cost centre will be created to track the spending of MAT revenue by the NSCTA as well as the City's portion of MAT revenue. Currently, staff anticipate the City's portion of the MAT will to be used to pay the interest incurred on the waterfront centre's debenture if and when the centre is constructed.



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**Public Engagement:**

Economic Development & Tourism Services staff met with the two private businesses in the City operating with a trailer camp licence: Sherkston Shores Beach Resort & Campground and Pleasant Beach Campground. These two businesses will be subject to the MAT when it takes effect.

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**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars 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
- 

**Conclusion:**

In 2017, the Province enacted O. Reg. 435/17 to give lower-tier and single-tier municipalities the opportunity to levy a tax on transient accommodation and share the revenue received with an eligible tourism entity. Promoting tourism and developing the local tourism industry are important to both the City of Port Colborne and Niagara's South Coast Tourism Association. After allowing some time for the MAT to be implemented and for the effects of the COVID-19 pandemic to subside, staff intend to return to Council in Q2 2023 with a new report that will propose possible amendments to the MAT By-law and the inclusion of other transient accommodation providers like motels, bed & breakfasts, inns, and multi-unit short-term rentals starting in 2024.

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**Appendices:**

- a. By-law to establish a Municipal Accommodation Tax
- b. Agreement between The Corporation of the City of Port Colborne and Niagara's South Coast Tourism Association

Respectfully submitted,

Greg Higginbotham

Tourism Coordinator  
905-835-2900 x505  
[greg.higginbotham@portcolborne.ca](mailto:greg.higginbotham@portcolborne.ca)

Gary Long  
Manager of Strategic Initiatives  
905-835-2900 x502  
[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.

**The Corporation of the City of Port Colborne**

**By-law No. \_\_\_\_\_**

**Being a by-law to establish a Municipal Accommodation Tax**

**WHEREAS** The Corporation of the City of Port Colborne may, through a by-law, impose a tax in respect of the purchase of transient accommodation in the municipality in accordance with Part XII.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Act”), and Ontario Regulation 435/17 Transient Accommodation Tax;

**AND WHEREAS** at its meeting on March 22, 2022, the Council of The Corporation of the City of Port Colborne approved the establishment of a tax and the tax rate to be imposed on the purchase of transient accommodation in the City of Port Colborne;

**AND WHEREAS** the revenue collected from the tax levied on the purchase of transient accommodation is to be shared with a non-profit entity whose mandate includes the promotion of tourism in the City of Port Colborne, as further described in Regulation 435/17;

**AND WHEREAS** pursuant to section 400.1(3) and 400.4 of the Act, Council may establish enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due;

**AND WHEREAS** section 400.4(2) of the Act provides that outstanding taxes, penalties or interest cannot have priority lien status and any lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances;

**AND WHEREAS** section 425 of the Act provides that a person who fails to comply or contravenes the by-law of the municipality passed under the Act is guilty of an offence.

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

**1. Definitions and Interpretations**

1.1 For the purposes of this by-law:

**"Accommodation"** means the use or possession or the right to the use or possession, for dwelling, lodging or sleeping purposes:

- on any camping site or land consisting of one or more tents, trailers, motor or mobile homes, recreational vehicles or any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being propelled by the motor vehicle; and

- on or in a boat, watercraft or vessel which floats on the surface of the water, is capable of carrying people and is moored at Sugarloaf Marina.

**“Ancillary Charges”** means charges related to the purchase of Accommodation including, but not limited to, the purchase of food and beverages, internet, phone, gasoline, electricity, and any additional amenities.

**“City”** means The Corporation of the City of Port Colborne.

**“Council”** means the Council of The Corporation of the City of Port Colborne.

**“Eligible Tourism Entity”** has the meaning given to it in Ontario Regulation 435/17.

**“Establishment”** means the physical location, a building or part of a building that provides Accommodation.

**“Establishment Information Report”** means the form established by the Treasurer to provide information about the Establishment that provides Accommodation.

**“Municipal Accommodation Tax (MAT)”** means the tax imposed under this by-law, and where applicable, includes the tax assessed by the Treasurer.

**“MAT Remittance Report”** means the form established by the Treasurer for reporting MAT collected and to be paid to the City for a reporting period.

**“Person”** includes an individual, corporation, a sole proprietorship, a partnership, an unincorporated association, a trust, a firm and a corporation.

**“Provider”** means a Person that sells, offers for sale, or otherwise provides Accommodation, and includes agents, hosts or others who sell, offer for sale by any means including through an online platform, or who otherwise provide Accommodation.

**“Purchaser”** means a Person who, for a Purchase Price, uses, possesses or has the right to the use or possession of Accommodation.

**“Purchase Price”** means the price for which Accommodation is purchased, and where applicable, any other consideration accepted by the Provider in return for Accommodation. Purchase Price does not include Ancillary Charges that are itemized separately on the Purchaser’s bill, receipt, invoice or similar document. Purchase Price does not include the goods and services tax imposed by the Government of Canada and by the Province of Ontario.

**“Sugarloaf Marina”** means the location (Lat. 42° 52’ 37” North, Long. 79° 15’ 15” West), including all the navigable waters and any municipally owned foreshore, where a boat, watercraft or vessel is moored in the City of Port Colborne.

**“Treasurer”** means the person appointed as the Director of Corporate Services or an authorized representative.

- 1.2 Specific references to laws and regulations are meant to refer to the current laws applicable at the time the by-law was enacted and shall include the laws as they are amended, restated or replaced from time to time.
- 1.3 The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- 1.4 Terms with capitals shall be read with the meaning hereto and other words shall be given their ordinary meaning.
- 1.5 The words "include", "includes" and "including" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
- 1.6 References to items in the plural include the singular, as applicable.
- 1.7 Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- 1.8 All days stated within this by-law shall be calendar days. Where the time for completing an act ends on a weekend or holiday, the act may be completed on the next business day.

## **2. Application of the MAT**

- 2.1 A Provider of Accommodation shall charge the Municipal Accommodation Tax, plus applicable taxes, to every Purchaser, at the time of purchase.
- 2.2 Except as provided in Section 3 of this by-law, every Purchaser shall pay to the Provider of Accommodation the Municipal Accommodation Tax, at the time of purchase, the amount of four per cent (4%) of the Purchase Price of the Accommodation which is provided for a continuous period of less than/equal to 30 days at a camping site or Sugarloaf Marina within the City of Port Colborne. The continuous period referred to above is not disrupted by the purchase of different accommodation or other Accommodation in the same Establishment in the course of the continuous period.
- 2.3 A Provider of Accommodation shall include on every bill, receipt, invoice or similar document for the purchase of Accommodation a separate item for the four per cent (4%) tax imposed on the purchase, and the item shall be identified as “Municipal Accommodation Tax”. Where the Provider of Accommodation fails to separately

itemize Ancillary Charges, the Municipal Accommodation Tax will apply to the total amount of the purchase price.

### 3. Exemptions

Despite Section 2, the Municipal Accommodation Tax imposed under this by-law does not apply to:

- (a) The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
- (b) Every board as defined in subsection 1 (1) of the *Education Act*;
- (c) Every university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants entitlements from the Crown;
- (d) Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*;
- (e) Every long-term care home as defined in subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*;
- (f) Every retirement home as defined in the *Retirement Home Act, 2010*;
- (g) Every home for special care as defined in the *Home for Special Care Act*;
- (h) Every non-profit hospice occupying land for which there is an exemption from taxation determined in accordance with section 21.1 of Ontario Regulation 282/98 made under the *Assessment Act*;
- (i) Every treatment centre that receives provincial aid under the *Ministry of Community and Social Services Act*;
- (j) Every house of refuge or lodging for the reformation of offenders;
- (k) Every charitable or not-for-profit corporation or by the City or its contractors or agents for the purpose of providing or operating a shelter or emergency shelter for the relief of the poor or for persons suffering from homelessness, or for the

benefit of persons fleeing situations of physical, financial, emotional or psychological abuse;

- (l) All lodging in a room, suite of rooms, area or dwelling containing one or more beds or cots, as the case may be in a hotel, motel, hostel, lodge, inn, club, resort, bed and breakfast, and vacation rental unit providing short-term or temporary occupancy;
- (m) All lodging in a room, suite of rooms, area or dwelling containing one or more beds or cots in park model trailers, manufactured homes, cottages, cabins or similar structures providing short-term or temporary occupancy;
- (n) Every accommodation supplied by employers to their employees in premises operated by the employer;
- (o) Every hospitality room in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining; and
- (p) Every booking with signed contracts prior to the date that this by-law takes effect, whether paid partially or in full.

#### **4. Administration/Delegation**

4.1 The Treasurer is delegated the authority to implement and administer this by-law, to collect the MAT and to take all actions and make all decisions, including any and all enforcement measures, required under this by-law. Without limiting the generality of the foregoing, the Treasurer is delegated the authority to:

- (a) establish, amend and sign from time to time, procedures, forms, documents and agreements as the Treasurer may determine are required to implement and administer this by-law and to collect the MAT;
- (b) perform all administrative functions and conduct all enquiries, audits, assessments and approvals referred to herein and deemed necessary for the due administration, implementation and enforcement of this by-law and the collection of monies owing hereunder and to authorize refunds in accordance with this by-law; and
- (c) carry out all duties assigned to the Treasurer under this by-law.

4.2 The Treasurer may delegate the performance of any one or more of their functions under this by-law to one or more persons from time to time as the occasion requires, impose conditions upon such delegation and revoke any such delegation. The Treasurer may continue to exercise any function delegated during the delegation.

- 4.3 Except as expressly provided to the contrary in this by-law, the decisions of the Treasurer are final.

## **5. Duty to Collect, Report and Remit**

- 5.1 Every Provider shall collect the MAT from the Purchaser at the time the purchase of Accommodation is made.
- 5.2 Every Provider shall include on every bill, receipt, invoice or similar document for the purchase of Accommodation a separate item identified as "Municipal Accommodation Tax", showing the rate at which the MAT is calculated, and the amount of the MAT imposed and collected.
- 5.3 Every Provider shall file annually an Establishment Information Report with the City on or before the 31<sup>st</sup> of January each year.
- 5.4 Except as provided to the contrary in Subsection 5.5, every Provider shall:
- (a) file a MAT Remittance Report with the City on the 14<sup>th</sup> of December every year, including a statement detailing the number of Accommodation sold, the Purchase Price of each Accommodation, the MAT amount collected for the reporting period of December 1<sup>st</sup> to November 30<sup>th</sup>, and any other information as required by the City for the purposes of administering and enforcing this by-law; and
  - (b) within 30 days after the MAT Remittance Report due date of 14<sup>th</sup> of December every year, pay to the City an amount equal to the MAT required to be charged to and collected from purchases during the period reported (December 1<sup>st</sup> to November 30<sup>th</sup>) in the MAT Remittance Report.
- 5.5 Despite Subsection 5.4, a Provider may apply in writing for a biannual filing of MAT Remittance Reports and payment of MAT charged and collected. If biannual filing is approved and while any such approval is in good standing, the Provider shall:
- (a) on or before the 14<sup>th</sup> of December and the 14<sup>th</sup> of June, in each year, file a MAT Remittance Report with the City setting out the MAT charged and collected for the six-month period previous to the month in which the MAT Remittance Report is due; and
  - (b) within 30 days after the MAT Remittance Report due date, pay to the City an amount equal to the MAT required to be charged to and collected from purchases during the six-month period reported in the MAT Remittance Report.
- 5.6 When the MAT due date falls on a Saturday, a Sunday or a public holiday recognized by the Canada Revenue Agency, the payment is considered on time if received on the next business day.



5.7 The Provider shall ensure that the MAT Remittance Report(s) required under Subsections 5.4 and 5.5 are:

- (a) in the form established by the Treasurer from time to time;
- (b) filed with the City in the manner established by the Treasurer from time to time;
- (c) filed with the City in the timelines established in this by-law;
- (d) fully complete when submitted; and
- (e) signed by an authorized officer to confirm the accuracy of the report.

5.8 Every Provider shall file a MAT Remittance Report with the City for a reporting period whether or not any MAT was collected during the reporting period.

## **6. Assessment and Failure to File Remittance Report or to Pay**

6.1 Where a Provider has filed a MAT Remittance Report but failed to pay all or part of the MAT owing to the City, the Treasurer may assess the amount of MAT payable to the City based on the MAT Remittance Report.

6.2 Where a Provider has failed to file a MAT Remittance Report, the Treasurer shall mail a notice of default informing the Provider that interest on the amount of the MAT payable to the City will be imposed as a penalty from the day following the date on which the MAT owing was due. After sixty (60) days following the issuance of the notice of default, the Treasurer shall assess the amount of MAT payable to the City by multiplying the MAT rate of four per cent (4%) X room rate X 100% occupancy.

6.3 The Treasurer shall mail an invoice to the Provider setting out the amount of MAT assessed by the Treasurer under Subsection 6.2, as payable by the Provider, and in the case of an invoice related to an amount assessed under Subsection 6.2, advise the Provider of the rights to re-assessment under Subsection 6.4. The Provider shall pay the assessed amount to the City within 15 days from the date of the invoice whether or not the assessed amount was actually collected by the Provider and whether or not the assessment reflects the amount of MAT actually payable.

6.4 Despite Subsection 6.3, where the Treasurer has assessed MAT in accordance with 6.2, the Provider may, within two months of the date of the invoice sent pursuant to Subsection 6.3, apply to the Treasurer in writing for a re-assessment of the MAT owing to the City for the assessed period. No request for a re-assessment will be considered by the Treasurer unless the Provider:

- (a) submits or has submitted a complete MAT Remittance Report for the period to which the assessment applied;
- (b) paid the amount of the MAT assessed by the Treasurer, in accordance with Subsection 6.2 and set out in the invoice sent in accordance with Subsection 6.3; and
- (c) has paid any applicable penalties or interest on the amount of MAT assessed by the Treasurer under Section 9.

6.5 Upon re-assessment by the Treasurer based on the MAT Remittance Report for the period, the Treasurer shall adjust the City records, if necessary, to reflect the re-assessment of the MAT and of any penalties or interest thereon.

6.6 In the event that the re-assessment by the Treasurer reveals an overpayment by the Provider, the Treasurer will notify the Provider in writing and will provide a refund of the amount overpaid. No interest shall be paid on the amount of the overpayment.

6.7 Where the Provider, who is entitled to do so, fails to apply for a re-assessment in accordance with Subsection 6.4, the amount assessed by the Treasurer in accordance with Subsection 6.2 shall be final.

## **7. Audit and Inspection**

7.1 Every Provider shall keep books of account, records and documents sufficient to furnish the City with the necessary particulars, as of any point in time, to verify the accuracy and completeness of the amount of MAT collected and paid to the City.

7.2 Every Provider shall retain such books of account, records and documents required under Subsection 7.1 for a period of no less than 7 years.

7.3 Any Person authorized by the City for any purpose related to the administration or enforcement of this by-law may at all reasonable times enter into any premises, place or property where business of a Provider is carried on or where any books of account, records and documents required in Subsection 7.1 are or should be kept and:

- (a) audit or examine the books and records and any account, voucher, letter, facsimile, electronic or other document that relates or may relate to the information that is or should be in the books or records or to an amount payable under this by-law; and
- (b) require a person who is liable or possibly liable to pay MAT under this by-law, an officer, director, agent or representative of that person or any person on the premises to:

- (i) give them all reasonable assistance with their audit or examination;
- (ii) answer all questions relating to the audit or examination either orally or, if they require, in writing, on oath or by statutory declaration; and
- (iii) attend at the premises or place with them for the purposes of giving reasonable assistance and answering questions relating to the audit or examination.

7.4 Every Provider shall co-operate with the City in the conduct of an inspection or audit under Subsection 7.3 and cause its employees, agents and contractors to comply as required.

7.5 The Treasurer may for any purpose relating to the administration or enforcement of this by-law serve on any Person personally, by mail or courier service, a written demand for information and for the production on oath or otherwise of books, records and documents as the Treasurer or any other person authorized by the City to make the demand, considers necessary to determine compliance with this by-law.

7.6 Every Person served with a demand under Subsection 7.5 shall comply with the demand within the time specified in the demand.

## **8. Adjustment by Treasurer and Result of Audit**

8.1 Where the Treasurer determines as a result of an audit of the Provider's records that MAT, which accrued within a period of two years prior to the date of the audit, was not reported and paid by that Provider in accordance with this by-law, the Treasurer may make a determination of the amount of MAT properly payable for that period, adjust the City records appropriately to reflect the adjustment, and:

- (a) notify the Provider in writing:
  - (i) of the period for which MAT was adjusted;
  - (ii) of the basis for the adjustment;
  - (iii) of the amount of MAT actually paid and the amount payable for the period of adjustment;
  - (iv) of the amount now owing to the City or overpaid to the City; and
  - (v) where applicable, that payment of any amount owing to the City is due within 15 days of the date of the notice.

- (b) in the event that an audit reveals an overpayment, the Treasurer will provide a refund of the amount of MAT overpaid. No interest shall be paid on the amount of overpayment.

8.2 In the event the Treasurer establishes that a Person has made any misrepresentation that is attributable to neglect, careless or willful default or has committed a fraud in supplying any information under this by-law, the Treasurer's right to adjust the MAT is not restricted to a two-year period, despite Subsection 8.1.

## **9. Interest and Penalty**

9.1 Interest at a percentage established under By-law 6841/91/20, as amended, of the amount of the MAT due and unpaid shall be imposed as a penalty, including any MAT assessed under Section 6 or adjusted under Subsection 8.1, from the day following the date on which the MAT was due and payable up to and including the date on which the MAT is paid in full.

9.2 Where the amount of any MAT owing to the City is determined in accordance with Section 8, interest shall start to accrue fifteen (15) days from the date of the invoice.

9.3 The Provider shall pay any penalty fee or charge for any late filings, dishonored payments or other matters in accordance with the by-law adopted by Council which establishes fees and charges, as amended or replaced from time to time.

## **10. Application for Refund**

10.1 A Provider who has paid an amount as MAT which was not payable under this by-law and not addressed through a re-assessment in accordance with Subsection 6.4 or through an adjustment in accordance with Section 8, may, within two years of the date the Provider becomes aware that MAT may have been overpaid, apply in writing to the Treasurer to review the application for a refund, and, where a form has been established, shall use the prescribed form. The onus of proof shall be on the Provider, who shall provide to the Treasurer such information as the Provider intends to rely on in support of the application. No application for a refund will be accepted if the applicant is not current in the filing of MAT Remittance Reports.

10.2 The Treasurer shall review the application form, the supporting material provided by the applicant and any other information available to the Treasurer, make a determination of whether all or part of an amount of MAT was wrongly paid, and notify the applicant of their decision in writing.

10.3 Where, as a result of the review in Subsection 10.2, the Treasurer is satisfied:

- (a) there has been an overpayment of MAT, the Treasurer will notify the Provider and refund the overpaid amount. No interest shall be paid on the amount of overpayment; or
  - (b) that no overpayment has been made, the Treasurer shall notify the Provider of the decision in writing and shall provide particulars for disallowing all or part of the refund claimed.
- 10.4 Any refund authorized under Subsection 10.3 shall be limited to the amount overpaid by the Provider during the two-year period prior to the date of the application and while the Provider owned the Establishment which provided the Accommodation.

## **11. Collection**

- 11.1 All MAT, including MAT assessed under Section 6 or adjusted under Section 8 and related penalties and interest that are past due shall be deemed to be in arrears and a debt owing to the City. The Treasurer is authorized to employ any remedy available to the City to collect any such amount including without limitation:
- (a) adding the amount to the tax role for any real property in the City registered in the name of the Provider to be collected in like manner as property taxes and constituting a lien upon the lands;
  - (b) bringing an action in the name of the City for the recovery of the amount in the court of appropriate jurisdiction;
  - (c) referring the collection of the amount to a collection agency; and
  - (d) exercising any other remedy available pursuant to the *Municipal Act, 2001*, or otherwise available at law.
- 11.2 The remedies provided for the recovery and enforcement of the payment of any amount required under this by-law are in addition to any other remedies existing at law.

## **12. Repayment Agreements**

- 12.1 Where the Treasurer, in their discretion, determines that it is in the best interests of the City to do so, the Treasurer is delegated the authority to make a repayment arrangement with any Provider, providing for terms of payment of any MAT and penalties and interest thereon, which were not paid in accordance with this by-law. While the repayment agreement is in good standing, no further collection efforts shall be taken, despite Section 11. Council is not obligated to authorize a repayment agreement.

- 12.2 The repayment agreement shall terminate automatically upon breach of any provision thereof.
- 12.3 Interest shall continue to accrue on the amount of MAT outstanding during the term of the repayment agreement.

### **13. False Statement**

- 13.1 No Person shall:
- (a) make a false, inaccurate or intentionally misleading statement or representation in any document, statement or request provided by this by-law; or
  - (b) file a document, statement or request provided for in this by-law where such Person knows or believes it contains a false, inaccurate or intentionally misleading statement or representation, whether or not such statement or representation was made by the Person filing the document or application.

### **14. No Interference**

- 14.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this by-law.

### **15. Offence**

- 15.1 A Person who contravenes any provision of this by-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. 33, as amended.
- 15.2 For the purposes of Subsection 15.1, each day on which a Person contravenes any of the provisions of this by-law shall be deemed to constitute a separate offence under this by-law.
- 15.3 A Person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00 as provided in Subsection 429(3)2 of the *Municipal Act*, 2001.
- 15.4 The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this by-law or from the obligation for payment of the MAT or any penalty or interest imposed by Section 9 of this by-law or such other

penalties as may be provided for under the *Municipal Act, 2001*, as amended or replaced.

## **16. Confidential Information**

- 16.1 All information submitted to and collected by the City will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. 56 (MFIPPA), as amended.
- 16.2 In the event that any Person in submitting information to the City or to the Treasurer in any form, as required under this by-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the Treasurer and shall provide sufficient details as to the reason for its purposed exemption from disclosure.

## **17. Short Title**

- 17.1 This by-law may be referred to as the “Municipal Accommodation Tax By-Law” or “MAT By-Law”.

## **18. General/Severability**

- 18.1 Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other by-law of the City.
- 18.2 If any section, subsection, part or parts of this by-law is/are declared by any court of competent jurisdiction to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 18.3 Notwithstanding the repeal of this by-law, any enforcement, legal, or collection action arising from this by-law while this by-law was in effect shall survive its repeal.

## **19. Effective Date**

- 19.1 This by-law shall come into full force and effect upon September 1, 2022.

Enacted and passed this \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Acting City Clerk



**The Corporation of the City of Port Colborne**

**By-law No. \_\_\_\_\_**

**Being a by-law to authorize an Agreement between The Corporation of the City of Port Colborne and Niagara's South Coast Tourism Association**

**WHEREAS** subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** it is deemed expedient for The Corporation of the City of Port Colborne (the "City") to enter into an Agreement with Niagara's South Coast Tourism Association regarding the distribution and use of funding generated from the Municipal Accommodation Tax, (the "Agreement");

**AND WHEREAS** it is appropriate to authorize the Mayor and Acting City Clerk to execute the Agreement on behalf of the City.

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

1. The Agreement attached as Schedule "1" to this by-law, being an agreement between the City and Niagara's South Coast Tourism Association is hereby authorized and approved.
2. The Mayor and Acting City Clerk are authorized to execute the Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Acting City Clerk

## Schedule 1

### Municipal Accommodation Tax Financial Accountability Agreement

This Municipal Accommodation Tax Financial Accountability Agreement (the “Agreement”) dated this \_\_\_\_ of August, 2022 between The Corporation of the City of Port Colborne (the “City”) and Niagara’s South Coast Tourism Association (the “NSCTA”).

**WHEREAS** the City has passed a by-law imposing a Municipal Accommodation Tax (the “MAT”) pursuant to section 400.1 of the *Municipal Act, 2001*.

**WHEREAS** O. Reg. 435/17 requires a municipality collecting a Municipal Accommodation Tax to make payments to an eligible tourism entity.

**WHEREAS** the objective of Niagara’s South Coast Tourism Association is to promote the City of Port Colborne as a tourism destination.

**WHEREAS** O. Reg. 435/17 requires a municipality and eligible tourism entity to enter into an agreement respecting reasonable financial accountability.

Now, therefore, the Agreement witnesseth that in consideration of the mutual covenants and agreements set forth, the parties covenant and agree, to and with each other, as follows:

#### Definitions

“MAT” means the Municipal Accommodation Tax, as defined in the Municipal Accommodation Tax By-law.

#### MAT

1. Fifty percent (50%) of the net proceeds of the MAT shall be deposited into a fund (the “Fund”) controlled by the NSCTA.

#### Use of the Monies in the Fund

2. The monies in the Fund shall be used by the NSCTA for the promotion of tourism and the development of tourism products in the City of Port Colborne.

#### Management

3. Members of the NSCTA Board shall oversee the following:
  - (1) The collection, disbursement and accounting of the Fund in consultation with City administration.
  - (2) The review and approval of all expenditures from the Fund.

- (3) The preparation of an annual report to the Board on expenditures from the Fund.
- (4) The development of a funding allocation plan in support of the NSCTA's strategic marketing plan.
- (5) The preparation of an annual report to City administration on expenditures and initiatives that have received monies from the Fund.
- (6) The hiring of professionals (e.g., auditors, lawyers) as required to assist in the management of the Fund.
- (7) The establishment and endorsement of priorities to generate incremental business and approve the application of funds.

**NSCTA Board**

4. The NSCTA Board will provide an annual audited statement of the Fund to the City as part of the audited financial statements submitted annually by the NSCTA to the City.

**Indemnification**

5. The NSCTA shall indemnify and save harmless the City, its officers, employees and agents from and against all claims, demands, losses, costs, damages, actions, suits or other proceedings by whomsoever made, sustained, brought or prosecuted, in any manner arising from any willful or negligent act, or attributable to anything done or omitted to be done by the NSCTA, its directors, officers, employees or agents arising from or pertaining to the receipt, disposition or refunding of the monies payable under this Agreement.

**Release**

6. The NSCTA on behalf of itself, its officers and employees releases the City, its officers and employees and their respective heirs, executors, administrators and successors from and against all claims, actions, causes of action, suits, debts, dues, accounts, contracts, demands, costs, expenses, damages, liabilities or other obligations whatsoever and from and against all liabilities, losses, damages, costs, charges, court costs, legal fees on a solicitor and its own client basis, and other expenses of any nature whatsoever which the NSCTA, its officers and employees may now have or hereafter can, shall or may have against the City and its representative arising from or pertaining to the making or refunding of the monies payable under this Agreement.

