

**City of Port Colborne  
Council Meeting Agenda**

**Date:** Tuesday, September 13, 2022  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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4. Proclamations
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	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 <a href="http://www.portcolborne.ca/delegation">www.portcolborne.ca/delegation</a> , email <a href="mailto:deputyclerk@portcolborne.ca">deputyclerk@portcolborne.ca</a> or phone 905-835-2900, ext. 115.	
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**22. Confidential Items**

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

**23. Procedural Motions**

**24. Information items**

**25. Adjournment**

**City of Port Colborne**  
**Public Meeting Minutes**

**Date:** Tuesday, August 9, 2022  
**Time:** 6:00 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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

**Member(s) Absent:** E. Beauregard, Councillor  
F. Danch, Councillor  
D. Kalailieff, Councillor

**Staff Present:** B. Boles, Director of Corporate Services/Treasurer  
S. Tufail, Acting Deputy Clerk  
N. Rubli, Acting City Clerk  
D. Landry, Manager of Planning Services  
J. Taylor, Chief Building Official  
G. Long, Acting Chief Administrative Officer

**1. Call to Order**

Mayor Steele called the meeting to order at 6:14 p.m.

**2. Adoption of Agenda**

Moved By Councillor H. Wells  
Seconded By Councillor A. Desmarais

That the agenda dated August 9, 2022 be confirmed, as circulated.

Carried

**3. Disclosures of Interest**

**4. Statutory Public Meetings**

**4.1 Building Application Fees Review, 2022-182**

**Purpose of Meeting**

The purpose of the meeting is to review the updated proposed building permit fees.

**Presentation for Building Permit Fees**

Denise Landry, Manager of Planning Services, presented the following: Following the public meeting held on June 14, 2022 and in consideration of the comments provided, internal staff discussed using building permit fees to increase the reserve fund to account for fluctuations in building permit revenues. It is determined that an increase of 5% would be appropriate to sustain the reserve fund.

**Questions of Clarification to planning Staff**

Councillor Bruno thanked Staff on the revision of the building permit fees, he feels this will put Port Colborne in a more secure position.

Ms. Landry thanked Councillor Bruno and stated the results of a second public meeting have not delayed the process. A recommendation report will be presented at the 6:30pm Council meeting dated August 9, 2022.

Moved By Councillor G. Bruno

Seconded By Councillor M. Bagu

That Development and Legislative Services Report 2022-182 be received for information.

Carried

**5. Procedural Motions**

**6. Information Items**

**7. Adjournment**

Mayor Steele adjourned the meeting at approximately 6:19 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk

## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Tuesday, August 23, 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  
S. Lawson, Fire Chief  
N. Rubli, Acting City Clerk  
S. Shypowskyj, Director of Public Works

#### **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 H. Wells

That the agenda dated August 23, 2022 be confirmed, as circulated.

Carried

**6. Disclosures of Interest**

**7. Approval of Minutes**

Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

1. That the minutes of the Regular Meeting of Council held on August 9, 2022, be approved as presented.
2. That the minutes of the Public Meeting held on July 19, 2022, be approved as presented.

Carried

**7.1 Regular Meeting of Council- August 09, 2022**

**7.2 Public Meeting - July 19, 2022**

**8. Staff Reports**

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That items 8.1 to 8.3 be approved, and the recommendations contained therein be adopted.

**8.1 Recommendation Report for a Zoning By-law Amendment at 1498 Wilhelm Road, 2022-188**

That Development and Legislative Services Department Report 2022-188 be received; and;

That Council approve the Zoning By-law Amendment attached as Appendix C, to amend the zoning for the subject lands from Agricultural to Agricultural Residential 'AR-56' (Part 1) and from Agricultural 'A' Zone to Agricultural Purposes Only 'APO' (Part 2);

**8.2 Recommendation Report for Development Agreement D11-05-22, 954 Wyldewood Road, 2022-190**

That Development and Legislative Services Department -Planning Division Report 2022-190 be received; and

The execution of a Development Agreement with Plamen and Elizabeth Dimitrov be approved; and

That the Bylaw authorizing entering into the Development Agreement for 954 Wyldewood Road with Plamen and Elizabeth Dimitrov, attached as Appendix A of Development and Legislative Services Report 2022-190 be approved.

### **8.3 Canal Days Funding – Reconnect Ontario Grant, 2022-193**

That Corporate Services Department – Recreation Division Report 2022-193 be received; and

That the Chief Administrative Officer and Director of Corporate Services/Treasurer be authorized to execute the transfer payment agreement and any related documents for the Reconnect Ontario grant program.

## **9. Correspondence Items**

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That item 9.1 be received for information.

Carried

### **9.1 Niagara Peninsula Conservation Authority Board Meeting Minutes, July 15, 2022**

## **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**

## **15. Councillors' Remarks**

### **15.1 Ward 4 Polling Location (Bodner and Bruno)**



In response to Councillor Bodner's inquiry regarding a change to the election polling locations for Ward 4, the Acting City Clerk advised Council under the Municipal Elections Act the Clerk is responsible for ensuring that the polling locations are accessible for all voters. Saint Thérèse Catholic Elementary School and Bethel United Church have been established as the polling locations for Ward 4 as they meet the accessibility criteria. The change in polling locations was due to the Clerk's responsibility under the Act and supports the City's strategic plan for inclusivity to ensure that each location was accessible.

In response to Councillor Bruno's inquiry regarding whether the Acting City Clerk will review the decision and change the polling location, the Acting City Clerk stated that the polling locations have been finalized and will not be changed.

**15.2 Erie Street Watermain Break/Construction (Bruno)**

In response to Councillor Bruno's request for a progress update on the Erie Street construction the Director of Public Works provided a brief update on the project and advised that he will reach out to the residents along Erie Street and advise them of the Grant program for the laterals. A report will come before Council at the September 13, 2022 Council meeting with further updates on the project.

**15.3 Sewage Pumps- King Street and Neff Street (Bruno)**

In response to Councillor Bruno's inquiry regarding sewage pumps, the Director of Public Works advised Council that the new pumps have been ordered and are scheduled to arrive in Fall of 2022.

**15.4 Bike Lane on Welland Street (Desmarais)**

In response to Councillor Desmarais' request for an update in regards to the proposed bike lane on Welland Street and funding for the project, the Director of Public Works advised Council that there is an on-going conversation with the Province of Ontario for the funding and relayed that the project is still on track.

**15.5 Chippawa Road (Desmarais)**

In response to Councillor Desmarais' request for an update on the status of traffic study on Chippawa Road, the Director of Public Works advised Council that a report will be brought to Council which will provide the results of the traffic study/survey and address residents' concerns.

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

**16.1 2021 Development and Legislative Services Department Annual Report, 2022-197**

Moved by Councillor D. Kalailieff

Seconded by Councillor M. Bagu

That 2021 Development and Legislative Services Department Report 2022-197 be received.

Carried

**16.2 Application for Expropriation – PIN 64164-0405, 2022-181**

Moved by Councillor H. Wells

Seconded by Councillor R. Bodner

That Chief Administrative Officer – Economic Development and Tourism Division Report 2022-181 be received; and

That Council direct staff to engage the City Solicitor to prepare an application for approval to expropriate PIN 64164-0405 legally described as Reserve A PI 871 Port Colborne.

Carried

**16.3 Billing of the Indian Creek, Haun, and Wagner Branch Drains Maintenance, 2022-175**

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That Public Works Department Report 2020-175 be received; and

That the billing for the Indian Creek, Haun, and Wagner Branch Municipal Drains be invoiced in accordance with the *Drainage Act*; and

That the By-law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works Known as the Indian Creek, Haun, and Wagner Branch Municipal Drains be approved.

Carried

**16.4 Billing of the St. John's Marsh Municipal Drain, 2022-187**

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

That Public Works Department – Water/Wastewater Division Report 2022-187 be received; and

That the billing for the St. John's Marsh Municipal Drain be invoiced in accordance with the Drainage Act, as outlined in Appendix C of Public Works Department Report 2022-187 be approved.

That the St. John's Marsh Drain Levy By-law and Schedule A found in Appendix B and C be approved.

Carried

**16.5 Haney Street Road Allowance – Stop Up and Close By-law and Surplus Declaration, 2022-186**

Moved by Councillor H. Wells  
Seconded by Councillor E. Beauregard

That Chief Administrative Officer - Economic Development and Tourism Division Report 2022-186 be received; and

That the Stop Up and Close By-law, being a By-law to stop up and close the Haney Street Road Allowance, legally described as Haney St. PI 765 Humberstone Lying East Of King St. Except VH2791 PIN 64149-0024 be approved; and

That the Haney Street Road Allowance, legally described as Haney St. PI 765 Humberstone Lying East of King St. Except VH2791 be declared surplus.

Carried

**16.6 Declaration of Surplus Land – PIN 64141-0386, 2022-184**

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

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-184 be received; and

That Council declare the City owned property legally described as Pt Lt 29 Con 2 Humberstone, P1 1 59R10207, PIN 64141-0386, shown in Appendix A, as surplus.

Carried

**16.7 Declaration of Surplus Land - PIN 64156-0026, 2022-183**

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Chief Administrative Office Economic Development and Tourism Division Report 2022-183 be received; and

That Council declare the City owned property legally described as Lt 28 Con 1 Humberstone; S/T PC14323 Port Colborne, PIN 64156-0026 and shown in Appendix A, as surplus.

**Amendment:**

Moved by Councillor R. Bodner

Seconded by Councillor E. Beauregard

**That Chief Administrative Office - Economic Development and Tourism Division Report 2022-183 be referred back to staff in order to investigate and bring a report back to Council with further details.**

Carried

**16.8 Olde Humberstone (Main St.) CIP Expansion Request, 2022-189**

Moved by Councillor H. Wells

Seconded by Councillor F. Danch

That Chief Administrative Officer- Economic Development and Tourism Report 2022-185 be received; and

That Council direct staff to initiate the process for amending the Olde Humberstone (Main Street) Community Improvement Plan (CIP) under Section 28 of the Planning Act.

Carried

**16.9 Marina Capital Project Update – Telehandler Purchase, 2022-198**

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

That Corporate Services Department – Recreation Division Report 2022-198 be received; and

That Council approve a re-allocation of \$70,000 from the Sugarloaf Marina NRBN Wi-Fi Capital Project to fund additional cots associated with the purchase of the new telehandler and accessory equipment.

Carried

**17. Motions**

**18. Notice of Motions**

**19. Minutes of Boards & Committees**

**20. By-laws**

Moved by Councillor R. Bodner  
Seconded by Councillor F. Danch

That items 20.1 to 20.6 be enacted and passed.

**20.1 By-law to amend the assessment schedule and to levy the actual costs incurred for the maintenance of drainage works known as the Indian Creek, Wagner and Haun Municipal Drains**

**20.2 By-law to Levy the Actual Costs Incurred in Constructing a Drainage Works Known as the St. John's Marsh Municipal Drain**

**20.3 By-law to Stop and Close for Haney Street Road Allowance, of PIN 64149-0024**

**20.4 By-law to amend Zoning By-law 6575/30/18 respecting the lands legally known as Lot 5 on Concession 2, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 1498 Wilhelm Road**

**20.5 By-law to authorize entering into an agreement regarding 954 Wyldewood Road**

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

**21. Confidential Items**

**22. Procedural Motions**

**23. Information items**

**24. Adjournment**

Mayor Steele adjourned the meeting at approximately 8:25 p.m.

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William C. Steele, Mayor

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Nicole Rubli, Acting City Clerk



**PORT COLBORNE**

# Mayor's Report

AUGUST 23, 2022

Welcome council, staff, guests – hard to believe it will soon be Labour Day weekend. It may be summer's last official long weekend but remember, we still have a month of summer, which lasts until September 22.

## THANK YOU AND FAREWELL TO OUR SUMMER STUDENTS

The city employed 43 students this summer, in almost every department:

At the Beach, the Marina, in Communications, Tourism, Economic Development, Engineering, Events, IT, Planning, Roads, Water, Parks, Customer Service, Environment, Museum, and the Archives.

These students did great work. They learned work ethic and skills they'll have for the rest of their lives. We are grateful for all their efforts and we wish them well in their continuing studies at college and university.

## CONGRATULATIONS CANADA SUMMER GAMES

Niagara 2022 wound up on the weekend after three incredible weeks of competition by young people from across Canada. We congratulate the athletes for their commitment, their efforts, and their spirit. From record-breaking performances to exceptional stories that touched a nation, these Canada Games will go down in history. Niagara can be so proud of presenting these athletes, coaches, trainers, and families from every province and territory, the greatest hospitality in some of the greatest facilities.

We salute the work of the organizers and sponsors of the Games, four years in the planning, including during a two-year pandemic. Many of our citizens volunteered at the Games, with hundreds of others from every municipality, and we thank each and every one of them. We were so happy to be host of New Brunswick on Acadian Day last Monday in HH Knoll Lakeview Park. Great music, great entertainment, great food, an all-round great event, and very well-attended.

#### KUDOS TO STAFF FOR RECONNECT ONTARIO GRANT

A salute to for their efforts and due diligence in securing a Reconnect Ontario Grant of \$115,218. We have a report in tonight's agenda; I wanted to highlight it in my mayor's report.

The grant was issued by the provincial government's Ministry of Tourism Culture and Sport, to reconnect people and places in Ontario after the pandemic. The criteria included economic impact, job opportunities and innovative programming in tourism, culture and entertainment, and to "increase Ontario's profile" to tourists and local visitors. Our team was successful in applying for the grant, which helped our city present Canal Days 2022, one of the best festivals in Ontario. Good work. Well done, team.

#### TOUCH-A-TRUCK FAMILY EVENT

What little girl or boy doesn't want to sit behind the wheel of giant bulldozer or a firetruck? The Touch-a-Truck event is back, by popular demand, on Tuesday, September 27. Bring the family, the children and grandchildren, the young and young at heart, to the Operations Centre on Killaly Street, from 4 to 7pm.

#### FAREWELL NANCY

Nancy Giles retires this week – she leaves us after being executive assistant for three mayors and city managers over the past 20 years. Nancy's expertise, enthusiasm, and efficiency has been admirable and inspirational to city staff in every department. She really made a mark at city hall all these years, for staff, and for countless citizens. There has been no job too big or too small for her. She has handled some of the most complicated and delicate of situations, on top of the daily responsibilities, which never seem to end. We will all miss you, Nancy. You made a difference. We all wish you and George the very best in your retirement.

#### EVERYONE, PLEASE SLOW DOWN

And finally, to address an ongoing issue, a problem in every Niagara municipality, in towns and cities across the country – speeding drivers.

Every day on the news we read about single-car crashes, about pedestrians and cyclists being stuck by cars. People are simply driving too fast. Please, for your own safety, and the safety and respect of others, drive the speed limit. If you are driving in a 40 or 50 zone, then drive 40 or 50. Residents call daily to city hall, and to police, about speeders on their streets, often it's their own neighbours. School is starting in a couple of weeks, children will be walking to school, waiting at bus stops, so please, please slow down.



**Subject: Affordable Housing Strategy and Action Plan – Final Report**

**To: Council**

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

Report Number: 2022-201

Meeting Date: September 13, 2022

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**Recommendation:**

That Chief Administrative Office - Economic Development and Tourism Division Report 2022-201 be received; and

That Council approve the Affordable Housing Strategy and Action Plan report and recommendations as attached to Report 2022-201.

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**Purpose:**

The purpose of this report is to seek Council approval for the City's ten (10) year Affordable Housing Strategy and Action Plan and to discuss implementation and next steps. This report will accompany a Power Point presentation by Tim Welch Consulting.

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**Background:**

One of the action items in the City's 2020-2023 Strategic Plan, under the "Attracting Business Investment and Tourism" pillar, is to complete an Affordable Housing Strategy. The City issued an RFP in November 2021 to contract a consulting firm to develop an Affordable Housing Strategy and Action Plan that would include housing research and an up-to-date needs analysis; extensive public and stakeholder engagement; and innovative and achievable recommendations to entice both the private and public sectors. After reviewing and evaluating five submissions, the City's Project Review Team (PRT) selected Tim Welch Consulting (TWC) and retaining the consultant was approved by Council (Report 2022-30).

This report follows up on Report 2022-103 and a project update presented by Tim Welch Consulting at the June 28, 2022 Council meeting.

## **Discussion:**

The consultant's Power Point presentation will include an overview of the recommendations of the Affordable Housing Strategy and Action Plan. In summary, the recommendations support four goals: (1) increase diversity of housing; (2) promote greater intensification and density; 3) protect and expand purpose built rental supply; and (4) increase support for affordable housing through awareness and outreach.

These goals were further developed into four general themes: (1) Policy and Zoning; (2) Incentives; (3) Advocacy, Awareness, and Outreach; and (4) Monitoring. There are recommendations for each theme, and these are summarized in the Action Plan including the scope of work necessary, the required resources, and anticipated timelines.

Staff are supportive of the Affordable Housing Strategy and Action Plan and recommend Council approval so that staff can begin discussing next steps and a work plan to implement the recommendations. Staff are also recommending that the Affordable Housing Strategy be implemented in the new Council term along with other foundational strategic and legislative documents that will implement policy directions and Council's vision. These documents, which are slated to be updated over the next 6-18 months and need to be aligned with the goals of the Affordable Housing Strategy, are as follows:

- Revised Sale and Disposition of City Land Policy
- Comprehensive CIP Review
- Growth Projections and Growth Management Study
- Strategic Plan Refresh
- Development Charges Background Study
- Official Plan Review

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## **Internal Consultations:**

A City Project Review Team, comprised of key staff from Planning and Economic Development, worked together on project management, attended Technical Advisory Committee (TAC) meetings and the open house, and provided input to TWC. This Project Review Team will continue to work together, with City staff, and the Corporate Leadership Team (CLT) on implementation of the Affordable Housing Strategy and ensuring alignment with key documents.

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## **Financial Implications:**

Council approved \$75,000 for an Affordable Housing Strategy in the 2020 Capital Budget. The cost of this project, based on the submission from TWC, is \$49,840 plus HST.

The financial implications of the Affordable Housing Strategy and Action Plan are limited as many of the recommendations are policy and process related and can be implemented by City staff. As an example, some of the recommendations will form part of the project scope for the Official Plan review to commence in 2023.

It is staff's intention to discuss the recommendations in more detail to determine what can be completed by staff and where the assistance of a consultant would be beneficial. There are capital funds remaining for this project that could be used to cover additional consulting fees to assist with some of the action items and implementation.

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## **Public Engagement:**

A key deliverable of this project was public and stakeholder engagement. The details are as follows:

- a Technical Advisory Committee (TAC) comprised of not-for-profit organizations, social service agencies, local developers, business stakeholder groups, and City staff was formed. The TAC Committee met four times to review housing research and data, stakeholder feedback, and provide comments on draft recommendations;
  - 24 interviews were conducted with key opinion leaders, elected officials, housing providers, not-for-profit organizations; and developers;
  - an online public opinion survey was created and there were 147 responses;
  - an open house held on July 5<sup>th</sup> included 30 attendees;
  - a dedicated project page was set up on the City's website to provide information and updates.
- 

## **Strategic Plan Alignment:**

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

- Attracting Business Investment and Tourists to Port Colborne
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Governance: Communications, Engagement, and Decision-Making
-

**Conclusion:**

An Affordable Housing Strategy and Action Plan has been completed by Tim Welch Consulting with project oversight by City staff and a Technical Advisory Committee. There has been significant public engagement including stakeholder interviews, an online survey, and an open house.

The completion of the Housing Strategy fulfills an action item in the City's 2020-2023 Strategic Plan.

The Action Plan includes thirteen (13) recommendations, many of which can be completed by City staff and Council support, while others will require the services of an external consultant.

Staff are recommending Council approval so that staff can begin developing a work plan for implementation to coincide with the new Council term and align with other foundational strategic and legislative documents that will guide City governance and administration.

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**Appendices:**

- a. Affordable Housing Strategy and Action Plan – Final Report – prepared by Tim Welch Consulting
- b. Port Colborne Affordable Housing Strategy-Presentation

Respectfully submitted,

Gary Long  
Manager of Strategic Initiatives  
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Denise Landry  
Manager of Planning  
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**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.

# City of Port Colborne

## Affordable Housing Strategy

September 6, 2022

Prepared by



26 Colborne Street  
Cambridge, Ontario N1R 1R2  
Office: 519.624.9271  
Toll Free: 1.866.624.9271

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### Appendices:

A.1. Community Engagement: Open House

A.2 Community engagement: Survey

A.3. Community Engagement: Stakeholder Interviews

B. Summary of Policy Segments relevant to this strategy

C. Rationale for potential zoning initiatives and examples

## City of Port Colborne Affordable Housing Strategy: Executive Summary

The City of Port Colborne recognizes the importance of access to affordable housing across the entire housing spectrum to community quality of life, economic development, and future prosperity.

To address these housing challenges and improve social and economic outcomes, Port Colborne is developing an Affordable Housing Strategy.

The Affordable Housing Strategy highlights municipal policies, planning tools, advocacy and outreach activities that the City can implement to support more affordable housing options for residents. These activities alone will not result in all housing needs in the city being met, however, it is important that the City demonstrates to other levels of government, and the community at large, that the City is prepared to take actions that will help.

To fully meet the affordable housing needs in the city, there need to be significant actions and financial support provided by the Federal, Provincial and Regional governments.

The Affordable Housing Strategy has been developed in two phases:

- Phase I – a Housing Background Report analysing housing needs and supply in Port Colborne
- Phase II – the Affordable Housing Strategy informed by the findings from the Housing Background Report

Through extensive community consultation and based on the housing need assessment report that shows almost half of renter households experience housing affordability challenges and that home ownership is increasingly out of reach for a portion of moderate and middle income households, the following Vision statement for the affordable housing strategy is provided:

*Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.*

Four high level goals have been established for the Affordable Housing Strategy:

1. Increase diversity of built form and tenure to provide more housing options for residents
2. Promote greater intensification and density to leverage existing physical and social infrastructure
3. Protect and expand purpose-built rental supply including affordable rental housing
4. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach

The following recommendations are included in the Strategy:

**Recommendation 1:** Update definition of “affordable” in the Official Plan

**Recommendation 2:** Identify affordable housing targets in the Official Plan

**Recommendation 3:** Develop a policy to review the suitability of surplus municipal land or buildings for affordable housing before selling/leasing or redevelopment and consider the potential for affordable housing as part of every municipal government operations building (libraries, community centres etc.).

**Recommendation 4:** Introduce a rental replacement policy and framework

**Recommendation 5:** Ensure the Official Plan is not overly restrictive in its policies and not unintentionally discriminatory to accommodating various housing options

**Recommendation 6:** Ensure that Zoning by-law regulations are not overly restrictive or unintentionally discriminatory

**Recommendation 7:** Explore viability of financial and non-financial incentives for affordable housing and purpose-built rental developments

**Recommendation 8:** Promote Accessory Dwelling Units

**Recommendation 9:** Encourage discussion/negotiation with private developers to achieve affordable housing targets as part of the planning approvals process

**Recommendation 10:** Facilitate collaboration and partnerships between private, public, and non-profit groups to create affordable housing

**Recommendation 11:** Advocate for additional funding for housing from the Federal and Provincial governments

**Recommendation 12:** Develop a housing indicator monitoring and reporting system

**Recommendation 13:** Review the Affordable Housing Strategy every five years



# City of Port Colborne Affordable Housing Strategy

## 1 Introduction

The City of Port Colborne (“City”) recognizes the importance of access to affordable housing across the entire housing spectrum to community quality of life, economic development, and future prosperity.

Housing prices in Port Colborne have risen significantly, benefitting some residents, but also making it challenging for other residents to find housing that is affordable, suitable, and safe, with negative outcomes for poverty, employment and income, education, and health. To address these housing challenges and improve social and economic outcomes, Port Colborne is developing an Affordable Housing Strategy.

The Affordable Housing Strategy supports Port Colborne’s Strategic Plan, “a future where every person in Port Colborne has access to housing that is not only affordable but also suitable, stable and safe”.

The Affordable Housing Strategy (“Strategy”) highlights municipal policies, planning tools, advocacy and outreach activities that the City can implement to support more affordable housing options for residents. It is important to note that, as an area municipality in Niagara Region, Port Colborne does not offer community services, administer shelter services, or act as a housing provider, all of which are Region responsibilities. Policy and zoning regulations can be used to support housing programs from upper levels of government as well as encourage community and private sector efforts to further support the creation of needed affordable housing.

One of the benefits of developing a Housing Strategy is to demonstrate to senior levels of government, including the Region of Niagara, that Port Colborne has a Housing Strategy and with appropriate support and investment Port Colborne can successfully implement housing opportunities. Port Colborne’s Housing Strategy is action oriented and illustrates how the City is doing its part in community outreach and awareness to respond to the housing needs of its community. Port Colborne’s advocacy to, and collaborations with senior levels of government, and collaborations with the non-profit and private sector and the community at large is enhanced when it can demonstrate that it has completed the local groundwork to facilitate affordable housing developments. In addition, any steps to accelerate the approval process for affordable housing projects will help pre-empt any anticipated direction of the province to require municipalities to expedite the approval of housing developments.

The Affordable Housing Strategy has been developed in two phases:

- Phase I – a Housing Background Report analysing housing needs and supply in Port Colborne
- Phase II – the Affordable Housing Strategy informed by the findings from the Housing Background Report

The Phase 1 Housing Background Report was presented to Council and received on June 28, 2022. This Affordable Housing Strategy Report represents the completion of Phase II and presents a housing vision statement, goals, and recommendations for Port Colborne.

The Housing Strategy was informed by community engagement activities, including a community survey that received 147 responses, interviews with 23 local and regional stakeholders, consultation with a Technical Advisory Committee, consisting of members from the private, public and non-profit sectors as well as municipal staff and a public open house.

#### Report Organization

The remainder of the Report is organized as follows:

**Section 2:** summarizes the key findings and recommendations from the Housing Background Report that informed the Housing Strategy

**Section 3:** presents the vision, goals, and recommendations of the Housing Strategy

**Section 4:** contains the Action Plan, summarizing action items, their link to the Housing Strategy goals, scope of work and resources required, and timeline for implementation.

#### **Appendices:**

**A.1** Community Engagement: Open House

**A.2** Community Engagement: Survey

**A.3** Community Engagement: Stakeholder Interviews

**B.** Summary of Policy segments relevant to this strategy

**C:** Rationale for potential zoning initiatives and examples

## 2 Summary of Key Findings: Housing Background Report

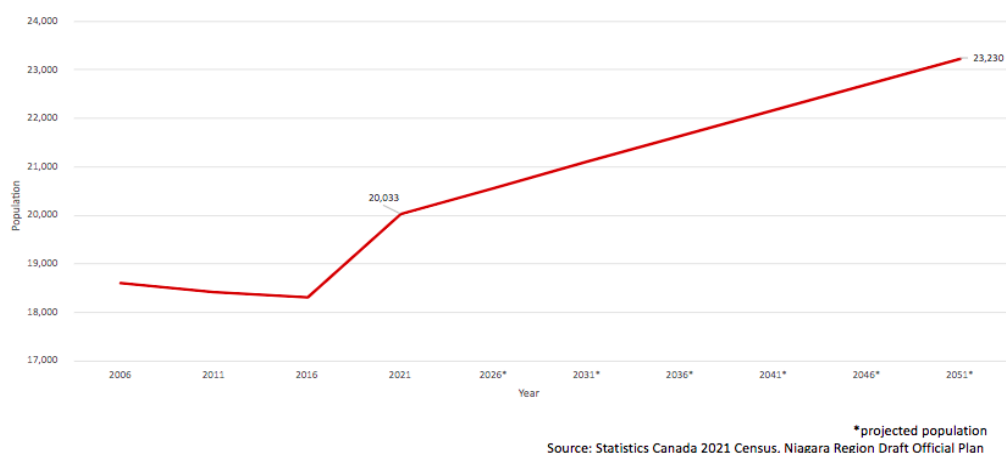
The following findings from the Phase I: Housing Background Report shaped the preliminary vision statement, goals, and recommendations contained in this document.

### 1. Significant recent and projected population growth

The population of Port Colborne grew by 9% over the most recent census period (2016 to 2021) to 20,033 following consecutive periods of stable or slightly declining population. Projections from Niagara Region estimate the population will grow to approximately 23,000 residents by 2051. Projections from the City of Port Colborne anticipate the population could increase even more dramatically up to 30,000 residents by 2051 or sooner based on the current number of development applications in the pipeline.

Approximately 2,300 new housing units are anticipated to accommodate this growth, or an average of 77 units per year. It should be noted that Region projections represent minimum targets and are subject to change pending the approval of the Regional Official Plan.

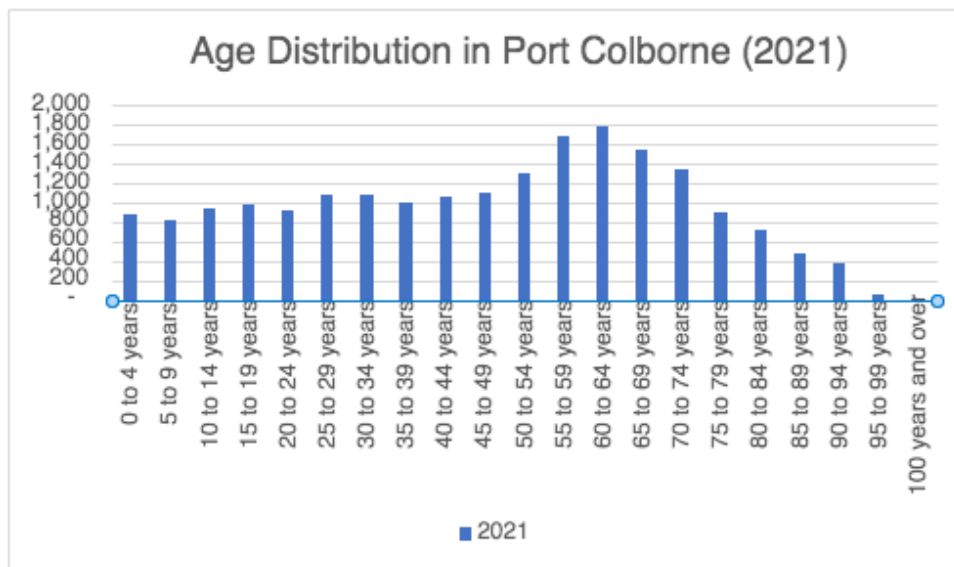
**Figure 1: Projected Population Growth in Port Colborne**



As the population increases, it is also important to note that as of 2016, half of the population was over 50. A large proportion of residents are seniors aging in place, which is significant in identifying housing needs particularly to need for housing that can accommodate persons with mobility issues.

Households are equally distributed between couples without children (34%), couples with children (31%), and one-person households (31%). Other non-family households and multiple family households make up the remaining 3%.

**Figure 2: Age Distribution of Port Colborne Residents**



## **2. Affordability Challenges**

Housing is becoming increasingly unaffordable in Port Colborne for both owners and renters. For reference, 74% of households are ownership and 26% are rental. The average house price increased 81% from \$304,970 in 2017 to \$553,446 in 2021. According to Port Colborne/Wainfleet MLS data, the average home sale price increased by 25% between March 2021 and March 2022 from \$606,177 to \$760,077. These prices are unaffordable to all but the highest-income households based on the 30% or less of household income definition of affordability. Rents have increased at a smaller rate over the same period and are generally affordable to all but the lowest income households.

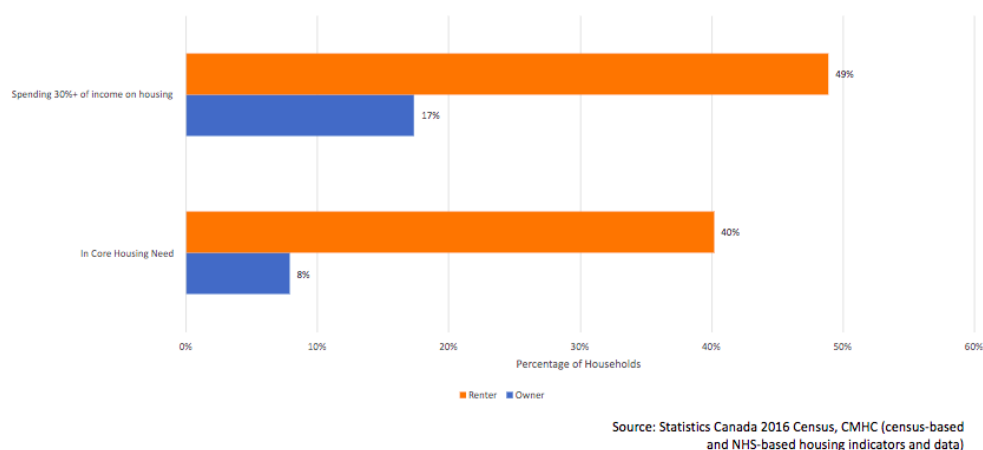
However, renter households face greater affordability challenges than ownership households with 49% of renters spending more than 30% of their income on housing and 40% being in core housing need. This suggests that a significant percentage of renter households are also low-income households. For comparison, 17% of ownership households are spending more than 30% of their income on housing and 8% are in core housing need.

As of 2016, 50% of households earn less than \$60,000 per year, and average and median household incomes are lower in Port Colborne compared to Niagara Region. Household incomes have implications for the cost of housing that will be considered affordable.

There is a significantly lower rental vacancy rate in Port Colborne (1.8%) than is generally desirable (3%). This could put pressure on rent prices and cause unnecessary competition for tenants on a limited supply of units. In addition, the recent dramatic increase in home ownership prices means that many moderate to middle income households that might have been able to purchase a home 4 or 5 years ago are now

continuing to rent, putting additional pressure on the limited amount of rental stock in Port Colborne.

**Figure 3: Comparison of ownership and rental household affordability and housing need**



### 3. Lack of housing diversity

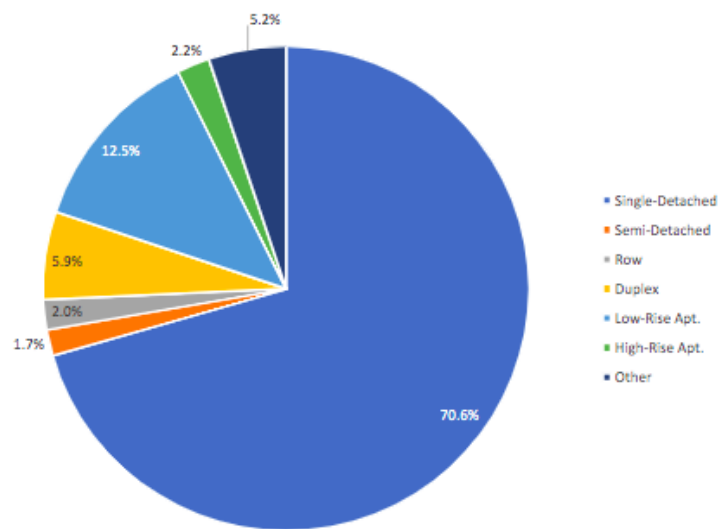
Just over 70% of all housing in Port Colborne is single-detached dwellings and there are limited options for residents who wish to live in other types of housing. Single-detached dwellings are typically the most expensive dwelling type as well as the most land intensive. They are also still the predominant housing type being constructed in Port Colborne, though there have been some apartments started and completed in recent years.

The small number of purpose-built rental units (656 units) compared to the number of renter households (2,070 households) suggests most rental households live in secondary rental units, that are a less stable form of rental tenure. Of the purpose-built rentals, a large proportion (62%) are two-bedroom units. Most new housing stock is targeted at the ownership market which may increase the difficulty for renter households to find housing in the city.

Over 50% of housing stock in Port Colborne was built over 60 years ago. Older housing stock is typically more affordable than new, but also in not as good a condition and more likely to be redeveloped.

Single-person households are the household type in greatest need, representing 87% of renter households in need and 85% of ownership households in need. The current household mix mentioned above, suggests a demand for smaller ownership houses and bachelor or one-bedroom apartments.

**Figure 4: Breakdown of housing types in Port Colborne**



Source: Statistics Canada 2021 Census

#### **4. Regulatory Barriers**

Lack of as-of-right zoning permissions may prevent potential housing providers from obtaining site plan approval efficiently; it is well-known that housing projects that are “shovel-ready” are more readily financed. There are both opportunities and challenges in the City’s current regulatory framework, including some zoning regulations that are not well-aligned with Port Colborne’s Official Plan policies. These regulations may be unintentionally restricting development of a larger variety of housing options. A number of suggestions the city can explore to facilitate more as of right zoning are included in Appendix C.

#### **5. Municipal Policy Tools**

A number of tools identified in “Municipal Tools for Affordable Housing” report by Ontario’s Ministry of Municipal Affairs and Housing were assessed in comparison with The City of Port Colborne’s current policies related to Affordable Housing. It is positive that some of these tools are already being used in Port Colborne but could be expanded, and others that are not being used could be considered.

Port Colborne utilizes a number of Community Improvement Plans with associated grant funding to incentivize development including incentives for intensification and infill. The City is currently reviewing its CIPs and it is expected that there will be recommendations brought forward to Council early in 2023 that will strengthen the support for new affordable housing through a new Community Improvement Plan (CIP).

Currently Port Colborne has a surplus of underutilized land and buildings. A Municipal Capital Facility Tool could help the City collaborate with private developers and non-profits in redeveloping some of these sites for affordable housing. Currently, Port Colborne’s Official Plan does not include a definition of affordability. Prior to using this tool for the purpose of affordable housing, the municipality must pass a municipal

housing facility by-law, which includes a definition of affordable housing and eligibility requirements for tenants.

While demolition permits are required to demolish structures in Port Colborne, there are currently no specific demolition policies or regulations regarding rental units. Implementing a Demolition Policy specifically to protect the limited number of rental units in the city would be useful. This type of policy would typically include rental unit replacement if rental units were demolished.

#### 6. Partnerships and Advocacy

Through stakeholder interviews and community engagement, a desire for more partnerships, collaboration and streamlined development process was identified, especially when related to affordable housing development. There is a lot of opportunity for partnerships and collaboration between the municipality and private and non-profit development in the City as targets for affordable housing are identified.

There was also a desire and need for awareness around definitions of affordability and encouragement of a variety housing types including non-traditional housing types. Increased awareness around topics of affordable housing will help combat any hostile feelings towards increased designated rental and affordable units in the City. Advocating for affordable housing, and developing relationships with reliable partners in the private and non-profit sectors could reveal further opportunities for development of affordable housing.

And continued advocacy to the Region, the Province and the federal governments for greater support for new affordable housing programs and policies is also an important role for the City.

### 3 Affordable Housing Strategy

#### Vision & Goals

The vision statement below is intended to capture and describe housing aspirations in the City in a clear and concise manner, and is informed by the findings from Phase I, community outreach, as well as provincial, regional, and local housing policies.

*Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.*

#### Affordable Housing Strategy Goals

The following four goals have been established for the Affordable Housing Strategy based on the findings from the Phase I: Housing Background Report:

5. Increase diversity of built form and tenure to provide more housing options for residents
6. Promote greater intensification and density to leverage existing physical and social infrastructure
7. Protect and expand purpose-built rental supply including affordable rental housing
8. Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach

#### Affordable Housing Strategy Recommendations

Recommendations for the Affordable Housing Strategy are organized into four (4) themes:

1. Policy & zoning
2. Incentives
3. Advocacy, awareness & outreach
4. Monitoring

A rationale/description, timeline and required resources are included for each recommendation, as well as the Housing Strategy goal the recommendation supports. In some cases, a rationale, timeline, scope of work, and/or required resources are provided for a group of recommendations.

#### Policy & Zoning

**Recommendation 1: Update definition of “affordable” in the Official Plan**

**Recommendation 2: Identify affordable housing targets in the Official Plan**

*Rationale/Description:* Defining “affordability” and identifying affordable housing targets in the Official Plan provides clarity and metrics in support of affordable housing goals. The City will use the Region’s definition of “affordable” for consistency/conformity and to help align with available funding opportunities. The Region defines affordable as:

1. in the case of ownership housing, the least expensive of:



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

Low- and moderate-income households are defined as:

- 1. In the case of ownership housing, households with incomes in the lowest 60 per cent of the income distribution for the regional market area; or in the case of rental housing, households with incomes in the lowest 60 per cent of the income distribution for renter households for the regional market area.

The City of Port Colborne Official Plan currently uses the same definition of affordable in its Official Plan, however the Official Plan does not define low- and moderate-income households. It is recommended the Official Plan be updated to include this definition.

Housing targets must align with targets set out in the Regional Official Plan. The Region projects approximately 2,300 additional housing units to be built in the City by 2051, averaging 77 new units per year. Based on the needs assessment, it is recommended that **40% of all new units** be built to be affordable at prices/rents based on low- and moderate-income thresholds. This would result in an average of approximately **31 units per year** of housing that is considered affordable.

Given greater affordability challenges for renter households, it is important to set a sub-target for the percentage of new housing that will be affordable to rental households in core housing need. Accordingly, the City should set a sub-target to have **20% of all new units (16 units per year on average)** be affordable rental at Average Market Rents (AMR) or less. It is important to have a portion of these units at even lower rents or subsidized on a rent-geared-to-income basis to make apartments affordable to low-income households, minimum wage earners, seniors receiving a basic pension, or persons receiving social assistance. In addition to rent-geared-to income assistance that are tied to specific housing units, portable housing allowances should also be utilized where available, particularly for seniors who typically wish to remain located in their neighbourhood. Where possible, the City should encourage bachelor and one-bedroom units given a significant number of renter households in core housing need are singles.

It is recommended that the Region of Niagara continue their positive policy of offering rent supplements for at least 25% of the new affordable housing being created in order to provide affordability for very low income households.

It is recognized that some specific developments, such as supportive housing, will require a higher percentage of units needing rent supplements or housing benefits to deeply subsidize the rents.

**Table 1 – Affordable Housing Targets**

	Average Number of Units per Year	Percentage of New Units
Total New Units (Affordable & Market)	77 units	100%
Total New Affordable Units (Rental & Ownership)	31 units	40%
Affordable Rental Units	16 units	20%
Affordable Units - Rental and/or Ownership	15 units	20%

<i>Goals Supported:</i>	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure</li> <li>• Protect and expand purpose-built rental supply</li> </ul>
<i>Scope of Work:</i>	Part of Official Plan Review
<i>Required Resources:</i>	Part of City staff responsibilities to track and report on housing indicators
<i>Timeline:</i>	Short-term (1-3 years).

**Recommendation 3: Develop a policy to review the suitability of surplus municipal land or buildings for affordable housing before selling/leasing or redevelopment and consider the potential for affordable housing as part of every municipal government operations building (libraries, community centres etc.).**

*Rationale/Description:* Low or no-cost land can increase financial viability of affordable housing developments. It was noted there is limited surplus municipal land available in the Town. Existing municipal and other institutional/commercial buildings should also be considered for housing where mixed use redevelopment may be proposed, for example, by including municipal services on the ground floor and providing levels of affordable housing units on upper floors. A strategy for the long term redevelopment of parkland is recommended; the recent disposition of the Chestnut Park to Port Cares for the purpose of building affordable housing is an exemplary project that recognizes both the abundance of parkland in the city, and the shortage of affordable rental housing.

As of 2016, Port Colborne’s inventory of more than 32 park sites indicates that the quantity of parkland is currently “very high” and exceeds 88 hectares. Staff and council may undertake a community-wide engagement program to identify underutilized or excess

parkland, with a long term goal of disposition for the purpose of the construction of rental housing, or the creation of housing funds for rental housing. An expanded discussion on Parkland opportunities is included in Appendix C.

<i>Goals Supported:</i>	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure</li> <li>• Protect and expand purpose-built rental supply</li> </ul>
<i>Scope of Work:</i>	<p>a) Develop a Municipal Land/Building Disposition Policy to ensure that any city owned piece of land identified as surplus should first be considered for housing use before it is considered for other purposes, recognizing that many surplus parcels will not be suitable for residential use.</p> <p>The city should advocate that other levels of government owning land in Port Colborne should adopt the same protocol for disposition of land. All levels of government should identify suitable underutilized/surplus land/buildings for potential mixed-use development or conversion.</p> <p>b) Develop a planning process for transformation of parkland as the Waterfront East Secondary Plan becomes realized.</p>
<i>Required</i>	City staff responsibilities
<i>Resources:</i>	
<i>Timeline:</i>	a) Short Term (1-3 years); b) Long Term (2-10 years)

#### **Recommendation 4: Introduce a rental replacement policy and framework**

*Rationale/Description:* There is currently a limited amount of purpose-built rental stock in the City and rental replacement policies and by-laws will assist in protecting existing purpose-built rental units as the City develops.

<i>Goals Supported:</i>	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Protect and expand purpose-built rental supply</li> </ul>
<i>Scope of Work:</i>	Policy development that discourages rental housing demolition or at least requires a rental replacement framework that also protects displaced tenants by providing them with the first right of refusal to move back into the new residence at a similar rent.
<i>Required Resources:</i>	City staff responsibilities
<i>Timeline:</i>	Short-term (3-5 years)

**Recommendation 5: Ensure the Official Plan is not overly restrictive in its policies and not unintentionally discriminatory to accommodating various housing options**

We have reviewed Port Colborne's Official Plan and consider it very well-aligned with Upper Tier plans and policies. We recommend a few small adjustments to the Official Plan in a few key areas to create more opportunities for affordable housing:

- Remove separation distance requirements for group homes. Section 3.16.3, c) "In order to prevent a concentration of Group Homes in any one area a minimum distance separation shall be required in the implementing Zoning by-law" is discriminatory and contrary to the position of the Ontario Human Rights Commission.
- Clarify terminology on Garden Suites; Section 3.16.6, states that Garden Suites must be temporary and portable. It further states that "The necessity of a Garden Suite shall be based on the need to ensure care and/or supervision for an elderly person, generally with some relation to the owner of the primary dwelling on the property. A Garden Suite will be subject to a Temporary Use By-law and the following: a) A Garden Suite shall only be permitted on a residential lot zoned for a single detached dwelling". With new legislation permitting permanent construction of accessory dwelling units in back yards, including semi-detached and townhouse dwellings, terminology should be updated to reflect new permissions, and intentions of Bill 108 *More Homes, More Choice Act, 2019*.
- Add gentle intensification: General Policy 3.2.1 a) "Low Density Residential will 1) Be developed as single-detached or semi-detached dwellings ranging from 12 to 2- units per net hectare". We recommend that triplexes and small fourplexes compatible with the scale of low-density zones be permitted in Low Density zones, and that smaller multi-plex apartment buildings compatible with the scale of other Medium Density Residential housing types be added to permitted uses in medium density zones, with similar lot line setbacks and siting regulations (see General Policy 3.2.1a), b) and c).

A more detailed list of planning policies relevant to this Strategy is provided in Appendix B.

**Recommendation 6: Ensure that Zoning by-law regulations are not overly restrictive or unintentionally discriminatory**

*Rationale/Description:* The City of Port Colborne sets out policies to guide development of the city. One of the guiding planning principles of the plan is 1.2a) iv) to create a range of housing opportunities and choices. The *Vision Statement* reinforces this goal:

*Provide the opportunity for a mix of residential accommodations for households with diverse social and economic characteristics, needs and desires. In parallel with goals of creating a mix of housing opportunities are goals of environmental protection, efficient land use development patterns and compact building design. (OP Section 2.1b)*

Restrictive policies in a zoning by-law (ZBL) can limit the type and amount of housing that is permitted in certain geographic areas, with negative outcomes for housing options and affordability. We had identified a number of regulations in Port Colborne's ZBL that are not aligned with Port Colborne's Official Plan policies.

Rental housing for prospective tenants of all ages and income groups is in very short supply in the City; adjustments to zoning regulations can remove barriers and enable construction of new units. Typical municipal strategies used to support housing creation, such as density bonuses, usually rely on proponent applications for amendments or variances. However, such applications introduce uncertainty, delays and expenses which can limit feasibility of new projects. We have identified policies already implemented that support affordable housing creation, and we have recommended additional changes or new policy strategies that the city can implement to enable or attract development. Some are general policy adjustments, and other strategies involve site-specific or targeted policies. A detailed description, rationale, and examples from other communities can be found in Appendix C. The approach focuses on:

1. increase in housing diversity
2. Intensification and compact development
3. increase in lands available for housing
4. site-specific or targeted zoning policies

#### 1. Increase in Housing Diversity

To align with Port Colborne's Official Plan Policy

#### **Existing Supportive Policy: Accessory Dwelling Units (ADUs)**

The Port Colborne ZBL currently permits ADUs within an existing single dwelling, semi-detached or townhouse, or in an ancillary structure on the same lot. This as-of-right zoning policy supports the creation of rental units that become a "mortgage helper" for homeowners, and reflects provincial legislative changes aimed at increasing the supply and diversity of affordable housing. ADUs are a way to add smaller apartments in suburban and rural areas that have traditionally only provided single family dwelling types.

The policy supports Accessory Dwelling Units within existing single dwellings, or in ancillary buildings on a single property. A "gentle densification" tool that can have positive impact on both housing supply and diversity without substantial change to existing neighbourhood character, we recommend creating an education and promotion program for ADUs.

We recommend a small adjustment to ADU zoning policy: Regulation 2.9.1.1. a) iv), requires entrances for second units to be located on side or rear yards, which may be limiting for designers, especially of new homes. Entrances to second units in front yards are often more practical, and do not necessarily impact the appearance of homes. *More information on ADUs, including ways to address common concerns, is provided in Appendix C.*

**This strategy identified possible amendments to the ZBL that may support the creation of diverse forms of housing across all neighbourhoods:**

- Greater Inclusions in R1 and R2 zones: as-of-right permission for small forms of multi-unit housing (semi-detached, duplexes, triplexes, fourplexes and townhouses) would eliminate obstacles for housing providers across the city
- Expansion of R3 zoning: There are not enough residential areas that allow small multi-plex development. As-of-right uses in this designation could be expanded to include smaller multi-plex buildings of 2 and 3 storeys, and could include stacked townhouses as well as street townhouses, row houses, or courtyard housing typologies.

## 2. Intensification and Compact Development

The City's ZBL regulations impact the final housing form. The ability of housing providers to construct affordable housing relies on using available lands to maximum efficiency to reduce construction costs. "Upzoning" refers to policy adjustments to increase land use efficiencies.

### ***Existing Supportive Policy: Reduced Parking Requirements for "Public" Apartments***

In the past decades, regulations requiring excessive parking has resulted negative impacts on the economy, environment, affordability, equity, and overall success of our communities. The burden is especially heavy for those who do not own cars, such as seniors or lower-income families, as their cost of housing incorporates costs associated with building and maintaining parking spaces they never needed. To address this, Port Colborne has implemented a progressive parking reduction for "public" apartments (ZBL section 3.1.1), requiring one parking space per 3 dwelling units. This commendable as-of-right zoning regulation will help affordable housing providers achieve zoning permission without requiring variances.

City Planners have clarified that this parking standard applies to not-for-profit housing providers as well as public apartments, but this is unclear as written. It is also unclear whether this regulation applies to buildings with a mix of affordable units and market rate units. Consideration of alternative wording may assist housing providers at the site planning stage. This reduced parking ratio should also apply to private sector new developments that have long term affordability requirements of at least 20 years.

### **We have identified areas where the ZBL can be adjusted in subtle ways to support compact development and efficient use of land:**

- Height Limits. To provide more flexibility for designers, a higher height limit for sloped roofs could be defined as-of-right.
- Lot Line Setbacks. Currently, small multiplex buildings require larger setbacks than single homes, regardless of overall size or height of development. Policies for lot line setbacks for multi-unit buildings should reflect building massing and site layout rather than housing type
- Minimum Lot Widths. Duplex dwellings are often identical in size and shape to single houses, but the ZBL requires 18m for duplexes and 12m for homes. Regulations could distinguish between side-by-side duplexes, which may require 18m frontage (similar to semi-detached homes) and front-to-back duplexes.

- Minimum Lot Area. Lot area requirements that are reduced for small units may result in better utilization of land
- Minimum Floor Area. The City should not separate minimum floor sizes other than relying on the Ontario Building Code minimums - which is about 191 square feet for a studio/single room occupancy.

### 3. Increase in Lands Available for Housing

Adding new residential uses to zoning classifications that have historically prohibited housing may boost potential for infill development.

**Existing Supportive Policy:** Section 31: Institution Zone (I) allows varied land uses, from places of worship to medical facilities to care homes, social service facilities, cultural facilities and apartment buildings. This represents a very good opportunity in the city. Across the province, many traditional institutional properties such as schools and churches are being converted or repurposed for housing, and as-of-right zoning helps fast-track housing proposals.

**We have identified areas where Land Use Designations can be reconsidered in order to create more opportunities for economic development and housing creation:**

- Commercial Mixed-Use: Adding “Apartment Buildings” as a permitted land use to the Commercial Plaza (CP) and Neighbourhood Commercial (NC) zone would provide flexibility for property owners wishing to develop or convert their property, by building apartments, or add residential uses above retail space.
- Port Colborne should follow the precedent from the city of Welland which allows new Niagara Regional Housing to proceed without a need for re-zoning.
- Waterfront Mixed-Use: Consider zoning for active harbour districts that mix culture and recreation with industry, recreation space and parking, and housing.

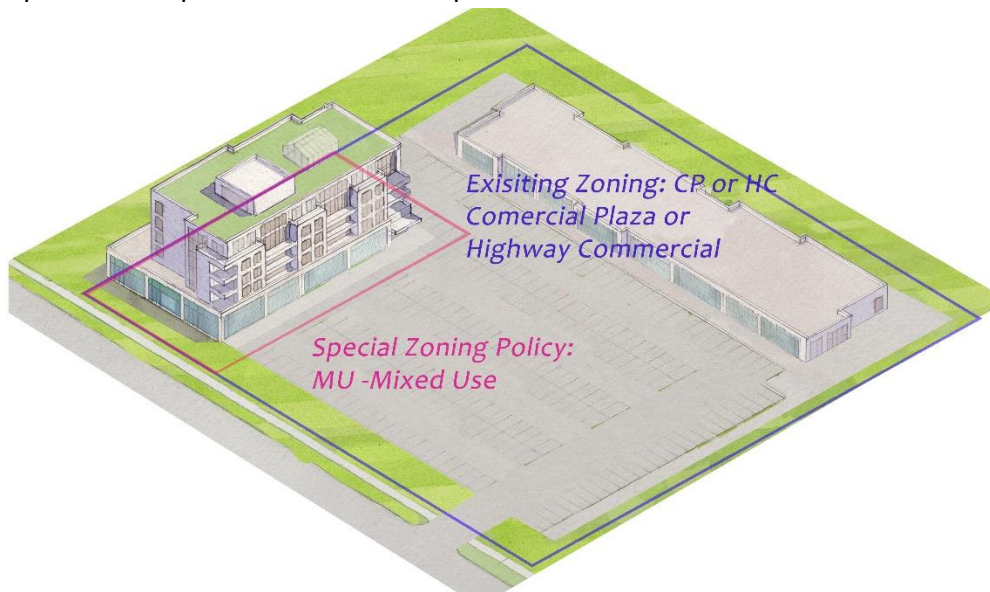
### 4. Site-Specific or Targeted Upzoning

A different approach that may streamline affordable housing development is for the City to provide upzoning or a pre-approved urban design vision on targeted infill sites to help potential housing providers minimize both financial risk and lengthy approval processes. Urban design concepts can help identify which regulations are likely to become barriers to infill, and policy barriers can be adjusted to encourage site-specific development even without an identified proponent.

**Existing Supportive Policy:** Urban Design Studies, CIPs and Secondary Plans have been conducted for a number of neighbourhoods in Port Colborne, providing background for site-specific zoning, such as new Mixed-Use commercial/residential designations in the Main Street area, and the East Waterfront Secondary Plan.

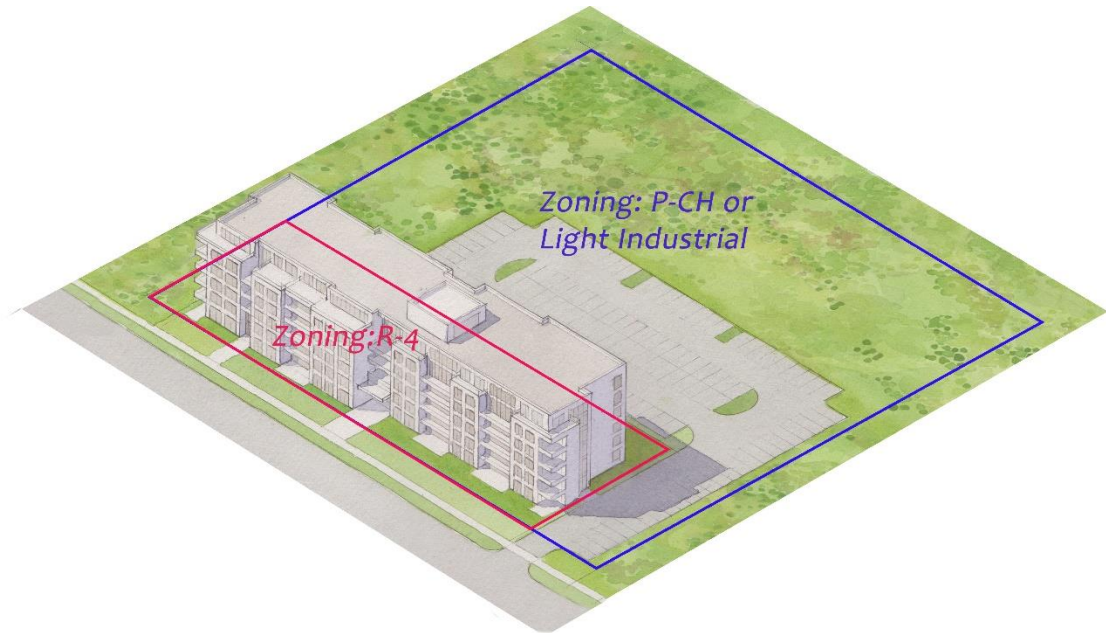
**We have identified areas where site specific policies can be created in advance of development applications on specific properties, or in neighbourhood areas.**

- Greenfield development: Many communities are integrating site design for large and mid-sized apartment buildings in advance of greenfield development applications to support minimum density targets, to counter developer-favoured single family enclaves.
- Greyfield Redevelopment: a number of properties with commercial zoning are currently underdeveloped and have the potential to provide much needed rental apartments. Site-specific analysis and upzoning (such as dramatically reduced parking requirements due to opportunities for shared lots) may increase housing options and spur economic development





- **Brownfield Strategies:** Often located in the core of towns and cities. The rehabilitation of these sites can support compact development and walkable communities. Site specific policies such as the elimination of parking (where parking may be adjacent on industrial or public land) and reduced open space requirements (where lands may be undergoing landscaped-based remediation) can reduce the amount of land that must be remediated.



Additional information and examples of site-specific zoning opportunities for Port Colborne and examples from other communities are provided in Appendix C.

*Goals Supported:*

- Increase diversity of built form and tenure to provide more housing options for residents
- Promote greater intensification and density to leverage existing physical and social infrastructure
- Protect and expand purpose-built rental supply

*Scope of Work:*

Official Plan: Part of Official Plan Review

Zoning By-Law: Review actions of other similar sized municipalities that have implemented zoning changes that promoted housing diversity.

*Required Resources:*

Official Plan: Part of the Official Plan Review

Zoning By-Law: City staff responsibilities

*Timeline:*

Official Plan: Short term (1-3 years)

## Incentives

Housing is becoming increasingly expensive to build. Rising land, materials, and labour costs make it difficult to provide housing that is both affordable and financially viable from a development perspective. Incentives can increase project viability resulting in more housing options that are affordable. Incentives can also target specific housing types/forms that are needed in the Town and increase the chances of certain housing targets being met.

Most financial incentives can only be offered through one of two implementation vehicles: a Community Improvement Plan (CIP) or a municipal capital facilities by-law. CIPs allows a municipality to offer financial incentives in support of development or redevelopment objectives in a specific geographic area. Port Colborne should consider specific incentives for a separate Affordable Housing/Purpose-Built Rental CIP.

The consideration of a specific affordable housing CIP is particularly opportune given the comprehensive review of Port Colborne's Community Improvement Plans currently underway. The CIP consultant has been asked to review the potential to add an Affordable Housing/Purpose-Built Rental CIP to the City's current suite of incentives and it is expected that the full CIP recommendation will be brought forward for consideration of city Council by early 2023..

CIPs could be used to promote affordable housing through the following incentive programs:

- Residential Intensification Grant;
- Affordable Housing Grant;
- Tax Increment Grant; and,
- Development Charges Grant.

The challenge to Port Colborne in designing an incentive program that promotes and attracts affordable housing development is twofold: (1) to be competitive with the CIP affordable housing incentives programs offered by other municipalities in Ontario while, (2) also being fiscally responsible. In addition, any new City incentives should align and leverage with the Regional incentive programs.

The other incentive tool utilized by municipalities: the Municipal Capital Facilities by-laws are passed for specific developments on a case-by-case basis. The municipality housing facility by-law must include a definition of affordable housing and public eligibility requirements for the housing units to be provided as part of the municipal capital facility by-law. In some cases, these municipal incentives are a prerequisite to access incentive programs from upper levels of government. Furthermore, Provincial and Federal housing programs typically require "contributions from others" to be eligible for senior government housing funding. Incentives that promote affordable housing by Port Colborne would qualify as a municipal contribution and help the City support partnership opportunities.

**Recommendation 7: Explore viability of financial and non-financial incentives for affordable housing and purpose-built rental developments**

*Rationale/Description:* Incentives can reduce capital and/or operating costs and make affordable housing and purpose-built rental developments more financially viable. Possible incentives may include:

- Financial
  - Development charges grants or deferrals
  - Planning application fees grants or waivers
  - Parkland dedication fees grants or waivers
  - Property tax reduction or deferrals
- Non-Financial
  - Reduced parking for non-profit and affordable housing
  - Prioritize and expedite planning approvals for non-profit and other new affordable housing

<i>Goals Supported:</i>	<ul style="list-style-type: none"><li>• Supports the action item in Port Colborne’s 2020-2023 Strategic Plan of developing an affordable housing strategy under the “Attracting Business Investment and Tourism” strategic pillar.</li><li>• Increase diversity of built form and tenure to provide more housing options for residents</li><li>• Promote greater intensification and density to leverage existing physical and social infrastructure</li><li>• Protect and expand purpose-built rental supply</li><li>• Prioritizing affordable housing developments by expediting municipal approvals and thereby reducing costs by advancing construction starts.</li></ul>
<i>Scope of Work:</i>	Part of Official Plan Review and Review of Community Improvement Plans
<i>Required Resources:</i>	City staff to review recommendations from the current CIP consultant report and recommendations
<i>Timeline:</i>	Short term (Less than 1 year)

**Advocacy, Awareness & Outreach**

Housing challenges are multi-faceted and solutions require the involvement and support of many different groups and actors.

## **Recommendation 8: Promote Accessory Dwelling Units**

*Rationale/Description:* Accessory Dwelling Units (ADUs; also referred to as secondary units or suites) are a form of gentle intensification that can increase rental supply, are more affordable than renting entire detached houses, can make ownership more affordable by providing an income stream for owners, support multi-generational households, increase density without substantial change to neighbourhood appearance, and may boost assessment-based tax revenues without an increase to municipal servicing costs.

The Port Colborne Zoning By-law is supportive of ADUs and permits them in single-detached, semi-detached, and townhouse dwellings as either an interior unit or a standalone structure elsewhere on the property. However there has been limited uptake from homeowners and developers who may not be aware of these opportunities. Up until recently, most ZBLs across the province prohibited ADUs in ancillary structures, and some residents are still reluctant to see ADUs in established areas. Guidance to support builders in suitable siting and design may increase supply while alleviating neighbourhood concerns. A promotional campaign and more easily accessible information about the approvals process may help to increase the supply of these units.

### *Goals Supported:*

- Increase diversity of built form and tenure to provide more housing options for residents
- Promote greater intensification and density to leverage existing physical and social infrastructure
- Protect and expand purpose-built rental supply
- Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach
- Permits seniors to age-in-place and reduce health costs
- Environmental and cost beneficial by utilizing existing municipal infrastructures and services

### *Scope of Work:*

- Conduct literature scan of ADUs. Research and review other municipalities that have developed ADU design guidelines.
- Develop communication plan to promote ADUs.

*Required Resources:* City staff responsibilities. Consultant may be required

*Timeline:* Short-term (1-3 years)

**Recommendation 9: Encourage discussion/negotiation with private developers to achieve affordable housing targets as part of the planning approvals process**

*Rationale/Description:* Information regarding the City's affordable housing goals and targets should be included on development application forms with the request that proponents demonstrate how their development will help to achieve these goals or targets. A proposal would not be rejected if it does not contribute to affordability goals/targets, but explicitly referencing affordability at the outset of the development process ensures it is a part of the discussion and is a strong signal of the City's commitment to the provision of affordable housing.

<i>Goals Supported:</i>	<ul style="list-style-type: none"><li>• Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach</li></ul>
<i>Scope of Work:</i>	Review the Development Application form and revise to include affordable housing targets and section to indicate how proposal will respond to the housing targets.
<i>Required Resources:</i>	City staff responsibilities - planning department
<i>Timeline:</i>	Short-term (less than 1 year) and on-going

**Recommendation 10: Facilitate collaboration and partnerships between private, public, and non-profit groups to create affordable housing**

*Rationale/Description:* Private, public, and non-profit/community groups have different assets and expertise that can contribute to the creation of additional housing in the City. This may include property appropriate for housing, capital funding for construction, construction experience, operational experience, and/or an understanding of the needs of potential occupants. Unfortunately, these groups are often siloed. Connecting these disparate groups may reveal housing opportunities "hiding in plain sight".

<i>Goals Supported:</i>	<ul style="list-style-type: none"><li>• Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach</li></ul>
<i>Scope of Work:</i>	<p>Develop list of potential local and regional partnerships.</p> <p>Consider arranging a Housing Forum and invite local private and non-profit housing developers and support service agencies to participate to promote partnerships.</p> <p>Conduct research of successful partnerships in similar size municipalities. Consider establishing a "concierge service" with City staff (similar to other municipalities and regionals (e.g., Halton) to help facilitate partnerships and navigate planning approvals. Work with the Niagara region to match local developers with support service agencies.</p>

*Required Resources:* Dedicated City staff resources

*Timeline:* Short-term (1-3 years)

**Recommendation 11: Advocate for additional funding for housing from the Federal and Provincial governments**

*Rationale/Description:* As a lower-tier municipality, Port Colborne does not build housing directly and is dependent on upper levels of government. Niagara Regional Housing, Niagara Region's housing corporation, is responsible for developing and operating affordable housing in the City using federal, provincial, and regional funding. Greater funding for housing, offered either through the Region or directly to affordable housing proponents would make affordable housing developments more financially viable as well as potentially offer deeper levels of affordability. Additional funding can also better leverage municipal financial incentives offered.

The Region of Niagara is currently reviewing its incentives for affordable housing and Port Colborne should advocate that the Region not require Regional development charges for any new affordable rental housing with rents at or below 100% of average market rents as determined by CMHC. The new Region policy on Development Charge exemptions for affordable housing is an improvement but it still leaves some uncertainty as to whether all affordable units would not have to pay Region development charges.

The City should also request that the Region consider providing modest capital grants for new affordable housing, at levels similar to the amounts provided by other Municipal Service Managers such as the Regions of Waterloo and Halton, or the city of Toronto.

By developing a Housing Strategy, Port Colborne is demonstrating to upper levels of government that the City has a plan to meet the housing needs of its residents. Having a plan enhances the City's ability to advocate for a fair share of housing investments. For instance, Port Colborne may want to consider advocating for a greater share of provincial housing funds provided to Niagara Region. Funding to assist low-income residents to renovate and safely maintain their home through provincial programs such as Ontario Renovates, is one example of funds provided to Ontario Municipal Service Managers, such as the Niagara Region. Ontario Renovates also offers grants to assist residents to improve their home's accessibility.

However, to be successful, Port Colborne needs to demonstrate a local need, ability to advance the funds and implement the specific program in a timely fashion. The Province also sometimes needs to reallocate funds near the end of the provincial fiscal year (March 31<sup>st</sup>) that other Municipal Service Managers are unable to utilize, due to unforeseen circumstances. Therefore, having ready-to-go projects or even housing developments underway presents an opportunity for funding top-up to create additional affordable housing units.

<i>Goals Supported:</i>	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Protect and expand purpose-built rental supply</li> <li>• Potential to better utilize surplus public land and promote intensification and partnerships</li> <li>• Leverages municipal incentives to create housing</li> </ul>
<i>Scope of Work:</i>	Work with local housing partnerships to demonstrate to senior levels of government a pipeline of potential ready-to-go-projects. Investigate the potential of construction-ready projects, or surplus public/ institutional sites that could be converted for “quick wins” to be eligible for the federal Rapid Housing Initiative funding or other senior level of government funding.
<i>Required Resources:</i>	City staff responsibilities
<i>Timeline:</i>	Short-term (1-3 years) and on-going

## Monitoring

Monitoring housing outcomes is necessary to understand if housing targets are being met and to update policies accordingly with changing market dynamics and local housing context.

### **Recommendation 12: Develop a housing indicator monitoring and reporting system**

*Rationale/Description:* Monitoring and reporting on key housing indicators is an important measure of progress towards achieving housing goals and targets. Specific indicators to track should include:

- The total number of residential units by type (single-detached, townhouse, apartment, etc.) and tenure (rental, owner)
- The number of **new** residential units completed by type and tenure
- The number of residential units **approved** by type and tenure
- The number of **affordable** residential units approved by type and tenure

- A summary of incentives used for the creation of **new** units, including program and dollar amount where applicable
- Average and median prices/rents for all housing stock
- Average and median ownership prices/rents for **new** construction

Indicators will be tracked using Town development information, Niagara Association of Realtors (NAR) sales data, Canadian Real Estate Association (CREA) sales data, and CMHC data.

- Goals Supported:*
- Increase diversity of built form and tenure to provide more housing options for residents
  - Promote greater intensification and density to leverage existing physical and social infrastructure
  - Protect and expand purpose-built rental supply
  - Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach

*Scope of Work:* Create an annual housing status or public dashboard report to track progress. Review Niagara Region's annual housing update reports and Housing and Homelessness Plans to support and supplement Port Colborne's housing monitoring.

*Required Resources:* City staff responsibilities

*Timeline:* Report on annual basis to Council

### **Recommendation 13: Review the Affordable Housing Strategy every five years**

*Rationale/Description:* It is important to regularly update the Affordable Housing Strategy to ensure it responds to and reflects changing and emerging housing needs over time. It is recommended the Strategy be updated every five to ten years to align with the release of census data, Regional Housing & Homelessness Plan review requirements, and municipal Official Plan review requirements. A review process supports accountability, ability to respond to new opportunities and challenges. Measuring outcomes and updating indicators are essential to ensure the Strategy Plan remains relevant and on-track to achieve results.

- Goals Supported:*
- Increase diversity of built form and tenure to provide more housing options for residents
  - Promote greater intensification and density to leverage existing physical and social infrastructure
  - Protect and expand purpose-built rental supply
  - Increase support from Council, City staff, local developers, and residents for new housing through awareness and outreach



<i>Scope of Work:</i>	Review annual tracking reports to determine progress in achieving results. Implement a gap analysis to determine if indicators and measurements need to be updated or revised.
<i>Required Resources:</i>	City staff responsibilities, Consultant may be required
<i>Timeline:</i>	Long-term (5 years plus) and on-going

## 4. ACTION PLAN

The following Action Plan presents a summary of all thirteen (13) recommendations in the Housing Strategy for ease of reference and tracking.

<b>Theme</b>	<b>Recommendation</b>	<b>Goal(s) Supported</b>	<b>Scope of Work</b>	<b>Required Resources</b>	<b>Timeframe</b>
Policy & Zoning	1. Include definition of “affordable” in the Official Plan	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review</li> </ul>	Short term (1 to 3 years)
	2. Identify and establish affordable housing targets and purpose-built rental housing targets in the Official Plan	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review</li> </ul>	Short term (1 to 3 years) as part of Official Plan Review
	3. Develop a policy to review the suitability of surplus municipal land or buildings for affordable housing before selling/leasing or redevelopment	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure and appropriately manage growth</li> <li>• Protect and expand purpose-</li> </ul>	<ul style="list-style-type: none"> <li>• Identify suitable surplus land/buildings ; policy development.</li> <li>• Develop municipal land/building disposition policy.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities</li> </ul>	Short term (1 to 3 years)

		built rental supply			
	4.Introduce a rental replacement policy and framework	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Protect and expand purpose-built rental supply</li> </ul>	<ul style="list-style-type: none"> <li>• Develop Policy of rental replacement framework that protects displaced tenants.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities</li> </ul>	Short term (1 to 3 years)
	5.Ensure Official Plan is not overly restrictive and unintentionally discriminatory to accommodate various housing options.	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure and appropriately manage growth</li> <li>• Protect and expand purpose-built rental supply</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review</li> </ul>	Short term (1 to 3 years)
	6. Ensure that Zoning By-law regulations are not overly restrictive or unintentionally discriminatory	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and</li> </ul>	<ul style="list-style-type: none"> <li>• Review actions of similar sized municipalities that have implemented zoning revisions that promote housing diversity.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities. Consultant may be required.</li> </ul>	Medium Term (3 to 5 years)

		<p>social infrastructure and appropriately manage growth</p> <ul style="list-style-type: none"> <li>• Protect and expand</li> </ul>			
Incentives (Financial & Non-Financial)	7. Explore viability of financial and non-financial incentives for affordable housing and purpose-built rental developments	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure and appropriately manage growth</li> <li>• Protect and expand purpose-built rental supply</li> </ul>	<ul style="list-style-type: none"> <li>• Part of Official Plan Review and Review of Community Improvement Plans.</li> <li>• Consider ways to expedite planning approvals to advance affordable housing developments.</li> </ul>	<ul style="list-style-type: none"> <li>• Part of City responsibilities; Consultant may be required</li> </ul>	Short term (1 to 3 years)
Advocacy, Awareness & Outreach	8. Promote Accessory Dwelling Units	<ul style="list-style-type: none"> <li>• Increase diversity of built form.</li> <li>• Promote greater intensification and gentle density. Permits seniors to age-in-place</li> </ul>	<ul style="list-style-type: none"> <li>• Research and review other municipalities that have developed ADU design guidelines. Develop communication to promote ADUs.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities. Consultant may be required.</li> </ul>	Short-term (1 to 3 years)
	9. Encourage discussion/negotiation with private developers to	<ul style="list-style-type: none"> <li>• Increase support from Council, Town staff, local developers, and residents for new</li> </ul>	<ul style="list-style-type: none"> <li>• Research and analysis. Review Development Application</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities</li> </ul>	Short term (1 to 3 years) and ongoing

	achieve affordable housing targets as part of the planning approvals process	housing developments through awareness and outreach	form and revise to include affordable housing targets		
	10. Facilitate collaboration and partnerships between private, public, and non-profit groups to create housing	<ul style="list-style-type: none"> <li>• Increase support from Council, Town staff, local developers, and residents for new housing developments through awareness and outreach</li> </ul>	<ul style="list-style-type: none"> <li>• Research and facilitation. Develop list of potential local and regional partnerships. Consider Housing Forum to promote partnerships.</li> <li>• Review a role of housing concierge service to facilitate partnerships and to navigate planning approvals.</li> </ul>	<ul style="list-style-type: none"> <li>• Dedicated staff resources</li> </ul>	Short-term (1 to 3 years) and ongoing
	11. Advocate for additional funding for housing from the Federal and Provincial governments	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> </ul>	<ul style="list-style-type: none"> <li>• Research and analysis. Develop pipeline of potential ready-to-go projects.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities; commitment from Council</li> </ul>	Short-term (1 to 3 years) and ongoing
Monitoring	12. Develop housing indicators monitoring and	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing</li> </ul>	<ul style="list-style-type: none"> <li>• Research and analysis</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities</li> </ul>	Report on annual basis – one year after approval of the Housing

	reporting system	<p>options for residents</p> <ul style="list-style-type: none"> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure and appropriately manage growth</li> <li>• Protect and expand purpose-built rental supply</li> <li>• Increase support from Council, Town staff, local developers, and residents for new housing developments through awareness and outreach</li> </ul>			Strategy and annually thereafter
	13. Review the Housing Strategy every five to ten years	<ul style="list-style-type: none"> <li>• Increase diversity of built form and tenure to provide more housing options for residents</li> <li>• Promote greater intensification and density to leverage existing physical and social infrastructure and appropriately manage growth</li> </ul>	<ul style="list-style-type: none"> <li>• Review annual tracking reports to determine if progress is on track to achieve longer term results. Implement gap analysis to determine if indicators and measurements need to be updated.</li> </ul>	<ul style="list-style-type: none"> <li>• City staff responsibilities; Consultant may be required</li> </ul>	Long term (5+ years) and ongoing

		<ul style="list-style-type: none"> <li>• Protect and expand purpose-built rental supply</li> <li>• Increase support from Council, Town staff, local developers, and residents for new housing developments through awareness and outreach.</li> <li>• Ensures accountability.</li> </ul>			
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## APPENDIX A.1 – Community Engagement: Open House

TWC and Port Colborne hosted an Open House on July 5 from 7-9pm to get feedback on the draft vision, goals and recommendations for the Affordable Housing Strategy.

Approximately 30-40 people attended the first session and 4 people attended the second session. In addition, 3 TWC staff and 6 Port Colborne staff were present. Some local councillors also attended.

Generally, there was positive feedback regarding the vision and goals. There was positive feedback on establishing definitions of affordable housing and creating definitions that align with Niagara Region. One attendee suggested “inclusion” or “inclusive community” be added to the vision.

Housing accessibility was viewed as important due to the large proportion of seniors in Port Colborne. There was agreement that seniors face many barriers to access affordable and accessible housing and need assistance to find appropriate housing to meet their needs and to permit them to age-in-place in their own communities.

Accessible Tiny Homes and Home Share programs for seniors were mentioned as housing alternatives for consideration. The key to a successful Home Share program, where seniors usually share part of their home, is appropriately matching suitable candidates. Granny flats and garden suites were also mentioned as possibilities. Modular homes were also mentioned.