**Financial Records**

7. The NSCTA shall keep separate financial records for all amounts incurred, claimed, paid and received and shall retain and preserve all documents, contracts, records, claims and accounts that relate thereto for a period of four years for the Fund.

**Inspection of Financial Records and Documents**

8. If the City has reasonable grounds for believing that any amount included in any preceding payment has not been expended in accordance with this Agreement, the NSCTA shall, upon reasonable notice from the City, make available at all reasonable times, and without expense to the City, all such documents, contracts, records, claims and accounts for inspection and audit by the City or its auditors.

**Provision of Information**

9. Upon written request from the City, the NSCTA shall provide the City, without expense to it, any information which is available to the NSCTA with respect to its annual budget or financial statements.

**Distribution of the Monies from the Fund to Other Tourism Related Entities**

10. If the NSCTA establishes relationships with other tourism related entities in the City of Port Colborne, the NSCTA Board must determine prior to distribution that any approved funds will be used for the promotion and development of tourism in the City of Port Colborne.
11. The NSCTA Board will enter into an agreement to ensure reasonable financial accountability with each tourism related entity that receives money from the Fund.

**Return of Payments**

12. If the City, during its inspection or audit of any of such documents, contracts, records, claims and accounts determines that any payment made by the City to the Fund has been used by the NSCTA for any purpose other than specified in the herein Agreement, the NSCTA, shall immediately upon request from the City, remit the amounts requested back to the Fund.

**Default**

13. The following constitute events of default, the proof of which to the contrary lies upon the NSCTA:
  - (1) The NSCTA becomes bankrupt or insolvent, goes into receivership, or takes the benefit of any statute from time to time being enforced relating to bankrupt or insolvent debtors;
  - (2) An order is made or resolution passed for the winding up or for the surrender of the charter of the NSCTA, it forfeits its charter, or it is dissolved;
  - (3) The NSCTA ceases actual *bona fide* operation for a period of 30 days;
  - (4) The NSCTA has knowingly submitted false or misleading information to the City; and
  - (5) The NSCTA is in breach of the performance of, or compliance with, any term, condition or obligation on its part to be observed or performed hereunder.

### **Remedies on Default**

14. If,

- (1) An event of default as specified in sub articles 13(1), (2), (3), or (4) occurs; or
- (2) An event of default specified in sub article 13(5) occurs and is not remedied within 10 business days after receipt by the NSCTA of notice of default, or a plan satisfactory to the City to remedy such event of default is not implemented within such period and fully and diligently carried out,

The City may exercise either or both of the following remedies, in addition to any remedies otherwise available in this Agreement or at law, namely:

- (i) Terminate forthwith any obligation by the City to make payments under this Agreement; and
- (ii) Require the NSCTA to pay all or part of the payment at issue forthwith to the City.

### **Interim of Suspension of Payment**

15. In the event that the City gives the NSCTA notice of default, the City shall have no obligation to make any further payments under this Agreement prior to the end of the period given to the NSCTA to remedy the event of default.

### **Waiver of Breach**

16. In the event of a breach of any provision of this agreement by one party, no action or failure to act by the other party shall constitute a waiver of any right or duty afforded by that party under this Agreement, nor shall any such action or failure to act constitute an approval of or acquiescence in any such breach, except as may be specifically agreed to in writing.

### **Termination**

17. This Agreement shall terminate upon the happening of one of the following events, whichever occurs first:

- (1) An event of default as specified in sub articles 13(1), (2), (3), or (4) occurs;
- (2) Notice of termination is given to the NSCTA by the City for the failure of the NSCTA to remedy, pursuant to article 14, an event of default specified in sub article 13(5);
- (3) The enabling statutory authority for the Municipal Accommodation Tax is repealed or rescinded so as to substantially limit or deprive the City of the ability to collect the Municipal Accommodation Tax;

- (4) The City and the NSCTA agree in writing at any time to the termination of this Agreement;
- (5) The City gives the NSCTA 90 days' notice of the City's intention to terminate this Agreement; and
- (6) Upon termination of this Agreement, the Fund balance, less legal and binding commitments will revert back to the City for distribution to another tourism related entity.

### **Severability of Provisions**

18. If any of the provisions of this Agreement shall be found to be illegal or invalid, such illegality or invalidity does not render the whole agreement illegal or invalid, but the Agreement shall be construed as if it did not contain the illegal or invalid provision or provisions, and the rights and obligations of the parties shall be construed and enforced accordingly.

### **Relationship**

19. Nothing in this Agreement shall constitute the NSCTA a local board of the City, or constitute the City and the NSCTA general partners or joint ventures, or constitute either the City or the NSCTA the agent of the other, or be deemed to authorize the City or the NSCTA to contract for or incur any obligation on behalf of the other.

### **Confidentiality**

20. For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, the City's access to information hereunder is subject to the NSCTA's assertion at all material times that all such documents, contracts, records, claims, and accounts are supplied to the City in confidence.

### **Assignment**

21. The NSCTA shall not assign all or any part of its rights or obligations under this Agreement to a third party without the City's written consent.

### **Duration of Agreement**

22. This Agreement commences on the date hereof and
  - (1) Continues in full force and effect for a period of two (2) years, subject to earlier termination of this Agreement as provided herein, and
  - (2) At the end of such two (2) year period, if this Agreement has not been terminated prior thereto, continues in full force and effect thereafter from year to year, subject to termination during any such year as provided herein.

IN WITNESS WHEREOF the City and the NSCTA have hereunto affixed their respective corporate seals, attested by the hands of their respective officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF PORT COLBORNE

Per: \_\_\_\_\_

NIAGARA'S SOUTH COAST TOURISM ASSOCIATION

Per: \_\_\_\_\_

**Subject: Department of Museum and Culture Registrar Report**

**To: Council**

**From: Port Colborne Historical and Marine Museum**

Report Number: 2022-166

Meeting Date: August 9, 2022

---

**Recommendation:**

That Department of Museum and Culture Report 2022-166 be received; and

That the recommendations to increase the part time position of Registrar to a full-time position moving forward be approved.

---

**Purpose:**

The Chief Administrative Officer authorized the Director of Museum and Culture to present a report to recommend the Registrar position become full time beginning August 2022.

---

**Background:**

The Port Colborne Historical and Marine Museum was established by a Council By-law in 1974. Port Colborne City Council appoints a Board of Directors to act on behalf of Council to provide oversight to Museum staff who are supervised by the Museum Director/Curator under direction of the Director of Museum and Culture.

Museum activities are governed by policies and procedures in accordance with the Ontario Ministry of Tourism, Culture and Sport's Standards for Community Museums in Ontario including the following 10 standards:

- Governance Standard
- Finance Standard
- Collections Standard
- Exhibition Standard



- Interpretation and Education Standard
- Research Standard
- Conservation Standard
- Physical Plant Standard
- Community Standard
- Human Resources Standard
- Social Media Standard

The province has a fundamental commitment to the preservation, presentation, and sustainability of the material culture of Ontario, through the community museums of the province. Museums that achieve these standards are eligible to receive Community Museum Operating Grant (CMOG) funding annually. The Port Colborne Historical and Marine Board of Management and Staff consistently uphold these standards in an effort and obtain this funding.

---

## **Discussion:**

The part time position of Registrar was added to the Board of Management Staff Budget in 2002. A Museum requires a Registrar to meet the standards of the conservation and collections management as dictated by the Community Museum Operating Grant and the position was approved by Council in 2002.

As part of a major modernization initiative, the City of Port Colborne Information Technology (IT) department will be transitioning away from onsite Notes databases. The Registrar will manage the transfer of 22 years of digitized files that catalogue and describe the Museum's artifact and Archive collection. This important role will require an increase in hours to continue to manage the consistent entry of new items being donated, as well as to act as the support to IT to ensure the collection is transferred so researchers and staff can access the images and historic information in the data files.

In addition, the Registrar job description has been revised to include responsibilities at the Roselawn Centre under the Direction of the Museum Curator and Board of Management. The Registrar will direct and manage partnerships with restoration specialists, conservation interns, collections assistant, and volunteers to assist with the interior restoration of the Roselawn Centre.

---

## **Internal Consultations:**

The Director of Museum and Culture has been coordinating this request with the Manager of Human Resources and Director of Corporate Services. Human Resources has identified finding a part-time Registrar may be difficult.

---

## Financial Implications:

The Museum has applied for a \$36,000 Museum Assistance Program grant from the Federal Government for the Digital Recovery of the Museum and if successful, the funds for this grant will cover the cost of the increase to this position for 2022.

Financial Services has identified the operating budget of the City can absorb the cost in 2022 and still balance in aggregate. As an on-going cost this will represent an increase of approximately 0.17% to the levy.

---

## Public Engagement:

This section is not applicable.

---

## Strategic Plan Alignment:

The Chief Administrative Officer led a strategic planning session of the Port Colborne Historical and Marine Museum Board of Management Strategic and the five-year plan on May 4, 2022, where the department's vision, values and mission were evaluated with the expansion of the department and in keeping with the city's strategic plan pillars.

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
- Value: Financial Management to Achieve Financial Sustainability
- People: Supporting and Investing in Human Capital
- Governance: Communications, Engagement, and Decision-Making

## Vision Statement

We envision a heritage and cultural presence that serves our community by preserving and sharing the history and marine Heritage of Port Colborne and Humberstone.

## Values

- Accessibility
- Accountability

- Collaboration
- Communication
- Engagement
- Inclusivity
- Innovation
- Integrity & Respect
- Participation
- Research & Education

## **Mission Statement**

Our mission is to serve Port Colborne's residents and visitors by preserving, exhibiting, and interpreting the arts, histories, and cultures of Port Colborne and Humberstone.

---

## **Conclusion:**

The Director of Museum and Culture continues to pursue the fulfillment of the goals and objectives established in the City's Strategic Plan and the Board of Management of the Port Colborne Historical and Marine Museum's Strategic Plan and seeks efficiency and effectiveness in all aspects of the Department of Museum and Culture. Making the Registrar position full time will enable the Museum to meet expectations for department's 2022 goals.

---

Respectfully submitted,

Stephanie Powell Baswick  
Director of Museum and Culture  
905 835 2900 ex 550  
[Stephanie.baswick@portcolborne.ca](mailto:Stephanie.baswick@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: Application for Approval to Expropriate - 1ft reserve - Christmas, Bell, and Johnston Streets**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-177

Meeting Date: August 9, 2022

---

### **Recommendation:**

That Chief Administrative Office – Economic Development and Tourism Division Report-2022-177 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate the one-foot reserve at the end of Christmas, Bell and Johnston Streets legally described as PIN 64164-0451.

---

### **Purpose:**

The purpose of this report is to seek Council support to have the City Solicitor initiate an expropriation process for a one-foot reserve legally described in PIN 64164-0451 and shown on Appendix A.

---

### **Background:**

A title search conducted by staff confirms that a one-foot reserve (PIN 64164-0451) running north-south at the ends of Christmas, Bell, and Johnston Streets is registered on title. This one-foot reserve is preventing access and future development of PIN 64164-0504 which is a privately owned vacant parcel also shown on Appendix A. There is a residential development proposal for this property that is being reviewed by the City's Planning Division. The City has been approached by the owner of PIN 64164-0504 regarding options to acquire the one foot reserve to allow for access and to help facilitate development of the vacant parcel.

---

**Discussion:**

The one-foot reserve, as shown in Appendix A, has been owned by the same individual prior to the registration of the Subdivision Plan 871 in 1953. This reserve was not transferred to the City or dedicated as a public road. The City would like to initiate the process to expropriate the one foot reserve to help facilitate development of adjoining lands.

The City Solicitor and the developer's solicitor reviewed two methods of proceeding, namely expropriation or an application to the courts seeking a declaration that the lands have been obtained by adverse possession. Based on a review of the information, the City Solicitor is recommending that the expropriation route is the best way to proceed.

The expropriation process will take approximately six (6) to eight (8) months to complete and will require a survey, application to the court for permission to serve notice by an alternative means and notice of the application in the newspaper.

There is no roll number for the one-foot reserve and there is no other address or contact information for the individual or their estate.

Staff are recommending that the City Solicitor initiate an expropriation process to acquire the parcel and then the City can convey it to the owner of PIN 64164-0504 for fair market value in order to facilitate the development of the residential lands.

---

**Financial Implications:**

The legal, public notice, and survey fees are estimated to be in the \$15,000 - \$20,000 range and will be funded from the Economic Development Land Reserve and reimbursed by the developer.

---

**Public Engagement:**

Expropriation is a public process governed by the Expropriation Acts, R.S.O 1990, c. E.26. Public notice of the application for and the approval of expropriation will be advertised publicly in the newspaper for three (3) consecutive weeks.

---

**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
- Value: Financial Management to Achieve Financial Sustainability
- Governance: Communications, Engagement, and Decision-Making

## **Conclusion:**

There is a privately owned one-foot reserve, shown in Appendix A, that was registered prior to 1953 and was never conveyed to the City. It is preventing access to a large vacant parcel also shown in Appendix A. The City Solicitor has recommended that the City initiate an expropriation process to acquire the one-foot reserve to help facilitate the development of the adjoining lands.

---

## **Appendices:**

- a. Property map showing one foot reserve (PIN 64164-0451) and adjoining development parcel (PIN 64164-0504)

Respectfully submitted,

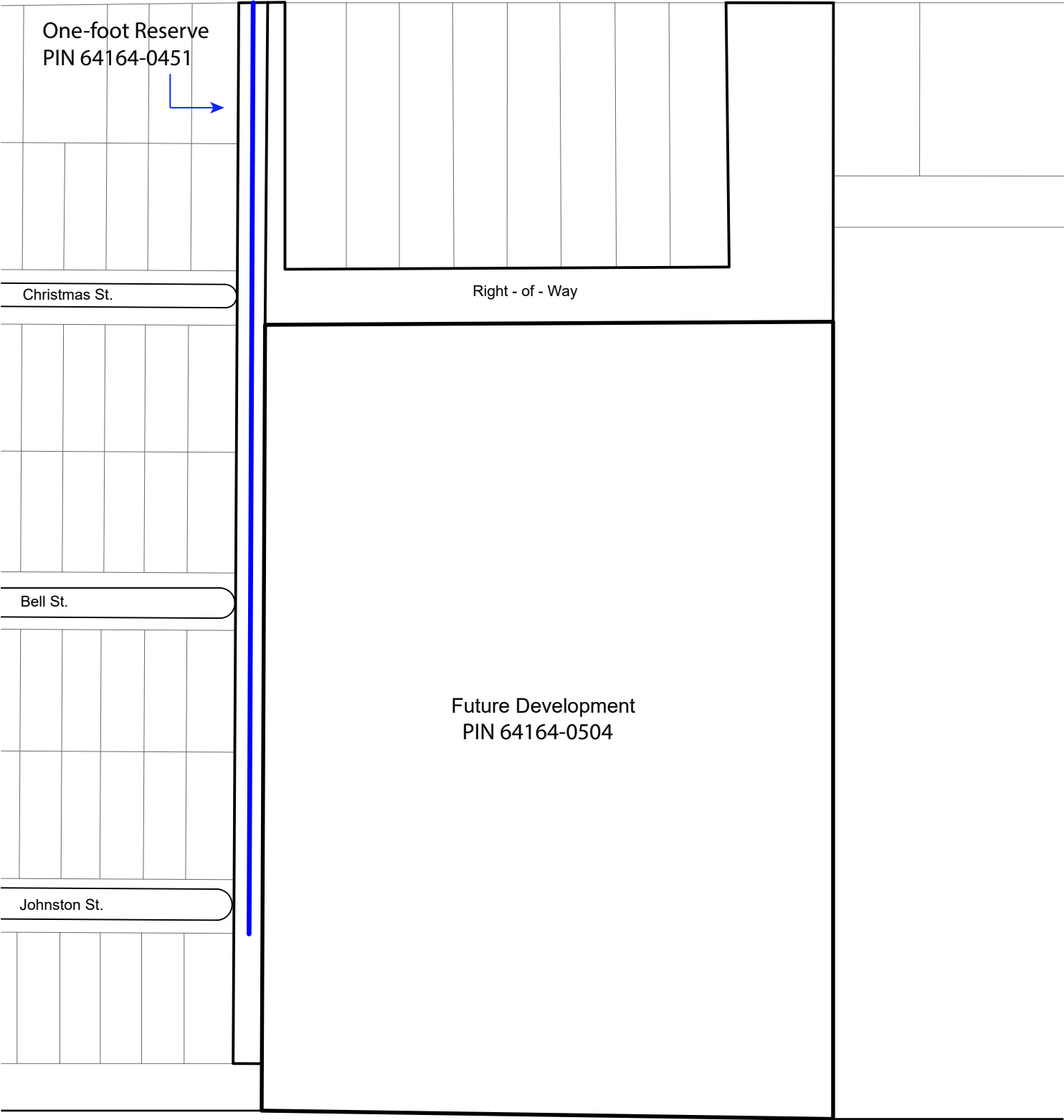
Gary Long  
Manager of Strategic Initiatives  
(905) 835-2900 Ex 502  
[Gary.Long@portcolborne.ca](mailto:Gary.Long@portcolborne.ca)

Bram Cotton  
Economic Development Officer  
(905) 835-2900 Ex 504  
[Bram.Cotton@portcolborne.ca](mailto:Bram.Cotton@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.

Killaly S. East





**Subject: City Property – Surplus Declaration – PIN 64164-0453**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-172

Meeting Date: August 9, 2022

---

**Recommendation:**

That Chief Administrative Office- Economic Development and Tourism Services Division Report 2022-172 be received; and

That Council declare the property legally described as part of PIN 64164-0453, and more specifically as part of Lot 23 and 24, Concession 1, Humberstone, being part of part 1 on 59R-10294, which is shown on Appendix A as surplus land.

---

**Purpose:**

The purpose of this report is to seek Council support to have the vacant City-owned property shown in Appendix A declared as surplus. This property is legally described as part of PIN 64164-0453, and more specifically as part of Lot 23 and 24, Concession 1, Humberstone, being part of part 1 on 59R-10294.

---

**Background:**

The Economic Development and Tourism Services Division has undertaken a review of City-owned property to identify potential surplus lands that could be made available to support development opportunities and expand the City's tax base. Development attracts new residents, creates additional assessment on the City's tax roll, and adds users to the water and wastewater system to help improve efficiency and financial sustainability. Staff have applied this rationale when analyzing properties for potential disposition. City staff believe that the subject parcel, shown in Appendix A, meets these objectives.

The vacant City owned parcel, which is 6.12 acres, is located west of Snider Road, south of Killaly Street East, and north of Durham Road. The Friendship Trail runs



parallel with the property and there are employment lands to the south on the opposite side of Durham Road. The parcel is designated as Urban Residential in the City's Official Plan and it is zoned RD which permits a range of residential type uses. Full municipal services are available.

---

### **Discussion:**

The subject parcel is currently generating no tax revenue for the City and is not required for operational or maintenance reasons.

Staff believe that a better use of the property would be achieved through private ownership. Selling this property to the private sector would fulfill the goals of the surplus land review and support development opportunities.

A survey has been ordered and this will create a parcel with a legal description that the City can use when conveying this in the future.

If the surplus declaration is approved, staff will come back to Council with options to divest the property and staff will follow the City's Sale of Land Policy, which is currently under review. Any future transaction will be based on an independent appraisal.

---

### **Internal Consultations:**

The property is not required by the City based on an internal review by key City departments. Staff are recommending that this parcel be declared surplus to support future development in the area.

---

### **Financial Implications:**

If the property is declared surplus, there will be costs to acquire a survey and appraisal, and future legal costs related to the transaction. These costs can be funded by the Economic Development Land Reserve and will be recovered from the sale of the subject parcel.

### **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
- Value: Financial Management to Achieve Financial Sustainability
- Governance: Communications, Engagement, and Decision-Making

## **Conclusion:**

The Economic Development and Tourism Services Division has undertaken a review of City-owned property to identify potential surplus lands and maximize the value of City Real Estate.

The vacant City owned parcel, shown in Appendix A, and legally described as part of PIN 64164-0453, and more specifically as part of Lot 23 and 24, Concession 1, Humberstone, being part of part 1 on 59R-10294, is surplus to the City's needs.

Staff are recommending that this property be divested in accordance with the Sale of Land Policy to support future development that will attract more residents, add new users to the City's water and wastewater system, and expand the City's tax base.

---

## **Appendices:**

- a. Property Map – PIN 64164-0453

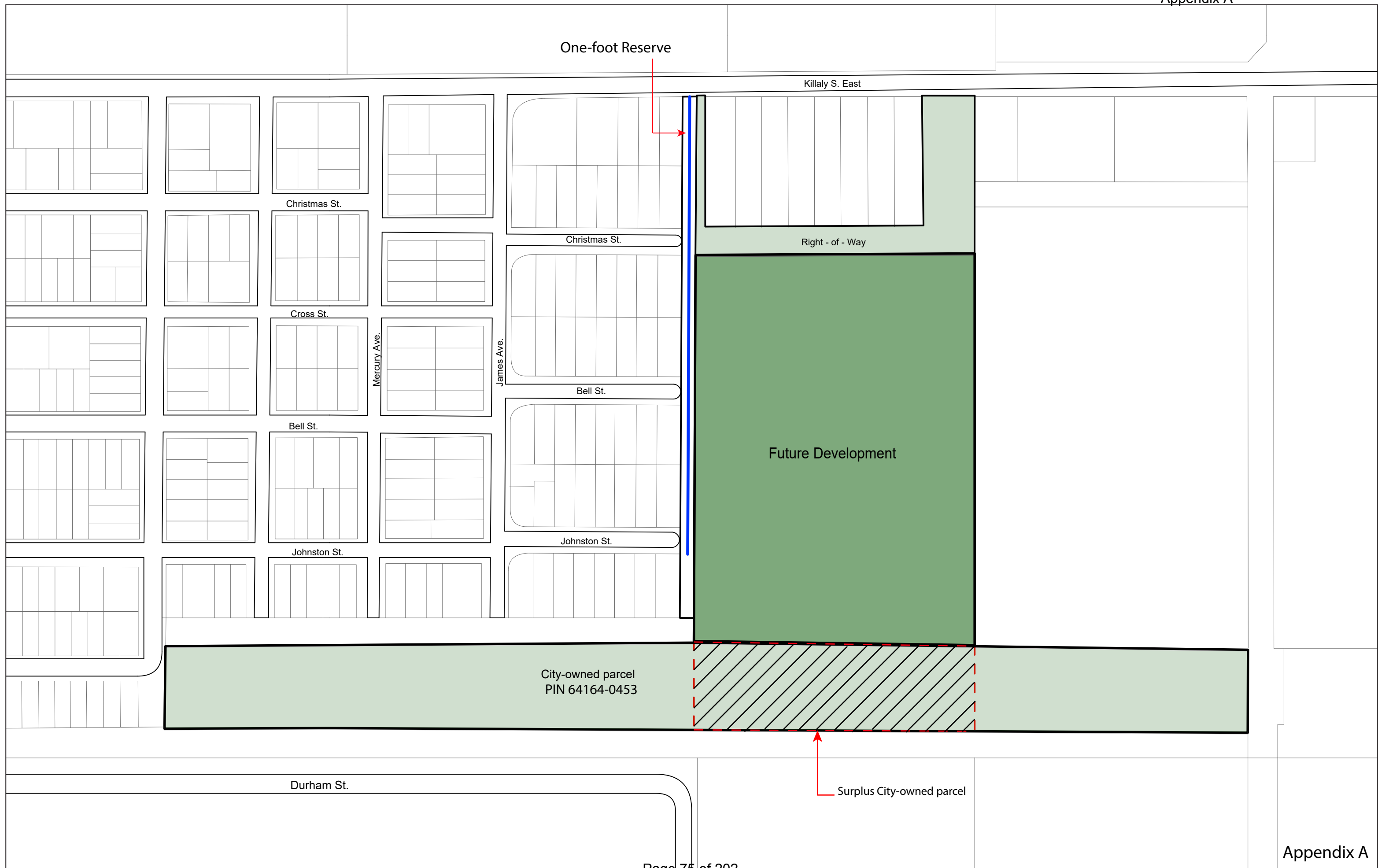
Respectfully submitted,

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

Bram Cotton  
Economic Development Officer  
905-835-2900 x.504  
[Bram.Cotton@portcolborne.ca](mailto:Bram.Cotton@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: Hubbard Drive – Application for Approval to Expropriate**

**To: Council**

**From: Office of the Chief Administrative Officer**

Report Number: 2022-171

Meeting Date: August 9, 2022

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**Recommendation:**

That Office of the Chief Administrative Office-Economic Development and Tourism Division Report 2022-171 be received; and

That Council supports the recommendations contained in Report 2022-171 to proceed with an application for approval to expropriate Hubbard Drive, legally described in PIN 64150-0014 and being Pt Lt 26 Con 2 Humberstone, Pt 4 of 59R-1034 and that staff engage the City Solicitor to initiate the process.

---

**Purpose:**

The purpose of this report is to obtain Council support to initiate the Application for Approval to expropriate Hubbard Drive which is a thirty (30) ft. right-of-way shown on Appendix A. This expropriation would assist in addressing servicing requirements that would ultimately help to facilitate future residential development of an adjoining parcel that had received draft plan approval in the past.

---

**Background:**

Hubbard Drive is currently an unmapped laneway in the City of Port Colborne and is a thirty (30) ft. right of way. The laneway sits adjacent to a Draft Plan of Subdivision formerly known as Chippawa Estates. It is currently zoned Residential Development (RD).

Through the Chippawa Estates Draft Plan of Subdivision process, the issue of access and the potential to use Hubbard Drive was discussed between the Planning Division and the landowner. A court order was obtained in 2007 that stated that the Chippawa Estates land, identified as Part of Lot 26, Concession 2, being Part 3 on Plan 59R-

12304 as shown on Appendix B, could be accessed via Hubbard Drive. However, municipal services are not permitted to be installed under a private laneway. The Draft Plan of Subdivision for Chippawa Estates lapsed in 2021.

Hubbard Drive has been owned privately since at least 1939 and there is currently no information available to be establish contact with the owner or an estate.

---

### **Discussion:**

The City of Port Colborne is experiencing unprecedented growth in planning applications and demand for new housing. The subject parcel, legally described as Pt. Lot 26, Concession 2, being Part 3 on Plan 59R-12304 and shown on Appendix B, could be developed with new residential housing. However, the private laneway is preventing services from being installed that would allow for the development of the adjoining lands, formerly known as Chippawa Estates. Residential development would attract new residents, new users to the water and wastewater systems, and expand the City's tax base.