While there seems to be an understanding that there is a need for affordable housing, there is tension about what that means in practice. For example, there were comments regarding Chestnut Park and wanting to preserve it as a park rather than re-zone it for affordable rental housing. Some attendees suggested the City should assess other underutilized surplus land and buildings rather than a park that is regularly used by residents.

There was positive feedback and encouragement around creating affordable housing targets as well as intensification and inclusionary zoning and changes in zoning density requirements. There was support that Port Colborne needs to advocate for affordable housing and increased density.

There was positive feedback and encouragement regarding partnerships with the city and private and non-profit developers to identify surplus land and buildings for affordable housing. In terms of incentives, an affordable housing CIP was suggested. It was suggested that city waive development fees and charges and other requirements for developers and non-profits building affordable housing to make it more feasible to build.

While it was noted there appears to be available land for development, participants suggested that the municipal staff could identify areas that have the capacity for increased density to help encourage development and avoid NIMBYism. Municipal leadership on where new affordable housing could be located may help obtain community buy-in. Better communication tools such as simplified architectural drawings and avoiding jargon was encouraged to help community members understand and visualize zoning changes and housing types.



It was stated that there is a lack of Niagara Regional Housing (NRH) in Port Colborne. It was felt that NRH could do more to provide affordable housing in Port Colborne and the City could advocate for increased funding from the Region when it comes to housing.

There were participants who felt focussing on the discussion of affordable housing could draw focus away from those in the lowest income bracket who are vulnerably housed or unhoused. There was feedback on further housing assistance for the most vulnerable populations with low or no income and the need for an increased number of shelters and support services.

It was generally noted that reviewing the strategy every 5-10 years was not often enough and the housing situation should be monitored regularly.

## APPENDIX A.2 – Community Engagement: Survey

A survey was available on the Port Colborne website from May 2 to May 13 to solicit community feedback on housing needs. There were 147 responses. For further details on the survey including survey questions, please refer to the Phase 1: Housing Background Report.

Eighty-four percent (84%) of respondents lived in the urban area of Port Colborne. The majority of responses (71%) came from residents under the age of 50. 29% of respondents were over the age of 50. Twenty percent (20%) of respondents lived alone. Fifty-nine percent (59%) of respondents were homeowners and 33% were renters. Sixty-five percent of respondents (65%) lived in a detached house and 24% lived in rental accommodation, either apartments or condominiums. Thirty-seven percent (37%) of respondents previously lived elsewhere in Niagara Region before moving to Port Colborne. Thirty-two percent (32%) had always lived in Port Colborne.

A large proportion of respondents, 32%, have been unable to find housing in Port Colborne that meets their needs. Of these respondents, 54% are unable to find suitable detached housing and 14% are unable to find suitable apartment accommodation. Sixty-three percent (63%) of respondents cited affordability as one of the reasons they chose their current housing.

Among respondents, 71% preferred detached housing, stating that this is the type of housing that best meets their current needs. This was followed by 16% preferring apartments. Forty-nine percent (49%) of residents anticipate needing detached housing in the next thirty years, but many also anticipated requiring smaller accommodations such as apartments (12%), row or townhouses (11%), and condominiums (7%), suggesting future demand for higher-density housing options. Fourteen percent (14%) anticipate living in retirement homes or supported living.

Seventy-three percent (73%) of renter households and 65% of ownership households reported spending more than 30% of their income on housing. Renter households appear to be slightly more cost burdened with 43% reporting spending more than 50% of income on housing compared to only 20% of ownership households. More than 50% of respondents felt low-income households, those experiencing homelessness, those requiring physically accessible housing, and seniors were the groups requiring the greatest assistance to find housing in Port Colborne.

Eight-five percent (85%) of respondents felt there was a shortage of affordable housing in Port Colborne based on their definition. When asked how they define “affordable”, 84% of respondents cited an income-based measurement such that affordability should be defined as a percentage of a household’s income. Spending 30-40% of income on housing was the most cited percentage given.

When asked to select the most important actions government could undertake to support housing affordability, 61% selected requiring a percentage of affordable units in new market developments (Inclusionary Zoning) was the most selected action, followed by 56% selecting providing government land for affordable housing.

## APPENDIX A.3 – Community Engagement: Stakeholder Interviews

Semi-structured interviews were conducted with local and regional stakeholders in the public, private, and non-profit sectors to augment and complement the quantitative data

analysis with qualitative data. A total of 23 people were interviewed over 14 interviews. For further details on the stakeholder interviews including interview questions, please refer to the Phase 1: Housing Background Report.

Stakeholders noted there are affordability challenges for much of the population. Specific groups in need or facing the greatest challenges include single-person households, single-parent households, and seniors. There are also specific affordability challenges for rental households between the 3rd and 6th income deciles due to a lack of middle market rental housing options. Many people are staying in social housing because there are no market options available for them resulting in longer waits on the affordable housing wait list. It was also noted that visible homelessness has been increasing and it is expected that hidden homelessness is prevalent.

Stakeholders agreed it was important to define what “affordable” means. Stakeholders felt an income-based definition of affordable was appropriate, also noting the definition should be consistent with affordable definitions from upper-levels of government to procure funding.

There is a lack of housing diversity. Rental inventory is becoming very limited and there is very little purpose-built rental stock. Many property owners are selling and, whereas larger properties may have previously operated as secondary rental units, new owners are buying to live in themselves, further limiting rental supply. It was felt that Port Colborne has lots of available public and private land for residential development. Homesharing may be an opportunity to increase rental stock and help with social isolation. Secondary suites present a significant opportunity but can be prohibitively expensive to renovate for some households. Many emphasized the importance of affordable rental housing given the need in the community as well as it being more straightforward to provide compared to affordable ownership housing. Stakeholders noted there is “absolutely” a demand for higher-density housing, and increasing diversity of housing stock is a priority.

Making municipal land available for affordable housing at low or no cost and reducing or eliminating fees for affordable units was also viewed favourably as well as a faster approvals process to assist with financial viability and/or a dedicated staff member to move housing projects forward.

Stakeholders noted incentives such as reduced parking requirements, reduced minimum floor area for single units, streamlined planning approvals process and lowering or eliminating fees for non-profit affordable housing would be helpful to encourage greater housing affordability in Port Colborne. One interviewee felt incentives should only be provided for brown and greyfield sites, noting there is little need to provide incentives for greenfield sites.

By and large, interviewees noted a positive experience working with the City on development. However, some housing proponents have voiced a desire for more support from the City. Fort Erie and Welland were cited as positive examples of “concierge, at-your-service style” city hall, which is welcoming, encouraging, not antagonistic and very

cooperative. Many also suggested the City be proactive with design guidelines and not wait until a developer approaches.

Interviewees felt the City could continue to support housing affordability by ensuring policies support intensification and allow for creative use of space through a combination of rezoning, pre-zoning, and up-zoning land for housing. They also suggested the City take time to consistently engage the community (residents, businesses) about housing issues. Some other examples of zoning changes included considering increasing thresholds for site plan approval from 5 units to 10 units or more; as-of-right zoning to include a fourplex in all areas; recognizing stacked townhouses as a built form

Finally, the City should be a lead advocate to upper levels of government for a “fair share” of funding for housing and raise awareness to address NIMBYism concerns.

# Port Colborne Affordable Housing Strategy

## Council Presentation: Final Report

Tuesday, September 13, 2022 – 6:30 PM

# Agenda

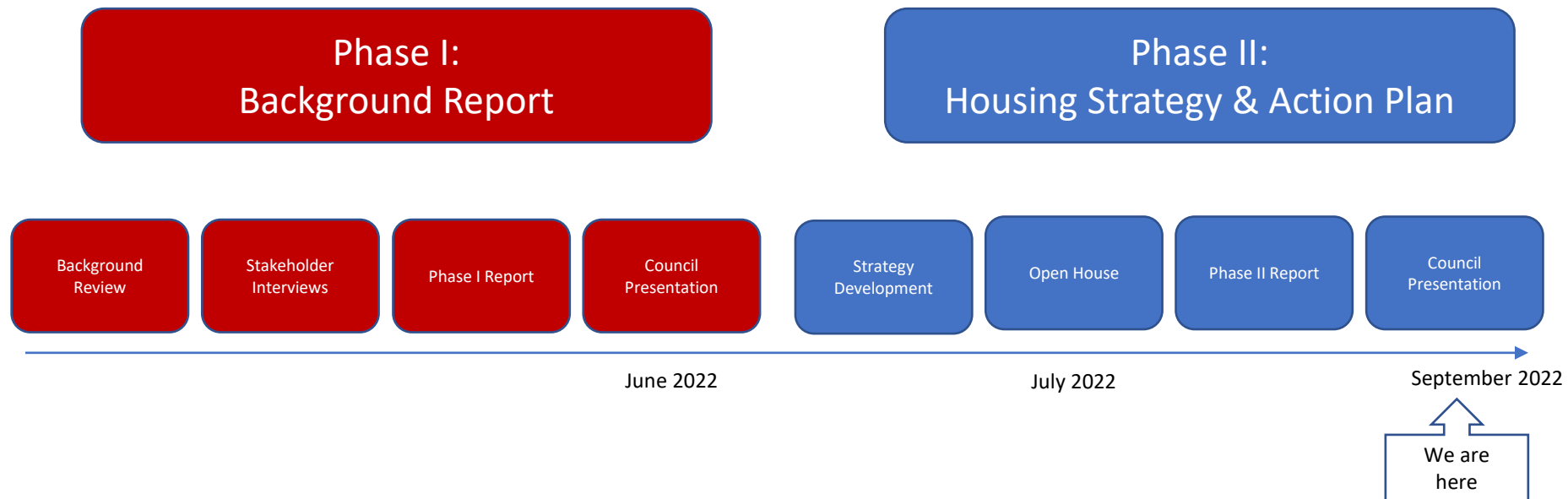
1. Project Purpose & Overview
2. Housing Background Report
3. Open House
4. Recommendations
5. Next Steps

# Project Purpose & Overview

- The Affordable Housing Strategy supports the City's 2020-2023 Strategic Plan
- "...a future where every person in Port Colborne has access to housing that is not only affordable but also suitable, stable, and safe."
- Address how and to whom to provide a sufficient range of affordable housing options and opportunities in Port Colborne
- Focus on municipal role and responsibilities for housing delivery – supportive planning tools and municipal policy



# Project Timeline and Deliverables



# Housing Background: Needs

- Population growing
- Population aging
- Ownership prices out of reach – for 80% of households unless selling existing home
- Average rents out of reach for low and moderate income households.
  - those advertised are not affordable to households earning less than \$50,000

# Open House

- July 5, 2022
- Presented preliminary Affordable Housing Strategy for resident comment and feedback
- 40 attendees
- Support for:
  - Intensification/flexible or pre-zoning
  - More seniors housing
  - Use of government land/buildings
  - City encouragement of partnership
  - City financial incentives

# Housing Vision Statement

- *Housing in Port Colborne is affordable, suitable, accessible, safe and inclusive for all current and future residents of Port Colborne regardless of age, income, or household composition.*

# Recommendations

**Recommendation 1:** Update definition of “affordable” in the Official Plan

**Recommendation 2:** Identify affordable housing targets in the Official Plan

## Targets

	Average Number of New Units per Year	Percentage of New Units
Total New Units (Affordable & Market)	77 units	100%
Total New Affordable Units (Rental & Ownership)	31 units	40%
Affordable Rental Units	16 units	20%
Affordable Units - Rental and/or Ownership	15 units	20%

# Recommendations

- **Recommendation 3:** Develop a policy to review the suitability of surplus municipal land or buildings for affordable housing before selling/leasing or redevelopment and consider the potential for affordable housing as part of every municipal government operations building (libraries, community centres etc.).
- **Recommendation 4:** Introduce a rental replacement policy and framework

# Recommendations

- **Recommendation 5:** Ensure the Official Plan is not overly restrictive in its policies and not unintentionally discriminatory to accommodating various housing options
- **Recommendation 6:** Ensure that Zoning by-law regulations are not overly restrictive or unintentionally discriminatory

# Recommendations

- **Recommendation 7:** Explore viability of financial and non-financial incentives for affordable housing and purpose-built rental developments
- **Recommendation 8:** Promote Accessory Dwelling Units
- **Recommendation 9:** Encourage discussion/negotiation with private developers to achieve affordable housing targets as part of the planning approvals process
- **Recommendation 10:** Facilitate collaboration and partnerships between private, public, and non-profit groups to create affordable housing



# Recommendations

- **Recommendation 11:** Advocate for additional funding for housing from the Federal and Provincial governments
- **Recommendation 12:** Develop a housing indicator monitoring and reporting system
- **Recommendation 13:** Review the Affordable Housing Strategy every five years

# Next Steps

# Questions & Comments



**Subject: Library Annual Update and Strategic Plan Presentation**

**To: Council**

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

Report Number: 2022-206

Meeting Date: September 13, 2022

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**Recommendation:**

That Port Colborne Public Library Report 2022-206 be received; and

That the Library's Annual Update and 2023-2027 Strategic Plan be received for information purposes.

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**Purpose:**

This report is provided to Council to present an annual update of library services, and to present the Port Colborne Public Library's 2023-2027 Strategic Plan.

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**Background:**

The Director in each department has been tasked with providing Council with a year-in-review update and a look ahead to the future. The Director of Library Services, on behalf of the Port Colborne Public Library Board, prepared the annual update which provides an overview of the activities, engagements, and accomplishments achieved by Library staff during 2021. The Director will also present the Board's 2023-2027 Strategic Plan which outlines the Library's strategic plans going forward.

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**Discussion:**

The annual update is provided as a presentation attached as Appendix A. The 2023-2027 Port Colborne Public Library Strategic Plan is attached as Appendix B.

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**Internal Consultations:**

Strategic planning support was provided by Scott Luey (CAO), Gary Long (Manager of Strategic Initiatives), and Greg Higginbotham (Tourism Coordinator).

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**Financial Implications:**

There are no financial implications.

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**Public Engagement:**

This report supports accountability and transparency. The Port Colborne Public Library ensures that Library Board agendas, minutes, policies, and publications are made available to the public; that Board meetings are advertised and attendance made available to the public; and, that the public is kept aware of library activities through its website, publications, signage, and social media.

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**Strategic Plan Alignment:**

The Port Colborne Public Library Board conducted strategic planning on April 9, 2022 facilitated by Scott Luey, City CAO and Library CEO. The Board approved the updated strategic plan and aligned its six goals with those of the City of Port Colborne's strategic pillars.

The services and activities outlined in this report supports the following pillar(s) of the strategic plan:

- Service and Simplicity – Quality and Innovative Delivery of Customer Service
- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
- People: Supporting and Investing in Human Capital
- Governance: Communications, Engagement, and Decision-Making

**Library Mission Statement:**

The Port Colborne Public Library is committed to providing the services necessary to meet the needs of its user communities.

**Library Vision Statement:**

Empower. Enrich. Educate

**Library Values:**

- Professional, courteous service

- Community responsiveness
  - Life-long learning and literacy
  - Intellectual freedom
  - Operational efficiency and accountability
  - Innovation and tradition
  - Cooperation, respect and integrity
  - Barrier-free, fair and equitable access
- 

## **Conclusion:**

The Port Colborne Public Library Annual Update and 2023-2027 Strategic Plan is presented for information purposes.

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## **Appendices:**

- a. Port Colborne Public Library Annual Update (2021/22)
- b. Port Colborne Public Library 2023-2027 Strategic Plan

Respectfully submitted,

Susan Therrien  
Director of Library Services  
905-834-6512  
Susan.Therrien@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.



# Port Colborne Public Library Annual Update

September 13, 2022

# The Library Board and the PCPL Team



Mike Cooper, Board Chair

## Library Board Trustees

Bryan Ingram, Vice-Chair

Councillor Mark Bagu

Brian Beck

Valerie Catton

Harmony Cooper

Jeanette Frenette

Ann Kennerly

Cheryl MacMillan



Scott Luey  
Chief Executive Officer

Bryan Boles  
Board Treasurer



Susan Therrien  
Director of Library Services

Rachel Tkachuk, Librarian

## Full-time Assistant Librarians

Christine Tice

Jennifer Sider

Kristen Lascelles

Kyla Harriettha

Amanda Emery

## Part-time Librarian Assistants

Kristina Saltarelli

Garry Turner

Nick Reid

Jiya Jimmy

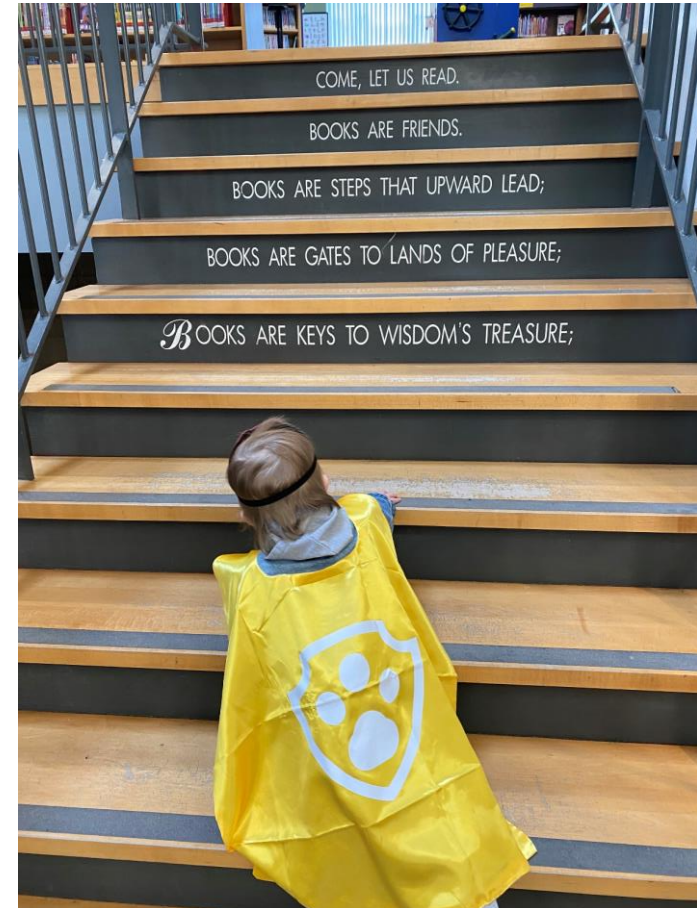


# PCPL: Anchored in success

The pandemic continued to pose challenges in 2021, but the library remained open to serve our community, whether curbside or in-person. Our team underwent changes. We said goodbye to three who retired, and welcomed three new faces.

Behind the scenes, we were busy planning, preparing, and implementing innovative new changes so that when our doors reopened to normal services, the library would be more resilient and able to offer vibrant programs in an accessible, inclusive, and welcoming space. Helping our community navigate the challenges of the pandemic included:

- Answering questions via phone to provide information, and many times simply to be a friendly voice in a time of isolation
- Assisting with accessing and printing vaccination QR codes
- Hosting an income tax clinic
- Eliminating fines on overdue items to reduce barriers to service
- Providing free print services and access to computers and internet
- Free programming and weekly take-and-make craft kits available for families
- Making curbside easier with window shopping displays and website carousels
- Maintaining the visiting library service for individuals and Northland Pointe



# Library Board: Anchored in success

- Year 1 (2019): **Governance roles and responsibilities** (HR, health & safety, governance, operational policies)
  - Shelving/accessibility upgrade and PC Lions Gazebo projects completed
  - Universal accessible washroom (\$29,402 Enabling Accessibility Grant)
  - Risk assessment project – security cameras, mirrors, swipe entrances, elevator lock-out installed
  - Fines eliminated on children's cards/children's items
  - Truth and Reconciliation Land Acknowledgement Statement
- Year 2 (2020): **Community and municipal relations** (Board/Council relations, linkage to City, changing needs)
  - Joined LiNC (Libraries in Niagara Cooperative) and implemented new integrated library system
  - Migrated the library's website to the City's website/branding updates
- Year 3 (2021): **Assessing and planning for the future** (risk management/performance measures)
  - Building condition assessment (BCA) report
  - Fire alarm and fire panel upgrade
  - Fines eliminated on all overdue items
  - Truth and Reconciliation Calls to Action included workplace education (Board and staff), collection development, decolonize classification systems
- Year 4 (2022): **Legacy and Transition Readiness** (succession planning/self-evaluation/CEO evaluation)
  - Completed the \$121,400 OTF Resilient Communities Grant renovation project for a new service desk, public workstations and collaborative meeting spaces
  - Strategic Plan updated

# Library Board: Anchored in success

## Covid-19 response and recovery

- Support Council and City's response and recovery plans
- Prioritize well-being for the library as a workplace and a public space
- Policies, plans, procedures protocols to support and protect
- Protect vulnerable populations
- Adapt delivery model for library services/review and prioritize core services
- Implement cashless payment
- Maintain core principles of library services including equitable access and freedom of information
- Maintain free services
- Remote work options for staff
- Prepare physical spaces, safe physical distancing, hygiene and sanitation, signage, capacity levels
- Maintain clear communication – keep website updated, focus on social media for dissemination of information

# PCPL: Anchored in success

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72,279 Total Circulation of Materials	1,639 Items Added to the Collection	29,702 Books Circulated
8,306 DVDs Circulated	326 Video Games Circulated	12,332 e-Books Downloaded
7,415 Databases Accessed	4,840 Audiobooks Downloaded	1,537 Streaming Videos Accessed



# PCPL: Anchored in success

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13,372

Patron  
Visits

2,137

Browsing  
Checkouts

11,234

Curbside  
Checkouts

21,088

Website  
Visits

1,346

Computer  
Users

17,860

Catalogue  
Visits

4,553

Incoming  
Calls

299

New  
Users

2,297

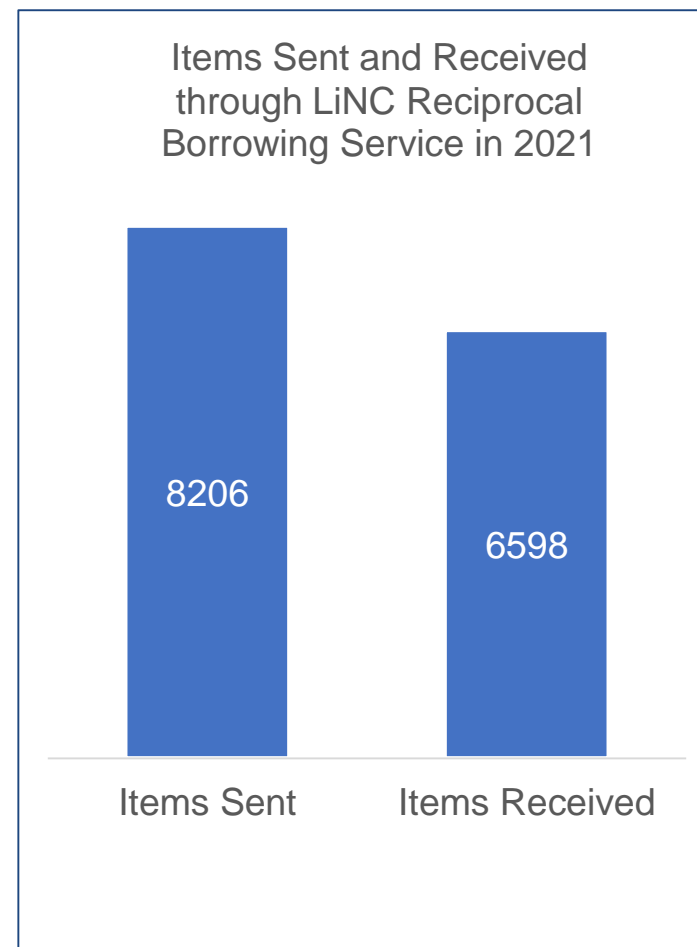
Print  
Jobs



# PCPL: Anchored in success

Libraries in Niagara Cooperative (LiNC):

- 10 partner libraries across the Niagara Region
- Resource-sharing and reciprocal borrowing
- Library team participates on LiNC Committees
- Weekly van delivery
- PCPL loaned 8,206 items in 2021 to LiNC libraries
- PCPL users borrowed 6,598 items in 2021 from LiNC



# PCPL: Anchored in success

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## Programming and engagement:

- Top Hat Ceremony
- Income tax clinic
- Pop-up library and outreach/visiting library service
- Virtual class visits with local schools
- March Break activities
- TD Summer Reading Club
  - Imagine Arts Academy: Crayola Coiled Turtles art program (virtual)
  - Mad Science Spectacular (virtual)
  - StoryWalk
  - Sister Library in Elbow, SK
- 3-2-1 Weather Launch: Atmospheric Traveller (virtual)
- Bringing the Stars to your Library (virtual)
- JK to SK Club

1,994 Attendees  
Community Events

2,721 Attendees  
Children's Programs

241 Attendees  
Pop-Up & Outreach Visits

1,108 Attendees  
Teens' Programs

52  
Children's Programs

1,933  
Take-and-Make Kits  
Distributed





# PCPL: Anchored in success

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- First Nation Community READ Indigenous Collection
- I Read Canadian Day
- “Big Library Read” online book club
- “Together We Read” online book club
- Black History Month
- Freedom to Read Week
- Canadian Public Library Month activities/contest
- “Book Recommendations for Kids by Kids”
- Teen book reviews (earn community hours)
- Recommended Reads – book reviews (ages 18 and up)
- “12 Days of Giveaways” and surprise gift bags
- Fire safety swag bags
- Free Comic Book Day – dress up like a superhero
- “Recreate a Book Cover” contest





# PCPL: Anchored in success



“Recreate a Book Cover Contest” winners



Superheroes spotted at the library  
on “Free Comic Book Day”

# PCPL: Anchored in success

OTF Resilient Communities Fund grant (\$121,400)

- Updated three public service areas to help people meet, connect, learn, and work
- To enhance accessibility, build capacity and resilience, and create more inclusive spaces
- Service Desk
- Public workstations
- Private and collaborative meeting areas





# PCPL: Anchored in success

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# PCPL: Anchored in success

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Patron comment:

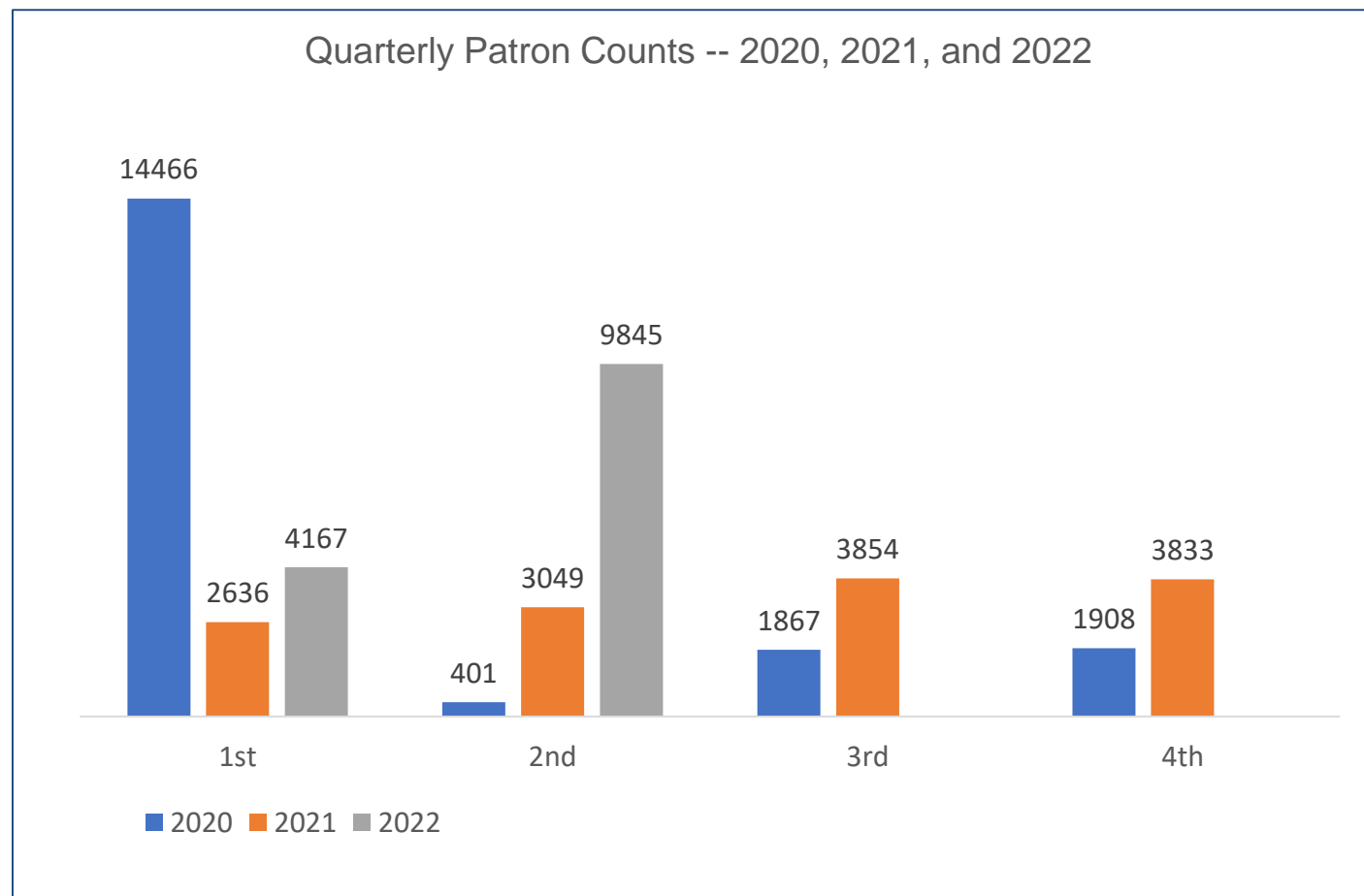
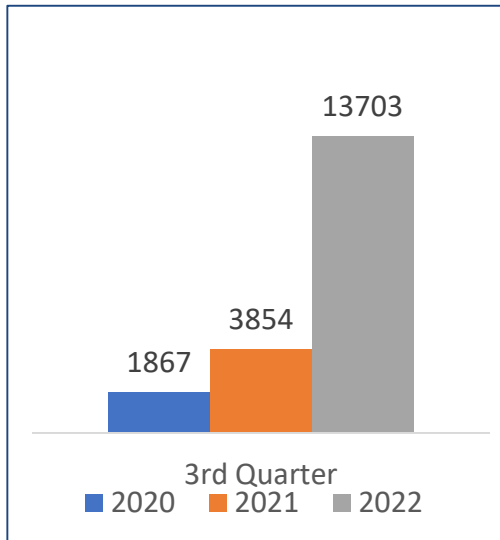
“I just wanted to let you all know that our family really miss our PCPL family very much. I hope that what the citizens of Port Colborne take away from this pandemic is how valuable you all are in our lives. It goes far beyond books and programs... it is the relationships that you all have formed with us. So I will get it off of my chest. Miss you all dearly and know that we appreciate all that you are doing to make the best of these difficult times. Also know that it is very important to us that you stay safe and be well. Sending Virtual hugs...”



# PCPL: Deckhands in action

Welcoming back our patrons:

- 1<sup>st</sup> quarter 2020 reflects normal pre-pandemic patron counts
- The number of visitors rose steadily during recovery phases in 2021/22
- The 2022 3<sup>rd</sup> quarter estimate below shows a return to normal numbers



# PCPL: Deckhands in action

## Programming:

- Expanding in-person programming for all ages
- Adult painting classes, quilting, and more
- “Local Author Talk” with Sara de Waard
- “Let’s Talk About...” series resumes October 2022
- “Library of Things” collections growing including new items such as a Nintendo Switch console for loan
- Art shows resuming in the atrium
- Collaborative programming with LiNC partners
- Collaborative programming with the Museum
- Pathstone’s Wellness Wall InSTALLation Series

# PCPL: Deckhands in action

## Capital projects:

- Upgrade accessible doors at the King Street entrance
- Add accessible door for the auditorium
- Replace the King Street Sign
- Install a generator

## Technology projects:

- Complete the connectivity and phone solutions project to benefit both staff and the public
- Install a wireless print management solution for the public
- Financial system upgrade

# PCPL: Deckhands in action

## Delivery of library services:

- Explore new and innovative ways to serve our community across the entire City
- Expand strategic partnership with LiNC for enhanced resource-sharing and delivery efficiencies

## Collections project:

- Decolonize the library classification system (Truth and Reconciliation Call to Action – Indigenous subject headings)

## Human resources:

- Review the library's staffing model
- Update job descriptions
- Succession planning for the Director of Library Services



# PCPL: Deckhands in action

## Community Partners

- Contact North Niagara
- Community Living Port Colborne-Wainfleet
- Libraries in Niagara Cooperative (LiNC)
- Niagara Parents
- Niagara Peninsula Conservation Authority
- Ontario Caregivers Association
- Pathstone Mental Health
- Port Colborne Fire and Emergency Services
- Port Colborne Historical and Marine Museum
- Port Colborne Lions Club
- Port Colborne Optimist Club
- Ontario Parks

## Library Partners

- Libraries in Niagara Cooperative (LiNC)
- Ontario Library Service (OLS)
- TD Summer Reading Club (in partnership with Libraries and Archives Canada, Toronto Public Library, and TD Canada Trust)

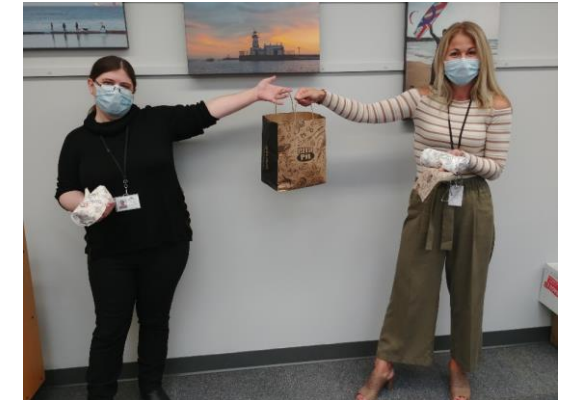
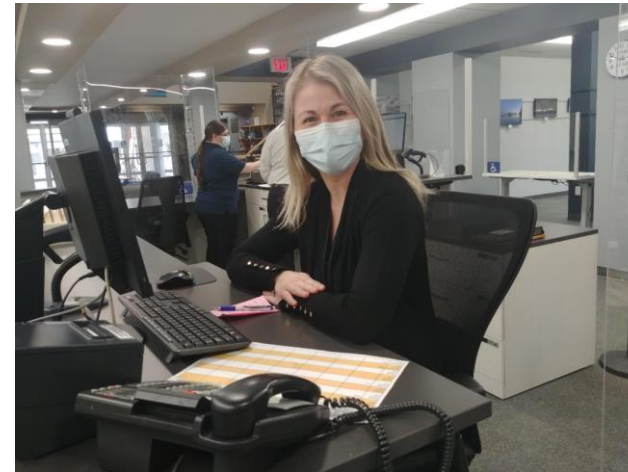
# PCPL: Propelling forward

- Implementation of the Board's 2023-2027 Strategic Plan
- 2023 capital projects
- Upgrade and increase access to leading-edge technology for public and staff use
- Expand Makerspace, digital lab and access to lendable technology (hotspots)
- Explore ways to reach out to patrons across the entire City
- Conduct a community profile and customer satisfaction survey
- Update the library's programming, communications, and marketing plans
- Find new partnerships and leverage existing relationships to enhance programs
- Diversity audit of the collection
- Outdoor art installation project in partnership with the Museum
- Feasibility study to explore creating additional shared spaces with the Museum
- Truth and Reconciliation Calls to Action as they relate to public libraries
- Memorandum of Understanding

# PCPL: Propelling forward

Proudly serving Port Colborne

- Committed to supporting Council's mission and vision



# Thank you!

Port Colborne Public Library Board and Staff



PORT COLBORNE PUBLIC LIBRARY  
**2023-2027  
STRATEGIC  
PLAN**







## Chair's Message

The Port Colborne Public Library Board is pleased to share our new 2023-2027 Strategic Plan. This bold and innovative plan will lead us into the future by building on our past successes, embracing the challenges we face, and taking advantage of all opportunities. This is an exciting time for the Port Colborne Public Library. We have a newly renovated and refreshed facility with inviting and accessible spaces, excellent services, vibrant programming, and a plan in place to implement leading-edge technology. With a focus on delivering an exceptional user experience, our professional library team is well-equipped to achieve its goals. We will ensure that all users can navigate and access library services. We will deepen our connections with community partners and service providers, and work diligently to deliver better, safer, and more patron-centered programming and services. We are honoured to serve our community. We invite you to join us on this exciting journey as we strive to meet the needs of our user communities and fulfill our vision to empower, enrich, and educate by providing the best library services possible.

— Michael Cooper, Board Chair



## Our Vision

“Empower. Enrich. Educate.” guides what the Board aspires the Library to be for all of our user communities. Each of these active verbs requires doing — at the staff level — so that they may ring true in the future. Support for this vision must be ingrained in our culture and strived for in everything we do.

“Libraries represent the diversity and immensity of human thought, our collective knowledge laid out in rows of revealing inspiration.”

— Manuel Lima

EMPOWER

ENRICH

EDUCATE





## Our Mission

The Library “is committed to providing the services necessary to meet the needs of our user communities.” The continued use of this mission statement speaks to the way it perfectly captures our raison d’etre or reason for existing. The Library’s ability to be proactive in meeting user needs, despite however much they differ and change, will influence its success over time.

“The public library really is kind of a temple, and it ministers to the needs of the spirit as much as it does to the requirements of our minds.”

— The Right Honourable Adrienne Clarkson,  
former Governor General of Canada



# Our Values

These eight values share equal importance and, above all else, convey how the Library should be seen in the eyes of the user communities it serves.



We value **professional, courteous service**



We value **community responsiveness**



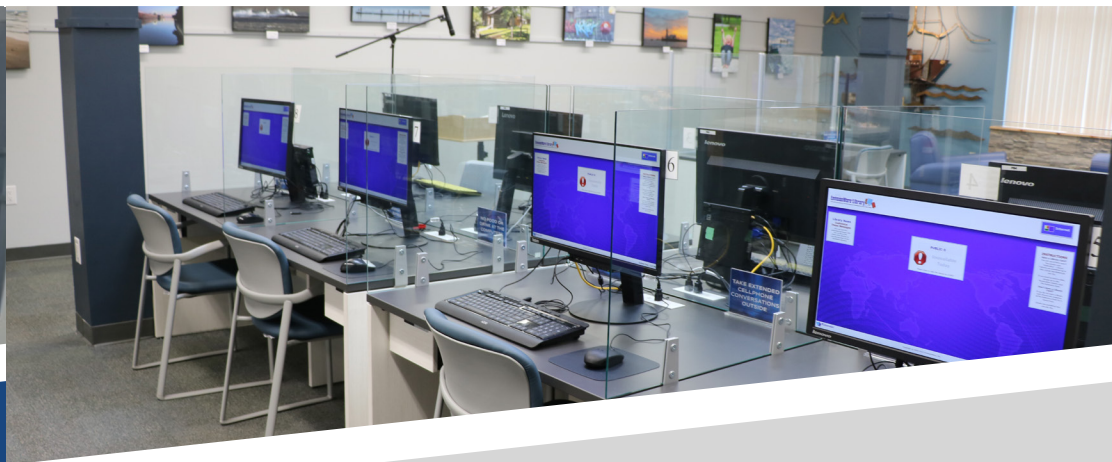
We value **life-long learning and literacy**



We value **intellectual freedom**



We value **operational efficiency and accountability**



We value **innovation and tradition**



We value **cooperation, respect and integrity**



We value **barrier-free, fair and equitable access**



## Comments from our Patrons

“I love the library because the books take you to places unknown. You can be someone else for just a little while. Everyone has something special. The library is my something special.”