The expropriation of Hubbard Drive, shown in Appendix A, would help to facilitate the servicing, access, and development options for lands shown in Appendix B. Once the expropriation process has been completed, staff will come back with a report regarding options for the sale and transfer of Hubbard Drive.

---

### **Internal Consultations:**

This proposed expropriation has been reviewed with Planning and Public Works. They are supportive of the City acquiring ownership of the parcel and having further discussions regarding servicing, access, and development options for the land shown in Appendix B and including this in a future agreement with a developer.

---

### **Financial Implications:**

The cost of the expropriation process is estimated in the \$15,000 to \$20,000 range including legal, public notice, and survey fees. These expenses will be funded from the Economic Development Land Reserve and recovered from any future disposition of this parcel.

---

**Public Engagement:**

In accordance with the Expropriation Act, R.S.O 1990, c. E.26, a Public Notice of Application for Approval to Expropriate Land will be advertised for three (3) consecutive weeks in the Port Colborne Leader. Once this has been completed, a staff report will be brought to Council with any public comments received.

---

**Strategic Plan Alignment:**

The initiative contained within this report supports the following pillars of the strategic plan:

- Attracting Business Investment and Tourists to Port Colborne
  - Value: Financial Management to Achieve Financial Sustainability
- 

**Conclusion:**

Hubbard Drive is a privately owned laneway, as shown in Appendix A, that is preventing the future servicing and development of an adjoining parcel. The last transaction for this laneway goes back to 1939. The City of Port Colborne has no way to connect with the owners as it is unmapped, and no municipal roll number exists. The advice of the City Solicitor is to expropriate this laneway through the process outlined in the Expropriation Act.

Having the City acquire this parcel will help facilitate the municipal servicing and private sector development of the vacant lands shown in Appendix B. Once the expropriation process has completed, staff will bring a report to Council outlining next options for the sale and disposition of Hubbard Drive.

---

**Appendices:**

- a. Property Map - Hubbard Drive
- b. Property Map - Part of Lot 26, Concession 2, being Part 3 on Plan 59R-12304

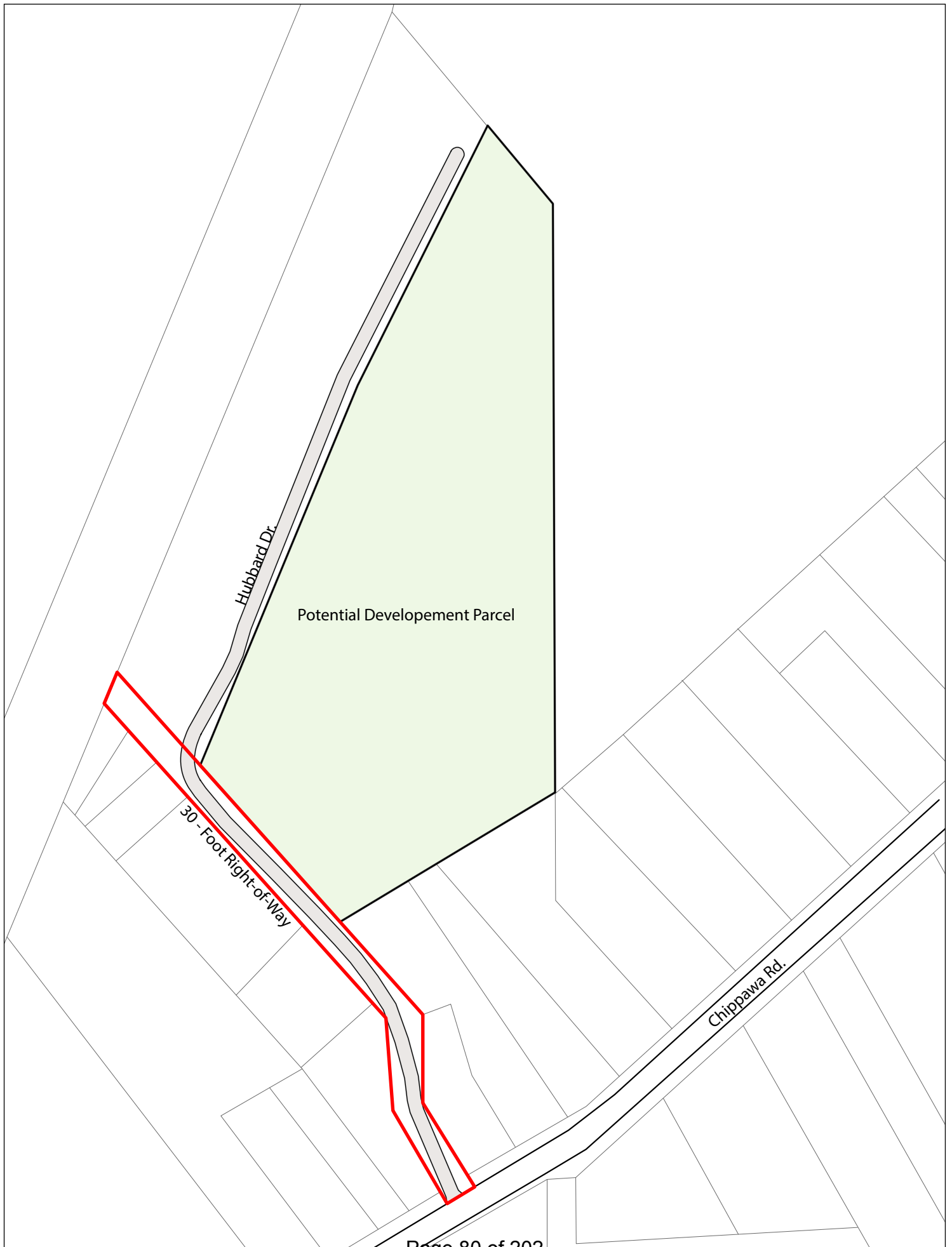
Respectfully submitted,

Bram Cotton  
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[Bram.Cotton@portcolborne.ca](mailto:Bram.Cotton@portcolborne.ca)

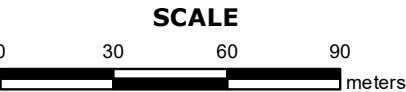
Gary Long  
Manager of Strategic Initiatives  
(905) 835-2900 Ex 502  
[Gary.Long@portcolborne.ca](mailto:Gary.Long@portcolborne.ca)

**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.







PROPERTY INDEX MAP  
NIAGARA SOUTH(No. 59)

LEGEND

FREEHOLD PROPERTY	
LEASEHOLD PROPERTY	
LIMITED INTEREST PROPERTY	
CONDOMINIUM PROPERTY	
RETIRED PIN (MAP UPDATE PENDING)	
PROPERTY NUMBER	0449
BLOCK NUMBER	08050
GEOGRAPHIC FABRIC	
EASEMENT	

THIS IS NOT A PLAN OF SURVEY

NOTES

REVIEW THE TITLE RECORDS FOR COMPLETE  
PROPERTY INFORMATION AS THIS MAP MAY  
NOT REFLECT RECENT REGISTRATIONS

THIS MAP WAS COMPILED FROM PLANS AND  
DOCUMENTS RECORDED IN THE LAND  
REGISTRATION SYSTEM AND HAS BEEN PREPARED  
FOR PROPERTY INDEXING PURPOSES ONLY

FOR DIMENSIONS OF PROPERTIES BOUNDARIES SEE  
RECORDED PLANS AND DOCUMENTS

ONLY MAJOR EASEMENTS ARE SHOWN

REFERENCE PLANS UNDERLYING MORE RECENT  
REFERENCE PLANS ARE NOT ILLUSTRATED





**Subject: Recommendation Report for Zoning By-law Amendment  
D14-05-22, 409 Davis Street**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-179

Meeting Date: August 9, 2022

---

### **Recommendation:**

That Development and Legislative Services Department Report 2022-179 be received;  
and

That Council approves the Zoning By-law Amendment attached as Appendix A, to  
amend the subject lands from Second Density Residential 'R2' Zone to Fourth Density  
Residential 'R4-68' Zone.

---

### **Purpose:**

The purpose of this report is to provide Council with an update and recommendation  
regarding a Zoning By-law Amendment application initiated by the applicant Steven  
Rivers on behalf of the owner Jonathan Beam.

The application was received on June 15, 2022, and was deemed complete on June 23,  
2022. The application is requesting to change the zoning from Second Density  
Residential to Fourth Density Residential zone with a special provision. The requested  
amendment is being sought to facilitate a fourplex within the existing structure. Special  
provisions are being sought to address the deficiencies in the front yard, side yard, and  
corner side yard setbacks. A site plan for the proposed fourplex has been attached as  
Appendix B.

---

### **Background:**

#### **Location:**

The subject lands are located on the east side of Davis Street and the north side of Bell Street. The legal description of the property is Part of Lot 9 on Plan 849, formerly in the



Figure 1: Location of subject lands in red, from Niagara Navigator 2020

Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 409 Davis Street (Figure 1).

### **Surrounding Land Uses and Zoning:**

The surrounding properties are zoned Second Density Residential 'R2' to the north, south, and east, with R2 and Neighbourhood Commercial zones to the west. The existing uses consist of single detached dwellings to the north, south, and east with duplex dwellings and a neighbourhood commercial business to the west.

### **Discussion:**

#### **Planning Documents:**

Planning staff reviewed this application with consideration of several planning documents including the Planning Act, R.S.O. 1990, as amended, the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019)*, the *Regional Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For an application to be supported by Staff, it must conform to or be consistent with the aforementioned plans.

**Planning Act:**

Section 2 of the Planning Act outlines matters of provincial interest.

Section 3 of the Act requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 34 of the Act allows for the consideration of a zoning by-law amendment.

**Provincial Policy Statement (2020):**

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. The subject lands are within a “settlement area” according to the PPS. Settlement areas are to be the focus of growth and development and land use patterns shall be based on densities and a mix of land uses and should efficiently use land and resources.

Staff is satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes growth within a settlement area and proposes a fourplex that will result in a more diverse range of housing on Davis Street and a mix of uses in the surrounding area.

**Growth Plan for the Greater Golden Horseshoe (2019):**

The Growth Plan also directs development to settlement areas. The subject parcel is located within a “Delineated Built-up Area” where intensification is generally encouraged. The Growth Plan Policies support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime. Furthermore, they support a range and mix of housing options, including additional residential units and affordable units, to serve all sizes, incomes, and ages of households.

Staff is satisfied that the proposed Zoning By-law Amendment conforms to the Growth Plan. The proposed application supports a range and mix of housing types by proposing additional diverse residential units.

**Regional Official Plan:**

The subject property is located within the Built-up Area, according to the Regional Official Plan (ROP). Objective 4.A.1.2 states that a significant portion of Niagara’s future growth should be directed to the Built-up Area through intensification. Under policy 4.C.1.1 intensification includes all forms of development that occur within the Built-up Area and is generally encouraged.

Staff is satisfied that the proposed Zoning By-law Amendment conforms to the ROP. The proposal conforms to the definition of intensification in the ROP and the aforementioned growth policies.

### **City of Port Colborne Official Plan:**

The subject property is located within the Urban Residential designation according to the City's Official Plan (OP) and, the predominant uses in this designation include residential uses. Section 2.4.3 (a) of the OP states that intensification will be accommodated within the Urban Area where development is compatible with the surrounding uses. Furthermore, section 3.2.3.3 (b) (ii) states that multiple-unit dwellings should consider form, massing, proportions, and the rhythm of major repetitive building elements and roof designs to create a street façade that is composed of a consistent and attractive variety of building elements.

Staff is satisfied that the proposed application conforms to the requirements of the OP. The application proposes intensification within the Urban Residential designation, where intensification is intended. Secondly, the proposed fourplex makes efficient use of an existing structure that comprises a consistent and attractive variety of building elements. The proposed dwelling is aligned parallel to the street, where the principal entrance is visible and accessible. The massing of the dwelling will provide a unique building shape in relation to the street and a second-floor addition will still meet the design guidelines of the OP.

### **Port Colborne Zoning By-law 6575/30/18**

The subject property is currently zoned Second Density Residential 'R2'. A conversion holding provision was lifted from the property in 2021, allowing the permitted uses of the R2 zone to apply. The conversion holding provision was in place as the previous use of the site was commercial. In order for the property to be deemed suitable for residential use, a Record of Site Condition is required to ensure there are no negative environmental impacts on the property. A Record of Site condition was filled with the Ministry of the Environment, and as a result, the conversion holding provision was lifted.

The uses permitted in the R2 zone are detached, semi-detached, and duplex dwellings. The current application proposes to change the zoning from R2 to Fourth Density Residential 'R4-68'. The special provision is being sought to permit a front yard setback of 2.26m where 9m is required, a side yard setback of 0.69m where 1.2m is required and a corner side yard setback of 2.04m where 3m is required.

Planning Staff is of the opinion that the proposed application is appropriate and compatible with the surrounding area. The proposal adds to a mixture of housing types and makes efficient use of existing services. The proposal is also compatible with adjacent uses as residential lots surround the subject parcel. The reduction in the front yard, corner side yard, and interior side yard setbacks is justified as the building was

built in 1940, pre-dating any zoning requirements. The applicant has proposed a second-floor addition to the building that will match the existing height, however, the building footprint will remain unchanged.

---

### **Internal Consultations:**

The Notice of Public Meeting was provided to internal departments and commenting agencies on June 28, 2022. As of the date of preparing this report, the following comments have been received.

#### **Port Colborne Fire Department**

Port Colborne Fire has no objection to the proposed Zoning By-law Amendment.

#### **Drainage Superintendent:**

There are no comments from Water/Wastewater regarding municipal drains as they do not apply to this parcel.

---

### **Financial Implications:**

The current assessment of 409 Davis is \$120,000 which is approximately \$1,176 in municipal taxes. For comparison, older fourplexes in the City have a assessed value of approximately \$245,000, which provides approximately \$2,400 in municipal taxes. Newer fourplexes in the City can have an assessment of \$504,000 which results in \$4,900 in municipal taxes.

---

### **Public Engagement:**

Notice of Public Meeting was circulated by mail to property owners within 120m of the subject property, as per Section 34 (13) of the Planning Act. A public notice sign was also posted on the property by June 28, 2022, and notices were posted on the City's website under "Current Applications". A public meeting was also held on July 19, 2022. As of the date of preparing this report, no comments from the public have been received

---

### **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
  - Value: Financial Management to Achieve Financial Sustainability
  - People: Supporting and Investing in Human Capital
- 

## **Conclusion:**

Based on the review of the application and applicable Provincial, Regional, and City planning policies, Planning staff is of the opinion that the proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan, Regional Official Plan and City Official Plan, and represents good planning. Staff recommends that the Zoning By-law Amendment attached as Appendix A be approved.

---

## **Appendices:**

- a. Zoning By-law Amendment
- b. Site Plan

Prepared by,

Chris Roome, BURPI

Planner

905-835-2900 ext. 205

Chris.Roome@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP

Manager of Planning Services

908-838-2900 ext. 203

Denise.Landry@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 amend Zoning By-law 6575/30/18 respecting the lands legally known as Part of Lot 9 on Plan 849, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 409 Davis Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1.

This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2.

That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule R2 to R4-68.
3.

That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-68

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, the following regulations shall apply:

- a)

Minimum Front Yard

2.26m
- b)

Minimum Side Yard

0.69m
- c)

Minimum Corner Side Yard

2.04m

4.

That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the Planning Act.
5.

The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act

That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

Enacted and passed this      day of                      , 2022.

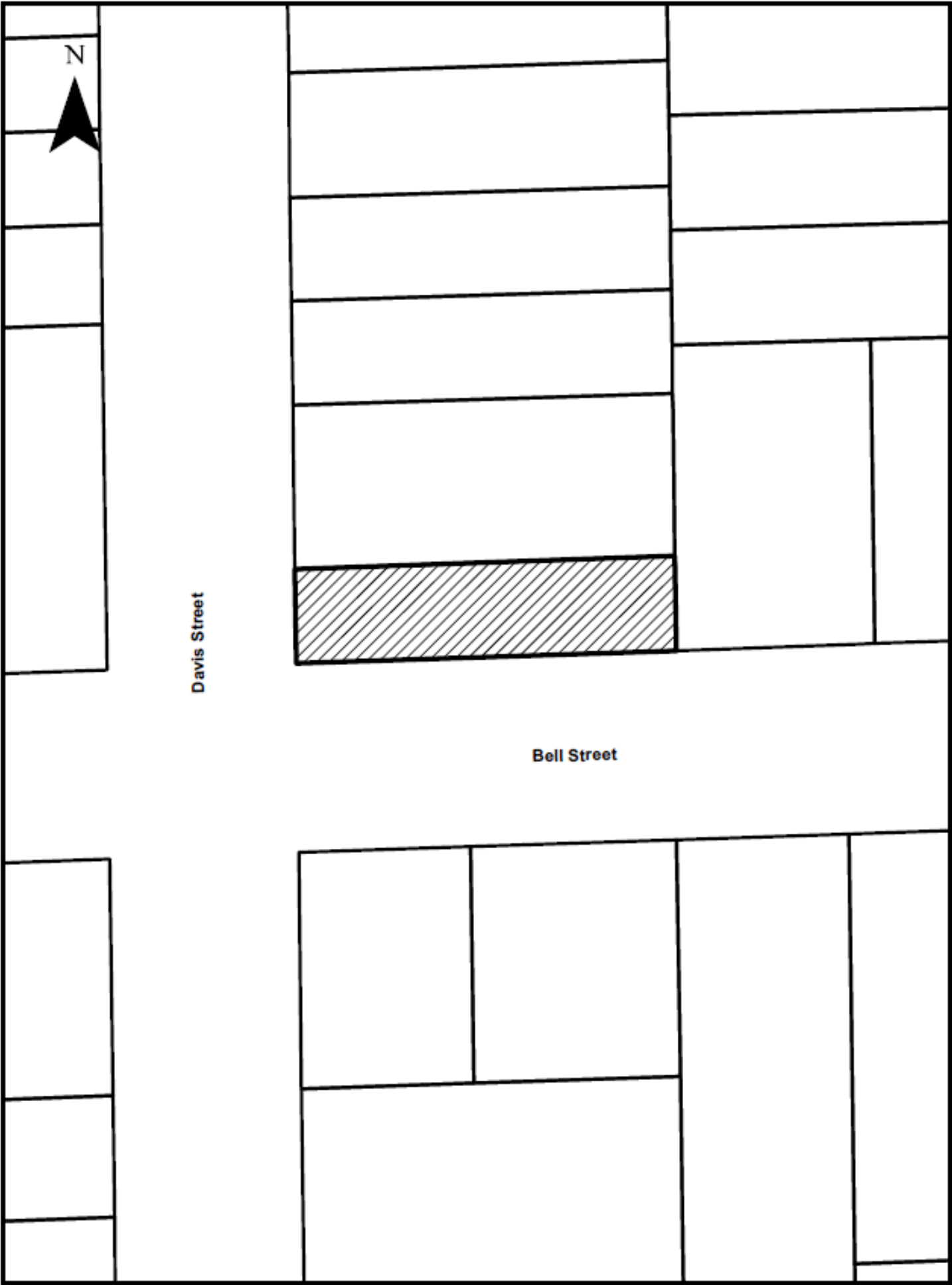
\_\_\_\_\_

William C Steele  
Mayor

\_\_\_\_\_

Nicole Rubi  
Acting City Clerk






This is Schedule "A" to By-law No \_\_\_\_\_

Passed \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

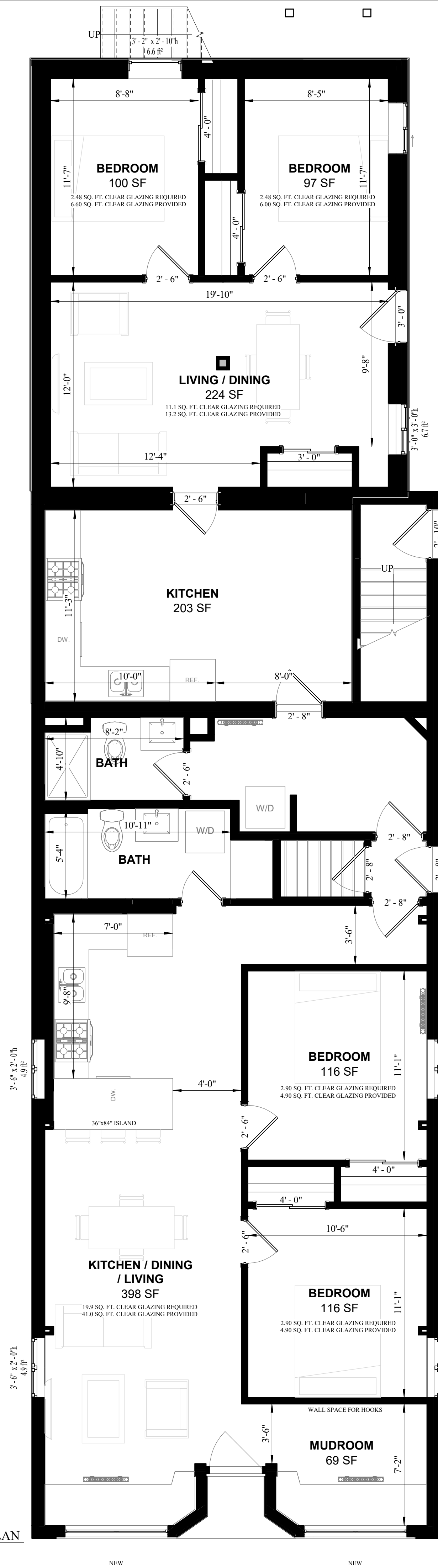
 Lands subject

June 2022

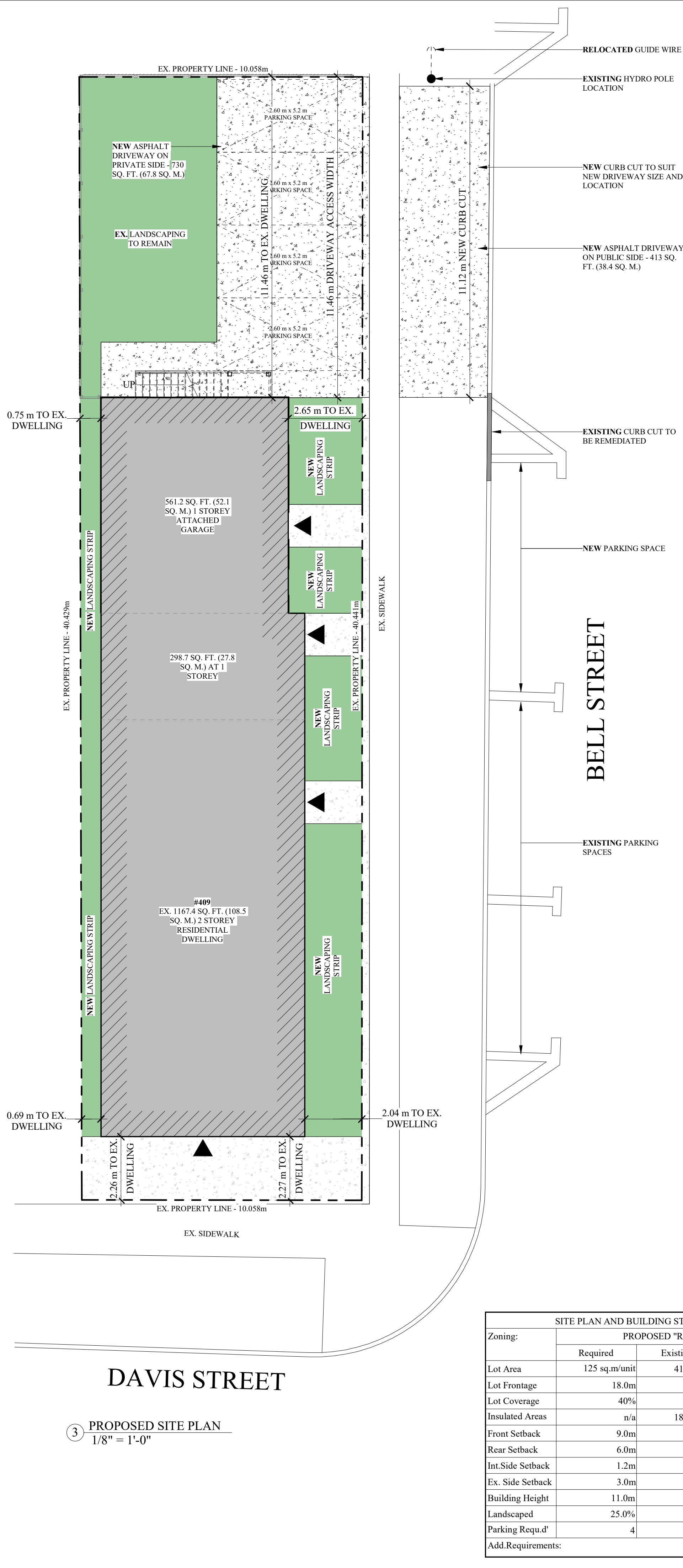
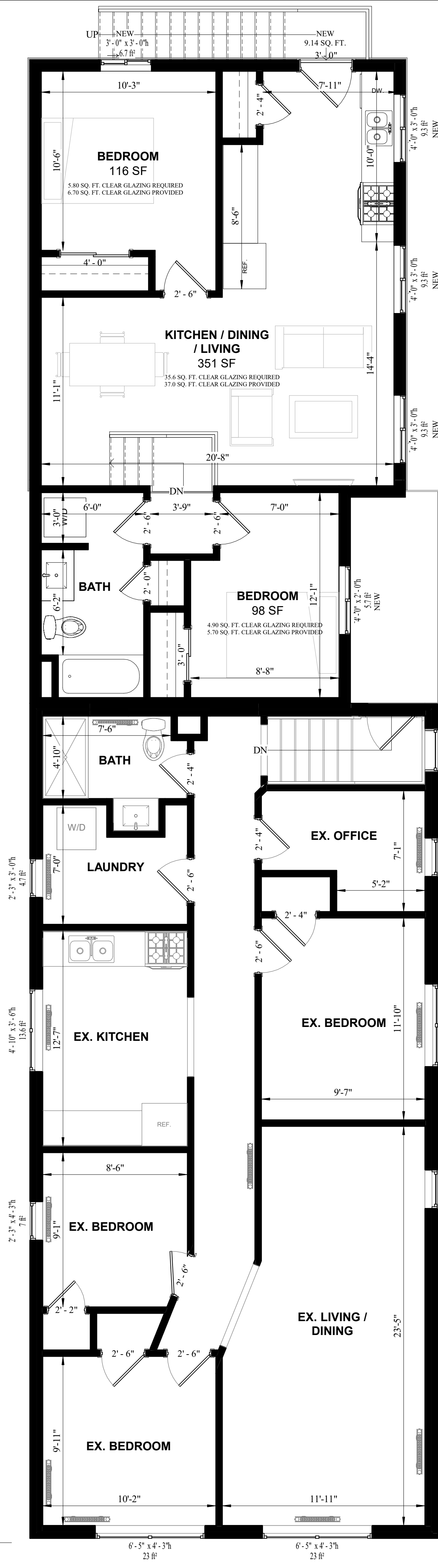
File No. D14-05-22