“The public library is a place that provides me knowledge, escapism, mysteries and plenty of laughter. The books, movies, TV series, documentaries and music CDs, without my public library I would feel displaced. Thank you.”

“I love my library because everyone here is courteous, pleasant and helpful. It is a joy to come into the library. We here in Port Colborne are very fortunate to have our library. Thank you.”

“I love to read and have been an avid reader since I was a child. Reading has taken me around the world and expanded my imagination. I’m a senior now and still read daily. Love our library! Thank you!”

“Love, love, love my books as you know, as I read about two books a week and have been doing so all my life. But, sometimes in the afternoon, I love to sit back for a bit and transport myself....I so miss seeing all your smiling faces.”

“In this discombobulating time of COVID and crazy politics, the library is a soothing refuge. The first time I entered after shutdown, it was like reuniting with a long absent friend. I love the peace, comfort, stability of it; browsing among the stalls, discovering new authors & titles. A good “real” book and comfortable chair – bliss! The staff are unfailingly kind and helpful. They always ensure pleasant visits. To top it all off – it’s FREE for everyone to enjoy!!!”

“What I want to share is how amazing the library team has been during this pandemic. Every phone call, curbside “visit” and interaction that I’ve had with staff has been easy, pleasant, and helpful. For a family of book lovers, not being able to visit the library in person has been difficult. For all of these months that we have been stuck at home, our library books have truly been our escape. Thank you for all that the Port Colborne Library has done to continue to provide such wonderful service, and that includes the fantastic “window shopping” [browsing shelves]. I noticed and was able to check out a fantastic title from the window on a recent visit! You guys are awesome! Stay healthy, and thank you so much.”





**Goal 1** To maintain and develop high-quality, inclusive programming and services for our user communities

**Goal 2** Retaining, recruiting and innovating in human capital/people

**Goal 3** Strengthening accessibility and sustainability of library spaces/Developing the Cultural Block

**Goal 4** To exercise financial stewardship by leveraging all funding sources and partnership opportunities

**Goal 5** Trailblazing library trends while maintaining core library services/Developing methods to deliver and strengthen innovative user experiences

**Goal 6** Engaging our external stakeholders and user communities to ensure good decision-making for the benefit of all

8



**Objective 1.1.** Support staff with opportunities to assist in developing and delivering programs more effectively

**Action:** Develop a program to build staff competencies that focus on programming, outreach strategies, technology, and digital innovation

**Action:** Conduct a community profile in collaboration with the City of Port Colborne

**Action:** Survey library users and non-users to identify satisfaction with current programs and determine needs for future programs

**Action:** Develop and implement an annual programming plan that includes timelines for accountability and efficiencies

**Objective 1.2.** Leverage strategic relationships to provide diverse programming

**Action:** Expand resource-sharing and collaborative programming with LiNC partner libraries

**Action:** Engage existing and new community partners to fund, sponsor, and deliver programs

**Action:** Expand the “Let’s Talk About...” series with local agencies

**Action:** Increase programming opportunities with the Museum and participation in City events

## Goal 1

To maintain and develop high-quality, inclusive programming and services for our user communities

**Objective 1.3.** Upgrade and increase access to leading-edge technology to expand digital literacy and community connectedness

**Action:** Expand Makerspace activities and resources to empower and educate library users

**Action:** Complete the digital lab for public and staff use

**Action:** Increase the availability of accessible technology and software for public use, including lendable technology items

**Action:** Develop and implement programming to increase digital literacy and provide tech help for users

**Objective 1.4.** Develop the library collections to support and reflect a growing and diverse community

**Action:** Conduct a diversity audit of the collections to ensure we are addressing the needs of our user communities and reflect changing demographics

**Objective 1.5.** Attract new users through effective promotion and marketing of library programming and services

**Action:** Increase the frequency of outreach services and pop-up visits with a focus on new destinations

**Action:** Revise marketing and promotion strategies to target new users

## Goal 1

To maintain and develop high-quality, inclusive programming and services for our user communities

**Objective 2.1.** Invest in ongoing professional development to enable staff to improve user experience and innovate library services

**Action:** Develop a training map for each job description to ensure that staff are prepared and can apply professional best practices to embrace evolving library services

**Objective 2.2.** Ensure job descriptions accurately reflect workflows and support operational procedures

**Action:** Assess duties and tasks with a focus on identifying changes due to evolving practices

**Action:** Update competencies and expectations for staff to successfully perform duties and provide services

**Action:** Review job descriptions and the organizational chart to identify needs and gaps to best provide services

**Action:** Create a succession plan for the Director of Library Services

## Goal 2

### Retaining, recruiting, and innovating in human capital/people

**Objective 3.1.** Increase accessibility in public and staff spaces to ensure barrier-free, fair, and equitable access

**Action:** Collaborate with the City to plan and complete capital projects that increase accessibility and ensure compliance in all interior and exterior library spaces

**Action:** Identify and optimize grant opportunities for funding

**Objective 3.2.** Innovate for efficient infrastructure improvements and sustainability

**Action:** Implement suggested actions from the Building Condition Assessment as recommended by the City

**Action:** Conduct a risk assessment to identify critical issues

**Objective 3.3.** Continued exploration of the Cultural Block

**Action:** Take a leading role with the Museum in developing a Public Art Policy

**Action:** Install outdoor art exhibits

**Action:** Conduct a feasibility study on adding a shared programming space for use by the Library, Museum, and Archives on the Cultural Block

## Goal 3

### Strengthening accessibility and sustainability of library spaces/ Developing the Cultural Block



**Objective 4.1.** Identify additional revenue sources to strengthen the financial resources of the Library

**Action:** Identify and optimize grant opportunities

**Action:** Develop, implement, and promote new fundraising opportunities, including activities, events, and promotional items for sale

**Objective 4.2.** Implement best practices to strengthen the Library's capital and financial assets to enable the Library to flourish and increase sustainability

**Action:** Integrate the City's financial control mechanisms to ensure consistency and accuracy in reporting and to support the City's Finance Department

**Action:** Create a Memorandum of Understanding between the Board and the City

**Action:** Develop key performance indicators to improve operations and decision-making

**Action:** Identify opportunities for cost-savings and deepen collaboration with LiNC partner libraries

## Goal 4

To exercise financial stewardship by leveraging all funding sources and partnership opportunities

**Objective 5.1.** Create and support a programming team to explore new and innovative delivery systems for programs

**Action:** Position staff on external working groups including library support service agencies and think-tanks to keep abreast of new ideas, trends, strategies, and practices

**Action:** Support staff development opportunities to create a tech-savvy customer service team

**Objective 5.2.** Enhance the user experience through improved communication and availability of services

**Action:** Complete the connectivity and phone systems capital project to provide stable and efficient service

**Action:** Ensure two-way communication that is timely, accessible, and ensures accountability

**Action:** Explore new methods to request and analyze input from users

**Action:** Enhance and adopt new delivery methods to promote, advertise, and assess user needs

**Action:** Develop innovative policies and practices to ensure excellent customer service

**Action:** Explore and procure leading-edge resources and technology for staff and public use

**Action:** Install a NovelBranch book lending machine at Vale Health and Wellness Centre for expanded outreach service

**Goal 5**  
Trailblazing library trends while maintaining core library services/  
Developing methods to deliver and strengthen innovative user experiences

**Objective 6.1.** Increase awareness of the Library and the services available

**Action:** Develop and implement a communications and marketing plan

**Action:** Increase effective outreach through social media and branding

**Action:** Identify new opportunities for outreach services

**Objective 6.2.** Convey and measure the impacts of library services and programs

**Action:** Solicit feedback from library users and non-users, and respond to the community in a timely manner

**Action:** Target reach-out to members of vulnerable populations (seniors, newcomers, low-income families and youth) to ensure that they are aware of and are invited to participate in library services

**Action:** Develop and implement key performance indicators

**Objective 6.3.** Deepen strategic partnership with City Council, City staff, and other critical stakeholders

**Action:** Complete and implement a Memorandum of Understanding between the Board and the City

**Action:** Implement the Truth and Reconciliation Calls to Action as they relate to public libraries

## Goal 6

Engaging our external stakeholders and user communities to ensure good decision-making for the benefit of all



**PORT COLBORNE**  
• PUBLIC LIBRARY •

### **Port Colborne Public Library Board of Trustees**

Michael Cooper, Chair  
Bryan Ingram, Vice-Chair  
Councillor Mark Bagu  
Brian Beck  
Valerie Catton  
Harmony Cooper  
Jeanette Frenette  
Ann Kennerly  
Cheryl MacMillan

### **Port Colborne Public Library Management Team**

Scott Luey, Chief Executive Officer  
Susan Therrien, Director of Library Services  
Bryan Boles, Treasurer

With thanks to Gary Long, Manager of Strategic Initiatives, and Greg Higginbotham, Tourism Coordinator, for assisting with the strategic planning process.



**Subject: Haney Street Affordable Housing Project**

**To: Council**

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

Report Number: 2022-168

Meeting Date: September 13, 2022

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**Recommendation:**

That Chief Administrative Office - Economic Development and Tourism Report 2022-168 be received; and

That Council direct staff to draft a Memorandum of Understanding (MOU) with Niagara Regional Housing for a partnership on an affordable housing project for Council approval at a future Council meeting.

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**Purpose:**

The purpose of this report is to discuss a potential partnership with Niagara Regional Housing (NRH) to create affordable housing units on a surplus City property.

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**Background:**

Through the ongoing City Real Estate initiative, which focuses on maximizing the value of surplus City properties, staff identified a vacant parcel owned by the City that is adjacent to a townhouse development owned and managed by NRH. The City-owned property, legally described as the Haney Street Road Allowance, is outlined in Appendix A. NRH's property is located at 709 King Street and is also shown on Appendix A. The City's property has a frontage of approximately 58 feet and a depth of 198 feet. It is currently zoned as Fourth Density Residential Zone "R4."

On August 23, 2022, Council approved recommendations in report 2022-186 requesting that Council declare this subject parcel surplus and approve a Stop Up and Close By-law for the Haney Street Road Allowance.

---



**Discussion:**

City staff reached out to NRH to have an exploratory discussion about the parcel to ascertain their interest in this property if it were declared surplus. NRH officials expressed a keen interest in the property and partnering with the City to create more affordable housing units in Port Colborne. They also understand that Council would like a commitment from those acquiring surplus City properties to commence design work and building construction within a reasonable time frame, to avoid land banking or speculation.

If NRH were able to acquire this property, they would consider several development possibilities, including:

- 1) construct a low-rise apartment building with affordable housing units that would fit within the permitted zoning and developable area; or
- 2) merge the two properties together and construct a low-rise apartment building.

If Council were supportive of partnering with NRH through an MOU, NRH has indicated through discussions with City staff that they plan to make this project a priority although, given the timing, it will not be included in the Region's 2023 capital projects list. NRH are currently developing a work plan and potential timelines for the build out of the subject lands. NRH senior staff also confirmed that they would engage a consultant immediately to prepare a feasibility study and design that will help support funding applications that could be submitted in 2023. Securing funding from senior levels of government and other agencies will help to prioritize this project at Niagara Region.

Given the shortage of affordable housing units in Port Colborne and Niagara, and recent federal funding announcements in support of housing affordability, NRH are optimistic that they could secure seed capital from Canada Mortgage and Housing Corporation (CMHC) to assist with feasibility studies and pre-development costs. Having a commitment from the City, outlined in a formal MOU, that the City would transfer ownership of the property to NRH would be beneficial for their funding applications. This has worked well for NRH in other municipalities where they have initiated affordable housing projects.

This partnership could be set up similar to the MOU between the City and Port Cares and the affordable housing project planned for Chestnut Park. A project and partnership of this nature would be timely given the critical need for more affordable housing in Port Colborne. Also, a consultant is currently working with a City Project Team and key community stakeholders to finalize an Affordable Housing Strategy and Action Plan with recommendations being presented at the September 13<sup>th</sup> Council meeting.

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**Internal Consultations:**

Planning staff are highly supportive of the provision of affordable housing and development opportunities. The R4 zoning designation would support a low-rise apartment building. The final number of units would be determined by Niagara Regional Housing based on funding availability, site layout, and discussions with City Planning staff.

Currently, the road allowance is used to access the neighbouring property owned by NRH. Planning and Public Works staff have indicated the entrance and configuration could remain the way it is, provided the land is conveyed to NRH. If the land is sold to another party, this entrance would need to be reconfigured through a site plan amendment and/or easement in perpetuity.

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**Financial Implications:**

The City would be forfeiting the value of the property that could be obtained if the property was otherwise sold.

A recommended component of any transfer would be a condition limiting NRH's ability to sell the property without first offering to return the property back to the City in its original condition.

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**Public Engagement:**

None at this time.

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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
  - Governance: Communication, Engagement, and Decision-making
- 

**Conclusion:**

The Haney Street Road Allowance, declared surplus at the August 23<sup>rd</sup> Council meeting, is an ideal infill development opportunity to support a partnership with Niagara Regional Housing (NRH) who have experience in building and managing affordable housing units. This would benefit the community and align with Council's strategic priorities.

City staff have confirmed with NRH that they are interested in this parcel and the opportunity to work with the City. Depending on the configuration of the development and available funding, NRH could construct a low-rise apartment building based on the R4 zoning designation.

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**Appendices:**

- a. Map of Haney Street Road Allowance

Respectfully submitted,

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**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.





## Legend

 Parcel Fabric



25.4 0 12.70 25.4 Meters

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## Notes

**Subject: Draft Discharge of Firearms By-law 2022 Update**

**To: Council**

**From: Community Safety & Enforcement Department**

Report Number: 2022-145

Meeting Date: September 13, 2022

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**Recommendation:**

That Community Safety and Enforcement Department - By-Law Services Report 2022-145 be received;

That the Discharge of Firearms By-law attached to the Community Safety and Enforcement Department Report – By-Law Services 2022-145 be approved;

That By-law 4588/119/04, Being a By-law to Regulate Noise be amended, as shown in Appendix C to Community Safety and Enforcement Department– By-Law Services Report 2022-145;

That the proposed Discharge of Firearm Variance Fee be approved; and

That the updated Schedule F 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 provide an update regarding Report 2021-104, which was referred to staff, and to seek approval of the proposed Discharge of Firearms By-law.

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**Background:**

Report 2020-88 was provided to Council to approve the draft Discharge of Firearms By-law. Council referred this report to staff requesting additional information and public input. Report 2021-104 and the proposed Discharge of Firearms and Bows By-law was discussed at the April 12, 2021, Council meeting, as a result of that meeting the following motion was passed:

**“Amendment”**

That Community Safety & Enforcement Department Report 2021-104 be received; and

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by deleting the following:

- a) where the Firearm is a shotgun, it is of no greater calibre than No. 2 Shot

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by adding the following:

- a) where the Firearm is a shotgun, that it have a shell size no greater than a No. 2 Shot; and

That the proposed Discharge of Firearms and Bows By-law be approved, as amended, with the exception of section 14.

Carried

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That section 14 of the Discharge of Firearms and Bows By-law be referred back to staff to investigate options for a public process when considering an application for exemption.

Carried

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**Discussion:**

The Community Safety and Enforcement Department reviewed Council's request and have updated section 10 of the By-law to reflect the wording proposed by Council.

Further, the exemption section in the proposed by-law, was intended for Canal Days, Lions Carnival, and special events for amusement type games to shoot a target to win a prize. However, staff noted that there could be requests for other types of exemptions.

Therefore, staff reviewed exemptions, for by-laws that may have requests to vary from the by-law, such as fences, signs, noise, discharge of firearms, encroachments, as well as property standard appeals, and have worked with staff to create a page on the City's website dedicated to by-law variances for the public to use, pay associated fees, and review and/or comment on applications. Currently, by-law complaints have only been received by phone and/or email. This new webpage has also incorporated an online by-law complaint form, allowing residents to register by-law complaints through the website. Furthermore, this new webpage will allow for historical data to be stored online,

allowing new residents, prospective buyers, or the public complete transparency regarding any waiving or varying from the general by-law regulations.

This collaborative project to develop a user-friendly webpage will be launched after council's approval of this report, in conjunction with a media campaign advising current and future residents where to access by-laws new process and how it will work. Staff will assist residents with this new system, as necessary.

A variance fee has been added to the by-law to offset staff time. The fee is set out in in the City's Fees and Services By-law at \$100.

Staff have highlighted the changes in the report from its last submission, for ease of use for Council.

Staff have formulated, and are preparing to launch, a media campaign informing the public of the new process. All applicants will be directed to the webpage should they wish to vary from any of the bylaws listed or appeal a property standards order. Staff are presently working on receiving electronic payments to process these applications.

Anyone wishing to have knowledge of applications can subscribe to the new by-law webpage. When an application is filed, the subscriber would be notified and have the option of filling out a comment regarding the application. Comments would be open for 10 days and then staff would review, and a determination would be made to either approve or deny the application. This could be at staff level, property standards committee, or council, depending on the by-law regulations.

Appendix D attached to this report provides a visual of the webpage.

Therefore, no amendments or changes are required to the proposed by-law, as any applicant would fill out the form, it would be reviewed by staff and a report would be presented to council with all applicable information.

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## **Internal Consultations:**

### **Customer Service**

By the end of 2022 - Payments for this By-law can be made electronically with a Visa/Mastercard when completing the application form.

The current payment options at City Hall in-person or by mail will be available for individuals who wish to print the application or who submit online and follow-up with payment for the application before the application is reviewed by staff.

## Communications

Marketing and Communications staff worked in collaboration with By-law and Customer Service staff to develop a designated webpage that would streamline the By-law department's application, appeal, and variances processes.

This included replacing antiquated PDF forms with the creation of online, fillable application forms for ease of use by residents and in compliance with Accessibility for Ontarians with Disabilities Act (AODA).

The launch of the new webpage and by-law process will be communicated to the public utilizing city owned channels including:

- Article on news site emailed to subscribers
- Banner, alert box, and quick link on main webpage once launched for ease of access
- Information posts including how-to-videos on social media channels

Marketing channels will also be utilized, including:

- Media Release distributed to Niagara media outlets
- Inclusion in upcoming edition of City Hall News, printed in the Port Colborne Leader and emailed to all subscribers
- Direct mail-out to every Port Colborne household with extra copies printed for by-law and customer service staff to hand out.

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## Financial Implications:

There are no additional financial implications, as all costs associated with developing this webpage are in-house and utilizing operating budget for any associated communication/advertising expenses.

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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
  - Governance: Communications, Engagement, and Decision-Making
-



## **Conclusion:**

Staff believe the Discharge of Firearms By-law and its amendments, as well as the new process established with this by-law (and others) utilizing a designated webpage, will provide transparency and enhanced customer service for residents and other stakeholders.

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## **Appendices:**

- a. Proposed Draft Discharge of Firearms and Bows By-law
- b. Schedules A to E to Discharge of Firearms and Bows By-law
- c. Proposed Amendment to the Noise By-law
- d. Overview of Application and Variance By-law webpage

Respectfully submitted,

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## **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 regulate the discharge of firearms and bows  
in the City of Port Colborne

Whereas Section 9 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides a municipality with 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 Section 11 of the *Municipal Act*, 2001 S.O. 2001, c.25 states that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction; and

Whereas pursuant to Subsection 11(2) para 6. of the *Municipal Act*, 2001 S.O. 2001, c.25 municipality may pass by-laws to protect the health, safety and well-being of persons; and

Whereas Sections 23.1(1) of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties; and

Whereas Section 119 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon; and

Whereas Section 425 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law; and

Whereas Section 429 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law; and

Whereas Council of the City of Port Colborne has deemed it in the public interest to regulate the discharge of firearms within the City for the purposes of public safety; and

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

That this by-law shall be comprised of SIX (6) parts containing various sections, namely:

Part 1	Title and Definitions
--------	-----------------------

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

1 of 11

Part 2	Application of the By-law
Part 3	General Provisions
Part 4	Enforcement
Part 5	Schedules
Part 6	Repeal

## **Part 1 – Title and Definitions**

### **Short Title**

1. This by-law shall be referred to as “The Discharge of Firearms By-law”.

### **Definitions**

2. For the purposes of this By-law, including in the Recitals and the Definitions,
  - a) “Agent” means a person authorized by the Regulations under the *Fish and Wildlife Conservation Act*, to act as an agent for a landowner to kill, capture or harass wildlife for the protection of property and includes:
    - i. Trappers licensed under Ontario Regulation 667/98 (Trapping);
    - ii. Members of a landowner’s immediate family acting on behalf of the landowner on the landowner’s own land;
    - iii. Persons whose business is primarily the business of removing nuisance wildlife, if they harass wildlife or if they capture and release wildlife if capable of being released;
    - iv. Employees or agents of a municipality whose responsibility relates to wildlife control; and
    - v. Persons who hold a valid class H1 outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.
  - b) “Bow” means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile in a way that could cause grievous bodily harm or death and includes cross-bows, long bows, re-curve bows and compound bows.
  - c) “Business” means a person who carries on a business that includes the manufacture, assembly, possession, purchase, sale, importation, exportation, display, repair, restoration, maintenance, storage,



alteration, pawn brokering, transportation, shipping, distribution or delivery of firearms or bows, and ammunition for firearms or bows.

- d) “City” means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries.
- e) “Conservation Officer” means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act*.
- f) “Council” means the Council of the Corporation of the City of Port Colborne.
- g) “Defined Areas” includes:
  - i) All lands within the City’s urban boundary and hamlets as designated under the City’s Official Plan, as amended; Those lands illustrated in Schedules A through E inclusive of this By-law;
  - ii) Those areas within 150 metres from the water’s edge into a navigable waterway as defined in the *Navigable Waters Protection Act*, R.S.C. 1985, Chap. N-22; and
  - iii) Those areas within 229 metres from the water’s edge into Gravelly Bay in Lake Erie.
- h) “Educational Property” includes school facilities operated by a school board, a private school, a university, a provincial college, a private college or an outdoor area owned by the school when in use for instructional purposes whether or not the area is adjacent to a school building.
- i) “Farming and Food Production Protection Act” means the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, or any amending or successor legislation.
- j) “Firearm” means any type of barreled device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles, air or pellet guns, and muzzle-loaders or any object that can be adapted as a firearm as per this definition.
- k) “Fish and Wildlife Conservation Act” means the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997 c. 41, or any amending or successor legislation.

- l) “High-Calibre Rifle” means any *Firearm* with a rifled barrel in its construction that discharges a projectile greater than .223 calibre.
- m) “Highway” shall mean a common and public highway and includes a street, public land and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries.
- n) “Law Enforcement Officer” shall mean a Police Officer, a member of the Armed Forces of Canada, a peace officer, an Officer appointed under the *Fish and Wildlife Conservation Act* or the municipality’s Municipal Law Enforcement Officers, Fire Chief or his/her designate.
- o) “Livestock Product” shall be defined as in the *Livestock and Livestock Products Act*, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto.
- p) “Manager” means the Manager of By-law Services as appointed on behalf of the City of Port Colborne and includes his/her designate.
- q) “Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c. 45, or any amending or successor legislation.
- r) “Normal Farm Practice”, as defined in the *Farming and Food Production Protection Act*, means a practice which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices, and includes any practice which may be recognized as such by the Normal Farm Practices Protection Board.
- s) “Occupier” shall include,
  - (i) a person who is in physical possession of premises, or
  - (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises; (“occupant”) e.g. an agent.
- t) “Paintball Facility” – means a facility that is designed for the purpose of conducting Paintball Marker activities.
- u) “Paintball Marker” – means a barreled device that is designed for

discharging paintballs; and is deemed not to be a firearm pursuant to Section 84(3)(d) of the *Criminal Code*, or any successor thereof.

- v) "Park" includes open space, private and/or Public Park and means an area open to the public used for sports, picnic, and like activities.
- w) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.
- x) "Person" means an individual, firm, corporation, business, association or partnership.
- y) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property.
- z) "Protection of Property" means the killing, capturing or harassing of wildlife found damaging or destroying property on a person's own land, or, that a person believes, on reasonable and probable grounds, is about to damage or destroy property on their own land.
- aa) "Reasonable Safety Measures" means the shooting position and target shall be constructed in a way that no projectile could, upon accidental or intentional discharge, cross over any property boundary.
- bb) "Reactive Shooting Targets" means targets composed of ingredients designed to ignite or explode upon impact from a fast-moving projectile. Including but not limited to; Tannerite, Shockwave, etc.
- cc) "Recreational Trail" shall mean any property that is open or available to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and all lands between the lateral boundaries.
- dd) "Target" shall mean an animal, reptile, bird, *Reactive Shooting Target* or object.
- ee) "Trapper" means a person licensed by the Ministry of Natural Resources in accordance with the *Fish and Wildlife Conservation Act* and Regulations to hunt and trap fur-bearing mammals.
- ff) "Shooting Range" a location that is designated and approved by the Chief Firearm's Officer of Ontario for the safe discharge, on a regular and structured basis, of firearms for the purpose of shooting at an object to be aimed at in shooting practice or contests.
- gg) "Wildlife" shall be as defined in the *Fish and Wildlife Conservation Act*.

## **Part 2 – Application of the By-law**

### **Interpretation**

3. For the purposes of this by-law:

#### **Word Usage**

- a) words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and this By-law shall be interpreted with all changes in gender or number as the context may require;
- b) unless otherwise defined herein, the words and phrases used in this By-law have their normal and ordinary meaning;
- c) headings are inserted for convenience and reference purposes only, they form no part of this By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law; and
- d) reference to any Act, Regulation, By-law, or *Agreement* is a reference to that Act, Regulation, By-law, or *Agreement* as it is amended or re-enacted from time to time.

### **Application**

- 4. The provisions of this By-law shall apply to all discharges of *Firearms* and *Bows* within the boundaries of the *City*.
- 5. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and associated Regulations, including but not limited to the following:
  - a) *Criminal Code, R.S.C. 1985, c. C-46*;
  - b) *Firearms Act, S.C. 1995, c. 39*;
  - c) *Migratory Birds Convention Act, 1994, S. C. 1994, c. 22*; and
  - d) *Fish and Wildlife Conservation Act*.
  - e) *Explosives Act (1985, c. E-17)*

### **Conflict**

6. Where this By-law conflicts, or is deemed to conflict, with any applicable Federal or Provincial statute, the provisions of such Federal or Provincial statute shall prevail.

#### Severability

7. If a court of competent jurisdiction declares 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 the remainder of the By-law shall be valid and remain in force.

### **Part 3 – General Provisions**

#### Prohibitions

8. No Person shall discharge a Firearm or Bow in the City except in accordance with this By-law.
9. No Person shall discharge any Firearm in the City upon lands within the Defined Areas.
- 9.1 No Person shall discharge any Bow in the City upon lands within the Defined Areas unless reasonable safety measures are established for reasons regarding safety of person and property.
10. No Person shall discharge any Firearm in the City upon lands outside the Defined Areas except a land owner, tenant, Agent authorized by the land owner or tenant, or a Person with the land owner or tenant's permission, provided that:
  - a) where the Firearm is a shotgun, that it have a shell size no greater than a No. 2 Shot (6.86 millimetres , 0.270 inches);
  - b) no bullet, shot, bolt, arrow, or quarrel shall pass over the boundary of the Property; and
  - c) Reasonable Safety Measures are established for reasons regarding safety of person and property.
- 10.1 No person shall discharge a High Calibre Rifle within the City.
- 10.2 No Person shall discharge, cause to be discharged or allow to be discharged a Firearm for the purposes of detonating a Reactive Shooting Target or any other binary explosive that requires a shot by a Firearm to initiate a detonation.

11. Notwithstanding sections 9 and 10 of this By-law, no Person shall discharge any Firearm within 150 metres (492 ft) of:
- a) any dwelling, other than a dwelling located on the Property upon which the lawful discharge occurs; or
  - b) any public or private Park (including a Recreational Trail) or a public open space; or
  - c) the premises of an Educational Property or religious institution, including but not limited to any building, structures or grounds related thereto.
  - d) all areas fronting onto Lake Erie, measured from the water's edge.

Exceptions

12. This By-law shall not apply to the discharge of a Firearm or Bow:
- a) for the Protection of Property from nuisance Wildlife that may be killed or harassed in accordance with the Ontario Fish and Wildlife Conservation Act, or a permit issued under the Canada Migratory Birds Regulations;
  - b) undertaken as a Normal Farm Practice;
  - c) upon properties being used for the raising of livestock product and where the discharge is necessary to protect the livestock product;
  - d) by any Peace Officer, Conservation Officer or Deputy Conservation Officer acting in the course of his/her duty under the authority of his/her employment;
  - e) at a facility operated or utilized by Peace Officers for training purposes;
  - f) at a lawful Shooting Range, Paintball Facility, skeet club or at a shooting meet which has been authorized by the Manager;
  - g) at an Educational Property used for instruction in the proper use of Firearms or Bows;
  - h) at a federally regulated and licensed Business, the use and location of which is lawful and in accordance with all applicable federal, provincial and municipal laws; and
  - i) by a Person firing blank ammunition for the purposes of:

- i. a ceremonial event, historical display or educational program;
- ii. a theatrical film or television production;
- iii. a sporting event; or
- iv. the training of animals.

#### Grant of Exemption by Council

- 13. Notwithstanding any provisions of this By-law, any Person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of Firearms or Bows and Council, by resolution, may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption Council may include such terms and conditions as it deems appropriate.
  - a) The Schedule of fees shall be set out in the Fees and Charges By-law as amended.
- 14. In deciding whether to grant an exemption, Council shall give the applicant and any other Persons an opportunity to be heard and may consider such other information and matters as it considers appropriate, including but not limited to, the impact on public safety.
- 15. A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption immediately null and void and of no force or effect.

#### **Part 4 – Enforcement**

- 16. The provisions of this By-law may be enforced by a Law Enforcement Officer or any other Person appointed to enforce by-laws for the City.

#### Power of Entry

- 17. The City may enter onto a Property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - a) the provisions of this By-law;
  - b) an order issued under this By-law; or



- c) an order made under section 431 of the *Municipal Act*.
18. Where an inspection is conducted by the City, the Person enforcing the provisions of this By-law and conducting the inspection may:
- a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) require information from any Person concerning a matter related to the inspection including name, address, phone number and identification; and
  - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
19. The City may undertake an inspection pursuant to an order issued under s. 438 of the *Municipal Act*.
20. The City's power of entry and inspection may be exercised by a Law Enforcement Officer or any other Person appointed or delegated to enforce by-laws for the City.

#### Penalty

21. Every Person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
22. If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
23. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
24. Every *Person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;



- b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
- c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence may exceed \$100,000.00.

25. For the purposes of this By-law:

- a) “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
- b) an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

#### **Part 5 – Schedules**

##### **Schedules to this By-law**

27. Schedules A through E inclusive attached hereto shall form part of this By-law.

#### **Part 6 – Repeal**

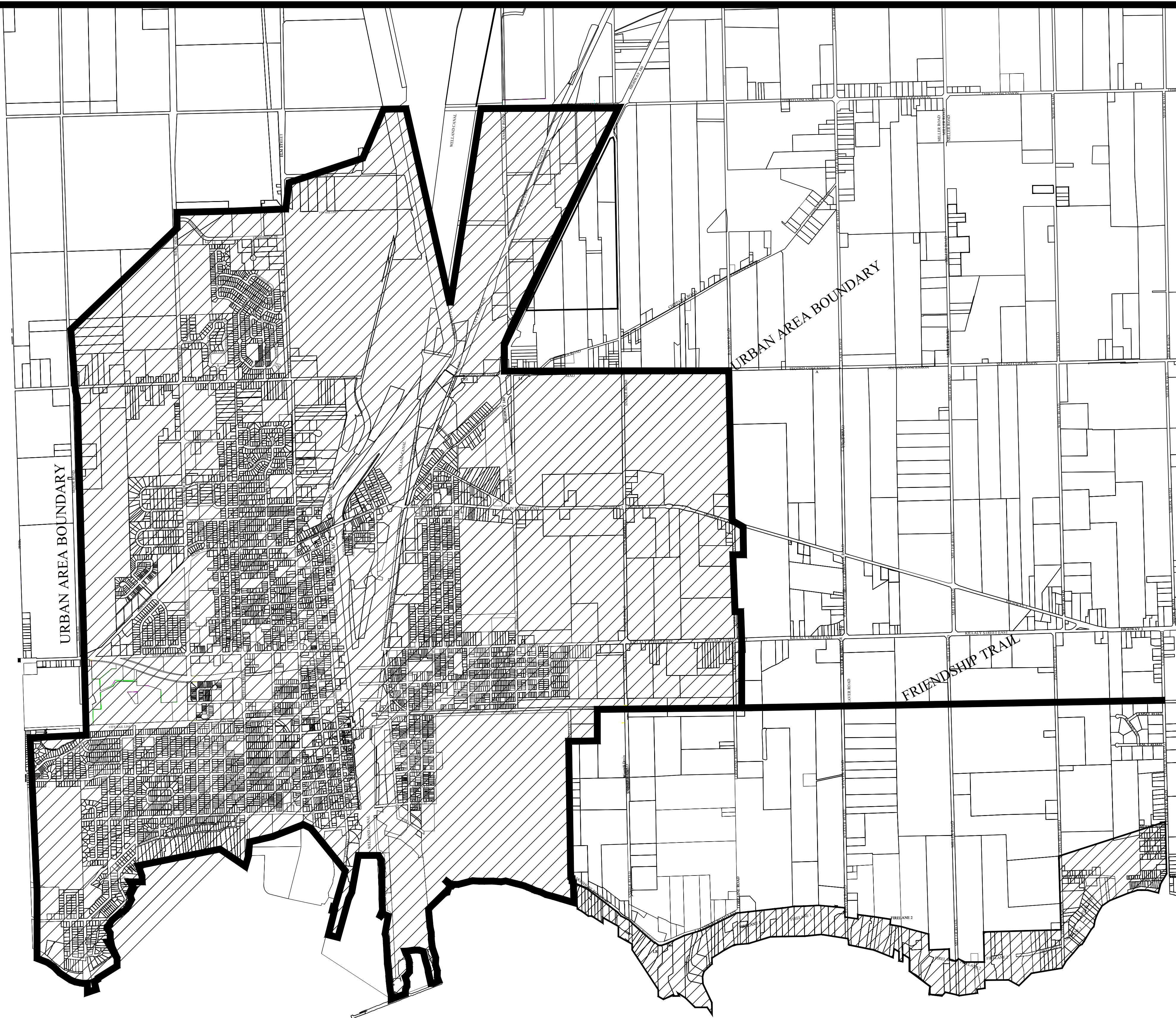
28. By-law Number 2499/115/90 and all amendments thereto are hereby repealed.


Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.


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

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

Schedule "A" to By-law \_\_\_\_\_

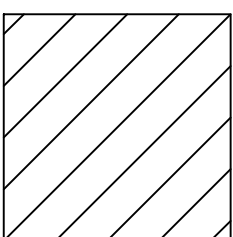
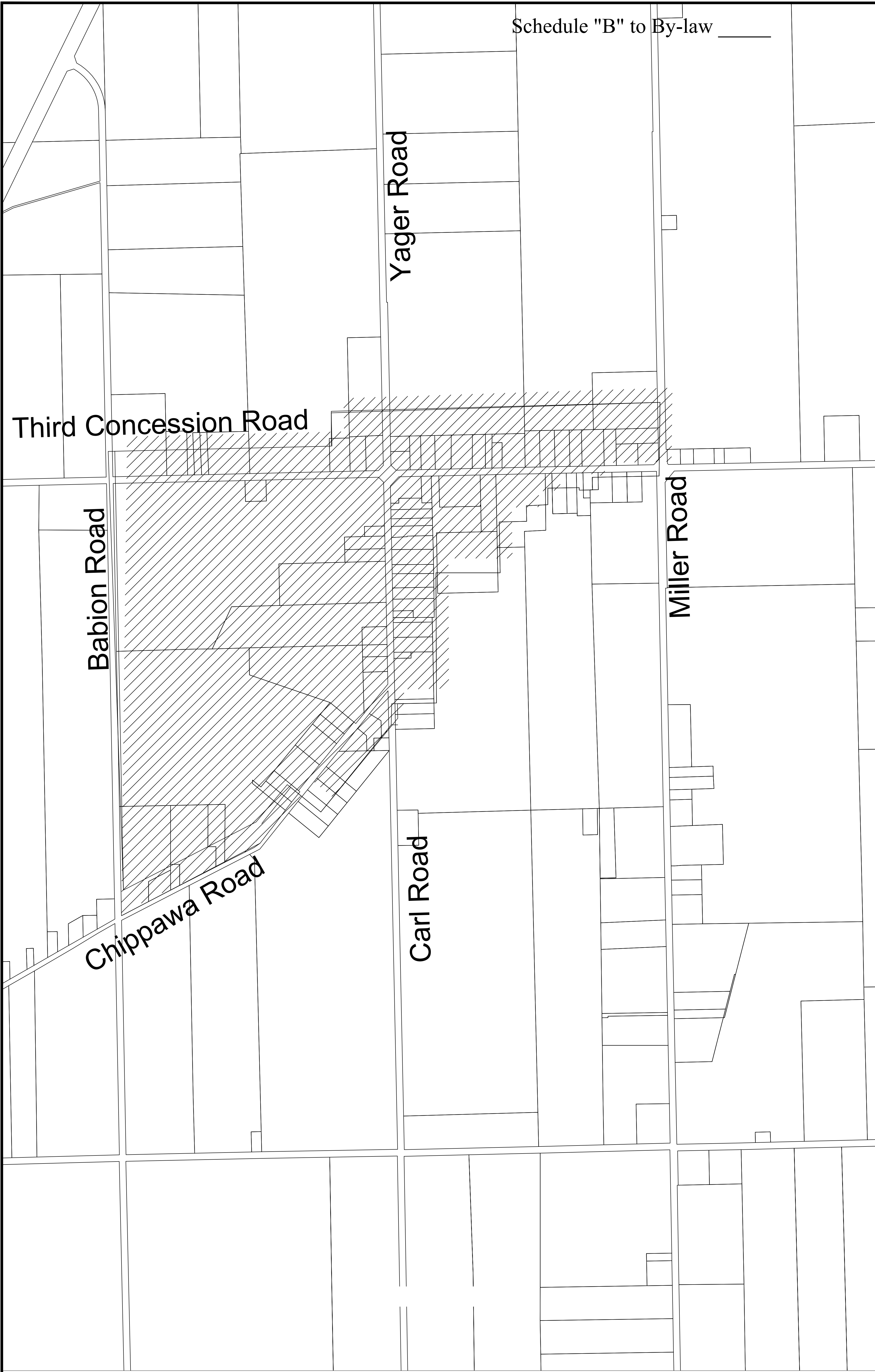


 PROHIBITED DISCHARGE OF FIREARM AREA

 URBAN AREA BOUNDARY AS OF PASSING OF THIS BY-LAW  
AND OTHER AREA SHOWN ON MAP INCLUDING THE FRIENDSHIP TRAIL

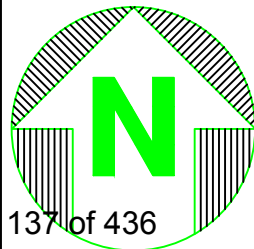
SCHEDULE "A " TO BY-LAW

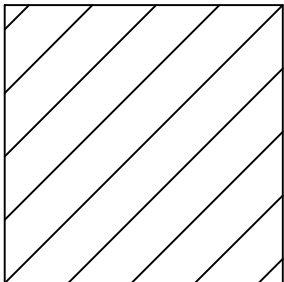
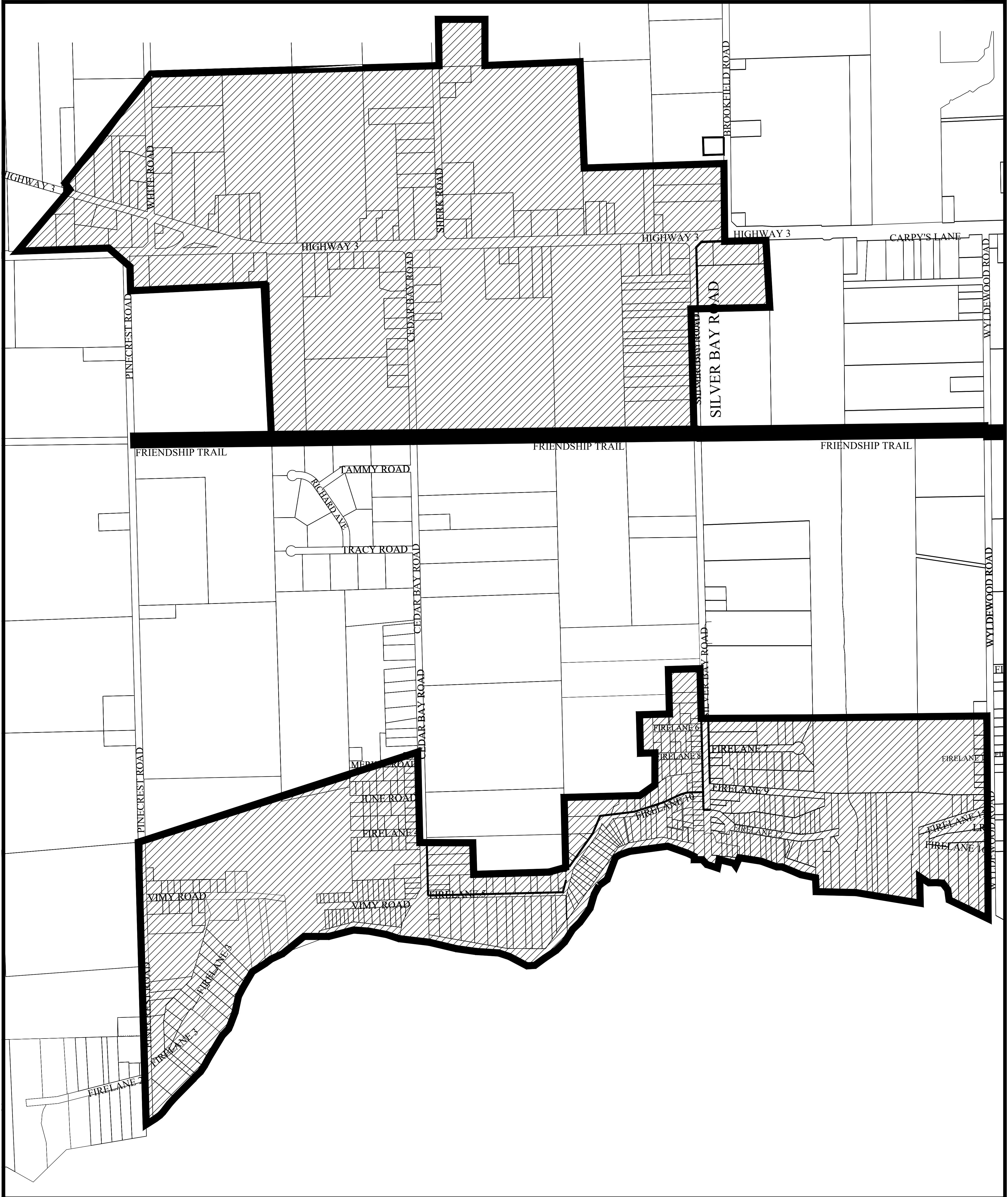




PROHIBITED DISCHARGE OF FIREARM AREA  
HAMLET OF BETHEL AND OTHER PROHIBITED AREAS

SCHEDULE "B" TO BY-LAW .

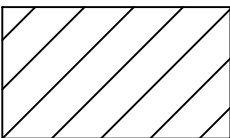
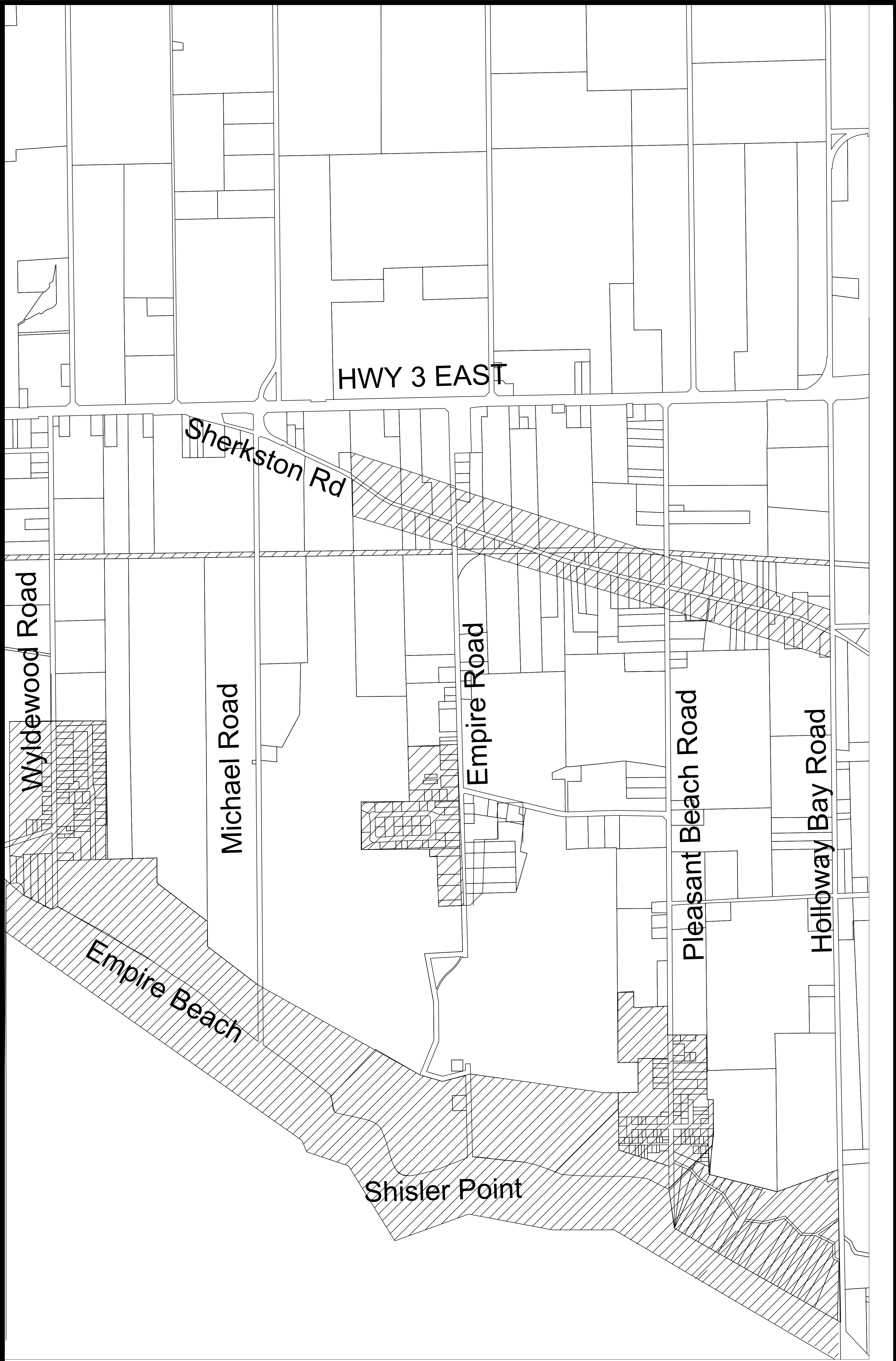




PROHIBITED DISCHARGE OF FIREARM AREA  
HAMLET OF GASLINE, FRIENDSHIP TRAIL AND OTHER PROHIBITED AREAS

SCHEDULE "C" TO BY-LAW





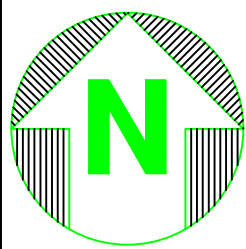
PROHIBITED DISCHARGE OF FIREARM AREA

AREA KNOWN AS THE SHERKSTON AREAS, BEING 500 FEET BACK ON BOTH SIDES SHERKSTON ROAD COMMENCING AT EMPIRE ROAD AND RUNNING EAST TO THE EASTERN BOUNDARY OF THE MUNICIPALITY

BUILT UP AREA ON WEST SIDE OF EMPIRE ROAD (MAPLEVIEW) COTTAGE AREA KNOWN AS PLEASANT BEACH BEING THE SOUTH END OF PLEASANT BEACH ROAD AS SHOWN ON THIS SCHEDULE

ALL AREAS WITHIN 150m(492ft) MEASURED FROM THE WATER'S EDGE FRONTING ONTO LAKE ERIE

SCHEDULE "D" TO BY-LAW

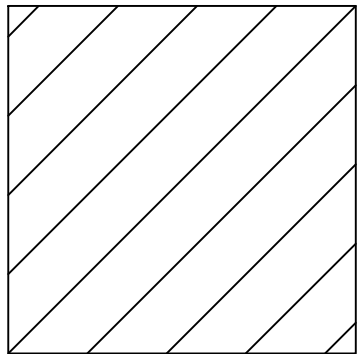
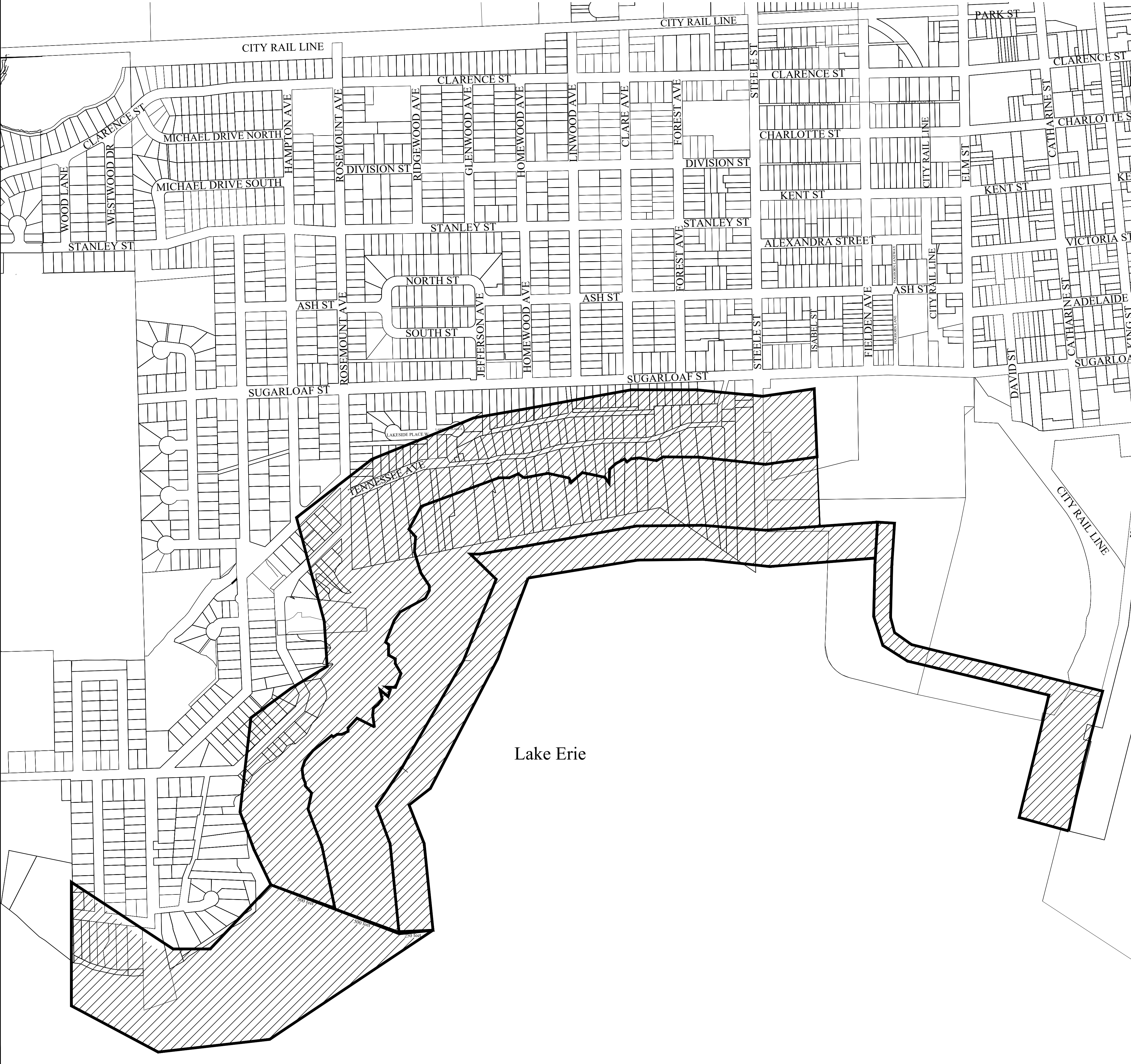


DECEMBER 2019

SCALE: NTS

DRAWN BY PLANNING AND DEVELOPMENT DEPARTMENT

Schedule "E" to By-law \_\_\_\_\_



PROHIBITED DISCHARGE OF FIREARM AREA

AREA KNOWN AS GRAVELLY BAY WESTERN SECTION OF WELLAND  
CANAL 229m (750ft) FROM THE WATER'S EDGE INTO GRAVELLY BAY  
46m (150ft) FROM MARINA & ELEVATOR WALL

SCHEDULE "E" TO BY-LAW

The Corporation of the City of Port Colborne

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

Being a By-law to Amend By-law 4588/119/04

Whereas at its meeting of \_\_\_\_\_, the Council of The Corporation of the City of Port Colborne approved the recommendation of Department of Planning & Development, Report \_\_\_\_\_, Subject Discharge of Firearms;

Whereas the people expect and have a right to an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance as set out under By-law 4588/119/04, Being a By-law to Regulate Noise.

Now Therefore the Council of the Corporation of the City of Port Colborne Enacts as Follows:

1. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by deleting therefrom the following:

**Schedule “2” Times and Place Prohibited Periods Section 17**

The discharge of firearms in accordance with the City of Port Colborne’s By-law 2499/115/90 as amended Prohibiting and Regulating the Discharge of Guns and Other Weapons

2. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by adding thereto the following:

**Schedule “2” Times and Place Prohibited Periods Section 17**

The discharge of firearms in accordance with the City of Port Colborne’s By-law \_\_\_\_\_ as amended Prohibiting and Regulating the Discharge of Firearms and Bows

3. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by adding thereto the following:

**Schedule “2” Times and Place Prohibited Periods Section 18**

The detonation of an Exploding Shooting Target as described in the Discharge of Firearms and Bows By-law in the City of Port Colborne at any time.

4. That this by-law shall come into force and take effect on the day of passing.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

\_\_\_\_\_  
Nicole Rubli, Acting City Clerk



What are you looking for?



Living  
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Leisure

Business and  
Development

City  
Hall

Request a  
Service

## By-law Compliance Applications, Appeals, and Variances

☐ Hide Right Content ☐ Hide Sub Nav ☐ Hide Contact ☐ Hide Emergency Alert

By-law complaints can be registered through our website by clicking the button below.

**Note:** anonymous complaints are no longer being received. The name, address, and contact information of the complainant is a requirement on the By-law complaint form.

[Register a By-law Complaint](#)

### Applications

[Relief from Noise By-law](#)

[Relief from Fence By-law](#)

[Relief from Sign By-law](#)

[Relief from Pool By-law](#)

[Encroachment By-law Application](#)

[Relief from Discharge of Firearms By-law](#)

### Contact Information

#### By-law Intake Officer

Fire Hall  
3 Killaly Street West  
Port Colborne, ON L3K 6H1  
Phone 905-835-2900 x200  
[Email this Contact](#)  
[Map this location](#)

#### Sherry Hanson

Manager of By-law Services  
Fire Hall  
3 Killaly Street West, Port Colborne  
Ontario, Canada L3K 6H1  
Phone 905-835-2900 x210  
[Email this contact](#)  
[Map this location](#)

### [Relief from Discharge of Firearms By-law](#)

The **Discharge of Firearms By-law** provides standards for discharging Firearms in Port Colborne.

**Relief from the Discharge of Firearms By-law Application Form** can be requested for locations, or events the Discharge of Firearms By-law. Examples include:

- Location of discharge of firearms
- Special events, carnivals or fundraisers (target shooting games)


**Note:** Please submit your application at least 30 – 45 days in advance of the event or discharge of the firearm, or compliance with an order registered against the property

**Application Fee:** N/A

[Payment Options](#)




## Payment Options for Relief Applications

 [Subscribe to page updates](#)

**Note:** Online credit card payments will be available in the near future.

Payment for relief applications are required after your submission.


**Please note:** If payment is not received, the application will not be reviewed.

 In person:

 By mail:

 Afterhours drop box:

## Appeals

 Property Standards By-law Appeal

## By-law Variance Ongoing/Open Files

In an effort to be open and transparent, By-law Variance applications will now be posted on our website and open to resident feedback. By-law Variance results will also be posted for resident information and/or future reference.

Interested in getting notified of By-law Variance applications? Subscribe to receive updates to this page by clicking the 'subscribe' button located near the top right of this page.

## 2022 - Coming Soon!

Street	Address	By-law	Attachments	Closes	Submit Comments

Submit your comments to the above applications by completing the required **Resident Comment Form for By-law Variance**, or clicking the 'Open' status in the above table. Although we accept all comment forms and appreciate the opinions of residents, any comments that discriminate or are upsetting in nature will be discarded. Once you have submitted your comment please do not submit another form to amend your current comment. Please allow 30 days for staff to review all comments and update the webpage.



**Subject: Erie Street Watermain Construction – Project Update**

**To: Council - Public Meeting**

**From: Public Works Department**

Report Number: 2022-211

Meeting Date: September 13, 2022

---

**Recommendation:**

That Public Works Department Report 2022-211 be received;

That Council approve extending the contract with Associated Engineering for contract administration and inspection services to project completion at an estimated cost of \$155,000 funded from budget 21C-PW-R48;

That Council approve fully paving Erie Street, and complete select sidewalk improvements to be funded from the 2023 and 2024 Asphalt Resurfacing Programs, and the 2023 Sidewalk Replacement program; and

That Council allocate \$25,000 from 21C-PW-R48 to be used for legal fees.

---

**Purpose:**

The purpose of this report is to provide a project update and request additional funding necessary to complete the project.

---

**Background:**

The design, inspection, and contract administration for the Erie Street Watermain project was awarded to Associated Engineering Ltd. Upon completion of the design the project was tendered and later awarded to the low bidder, Stonecast Contracting Ltd.

Stonecast Contracting Ltd. and the City entered into a contractual agreement to complete construction works included in the tender which primarily included the installation of new watermain, water services, hydrants, and restoration of disturbed areas within the project limits.

---

## Discussion:

### Completed & Outstanding Work to Date

To date the watermain along the length of Erie Street has been installed and commissioned along with the associated hydrants. The watermain has been connected to the existing water system at Neff Street, Killaly Street West, and George Street. Currently the existing watermain and new watermain are both active and Stonecast Contracting's primary focus at this time is replacing and transferring services from the old watermain to the new. As of September 2, 2022, 16 services have been replaced and connected to the new watermain.

The work outstanding consists of watermain connections from the new watermain to Charles Street, Union Street, and Minto Street. Charles Street and Minto Street will also be receiving sample stations to test water within the system. The currently installed hydrants will be moved to provide a greater offset from the roadway and the hydrants from the old system will be removed. There are also minor storm sewer repairs that will be reinstated due to conflicts with the watermain installation. At this time, 40 water services require replacement and connection to the new watermain.

Above ground work will be completed as soon as the above mentioned underground work is completed and consists of road reinstatements, concrete restorations, sod restorations, granular shoulder restorations, road line painting, and general site cleanup.

### Project Schedule

The project commenced on January 26, 2022, with an anticipated completion date in mid June 2022. The project was tendered and awarded on the basis of the project being completed within 100 Working Days. The 100 Working Days does not include days that are not suitable for the intended work, such as inclement weather, or for work outside of the project's intended scope. Each day of work outside of the intended scope or day of inclement weather will extend the 100 Working Day timeframe. At this time, the City is working with legal administration and the Contractor to determine the next courses of action due to the extended timeline this project has incurred. At this time, based on the outstanding work to date, the project will extend into late 2022.

Due to the project's extended timeframe, there is the need to extend the originally scoped construction inspection and contract administration with Associated Engineering to ensure that the work being completed is overseen and completed per the specification of the contract. Staff's goal at this time is to receive a suitable construction schedule based on the work that remains incomplete. The total cost of this is unknown at this time as is based on the amount of working days which is contingent upon Stonecast Contracting Ltd.'s construction schedule. Staff are recommending that Council delegate approval to the Director of Public Works to extend the contract with

Associated Engineering for contract administration and inspection services to project completion at an estimated cost of \$155,000 funded from budget 21C-PW-R48. The currently approved Construction Inspection and Contract Administration contract awarded to Associated Engineering totals \$236,315.

### Additional Works

Staff are recommending that the asphalt roadway on Erie Street be paved in full instead of paving only the excavated trench areas. Base asphalt would be placed this year due to the potential for this work to take place when temperatures will be subpar for the application of HL3, top asphalt. Top asphalt would then be completed in 2024 to minimize conflict with the warranty period for the works. Staff have requested pricing on these potential change orders and are awaiting actual costs. Staff recommend the funding for this work be funded from the 2023 and 2024 Annual Asphalt Resurfacing programs. The work would entail the removal of remaining asphalt, placement of new base asphalt, and associated granular shouldering work.

The tender items within the contract allow costs for sidewalk panels to be replaced that are directly impacted by the service installations but there are issues with adjacent panels in many areas that staff recommend be replaced at the same time. Staff recommend that the additional panel work be funded from the 2023 Annual Sidewalk Replacement Program. This additional cost will not replace the sidewalk in full or upgrade it to the new standard 1.5-meter width; it will focus on correcting known discontinuities within the area only.

Due to the unknown costs at this time, it is recommended that council delegate approval of this work to the Director of Public Works to ensure the work can be completed during the contract period, and at a cost that is reflective of today's typical asphalt and concrete pricing.

---

## **Financial Implications:**

### Contract Administration & Inspection Services

- An upset limit of \$155,000 to be approved and funded through the \$1,880,000 project budget, Project ID 21C-PW-R48.

### Road & Sidewalk Improvements

- Asphalt works will impact the 2023 and 2024 Annual Road Resurfacing program budgets.
- Sidewalk works will impact the 2023 Annual Sidewalk Replacement program budget.

## Legal Fees

- Staff are requesting \$25,000 funding from the project budget be allocated for legal fees.

## General Summary of Project Costs:

	Approved Budget	Awarded Contract Price	Additional Funds Requested	Budget Remaining
Contract Administration & Inspection	\$1,880,000	\$236, 315.00	<b>\$155,000</b>	\$395,255.50
Construction		\$1,068,429.50		
Legal Fees			<b>\$25,000</b>	

## Strategic Plan Alignment:

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

- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces

## Conclusion:

The Erie Street Watermain project has experienced delays and staff are working to ensure the remainder of the project is completed in a cost-efficient manner, and in the best interests of residents in the surrounding area of Erie Street.

Respectfully submitted,

Steve Shypowskyj  
Director of Public Works  
905-835-2900 x220  
[steve.shypowskyj@portcolborne.ca](mailto:steve.shypowskyj@portcolborne.ca)

Respectfully submitted,

Joe Colasurdo

Manager of Infrastructure  
905-835-2900 x234  
[joe.colasurdo@portcolborne.ca](mailto:joe.colasurdo@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: Sale of Knoll Street**

**To: Council**

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

Report Number: 2022-200

Meeting Date: September 13, 2022

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**Recommendation:**

That Chief Administrative Office - Economic Development and Tourism report 2022-200 be received;

That Council approve entering into an Agreement of Purchase and Sale with Stanley Homes for a vacant City-owned lot on Knoll Street;

That a By-law to authorize entering into an Agreement of Purchase and Sale with Stanley Homes regarding the sale of a City-owned lot on Knoll Street, legally described as part of Borden Avenue, Pl. 792 Humberstone E/S of Knoll Street, Port Colborne, be brought forward; and

That the Mayor and Acting City Clerk be authorized to sign and execute any and all documents respecting the sale of these lands.

---

**Purpose:**

The purpose of the report is to obtain Council's approval to enter into an Agreement of Purchase and Sale with Stanley Homes for the vacant City-owned lot located on Knoll Street.

---

**Background:**

Staff initiated a City Real Estate project in the fall of 2020 focused on identifying municipally owned property that could be declared surplus and marketed for residential, commercial, or industrial development.

The goal of the project is to attract investment and new residents to Port Colborne; have vacant properties redeveloped and revitalized; facilitate public-private partnerships to

create more affordable housing units; expand the municipal tax base to maintain core programs and services; and maximize the value of City properties while achieving social, economic, and environmental benefits.

The City lot on Knoll Street, as shown in Appendix A, was declared surplus at the June 14, 2022 Council meeting and was part of the closure of the Borden Avenue Road Allowance. The parcel has been zoned R1 after concluding the public planning process.

---

### **Discussion:**

The sale process complies with the City's Sale and Disposition of Land Policy. The City's vacant lot on Knoll Street was listed on the Multiple Listing Service (MLS) through Royal LePage NRC Realty, the City's real estate office of record. It was also posted on the City's website and the City's LinkedIn page, and shared with investors and developers listed on Economic Development and Tourism Services' database. Offers were received by Royal LePage NRC Realty until 11:59 p.m. on Wednesday July 27, 2022.

The Agreement of Purchase and Sale includes a Schedule B which stipulates that construction of a dwelling must commence within two years of the closing date or the City has the option of re-purchasing the property. The goal of this provision, which is included in a Right to Reconveyance Agreement and registered on title, is to prevent land banking and speculation.

A reference plan will be drafted by an Ontario Land Surveyor that will create a legal description for this property as well as for other parcels being created to address existing encroachments that are part of the former Borden Avenue Road Allowance.

There is also a catch basin at the back of the Knoll Street lot. The final transfer documents will include wording that the catch basin and related piping will become the responsibility of the property owner to maintain.

---

### **Internal Consultations:**

The property was reviewed by City departments and the sale process complies with Council's Sale and Disposition of Land Policy.

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### **Financial Implications:**

The property was listed on MLS for \$199,900 and the final selling price is \$200,000. There will be survey, legal, and real estate commission costs estimated at \$12,000. Net proceeds will be transferred to the Economic Development Land Reserve.

---

## 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
  - Governance: Communications, Engagement, and Decision-Making
- 

## Conclusion:

The vacant City-owned property on Knoll Street was declared surplus and was marketed for sale in accordance with the City's Sale and Disposition of Land By-Law. Staff are recommending that the City enter into an Agreement of Purchase and Sale with Stanley Homes for the sale of the Knoll Street lot in the amount of \$200,000 and that this agreement be adopted by by-law.

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## Appendices:

- a. Property Map – Knoll Street lot
- b. Agreement of Purchase and Sale with Schedule B
- c. Draft Bylaw

Respectfully submitted,

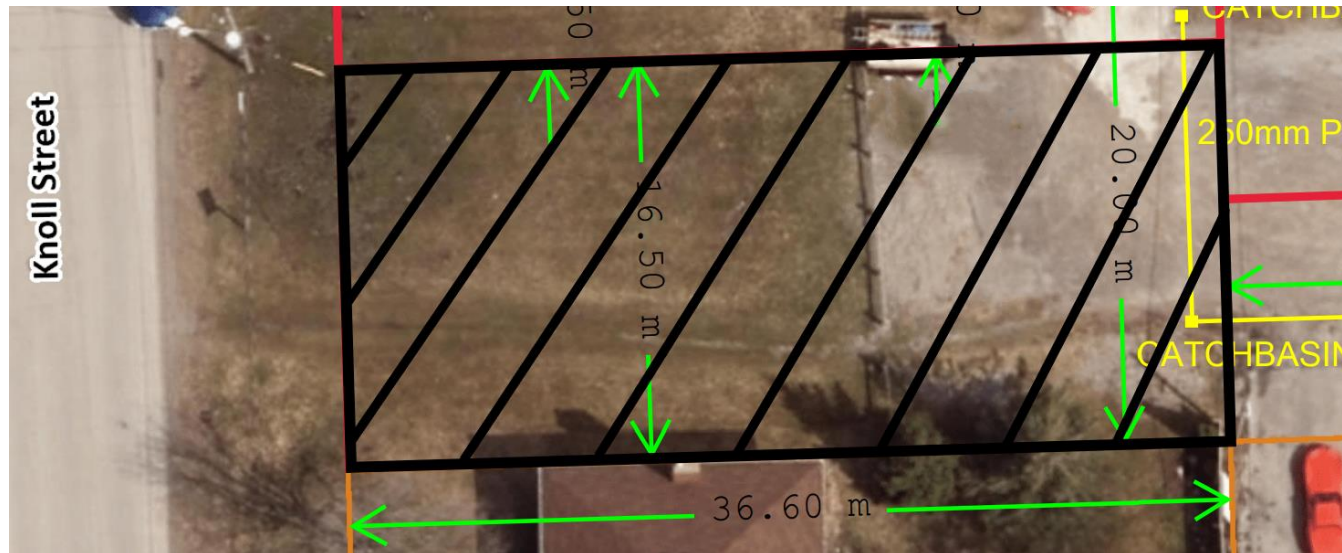
Gary Long  
Manager of Strategic Initiatives  
905-835-2900 x.502  
[gary.long@portcolborne.ca](mailto:gary.long@portcolborne.ca)

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.

a) Building Lot – Knoll Street



**1. Vendor's Right to Re-Conveyance of the Property**

- (a) The Vendor reserves a right to a re-conveyance of the Property upon the terms and conditions contained in the Agreement substantially in the form attached as Schedule "B".
- (b) Upon execution of the Agreement of Purchase & Sale by both parties, the Vendor will provide the completed "Right to Re-Conveyance Agreement" in the form of Schedule "B" to this Agreement to the Purchaser, and the Purchaser shall forthwith execute the said Agreement as provided, and deliver same to the Vendor.
- (c) The Right to Re-Conveyance Agreement or Notice of same shall be registered on title to the Property on the Closing Date, in priority to any mortgage/charge or other encumbrance, and, at the expense of the Purchaser.
- (d) The Purchaser shall not transfer the Property to a third party unless and until it has completed the actions described in Sections 2(a)(I) and (II) of the Right to Re-Conveyance Agreement. This clause shall survive and not merge on closing of this transaction.

**2. No Speculation**

- (a) It is the express intention and agreement of the Purchaser and Vendor that there shall be no speculation with respect to all or any portion of the Property, and, that the Vendor shall have for a period of 20 years from the date of registration of the Transfer to the Purchaser, the option to re-purchase at the price per acre paid by the Purchaser herein, any part of the Property which has not been built upon by the Purchaser and which the Purchaser is desirous of selling, leasing or otherwise disposing of.
- (b) Prior to entering into any agreement respecting a sale, lease or other disposition of all or any portion of the Property which has not been built upon by the Purchaser, the Purchaser shall give notice thereof to the Vendor, and the Vendor shall have a period of thirty (30) days from actual receipt of such notice to notify the Purchaser of its intention to re-purchase that portion of the Property not built upon (the "**Unbuilt Lands**") referred to in the notice; failing such notification by the Vendor, the Purchaser shall be permitted to enter into such agreement within a period of six (6) months following receipt by the Vendor of the notice; and in the event such agreement is not completed, then the within option shall be deemed reinstated.
- (c) In the event that the Vendor exercises its option, there shall be constituted a binding agreement of purchase and sale between the parties to be completed thirty (30) days after such exercise. There shall be deducted from the re-purchase price any amount

for taxes then due and owing against such lands, and upon payment of the repurchase price, the Purchaser shall convey to the Vendor, free from all encumbrances whatsoever, all its right, title and interest in and to the said Unbuilt Lands.

- (d) In the event the Purchaser has substantially completed a building, the plans for which have been approved by the Vendor, and such building has been built in accordance with such plans, then the Purchaser may request a release respecting the provisions of this paragraph, and in the event that the Vendor determines, acting reasonably, that there remains no Unbuilt Lands on the Property, the Vendor shall execute an acknowledgment and release respecting the provisions of this paragraph.
- (e) The Purchaser acknowledges and agrees that the Vendor's right to a repurchase of the Property as contained herein shall be preserved by way of a Notice registered on the title to the entire Property on closing, or by such other instruments as may be determined by the Vendor prior to closing, and registered immediately after the Transfer on closing. The Purchaser further agrees to execute such documents as may be required by the Land Registry Office either before or after closing, to effect the registration of the said Notice or instruments.
- (f) Subsections (a) to (e) inclusive herein, shall not merge on the closing of this transaction, but shall remain in full force and effect thereafter.
- (g) Unbuilt Lands shall not include lands without any structures that are ancillary to the use of a structure on the Property.



**SCHEDULE “B”  
RIGHT TO RE-CONVEYANCE AGREEMENT**

**THIS AGREEMENT** is made as of the \_\_\_\_ day of \_\_\_\_\_, 2022.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF PORT  
COLBORNE**  
(the “**City**”)

- and -

(the “**Purchaser**”)

**RECITAL:**

- A. By-law No. \_\_\_\_\_ passed by the Council for The Corporation of the City of Port Colborne on \_\_\_\_\_, 2022, authorized the acceptance of an Agreement of Purchase and Sale from the Purchaser for the lands described as [NTD: Insert Legal Description], being PIN [NTD: Insert PIN] (the “Property”), and, subject to the City reserving the right to a re-conveyance of the Property.
- B. The Purchaser has agreed to enter into an Agreement with the City to secure the City’s right to a re-conveyance of the Property.

**NOW THEREFORE**, in consideration of the mutual covenants and agreements set forth in this Agreement and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties agree as follows:

**1. DEFINITIONS**

The terms defined herein shall have, for all purposes of this Agreement, the following meanings, unless the context expressly or by necessary implication otherwise requires:

- (a) “**Purchaser**” means [NTD: Name of Purchaser];
- (b) “**Property**” means the lands and premises described in Recital A of this Agreement;  
and
- (c) “**City**” means The Corporation of the City of Port Colborne.

**2. RIGHT TO RE-CONVEYANCE**

- (a) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the entire Property in the event the Purchaser fails to:

- I. enter into a Site Plan Agreement with the City for the development of the Property [**NTD: Details of what is to be constructed**] within one (1) year of registration of the Transfer of the Property from the City to the Purchaser, and, which Site Plan Agreement shall be registered on the title to the Property at the Purchaser's expense;

**OR**

- II. construct and occupy the [**NTD: Details of what is to be constructed**] on the Property within two (2) years of registration of the Transfer of the Property from the City to the Purchaser.

Notwithstanding the foregoing, the conditions in Subsection (I) may be altered, and/or, the time limits set out in Subsections (I) and (II) may be extended to a mutually agreed upon date in the event that it cannot be completed due to circumstances beyond the control of the Purchaser, all of which is at the reasonable discretion of the City.

- (b) The Purchaser hereby grants to the City the irrevocable right to a re-conveyance of the entire Property in the event the Purchaser becomes insolvent or makes an assignment for the benefit of creditors, prior to the completion of the actions described in Sections 2(a)(I) and (II), at the reasonable discretion of the City.
- (c) The right to re-conveyance is exercisable by notice in writing from the City to the Purchaser.
- (d) In the event the City exercises its right to a re-conveyance of the Property as provided for in Sections 2(a) and (b), it shall do so for the sum of [**NTD: Provide Original Purchase Price**], subject to adjustments for the amount of any taxes then due and owing against the Property and the amount of Land Transfer Tax payable by the City for registration of the Transfer of the Property. Despite any improvements or investments made by the Purchaser, the Purchaser shall be deemed to have forfeited any investment so made and shall not be entitled to any compensation for same whatsoever, including monies expended for installing services. Further, there shall be no adjustment in respect of monies drawn upon by the City in respect of securities provided by the Purchaser. Notwithstanding the foregoing, the Purchaser shall retain ownership of all studies, reports, drawings, plans and documents of any nature or kind, which have been commissioned, supplied or paid for solely by the Purchaser.
- (e) Within twenty-one (21) days of the City exercising its right to a re-conveyance as aforesaid, the Purchaser shall vacate the Property, and deliver to the City all keys to the Property, if any. Following the expiration of the twenty-one (21) day period, the Purchaser will electronically sign and release for registration, and the City shall be at liberty to register, a Transfer in favour of The Corporation of the City of Port Colborne. If the Purchaser does not vacate the Property in the time provided, the City shall take all steps necessary to take possession of the Property.

- (f) In addition to Section 2(e) above, the Purchaser undertakes to obtain and register good and valid Discharges and/or Releases of all Liens, Charges and any other encumbrances, which the Purchaser has caused to be registered against the title to the Property, forthwith following the City's notice of exercising its option. Notwithstanding the foregoing, the Purchaser shall at all times indemnify and save harmless the City against all actions, suits, claims and demands whatsoever, which may be brought against or made upon the City and from and against all losses, costs, damages, charges and expenses whatsoever which may be incurred, sustained or paid by the City for or by reason of or on account of such Liens, Charges or other encumbrances.

**3. NON-ASSIGNMENT**

This agreement may not be assigned by the Purchaser without the express written consent of the City, which consent may be arbitrarily withheld.

**4. SEVERABILITY**

If any provision contained herein shall be found by a Court of competent jurisdiction to be illegal or unenforceable, then such provision shall be considered separate and severable from the rest of this Agreement, and the remainder of this Agreement shall continue to be in full force and effect and shall continue to be binding upon the parties as though the illegal or unenforceable provision had never been included.