Drawn by: DS - City of Port Colborne  
Planning Division

Not to scale



2 PROPOSED SECOND FLOOR  
1/4" = 1'-0"



SITE PLAN AND BUILDING STATISTICS				
Zoning:	PROPOSED "R3" ZONING			
	Required	Existing	Proposed	
Lot Area	125 sq.m/unit	410.1 sq.m	AS EXISTING	
Lot Frontage	18.0m	10.11m	AS EXISTING	
Lot Coverage	40%	40%	AS EXISTING	
Insulated Areas	n/a	188.3 sq.m	AS EXISTING	
Front Setback	9.0m	2.26m	AS EXISTING	
Rear Setback	6.0m	11.25m	AS EXISTING	
Int.Side Setback	1.2m	1.20m	AS EXISTING	
Ex. Side Setback	3.0m	2.04m	AS EXISTING	
Building Height	11.0m	6.62m	AS EXISTING	
Landscaped	25.0%	27.9%	28.6%	
Parking Requ'd	4	1	4	
Add. Requirements:				



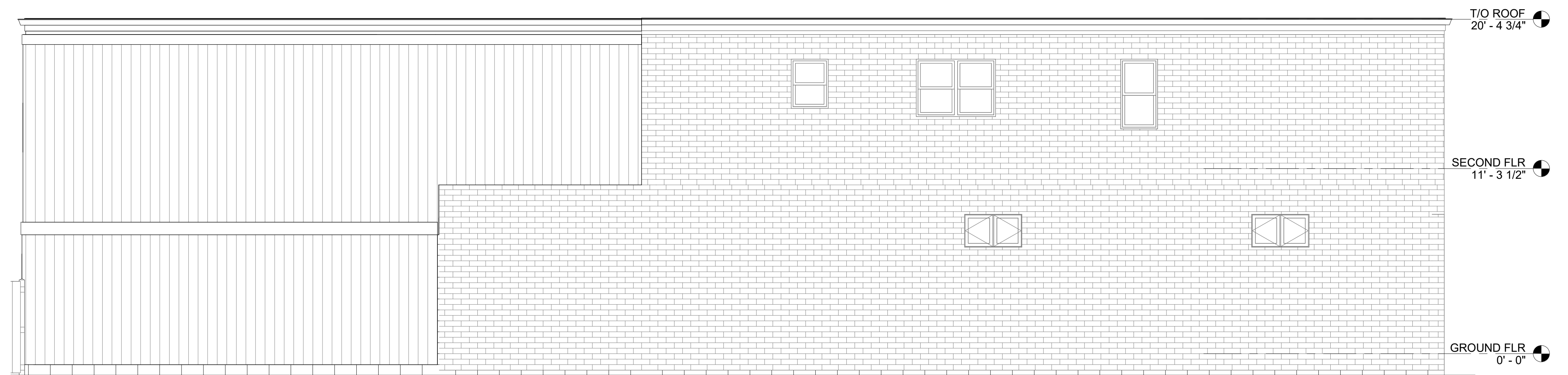
① .FRONT ELEVATION  
1/4" = 1'-0"



② .SIDE B ELEVATION  
1/4" = 1'-0"



③ .REAR ELEVATION  
1/4" = 1'-0"



④ .SIDE A ELEVATION  
1/4" = 1'-0"



info@jordanstationdesignco.ca  
**FOUR UNIT  
DEVELOPMENT**  
409 Davis Street, Port Colborne, ON  
2022-04-08 10:42:32 AM

**Subject: Recommendation Report for a Temporary Draft Plan Extension to the Rosedale Estates Subdivision**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-176

Meeting Date: August 9, 2022

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**Recommendation:**

That Development and Legislative Services Department- Planning Services Report 2022-176 be received; and

That Council approve, the temporary extension of the Rosedale Estates Draft Plan of Subdivision for a period of four (4) months; and

That Council approve the By-law authorizing the temporary extension of the Rosedale Estates Draft Plan of Subdivision for a period of four (4) months.

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**Purpose:**

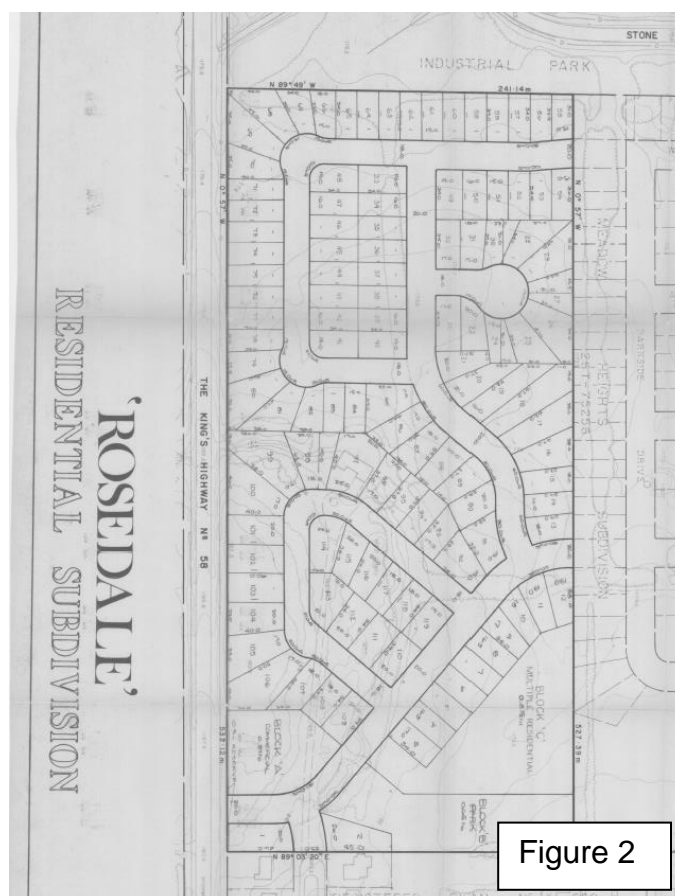
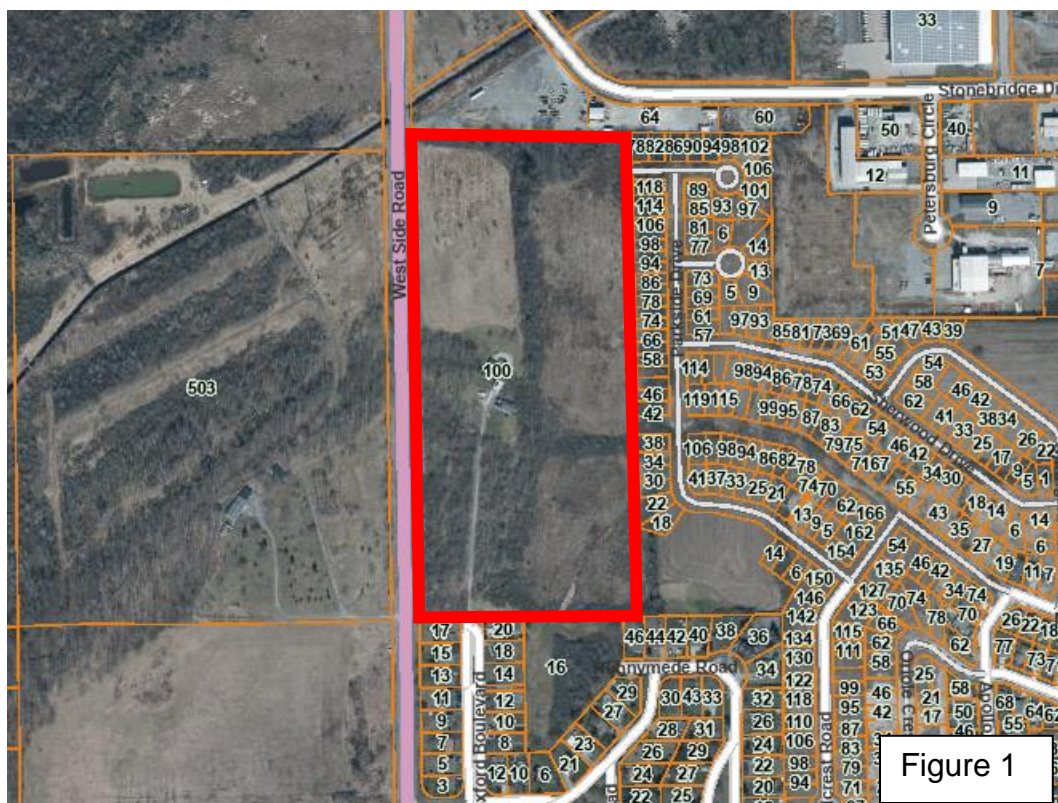
The purpose of this report is to respond to a request to extend the Rosedale Estates Draft Plan of Subdivision. The property is legally recognized as Part of Lot 30, Concession 3, being Part 1 on Plan 59R-2446, municipally known as 100 Oxford Boulevard.

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**Background:**

The Rosedale Draft Plan of Subdivision was approved by the Region of Niagara (being the approval authority at the time) in June 1988. The plan is located east of West Side Road (Hwy 58), south of Stonebridge Drive and north of Oxford Boulevard (Hawthorn Heights) (Figure 1). The development is located on 32 acres of land and contains 119 single detached dwellings, a block for approximately 57 apartment units, a commercial block and a park block (Figure 2). The Draft Plan had a 4 year lapsing date in 1992 to meet all conditions of draft plan approval.





Over the years since the plan's draft approval, the Region, and now City, have received numerous requests to extend the lapsing date of the proposed subdivision. Most recently, extensions were granted in 2013 (two years), 2015 (two years), 2017 (two years), 2019 (one year) and 2020 (two years) by City Council.

On June 28, 2022, Planning staff received a letter from the owner's planning consultant requesting a further extension to the Draft Plan of Subdivision for a period of one year. The letter cites archaeological studies and transportation access to be the leading causes of the delay with the subdivision proceeding (Appendix A).

---

### **Discussion:**

Staff brought forward a report in 2020 (Report 2020-94) recommending that the Rosedale Draft Plan of Subdivision be extended for two years. The Report also indicated that if another request was received, a thorough review of the subdivision and conditions would need to be undertaken to ensure that all relevant matters are addressed.

Due to staffing changes, it has not been possible for planning staff to sufficiently discuss the file with relevant internal and external stakeholders. A temporary four-month extension will allow staff to thoroughly review the draft plan and conditions with the applicant and other internal departments.

---

### **Internal Consultations:**

As referenced above, staff have had brief discussions regarding this file with the relevant internal departments with respect to servicing, fire safety, and drainage. Some preliminary concerns with respect to the servicing of the site have been raised by Engineering and Water/Wastewater staff prior to staffing changes.

In order to provide a thorough response and recommendation respecting the concerns raised on the extension request, Planning staff are of the opinion that further discussions are required between the City, Region and the applicant. The proposed four-month extension will allow ample time for staff and agency review.

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### **Financial Implications:**

There are no financial implications.

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## Public Engagement:

Public Engagement is not required under the *Planning Act* for Draft Plan of Subdivision extension requests.

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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
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - People: Supporting and Investing in Human Capital
  - Governance: Communications, Engagement, and Decision-Making
- 

## Conclusion:

Planning staff recommend that Council approve granting a temporary four-month extension to the Draft Plan of Subdivision approval. The extension will allow internal and external departments and agencies ample time to review and hold further discussions with the applicant/owner. If Council grants the extension, a report with further recommendations will be brought forward within the next four months.

---

## Appendices:

- a. Letter from Upper Canada Consultants Requesting Extension
- b. By-law to amend by-law 6808/58/20 being a by-law to set a lapsing date of draft plan approval for Rosedale Subdivision

Prepared by,

David Schulz, BURPI, MCIP, RPP  
Senior Planner  
(905) 835-2900 x202  
[david.schulz@portcolborne.ca](mailto:david.schulz@portcolborne.ca)

Respectfully submitted by,

Denise Landry, MCIP, RPP  
Manager of Planning Services  
(905) 835-2900 x203

[denise.landry@portcolborne.ca](mailto:denise.landry@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.



June 28, 2022

UCC File No. 5331

**To:** Denise Landry, MCIP, RPP  
Manager of Development  
City of Port Colborne  
66 Charlotte Street  
Port Colborne ON L3K 3C8

**Re: Request for Extension of Draft Plan of Subdivision Approval  
Rosedale Subdivision – 26T-87018 (East Side of Highway 58)**

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In reference to the above noted project, please accept this request to extend Draft Plan of Subdivision approval for a period of **one (1) year**. Draft Approval was extended for a two-year period by City Council on August 10, 2020 through By-law 6808/58/20. The lapsing date for Draft Approval is **August 12, 2022**.

Cheques will be provided by the owner to City Hall in amounts of **\$1,624.00** made payable to the City of Port Colborne and **\$2,680.00** made payable to the Regional Municipality of Niagara.

Over the past two years the owner has been working with Upper Canada Consultants, the consulting archaeologist and transportation consultant to address the most significant conditions of approval that may affect development feasibility and/or the need to amend the plan. The owner has also participated in conversation with the owner of the adjacent development (Meadow Heights) to find synchronicities in the development and construction process.

The effect of Covid-19 on development processes has also contributed to delays in the ability to complete on-site works.

To date, the site has been cleared and tilled to facilitate archeological investigation, which is ongoing. Archeological resources have been discovered in the past weeks which will require further investigation and review that will extend past the lapsing date of this Plan.

Additional ongoing works also include a topographic survey of the subject lands as well as civil engineering design and drafting.

It is considered appropriate for a one-year extension to be granted to facilitate the completion of these investigative works and site surveying so that the owner may determine if development can proceed or if changes are required.

Our client respectfully requests that a one-year extension be provided to allow for sufficient time to complete the ongoing archeological works.

If you have any questions or require any further information or copies, please contact the undersigned.



**UPPER CANADA  
CONSULTANTS**  
ENGINEERS / PLANNERS

**Upper Canada Planning  
& Engineering Ltd.**

3-30 Hannover Drive  
St. Catharines, ON L2W 1A3

T: 905-688-9400  
F: 905-688-5274

Sincerely,

Craig A. Rohe, M.Pl., MCIP, RPP  
Senior Planner  
Upper Canada Consultants

CC:      Ralph Rotella (Owner)  
            Martin Heikoop, Upper Canada Consultants  
            David Schulz, BURPL, MCIP, RPP, Senior Planner, City of Port Colborne

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a by-law to amend by-law 6808/58/20  
being a by-law to set a lapsing date of draft plan approval  
for Rosedale Subdivision

Whereas the Council of The Corporation of the City of Port Colborne passed By-law 5991/97/13 to give Draft Plan approval to August 12, 2015; and

Whereas on July 13th, 2015 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2017; and

Whereas on June 26th, 2017 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2019;

Whereas on July 8th, 2019 the Council of The Corporation of the City of Port Colborne passed By-law 6702/66/19 which extended Draft Plan approval to August 12, 2020;

Whereas on July 27<sup>th</sup>, 2020 the Council of The Corporation of the City of Port Colborne passed By-law 6808/58/20 which extended Draft Plan approval to August 12, 2022;

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

1. That a draft approval lapsing date of December 16th, 2022 be set for the Rosedale Plan of Subdivision.
2. That Schedule A to this by-law form the list of conditions of draft approval for the Rosedale Plan of Subdivision.

Enacted and passed this 9th day of August, 2022.

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

\_\_\_\_\_  
Nicole Rubli  
City Clerk

## **Schedule "A"**

### **ROSEDALE PLAN OF SUBDIVISION** **1988 CONDITIONS WITH 2019 AMENDMENTS**

The conditions for final approval and registration of the Rosedale (Revised) plan of subdivision, R. Rotella, File No. 26T-87018, Part of Lot 30, Conc. 3, City of Port Colborne are:

1. That this approval applies to the Rosedale draft plan of subdivision, Part of Lot 30, Conc. 3 (Former Twp. of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29<sup>th</sup>, 1987, and revised on May 31, 1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.
2. That the road allowances within the draft plan be dedicated as public highway.
3. That the proposed streets be named to the satisfaction of the City of Port Colborne.
4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.
5. That a temporary point of ingress to and egress from the plan site be provided to the satisfaction of the City of Port Colborne until such time as adjacent residential lands are developed.
6. That all easements required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.
8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.
9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.
11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.
12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.
13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings, with calculations, for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

**Note:** Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
  - (a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
  - (b) Detailed erosion and sedimentation control plans.

**Note:** The Region will request that the Niagara Peninsula Conservation Authority review the stormwater management and other related plans on the Regions behalf and submit comments to the Regional Planning and Development Services

Department (Development Services Division) regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.

15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.
16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C.) contour as being the top of the bank.
17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.
22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of serving allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to

registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.

24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.
25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.
26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.
31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.

32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.
33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.
34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.
35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable MECP noise guidelines.
36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.
37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.
38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.
39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.
40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or



other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements.”

41. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35 and 36 have been carried out to the City’s satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

42. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.
43. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.
44. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.
45. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that conditions 37, 38 and 39 have been carried out to its satisfaction.
46. That is final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.



Office of the Mayor  
WAYNE H. REDEKOP

July 15, 2022  
File #120203

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

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

Honourable and Dear Sir:

**Re: Ontario Building Code to Provide Municipalities with Greater Flexibility**

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

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

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

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

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

.../2

Mailing Address:

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

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

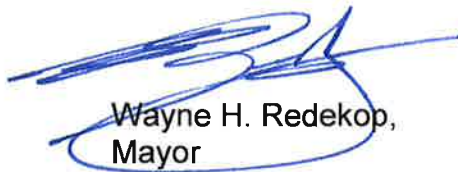
Web-site: [www.forterie.ca](http://www.forterie.ca)

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

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

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

Yours very truly,



Wayne H. Redekop,  
Mayor

WHR:dlk

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

July 28, 2022

Carol Schofield, Dipl.M.A.  
Town of Fort Erie  
Manager, Legislative Services/Clerk  
1 Municipal Centre Dr.  
Fort Erie, ON L2A 2S6  
cschofield@forterie.ca

Dear Ms. Schofield:

**Cross Border Travel and ArriveCAN**

At their regular meeting of July 25, 2022 Council of the Town of Pelham received your correspondence, and endorsed the following:

**BE IT RESOLVED THAT Council receive correspondence dated May 31, 2022 from the Town of Fort Erie regarding Cross Border Travel and ArriveCAN, for information;**

**AND THAT the Council for the Corporation of the Town of Pelham endorse and support the resolution from the Town of Fort Erie regarding Cross Border Travel and ArriveCAN;**

**AND THAT the Town Clerk is hereby directed to circulate a copy of this resolution to Prime Minister Justin Trudeau, local MPs and MPPs and Local Area Clerks.**

On behalf of Council, thank you for your correspondence.

Yours very truly,



Holly Willford, BA  
Town Clerk

HW/jm

/attach: Town of Fort Erie May 31, 2022 correspondence  
cc: The Right Honourable Justin Trudeau, P.C., M.P., Prime Minister of Canada  
([Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca))  
The Honourable Doug Ford, Premier of Ontario ([doug.fordco@pc.ola.org](mailto:doug.fordco@pc.ola.org))  
MP Dean Allison ([dean.allison@parl.gc.ca](mailto:dean.allison@parl.gc.ca))  
MPP Sam Oosterhoff ([sam.oosterhoffco@pc.ola.org](mailto:sam.oosterhoffco@pc.ola.org))  
Area Clerks (*via email*)



## Community Services

### Legislative Services

May 31, 2022  
File #120203

Public Health Agency of Canada  
130 Colonnade Road  
A.L. 6501H  
Ottawa, ON K1A 0K9

To Whom it May Concern:

**Re: City of Niagara Falls Resolution – Cross Border Travel and ArriveCAN**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 30, 2022 received and supported correspondence from the City of Niagara Falls dated May 16, 2022 requesting the Government of Canada to continue to market the ArriveCAN application as an “optional” tool when crossing the border and it no longer be a mandatory requirement.

Attached please find a copy of the City of Niagara Falls’ correspondence dated May 16, 2022.

Thank you for your attention to this matter.

Yours very truly,

Carol Schofield, Dipl.M.A.  
Manager, Legislative Services/Clerk

[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Attach

c.c. Tony Baldinelli, MP, Niagara Falls [tony.baldinelli@parl.gc.ca](mailto:tony.baldinelli@parl.gc.ca)  
Wayne Gates, MPP, Niagara Falls [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)  
Mayor Mike Bradley, City of Sarnia [mike.bradley@sarnia.ca](mailto:mike.bradley@sarnia.ca)  
Drew Dilkens, Mayor, City of Windsor [mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)  
Local Area Municipalities

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Mailing Address:

The Corporation of the Town of Fort Erie  
1 Municipal Centre Drive, Fort Erie ON L2A 2S6  
Phone: (905) 871-1600 FAX: (905) 871-4022

Office Hours 8:30 a.m. to 4:30 p.m.

Web-site: [www.forterie.ca](http://www.forterie.ca)



REGIONAL MUNICIPALITY OF NIAGARA  
**POLICE SERVICES BOARD**

5700 VALLEY WAY, NIAGARA FALLS, ONTARIO L2E 1X8

Tel: (905) 688-4111 Fax: (289) 248-1011  
E-mail: [psb@niagarapolice.ca](mailto:psb@niagarapolice.ca)  
Website: [www.niagarapolice.ca](http://www.niagarapolice.ca)

July 7, 2022

**SENT BY EMAIL ONLY**  
[amber.lapointe@portcolborne.ca](mailto:amber.lapointe@portcolborne.ca)

Amber LaPointe, City Clerk  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

Dear Ms. LaPointe:

**Re: City of Port Colborne Resolution – Catch and Release Justice**

At its Public Meeting held June 23, 2022, the Regional Municipality of Niagara Police Services Board considered a Service report dated May 31, 2022 submitted in accordance with Board direction at the April 21, 2022 meeting for the Service to provide feedback on correspondence received from the City of Port Colborne on March 4, 2022 with respect to a resolution calling on Federal and Provincial Governments to make improvements to the release of offenders known as “Catch and Release Justice”.

The following motion was passed:

**“That the report be forwarded to the City of Port Colborne Council Members.  
Carried.”**

Further to Board direction, I have enclosed a copy of the report for the information of Port Colborne Council Members.

Yours very truly,

Deb Reid  
Executive Director

Encl.

- c. Mayor B. Steele, City of Port Colborne  
Chief of Police B. MacCulloch, Niagara Regional Police Service



# NIAGARA REGIONAL POLICE SERVICE

## Police Services Board Report

### PUBLIC AGENDA

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**Subject:** City of Port Colborne Resolution - Catch and Release Justice

**Report To:** Chair and Members, Niagara Police Services Board

**Report Date:** 2022-05-31

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### Recommendation(s)

**That the Niagara Police Services Board receives this report for information.**

### Key Facts

- The purpose of this report is to provide the Board with feedback on correspondence received from the City of Port Colborne on March 4, 2022.
- A letter authored by Ms. Amber Lapointe, City Clerk for the City Port Colborne, was sent to the Police Services Board and the Niagara Regional Police Service (Service) to advise on a resolution that had been passed by Port Colborne City Council.
- The resolution called on the Provincial and Federal Governments to make improvements to the release of offenders referred to as “Catch and Release Justice.” A similar resolution had been passed in the City of Stratford, the City of Sarnia, as well as the Township of Perth.
- The request of Port Colborne City Council was for further information on “Catch and Release Justice” from the Service and Police Services Board.

### Financial Considerations

There are no financial implications relating to the recommendations in this report.

### Analysis

In December of 2021, the City of Sarnia passed a resolution calling for the Provincial and Federal governments to endeavour to make improvements to the release of offenders. Council referred to the situation as “Catch and Release Justice” and alleged that the constant release and re-arrest of offenders affected workload, and officer morale. The Stratford Police Services Board was asked by Stratford City Council to endorse the resolution of Sarnia.

On January 19, 2022, Deputy Chief Gerry Foster of the Stratford Police Service, provided a report on Catch and Release Justice to council. The report provided data on the number of charges and releases, as well as recommendations and comments. It was noted that the statistics provided occurred during the COVID-19 pandemic, which may have contributed to an increase in breaches of release orders. The report stated the community was frustrated with the lack of accountability of offenders.

The report and resolution were forwarded to the City of Sarnia, the Township of Perth, and the City of Port Colborne. Each council supported the resolution.

The Niagara Regional Police Service conducted a review of arrests and releases from 2019 - 2021. The results are as follows:

	2019	2020	2021
Number of Criminal Charges	12,181	11,606	11,103
OIC Release Orders issued	1,250	1,339	1,438
Fail to Comply (Breach) Charges	879	954	864

In comparison, the Stratford Police Service laid 814 charges total in 2019, and Sarnia laid 1,587 in 2019, and 1,297 in 2020.<sup>1</sup>

The Niagara Regional Police Service is larger and polices a larger community than both Sarnia and Stratford. The Niagara Region is a tourist destination and in close proximity to an international border. As a result, the Service often deals with offenders who are not from Niagara, and who are on release orders from other jurisdictions. The listed data does not show where the offence started or where the breach of the release order occurred (for example a person trying to cross into the U.S. may be arrested for a breach but is not from Niagara). It is, therefore, difficult to attribute the above statistics to release orders issued by an Officer in Charge in Niagara.

The Criminal Code of Canada is the lead authority on the arrest, detention, and release of offenders. When an individual is alleged to have committed a crime and grounds exist for an arrest, there are several factors to dictate how that person should be released.

When an arrest is made for failing to comply, the individual can be held in custody to appear before a Judge or Justice of the Peace. Alternatively, an individual can be released from custody by an Officer in Charge if there is no harm to any victim, and there is no damage or economic loss. The purpose of the release is to compel their appearance in court.

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<sup>1</sup> The data was unavailable for 2020 and 2021 and statistics for Breach charges is unknown. The report from Deputy Foster indicated an increase in 2020 and 2021.