**5. ARBITRATION**

The validity, construction and performance of this Agreement shall be governed by the laws of the Province of Ontario and any dispute that may arise under or in relation to this Agreement, including its validity, construction or performance, shall be determined by arbitration upon application to a single Judge in the Superior Court of Justice in accordance with and pursuant to the provisions of the *Arbitration Act 1991, S.O. 1991 c. 17* and the arbitrator's decision shall be final and binding upon the parties and upon their respective successors and assigns and shall not be subject to appeal.

**6. NOTICES**

Any notice, demand, approval, consent, information, agreement, offer, request or other communication (hereinafter referred to as a “**Notice**”) to be given under or in connection with this Agreement shall be in writing and shall be given by personal delivery, facsimile transmission or email to the address set out below or to such other address or electronic number as may from time to time be the subject of a Notice:

- (a) **City:**

The Corporation of the City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8  
Attention:  
Facsimile:  
Telephone:

(b) **Purchaser:**

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Attention:  
Facsimile:  
Telephone:

Any Notice, if personally delivered, shall be deemed to have been validly and effectively given and received on the date of such delivery and if sent by facsimile transmission or email with confirmation of transmission prior to 5:00 p.m., shall be deemed to have been validly and effectively given and received on the business day it was sent unless the confirmation of transmission was after 5:00 p.m. in which case it shall be deemed to have been received on the next following business day.

7. **HEADINGS**

The headings used herein shall be for convenience of reference only, and shall not affect the interpretation of this Agreement.

8. **SUCCESSORS AND ASSIGNS**

All of the covenants and terms in this Agreement shall be binding upon the parties hereto and their respective successors and assigns and shall enure to the benefit of and be enforceable by the parties hereto and their respective successors and their permitted assigns pursuant to the terms and conditions of this Agreement.

9. **COUNTERPARTS AND ELECTRONIC DELIVERY**

This Agreement may be executed and delivered by facsimile or electronic transmission and the parties may rely upon all such facsimile or electronic signatures as though such facsimile or electronic signatures were original signatures. This Right to Re-Conveyance Agreement may be executed in any number of counterparts and all such counterparts shall, for all purposes, constitute one agreement binding on the parties.

*[Signature page follows.]*

**IN WITNESS WHEREOF** the Purchaser has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2022.

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.

**IN WITNESS WHEREOF** the City has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2022.

**THE CORPORATION OF THE CITY OF  
PORT COLBORNE**

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

I/We have authority to bind the Corporation.



The Corporation of the City of Port Colborne

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

Being a By-law to Authorize entering into an Agreement of Purchase and Sale of property with STANLEY HOMES for a vacant lot on KNOLL STREET

Whereas at its meeting of September 13, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report No. 2022-200, Subject: Sale of Knoll Street lot; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with Stanley Homes for the sale of a vacant lot on Knoll Street in the amount of \$200,000; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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

1. That The Corporation of the City of Port Colborne enters into an Agreement of Purchase and Sale with Stanley Homes for the sale of a vacant lot on Knoll Street in the amount of \$200,000 with the Agreement attached hereto as Schedule "A".
2. That the Mayor and the Acting City Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement and the Acting City Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-Law.

Enacted and passed this 13th day of September, 2022.

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William C. Steele  
Mayor

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Nicole Rubli  
Acting City Clerk



**Subject: Chippawa Road Pedestrian Safety Investigation Update**  
**To: Council**  
**From: Public Works Department**

Report Number: 2022-210

Meeting Date: September 13, 2022

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**Recommendation:**

That Public Works Department Report 2022-174 be received for information.

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**Purpose:**

The purpose of this report is to provide information and findings from direction of Council on September 27, 2021, through report 2021-236.

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**Background:**

In November 2020, a report was presented to Council in response to members of Council and residents expressing concerns about the operation of the intersection of Chippawa Road, Dolphin Street, and Berkley Avenue. The report approved the removal of the unwarranted stop sign locations on Chippawa Road at Berkley Avenue, the installation of speed radar signs on Chippawa Road, and the reconstruction of the Chippawa Road, Dolphin Street, and Berkley Avenue intersection.

In September 2021, report 2021-236 approved additional funding for the reconstruction of the Chippawa Road, Dolphin Street, and Berkley Avenue intersection with the inclusion of a 3-way stop intersection. The report also provided the findings of the sidewalk construction investigation along Chippawa Road, reporting a high estimated capital cost due to the road's restrictions. Through report 2021-236 Council directed staff to complete a full assessment of all options to improve pedestrian safety along Chippawa Road.

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## Discussion:

### Sidewalks

Staff investigated the current sidewalk conditions and the feasibility of constructing new sidewalks that meet current engineering standards. Further, a survey of affected area residents was conducted to measure interest in a sidewalk on the street. In summary, out of 48 surveys distributed, a total of 24 responses were received and 7 out of the 24 were interested in having sidewalks and 17 did not want sidewalks.

With respect to feasibility, due to the original design of the roadway which did not include consideration for sidewalks, staff estimated a cost of \$950,000 or about \$1,400 per meter to properly construct a new sidewalk on Chippawa Road which is extremely high in cost compared to the average cost per meter of about \$250 per meter. The high cost is due to the need to install a storm system to replace the existing ditch, curbing, and the relocation of hydro poles.

Upon review of several factors, it is staff's recommendation that no changes or additional sidewalks be introduced along Chippawa Road at this time which also aligns with the data received from the surveys of affected residents.

### Streetlighting

There are 15 LED retrofitted streetlights located on Chippawa Road between HWY 3 and HWY 140, with an average spacing of 60m between lights which is the typical spacing for roads of similar class.

After further investigation of existing streetlighting conditions along Chippawa Road, staff has determined the lighting to be adequate and recommends no changes at this time.

### Speeding

In the fall of 2021, staff implemented traffic calming measures in an attempt to address resident concerns related to vehicles speeding along Chippawa Road between Highway 140 and Highway 3. Traffic mitigation markers were installed to visually narrow the lanes of traffic, and speed radar devices were installed to accommodate both directions of travel.

Staff reviewed the speed radar device data and it was identified that a significantly larger volume of vehicles were travelling eastbound along Chippawa Road towards Highway 140, than westbound entering the City from Highway 140. This is likely due to drivers attempting to avoid the signalled intersection at Highway 140/Highway 3. Vehicles travelling into the City are able to yield from Highway 140 onto Highway 3 with little to no wait time which negates the need to use Chippawa as a short cut to enter the City.

The following is a summary of data extracted from the speed radar devices for Chippawa Road with a posted speed limit of 40 km/hr. The data was collected over a 4-week period starting in October 2021 and ending in November 2021:

*Eastbound Traffic (People leaving Port Colborne via HWY 140)*

Total Vehicle Count: 25,450

Average Speed: 42km/hr

50<sup>th</sup> Percentile: 43 km/hr

85<sup>th</sup> Percentile: 58 km/hr

*Westbound Traffic (People entering Port Colborne Via HWY 140)*

Total Vehicle Count: 16,665

Average Speed: 45km/hr

50<sup>th</sup> Percentile: 46 km/hr

85<sup>th</sup> Percentile: 56 km/hr

As shown above, the average speeds are slightly above the posted speed limit. In summary, after staff's assessment and review of the data from the speed radar signs along with the current road design, staff is satisfied that excessive speeding does not appear to be an issue in the area at this time and recommend the continuation of the lane delineators being installed on a seasonal basis.

Intersection Reconstruction

Council has approved the reconstruction of the Chippawa Road, Dolphin Street, and Berkley Avenue intersection to improve sightlines and traffic movements within the area. This work has been tendered and awarded to Rankin Construction. The work is scheduled to take place in October.

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**Public Engagement:**

Staff engaged with residents through a survey to solicit feedback to assess if there is a desire for a sidewalk, and any comments that would influence their stance. A total of 48 surveys were delivered, with 24 responses received. The survey indicated that 7 respondents supported the sidewalk idea while 17 were opposed. Those in favour cited speeding concerns, along with the road's narrow width. Those against cited the sidewalk's high cost and low pedestrian traffic. Staff received positive feedback of the implemented speed mitigation and traffic calming measures taken. There were 4 residents that brought forward the desire for speed bumps. In Report 2021-236 staff discussed the installation of speed bumps stating "Speed bumps (and similar features) are widely unpopular with Emergency Medical Services (EMS) and Fire Departments

due to potentially reducing response time. In addition, speed bumps impede effective and efficient snow removal, may cause damage to plow blades and incumber proper drainage of the road.” Due to the speed radar information received staff are not recommending adding speed bumps to Chippawa Road.

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### **Conclusion:**

Through additional investigation of existing conditions along Chippawa Road, alternative options and resident feedback, Staff at this time have determined no further recommendations to implement.

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Respectfully submitted,

Steve Shypowskyj  
Director of Public Works  
905-835-2900 x 220  
steve.shypowskyj@portcolborne.ca

Joe Colasurdo  
Manager of Infrastructure  
905-835-2900 x 234  
joe.colasurdo@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: Recommendation Report for Zoning By-law Amendment at  
360 Killaly Street East, File No. D14-01-22**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-207

Meeting Date: September 13, 2022

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**Recommendation:**

That Development and Legislative Services – Planning Division Report 2022-207 be received; and

That Council require no further public notice in accordance with Section 34 (17) of the Planning Act; and

That the Zoning By-law Amendment, attached as Appendix A be approved, as revised, rezoning the property at 360 Killaly Street East from Institutional (I) to R4-69.

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**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding a Zoning By-law Amendment application submitted by Joseph M. Tomaino on behalf of the owner 2466602 Ontario Inc. for the lands known as Part of Lot 25 on Concession 2, on the north side of Killaly Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 360 Killaly Street East.

The application for Zoning By-law Amendment proposes to change the zoning of the property from Institutional (I) to R4-69, being a special provision of the Fourth Density Residential (R4) zone. The Zoning By-law Amendment is being sought to permit the construction of a 3.5 storey, 16-unit residential apartment building on the property.

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## Background:

### Location

The subject lands are located on the north side of Killaly Street East, west of Elizabeth Street.

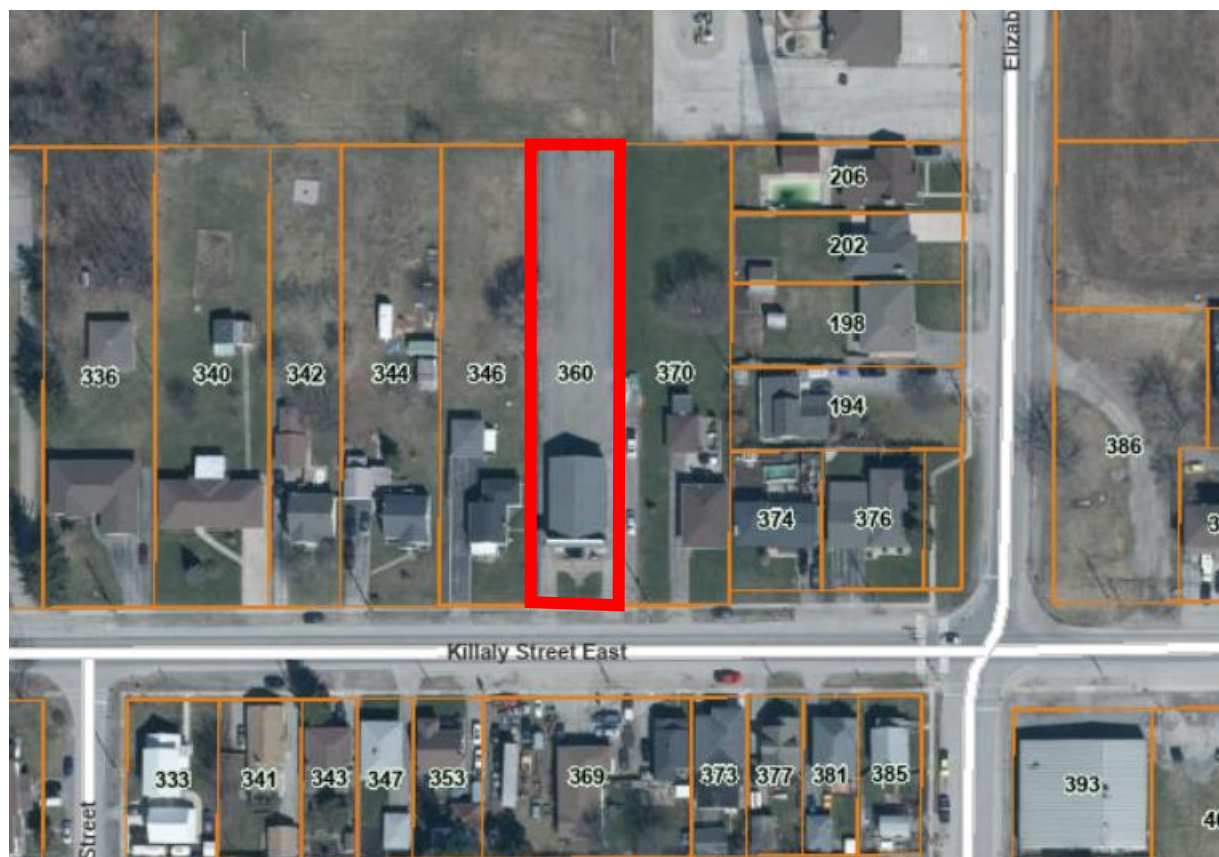


Figure 1: Location of subject lands highlighted in red, from Niagara Navigator 2020.

### Surrounding and Existing Land Uses

The subject lands are currently an underutilized parcel consisting of a former community use (hall) and associated parking area. The lands surrounding the subject property are mixed, with predominantly single-detached residential to the west and east, institutional use (school) to the north, and a mix of residential and commercial (auto repair shop) to the south.

## **Discussion:**

### **Planning Legislation**

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.

Planning staff have reviewed the applications in light of the provincial interests identified in Section 2 of the Planning Act, as well as the aforementioned planning documents, which are examined in greater detail below.

### **Provincial Policy Statement (2020)**

The *Provincial Policy Statement* (PPS) 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 are satisfied that the proposed Zoning By-law Amendment is consistent with the PPS. The application proposes to make use of existing infrastructure and helps contribute to suitable mix of densities.

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

Much like the PPS, the Growth Plan also directs and encourages development in settlement areas. The subject lands are located in the “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 meeting people’s needs for daily living throughout their lifetime.

Staff are satisfied that the proposed Zoning By-law Amendment conforms to the Growth Plan. The proposed application supports the priorities of the Growth Plan through gentle intensification.

### **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. Intensification includes all forms of development that occur within the Built-up Area and is generally encouraged. Staff are satisfied that the proposed Zoning By-law Amendment conforms to the ROP.

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

The subject property is located within the Built-up Area and Urban Residential designation according to the City's Official Plan (OP). The Official Plan supports intensification that is accommodated within the Urban Area and where development is compatible with surrounding uses. Section 2.4.3.2 states that:

*Infill and intensification sites should match the pre-established building character of adjacent buildings; and where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of the [Official] Plan.*

Staff notes that the area is predominantly low-density residential, however there is a mix of land uses in the immediate area, such as the institutional uses, one being to the north and the other being a few properties to the west. Additionally, the area has commercial uses to the south and further east that break up the building typologies of the neighbourhood. Just to the east on the corner of Elizabeth Street and Killaly Street East, an eight-unit townhouse development is proposed. Section 3.2.3 of the Official Plan sets out the design guidelines as reference above. While the guidelines mainly touch on new residential communities (subdivisions etc.), policy 3.2.3.1 c) also provides direction for development in existing neighbourhoods as follows:

*New residential communities and new development in existing neighbourhoods should be visually interesting such that:*

- i) A variety of residential building types, sizes and setbacks should be provided on any given street to encourage a diverse, non-repetitive community fabric.*

Staff are of the opinion that this proposed development achieves the direction of the above design guideline as the building will contribute to a variation in building type and size.

With that said, staff understand the compatibility concerns with the height of the building. In order to mitigate these compatibility concerns and keep the building consistent with the adjacent built forms, staff are recommending that Council cap the permitted height of the building at 11 metres, which is the limit for the properties in the vicinity. In order to ensure consistency with the established built form, staff are recommending some additional special provisions in the recommended by-law to allow the building to be placed at the front of the property, rather than the rear.

In addition to the above, the Official Plan sets out further, more specific policies for the siting of apartment buildings. Residential uses are permitted within the Urban Residential designation with proposed developments being evaluated based on policies within Section 3.2.1. Section 3.2.1 sets out the density and design aspects of all dwelling types within the City's urban residential areas. Section 3.2.1 c) states that:

*High Density Residential will:*

- i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;*
- ii) Have frontage on an arterial or collector road;*
- iii) Have commercial or ground-oriented residential uses on the main floor;*
- iv) Be oriented on the site to minimize shadows on adjacent low and medium density residential development;*
- v) Be encouraged to be developed in proximity to public transit and active transportation routes; and*
- vi) Be subject to Site Plan Control.*

Staff have conducted a calculation of the density of the proposed development. Given the size of the lot of 0.19 hectares, the proposed 16-unit building provides a total density of 84 units per hectare (uph), which is within the provided range of 70-100uph. The development will have frontage on Killaly Street East, which is identified as an arterial road as per Schedule D: Transportation, of the Official Plan. The building does not have any ground-oriented commercial uses, however staff note that mixed-use building types are more commonly found in the City's downtown areas. The building is currently proposed to be capped at 11 metres in height which will significantly mitigate any shadow concerns on neighbouring low and medium density residential. The Region's newly established Niagara Regional Transit OnDemand will assist with transportation in the area. Finally, should Council approve of the Zoning By-law Amendment, the property would be subject to Site Plan Control, which will further address mitigation measures through fencing, buffering, landscaping, lighting, etc. Staff are of the opinion that the proposal meets the goals and intent of the Official Plan.

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

The subject property is currently zoned as Institutional (I) according to Zoning By-law 6575/30/18. The "I" zone permits a number of uses such as assembly uses, banquet

halls, places of worship, day cares etc. However, it is noted that currently the “I” zone also permits “Apartment Building, Public”, which is an apartment building owned/maintained by a public agency or non-profit charitable organization. The only difference between “Apartment Building, Public” and the proposed “Apartment Building” is the tenureship/ownership of the building. The proposed zoning of R4-69 will permit an “Apartment Building” with the following special provisions:

- a) Maximum Height 11 metres
- b) Minimum Interior Side Yard 1.5 metres
- c) Minimum Parking Spaces 1 per unit
- d) Minimum Landscaped Area 20 percent
- e) That the minimum landscape buffer provisions do not apply to the driveway, and that a 0.94m landscape buffer apply elsewhere on the site.
- f) That outdoor storage of refuse be permitted to be located in the front yard.
- g) That a minimum driveway width of 3 metres be permitted for two-way traffic.

Staff are of the opinion that the above special provisions are necessary to facilitate the development of this property. The 11-metre cap on the height will help keep the building consistent with height permissions currently provided in the area. The 1.5 metre side yard setback will allow the building to be shifted to incorporate a layby lane to accommodate a vehicle should two vehicles travel down the driveway at the same time. With respect to parking, staff note that there has been a shift in parking rates province-wide, in an effort to provide much-needed housing. Given the local context of the area, staff are supportive of the reduction in parking, as it will help achieve additional residential units. It is noted that Killaly Street East and nearby side streets provide for on-street parking. Staff will work with the developer at the time of a future Site Plan Control application to explore opportunities to increase parking on the site, if possible. Based on the width of the property, staff find the revised landscape buffer and driveway width provisions to be appropriate, as the 0m landscape buffer will only be required in a limited area. A future landscape plan to be submitted with a future site plan application will provide adequate landscaping on site. Currently, refuse is proposed to be stored in a Molok system which is significantly sightlier than a traditional waste receptacle. Staff will ensure this is maintained through the future site plan control application.

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 an underutilized property and existing services.

### **Planning Justification Report prepared by Joseph M. Tomaino, MCIP, RPP**

At the request of Planning staff through the pre-consultation process, a Planning Justification Report (PJR) has been prepared and submitted to help facilitate the application. The report, prepared by an independent Planning Consultant, Joseph M. Tomaino, MCIP, RPP, analyzes the policies set forth in the Provincial, Regional and City plans referenced above. The report concludes that the proposed development is

consistent with the objectives of the Provincial Policy Statement (PPS 2020), Places to Grow, for the Greater Golden Horseshoe (Growth Plan 2019), Regional Official Plan (ROP) and the City of Port Colborne Official Plan. The development is contributing to residential intensification and making use of existing infrastructure. Given the findings of the report, the author concludes that the Zoning By-law Amendment represents good planning. The full PJR can be found attached as Appendix D.

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### **Internal Consultations:**

Notice of Public Meeting was circulated to internal departments and agencies and the following comments have been received as of the date this report was prepared:

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

“Port Colborne Fire has no objection to the application. Fire safety items will be dealt with at the site plan and building permit stage.”

#### **Drainage Superintendent**

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

#### **Niagara Region**

(Full comments attached as Appendix B)

The Region has provided a revised comment letter to reflect the submission of the Phase Two Environmental Site Assessment (ESA) requested. The revised letter states that the Phase Two ESA confirms that the existing soil and groundwater concentrations do not exceed the applicable Table 7 Ministry Site Condition Standards and no further groundwater or soil investigation is required. Staff note that a Letter of Reliance and Record of Site Condition will still be required, however these items can be addressed through the future Site Plan Control application.

The Region concludes with the following:

*In conclusion, Regional Planning and Development Services staff does not object to the proposal, as it is consistent with the PPS and conforms to Provincial and Regional plans. Staff note that the requested Letter of Reliance and mandatory filing of a Record of Site Condition can be managed through the future Site Plan application.*

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**Public Engagement:**

Notice of Public Meeting was circulated via regular mail to property owners within 120m in accordance with the *Planning Act* and Ontario Regulation 545/06 on April 27, 2022, and also provided on the City's website under "Current Applications".

The Public Meeting was held on May 17, 2022 and was attended by two in-person delegates and one virtual delegate. Four written delegations were also received and have been summarized below (full comments with staff responses can be found in Appendix C):

**Steve Czinege – 343 Killaly Street East**

- Concerns with reducing parking requirements as many residents own more than one vehicle.
- Concerns with the site not having space for snow storage and snowplows blocking in vehicles potentially parked on the street during the winter.
- Question regarding the infrastructure and whether it is suitable to support a 16-unit apartment building and if not, will taxes increase for residents to accommodate the upgrades?

**Lisa and Rick Doddridge – 376 Killaly Street East**

- Concerns regarding parking and the impact that forcing overflow parking onto the street will have.
- Concerns with winter snow removal and the piling up of snow on site. Snow piles have the potential to create visibility issues.
- Concerns that the current infrastructure is not designed to handle the increase in volume from these units.
- Concerns with traffic increasing on an already busy street and intersection. Question regarding whether a traffic study has been completed to gauge the impact.
- Privacy concerns with respect to surrounding backyards and the increase in building height.

**Lori Sturman – 370 Killaly Street East**

- Concerns with the proposed building not being symmetrical with the rest of the neighbourhood.
- Concerns with the building not having any additional parking spaces for visitors.
- Privacy concerns with respect to surrounding backyards and the increase in building height.
- Concerns about blasting to get through bedrock.
- Questions the capability of the existing services for a development of this nature.
- Not enough greenspace on the property.

- Construction will disrupt their sleep schedule.
- 

### **Financial Implications:**

There are no financial implications.

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### **Strategic Plan Alignment:**

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
  - People: Supporting and Investing in Human Capital
  - Governance: Communications, Engagement, and Decision-Making
- 

### **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 as recommended by staff, specifically with the addition of an 11-metre height limit, and additional provisions that will allow the building to be built in line with the existing built form.

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### **Appendices:**

- a. Zoning By-law Amendment
- b. Regional Planning Comment
- c. Public Comments with Staff Responses
- d. Proposed Site Plan

Prepared by,

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

Respectfully submitted,

Denise Landry, MCIP, RPP  
Manager of Planning Services  
(905) 835-2900 x203  
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 25 on Concession 2, on the north side of Killaly Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 360 Killaly Street East.

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 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 R4-69.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-69

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

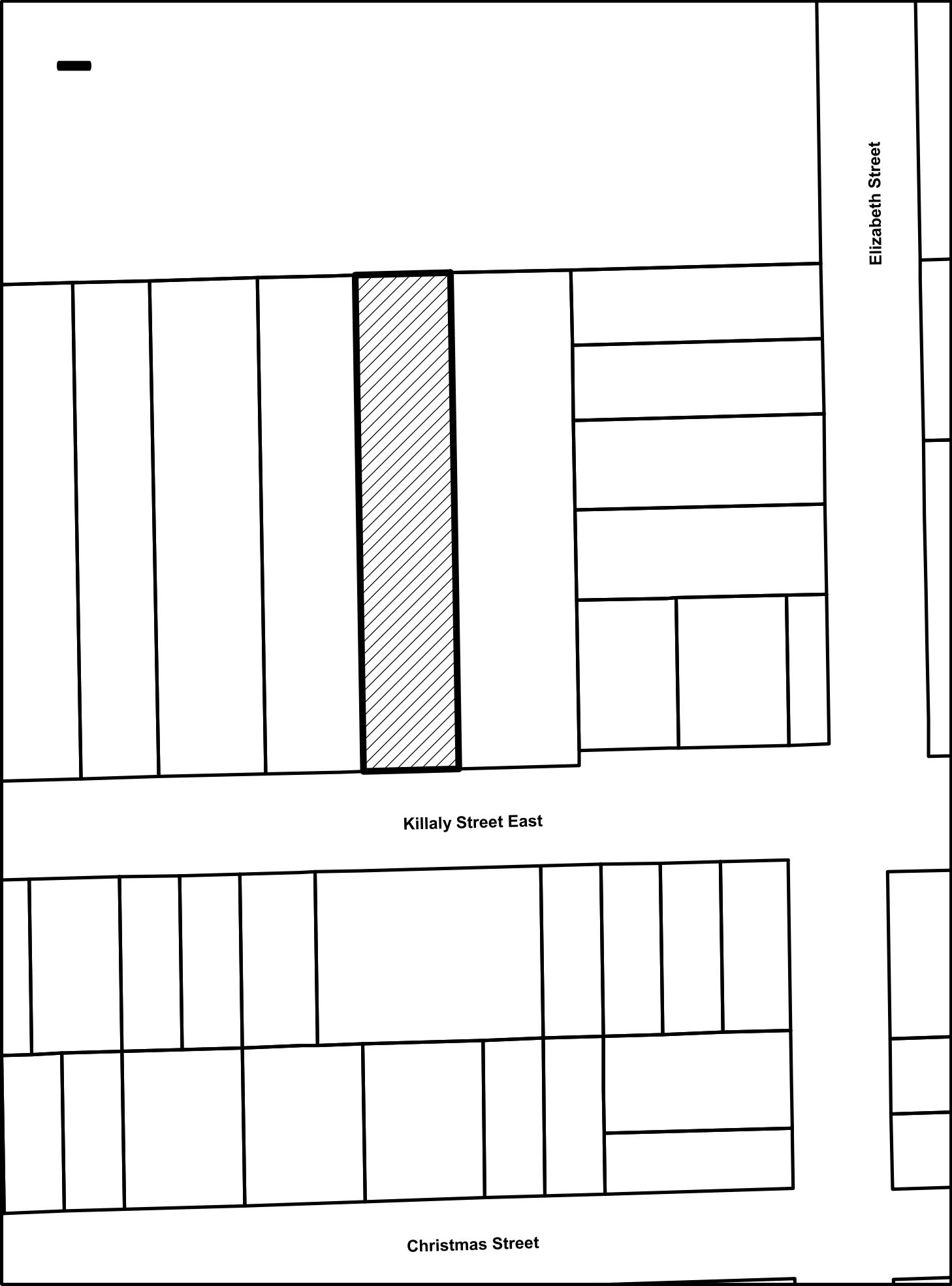
- a) Maximum Height 11 metres
  - b) Minimum Interior Side Yard 1.5 metres
  - c) Minimum Parking Spaces 1 per unit
  - d) Minimum Landscaped Area 20 percent
  - e) That the minimum landscape buffer provisions do not apply to the driveway, and that a 0.94m landscape buffer apply elsewhere on the site.
  - f) That outdoor storage of refuse be permitted to be located in the front yard.
  - g) That a minimum driveway width of 3 metres be permitted for two-way traffic.
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 Rubli  
Acting Clerk



<p>This is Schedule "A" to By-law No _____</p> <p>Passed _____, 2022</p> <p>_____ Mayor</p> <p>_____ Clerk</p> <p>Page 177 of 436</p>	<div><div> - Lands Subject to By-law</div><div>April 2022</div><div>File No. D14-01-22</div><div>Drawn by: DS - City of Port Colborne Planning Division</div><div>Not to scale</div></div>
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## **Planning and Development Services**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
(905) 980-6000 Toll-free: 1-800-263-7215

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### **Via Email**

August 4, 2022

Region File: D.18.07.ZA-22-0042

David Schulz, MCIP, RPP  
Senior Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

Dear Mr. Schulz:

**Re: Regional and Provincial Comments  
Proposed Zoning By-law Amendment  
City File: D14-01-22  
Owner: 2466602 Ontario Inc.  
Agent/Applicant: Joseph M. Tomaino  
360 Killaly Street East  
Port Colborne**

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Regional Planning and Development Services staff has reviewed the above-mentioned Zoning By-Law Amendment Application, which proposes to change the zoning from “Institutional (“I”)” to a special provision of the Fourth Density Residential Zone “R4-##” in order to construct a 3 ½ storey, 16-unit apartment building at 360 Killaly Street East in the City of Port Colborne. The Zoning By-law Amendment proposes to permit a reduction in the parking area landscape buffers, reduction in aisle width, and a reduction in parking requirements.

A pre-consultation meeting for this proposal was held on July 22, 2021 with the Agent, City staff, and Regional staff in attendance. The following comments from a Provincial and Regional perspective are provided to assist the City in their consideration of the application.

### **Provincial and Regional Policies**

The subject lands are located within a “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”), designated the “Delineated ‘Built-Up’ Area” under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated “Urban (Built-Up) Area” in the *Regional Official Plan* (“ROP”). The ROP, PPS, and Growth Plan together direct development to urban areas



in order to support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

Until the Region's municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the Growth Management section of the ROP for the Delineated 'Built-Up' Area will continue to apply. For the City of Port Colborne, the residential intensification target is 15%. This proposed development will contribute to the City's intensification target.

With respect to land use compatibility, the surrounding properties are predominately low-density residential uses. Regional staff also observe an elementary school (north) and commercial uses across Killaly Street East to the south (Shea's Service Centre and Walker Fencing and Landscaping). Given that the proposed apartment building will be set back from the road with parking at the front of the property, Regional staff offer no land use compatibility requirements. Staff further notes there are no environmental concerns for the subject lands.

Regional staff acknowledge that compatibility and interface considerations with respect to neighbouring properties is a local planning matter. City staff should be satisfied that the proposed Zoning By-law Amendment application will permit development that compliments the existing and envisioned urban fabric of the surrounding local context.

## **Site Condition**

The PPS requires that contaminated sites are remediated as necessary to ensure there will be no adverse effects to the proposed use. The *Environmental Protection Act, 1990*, and Ontario Regulations ("O.Reg.") 153/04, 511/09 and 407/19, require that a Record of Site Condition ("RSC") be filed on the Ministry of Environment, Conservation and Parks ("MECP") Environmental Site Registry ("ESR") prior to any change in land use to a more sensitive use (i.e. community to residential).

The majority of the subject lands were recently used by the Sea Cadets (2004-2015), which is considered a community use as defined by the *Environmental Protection Act*. O.Reg. 153/04 provides that, for unused properties, the property is deemed to have the type of property use to which the property was most recently utilized for. Therefore, a change from a community use to a residential use requires the mandatory filing of a RSC on the MECP ESR.

A *‘Phase One Environmental Site Assessment’* (“ESA”), prepared by Oakhill Environmental Inc. (dated October 2020) was submitted with the Zoning By-law Amendment application in order to determine if any past and/or present uses of the property and adjacent land uses have caused any “Areas of Potential Environmental Concern” (“APEC”). The assessment identified six locations with Potentially Contaminating Activities (“PCAs”) within the study area. Of the six locations, two PCA locations were determined to be on-site APECs. The first APEC identified is the INCO nickel refinery that operated approximately 1.7km south of the property until 1984. The second APEC is Shea’s service station, located south of the site, and had operated as a gasoline service station until 2010. Presently, the property includes automotive repair and maintenance, with the pump island removed from the property.

The Phase One ESA has determined that a Phase Two ESA is required in order to assess the condition of the site in order for a RSC to be filed. A *‘Phase II- Environmental Site Assessment’*, prepared by Fortis Environmental (dated July 25, 2022) has been provided, which utilized the Table 7: Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition for Residential Property Use with Medium / Fine textured soils. Based on the analysis conducted, none of the measured concentrations in the soil and groundwater samples exceeded the applicable Table 7 MECP Site Condition Standards, therefore no further groundwater or soil investigation was recommended.

Regional staff request that a Letter of Reliance from the Qualified Professional be provided for all submitted ESA work. The Letter must indicate that despite any limitations or qualifications included in the completed ESAs, that the Region is authorized to rely on all information and opinions provided there within.

Staff note that the requirement for a Letter of Reliance and a RSC can be addressed through a condition of the future Planning Act Application (i.e., Site Plan Agreement).

## **Regional Infrastructure**

The applicant is advised that this section of Killaly Street East contains an existing Regional sanitary forcemain which is not to be disturbed during any future construction or site servicing works. Any new municipal servicing connections proposed to cross the Regional infrastructure will require the submission of detailed servicing cross-sections which show the proposed connections in relation to the existing Regional infrastructure.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following curbside limits are met:

- Recycling: blue/grey carts – no limit (weekly collection).
- Organics: green carts – no limit (weekly collection).
- Garbage: 2 bags or cans per unit to a maximum of 24 (bi-weekly collection).
- Curbside collection only.

Region staff note that the proposed development may have difficulty complying with the Regional curbside waste collection limits based on the proposed number of residential units. If the property is unable to comply with the Regional requirements, waste collection services for the proposed apartment building will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

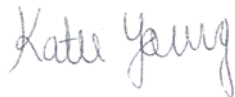
## Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposal, as it is consistent with the PPS and conforms to Provincial and Regional plans. Staff note that the requested Letter of Reliance and mandatory filing of a Record of Site Condition can be managed through the future Site Plan application.

If you have any questions related to the above comments, please contact the undersigned at [Katie.Young@niagararegion.ca](mailto:Katie.Young@niagararegion.ca), or Alexander Morrison, Senior Development Planner at [Alexander.Morrison@niagararegion.ca](mailto:Alexander.Morrison@niagararegion.ca).

Please send a copy of the staff report and notice of Council's decision on these applications.

Kind regards,



Katie Young  
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region  
Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region

## Public Comments/Questions and Responses – 360 Killaly Street East

Note: Comments/Questions have been summarized in the chart below. The full comments can be found in the pages following the chart.

Member of the Public	Comment/question	Response
Lisa and Rick Doddridge – 376 Killaly Street East	Comment 1 - Concerns regarding parking and the impact that forcing overflow parking onto the street will have.	Parking has been proposed at a rate of 1 space per unit. The reduction in parking will assist in achieving additional residential units, contributing to the City's intensification target. Staff will work with the developer to explore opportunities for additional parking on site through the site plan control process.
Lisa and Rick Doddridge – 376 Killaly Street East	Comment 2 – Concerns with winter snow removal and the piling up of snow on site. Snow piles have the potential to create visibility issues.	Snow removal on the property will be the responsibility of the developer. Staff will work with the developer to explore efficiencies through the site plan control application with respect to snow storage.
Lisa and Rick Doddridge – 376 Killaly Street East	Comment 3 – The current infrastructure is not designed to handle the increase in volume from these units.	The developer will be required to submit a Functional Servicing Report to confirm the services are adequate for the proposed development. Any upgrades required as a result of the development would be the responsibility of the developer.
Lisa and Rick Doddridge – 376 Killaly Street East	Comment 4 – Concerns with traffic increasing on an already busy street and intersection. Question regarding whether a traffic	Given the scale of the development, Planning and Public Works are of the opinion that impacts on traffic patterns will be minimal. Staff did not

## Public Comments/Questions and Responses – 360 Killaly Street East

Note: Comments/Questions have been summarized in the chart below. The full comments can be found in the pages following the chart.

	study has been completed to gauge the impact.	request a traffic study for this development.
Lisa and Rick Doddridge – 376 Killaly Street East	Comment 5 – Privacy concerns with respect to surrounding backyards and the increase in building height.	Staff have recommended that Council approve a revised Zoning By-law Amendment that will cap the height of the building at 11m, which is in line with the existing zoning for the area.
Lori Sturman – 370 Killaly Street East	Comment 1 – Concerns with the proposed building not being symmetrical with the rest of the neighbourhood.	The scale and density fits within the Official Plan policies for the area. The height of the building is proposed to be capped at 11m.
Lori Sturman – 370 Killaly Street East	Comment 2 – Concerns with the building not having any additional parking spaces for visitors.	Parking has been proposed at a rate of 1 space per unit. The reduction in parking will assist in achieving additional residential units, contributing to the City's intensification target. Staff will work with the developer to explore opportunities for additional parking on site through the site plan control process.
Lori Sturman – 370 Killaly Street East	Comment 3 – Privacy concerns with respect to surrounding backyards and the increase in building height.	Staff have recommended that Council approve a revised Zoning By-law Amendment that will cap the height of the building at 11m, which is in line with the existing zoning for the area.
Lori Sturman – 370 Killaly Street East	Comment 4 – Concerns about blasting to get through bedrock.	Blasting is not a permitted form of rock removal in Port Colborne.

## Public Comments/Questions and Responses – 360 Killaly Street East

Note: Comments/Questions have been summarized in the chart below. The full comments can be found in the pages following the chart.

Lori Sturman – 370 Killaly Street East	Comment 5 – Questions the capability of the existing services for a development of this nature.	The developer will be required to submit a Functional Servicing Report to confirm the services are adequate for the proposed development. Any upgrades required as a result of the development would be the responsibility of the developer.
Lori Sturman – 370 Killaly Street East	Comment 6 – Not enough greenspace on the property.	The proposal meets the minimum landscaped area requirements of the By-law. Staff review for suitable landscaping materials through the site plan control process.
Lori Sturman – 370 Killaly Street East	Comment 7 – Construction will disrupt their sleep schedule.	Unfortunately, this is not something that can be considered through a Zoning By-law Amendment process. The City has an existing Noise By-law that controls when construction can take place.
Steve Czinege – 343 Killaly Street East	Comment 1 – Concerns with reducing parking requirements as many residents own more than one vehicle.	Parking has been proposed at a rate of 1 space per unit. The reduction in parking will assist in achieving additional residential units, contributing to the City's intensification target. Staff will work with the developer to explore opportunities for additional parking on site through the site plan control process.