The standard for detention is identification of the accused, securing evidence, preventing continuation or repetition of the offence, ensuring the safety of any victim, and ensuring attendance in court. If those factors are satisfied, the accused shall be released.

The liability for the Service, as well as its members can be high when persons are in custody, therefore, an offender shall be released if it is justified. In addition, the COVID-19 pandemic had an impact on persons in custody. Due to the spread of the virus in institutions, it was suggested by the Judiciary that offenders not be held in custody if there were other alternatives, such as an Officer in Charge undertaking release.

There are several challenging aspects of the criminal justice system that the police encounter. Although re-offending in the community does take place, and is a concern, the police are bound by the authorities of the Criminal Code of Canada when it comes to release.

### **Alternatives Reviewed**

To not accept the resolution.

### **Relationship to Police Service/Board Strategic Priorities**

This report is being submitted for information on Catch and Release as requested by Port Colborne City Council.

### **Relevant Policy Considerations**

- Criminal Code of Canada
- Canadian Charter of Rights and Freedoms
- Youth Criminal Justice Act
- General Order #100.10 - Powers of Arrest
- General Order #018.21 - Persons in Custody

### **Other Pertinent Reports**

Not Applicable.

*This report was prepared by Lynda Hughes, Inspector, Professional Standards, reviewed by James Mackay, Superintendent, Operational Support and Special Projects and recommended by Richard Frayne, Acting Deputy Chief of Police, Support Services.*



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**Submitted by:**

Bryan MacCulloch, M.O.M. #5835  
Chief of Police

**Appendices**

Appendix 1 – Correspondence from the City of Port Colborne



## PORT COLBORNE

**Corporate Services Department  
Clerk's Division**

Municipal Offices: 66 Charlotte Street  
Port Colborne, Ontario L3K 3C8 • [www.portcolborne.ca](http://www.portcolborne.ca)

II

T 905.835.2900 ext 106 F 905.834.5746

E [amber.lapointe@portcolborne.ca](mailto:amber.lapointe@portcolborne.ca)

March 4, 2022

**Ms. Deb Reid**

**Via Email: [Deb.reid@niagarapolice.ca](mailto:Deb.reid@niagarapolice.ca)**

Executive Director

The Regional Municipality of Niagara Police Service Board

5700 Valley Way

Niagara Falls, ON L2E 1X8

**Chief Brian MacCulloch**

**Via Email: [Bryan.macculloch@niagarapolice.ca](mailto:Bryan.macculloch@niagarapolice.ca)**

Niagara Regional Police Service

5700 Valley Way

Niagara Falls, ON L2E 1X8

Dear Ms. Reid and Chief MacCulloch:

**Re: City of Port Colborne – Resolution Regarding: Catch and Release Justice**

Please be advised that, at its meeting of February 22, 2022, the Council of The Corporation of the City of Port Colborne resolved as follows:

That correspondence received from the Township of Perth South regarding Catch and Release Justice be referred to the Clerk's Department to send to the Niagara Regional Police Service and Police Service Board for more information; and

That Clerk's Staff bring the correspondence back to Council at a future meeting.

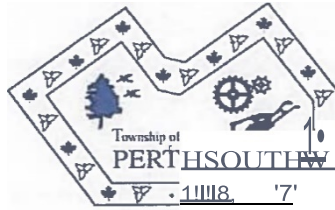
A copy of the above noted correspondence is enclosed for your reference. We kindly request that you submit comments on this matter to the Clerk's Division and we will include them on a future Council agenda.

Sincerely,

Amber LaPointe

City Clerk

Encl.



Corporation of the Township of Perth South  
3191 Road 122  
St. Pauls, ON N0K 1V0  
Telephone 519-271-0619  
Fax 519-271-0647  
[lscott@perthsouth.ca](mailto:lscott@perthsouth.ca)

February 9, 2022

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
House of Commons  
80 Wellington Street  
Ottawa, ON K1A 0A2

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

**Re: "Catch and Release" Justice**

At the regular meeting of the Township of Perth South Council held on February 1, 2022 the following resolution was passed:

**That Council accepts the Community Policing Advisory Committee recommendation that they support the City of Sarnia resolution regarding Catch and Release Justice with the inclusion of the recommendations provided by the Stratford Police Services in their report dated January 19, 2022.**

I have attached the letter received from the City of Sarnia as well as the report from the Stratford Police Services for your information.

Your consideration of this matter is respectfully requested.

Regards,

Lizet Scott  
Clerk

Cc: Randy Pettapiece, MPP Perth-Wellington  
John Nater, MP Perth-Wellington  
All Ontario Municipalities



**THE CORPORATION OF THE CITY OF SARNIA  
City Clerk's Department**

255 Christina Street N. PO Box 3018  
Sarnia ON Canada N7T 7N2  
519-332-0330 (phone) 519-332-3995 (fax)  
519-332-2664 (TTY)  
www.sarnia.ca clerks@sarnia.ca

December 16, 2021

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
House of Commons  
80 Wellington Street  
Ottawa, ON K1A 0A2

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

**RE: "Catch and Release" Justice**

At its meeting held on December 13, 2021, Sarnia City Council adopted the following resolution with respect to "Catch and Release Justice":

***That the City of Sarnia send a letter to the Federal and Provincial Governments requesting meaningful improvements to the current state of "catch and release" justice in the Ontario legal system. Police Services across Ontario are exhausting precious time and resources having to manage the repeated arrests of the same offenders, which in turn, is impacting their morale, and ultimately law abiding citizens who are paying the often significant financial and emotional toll of this broken system. This resolution should also be sent to other Municipalities throughout Ontario for their endorsement consideration; and***

***That the request also be referred to the Sarnia Police Services Board and be presented via AMO delegations for endorsement consideration.***

Your consideration of this matter is respectfully requested.

Yours sincerely,

Amy Burkhart  
City Clerk

Cc: Bob Bailey, MPP  
Marylyn Gladu, MP  
All Ontario Municipalities



## **CHIEF OF POLICE REPORT**

**DATE: 19 January 2022**  
**TO: Stratford Police Services Board**  
**FROM: Deputy Chief Gerry Foster**  
**RE: "Catch and Release Justice"**

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### **BACKGROUND**

Council for the City of Sarnia has passed a resolution on December 13, 2021, requesting the Federal and Provincial governments consider making meaningful improvements to the release of offenders. The so-called "Catch and Release Justice" refers to the release of offenders by the courts whereby the offender is re-arrested by police for breaches of the release conditions.

The resolution indicates this approach has a negative impact on police workload, officer morale, and potentially law-abiding citizens.

Locally, council has asked that the matter be discussed at the Police Service Board level and that *"a review of "catch and release justice" in the City of Stratford be referred to the Stratford Police Services Board to outline current challenges. "*

Further, council is requesting a resolution with recommended changes be brought back to council for January 24, 2022.

### **ANALYSIS**

On its surface "Catch and Release Justice" is a reference to the increase in offenders being released after being arrested. This term mostly refers to release by the courts although police officers (Officer in Charge) have release authorities similar to that of the court.

In response to the request of council, a review of charges laid for these instances was completed. Approximately 60 more charges were laid in 2021 in comparison to the average of charges from 2018 to 2020. In reviewing the data this increase would represent an approximate 43% increase

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in breach of release condition charges being laid by members of the service. I would caution that the data, while it does show an increase from 2018-2021, could also be indicative of the COVID pandemic whereby the courts (and police) were actively exploring opportunities to keep offenders out of custody, where possible. The result was that more offenders were released on conditions where re-offending in the community could have occurred. Likewise, the stressful nature of the pandemic should not be discounted as a contributing factor on this data.

**RECOMMENDATIONS/COMMENTS**

- The Stratford Police Service has experienced an increase in repeat offenders being released into the community only to re-offend.
- The impact of the pandemic on the police, justice and corrections system has been challenging to navigate
- More and more offenders are being released into the community on judicial release conditions that are continually breached leading to more arrests, charges, and court appearances.
- The community is frustrated with the lack of accountability on offenders and feel that their safety is being jeopardized.
- Police officers are resorting to "Officer in Charge" releases when offenders should be going to the courts for judicial releases because of workload.
- The court dockets will most likely be cleared of low-level offences resulting in no accountability for offenders
- Victims are feeling re-victimized by the system and losing faith/trust in the system.

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For Council consideration:

That that City of Stratford endorse the Sarnia Catch and Release Justice resolution and add the following:

- The Federal and Provincial Governments recognize the linkage between mental health, addiction, homelessness, and crime.
- That all levels of government acknowledge that catch and release justice contributes to feelings of vulnerability within our communities and increases the cost of policing, social services, and health care in our communities.
- That all levels of government provide continued financial support to enhance funding in communities for Mobile Crisis Rapid Response Teams, Overdose Response Teams, Community Outreach Teams, Emergency Shelter facilities, Education and Awareness Programs, diversion programs, etc. under the umbrella of Community Safety and Well Being.
- That the Federal and Provincial Governments re-imagine a direct accountability framework specific to charges relating to failure to comply with release conditions.
- That consideration be given to provided holistic support to chronic re-offenders experiencing mental health, addiction, and homelessness issues with a multi-disciplinary team under one roof

Yours,

Gerry Foster  
Deputy Chief of Police

*Community-Partnerships-Service*



## **Board of Directors Meeting Highlights – June 17, 2022**

On Friday, June 17, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) held its regular monthly meeting in a hybrid electronic format with a limited number of Board Members attending proceedings at the Ball's Falls Centre for Conservation. Highlights from the meeting included:

### **Morgan's Point Conservation Area Environment and Climate Change Canada's (ECCC) Habitat Stewardship Program Funding Update**

The Board of Directors received an update on activities and next steps following the purchase of a 28-hectare property at Morgan's Point Road in 2021 and the successful approval of \$100,000 in federal funding through Environment and Climate Change Canada's (ECCC) Habitat Stewardship Program.

### **Presentation on Digital Terrain Modeling Updates and Open Data Release**

The Board of Directors received a presentation from Geoffrey Verkade, Senior Manager, Integrated Watershed Planning & Information Management regarding the updates to its 1-meter contour supporting Digital Terrain Model (DTM) serving as its topographic base mapping, as well as the publication of the Authority's Open Data Portal website for public use.

The DTM update will serve as a critical base data resource for many functionally dependent business needs as the Authority commits to filling data gaps by 2026 to support its programs and services, and further offers broader community value to those accessing and leveraging its open use publicly through the Open Data Portal.

### **Cave Springs Conservation Area Enhancement Project Update and Award of Contract for Parking Lot Construction**

The Board of Directors were updated on the enhancement project taking place at Cave Springs Conservation Area and approved a capital contract award to Duomax Developments Ltd. in the amount of \$257,191 (plus non-recoverable HST). A contingency of 10% or \$25,719 was allocated to address any anticipated costs during the project implementation process. The initiatives of the enhancement project included an enhanced entrance and new parking area using low-impact designs, development of trail systems and wayfinding, interpretive signage, and other enhancements.

## **Draft Land Securement Strategy 2022-2023**

The Board of Directors were presented with the Draft Land Securement Strategy for 2022-2023. The NPCA retained the consulting firm, Orland Conservation to develop the Strategy with input from NPCA staff. The Draft Land Securement Strategy 2022-2032 provided the framework for the NPCA to secure public greenspace effectively using established best practices, sound decision-making, sustainable and innovative financial models, and collaboration.

The Board endorsed the next steps for the implementation of the Land Securement Strategy to take place in 2022. This included consultation with various stakeholders for feedback on the strategy, development of policies that guide decision-making regarding land acquisition and disposition, and development of a land securement program including a budget, outreach and engagement plan.

### **Links to Agendas, Minutes and Video:**

<https://npca.ca/about/board-meetings>



July 29, 2022

Association of Municipalities of Ontario (AMO)

Sent via email: [policy@amo.on.ca](mailto:policy@amo.on.ca)

To whom it may concern:

Please be advised that Brantford City Council at its meeting held July 26, 2022 adopted the following:

**12.4.9 Potential threat to residential home ownership**

WHEREAS concerns from Brantford homeowners have been voiced regarding single family homes being purchased for purposes other than family residency, which practice is a factor in driving up the price of home values making home ownership out of reach for first time home buyers; and

WHEREAS an article in the Toronto Star, Sunday edition reports a case where a foreign national is being investigated for money laundering by “investing” in houses and housing developments in Vancouver. Financial and law enforcement experts say this problem extends to other Canadian cities, most notably in the GTA; and

WHEREAS the Province of British Columbia created an Expert Committee to investigate money laundering in residential real estate, which made several recommendations to the Provincial government to change the Provincial laws and for the Province to make changes to Federal laws to prevent this type of money laundering from occurring; and

WHEREAS the Council of The Corporation of the City of Brantford is very concerned with the rising cost of housing caused by money laundering through the purchase of residential real estate;

THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario to create a similar Expert Committee as was done in British Columbia, to investigate what regulatory action can be taken to better combat money laundering in the Ontario real estate market; and
- B. THAT the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario to implement whatever legislative changes may be necessary to combat money laundering in the Ontario real estate market; and

- C. THAT the Brantford Police Service BE REQUESTED to establish a tip hotline for suspected money laundering; and
- D. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to the Association of Municipalities of Ontario (AMO), Ontario Big City Mayors (OBCM) and the list of other Ontario Municipalities with a request that those municipalities pass similar resolutions, and
- E. THAT the Clerk BE DIRECTED to forward a copy of this resolution to The Honourable Doug Ford, Premier of the Province of Ontario; the Minister of Municipal Affairs and Housing; MP Larry Brock and MPP Willem Bouma.

I trust this information is of assistance.

Yours truly,



Tanya Daniels  
City Clerk, [tdaniels@brantford.ca](mailto:tdaniels@brantford.ca)

cc Ontario Big City Mayors  
All Ontario Municipalities



July 29, 2022

To whom it may concern:

Please be advised that Brantford City Council at its meeting held July 26, 2022 adopted the following:

**12.2.15 Seeking Prosperity and Partnership with Indigenous Nations and a Timely Resolution of Haldimand Tract Land Dispute**

WHEREAS, in 1784, Sir Frederick Haldimand issued a proclamation allocating six miles on either side of the Grand River, beginning at Lake Erie and extending to the head of the river, for the benefit of the “Mohawk Nation and such others of the Five Nation Indians as wish to settle in that quarter” (also known as the Haldimand Tract); and

WHEREAS the current reservation of land allocated to the Six Nations of the Grand River (SNGR) represents approximately 5% of the 950,000 acres described within the Haldimand Proclamation; and

WHEREAS, in 1995, the SNGR commenced a lawsuit against the Federal and Provincial Governments seeking compensation for lands not surrendered, an accounting for all profits, property, or other assets belonging to or held by the Crown for the benefit of the SNGR, and an accounting for the management or disposition of those assets; and

WHEREAS, negotiations between the SNGR, the Province of Ontario, and the Government of Canada broke down in 2010 resulting in the SNGR recommencing their litigation against the Crown; and

WHEREAS communities within the Haldimand Tract experience the tensions, uncertainty and frustrations arising from failure of the Crown to address the SNGR’s land claims in a timely and equitable manner; and

WHEREAS Brantford supports the fair and final settlement of the Six Nations’ 1995 lawsuit against Ontario and Canada and is working to establish a meaningful relationship of peace, friendship, mutual respect and shared prosperity with local First

Nations; and

WHEREAS, since 1974, purchasers of land or a beneficial interest in land in Ontario have been paying a percentage of the purchase price for these interests to the Province of Ontario in the form of a Land Transfer Tax; and

WHEREAS Indigenous communities have not historically benefited from the proceeds of Land Transfer Taxes collected by the Ontario Government on the transfer of land and interests in land in Ontario; and

WHEREAS in 2008, the Province of Ontario authorized the City of Toronto to implement a new Municipal Land Transfer Tax to be collected by the municipality, however, a likewise authority was not extended to any other municipality in Ontario; and

WHEREAS municipalities require new tools to build capacity for advancing the meaningful inclusion of Indigenous Peoples in land use planning matters and promoting a local community approach to economic development and shared prosperity; and

WHEREAS the City of Brantford is experiencing significant growth and desires to explore prosperity sharing initiatives with local Indigenous communities in a manner that promotes and strengthens the economies of this region and the economic self-sufficiency of the Indigenous peoples of this region; and

WHEREAS, during the negotiations leading up to the boundary adjustment between the City of Brantford and the County of Brant, the Six Nations of the Grand River requested that a form of prosperity sharing be considered and implemented prior to the approval of the boundary adjustment by the Minister of Municipal Affairs and Housing; however, at the time, a prosperity sharing initiative was not approved by the province as part of the boundary adjustment; and

WHEREAS the scope of municipal powers are determined by the province and therefore municipalities have limited legislative authority to implement unique arrangements with First Nations such as establishing development fees; levying special taxes; or entering into contractual arrangements in order to share in municipal

growth and prosperity, facilitate Indigenous interests in development projects, or create equity interests in municipal projects;

NOW THEREFORE BE IT RESOLVED:

- A. THAT the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario and the Government of Canada to resume negotiations, in good faith, with the Six Nations of the Grand River to settle the legal proceedings filed against both governments on March 7, 1995 by the Six Nations of the Grand River; and
- B. THAT the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario to set aside a percentage of all Land Transfer Tax collected by Ontario to be held for the benefit of and remitted to First Nations situated in the province as one means of reparation for historic injustices; and
- C. THAT in addition to the above the Council of The Corporation of the City of Brantford respectfully CALLS UPON the Province of Ontario to empower municipalities within the Grand River Watershed to participate in prosperity sharing with First Nations by way of the following:
  - i. Amend the Municipal Act, 2001 to allow all municipalities in Ontario who so desire to implement a Lot Levy to be applied to purchases on all new builds in the municipality in addition to the Provincial Land Transfer Tax, and held for and remitted to local First Nations for the benefit of Indigenous Peoples' to freely pursue their economic, social and cultural development; and
  - ii. Amend the Development Charges Act, 1997 to include in the list of eligible services a specific charge to be remitted to First Nations in order to provide capacity funding to those Nations who have an interest in protecting and managing cultural heritage and archaeological resources of interest to Indigenous communities, as well as for infrastructure that benefits First Nations communities; and

- iii. Amend the Planning Act to expand the Community Benefits Charge to include a charge that may be collected for the benefit of and remitted to local First Nations for the preservation and advancement of Indigenous interests; and

- D. THAT the Clerk BE DIRECTED to forward a copy of this resolution to The Honourable Justin Trudeau, Prime Minister of Canada, the Minister of Crown Indigenous Relations of Canada, The Honourable Doug Ford, Premier of the Province of Ontario; the Ontario Minister of Municipal Affairs and Housing; the Ontario Minister of Indigenous Affairs; Chief Mark Hill, Six Nations of the Grand River; Chief Stacey Laforme, Mississaugas of the Credit First Nation; Federation of Canadian Municipalities; Association of Municipalities of Ontario; and
- E. THAT the Clerk BE DIRECTED to forward a copy of this resolution to each municipality that oversees lands within the Haldimand Tract and, further, that those municipalities BE REQUESTED to consider supporting this initiative by the passage of similar resolutions; and
- F. THAT a copy of this resolution BE FORWARDED to The Ontario Home Builders Association, the Brantford Home Builders Association, the Ontario Real Estate Association and the Brantford Real Estate Association; and
- G. THAT those bodies BE REQUESTED to provide commentary on this resolution; and
- H. THAT their responses BE PROVIDED in a staff report to city council at a later date.

I trust this information is of assistance.

Yours truly,



Tanya Daniels  
City Clerk, [tdaniels@brantford.ca](mailto:tdaniels@brantford.ca)





On behalf of Ontario's 2700 sheep farmers, I am reaching out to begin a dialogue with your municipality on the increasing challenge livestock farmers face in dealing with problem predators, and the role that Livestock Guardian Dogs (LGD) and your municipal dog control bylaws play in helping our farmers protect their sheep.

Problem predators are an increasing challenge and cost for Ontario livestock farmers requiring considerable effort and resources on the part of farmers and the Ontario Sheep Farmers (OSF). The financial cost of predation not only costs farmers, in terms of preventative measures, such as fencing and LGD; it also costs Ontario taxpayers, with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) paying farmers over \$717,000 in the 2021 FY for losses of livestock caused by wildlife. This cost does not include the cost borne by municipalities and OMAFRA in sending investigators out to farms and administering the program. Nor does this cover the costs of veterinarians to help those maimed by predators to recover, the production losses of animals who are stressed from predation and the mental health toll predation takes on the farmer. Without being able to properly protect livestock from predation, taxpayers should expect to see an increased incidence of predation and increased costs.

Livestock guardian animals are one of the most common forms of predation prevention control used by Ontario sheep producers. These include Livestock Guardian Dogs (LGDs), donkeys, and llamas, with LGD being the most popular choice. However, there are instances when municipal by-laws hinder the efficient use of LGDs on farming operations as the by-laws are intended primarily for dogs kept for companionship, breeding, or non-working purposes. We have reviewed work done by several Ontario municipalities where LGDs have been specifically addressed when creating or revising existing by-laws. Below are some of the primary areas of concern and suggested options for consideration by your municipality.

#### **Add Definition of Livestock Guardian Dogs (LGDs) and Herding Dogs to by-laws**

We propose that:

"Livestock Guardian Dog" (LGD) be defined as a dog that works and/or lives with domestic farm animals (e.g. cattle, sheep, poultry) to protect them while repelling predators and is used exclusively for that purpose.

"Herding Dog" means a dog that has been trained and is actively being used in a bona fide farming operation for the purposes of controlling livestock on the farm.

There are different breeds of LGDs of which the most popular breeds in Ontario include Great Pyrenees, Akbash, Kuvasz, Maremma and Anatolian Shepherd and crosses between these breeds. Although not an exhaustive list, dogs generally used for herding include Border Collies, Australian Shepherds, Blue & Red Heelers and Huntaways.



**OntarioSheep.org**

130 Malcolm Road, Guelph, Ontario N1K 1B1 T 519.836.0043 E [admin@ontariosheep.org](mailto:admin@ontariosheep.org)

### **Dog Registration/Licensing Requirements**

Paying annual dog registration/license fees for numerous working farm dogs can become a significant cost for sheep producers. We would encourage municipalities to exempt LGDs and herding dogs from annual license fees as is done in many jurisdictions for assistance/service dogs and working police dogs. The definition of

### **Requirement for Dogs to Wear a Collar and Tag**

LGDs' instincts are to guard and follow the flock, sleeping and working outdoors in all kinds of weather. Collars can become snagged on branches or fences and become a skin irritant in hot or wet weather. We suggest that municipal by-laws allow owners to remove the collar and license tag (if applicable) from a guardian or herding dog while the dog is being actively used in farming practices provided that the owner uses an alternative means of identification linking the animal to the name and address of the owner, e.g. either a tattoo or microchip containing the required information.

### **Requirements for Kennel Licensing and/or Limitation on Number of Dogs Kept**

In some areas bylaw requires a person with more than three dogs at the same premises to secure a kennel license. Coyotes are very smart and will lure the dogs away while the remaining coyotes kill the sheep or lambs from behind or will attack the dogs directly. It is not uncommon for farmers to have more than two LGDs, especially when they are training younger dogs. This is especially true in areas where there is heavy predation. As well, larger sheep flocks in Ontario (several over 1500 animals), require numerous dogs to provide adequate protection especially where higher numbers of predators are present.

We would propose for your consideration that a person may keep more than three dogs at a premise without obtaining a kennel license provided:

- the person is keeping sheep (or other livestock) upon the same premises.
- the premises is on land that is zoned rural and agricultural.
- the person provides proof of producer registration issued in the name recorded by the Ontario Sheep Farmers, Beef Farmers of Ontario, Ontario Goat,
- the dogs are registered/licensed annually in accordance with relevant municipal by-laws (if required)
- and that the dogs are LGDs and or herding dogs.

### **Running At Large**

A dog shall not be running at large if it is a LGD and is on their leased or owned property.

### **Barking Restrictions**

LGD are exempt from barking restrictions if actively engaged in guarding livestock against predators. Under the Farming and Food Production Protection Act farmers are protected from nuisance complaints made by neighbours provided they are following normal farming practices. The use of LGD on sheep farms is a widely used practice in Ontario and other sheep producing jurisdictions.



**Aggressive/ Dangerous Dog designation**

LGD act aggressively and show aggression towards things they view as a threat to the livestock they are protecting. As such, an exemption, like that for police dogs should be considered.

OSF wishes to work cooperatively with you to ensure that municipal bylaws take into consideration the use of LGD when developing their bylaws. We would be pleased to communicate with the appropriate municipal officials to review with you Ontario sheep producers' needs and concerns in this area.

Thank you for your attention to this matter and we look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Hemsted", with a stylized flourish at the end.

John Hemsted,  
Chair



## Livestock Guardian Dog use in Ontario

Predation is a significant cost and ongoing threat to sheep flocks in Ontario. Preventative measures are the first line of defense for producers. Livestock Guardian Dogs are one of the most effective preventative measures available because they are actively protecting the flock 24 hours a day, 7 days a week.

Livestock Guardian Dogs have been used in Ontario since the 1960's. Their use has increased in the past 40 years as the province's coyote population has increased and expanded throughout the entire province. Livestock Guardian Dog are now used by a great majority of sheep producers in Ontario to protect their flocks from predation by (primarily) coyotes, but also wolves, bears and other wildlife.

Livestock Guardian Dogs live with the sheep flock.

They provide protection to the flock by patrolling pastures, marking the perimeter of their territory. They also bark, run at, and try to intimidate any threats to the livestock they are protecting, which in this case is sheep.

Barking is one of the primary means by which livestock guardian dogs provide protection to the sheep flock. It is their way of communicating with other canines, and the guarding bark warns predators to avoid the area. Because dogs' sense of smell and hearing are many times more acute than that of humans, they often appear to be "barking" at nothing, when in fact, they hear, or smell something that humans are not able to.

Except perhaps for sheep flocks totally confined to barns with no access to outdoors, very few sheep flocks would survive predation attacks if it weren't for the effectiveness of livestock guardian dogs.

Ontario Sheep Farmers (OSF) considers the use of livestock guardian dogs to provide protection to livestock against predation as a normal farm practice.

The Farm and Food Production Protection Act (administered by Ontario Ministry of Agriculture, Food and Rural Affairs) defines normal farm practice as a farming practice which:

- is consistent with proper, acceptable customs and standards of similar operations; or
- uses innovative technology according to proper, advanced farm management practices.

The Farm and Food Production Protection Act was established to promote and protect agricultural uses and normal farm practices in agricultural areas, in a way that balances the needs of the agricultural community with provincial health, safety and environmental concerns.



**From:** Bonnie Adams <[Bonnie.Adams@enbridge.com](mailto:Bonnie.Adams@enbridge.com)>

**Sent:** July 22, 2022 1:22 PM

**Subject: EB-2022-0133 Enbridge Gas Inc. - 2023 Rates Application - OEB Notice of Application**

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

**To: Clerks of All Municipalities in which Enbridge Gas Inc. Supplies Gas:**

On June 30, 2022 Enbridge Gas Inc. (Enbridge Gas) filed an application with the Ontario Energy Board (OEB) for an order or orders approving or fixing just and reasonable rates and other charges for the sale, distribution, transmission and storage of gas as of January 1, 2023.

On July 20, 2022, the OEB issued the Notice of Application along with the Letter of Direction for the proceeding. The OEB has directed Enbridge to serve a copy of the Notice of Application along with the application and evidence on the clerks of all municipalities in which Enbridge Gas supplies gas.

Attached please find the OEB's Notice of Application (English and French) along with Enbridge Gas' application and evidence as filed with the OEB.

The OEB's Notice of Application provides information on how to become informed and involved in the proceeding. Interested parties can apply to the OEB for Intervenor Status in this proceeding by August 5, 2022.

The application/evidence is available on the Enbridge's [website](#) under the Rate Case and QRAM section and a copy can be downloaded from the following link - [EB-2022-0133 Enbridge Gas 2023 Rates Application](#).

A paper copy of the evidence filed in this proceeding is available upon request.

Please contact me if you have any questions.

Sincerely,

**Bonnie Jean Adams**

Regulatory Coordinator

*Enbridge Gas Inc.*

T: 416-495-5751

500 Consumers Road | North York Ontario | M2J 1P8

[enbridgegas.com](http://enbridgegas.com)

Safety. Integrity. Respect. Inclusion.

# ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF ENBRIDGE GAS INC.

**Enbridge Gas Inc. has applied to raise its natural gas rates effective January 1, 2023.**

**Learn more. Have your say.**

**Enbridge Gas Inc. has applied to the Ontario Energy Board to raise its natural gas rates effective January 1, 2023, based on a rate-setting framework and other adjustments previously approved by the Ontario Energy Board for the period 2019-2023. The rates are set using a formula that is tied to inflation and other factors intended to promote efficiency.**

**If the application is approved as filed, a typical residential customer of Enbridge Gas Inc. would see the following increases:**

Rate Zones	Residential Annual Bill Increase
EGD	\$ 22.61
Union South	\$ 19.84
Union North East	\$ 31.51
Union North West	\$ 36.22

**Other customers may be affected. It is important to review the application carefully to determine whether you will be affected by the changes.**

## **THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING**

The OEB will hold a public hearing to consider Enbridge Gas Inc.'s application. We will question Enbridge Gas Inc. on its case. We will also hear questions and arguments from individual customers and groups that represent the customers of Enbridge Gas Inc. At the end of this hearing, the OEB will decide what, if any, rate increase will be allowed.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

## **BE INFORMED AND HAVE YOUR SAY**

You have the right to information regarding this application and to be involved in the process

- You can review Enbridge Gas Inc.'s application on the OEB's website now
- You can file a letter with your comments, which will be considered during the hearing
- You can become an intervenor. As an intervenor, you can ask questions about Enbridge Gas Inc.'s application and make arguments on whether the OEB should approve Enbridge Gas Inc.'s request. Apply by **August 5, 2022** or the hearing will go ahead without you and you will not receive any further notice of the proceeding
- At the end of the process, you can review the OEB's decision and its reasons on our website

## **LEARN MORE**

Our file number for this case is **EB-2022-0133**. To learn more about this hearing, find instructions on how to file a letter with your comments or become an intervenor, or to access any document related to this case, please enter the file number **EB-2022-0133** on the OEB website: [www.oeb.ca/participate](http://www.oeb.ca/participate). You can also phone our Public Information Centre at 1-877-632-2727 with any questions.

## **ORAL VS. WRITTEN HEARINGS**

There are two types of OEB hearings – oral and written. The OEB will determine at a later date whether to proceed by way of a written or oral hearing. If you think an oral hearing is needed, you can write to the OEB to explain why by **August 5, 2022**.

## **PRIVACY**

*If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.*

*This rate hearing will be held under section 36 of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B.*



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario



# Growing Municipal Capacity to Promote and Support Agriculture in the Niagara Region

**“A thriving  
agriculture industry  
depends on  
knowledge and  
support provided by  
municipal  
governments”**



## Enhancing Municipal Capacity to Support Agriculture in the Greenbelt



Possibility grows here.

Dr. Wayne J. Caldwell, Elise Geschiere,  
Emily Sousa and Regan Zink

Greenbelt Foundation Occasional Papers  
March 2021



# Project Objectives

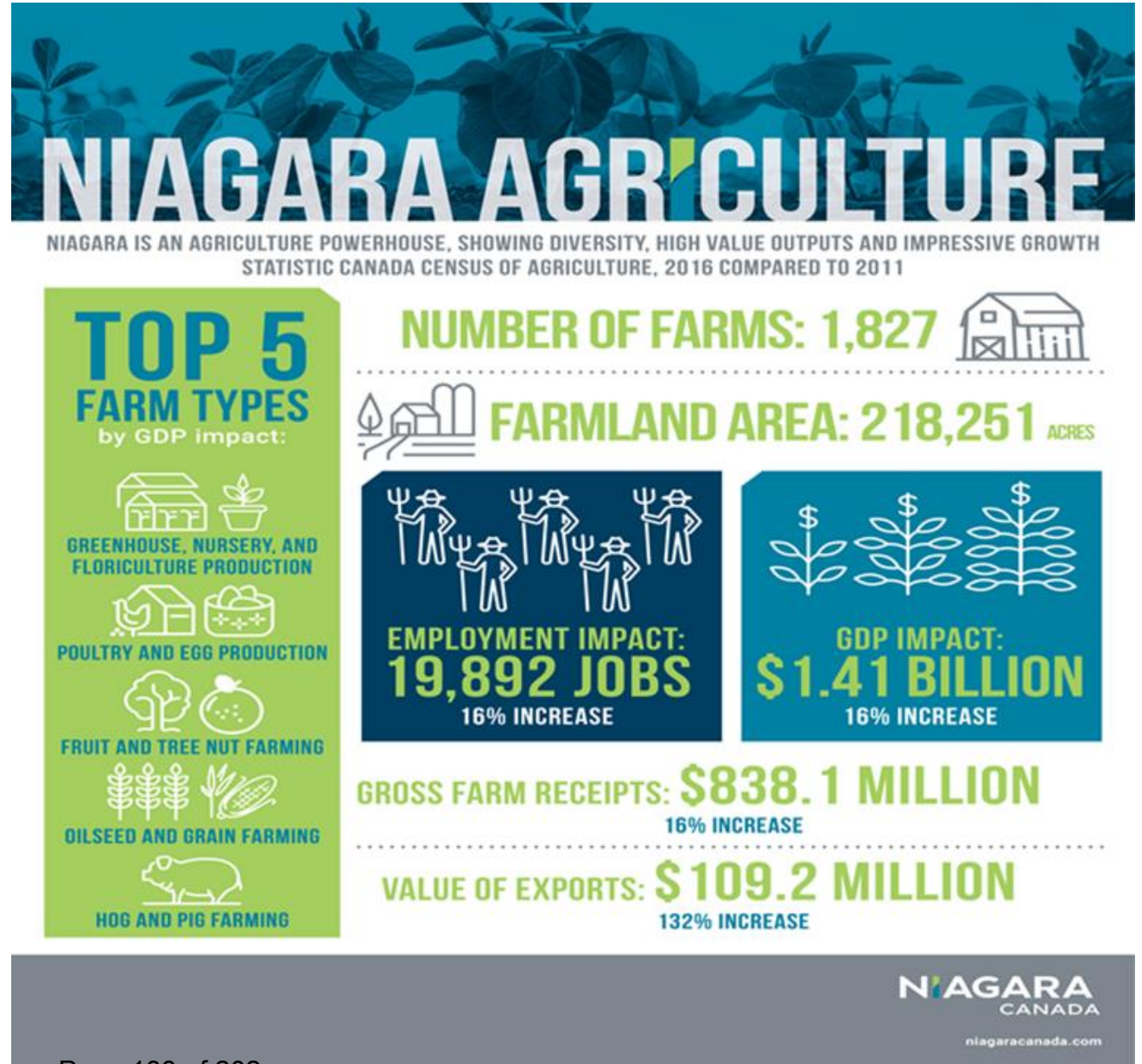


- **share information, research, resources, tools to...**
- **enhance capacity to support growth and competitiveness of Niagara's agriculture industry**

4.2% total farms in Ontario

5.5% gross provincial farm receipts

Highly diversified



# Agriculture is different...



## **Industrial sector: local & global markets**

- Produce food, feed, fibre, fuel
- Drive economy
- External forces

## **Public Good: social-ecological system**

- Climate change mitigation
- Environmental sustainability
- Social/cultural identity
- Food security

# Challenges for Supporting Niagara Agriculture

**With less than 1 full-time staff dedicated to agriculture issues, there is limited capacity for:**

- **using information and resources**
- **responding to agriculture issues**
- **building relationships**
- **capitalizing on new opportunities**
- **making evidence-based decisions**

# Growing Capacity to Support Niagara Agriculture

**Improving access to and sharing  
knowledge and resources:**

- **Niagara Agriculture Municipal Learning Network**
- **Briefing Notes**
- **Research Summaries**
- **Farm Tours**

# Niagara Agriculture Municipal Learning Network

- **Portal for curating**
- **Platform for accessing**
- **Forum for exchanging**
- **Opportunity for learning**



# Briefing Notes



- Focus on priorities for Niagara agriculture
- Build awareness and understanding
- Support evidence-based policy, planning, programming
- 5 Briefing Notes: July 2022 – January 2023
- Resources & content
- Optional online Discussion Session

# Research Summaries

- **Profile Brock agri-food research**
- **Establish collaborations to support municipal priorities**
- **3 Research Summaries: July 2022 – January 2023**
- **Optional online Discussion Session with Researchers**



# Farm Tours



- Engage with local farmers
- Experience diversity of Niagara agriculture
- See first-hand realities of farming
- 2 Farm Tours: September 8 & 28
- Registration through Eventbrite

# Benefits

- **Access latest knowledge & research on key agriculture issue & priorities**
- **Grow capacity for evidence-based policy, programming and planning**
- **Discover new ways for supporting Niagara agriculture**

A close-up photograph of a person's hands wearing bright yellow rubber gloves, carefully holding a small green seedling with dark soil. The background is blurred, showing more of the person and some foliage.

## **NAMLN Website**

**brocku.ca/niagara-  
community-  
observatory/namln/**



Fire Station: 3 Killaly Street W.  
Port Colborne, Ontario L3K 6H1 • www.portcolborne.ca  
T 905-834-4512 F 905-835-1020  
E scott.lawson@portcolborne.ca

July 13, 2022

Re: 2970 Highway No. 3 – Building Board-Up

Port Colborne Fire and Emergency Services responded to the above noted address on March 17, 2022, at the request of the Niagara Regional Police. During our response, it was observed that your building was abandoned and there were obvious signs of forced entry. Our fire fighters proceeded to board-up the front door and contacted Greenside Landscaping & Lawn Services Inc. to board-up the remaining windows. This was done to ensure the safety of the building, thus eliminating a risk of an emergency situation.

I have enclosed a copy of By-law No. 6949/95/21 for your reference, noting our fees for such a response.

The fee of \$2,029.71 has been added directly to your property taxes. This fee is based on the Ministry of Transportation rate of \$509.89 per fire apparatus per hour, along with an administration fee. Also, the Greenside Landscaping & Lawn Services invoice in the amount of \$1,397.03 has been included (enclosed for your reference).

Should you require additional information and/or clarification, please do not hesitate to contact the undersigned.

Yours truly,

Scott Lawson, Fire Chief  
SL:cm  
Encl.

deputy clerk@port.col.ca

From: [redacted]  
Subject: [redacted]  
Date: Jul 20, 2022 12:48 PM

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





Clerks office  
9-835-2909  
20 115

Fire Station: 3 Killaly Street W.  
Port Colborne, Ontario L3K 6H1 • www.portcolborne.ca  
T 905-834-4512 F 905-835-1020  
E scott.lawson@portcolborne.ca

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Yours truly,

Scott Lawson, Fire Chief  
SL:cm  
Encl.

deputyclerk@port.col.ca


 66 Charlotte Street  
 Port Colborne Ontario L3K 3C8

INVOICE	IVC003478
Date	2022-07-14
Due Date	2022-08-13
Page	1
HST No.	10698 4107 RT0001

## INVOICE

Customer:

Remit payment to:

City of Port Colborne  
 66 Charlotte Street  
 Port Colborne, ON  
 L3K 3C8

Purchase Order	Account	Contact	Shipping Method	Due Date
	LAVER0005	905-835-2900 ext 125	PICKUP	2022-08-13
Quantity	Description	U Of M	Unit Price	Ext. Price
	Secure Building - Eliminating Risk of Emergency Situation			
	2970 Highway #3, March 2022			
1.00	Engine No. 1 - 31 minutes (10:57:22 - 11:29:06)	Each	\$509.89	\$509.89
1.00	Administration Fee	Each	\$50.00	\$50.00
1.00	Greenside Landscaping & Lawn Service Inc. Invoice # 6190 dd. 2022.03.21	Each	\$1,236.31	\$1,236.31
			Subtotal	\$1,796.20
			Misc	\$0.00
			Tax	\$233.50
			Freight	\$0.00
			Total	\$2,029.70

Visit [www.portcolborne.ca](http://www.portcolborne.ca) to make a payment online with your credit card.  
 Please reference your invoice number **IVC003478** when making a payment online.

We appreciate your payment made before the due date: **August 13th, 2022**

**Greenside Landscaping & Lawn Service Inc.**  
 800 Richard Dr.  
 Port Colborne, Ontario L3K 5V3  
 Canada

**INVOICE**

Invoice No.: 6190  
 Date: 21/03/2022  
 Ship Date:  
 Page: 1  
 Re. Order No.

**Sold to:**  
 City of Port Colborne  
 66 Charlotte St.  
 Port Colborne, ON L3K 3C8  
 Canada

**Ship to:**  
 City of Port Colborne  
 66 Charlotte St.  
 Port Colborne, ON L3K 3C8  
 Canada

Business No.: HST #823327192

Item No.	Unit	Quantity	Description	Tax	Unit Price	Amount
			BUILDING BOARD UP - 2970 HIGHWAY #3 PORT COLBORNE			
	Sheets	8	1/2" Plywood (Supplied & Delivered)	H	70.35	562.80
	Pieces	6	Spruce 2"x4"x8' (Supplied & Delivered)	H	13.59	81.54
	Box	1	Self Tap Hex Head Metal Screws	H	38.99	38.99
	Box	1	Tapcon Screws (1/4" x 3 1/4")	H	44.99	44.99
	Box	1	Tapcon Screws (1/4" x 1 3/4")	H	27.99	27.99
	Man Hrs.	8	Labour: 2 Labourers x 4 Hrs	H	60.00	480.00
			Completed: 2022-03-17			
			H - HST 13%			160.72
			HST			
CITY OF PORT COLBORNE FIRE & EMERGENCY SERVICES						
Approval: <i>[Signature]</i>						
Extensions Checked: <i>C.M.</i> Additions Checked: <i>C.M.</i>						
G/L Account No. Amount HST						
0300 0055 8330 5310 1,236.31 <i>[Signature]</i>						
Ordered By: <i>[Signature]</i>						

Shipped By	Tracking Number	Total Amount	1,397.03
Comment:		Amount Paid	0.00
Sold By		Amount Owning	1,397.03

Payment by Cheque Or By E-Transfer to greensideland@gmail.com



The Corporation of the City of Port Colborne

By-law No. 6949/95/21

Being a by-law to establish fees and charges for various services and to repeal by-law 6741/105/19

Whereas the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides a municipality may pass by-laws imposing fees or charges on any class or persons; and

Whereas the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended provides a municipality may pass by-laws imposing fees and charges; and

Whereas the *Cemeteries Act (Revised)*, R.S.O. 1990, c. C.4, as amended, provides a municipality may pass by-laws imposing fees and charges; and

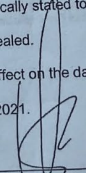
Whereas the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides a municipality may pass by-laws imposing tariffs, fees and charges; and

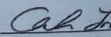
Whereas at its meeting of November 8, 2021 the Council of The Corporation of the City of Port Colborne approved the recommendation of Corporate Services Department Report No. 2021-277, Subject: 2022 Proposed Fees and User Charges.

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

1. That the fees and charges, outlined in Schedule "A" attached hereto and forming part of this by-law, be enacted.
2. Unless otherwise identified, that staff be delegated authority to set the price for goods purchased for resale, provided that the price is higher than the cost to purchase the goods.
3. That staff be delegated authority to waive any fee up to \$2,000 on compassionate grounds or when related to a charity or related fundraiser. This waiver shall be applied only once per event.
4. That if a court of competent jurisdiction should declare any section or part of a section of this by-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this by-law, and it is hereby declared that the remainder of this by-law shall be valid and shall remain in full force and effect.
5. That should this by-law conflict with any other by-law or resolution of Council, or any staff report approved by Council, in relation to fees and charges imposed under the *Municipal Act*, *Planning Act*, *Building Code Act* or any other act, this by-law shall take precedence, unless specifically stated to the contrary.
6. That By-law No. 6741/105/19 is hereby repealed.
7. That this by-law come into force and take effect on the day of passing.

Enacted and passed this 8th day of November, 2021.

  
William C. Steele  
Mayor

  
Amber LaPointe  
City Clerk

records and information





The meeting of the Board of Management of the Port Colborne Historical and Marine Museum was held June 21, 2022, at 7:00 p.m. in the L.R. Wilson Research Archives Hall.

Present: Brian Heaslip, John Maloney, Terry Huffman, Bonnie Schneider, Bonnie Johnston, Margaret Tanaszi, Jeff Piniak, Gary Hoyle, Bert Murphy, Claudia Brema, Cheryl MacMillan, Councillor Eric Beauregard, Michelle Mason, Stephanie Powell Baswick, Meghan Chamberlain

Regrets: Arlene Lessard

Welcome given by Chair Brian Heaslip to new Board of Management member Bonnie Schneider. Introductions of all present board members followed.

#### Minutes:

Moved by: Bonnie Johnston

Seconded by: Terry Huffman

To: Approve the minutes of the Board of Management from May 17, 2022.

#### Business Arising:

Stephanie Powell Baswick reported that as per the Board of Management's request, Matt Lupia submitted a formal request to metal detect on the Roselawn Centre's grounds.

Motion by John Maloney to accept the formal request by Matt Lupia.

Seconded by: Gary Hoyle

Motion carried by all members.

#### Correspondence:

Meghan Chamberlain reported a proposal submitted by Mary-Lou Ambrose-Little, executive director of the Downtown Port Colborne BIA, to participate in the Harvest Fest Event on September 24, 2022 from 10:00 a.m. to 4:00 p.m.



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

Cheryl MacMillan suggested that the Auxiliary could plan a fall Pie Social with a new variety of flavours for the museum's participation in this event.

Meghan also reported that Arlene Lessard and members of the Friends of Roselawn Centre sent their praise of the recent 'Through the Windowpane' exhibit.

#### Curator's Report:

Michelle Mason reported that a new student, Malakai Turner, has been hired as a server in Arabella's Tea Room.

Since opening on May 1<sup>st</sup>, approximately 1,009 people have visited the Museum grounds.

The 2022 Canal Days t-shirts have been released and are available for purchase at the museum gift shop. The museum will also have a table allocated at the Port Colborne Farmer's Market, any board members who would like to volunteer to sell shirts Fridays leading up to Canal Days can contact Michelle Mason or Tami Nail. The shirts were designed by Stephen Brule and sponsored by local business Bell Marine.

Hands on Heritage: A Traditional Skills Workshop Series will be led by Heritage Outreach Officer Isabella Favero from July 16 to August 27. The workshops will take place every Saturday between this time frame from 1:00 to 3:00 p.m. and will be led by local partnerships or museum staff.

There has been good reception from the Urban History Walking Tours led by Michelle Vosburgh.

DeWitt Carter Elementary School's JK classes recently visited the Museum grounds to participate in a scavenger hunt provided by Public Programmer Sloane McDowell.

Stephanie Powell Baswick has presented on behalf of the Museum at both the recent City Council and Town Hall meetings.





#### Auxiliary Report:

Bonnie Johnston reported that annual Arabella's Pie Social was very successful, with over 100 guests attending. The Auxiliary is hoping to plan a fall pie social with a variety of new festive flavours.

There was recently a biscuit mix incident, that has now been resolved.

Within the month of June there was 128 guests to the tea room. It has been decided by the Auxiliary that Arabella's will be open July 1<sup>st</sup> this year.

Bonnie also reports to the board that the upstairs washroom basin has a faucet issue that has resulted in the enamel being taken off. Stephanie Powell Baswick informed the board that the enamel will be patched by original company, but they recommend that the faucet is fixed to prevent further damage. Stephanie will coordinate with the curator to have this investigated.

#### Friends of Roselawn Report:

No report.

#### Finance Committee:

Terry Huffman reported the current reserve budget amounts to the board of management. Stephanie Powell Baswick then presented the proposed amounts for the 2023 Capital Budget.

John Maloney requested that a full written report of the proposed capital budget be provided to the board of management for review. Stephanie Powell Baswick agreed that a full report will be supplied for review.

#### Membership Committee:

Claudia Brema reported that thus far there are 313 members for the year 2022 and donations have been high.



#### Building and Property Report:

Brian Heaslip reported that several developments have been made following the committee's assessment last month. They are as follows:

A group of volunteers led by the committee will be assessing all three white fences on the museum grounds in the coming week to determine what needs to be replaced. After this, the fences will be repainted.

A painter will be inspecting Arabella's Tea Room and providing a quote for necessary repainting. Michelle Mason also reported Frank Habjan will be repainting Arabella's ramp and porch soon.

On the William's House, repairs will soon be finished on the bay window, Niagara Yardscapes will be replacing current Princess St. ramp, and the west facing flat roof has been repaired.

Patches have been added to the floor of the Hochelaga but it needs to be brought up to standard.

Lastly, the committee and staff have been in contact with the City and are hopeful they will have a contractor to replace the windows on the Yvonne Dupre.

#### Programme Committee:

Motion by John Maloney to approve the Art Exhibits in Museum Facilities Policy.

Seconded by Councillor Eric Beauregard

Motion approved by all.

John Maloney reports that Arabella's Annual Pie Social was successful with roughly 300 guests to the Museum grounds. Thank you letters have been mailed by Assistant Curator Tami Nail to all volunteers and participants.

John also reported that the opening of the Through the Window Pane exhibit has been received very well.

Lastly, Canal Days is coming soon and volunteers are needed. Please contact Tami Nail at the Museum if you are available.





#### Fundraising Committee:

Claudia Brema reports that the committee is still looking for a lemonade stand sponsor.

#### Policy Report:

No report from Cheryl MacMillan.

Stephanie Powell Baswick informs the board of management that the Art Exhibit in Museum Facilities Policy, approved earlier in the meeting, was presented to the Policy committee as well. The policy was derived from a draft of the Library Exhibits in the Atrium Policy.

#### Accession Committee:

Terry Huffman reported that a committee meeting will take place June 22 at 10:00 a.m. in the L.R. Wilson Heritage Research Archives Hall.

#### Heritage Committee:

Councillor Eric Beauregard reported that Planning Student Ella Morkem and Assistant Curator Tami Nail will be meeting within the week to discuss a plan for heritage buildings. Reports will be presented to committees afterwards.

#### Director's Report:

Stephanie Powell Baswick invited board of management members to the Friends of Roselawn Centre members reception on June 24 at 7:00 p.m. The reception will give guests an early look at the Lens & Palette exhibit and introduction to featured artists, Chris de Laat and Josh Vail.

Stephanie also reported that June 21 marks National Indigenous Peoples Day and recommends the Library's literary selection of Indigenous authors as well as the Story Walk of 'Sometime I Feel Like a Fox' by Indigenous author Danielle Daniel.



Port Colborne Historical & Marine  
**MUSEUM**  
*...more than a museum!*

**New Business:**

Claudia Brema reported that St. Elizabeth in Wainfleet and Lakeshore High School collaborated in a project recently and proposed a similar project be thought about for the museum.

Stephanie Powell Baswick asked Finance Committee Chair, Terry Huffman, if the committee would approve a spending of \$2000-5000 from the reserve funds for the purchase of exhibit cases.

Motion by Terry Huffman to approve request to utilize \$2000-5000 from the reserve budget.

Seconded by Gary Hoyle

Motion approved by all.

Motion to adjourn by Bonnie Johnston.

**MARCH 17, 2021**  
**MEETING OF THE PORT COLBORNE ECONOMIC DEVELOPMENT**  
**ADVISORY COMMITTEE**

Minutes of the twenty-first regular meeting of the Committee Members of the Port Colborne Economic Development Advisory Committee, held some members present at City Hall on March 17, 2021 4:00 p.m.

The following Committee Members and staff were in attendance:

Present: Mayor Bill Steele, Gary Long, David Semley

The follow committee members, council and staff were in attendance virtually:

Committee Members: Marilyn Barton, Andrea Boitor, Jesse Boles - Downtown BIA representative, Larry Fontaine, Kate Ostryhon-Lumsden, Kevin Reles, and Len Stolk - Chamber of Commerce representative

Council: Councillor Gary Bruno, Councillor Harry Wells

Staff: Bram Cotton, Greg Higginbotham, Karen Walsh

Regrets: Angela Doyle, Scott Luey and Main Street BIA representative

**1. WELCOME CALLED TO ORDER:** 4:04 p.m.

**2. APPROVAL OF THE AGENDA**

Moved by: Marilyn Barton  
Seconded by: Len Stolk

THAT the agenda for Economic Development Advisory Committee March 17, 2021, be approved as presented.  
CARRIED

**3. INTRODUCTION**

Around the Table providing name, business and what the committee should accomplish.

**4. APPROVAL OF THE FOLLOWING MINUTES:**

Approval of the February 19, 2020 minutes.