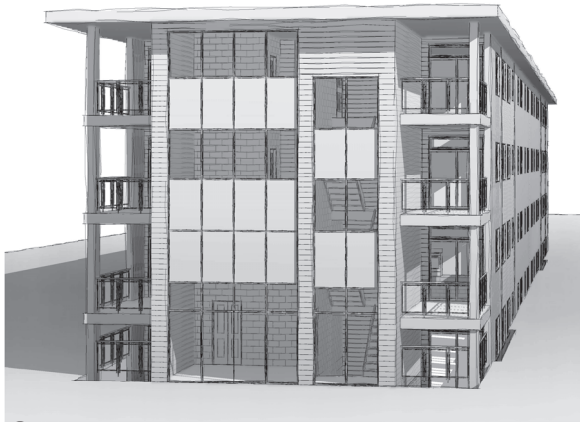
## Public Comments/Questions and Responses – 360 Killaly Street East

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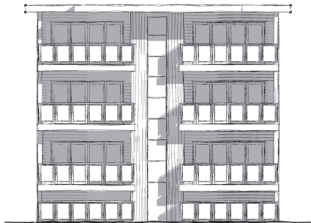
Steve Czinege – 343 Killaly Street East	Comment 2 – Concerns with the site not having space for snow storage and snowplows blocking in vehicles potentially parked on the street during the winter.	Snow removal is the responsibility of the property owner. Vehicles parked on the street during snow events are handled through the By-law Division.
Steve Czinege – 343 Killaly Street East	Comment 3 – Question regarding the infrastructure and whether it is suitable to support a 16-unit apartment building and if not, will taxes increase for residents to accommodate the upgrades?	The developer will be required to submit a Functional Servicing Report to confirm the services are adequate for the proposed development. Any upgrades required as a result of the development would be the responsibility of the developer.



5 FRONT SOUTH SIDE ELEVATION



6 REAR NORTH SIDE ELEVATION



1 FRONT SOUTH SIDE ELEVATION  
3/32" = 1'-0"



2 REAR NORTH SIDE ELEVATION  
3/32" = 1'-0"



3 LEFT WEST SIDE ELEVATION  
3/64" = 1'-0"



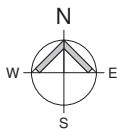
4 RIGHT EAST SIDE ELEVATION  
3/64" = 1'-0"

**EXISTING LOT COVERAGE**

LOT AREA = 1839.48 m<sup>2</sup> = 100%  
EXISTING BUILDING COVERAGE = 210.61 m<sup>2</sup> = 11.45 %  
(TO BE REMOVED)  
EXISTING DRIVEWAY COVERAGE = 1482.46 m<sup>2</sup> = 80.60 %  
(TO BE ALTERED)  
LANDSCAPE COVERAGE = 146.41 m<sup>2</sup> = 7.96 %  
(TO BE ALTERED)

**PROPOSED LOT COVERAGE**

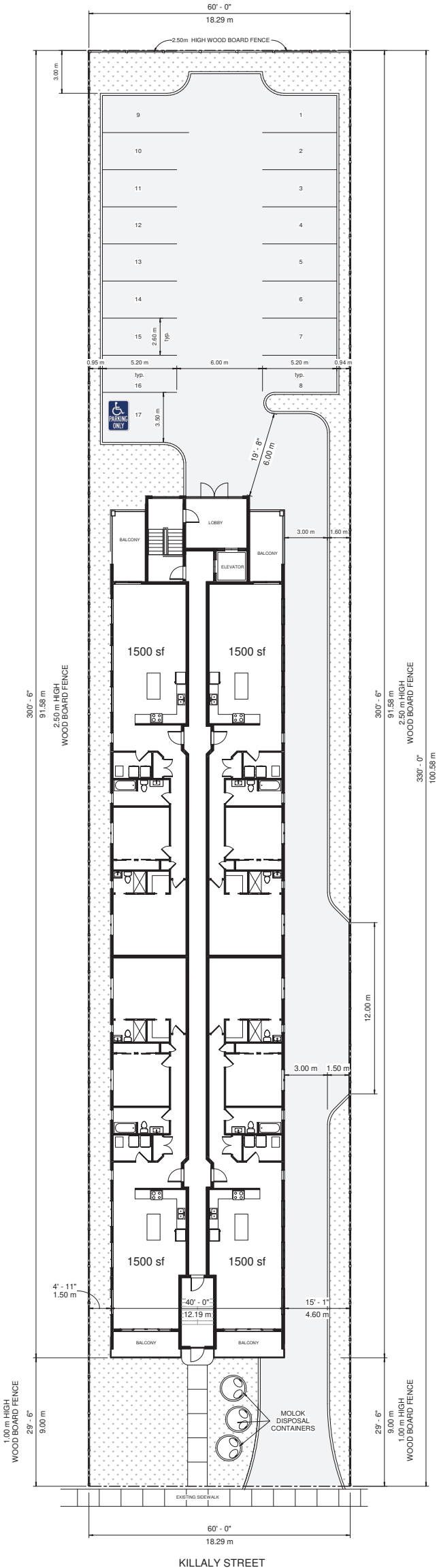
LOT AREA = 1839.48 m<sup>2</sup> = 100%  
PROPOSED BUILDING COVERAGE = 713.95 m<sup>2</sup> = 38.81 %  
PROPOSED DRIVEWAY COVERAGE = 740.77 m<sup>2</sup> = 40.27 %  
PROPOSED LANDSCAPE COVERAGE = 384.76 m<sup>2</sup> = 20.92 %



## GATEWAY GARDENS

360 KILLALY STREET EAST  
PORT COLBORNE  
ONTARIO, L2K 1N9

3 1/2 STOREY  
16 UNITS (4 PER FLOOR)



**Subject: Compliance Audit Committee-2022 Municipal Elections**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-209

Meeting Date: September 13, 2022

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**Recommendation:**

That Development and Legislative Services - Clerks Division Report 2022-209 be received; and

That the Acting City Clerk be delegated authority to appoint members to the 2022 Compliance Audit Committee.

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**Purpose:**

This report seeks delegated authority to the Acting City Clerk to appoint members to the Committee in accordance with the *Municipal Elections Act*, 1996 (the “Act”).

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**Background:**

Section 88.37 of the Act requires municipalities and local boards to establish a Compliance Audit Committee before October 1 of an election year. A qualified elector who believes on reasonable grounds that a candidate or registered third party advertiser has contravened the campaign finance provisions of the Act may apply to the compliance audit committee for a compliance audit.

Since 2010, the Region, the Local Area Municipalities (LAMS) and the Niagara Public and Catholic School Boards (the “Joint Participants”), have continued with the joint Niagara Compliance Audit Committee (the “Committee”) under identical terms of reference.

In 2018, Council delegated authority to the City Clerk to appoint members of the Compliance Audit Committee and to make legislative and/or administrative changes to the Terms of Reference. Staff recommend continued participation in the joint Committee.

**Discussion:**

The LAMS group have met and approved the 2022 Terms of Reference for the Compliance Audit Committee; the updated Terms of Reference are attached to this report for reference. As per Section 5(2) of the Terms of Reference, the appointment of the members to the Committee shall be approved by each Council or delegated authority prior to October 1<sup>st</sup> in each election year. Accordingly, staff are seeking delegated authority to appoint members to the Committee. It is now more common for Council to delegate the appointment authority to the Clerks of the Committee in order to remove any perception of bias and to keep the statutory committee at arms-length, given Members of Council who seek re-election for the 2022-2026 term may be the subject of a compliance audit request.

The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with preferred membership drawn from the following groups:

- accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
- legal profession with experience in municipal law, municipal election law or administrative law;
- professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
- other individuals with knowledge of the campaign finance rules of the Act.

The Role of the Compliance Audit Committee will include:

- Receive and determine whether or not to grant or reject application.
- Appoint auditors, when necessary.
- Receive compliance audit report from auditor and make decision with regard to the report. If the report indicates an apparent contravention of the Act, the Committee shall determine whether or not legal proceedings should be commenced against the candidate or registered third party.
- Consider reports submitted by the Clerk where it appears a contributor exceeded the contribution limit and make decisions with regard to such reports.

The Joint Clerk's role is responsible to train committee members, update the Terms of Reference, establish procedures, ensure legal representation is available to the Committee and review reports on each contribution that may have exceeded contribution limits.

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**Financial Implications:**

Members of the Committee will receive a \$350 honorarium for mileage and attendance at training. This cost will be shared equally amongst the Joint Participants.

In addition, members will receive an honorarium of \$250 per meeting, plus mileage at the rate of the responding municipality.

The City would be responsible to fund and pay all costs associated with the Committee, including the retention of an auditor and any cost incurred as a result of the decision of the Committee.

Any costs related to the Compliance Audit Committee would be funded from the approved Election budget.

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**Public Engagement:**

On August 17, 2022, the advertisement for the Joint Compliance Audit Committee was posted on the Niagara Region website, City's website, and shared on the City's social media sites.

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**Strategic Plan Alignment:**

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

- Governance: Communications, Engagement, and Decision-Making
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**Conclusion:**

Staff recommend that Council delegate authority to the Acting City Clerk to appoint members to the Compliance Audit Committee in accordance with the Act.

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**Appendices:**

- a. Terms of Reference for Niagara Compliance Audit Committee

Respectfully submitted,

Nicole Rubli  
Acting City Clerk  
905-835-2900 ext. 106  
nicole.rubli@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.

**Terms of Reference for**  
**Niagara Compliance Audit Committee**  
**2022-2026**

1. Authority

1. Sections 88.33 and 88.35 of the *Municipal Elections Act, 1996 (Act)* provides that an elector who is entitled to vote in an election and believes on reasonable grounds that a candidate or a registered third party has contravened a provision of the Act relating to election campaign finances may apply for a compliance audit of the candidate's or registered third party's campaign finances, even if the candidate has not filed a financial statement.
2. Sections 88.34 and 88.36 of the *Act* requires the clerk to review the contributions reported on the financial statements submitted by a candidate or registered third party and report any contraventions of any of the contribution limits to the compliance audit committee.
3. Section 88.37 of the *Act* requires the council or local board, to establish a compliance audit committee before October 1<sup>st</sup> in an election year for the purposes of Sections 88.33 to 88.36 of the *Act* relative to a possible contravention of the election campaign finance rules.

2. Establishment of Committee

1. A Joint Compliance Audit Committee is established with the potential participants as set out below, and shall be named the "Niagara Compliance Audit Committee" ("Committee"):

Local Area Municipalities": Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara on the Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland and Township of West Lincoln

"Region": Regional Municipality of Niagara

"School Boards": District School Board of Niagara and Niagara Catholic District School Board.

2. The potential participants as set out in Section 1 above, shall each determine its participation in the Committee, the results of which shall form the "Joint Participants."
3. The Committee is a statutory committee.

3. References

1. The following municipal terms shall have a corresponding meaning for School Boards: municipality/board, Council/Board, Clerk/Secretary, responding



municipality/responding board. Reference to Councils/Boards and Clerks shall be deemed to include those of the Joint Participants.

2. Responding municipality means the municipality/board responsible for the office, with the Region responsible for the offices of Regional Chair and Regional Councillors, municipalities responsible for the office of Mayor and Councillors/Aldermen and School Boards responsible for the office of trustees.
3. The local area municipalities shall receive the compliance audit applications on behalf of the Region and School Boards who will then immediately provide same to the Region or School Board to commence the compliance audit proceedings.

#### 4. Term

1. The term of the Committee shall be concurrent with the term of Council. The term of appointment of the Committee members shall be November 15th of the regular election year to November 14 of the next regular election year, including any by-elections, or until such time as the applicable Committee has disposed of any remaining matters in accordance with the *Act*.

#### 5. Duration

1. The Committee shall be established before October 1<sup>st</sup> in an election year.
2. The establishment of the Committee and terms of reference shall continue as set out herein from Council term to Council term unless determined otherwise by Council. However, the appointment of the members to the Committee shall be approved by each Council or delegated authority prior to October 1<sup>st</sup> in each election year.

#### 6. Mandate

1. The mandate of the Committee is to hear and determine all applications filed in accordance with Sections 88.33 to 88.36 of the *Act* pursuant to the procedures established by the Clerks under the *Act*.
2. The powers and functions of the Committee as set out in Sections 88.33 to 88.36 of the *Act* include:
  - (a) within 30 days of receipt of a compliance audit application from an elector, review and decide whether it should be granted or rejected;
  - (b) if the application is granted, appoint an auditor licensed under the *Public Accounting Act, 2004* to conduct a compliance audit of the election campaign finances;
  - (c) receive the auditor's report;
  - (d) within 30 days of receipt of the auditor's report, consider the report and if the report concludes the candidate or registered third party appears to have contravened a provision of the *Act* relating to election campaign

- finances, decide whether legal proceedings against the candidate or registered third party for the apparent contravention shall be commenced, and
- (e) within 30 days after receipt of a report from any participating municipality's Clerk of any apparent over-contributions to candidates or registered third parties, the Committee shall consider the Clerk's report and decide whether legal proceedings against the contributor should be commenced.

## 7. Composition

1. The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with preferred membership drawn from the following groups:
  - (a) accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;
  - (b) legal profession with experience in municipal law, municipal election law or administrative law;
  - (c) professionals who in the course of their duties are required to adhere to codes or standards of their profession which may be enforced by disciplinary tribunals, and
  - (d) other individuals with knowledge of the campaign finance rules of the Act.
2. The Committee shall not include,
  - (a) employees or officers of the Joint Participants;
  - (b) members of the Council or Board of the Joint Participants;
  - (c) any persons who are candidates in the election for which the Committee is established;
  - (d) any person who is or intends to volunteer or seek employment to assist any candidate or registered third party in the election for which the Committee is established, or
  - (e) any person who is a registered third party in any local area municipality.
3. When an application has been filed under Section 88.33 of the *Act*, a minimum of three (3), maximum of five (5) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the application.
4. The Clerk of the responding municipality shall determine the selection of the three (3) to five (5) sitting members of the Committee from the pool of members based on availability.

## 8. Member Selection and Appointment

1. The recruitment of committee members shall be advertised on the websites of the participating municipalities and school boards. Other recruitment measures may be initiated by the municipal Clerks and Secretaries, as they may deem fit.

2. All persons interested in serving on the Committee shall complete an application form as approved by the Clerks of the Joint Participants, setting out their qualifications and experience.
3. A Nomination Committee consisting of a minimum of three (3) of the Clerks or designates from the 12 Local Area Municipalities within Niagara, plus the Regional Municipality of Niagara, will review the applications and submit a joint short list of candidates to the Councils/Boards, or Clerk(s) as the delegated authority, for appointment approval.
4. In the event a vacancy occurs during the term, the municipality may rely on the remaining members to compose a Committee of three (3) to five (5) members.

9. Selection Criteria

1. Without limiting the foregoing, members shall be selected on the basis of the following:
  - (a) demonstrated knowledge and understanding of municipal election campaign finance rules;
  - (b) proven analytical and decision-making skills;
  - (c) experience working on a committee, administrative tribunal, task force or similar setting;
  - (d) availability and willingness to attend meetings;
  - (e) excellent oral and written communication skills.

10. Chair of Committee

1. The Committee members shall select a Chair from amongst its three (3) to five (5) sitting members at its first meeting.

11. Secretary to Committee

1. The Clerk of the responding municipality shall act as Secretary to the Committee.

12. Compensation

1. Members of the Committee shall receive a retention honorarium of \$350.00 including mileage, for attendance at a training session, the costs of which shall be shared equally amongst the Joint Participants.
2. Members shall receive an honorarium of \$250.00 per meeting, plus mileage, at the rate of the responding municipality.

13. Costs and Funding

1. The responding municipality shall fund and pay all costs associated with the Committee, including the retention of an auditor and any costs incurred as a

result of a decision of the Committee being challenged to the Ontario Superior Court of Justice.

2. The Joint Participants shall equally share in the costs associated with advertising and training.

#### 14. Auditor

1. The Region shall, on behalf of the area clerks, take the necessary steps to secure an auditor to undertake any audits as may be requested by the Committee.

#### 15. Meetings

1. The Committee shall conduct its meetings in public but may deliberate in private.
2. The responding municipality's website shall be used to communicate meeting notices, agendas, minutes and decisions.
3. The Committee shall conduct its meetings in accordance with the responding municipality's Council Rules of Procedure By-law and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

#### 16. Conflicts

1. Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest to the Secretary in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the application, discussion and voting with respect to the matter.
2. In the event a member discloses a pecuniary interest to the application in advance of the meeting, the Clerk of the responding municipality shall select another member to replace him/her on the Committee.
3. To avoid possible conflict of interest, an auditor or accountant appointed to the Committee must agree, in writing, not to undertake the audits or preparation of the financial statements of any candidate or registered third party seeking election to the Councils/Boards.
4. All Committee members shall agree, in writing, they will not work or volunteer for, or contribute to, any candidate or registered third party in any capacity in an election to the Councils/Boards. If upon being made aware that a member has participated or contributed to a campaign or registered third party, the Clerks or designates, by majority vote, shall remove the member from the roster or recommend to the Councils/Boards, or the delegated authority, to rescind the appointment to the Committee.

## 17. Practices and Procedures

1. The Clerk shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the *Act* to implement the Committee's decisions.

**Subject: JAAC Multi-year Accessibility Plan**

**To: Council**

**From: Corporate Services Department**

Report Number: 2022-194

Meeting Date: September 13, 2022

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**Recommendation:**

That Corporate Services Department – Human Resources Division Report 2022-194 be received; and

That Council approve the Multi-Year Accessibility Plan (MYAP) attached as Appendix A.

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**Purpose:**

The purpose of this report is to seek approval of the Joint Accessibility Advisory Committee's multi-year accessibility plan for 2022-2026.

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**Background:**

Under the *Accessibility for Ontarians with Disabilities Act, 2005*, Ontario Regulation 191/11 (Integrated Accessibility Standard) public and private sector organizations in the Province of Ontario must develop a multi-year accessibility plan to identify and address barriers to information and communication, employment, transportation, and customer service for people with disabilities. The Joint Accessibility Advisory Committee (JAAC) of Lincoln, West Lincoln, Pelham, Thorold, Niagara-on-the-Lake, Grimsby, and Port Colborne is pleased to present its 3<sup>rd</sup> Multi-Year Accessibility Plan (2022-2026).

Accessibility provides the municipalities with an opportunity to provide excellence in customer service and an accessible experience to all citizens. The municipalities remain committed to meeting the accessibility needs of their citizens and staff.

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**Discussion:**

Staff are committed to promoting accessibility standards throughout the City through avenues including access to information such as accessible documents, an accessible website, evaluation of built environment, site plan review, provincial reporting, and accessible customer service.

The MYAP identifies the steps the municipalities represented by the JAAC have taken and will continue to take to ensure their programs and services are accessible to all people of all abilities. Each member Municipality will take the plan to their Council for approval.

The City of Port Colborne is required under legislation to approve and post this plan before the end of the year.

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**Financial Implications:**

There are no financial implications.

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**Strategic Plan Alignment:**

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

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

**Conclusion:**

Staff are confident that the MYAP meets the City's obligations under the AODA and that the plan confirms the City's commitment to working to address and reduce barriers to information and communication, employment, transportation, and customer service for people with disabilities.

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**Appendices:**

- a. Multi-year Accessibility Plan 2022-2026



Respectfully submitted,

Mary Murray, CHRL, CHRP, MIR  
Manager of Human Resources  
905-835-2900 ext. 309  
Mary.murray@portcolborne.ca

**Report Approval:**

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

# **Joint Accessibility Advisory Committee of Lincoln, West Lincoln, Pelham, Thorold, Niagara-on-the Lake, Grimsby and Port Colborne**

## **Multi-Year Accessibility Plan (2022-2026)**

In Compliance with O. Reg. 191/11, O. Reg. 413/12 Including  
Information and Communication, Employment,  
Design of Public Spaces and Customer Service Accessibility  
Standards

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# Introduction

Under the *Accessibility for Ontarians with Disabilities Act, 2005*, Ontario Regulation 191/11 (Integrated Accessibility Standard) public and private sector organizations in the Province of Ontario must develop a multi-year accessibility plan to identify and address barriers to information and communication, employment, transportation and customer service for people with disabilities. The Joint Accessibility Advisory Committee of Lincoln, West Lincoln, Pelham, Thorold, Niagara-on-the-Lake, Grimsby and Port Colborne (JAAC) is pleased to present its 3<sup>rd</sup> Multi-Year Accessibility Plan (2022-2026). Accessibility provides the municipalities with an opportunity to provide excellence in customer service and an accessible experience to all citizens. The municipalities remain committed to meeting the accessibility needs of their citizens and staff.

This Plan identifies the steps the municipalities have taken and will continue to take to ensure their goods, services are accessible to all people of all abilities.

The JAAC municipalities wish to thank their community partners, stakeholders and service partners in helping the JAAC achieve their accessibility goals. The municipalities also wish to thank the Province of Ontario and the Accessibility Directorate for its leadership in ensuring a fully accessible Province by 2025.

# Integrated Accessibility Standards Regulation: Information and Communication

Regulation	Action Plan	Accountability	Complete	Status Comments
(1) Every provider shall develop, implement and maintain policies governing its provision of goods, services or facilities, as the case may be, to persons with disabilities. O. Reg. 165/16, s. 16.	1.1 <u>Accessibility Policy</u> Established accessibility policy. Annual review of Policy to ensure it is up to date, reflects all City changes as they occur and is posted on the website.	Human Resources	Yes, ongoing	January 1, 2022 - December 31, 2026
<u>Provision of Alternate Formats</u> Providing the following information in alternate format or accessible communication supports (for example: American Sign Language (ASL) interpretation or Teletype Telephone (TTY)) upon request according to legislated deadlines; for example: <ul style="list-style-type: none"> <li>• O. Reg. 191/11–13 (1) - Organizational emergency procedures, plans and public safety information (January 1, 2012).</li> <li>• O. Reg. 191/11–3 (1) - City Accessibility Policy and Accessibility Plan (January 1, 2013).</li> <li>• O. Reg. 191/11–21 (1) Applicant and employee related information (January 1, 2014).</li> </ul>	1. <u>Establish Vendor of Record:</u> 1.1 The municipality to contract Alternate Format Service Provider Vendor of Record. Create RFP and evaluate proposals from proponents.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
	1.2 Accessible Documents Training – Provide to applicable employees. Annual review of training content; update as needed. Training regarding municipal Accessible Documents Guide for internal documents provided to new hires.	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026

# Integrated Accessibility Standards Regulation: Information and Communication

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><u>Provision of Alternate Formats continued</u></p> <p>Providing the following information in alternate format or accessible communication supports (for example: American Sign Language (ASL) interpretation or Teletype Telephone (TTY)) upon request according to legislated deadlines; for example:</p> <ul style="list-style-type: none"> <li>• O. Reg. 191/11–13 (1) - Organizational emergency procedures, plans and public safety information (January 1, 2012).</li> <li>• O. Reg. 191/11–3 (1) - City Accessibility Policy and Accessibility Plan (January 1, 2013).</li> <li>• O. Reg. 191/11–21 (1) Applicant and employee related information (January 1, 2014).</li> </ul>	<p>1.4 Annual review of source list of vendors willing to provide ASL interpretation upon request</p>	Human Resources, Accessibility Consultant	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>1.5 Process Map – Annual review of internal procedures for processing requests for alternate formats (i.e., how vendor/coordinator is contacted, how requests are tracked, response procedure to customer, customer follow-up)</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026



## Integrated Accessibility Standards Regulation: Information and Communication

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 191/11–11(1–4)</i>  <u>Feedback Mechanism</u></p> <p>Ensure accessible feedback mechanism in relation to areas covered under Integrated Accessibility Regulation. Every obligated organization shall notify public about availability of accessible formats and communication supports.</p>	Annual review of Feedback Mechanism	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026
<p><i>O. Reg. 191/11–14(1–7)</i>  <u>Websites</u></p> <p>New web content to conform to W3C WCAG 2.0 Level A. Except where not practicable, this applies to:  Web-based applications that an organization controls directly or through a contractual relationship that allows for modification of a product.</p>	1.2. Annual update of municipal website to communicate new feedback procedures and mechanisms (as appropriate)	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026

## Integrated Accessibility Standards Regulation: Information and Communication

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><u>O. Reg. 191/11–12 (1)</u>  <u>Organizational Material in</u>  <u>Alternate Format:</u></p> <p>Except as otherwise provided, every obligated organization shall upon request provide or arrange for the provision of accessible formats and communication supports for persons with disabilities:</p> <p>(a) in a timely manner that takes into account the person's accessibility needs and in consultation with the person making the request.</p>	<p><u>Alternate Format Provision:</u></p> <p>1.1. Establish municipal Accessible Communication Policy – outlining City protocols for using a standardized City Accessible Style Guide – including templates for accessible word processing, accessible PDF's and accessible web-based materials</p>	Human Resources, JAAC and Accessibility Consultant	No	January 1, 2022-December 31, 2026
	<p>1.2. Participate in accessible template procedural training and other accessible communication refresher training as needed</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026

# Integrated Accessibility Standards Regulation: General Regulations

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 191/11–3 (1)</i>  <u>Accessibility Policy</u>                      Dissemination of City Accessibility Policy to public.</p>	<p><u>Communication Plan:</u>                      1.1. Post Accessibility Policy on municipal website.</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>1.2. Accessibility Policy available in alternate formats or alternate communication supports upon request</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
<p><i>O. Reg. 191/11–4(1)</i>  <u>Accessibility Plan</u>                      Provide public consultation opportunity to review Accessibility Plan for municipality.</p>	<p>2.1 Prepare Multi-Year Accessibility Plan presentation; prepare consultation documents in alternate format upon request</p>	Human Resources, Accessibility Consultant	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>2.2 Assist with the facilitation of the public consultation process</p>	Human Resources, Accessibility Consultant	Ongoing	January 1, 2022-December 31, 2026

# Integrated Accessibility Standards Regulation: General Regulations

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 191/11–14(1–7)</i>  <u>Websites</u></p> <p>New websites and web content to conform to W3C WCAG 2.0 Level A. Except where not practicable, this applies to:</p> <p>Websites  Web content (published after January 1, 2012)  Web-based applications that an organization controls directly or through a contractual relationship that allows for modification of a product.</p>	<p><u>Municipal Website – Accessibility Page:</u> 1.1. Annual review and update of Accessibility Page to outline Accessibility Policy and update as needed</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p><u>Website Compliance:</u>  2.1. Ensure all new website content is meets WCAG 2.0 Level AA compliance</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>2.2. Ensure all new web-based applications meets WCAG 2.0 Level AA compliance</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
<p><i>O. Reg. 191/11–11(1–4)</i>  <u>Feedback Mechanism</u></p> <p>Ensure accessible feedback mechanism in relation to areas covered under Integrated Accessibility Regulation. Every obligated organization shall notify public about availability of accessible formats and communication supports.</p>	<p>3.1. Annual update of City website to communicate new feedback procedures and mechanisms (as appropriate)</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026

## Integrated Accessibility Standards Regulation: Information and Communication

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 191/11-7(1-6)</i>  <u>Training</u>                      Provide training regarding Integrated Accessibility Regulation requirements to all persons who provide goods, services or facilities on behalf of the organization. Training to take place as soon as practicable and shall include any changes to policies on an ongoing basis. Record keeping of training provided and number of participants is required.</p>	<p><u>Training Plan Development:</u>                      . Provide annual refresher AODA training through municipal training modules on a regular basis (at least annually)</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026

# Integrated Accessibility Standards Regulation: Employment

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 191/11–22</i>  <u>Availability of Accommodations</u>                      Notice provided to employees and public about the availability of accommodation for applicants with disabilities during recruitment process.</p> <p><i>O. Reg. 191/11–28 (1–3)</i>  <u>Documented Individual Accommodation Plans</u>                      Documented Accommodation Plans provided to employees with disabilities.</p> <p><i>O. Reg. 191/11–29 (1–3)</i>  <u>Return-to-Work Process</u>                      Documented Return-to-Work process established including disability-related accommodations.</p>	1.1. An annual review of Accommodation Policy and Accommodation Planning Tool and Return-to-Work Process and Planning tools	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	1.2. Review Employment Policy and Procedures and update as required	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	1.3. Review recruitment accommodations including notice in advertisements as required	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	1.4. Annual review of AODA LMS training modules and update as needed	Human Resources, Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026

# Integrated Accessibility Standards Regulation: Employment

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><u>O. Reg. 191/11-23 (1-4)</u>  <u>Selection Process</u>  <u>Accommodations</u></p> <p>Accommodation provided to applicants selected to participate in assessment or selection process, upon request. Suitable accommodation provided in manner that takes applicant's accessibility needs.</p>	<p><u>Policy:</u>  1.1. An annual review of the Recruitment Policy and Procedures</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>1.2. Annual review of AODA LMS training modules and update as needed</p>	Human Resources, Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
<p><u>O. Reg. 191/11-24</u>  <u>Notice to Successful Applicants:</u></p> <p>Successful applicant provided accommodation policy when making offer of employment.</p>	<p>1.1. Review of Offers of Employment Procedures as required</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>1.2. Annual review of Employment Offer Checklist to ensure that all successful applicants/new employees are aware of municipal staff website, Accessibility Policy, Accommodation Policy and Accommodation Planning Procedures and Emergency Response and Evacuation Support Procedures</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026



# Integrated Accessibility Standards Regulation: Employment

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><u>O. Reg. 191/11-25 (1-3)</u> <u>Notice to Employees</u></p> <p>Accommodation policy provided to all employees and updates provided whenever changes are made.</p>	<p>1. <u>Policy:</u> 1.1 Updates provided to employees as needed</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
<p><u>O. Reg. 191/11-26 (1-2)</u> <u>Alternate Formats for Employees</u></p> <p>Alternate formats provided to employees with disabilities upon request including information needed to perform employee's job, information generally available in workplace. Employer will consult employee making request when determining suitability of accessible format provided.</p>	<p><u>Policy and Procedure:</u> . Reminder Notices sent to all Supervisors and Managers regarding process/procedure on how to respond to requests for alternate formats from employees</p>	Human Resources; Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>. All Health and Safety and Orientation material for new and existing employees (as relevant to the employee and job description) to be provided in an alternate format upon employee's request</p>	Human Resources; Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026

## Integrated Accessibility Standards Regulation: Employment

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 191/11–30 (1–2); 31 (1–2); 32 (1–2)</i>  Performance Management, Career Development and Advancement and Redeployment processes include accessibility accommodation and provided in alternate format upon request.</p>	<p><u>Performance Management Career Development and Advancement and Redeployment:</u>  1.1. Annual review of Supervisors training regarding how to provide accessibility in performance management, development and advancement and redeployment</p>	Human Resources	Yes, ongoing	January 1, 2022–December 31, 2026
	<p>. Ensure accommodation plans meets all requirements, and moves with the employee when changing locations</p>	Human Resources	Yes, ongoing	January 1, 2022–December 31, 2026
<p><i>O. Reg. 191/11–7 (1–6)</i>  <u>Training</u>  Employment Training (i.e. Ontario Human Rights Code, accessible recruitment and screening, employment policy and accommodation planning training).</p>	<p>1. <u>Training</u>  Annual refresher AODA training through City training modules</p>	Human Resources	Yes, ongoing	January 1, 2022–December 31, 2026

## Integrated Accessibility Standards Regulation: Design of Public Spaces

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 413/12; OBC Section 3.8</i>	Ongoing implementation of accessibility audit recommendations for all municipal facilities and venues	Public Works	Yes, ongoing	January 1, 2022-December 31, 2026
<p><i>O. Reg. 191/11–4 (1–4)</i>  <u>Accessibility Plan</u></p> <p>Develop a “multi-year Accessibility Plan” that outlines compliance strategies to comply with Integrated Accessibility Regulation (i.e., Information and Communication, and Employment).</p> <p>Accessibility Plan must be posted to organization’s website and available in alternate format upon request.</p> <p>Annual Status Report outlining progress must be written and posted to website each year. Accessibility Plan and Progress Reports must include consultation with people with disabilities (at least one public meeting).</p> <p>Accessibility Plan to be reviewed and updated every five years. Review must include consultation with people with disabilities.</p>	1. Development of a five-year Accessibility Plan. Plan includes organization-wide analysis of barriers and proposed solutions. City policy implications to be reviewed	Human Resources	Yes	May 31, 2022
	2. Participate in public consultation into City Accessibility Plan development to address any policy changes	Human Resources	Upcoming	December 2022

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.44</i> In addition to the accessibility plan requirements set out in section 4, obligated organizations, other than small organizations, shall ensure that their multi-year accessibility plans include the following:</p> <p>1. Procedures for preventative and emergency maintenance of the accessible elements in public spaces as required under this Part.</p> <p>2. Procedures for dealing with temporary disruptions when accessible elements required under this Part are not in working order. O. Reg. 413/12, s. 6.</p>	<p><u>Maintenance of Accessibility Features</u> 1.1 Annual check of accessibility features and planned maintenance managed by Public Works</p>	Public Works	Yes, ongoing	January 1, 2022-December 31, 2026
	<p><u>Temporary Disruptions</u> 1.1 Disruptions are posted at site of disruption. If disruption to last more than 3 days, notice is posted to the City website.</p>	Public Works Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.46</i></p> <p>1. The goods, services or facilities must be provided in a manner that respects the dignity and independence of persons with disabilities.</p> <p>2. The provision of goods, services or facilities to persons with disabilities must be integrated with the provision of goods, services or facilities to others, unless an alternative measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods, services or facilities.</p> <p>3. Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods, services or facilities.</p> <p>4. When communicating with a person with a disability, the provider shall do so in a manner that takes into account the person's disability. O. Reg. 165/16, s. 16.</p>	Policy outlines how City is compliant with these requirements.	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026
	<p>Provision of goods, services and facilities to people with disabilities is integrated into provision of goods, services or facilities for all citizens wherever possible.</p> <p>When communicating with people with disabilities the City takes into account the person's accessibility needs.</p>	Human Resources	Yes, ongoing	January 1, 2022-December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
O. Reg. 80.46 (3) Without limiting subsections (1) and (2), the policies must deal with the use of assistive devices by persons with disabilities to obtain, use or benefit from the goods, services or facilities or with the availability of other measures, if any, which enable them to do so. O. Reg. 165/16, s. 16.	Accessibility Policy addresses assistive devices used by citizens with disabilities	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026
(4) Every provider, other than a small organization, shall prepare one or more documents describing the policies established under this section and, on request, shall give a copy of any such document to any person. O. Reg. 165/16, s. 16.	Accessibility Policy established and available upon request.	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 80.46</i> (5) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the documents required by subsection (4) are available on request. O. Reg. 165/16, s. 16.	Notice of policy availability on municipal website	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(6) The notice required by subsection (5) may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 165/16, s. 16.	Policy posted on municipal website	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026



## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 80.47</i> (2) If a person with a disability is accompanied by a guide dog or other service animal, the provider shall ensure that the person is permitted to enter the premises with the animal and to keep the animal with him or her, unless the animal is otherwise excluded by law from the premises. O. Reg. 165/16, s. 16.	Service animal requirements addressed in municipal Accessibility Policy	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026
<i>O. Reg. 80.47</i> (3) If a service animal is excluded by law from the premises, the provider shall ensure that other measures are available to enable a person with a disability to obtain, use or benefit from the provider's goods, services or facilities. O. Reg. 165/16, s. 16.	Service animal requirements addressed in City Accessibility Policy	Human Resources	Yes, ongoing	January 1, 2022- December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.47</i>            (5) The provider may require a person with a disability to be accompanied by a support person when on the premises, but only if, after consulting with the person with a disability and considering the available evidence, the provider determines that, (b) there is no other reasonable way to protect the health or safety of the person with a disability and the health or safety of others on the premises. <i>O. Reg. 165/16, s. 16.</i></p>	<p>Support Person requirements addressed in municipal Accessibility policy</p>	<p>Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022- December 31, 2026</p>

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.47</i></p> <p>(7) If, under subsection (5), the provider requires a person with a disability to be accompanied by a support person when on the premises, the provider shall waive payment of the amount, if any, payable in respect of the support person's admission to the premises or in connection with the support person's presence on the premises. O. Reg. 165/16, s. 16.</p>	Accessibility policy addresses support person requirements	Human Resources	Yes, ongoing	January 1, 2022 - December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.47</i>            (8) Every provider, other than a small organization, shall prepare one or more documents describing its policies with respect to the matters governed by this section and, on request, shall give a copy of any such document to any person. O. Reg. 165/16, s. 16.</p>	Accessibility Policy established to address compliance needs	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
<p><i>O. Reg. 80.47</i>            (9) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the documents required by subsection (8) are available on request. O. Reg. 165/16, s. 16.            (10) The notice required by subsection (9) may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 165/16, s. 16.</p>	Notice provided on municipal website	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.48</i>                      (1) If, in order to obtain, use or benefit from a provider's goods, services or facilities, persons with disabilities usually use other particular facilities or services of the provider and if there is a temporary disruption in those other facilities or services in whole or in part, the provider shall give notice of the disruption to the public. <i>O. Reg. 165/16, s. 16.</i></p>	<p>Notice of service disruption provided at site of disruption, to Human Resources department and on the municipal website as appropriate.</p>	<p>Public Works, Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022 – December 31, 2026</p>
<p><i>O. Reg. 80.48</i>                      (2) Notice of the disruption must include the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that are available. <i>O. Reg. 165/16, s. 16.</i></p>	<p>Notice of disruption provides reason, duration and description of alternate facilities or services.</p>	<p>Public Works, Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022 – December 31, 2026</p>

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.48</i>            (3) Every provider, other than a small organization, shall prepare a document setting out the steps that the provider will ensure are taken in connection with a temporary disruption and, on request, shall give a copy of the document to any person. O. Reg. 165/16, s. 16.</p> <p>(4) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the document required by subsection (3) is available on request. O. Reg. 165/16, s. 16.</p>	<p>Accessibility Policy established to address compliance needs. Policy is available upon request.</p>	<p>Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022 – December 31, 2026</p>

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.48</i>                      (5) The notices required by subsections (2) and (4) may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 165/16, s. 16.</p>	Notice provided on municipal website	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026



## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.49</i>            (1) In addition to the requirements in section 7, every provider shall ensure that the following persons receive training about the provision of the provider's goods, services or facilities, as the case may be, to persons with disabilities:</p> <ol style="list-style-type: none"> <li>1. Every person who is an employee of, or a volunteer with, the provider.</li> <li>2. Every person who participates in developing the provider's policies.</li> <li>3. Every other person who provides goods, services or facilities on behalf of the provider. O. Reg. 165/16, s. 16.</li> </ol>	<p>Training provided through municipal Learning Management System and JAAC.</p>	<p>Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022 – December 31, 2026</p>

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.49</i>            (2) The training must include a review of the purposes of the Act and the requirements of this Part and instruction about the following matters:</p> <ol style="list-style-type: none"> <li>1. How to interact and communicate with persons with various types of disability.</li> <li>2. How to interact with persons with disabilities who use an assistive device or require the assistance of a guide dog or other service animal or the assistance of a support person.</li> <li>3. How to use equipment or devices available on the provider's premises or otherwise provided by the provider that may help with the provision of goods, services or facilities to a person with a disability.</li> <li>4. What to do if a person with a particular type of disability is having difficulty accessing the provider's goods, services or facilities. O. Reg. 165/16, s. 16.</li> </ol>	Training addresses all legislative requirements.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 80.49</i> (3) Every person referred to in subsection (1) shall be trained as soon as practicable. O. Reg. 165/16, s. 16.	Training of new hires occurs at onboarding	Human Resources; Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(4) Every provider shall also provide training on an ongoing basis in respect of any changes to the policies described in section 80.46. O. Reg. 165/16, s. 16.	Ongoing training occurs with any change to Accessibility Policy.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(5) Every provider, other than a small organization, shall keep records of the training provided under this section, including the dates on which the training is provided and the number of individuals to whom it is provided. O. Reg. 165/16, s. 16.	Training records kept.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.49</i>            (6) Every provider, other than a small organization, shall, (a) prepare a document that describes its training policy, summarizes the content of the training and specifies when the training is to be provided; Every provider, other than a small organization, shall, (b) on request, give a copy of the document to any person. <i>O. Reg. 165/16, s. 16.</i></p>	<p>Accessibility Policy established to address compliance needs. Policy is available upon request. Policy posted on website.</p>	<p>Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022 – December 31, 2026</p>
<p>(7) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the document required by subsection (6) is available on request. <i>O. Reg. 165/16, s. 16.</i></p>				
<p>(8) The notice required by subsection (7) may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. <i>O. Reg. 165/16, s. 16.</i></p>				

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<p><i>O. Reg. 80.50</i>                      (1) Every provider shall establish a process for receiving and responding to,                      (a) feedback about the manner in which it provides goods, services or facilities to persons with disabilities;                      (1) Every provider shall establish a process for receiving and responding to,                      (b) feedback about whether the feedback process established for purposes of clause (a) complies with subsection (3).  <i>O. Reg. 165/16, s. 16.</i></p>	<p>Accessibility Policy addresses feedback mechanism and how feedback is received by City.</p>	<p>Human Resources</p>	<p>Yes, ongoing</p>	<p>January 1, 2022 – December 31, 2026</p>

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 80.50</i> (2) The feedback process must specify the actions that the provider will take if a complaint is received about the manner in which it provides goods, services or facilities to persons with disabilities. O. Reg. 165/16, s. 16.	Feedback mechanism specifies who complaints are received and managed.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(3) Every provider shall ensure that the feedback process is accessible to persons with disabilities by providing, or arranging for the provision of, accessible formats and communication supports, on request. O. Reg. 165/16, s. 16.	Feedback mechanism is accessible to people with disabilities by providing accessible formats and communication supports upon request.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 80.50</i> (4) Every provider shall make information about the feedback process readily available to the public. O. Reg. 165/16, s. 16.	Feedback mechanism available to public via municipal website.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(5) Every provider, other than a small organization, shall prepare a document describing the feedback process and, on request, shall give a copy of the document to any person. O. Reg. 165/16, s. 16.	Accessibility Policy addresses feedback mechanism and how feedback is received by City.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(6) Every provider, other than a small organization, shall notify persons to whom it provides goods, services or facilities that the document required by subsection (5) is available on request. O. Reg. 165/16, s. 16.	Public is notified that Accessibility Policy is available upon request.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026



## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
<i>O. Reg. 80.50</i> (7) The notice required by subsection (6) may be given by posting the information at a conspicuous place on premises owned or operated by the provider, by posting it on the provider's website, if any, or by such other method as is reasonable in the circumstances. O. Reg. 165/16, s. 16.	Notice of feedback mechanism provided on municipal website	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
<i>O. Reg. 80.51</i> (1) If a provider is required by this Part to give a copy of a document to a person with a disability, the provider shall, on request, provide or arrange for the provision of the document, or the information contained in the document, to the person in an accessible format or with communication support, (a) in a timely manner that takes into account the person's accessibility needs due to disability;	Documents provided to public are available in alternate format upon request.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026

## Integrated Accessibility Standards Regulation: Customer Service

Regulation	Action Plan	Accountability	Complete	Status Comments
(1) If a provider is required by this Part to give a copy of a document to a person with a disability, the provider shall, on request, provide or arrange for the provision of the document, or the information contained in the document, to the person in an accessible format or with communication support, (b) at a cost that is no more than the regular cost charged to other persons. O. Reg. 165/16, s. 16.	Alternate formats provided at no more than regular cost to public.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026
(2) The provider shall consult with the person making the request in determining the suitability of an accessible format or communication support. O. Reg. 165/16, s. 16.	The City consults with person requesting alternate format regarding suitability of the format to meet the person's needs.	Human Resources	Yes, ongoing	January 1, 2022 – December 31, 2026



**Subject: Downtown BIA – Harvest Festival**

**To: Council**

**From: Corporate Services Department**

Report Number: 2022-202

Meeting Date: September 13, 2022

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**Recommendation:**

That Corporate Services Department – Recreation Division Report 2022-02 be received;

That Catharine Street from Clarence Street to Charlotte Street be closed to vehicular traffic and street parking from 7:00am to 6:00pm on Saturday, September 24, 2022.