Moved by: Len Stolk  
Seconded by: Larry Fontaine  
THAT the minutes from February 19, 2020 be approved as presented.  
CARRIED

## **5. DISCLOSURES OF INTEREST**

None

## **6. INFORMATION/CORRESPONDENCE**

Betty Konc resignation letter.

Moved by: Marilyn Barton  
Seconded by: Kate Ostryhon-Lumsden

THAT the Economic Development Advisory Committee accept Betty Konc's resignation.  
CARRIED

## **7. OPENING REMARKS – David Semley**

Input from everyone and direction for the committee.

## **8. CURRENT PROJECTS AND PRIORITIES – Presentation by Gary Long, Manager of Strategic Initiatives, Bram Cotton, Economic Development Officer, and Greg Higginbotham, Tourism Coordinator.**

Presentation attached.

Discussion took place on several items questions were answered including the cruise initiative project, Industrial land, and CIP initiative and work on the downtown CIP Phase.

## **9. DISCUSSION REGARDING THE EDAC COMMITTEE – Where do we go from here?**

Discussion took place with all in attendance including Mayor and councilor, board members, and staff members' items discussed Tourism, Terms of Reference, mandate for the committee, communication, committee needs more structure, and revisit the subcommittee (Tourism, Commercial and Real Estate).

Action Item: Economic Development staff discuss the Terms of Reference and mandate for the committee. Meet with Chair David Semley to discuss the issue. The city is on the cusp that is going to move the city.



## 10. BUSINESS ARISING FROM THE MINUTES

### a) Status of Vacancy Tax

- The city does not have the ability to set the class has vacancy. We do not have the ability to do this because the tax rate is set by the region. Subdivision agreements lapse after a certain amount of time, they can renew the agreement. Renewal fees can be higher.

Action item: Mayor and Gary Long will discuss with Bryan Boles if there is an update with the region.

### b) EDO to provide on update on Cruise Ships

- Was included with the projects and priorities presentation

### c) Update from Mayor regarding Hospital/Urgent Care facility.

- The Mayor provide an update on the relationship with the NHS and other service being provided in Port Colborne.

**10. NEW BUSINESS** – all items deferred to next meeting after mandate has been established

- a) Discussion and Confirmation of “Vision” Statement – “Port Colborne is a place to live well and enjoy life in a safe, healthy, prosperous, well-run, inclusive and respectful community.”
- b) Request all members to review Economic Development Strategic Plan
- c) Request that all committee members present one idea for economic development to discussed at our next meeting.
- d) Economic Development Draft Version and KPIs. Distribute for discussion at future meeting.
- e) Other

## 11. NEXT MEETING

Before the end of June, 2021 4:00 p.m.

## 12. ADJOURNMENT

Moved by: Gary Bruno  
Seconded by: Jesse Boles

Resolved that we do now adjourn.  
CARRIED

Time of adjournment 5:59 p.m.



## PORT COLBORNE

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Senior Advisory Council  
May 17, 2022 10:00 a.m.  
Committee Room 3, City Hall

Present: Susan Brown, Audrey Garrett, Lesley Rickard  
Council: Councillor Angie Desmarais  
Staff: Karen Walsh  
Guest: Jim Borysko from Welland McMaster Family Health Team  
Regrets: Valerie King, Maggie Wahl – Horne

1. Call to order 10:05 a.m.
2. Motion to accept the agenda for May 17, 2022.  
Moved by: Susan Brown  
Seconded by: Councillor Angie Desmarais  
THAT the agenda for May 17, 2022 be accepted.  
CARRIED
3. Motion to accept the minutes of March 22, 2022 and April 19, 2022.  
Moved by: Councillor Angie Desmarais  
Seconded by: Susan Brown  
THAT the minutes of March 22, 2022 and April 19, 2022 be accepted.  
CARRIED
4. Disclosure of Interest.  
None
5. Presentation by Jim Borysko from McMaster Health Team – presentation attached
6. Business Arising from the minutes

- a. June is Senior Month – attendance at the Farmer’s Market between 10 -11 products on hand (city pins, magnified glass, posters)
  - i. June 3 – Lesley & Val
  - ii. June 10 – Lesley & Angie
  - iii. June 17 – Sue & Audre
  - iv. June 24 – Val & Angie
- b. Age-Friendly Niagara (intern board) – is gathering information and stats (What Covid did to the senior population, health issues and access to health care).
  - i. AFNC- Brock University in 2021, did a research study “Civic engagement for a sustainable local capacity: Perspectives of age-friendly community volunteers in the Niagara Region”. On June 9<sup>th</sup> they are doing a webinar, in partnership with the Age-Friendly Niagara Council, presenting their study. Include the history of the AFN movement, motivations and benefits of volunteerism, and the lessons learned from older adult volunteers for build a resilient “community for all ages”.
- c. Niagara Older Adult Alliance – intern board from provincial government – follow up email will be sent (also included with the minutes)
- d. Terms of Reference

Motion that the Seniors Citizens Advisory Council name be change to Seniors Advisory Council.

Moved by: Susan Brown

Seconded by: Audrey Garrett

THAT the committee’s name change to Seniors Advisory Council and a memo be sent to council.

CARRIED

- e. Senior of the Year Award – 2023
  - Angie to investigate what other municipalities do
  - Public to recommend names
  - Timeline – work on the policy during the fall, announce in January, nominations accepted end of March, presentation to council in June, photos

- Possible have a committee to set up the policy & review nominations
- f. Housing – Affordable Housing Strategy, Seniors at the second need
  - Define the word affordable
- 7. New Business
  - a. New Horizons for Seniors Program
- 8. Information/Correspondence
  - none
- 9. Adjournment at 11:58 a.m.

Next meeting Tuesday, July 19, 2022.

- Discuss meeting month dates (currently the third Tuesday of the month at 10 a.m.)
- Post-mortem of the Farmer's Market
- Alzheimer's coffee break – September
- Partner with local Indigenous to focus on seniors

## Port Colborne Public Library Board

### MINUTES of the Fifth Regular Meeting of 2022

**Date:** Wednesday, June 1, 2022  
**Time:** 6:15 p.m.  
**Location:** Virtual Meeting held via Microsoft Teams

**Members Present:** M. Cooper, Chair  
M. Bagu, Councillor  
B. Beck  
H. Cooper  
A. Kennerly  
C. MacMillan

**Regrets:** B. Ingram, Vice-Chair  
V. Catton  
J. Frenette  
B. Boles, Board Treasurer

**Staff Present:** S. Luey, Chief Executive Officer  
S. Therrien, Director of Library Services (Board Secretary)

#### 1. Call to Order

The Chair called the meeting to order at approximately 6:19 p.m.

#### 2. Land Acknowledgement

#### 3. Declaration of Conflict of Interest

#### 4. Adoption of the Agenda

Moved by A. Kennerly  
Seconded by C. MacMillan

That the agenda dated June 1, 2022 be adopted, as amended.

Carried.

## Port Colborne Public Library Board

### 5. Approval of Minutes

Moved by A. Kennerly

Seconded by C. MacMillan

That the minutes of the regular meeting dated April 6, 2022 be approved, as circulated.

Carried.

### 6. Business Arising from the Minutes

### 7. Consent Items

#### 7.1. Circulation Reports

- April 2022 Circulation Report
- April 2022 LiNC Transits Report
- First Quarter 2022 Circulation Report

#### 7.2. Financial Statement

- May 25, 2022

#### 7.3. Public Relations Report

Librarian R. Tkachuk reported on programming during May 2022.

#### 7.4. Media Items

- Port Colborne Public Library Digital Newsletter, May 2022
- Port Colborne Public Library Digital Newsletter, June 2022
- City Hall News, May 2022
- City Hall News, June 2022

Moved by H. Cooper

Seconded by A. Kennerly

That consent items 6.1 to 6.4 be received for information purposes.

Carried.

## 8. Discussion Items

### 8.1. Director's Report (S. Therrien)

#### 8.1.1. COVID-19 Update

The Director reported that the City remains in its internal Green Level of COVID-19 response precautions. Masks are no longer required for staff in most situations. The exception to this is when a distance of six feet cannot be maintained.

### 8.2. Capital Projects Update

The Board reviewed the progress of the 2022 capital projects. Completion dates are dependent upon supplies and contractor availability due to COVID.

- The Connectivity and Phones Solutions Project is being completed with the assistance of Wesley Adair, Manager of Information Technology, who has provided costs for technology and telecommunications modernization. Costs will cover equipment, phones and upgrading connectivity. The Board will cover the cost of the equipment and the internet upgrade. The cost of the phones will be funded through the Municipal Modernization Program.
- The Window Seal Remediation Project is in progress with quotes being sought.
- The King Street Entrance and Auditorium Door Projects to enhance accessibility are in progress with quotes being sought.
- The King Street Sign Replacement Project is in progress with quotes being sought.
- The Generator Project is in progress with quotes being sought.
- The Director reported on the completion of the \$121,200 Ontario Trillium Foundation Resilient Communities Fund capital projects. The final report

## Port Colborne Public Library Board

was submitted to OTF on April 20, 2022, and the final deposit from OTF was received on May 18, 2022. The completed projects to upgrade accessibility, safety, and to create a more inclusive and welcoming space included:

- procurement and installation of public workstations
- procurement and installation of private and collaborative study and meeting spaces
- procurement and installation of an accessible new service desk

### **8.3. Strategic Planning**

The Director presented a draft version of the revised Strategic Plan to the Board. The draft included the Board's vision, mission, values and goals as decided upon at the April 9, 2022 planning session. The draft version was formatted by Greg Higginbotham, City of Port Colborne Tourism Coordinator. Councillor Bagu recommended that the plan include an objective or action dedicated to attracting new users as included in the original strategic plan. Board member A. Kennerly noted that the term "stakeholder" needs clarification. The Board discussed these suggestions and the Director and CEO Scott Luey will address these issues in the updated draft. The Director noted that the Board Chair's comment will also be added to the final version which will be presented at the July 2022 Board meeting.

### **8.4. Draft 2023 Capital Budget**

The Board reviewed the draft 2023 Capital Budget and proposed capital projects.

Moved by H. Cooper

Seconded by C. MacMillan

That the draft 2023 Capital Budget be approved, as presented.

Carried.

## **9. Decision Items**

### **9.1. Policy Review**

**9.1.1.** HR-10: Disconnecting from Work

**9.1.2.** GOV-02: Board Orientation and Training



## Port Colborne Public Library Board

### **9.1.3. GOV-10: Succession Planning**

Moved by A. Kennerly

Seconded by C. MacMillan

That policies 8.1.1 to 8.1.3 be approved, as presented.

Carried.

### **10. Other Business**

### **11. Notices of Motion**

### **12. Date of the Next Meeting**

The next meeting was rescheduled to Wednesday, July 20, 2022 at 6:15 p.m. via Microsoft Teams

### **13. Adjournment**

Moved by C. MacMillan

Seconded by H. Cooper

That the meeting be adjourned at approximately 7:28 p.m.

Carried.

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Michael Cooper  
Board Chair  
July 20, 2022

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Susan Therrien  
Director of Library Services  
Board Secretary  
July 20, 2022

**February 7, 2022**  
**MEETING OF THE GRANT POLICY COMMITTEE**

Minutes of the Grant Policy Committee held on February 7, 2022 at 5:00 p.m. via MS Teams.

The following Committee Members and Staff were present:

Committee Members	Chairman Bea Kenny Mayor Bill Steele Councillor Eric Beauregard – arrived at 5:13 Councillor Gary Bruno Brenda Haymes Nancy Giles, Executive Assistant to the Mayor/CAO
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**CALL TO ORDER:**

Chairman Kenny called the meeting to order at 5:03 p.m.

**APPROVAL OF THE AGENDA**

Moved by G. Bruno  
Seconded by B. Haymes

That the agenda as presented be approved.  
CARRIED.

**APPROVAL OF THE MINUTES OF THE JULY 26, 2021 MEETING**

Moved by Bill Steele  
Seconded by B. Haymes

That the minutes of the July 26, 2021 meeting be approved as presented.  
CARRIED.

**DECLARATIONS OF CONFLICT OF INTEREST**

None.

## **DONATION/SPONSORSHIP APPLICATIONS**

The purpose of the meeting was to review the donation/sponsorship applications received from various organizations.

Moved by G. Bruno  
Seconded by B. Haymes

That donation/sponsorship requests be approved for a total of \$27,751 for the first allocation for the year 2022 as follows:

Community Living Port Colborne-Wainfleet (if they don't get 30 participants, they are required to payback pro-rated on the number of participant fees)	\$3600
Friends of Roselawn	\$1500
Niagara Health Foundation	\$4500
POCOMAR	\$13001
Port Colborne Feline Initiative	\$2150
Women's Place of South Niagara Inc.	\$3000

CARRIED.

## **CORRESPONDENCE**

Thank you letters from Education Foundation of Niagara; Niagara Health Foundation and Port Colborne Historical and Marine Museum Auxiliary were received.

## **OTHER BUSINESS**

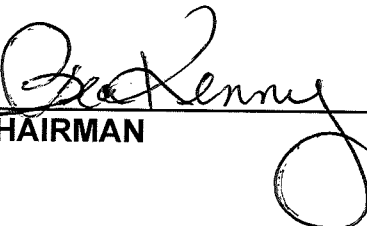
None.

## **ADJOURNMENT:**

Moved by B. Steele  
Seconded by G. Bruno

That we do now adjourn. Time of adjournment 5:23.

CARRIED.

  
CHAIRMAN

  
SECRETARY

## The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

### Being a by-law to establish a Municipal Accommodation Tax

**WHEREAS** The Corporation of the City of Port Colborne may, through a by-law, impose a tax in respect of the purchase of transient accommodation in the municipality in accordance with Part XII.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “Act”), and Ontario Regulation 435/17 Transient Accommodation Tax;

**AND WHEREAS** at its meeting on March 22, 2022, the Council of The Corporation of the City of Port Colborne approved the establishment of a tax and the tax rate to be imposed on the purchase of transient accommodation in the City of Port Colborne;

**AND WHEREAS** the revenue collected from the tax levied on the purchase of transient accommodation is to be shared with a non-profit entity whose mandate includes the promotion of tourism in the City of Port Colborne, as further described in Regulation 435/17;

**AND WHEREAS** pursuant to section 400.1(3) and 400.4 of the Act, Council may establish enforcement measures as Council considers appropriate if an amount assessed for outstanding tax, penalties or interest remains unpaid after it is due;

**AND WHEREAS** section 400.4(2) of the Act provides that outstanding taxes, penalties or interest cannot have priority lien status and any lien will not have a higher priority than it would otherwise have in law in relation to other claims, liens or encumbrances;

**AND WHEREAS** section 425 of the Act provides that a person who fails to comply or contravenes the by-law of the municipality passed under the Act is guilty of an offence.

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

#### 1. Definitions and Interpretations

1.1 For the purposes of this by-law:

**"Accommodation"** means the use or possession or the right to the use or possession, for dwelling, lodging or sleeping purposes:

- on any camping site or land consisting of one or more tents, trailers, motor or mobile homes, recreational vehicles or any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being propelled by the motor vehicle; and

- on or in a boat, watercraft or vessel which floats on the surface of the water, is capable of carrying people and is moored at Sugarloaf Marina.

**“Ancillary Charges”** means charges related to the purchase of Accommodation including, but not limited to, the purchase of food and beverages, internet, phone, gasoline, electricity, and any additional amenities.

**“City”** means The Corporation of the City of Port Colborne.

**“Council”** means the Council of The Corporation of the City of Port Colborne.

**“Eligible Tourism Entity”** has the meaning given to it in Ontario Regulation 435/17.

**“Establishment”** means the physical location, a building or part of a building that provides Accommodation.

**“Establishment Information Report”** means the form established by the Treasurer to provide information about the Establishment that provides Accommodation.

**“Municipal Accommodation Tax (MAT)”** means the tax imposed under this by-law, and where applicable, includes the tax assessed by the Treasurer.

**“MAT Remittance Report”** means the form established by the Treasurer for reporting MAT collected and to be paid to the City for a reporting period.

**“Person”** includes an individual, corporation, a sole proprietorship, a partnership, an unincorporated association, a trust, a firm and a corporation.

**“Provider”** means a Person that sells, offers for sale, or otherwise provides Accommodation, and includes agents, hosts or others who sell, offer for sale by any means including through an online platform, or who otherwise provide Accommodation.

**“Purchaser”** means a Person who, for a Purchase Price, uses, possesses or has the right to the use or possession of Accommodation.

**“Purchase Price”** means the price for which Accommodation is purchased, and where applicable, any other consideration accepted by the Provider in return for Accommodation. Purchase Price does not include Ancillary Charges that are itemized separately on the Purchaser’s bill, receipt, invoice or similar document. Purchase Price does not include the goods and services tax imposed by the Government of Canada and by the Province of Ontario.

**“Sugarloaf Marina”** means the location (Lat. 42° 52’ 37” North, Long. 79° 15’ 15” West), including all the navigable waters and any municipally owned foreshore, where a boat, watercraft or vessel is moored in the City of Port Colborne.

**“Treasurer”** means the person appointed as the Director of Corporate Services or an authorized representative.

- 1.2 Specific references to laws and regulations are meant to refer to the current laws applicable at the time the by-law was enacted and shall include the laws as they are amended, restated or replaced from time to time.
- 1.3 The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- 1.4 Terms with capitals shall be read with the meaning hereto and other words shall be given their ordinary meaning.
- 1.5 The words "include", "includes" and "including" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
- 1.6 References to items in the plural include the singular, as applicable.
- 1.7 Headings are inserted for ease of reference only and are not to be used as interpretation aids.
- 1.8 All days stated within this by-law shall be calendar days. Where the time for completing an act ends on a weekend or holiday, the act may be completed on the next business day.

## **2. Application of the MAT**

- 2.1 A Provider of Accommodation shall charge the Municipal Accommodation Tax, plus applicable taxes, to every Purchaser, at the time of purchase.
- 2.2 Except as provided in Section 3 of this by-law, every Purchaser shall pay to the Provider of Accommodation the Municipal Accommodation Tax, at the time of purchase, the amount of four per cent (4%) of the Purchase Price of the Accommodation which is provided for a continuous period of less than/equal to 30 days at a camping site or Sugarloaf Marina within the City of Port Colborne. The continuous period referred to above is not disrupted by the purchase of different accommodation or other Accommodation in the same Establishment in the course of the continuous period.
- 2.3 A Provider of Accommodation shall include on every bill, receipt, invoice or similar document for the purchase of Accommodation a separate item for the four per cent (4%) tax imposed on the purchase, and the item shall be identified as “Municipal Accommodation Tax”. Where the Provider of Accommodation fails to separately

itemize Ancillary Charges, the Municipal Accommodation Tax will apply to the total amount of the purchase price.

### 3. Exemptions

Despite Section 2, the Municipal Accommodation Tax imposed under this by-law does not apply to:

- (a) The Crown, every agency of the Crown in right of Ontario and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;
- (b) Every board as defined in subsection 1 (1) of the *Education Act*;
- (c) Every university in Ontario and every college of applied arts and technology and post-secondary institution in Ontario whether or not affiliated with a university, the enrolments of which are counted for purposes of calculating annual operating grants entitlements from the Crown;
- (d) Every hospital referred to in the list of hospitals and their grades and classifications maintained by the Minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*;
- (e) Every long-term care home as defined in subsection 2 (1) of the *Fixing Long-Term Care Act, 2021*;
- (f) Every retirement home as defined in the *Retirement Home Act, 2010*;
- (g) Every home for special care as defined in the *Home for Special Care Act*;
- (h) Every non-profit hospice occupying land for which there is an exemption from taxation determined in accordance with section 21.1 of Ontario Regulation 282/98 made under the *Assessment Act*;
- (i) Every treatment centre that receives provincial aid under the *Ministry of Community and Social Services Act*;
- (j) Every house of refuge or lodging for the reformation of offenders;
- (k) Every charitable or not-for-profit corporation or by the City or its contractors or agents for the purpose of providing or operating a shelter or emergency shelter for the relief of the poor or for persons suffering from homelessness, or for the

benefit of persons fleeing situations of physical, financial, emotional or psychological abuse;

- (l) All lodging in a room, suite of rooms, area or dwelling containing one or more beds or cots, as the case may be in a hotel, motel, hostel, lodge, inn, club, resort, bed and breakfast, and vacation rental unit providing short-term or temporary occupancy;
- (m) All lodging in a room, suite of rooms, area or dwelling containing one or more beds or cots in park model trailers, manufactured homes, cottages, cabins or similar structures providing short-term or temporary occupancy;
- (n) Every accommodation supplied by employers to their employees in premises operated by the employer;
- (o) Every hospitality room in an establishment that may or may not contain a bed and is used for displaying merchandise, holding meetings, or entertaining; and
- (p) Every booking with signed contracts prior to the date that this by-law takes effect, whether paid partially or in full.

#### **4. Administration/Delegation**

4.1 The Treasurer is delegated the authority to implement and administer this by-law, to collect the MAT and to take all actions and make all decisions, including any and all enforcement measures, required under this by-law. Without limiting the generality of the foregoing, the Treasurer is delegated the authority to:

- (a) establish, amend and sign from time to time, procedures, forms, documents and agreements as the Treasurer may determine are required to implement and administer this by-law and to collect the MAT;
- (b) perform all administrative functions and conduct all enquiries, audits, assessments and approvals referred to herein and deemed necessary for the due administration, implementation and enforcement of this by-law and the collection of monies owing hereunder and to authorize refunds in accordance with this by-law; and
- (c) carry out all duties assigned to the Treasurer under this by-law.

4.2 The Treasurer may delegate the performance of any one or more of their functions under this by-law to one or more persons from time to time as the occasion requires, impose conditions upon such delegation and revoke any such delegation. The Treasurer may continue to exercise any function delegated during the delegation.



4.3 Except as expressly provided to the contrary in this by-law, the decisions of the Treasurer are final.

## **5. Duty to Collect, Report and Remit**

5.1 Every Provider shall collect the MAT from the Purchaser at the time the purchase of Accommodation is made.

5.2 Every Provider shall include on every bill, receipt, invoice or similar document for the purchase of Accommodation a separate item identified as "Municipal Accommodation Tax", showing the rate at which the MAT is calculated, and the amount of the MAT imposed and collected.

5.3 Every Provider shall file annually an Establishment Information Report with the City on or before the 31<sup>st</sup> of January each year.

5.4 Except as provided to the contrary in Subsection 5.5, every Provider shall:

- (a) file a MAT Remittance Report with the City on the 14<sup>th</sup> of December every year, including a statement detailing the number of Accommodation sold, the Purchase Price of each Accommodation, the MAT amount collected for the reporting period of December 1<sup>st</sup> to November 30<sup>th</sup>, and any other information as required by the City for the purposes of administering and enforcing this by-law; and
- (b) within 30 days after the MAT Remittance Report due date of 14<sup>th</sup> of December every year, pay to the City an amount equal to the MAT required to be charged to and collected from purchases during the period reported (December 1<sup>st</sup> to November 30<sup>th</sup>) in the MAT Remittance Report.

5.5 Despite Subsection 5.4, a Provider may apply in writing for a biannual filing of MAT Remittance Reports and payment of MAT charged and collected. If biannual filing is approved and while any such approval is in good standing, the Provider shall:

- (a) on or before the 14<sup>th</sup> of December and the 14<sup>th</sup> of June, in each year, file a MAT Remittance Report with the City setting out the MAT charged and collected for the six-month period previous to the month in which the MAT Remittance Report is due; and
- (b) within 30 days after the MAT Remittance Report due date, pay to the City an amount equal to the MAT required to be charged to and collected from purchases during the six-month period reported in the MAT Remittance Report.

5.6 When the MAT due date falls on a Saturday, a Sunday or a public holiday recognized by the Canada Revenue Agency, the payment is considered on time if received on the next business day.

5.7 The Provider shall ensure that the MAT Remittance Report(s) required under Subsections 5.4 and 5.5 are:

- (a) in the form established by the Treasurer from time to time;
- (b) filed with the City in the manner established by the Treasurer from time to time;
- (c) filed with the City in the timelines established in this by-law;
- (d) fully complete when submitted; and
- (e) signed by an authorized officer to confirm the accuracy of the report.

5.8 Every Provider shall file a MAT Remittance Report with the City for a reporting period whether or not any MAT was collected during the reporting period.

## **6. Assessment and Failure to File Remittance Report or to Pay**

6.1 Where a Provider has filed a MAT Remittance Report but failed to pay all or part of the MAT owing to the City, the Treasurer may assess the amount of MAT payable to the City based on the MAT Remittance Report.

6.2 Where a Provider has failed to file a MAT Remittance Report, the Treasurer shall mail a notice of default informing the Provider that interest on the amount of the MAT payable to the City will be imposed as a penalty from the day following the date on which the MAT owing was due. After sixty (60) days following the issuance of the notice of default, the Treasurer shall assess the amount of MAT payable to the City by multiplying the MAT rate of four per cent (4%) X room rate X 100% occupancy.

6.3 The Treasurer shall mail an invoice to the Provider setting out the amount of MAT assessed by the Treasurer under Subsection 6.2, as payable by the Provider, and in the case of an invoice related to an amount assessed under Subsection 6.2, advise the Provider of the rights to re-assessment under Subsection 6.4. The Provider shall pay the assessed amount to the City within 15 days from the date of the invoice whether or not the assessed amount was actually collected by the Provider and whether or not the assessment reflects the amount of MAT actually payable.

6.4 Despite Subsection 6.3, where the Treasurer has assessed MAT in accordance with 6.2, the Provider may, within two months of the date of the invoice sent pursuant to Subsection 6.3, apply to the Treasurer in writing for a re-assessment of the MAT owing to the City for the assessed period. No request for a re-assessment will be considered by the Treasurer unless the Provider:

- (a) submits or has submitted a complete MAT Remittance Report for the period to which the assessment applied;
- (b) paid the amount of the MAT assessed by the Treasurer, in accordance with Subsection 6.2 and set out in the invoice sent in accordance with Subsection 6.3; and
- (c) has paid any applicable penalties or interest on the amount of MAT assessed by the Treasurer under Section 9.

6.5 Upon re-assessment by the Treasurer based on the MAT Remittance Report for the period, the Treasurer shall adjust the City records, if necessary, to reflect the re-assessment of the MAT and of any penalties or interest thereon.

6.6 In the event that the re-assessment by the Treasurer reveals an overpayment by the Provider, the Treasurer will notify the Provider in writing and will provide a refund of the amount overpaid. No interest shall be paid on the amount of the overpayment.

6.7 Where the Provider, who is entitled to do so, fails to apply for a re-assessment in accordance with Subsection 6.4, the amount assessed by the Treasurer in accordance with Subsection 6.2 shall be final.

## **7. Audit and Inspection**

7.1 Every Provider shall keep books of account, records and documents sufficient to furnish the City with the necessary particulars, as of any point in time, to verify the accuracy and completeness of the amount of MAT collected and paid to the City.

7.2 Every Provider shall retain such books of account, records and documents required under Subsection 7.1 for a period of no less than 7 years.

7.3 Any Person authorized by the City for any purpose related to the administration or enforcement of this by-law may at all reasonable times enter into any premises, place or property where business of a Provider is carried on or where any books of account, records and documents required in Subsection 7.1 are or should be kept and:

- (a) audit or examine the books and records and any account, voucher, letter, facsimile, electronic or other document that relates or may relate to the information that is or should be in the books or records or to an amount payable under this by-law; and
- (b) require a person who is liable or possibly liable to pay MAT under this by-law, an officer, director, agent or representative of that person or any person on the premises to:

- (i) give them all reasonable assistance with their audit or examination;
- (ii) answer all questions relating to the audit or examination either orally or, if they require, in writing, on oath or by statutory declaration; and
- (iii) attend at the premises or place with them for the purposes of giving reasonable assistance and answering questions relating to the audit or examination.

7.4 Every Provider shall co-operate with the City in the conduct of an inspection or audit under Subsection 7.3 and cause its employees, agents and contractors to comply as required.

7.5 The Treasurer may for any purpose relating to the administration or enforcement of this by-law serve on any Person personally, by mail or courier service, a written demand for information and for the production on oath or otherwise of books, records and documents as the Treasurer or any other person authorized by the City to make the demand, considers necessary to determine compliance with this by-law.

7.6 Every Person served with a demand under Subsection 7.5 shall comply with the demand within the time specified in the demand.

## **8. Adjustment by Treasurer and Result of Audit**

8.1 Where the Treasurer determines as a result of an audit of the Provider's records that MAT, which accrued within a period of two years prior to the date of the audit, was not reported and paid by that Provider in accordance with this by-law, the Treasurer may make a determination of the amount of MAT properly payable for that period, adjust the City records appropriately to reflect the adjustment, and:

- (a) notify the Provider in writing:
  - (i) of the period for which MAT was adjusted;
  - (ii) of the basis for the adjustment;
  - (iii) of the amount of MAT actually paid and the amount payable for the period of adjustment;
  - (iv) of the amount now owing to the City or overpaid to the City; and
  - (v) where applicable, that payment of any amount owing to the City is due within 15 days of the date of the notice.

- (b) in the event that an audit reveals an overpayment, the Treasurer will provide a refund of the amount of MAT overpaid. No interest shall be paid on the amount of overpayment.

8.2 In the event the Treasurer establishes that a Person has made any misrepresentation that is attributable to neglect, careless or willful default or has committed a fraud in supplying any information under this by-law, the Treasurer's right to adjust the MAT is not restricted to a two-year period, despite Subsection 8.1.

## **9. Interest and Penalty**

9.1 Interest at a percentage established under By-law 6841/91/20, as amended, of the amount of the MAT due and unpaid shall be imposed as a penalty, including any MAT assessed under Section 6 or adjusted under Subsection 8.1, from the day following the date on which the MAT was due and payable up to and including the date on which the MAT is paid in full.

9.2 Where the amount of any MAT owing to the City is determined in accordance with Section 8, interest shall start to accrue fifteen (15) days from the date of the invoice.

9.3 The Provider shall pay any penalty fee or charge for any late filings, dishonored payments or other matters in accordance with the by-law adopted by Council which establishes fees and charges, as amended or replaced from time to time.

## **10. Application for Refund**

10.1 A Provider who has paid an amount as MAT which was not payable under this by-law and not addressed through a re-assessment in accordance with Subsection 6.4 or through an adjustment in accordance with Section 8, may, within two years of the date the Provider becomes aware that MAT may have been overpaid, apply in writing to the Treasurer to review the application for a refund, and, where a form has been established, shall use the prescribed form. The onus of proof shall be on the Provider, who shall provide to the Treasurer such information as the Provider intends to rely on in support of the application. No application for a refund will be accepted if the applicant is not current in the filing of MAT Remittance Reports.

10.2 The Treasurer shall review the application form, the supporting material provided by the applicant and any other information available to the Treasurer, make a determination of whether all or part of an amount of MAT was wrongly paid, and notify the applicant of their decision in writing.

10.3 Where, as a result of the review in Subsection 10.2, the Treasurer is satisfied:

- (a) there has been an overpayment of MAT, the Treasurer will notify the Provider and refund the overpaid amount. No interest shall be paid on the amount of overpayment; or
- (b) that no overpayment has been made, the Treasurer shall notify the Provider of the decision in writing and shall provide particulars for disallowing all or part of the refund claimed.

10.4 Any refund authorized under Subsection 10.3 shall be limited to the amount overpaid by the Provider during the two-year period prior to the date of the application and while the Provider owned the Establishment which provided the Accommodation.

## **11. Collection**

11.1 All MAT, including MAT assessed under Section 6 or adjusted under Section 8 and related penalties and interest that are past due shall be deemed to be in arrears and a debt owing to the City. The Treasurer is authorized to employ any remedy available to the City to collect any such amount including without limitation:

- (a) adding the amount to the tax role for any real property in the City registered in the name of the Provider to be collected in like manner as property taxes and constituting a lien upon the lands;
- (b) bringing an action in the name of the City for the recovery of the amount in the court of appropriate jurisdiction;
- (c) referring the collection of the amount to a collection agency; and
- (d) exercising any other remedy available pursuant to the *Municipal Act, 2001*, or otherwise available at law.

11.2 The remedies provided for the recovery and enforcement of the payment of any amount required under this by-law are in addition to any other remedies existing at law.

## **12. Repayment Agreements**

12.1 Where the Treasurer, in their discretion, determines that it is in the best interests of the City to do so, the Treasurer is delegated the authority to make a repayment arrangement with any Provider, providing for terms of payment of any MAT and penalties and interest thereon, which were not paid in accordance with this by-law. While the repayment agreement is in good standing, no further collection efforts shall be taken, despite Section 11. Council is not obligated to authorize a repayment agreement.

- 12.2 The repayment agreement shall terminate automatically upon breach of any provision thereof.
- 12.3 Interest shall continue to accrue on the amount of MAT outstanding during the term of the repayment agreement.

### **13. False Statement**

- 13.1 No Person shall:
- (a) make a false, inaccurate or intentionally misleading statement or representation in any document, statement or request provided by this by-law; or
  - (b) file a document, statement or request provided for in this by-law where such Person knows or believes it contains a false, inaccurate or intentionally misleading statement or representation, whether or not such statement or representation was made by the Person filing the document or application.

### **14. No Interference**

- 14.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person exercising a power or performing a duty under this by-law.

### **15. Offence**

- 15.1 A Person who contravenes any provision of this by-law and any director or officer of a corporation who knowingly concurs in such contravention is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. 33, as amended.
- 15.2 For the purposes of Subsection 15.1, each day on which a Person contravenes any of the provisions of this by-law shall be deemed to constitute a separate offence under this by-law.
- 15.3 A Person who is convicted of an offence under this by-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500.00 and a maximum fine of \$10,000.00 and the total of all daily fines for the offence is not limited to \$100,000.00 as provided in Subsection 429(3)2 of the *Municipal Act*, 2001.
- 15.4 The levying and payment of any fine as provided for under the *Provincial Offences Act* shall not relieve a person from the necessity of compliance with the obligations under this by-law or from the obligation for payment of the MAT or any penalty or interest imposed by Section 9 of this by-law or such other

penalties as may be provided for under the *Municipal Act, 2001*, as amended or replaced.

## **16. Confidential Information**

- 16.1 All information submitted to and collected by the City will, except as otherwise provided in this section, be available for disclosure to the public in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. 56 (MFIPPA), as amended.
- 16.2 In the event that any Person in submitting information to the City or to the Treasurer in any form, as required under this by-law, where such information is confidential or proprietary or otherwise may be exempt from disclosure under the MFIPPA, the Person submitting the information shall so identify that information upon its submission to the City or the Treasurer and shall provide sufficient details as to the reason for its purposed exemption from disclosure.

## **17. Short Title**

- 17.1 This by-law may be referred to as the “Municipal Accommodation Tax By-Law” or “MAT By-Law”.

## **18. General/Severability**

- 18.1 Nothing in this by-law relieves any person from complying with any provision of any Federal or Provincial legislation or any other by-law of the City.
- 18.2 If any section, subsection, part or parts of this by-law is/are declared by any court of competent jurisdiction to be bad, illegal or ultra vires, such section, subsection, part or parts shall be deemed to be severable and all parts hereof are declared to be separate and independent and enacted as such.
- 18.3 Notwithstanding the repeal of this by-law, any enforcement, legal, or collection action arising from this by-law while this by-law was in effect shall survive its repeal.

## **19. Effective Date**

- 19.1 This by-law shall come into full force and effect upon September 1, 2022.



Enacted and passed this \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

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Mayor

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Acting City Clerk

**The Corporation of the City of Port Colborne**

**By-law No. \_\_\_\_\_**

**Being a by-law to authorize an Agreement between The Corporation of the City of Port Colborne and Niagara's South Coast Tourism Association**

**WHEREAS** subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a municipal power shall be exercised by by-law;

**AND WHEREAS** section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** it is deemed expedient for The Corporation of the City of Port Colborne (the "City") to enter into an Agreement with Niagara's South Coast Tourism Association regarding the distribution and use of funding generated from the Municipal Accommodation Tax, (the "Agreement");

**AND WHEREAS** it is appropriate to authorize the Mayor and Acting City Clerk to execute the Agreement on behalf of the City.

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

1. The Agreement attached as Schedule "1" to this by-law, being an agreement between the City and Niagara's South Coast Tourism Association is hereby authorized and approved.
2. The Mayor and Acting City Clerk are authorized to execute the Agreement authorized and approved under section 1 of this by-law.
3. This by-law shall come into force and effect on the day it is passed.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Acting City Clerk

## **Schedule 1**

### **Municipal Accommodation Tax Financial Accountability Agreement**

This Municipal Accommodation Tax Financial Accountability Agreement (the “Agreement”) dated this \_\_\_\_ of August, 2022 between The Corporation of the City of Port Colborne (the “City”) and Niagara’s South Coast Tourism Association (the “NSCTA”).

**WHEREAS** the City has passed a by-law imposing a Municipal Accommodation Tax (the “MAT”) pursuant to section 400.1 of the *Municipal Act, 2001*.

**WHEREAS** O. Reg. 435/17 requires a municipality collecting a Municipal Accommodation Tax to make payments to an eligible tourism entity.

**WHEREAS** the objective of Niagara’s South Coast Tourism Association is to promote the City of Port Colborne as a tourism destination.

**WHEREAS** O. Reg. 435/17 requires a municipality and eligible tourism entity to enter into an agreement respecting reasonable financial accountability.

Now, therefore, the Agreement witnesseth that in consideration of the mutual covenants and agreements set forth, the parties covenant and agree, to and with each other, as follows:

#### **Definitions**

“MAT” means the Municipal Accommodation Tax, as defined in the Municipal Accommodation Tax By-law.

#### **MAT**

1. Fifty percent (50%) of the net proceeds of the MAT shall be deposited into a fund (the “Fund”) controlled by the NSCTA.

#### **Use of the Monies in the Fund**

2. The monies in the Fund shall be used by the NSCTA for the promotion of tourism and the development of tourism products in the City of Port Colborne.

#### **Management**

3. Members of the NSCTA Board shall oversee the following:
  - (1) The collection, disbursement and accounting of the Fund in consultation with City administration.
  - (2) The review and approval of all expenditures from the Fund.

- (3) The preparation of an annual report to the Board on expenditures from the Fund.
- (4) The development of a funding allocation plan in support of the NSCTA's strategic marketing plan.
- (5) The preparation of an annual report to City administration on expenditures and initiatives that have received monies from the Fund.
- (6) The hiring of professionals (e.g., auditors, lawyers) as required to assist in the management of the Fund.
- (7) The establishment and endorsement of priorities to generate incremental business and approve the application of funds.

#### **NSCTA Board**

4. The NSCTA Board will provide an annual audited statement of the Fund to the City as part of the audited financial statements submitted annually by the NSCTA to the City.

#### **Indemnification**

5. The NSCTA shall indemnify and save harmless the City, its officers, employees and agents from and against all claims, demands, losses, costs, damages, actions, suits or other proceedings by whomsoever made, sustained, brought or prosecuted, in any manner arising from any willful or negligent act, or attributable to anything done or omitted to be done by the NSCTA, its directors, officers, employees or agents arising from or pertaining to the receipt, disposition or refunding of the monies payable under this Agreement.

#### **Release**

6. The NSCTA on behalf of itself, its officers and employees releases the City, its officers and employees and their respective heirs, executors, administrators and successors from and against all claims, actions, causes of action, suits, debts, dues, accounts, contracts, demands, costs, expenses, damages, liabilities or other obligations whatsoever and from and against all liabilities, losses, damages, costs, charges, court costs, legal fees on a solicitor and its own client basis, and other expenses of any nature whatsoever which the NSCTA, its officers and employees may now have or hereafter can, shall or may have against the City and its representative arising from or pertaining to the making or refunding of the monies payable under this Agreement.

#### **Financial Records**

7. The NSCTA shall keep separate financial records for all amounts incurred, claimed, paid and received and shall retain and preserve all documents, contracts, records, claims and accounts that relate thereto for a period of four years for the Fund.

### **Inspection of Financial Records and Documents**

8. If the City has reasonable grounds for believing that any amount included in any preceding payment has not been expended in accordance with this Agreement, the NSCTA shall, upon reasonable notice from the City, make available at all reasonable times, and without expense to the City, all such documents, contracts, records, claims and accounts for inspection and audit by the City or its auditors.

### **Provision of Information**

9. Upon written request from the City, the NSCTA shall provide the City, without expense to it, any information which is available to the NSCTA with respect to its annual budget or financial statements.

### **Distribution of the Monies from the Fund to Other Tourism Related Entities**

10. If the NSCTA establishes relationships with other tourism related entities in the City of Port Colborne, the NSCTA Board must determine prior to distribution that any approved funds will be used for the promotion and development of tourism in the City of Port Colborne.
11. The NSCTA Board will enter into an agreement to ensure reasonable financial accountability with each tourism related entity that receives money from the Fund.

### **Return of Payments**

12. If the City, during its inspection or audit of any of such documents, contracts, records, claims and accounts determines that any payment made by the City to the Fund has been used by the NSCTA for any purpose other than specified in the herein Agreement, the NSCTA, shall immediately upon request from the City, remit the amounts requested back to the Fund.

### **Default**

13. The following constitute events of default, the proof of which to the contrary lies upon the NSCTA:
  - (1) The NSCTA becomes bankrupt or insolvent, goes into receivership, or takes the benefit of any statute from time to time being enforced relating to bankrupt or insolvent debtors;
  - (2) An order is made or resolution passed for the winding up or for the surrender of the charter of the NSCTA, it forfeits its charter, or it is dissolved;
  - (3) The NSCTA ceases actual *bona fide* operation for a period of 30 days;
  - (4) The NSCTA has knowingly submitted false or misleading information to the City; and
  - (5) The NSCTA is in breach of the performance of, or compliance with, any term, condition or obligation on its part to be observed or performed hereunder.

## **Remedies on Default**

14. If,

- (1) An event of default as specified in sub articles 13(1), (2), (3), or (4) occurs; or
- (2) An event of default specified in sub article 13(5) occurs and is not remedied within 10 business days after receipt by the NSCTA of notice of default, or a plan satisfactory to the City to remedy such event of default is not implemented within such period and fully and diligently carried out,

The City may exercise either or both of the following remedies, in addition to any remedies otherwise available in this Agreement or at law, namely:

- (i) Terminate forthwith any obligation by the City to make payments under this Agreement; and
- (ii) Require the NSCTA to pay all or part of the payment at issue forthwith to the City.

## **Interim of Suspension of Payment**

15. In the event that the City gives the NSCTA notice of default, the City shall have no obligation to make any further payments under this Agreement prior to the end of the period given to the NSCTA to remedy the event of default.

## **Waiver of Breach**

16. In the event of a breach of any provision of this agreement by one party, no action or failure to act by the other party shall constitute a waiver of any right or duty afforded by that party under this Agreement, nor shall any such action or failure to act constitute an approval of or acquiescence in any such breach, except as may be specifically agreed to in writing.

## **Termination**

17. This Agreement shall terminate upon the happening of one of the following events, whichever occurs first:

- (1) An event of default as specified in sub articles 13(1), (2), (3), or (4) occurs;
- (2) Notice of termination is given to the NSCTA by the City for the failure of the NSCTA to remedy, pursuant to article 14, an event of default specified in sub article 13(5);
- (3) The enabling statutory authority for the Municipal Accommodation Tax is repealed or rescinded so as to substantially limit or deprive the City of the ability to collect the Municipal Accommodation Tax;

- (4) The City and the NSCTA agree in writing at any time to the termination of this Agreement;
- (5) The City gives the NSCTA 90 days' notice of the City's intention to terminate this Agreement; and
- (6) Upon termination of this Agreement, the Fund balance, less legal and binding commitments will revert back to the City for distribution to another tourism related entity.

### **Severability of Provisions**

18. If any of the provisions of this Agreement shall be found to be illegal or invalid, such illegality or invalidity does not render the whole agreement illegal or invalid, but the Agreement shall be construed as if it did not contain the illegal or invalid provision or provisions, and the rights and obligations of the parties shall be construed and enforced accordingly.

### **Relationship**

19. Nothing in this Agreement shall constitute the NSCTA a local board of the City, or constitute the City and the NSCTA general partners or joint ventures, or constitute either the City or the NSCTA the agent of the other, or be deemed to authorize the City or the NSCTA to contract for or incur any obligation on behalf of the other.

### **Confidentiality**

20. For the purposes of the *Municipal Freedom of Information and Protection of Privacy Act*, the City's access to information hereunder is subject to the NSCTA's assertion at all material times that all such documents, contracts, records, claims, and accounts are supplied to the City in confidence.

### **Assignment**

21. The NSCTA shall not assign all or any part of its rights or obligations under this Agreement to a third party without the City's written consent.

### **Duration of Agreement**

22. This Agreement commences on the date hereof and
  - (1) Continues in full force and effect for a period of two (2) years, subject to earlier termination of this Agreement as provided herein, and
  - (2) At the end of such two (2) year period, if this Agreement has not been terminated prior thereto, continues in full force and effect thereafter from year to year, subject to termination during any such year as provided herein.

IN WITNESS WHEREOF the City and the NSCTA have hereunto affixed their respective corporate seals, attested by the hands of their respective officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF PORT COLBORNE

Per: \_\_\_\_\_

NIAGARA'S SOUTH COAST TOURISM ASSOCIATION

Per: \_\_\_\_\_



The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 respecting the lands legally known as Part of Lot 9 on Plan 849, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 409 Davis Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore, and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

- 1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
- 2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule R2 to R4-68.
- 3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-68

Notwithstanding the provisions of the Fourth Density Residential (R4) zone, the following regulations shall apply:

- |                             |       |
|-----------------------------|-------|
| a) Minimum Front Yard       | 2.26m |
| b) Minimum Side Yard        | 0.69m |
| c) Minimum Corner Side Yard | 2.04m |

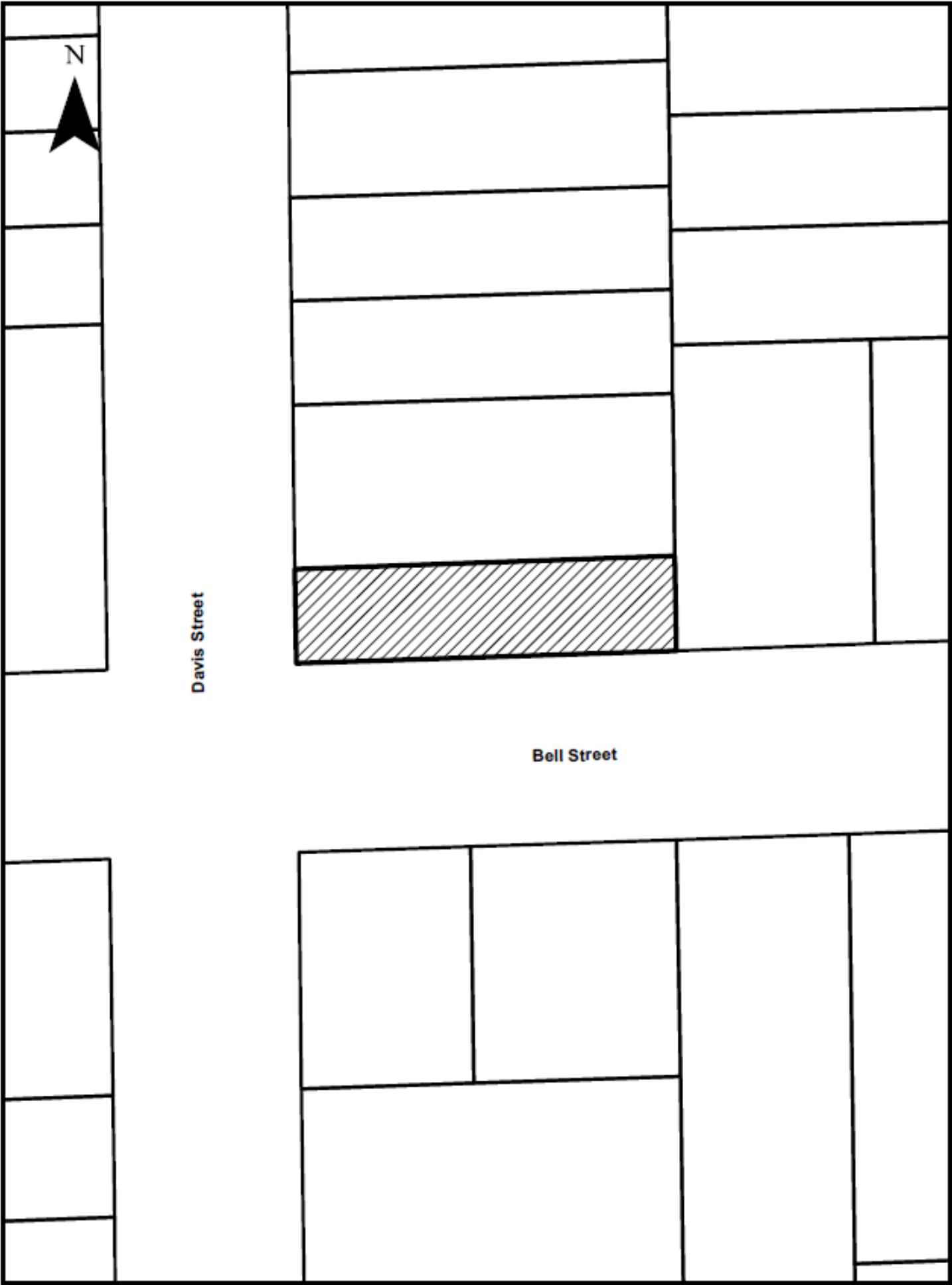
- 4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the Planning Act.
- 5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the Planning Act

That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

Enacted and passed this      day of      , 2022.

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

\_\_\_\_\_  
Nicole Rubi  
Acting City Clerk



This is Schedule "A" to By-law No \_\_\_\_\_

Passed \_\_\_\_\_, 2022

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

 Lands subject

June 2022

File No. D14-05-22

Drawn by: DS - City of Port Colborne  
Planning Division

Not to scale

The Corporation of the City of Port Colborne

By-law No. \_\_\_\_\_

Being a by-law to amend by-law 6808/58/20  
being a by-law to set a lapsing date of draft plan approval  
for Rosedale Subdivision

Whereas the Council of The Corporation of the City of Port Colborne passed By-law 5991/97/13 to give Draft Plan approval to August 12, 2015; and

Whereas on July 13th, 2015 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2017; and

Whereas on June 26th, 2017 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2019;

Whereas on July 8th, 2019 the Council of The Corporation of the City of Port Colborne passed By-law 6702/66/19 which extended Draft Plan approval to August 12, 2020;

Whereas on July 27<sup>th</sup>, 2020 the Council of The Corporation of the City of Port Colborne passed By-law 6808/58/20 which extended Draft Plan approval to August 12, 2022;

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

1. That a draft approval lapsing date of December 16th, 2022 be set for the Rosedale Plan of Subdivision.
2. That Schedule A to this by-law form the list of conditions of draft approval for the Rosedale Plan of Subdivision.

Enacted and passed this 9th day of August, 2022.

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

\_\_\_\_\_  
Nicole Rubli  
City Clerk

## **Schedule "A"**

### **ROSEDALE PLAN OF SUBDIVISION**

### **1988 CONDITIONS WITH 2019 AMENDMENTS**

The conditions for final approval and registration of the Rosedale (Revised) plan of subdivision, R. Rotella, File No. 26T-87018, Part of Lot 30, Conc. 3, City of Port Colborne are:

1. That this approval applies to the Rosedale draft plan of subdivision, Part of Lot 30, Conc. 3 (Former Twp. of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29<sup>th</sup>, 1987, and revised on May 31, 1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.
2. That the road allowances within the draft plan be dedicated as public highway.
3. That the proposed streets be named to the satisfaction of the City of Port Colborne.
4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.
5. That a temporary point of ingress to and egress from the plan site be provided to the satisfaction of the City of Port Colborne until such time as adjacent residential lands are developed.
6. That all easements required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.
8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.
9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.
11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.
12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.
13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings, with calculations, for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

**Note:** Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
  - (a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
  - (b) Detailed erosion and sedimentation control plans.

**Note:** The Region will request that the Niagara Peninsula Conservation Authority review the stormwater management and other related plans on the Regions behalf and submit comments to the Regional Planning and Development Services

Department (Development Services Division) regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.

15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.
16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C.) contour as being the top of the bank.
17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.
22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of serving allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to

registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.

24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.
25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.
26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.
31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.

32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.
33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.
34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.
35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable MECP noise guidelines.
36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.
37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.
38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.
39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.
40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or



other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements.”

41. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35 and 36 have been carried out to the City’s satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

42. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.
43. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.
44. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.
45. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that conditions 37, 38 and 39 have been carried out to its satisfaction.
46. That is final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.

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 August 09, 2022

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 August 09, 2022 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 09th day of August, 2022.

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

\_\_\_\_\_  
Nicole Rubli  
Acting City Clerk