That Charlotte Street from King Street to West Street be closed to vehicular traffic and street parking from 7:00am to 6:00pm on Saturday, September 24, 2022.

That Council approve City support of Harvest Festival and waive the \$180 fees as outlined in the report.

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**Purpose:**

The purpose of this report is to present a request to Council from the Port Colborne Downtown Business Improvement Area Board of Management (“PCDBIA”). The PCDBIA is requesting road closures to host the Harvest Festival on Saturday, September 24, 2022, from 9:00 a.m. to 5:00 p.m.

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**Background:**

Harvest Festival is an annual event run by the PCDBIA; they are expecting over 5,000 attendees in the downtown core on Saturday, September 24, 2022. Below is an outline of the event and the requests from the PCDBIA:

- Food and artisan vendors at King George Park.
- Wagon rides for children on Charlotte and West Street.
- Train rides for children on the West Street Promenade sidewalk.

- Food vendors, crafters, kids' activities, and magic show at Mariners Park.
  - Crafters at St. James & St. Brendan's Church.
  - Downtown businesses are invited to participate in the event with sidewalk sales.
  - Pubs & Restaurants will be providing entertainment and the PCDBIA will provide buskers around the area.
- 

### **Discussion:**

Recreation staff have discussed the proposed events with the PCDBIA and are supportive of the plan. The PCDBIA will be providing their own portable washrooms. The portable washrooms will be placed behind Market Square. The harbour master building washrooms will also remain open for this event. The PCDBIA will be hiring medical staff from Odyssey Medical to support the event.

### **Road Closures:**

- Catharine Street from Clarence Street to Charlotte Street closed to vehicular traffic and street parking from 7:00am to 6:00pm on Saturday, September 24, 2022.
- Charlotte Street from King Street to West Street closed to vehicular traffic and street parking from 7:00am to 6:00pm on Saturday, September 24, 2022.

### **Requests from the City:**

- 10 large pylons.
- 10 road barricades.
- Extra garbage bins in King George Park, Charlotte Street, and the Promenade.
- Access to hydro at King George Park.
- Waiver of park permit fee for King George Park.
- Waiver of fee for noise variance application.

The total amount of fees requested to be waived is \$180.

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### **Internal Consultations:**

Recreation staff have informed Public Works, Communications, By-Law, and the Fire Department of the event.

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### **Financial Implications:**

There are no financial implications to the city for this event.

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## **Public Engagement:**

The PCDBIA will notify all property owners in the affected areas of the road closures.

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## **Strategic Plan Alignment:**

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

- Attracting Business Investment and Tourists to Port Colborne
- 

## **Conclusion:**

In conclusion, the PCDBIA is hosting the annual Harvest Festival in downtown Port Colborne. They are requesting road closures, support from the city, and waiver of fees to support this event.

---

Respectfully submitted,

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

## **Report Approval:**

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



**Subject: Active Transportation Fund – Contribution Agreement**

**To: Council**

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

Report Number: 2022-205

Meeting Date: September 13, 2022

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**Recommendation:**

That Chief Administrative Office – Economic Development and Tourism Division Report 2022-205 be received;

That a By-law to enter into a Contribution Agreement with the Permanent Public Transit Program – Active Transportation Fund, be brought forward;

That the Chief Administrative Officer be delegated authority to execute the Contribution Agreement; and

That Council approve an increase to the Active Transportation Master Plan capital project budget from \$50,000 to \$100,000 representing the additional \$50,000 grant received through the Contribution Agreement.

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**Purpose:**

The purpose of this report is to establish the signing authority of various documents and agreements for the City of Port Colborne to ensure that consistent and effective internal controls and approvals are maintained.

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**Background:**

In 2020, the approved Capital Budget included \$50,000 for an Active Transportation Master Plan.

The Parks and Recreation Master Plan, approved at Council on December 9, 2019, included recommendation #62: “Invest in trail enhancements/connections through the preparation of a Trails and Bicycling Master Plan.”

In March 2022, staff applied for funding through the federal government's Permanent Public Transit Program – Active Transportation Fund and requested \$50,000. The City's application was approved on July 14, 2022.

Before the Contribution Agreement can be finalized so that the City can receive the federal funds, the federal government requires an official document giving authorization for the City to enter an agreement with the Active Transportation Fund. This can be achieved with a by-law or resolution approved by Council.

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### **Discussion:**

City staff and the Active Transportation Committee felt that a broader project scope was needed along additional funding. Staff applied for funding in March 2022 from the federal government's Permanent Public Transit Program - Active Transportation Fund. This was approved on July 14, 2022.

The City of Port Colborne will engage a consulting firm to undertake the completion of an Active Transportation Master Plan that will allow the City to strategically manage the direction of Active Transportation for the next ten years. The study will review the current active transportation infrastructure and active transportation user preference and provide recommendations for operational improvements, while proposing new long-term growth strategy. The Active Transportation Plan will look at the City's existing infrastructure, identify how it can be improved, look at different opportunities, and show what and where the optimum active transportation system in the City will look up to the year 2032.

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### **Internal Consultations:**

City staff from various departments, including Public Works, Economic Development & Tourism Services, and Corporate Services will be working together on this project.

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### **Financial Implications:**

Staff are estimating a total project budget of \$100,000 and are recommending that the budgeted amount in the City's capital budget be increased from \$50,000 to \$100,000 as a result of the expanded project scope. No new capital funds are being requested.

The City's fifty-percent (50%) contribution towards this project, in the amount of \$50,000, was approved in the 2020 Capital Budget, project number 20O-PW-L51. The federal funding, in the amount of \$50,000, will cover the balance of the project cost.

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## Strategic Plan Alignment:

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

- Attracting Business Investment and Tourists to Port Colborne
  - City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Governance: Communications, Engagement, and Decision-Making
- 

## Conclusion:

The Parks and Recreation Master Plan, approved on December 9, 2019, recommended that the City “Invest in trail enhancements/connections through the preparation of a Trails and Bicycling Master Plan.”

The 2020 Capital Budget approved \$50,000 for the Active Transportation Master Plan. In March 2022, staff applied for funding from the federal government’s Permanent Public Transit Program – Active Transportation Fund. The City’s application was approved on July 14, 2022.

The federal government requires that the City enter into a Contribution Agreement with Permanent Public Transit – Active Transportation Fund and they also require a by-law approved by Council providing authorization for key officials to execute the documents.

City staff, as well as the City’s Active Transportation Committee, are recommending that the project scope be expanded and that the project budget be increased from \$50,000 to \$100,000. No additional funds are required as the City’s approved funds together with the federal government’s contribution will allow the City to complete the project.

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## Appendices:

- a. By-law for Active Transportation Fund

Respectfully submitted,

Karen Walsh  
Executive Administrative Assistant  
905-835-2900 x 501  
karen.walsh@portcolborne.ca

Gary Long  
Manager of Strategic Initiatives  
905-835-2900 x.502  
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 Authorize Entering into a Contribution Agreement for the  
Permanent Public Transit Program – Active Transportation Fund

Whereas at its meeting of September 13, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of CAO Report No. 2022-205, Subject: Active Transfer Fund Contribution Agreement; and

Whereas Council authorized the execution of an Agreement between the Corporation of the City of Port Colborne and Her Majesty the Queen in Right of Canada for the Permanent Public Transit Program – Active Transportation Fund with the federal government hereby represented by the Minister of Infrastructure and Communities; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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

1. The Agreement between the Corporation of the City of Port Colborne and Her Majesty the Queen in Right of Canada, as represented by the Minister of Infrastructure and Communities – City of Port Colborne Transit project hereby be authorized and approved.
2. That the Mayor and the Acting City Clerk be authorized and directed to sign the said agreement, together with any documents necessary to complete the conditions of the said agreement or any other phase for the Minister of Infrastructure and Communities, and the Acting City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 13th day of September, 2022.

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

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



**Subject: Grant for Non-Profits**

**To: Council**

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

Report Number: 2022-199

Meeting Date: September 13, 2022

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**Recommendation:**

That Chief Administrative Officer Report 2022-199 be received; and

That the following grants for non-profits totalling \$19,050 be approved for the second allocation of 2022 grants:

\$3,000	Niagara Antique Power Association
\$5,000	Port Cares Reach Out Centre
\$1,250	Port Colborne Historical and Marine Museum Auxiliary
\$3,000	STEP Youth Empowerment Centre
\$4,300	St. James St. Brendan's Anglican Church
\$2,500	YMCA

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**Purpose:**

To seek Council's approval for the 2022 second allocation of grants to non-profit organizations.

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**Background:**

In 2015, Council passed By-law 6317/143/15 establishing a Grant Policy Committee whose purpose is to oversee the distribution of grants to non-profit organizations.

In accordance with the Grant Policy, applications are received twice a year – January 31 and June 30. Applications are reviewed by the Grant Policy Committee and recommendations are to be brought forward to Council for final approval.

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## Discussion:

On June 30, 2022, six applications for funding were received. The Grant Policy Committee members were provided with copies of these applications for review and a meeting was held on July 27, 2022.

The following recommendation was made by the committee:

That grant requests for a total of \$19,050 be approved for the second allocation of grants for 2022 as follows:

- \$3,000 – Niagara Antique Power Association to rent a pull sled for the horse pull and antique tractor pull and transport two steam engines. This volunteer organization suffered financially without their annual heritage-educational event in 2020 and 2021.
- \$5,000 – Port Cares Reach Out Centre to assist with operating costs due to increased demand for services and food since the onset of the pandemic.
- \$1,250 – Port Colborne Historical and Marine Museum Auxiliary – to assist with costs of reopening Arabella's Tea Room after a two-year closure including an air filtration system, virtual fundraising equipment and marketing.
- \$3,000 – STEP Youth Empowerment Centre – to support free counselling services for youth and youth-at-risk – in the past twelve months they supported 11,000 youth across the Niagara Region including 611 from Port Colborne – they work in collaboration with Port Cares.
- \$4,300 – St. James St. Brendan's Anglican Church – for the installation of a roof-mounted air conditioner at their property at 25 Charlotte Street.
- \$2,500 – YMCA to run the Youth Action school program for youth aged 10 to 14 for the 2022-2023 school year. Participants will attend 2 hours per week for 32 weeks at no cost.

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## Internal Consultations:

N/A

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## Financial Implications:

Council approved \$36,000 for grants in the 2022 budget and there was a carryover from previous years of an additional \$13,500 for a total of \$49,500. \$27,751 was allocated in

the first intake leaving \$21,749 available for this second intake. This leaves \$2,699 to be carried over to 2023.

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### **Public Engagement:**

The public was notified of the availability of grants through the City's website, the June edition of City Hall News, and the Mayor's Report to council.

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### **Strategic Plan Alignment:**

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

- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
  - Value: Financial Management to Achieve Financial Sustainability
  - People: Supporting and Investing in Human Capital
- 

### **Conclusion:**

With funds available in the 2022 budget, staff are recommending that Council approve the 2022 second allocation of grants as recommended by the Grant Policy Committee.

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Respectfully submitted,

Gail Todd  
Executive Administrative Assistant  
Staff Liaison to the Grant Policy Committee  
gail.todd@portcolborne.ca  
905-835-2900 Ext 301

### **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: Amendment to Heritage Designation By-law 6743/107/19 & Heritage Easement Agreement for 380 King Street**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2022-191

Meeting Date: August 23, 2022

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**Recommendation:**

That Development and Legislative Services Department – Planning Division Report 2022-191 be received; and;

That Council approve the By-law attached as Appendix A, being a By-law to amend the legal description of 380 King Street in By-law #6743/107/19; and;

That Council approve a By-law to enter into the amended Heritage Easement Agreement for 380 King Street as outlined in Appendix C; and

That Council approve the amendment to the legal description in the Heritage Easement Agreement for 380 King Street as outlined in Appendix D, and the Mayor and Clerk be authorized to execute the amended agreement.

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**Purpose:**

The purpose of this report is to provide a recommendation to Council to approve an amendment to the Heritage Designation By-law #6743/107/19 and to approve a By-law to enter into an amended Heritage Easement Agreement for 380 King Street under section 30.1 of the *Ontario Heritage Act*, for the purpose of correcting the legal description.

**Background:**

On July 9, 2019, the Committee of Adjustment granted consent application B15-19-PC for a lot-boundary adjustment at 378 King Street with a condition that the heritage designation be lifted from Part 2 at 380 King Street. Part 2 is a 154m<sup>2</sup> strip of land containing a driveway at the south of the property at 380 King Street that was transferred to the property at 378 King Street. Part 3 of the property containing the building retained



its heritage designation. Due to the consent process, a new legal description was created for both properties. A site plan of the subject property is shown in Appendix A.

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## **Discussion:**

On December 9, 2019, Council repealed By-law 2831/10/93 and approved By-law 6743/107/19, for the purpose of removing the heritage designation from Part 2 at 380 King Street. Because this was a condition of consent, the new legal description for 380 King Street could not be created until after By-law 6743/107/19 was passed. Therefore, the legal description on 380 King Street's Heritage Designation By-law and Easement Agreement needs to be updated to reflect the correct legal description for the property.

On January 26, 2009, Council approved By-law 5258/13/09 being a by-law to authorize entering into easement agreements with the owners of 346 Catharine Street and the owners of 380 King Street. Since the passing of this Easement Agreement, the property is now under ownership of one owner, Dr. Peter Typer, therefore the easement agreement has been amended to reflect this. A new By-law is before Council to enter into an amended Easement Agreement with the owner of 380 King Street.

Section 29 of the *Ontario Heritage Act* permits municipalities to designate a property within the municipality if it is of cultural heritage value or interest. When amending a Designation By-law, the council of a municipality must pass a new Designation By-law (Appendix B) to implement the requested changes. If the sole purpose of the amendment is to correct the legal description, notice of intention does not need to be circulated in the newspaper or served on the Trust as per section 30.1 (2) of the *Ontario Heritage Act*.

Staff issued the Notice of Intention to change the legal description of the designated property to the property owner on June 13, 2022, in accordance with section 30.1 of the *Ontario Heritage Act*. The 30-day objection period passed on July 13, 2022, and no notice of objection had been filed with the City Clerk. Planning Staff is of the opinion that the correction to the legal description for 380 King Street will not impact the heritage attributes of the property.

## **Internal Consultations:**

The Port Colborne Heritage Committee was consulted on June 7, 2022 and passed a motion supporting the proposed amendment to the Heritage Designation By-law and to the Heritage Easement Agreement.

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### **Financial Implications:**

There are no financial implications.

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### **Public Engagement:**

Not applicable.

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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
- 

### **Conclusion:**

Planning Staff recommend that council approve the amendment to the Heritage Designation By-law and Heritage Easement Agreement for the property at 380 King Street.

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### **Appendices:**

- a. Site Plan of Affected Lands
- b. Amended Heritage Designation By-law
- c. By-law to Enter into an Amended Heritage Easement Agreement – 380 King Street
- d. Amended Heritage Easement Agreement – 380 King Street

Prepared By,

Ella Morkem  
Planning Student  
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Respectfully submitted,

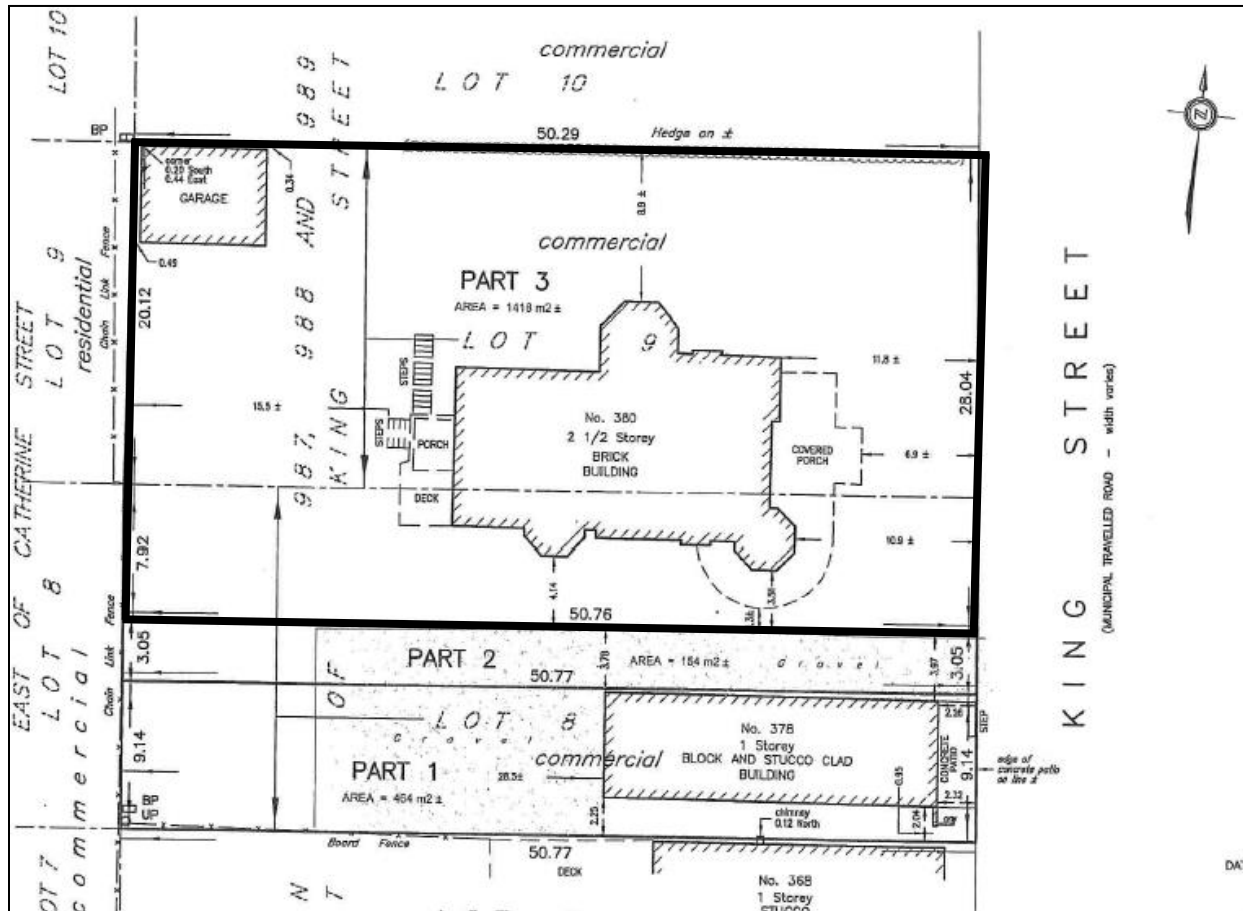
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### **Report Approval:**

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.

## Description of Property



- Property subject to amending By-law

The Corporation of the City of Port Colborne

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

Being a by-law to amend By-law 6743/107/19, designating 380 King Street, in the City of Port Colborne, Regional Municipality of Niagara to be of cultural heritage value or interest, for the purposes of correcting the legal description of the property.

Whereas Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended, authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings structures thereon, to be of cultural heritage value or interest; and

Whereas the Council of the Corporation of the City of Port Colborne enacted and passed By-law 6743/107/19 on the 9<sup>th</sup> day of December 2019, to designate the property known as 380 King Street in the City of Port Colborne, Regional Municipality of Niagara, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O.1990, Chapter O.18, as amended; and

Whereas By-law 6743/107/19 contained an error in the legal description of the designated parcel, as the legal description changed following a lot boundary adjustment; and

Whereas pursuant to section 30.1 (1), the Council of the Corporation of the City of Port Colborne may, by by-law, amend a by-law designating property made under section 29 and section 29 applies, with prescribed modifications to an amending by-law; and

Whereas pursuant to section 30.1 (2), notice is not required to be served on the owner of the property and on the Trust or published in the newspaper, as the only purpose of the amendment is to correct the legal description of the property; and

Whereas pursuant to section 30.1 (3), the Council of the City of Port Colborne gave written notice of the proposed amendment in accordance with subsection (4); and

Whereas no Notice of Objection has been served on the City Clerk of the City of Port Colborne;

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

1. That Paragraph 2 of By-law 6743/107/19, enacted and passed by the Corporation of the City of Port Colborne on the 9<sup>th</sup> day of December 2019, be deleted and substituted with the following:

“That the property at 380 King Street, being Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara, is hereby designated as being of cultural heritage value or interest pursuant to Part IV on the *Ontario Heritage Act*.”

2. That the Legal Description section of Schedule A of By-law 6743/107/19 be deleted and substituted with the following:

“Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara.”

3. That a copy of this By-law be registered against the property described in Schedule “A” to this By-law in the proper Land registry Office;

- 4. That a copy of this By-law be served on the owners of the property at 380 King street and the Ontario Heritage Trust;
- 5. That this By-law shall take effect on the date of its passing.

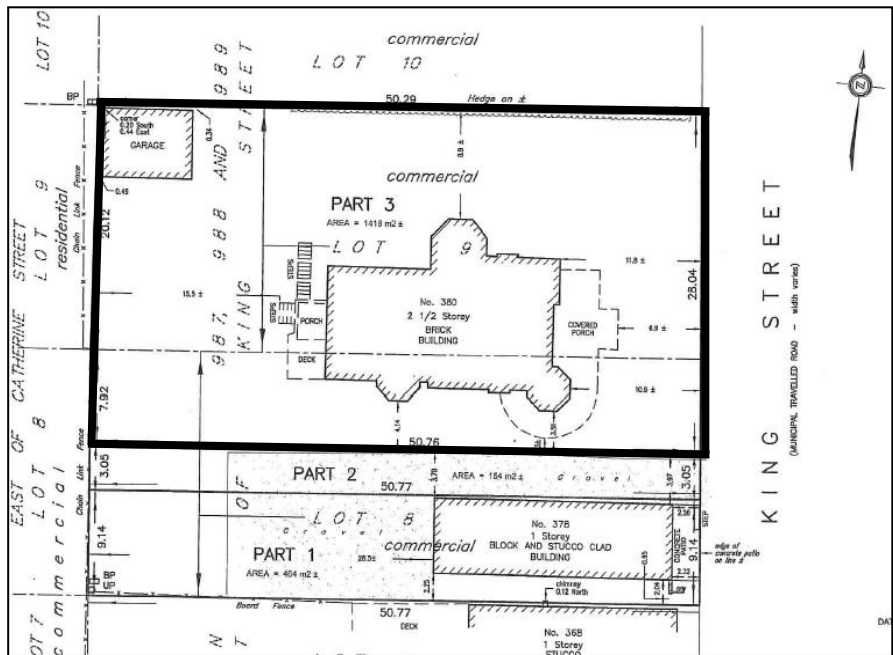
Enacted and passed this \_\_\_\_ day of \_\_\_\_\_.


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

\_\_\_\_\_  
Nicole Rubli, Acting City Clerk

SCHEDULE “A”

**Description of Property**



 - Property subject to amending By-law

The property at 380 King Street is located on the west side of King Street, north of Delhi Street. The amending By-law is in reference to Part 3 shown on the sketch above.

**Legal Description:**

Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara.

**Statement of Cultural Heritage Value or Interest**

*Design/Physical Value:*

The house is the only example in Port Colborne of the Romanesque Revival style in both shape (broken wall lines, bay windows, and tower), and in the choice of materials. This includes the dark red brick, heavy cut stone lintels and sills, and the unglazed terra cotta tiles set just below the eaves.

The large verandah, with its field stone wall and raised ribbon mortar joints are derived from the Queen Anne period. The general shape of the verandah, especially the circular portion surrounding the octagonal tower is very typical of that style, as are the simple rounded wooden pillars.

The truncated hip roof, with its several dormers, was covered with red painted galvanized steel tiles (rectangular on the main roof, and file scales on the tower), three dimensional sheet metal cresting and the ornament surmounting the tower roof (incorporating a six pointed star). Of special note are the triangular dormers and windows in the tower roof.

Two other distinctive features of the house are: one, the wide rounded arch window on the first floor, with its etched leaded glass, and two, the triangular multi-paned window of the attic, with its diagonal muntins.

Interior features of note include the ornate wood trim and doors with egg and dart motif and/or inset leaded glass, the wooden archway with classical columns located in the



waiting room at the northeast corner of the first floor, the fireplace located in the same room, and ornate plaster cover moldings. The interior egg and dart motif reflects the pattern of the exterior terra cotta tiles.

*Contextual Value:*

The property is part of a parcel of land that at one time belonged to William Hamilton Merritt. In 1907 Thomas Euphronius Reeb (a member of the Reeb family, one of the earliest families to settle this area) purchased the land and erected the present building. In 1941 John Horne Jr. a well-known developer and councillor purchased the property and converted the building into a series of apartments, for a time occupied by teachers at the local school, and later by the Red Cross.

*Cultural Heritage Attributes:*

Important to the conservation of 380 King Street are the following cultural heritage attributes:

Exterior:

- Dark red brick
- Heavy cut stone lintels and sills
- Unglazed terra cotta tiles
- The large verandah with field stone wall and raised ribbon mortar joints
- The truncated hip roof
- Red painted galvanized steel tiles (rectangular on the main roof, fish scales on the tower)
- Three dimensional sheet metal cresting and the ornament surmounting the tower roof
- Triangular dormers and windows in the tower roof
- Wide rounded arch window, with etched leaded glass
- Triangular multi-paned window of the attic, with diagonal muntins

Interior:

- Ornate wood trim and doors with egg and dart motif and/or inset leaded glass
- Wooden archway with classical columns located in the northeast corner of the first floor
- The fireplace
- Ornate plaster cove moldings

The Corporation of the City of Port Colborne

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

Being a By-law to authorize entering into an amended Heritage Easement Agreement with the owner of 380 King Street, as Designated under Part IV of the Ontario Heritage Act.

Whereas the owners of 346 Catharine and 380 King Street entered into Heritage Easement Agreements with the City of Port Colborne dated January 26<sup>th</sup>, 2009 which were both passed through by-law 5258/13/09, and;

Whereas the Council of the corporation of the City of Port Colborne enacted By-law 4998/123/06, being a by-law to require eligible properties to be subject to an Easement Agreement with the City, and;

Whereas the Heritage Easement Agreement for 380 King Street needs to be amended for the purpose of correcting the legal description, and;

Whereas Peter Typer is the owner of 380 King Street which is designated under Part IV of the Ontario Heritage Act, and;

Whereas the Councill of the Corporation of the City of Port Colborne is desirous of entering into an amended Heritage Easement Agreement with the owner of 380 King Street, respecting the property is designated under Part IV of the Ontario Heritage Act.

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

1.

That the Corporation of the City of Port Colborne enters into the amended Heritage Easement Agreement with the owner of 380 King Street.
2.

That the Mayor and Clerk are hereby authorized and directed to sign the easement Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

That this by-law shall come into force and take effect on the day that it is passed by Council.

Enacted and passed this      day of                      , 2022.

William C Steele  
Mayor

Nicole Rubi  
Acting City Clerk

**HERITAGE EASEMENT AGREEMENT**

**THIS AGREEMENT** made this\_\_ day of , 2 0

**BETWEEN:**

Dr. PETER TYPER  
(Hereinafter called the "Owner")

- and-

**THE CITY OF PORT COLBORNE**  
(Hereinafter called the "City")

**WHEREAS** the Owner is the registered owner of certain lands and premises situated within the City and known municipally as 380 King Street (hereinafter called the "Property"), being Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara, and more particularly described in Schedule "A" attached hereto, and on which there is a designated heritage building (hereinafter called the "Building");

**AND WHEREAS** one of the purposes of the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18, as amended, is to support, encourage, and facilitate the conservation, protection, and preservation of the heritage of Ontario;

**AND WHEREAS** by section 37(1) of the *Ontario Heritage Act*, the City is entitled to enter into easements or covenants with owners of real property, or interests therein, for the conservation of buildings of cultural heritage value or interest;

**AND WHEREAS** by section 37(3) of the *Ontario Heritage Act*, such covenants and easements entered into by the City shall, when registered on title, run with the lands and be enforceable by the City against the Owner or any subsequent Owners of the Property;

**AND WHEREAS** the Owner and the City desire to conserve the present historical, architectural, contextual, aesthetic, scenic, and heritage characteristics and conditions of the Building on the Property as set out in the "Reasons for Designation" and as depicted in Schedule "B" attached hereto;

**AND WHEREAS** in furtherance of the foregoing objectives, the Owner and City agree to enter this Easement Agreement (hereinafter called the "Easement Agreement");

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the City to the Owner (the receipt of which is hereby acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the City agree to abide by the following covenants, easements, and restrictions which shall run with the Property forever.

**1. REASONS FOR DESIGNATION**

**1.1. Statement of Reasons**

The Owner and the City agree that for the purposes of this Easement Agreement the following statement, attached hereto as Schedule C, (hereinafter called the "Reasons for Designation") sets out the reasons why the Building and/or property has been designated by the City for having cultural heritage value or interest:

## **1.2 Photographs Relevant to the Duties of the Owner**

The Owner and City agree that the photographs, contained in Schedule "B", attached hereto, the originals or facsimiles of which are filed in, and may be examined at, the City or wherever they may be from time to time located, generally depict certain significant features of the appearance or the construction of the Building. The Reasons for Designation and the aforesaid photographs shall be referred to in determining the duties of the Owner under this Easement Agreement.

## **1.3 Replacement Photographs**

When alterations are made to the Building, pursuant to paragraph 2.1, the Owner shall, within ninety (90) days of a request by the City and at the Owner's expense, provide photographs to the City taken from the same vantage point and identifying the same features of the appearance or construction as the photographs contained in Schedule "B" by way of amendment to this Easement Agreement, and shall replace the photographs contained in Schedule "B". After such amendments are made, all references in this Easement Agreement to the photographs contained in Schedule "B" shall be taken to be references to such replacement photographs.

# **2. DUTIES OF OWNER**

## **2.1 Normal Repairs and Alterations**

2.1.1 In accordance with the provisions of the *Ontario Heritage Act*, the Owner shall not undertake or permit any demolition, construction, alteration, remodeling or any other thing or act which would materially affect the features of the appearance or construction of the heritage attributes of the Building, as set out in the Reasons for Designation and as depicted in Schedule "B", without the prior written approval of the Council of the City, in consultation with the Heritage Port Colborne Committee.

2.1.2 If the approval of the Council of the City is given under this paragraph, the Owner, in undertaking or permitting the construction, alteration, remodeling or other thing or act so approved of, the Owner agrees to use materials that are appropriate to the appearance or construction of the Building as set out in the Reasons for Designation, and subject to prior approval by the City, in consultation with the Heritage Port Colborne Committee.

## **2.2 Insurance**

2.2.1 The Owner shall at all times during the currency of this Easement Agreement keep the Building insured against normal perils that are coverable by fire and extended coverage insurance in an amount equal to the replacement cost of the Building. The Owner shall provide the Clerk of the City, within three (3) weeks of the execution of this Easement Agreement, a certified copy of the insurance policy referred to above, or a certificate of insurance, from an insurance company, agent, or broker acceptable to the Clerk of the City. The Owner further agrees to provide written evidence satisfactory to the City of the renewal of insurance to the City at least three (3) clear days before the termination thereof.

2.2.2 If the Owner fails to so insure the Building, or if any such insurance on the Building is cancelled, the City may affect such insurance as the City deems necessary and any sum paid in so doing shall be paid by the Owner to the City, or, if not paid, shall be a debt due and owing to the City and recoverable from the Owner by action in a court of law.

2.2.3 The Owner agrees that all proceeds receivable by the Owner under the insurance policy described in paragraph 2.2.1 shall, on the written demand and in accordance with the requirements of the City, be applied to

replacement, rebuilding, restoration, or repair of the Building to the fullest extent possible having regard to the Reasons for Designation, the particular nature of the Building, and the cost of such work.

### **2.3 Damage or Destruction**

- 2.3.1. The Owner shall notify the City of any damage or destruction to the Building and/or property within ten (10) clear days of such damage or destruction occurring.
- 2.3.2 In the event that the Building is damaged or destroyed and the replacement, rebuilding, restoration, or repair of it is impractical because of the financial costs involved, or because of the particular nature of the Building, the Owner shall, in writing, within forty (40) days of the giving by the Owner of notice of such damage or destruction, request written approval by the Council of the City to demolish the Building, pursuant to paragraph 2.1.1
- 2.3.3. If the approval of the Council of the City is given or deemed to be given, the Owner shall be entitled to retain any proceeds from the insurance policy described in paragraph 2.2.1 and to demolish the Building.

### **2.4 Reconstruction by Owner**

- 2.4.1. If the Owner has not requested the approval to demolish referred to in paragraph 2.3.2 or if the Council of the City does not give the approval to demolish, the Owner shall replace, rebuild, restore, or repair the Building to the limit of any proceeds receivable under the insurance policy described in 2.2.1 so as to affect the partial or complete restoration of the Building.
- 2.4.2. Before the commencement of such work, the Owner shall submit all plans, drawings, specifications for replacement, rebuilding, restoration, or repair of the Building to the City for its written approval within one-hundred and twenty (120) days of the damage or destruction occurring to the Building. The City, in consultation with Heritage Port Colborne, may refuse to approve any plans and specifications based upon choice of materials, appearance, architectural style or any other ground or grounds including, but not limited to, purely aesthetic grounds, and the determination of the City shall be final.
- 2.4.3. The Owner shall not commence or cause restorative work to be commenced before receiving the written approval of the City of the plans and specifications for it, and such restorative work shall be performed upon such terms and conditions as the City may stipulate. Such approvals shall be deemed to have been received upon failure of the City to respond in writing to a written request for it within thirty (60) days of the receipt of such request by the City.
- 2.4.4. The Owner shall cause all replacement, rebuilding, restoration, and repair work on the Building to be commenced within thirty (30) days of the approval by the City of the plans and specifications for it and to be completed within one (1) year of commencement, or as soon as possible thereafter if factors beyond their control prevent completion within the said one (1) year, and the Owner shall cause all such work to conform to the plans and specifications approved of and terms and conditions stipulated by the City.

### **2.5 Owner's Failure to Reconstruct**

- 2.5.1 In the event that a request to demolish is not submitted or is refused pursuant to the provisions of section 2.3 and the Owner fails to submit plans and specifications pursuant to section 2.4 which are acceptable to the City within one hundred and twenty (120) days of the damage or destruction occurring to the Building, the City may prepare its own set of plans,

drawings, and specifications. The Owner shall have thirty (30) days from receiving a copy of such plans and specifications to notify the City in writing that it intends to replace, rebuild, restore or repair the Building in accordance with those plans and specifications.

- 2.5.2 If the Owner does not so notify the City within the aforementioned thirty (30) days, the City may enter onto the Property and proceed with replacing, rebuilding, restoring or repairing the Building so as to effect the complete restoration of the Building. The Owner shall reimburse the City for all expenses incurred by the City in carrying out such work.

## **2.6 Building Maintenance**

The Owner shall at all times maintain the Building in as good and as sound a state of repair as a prudent owner would normally do, so that no deterioration in the Building's condition and appearance shall take place, including, without limiting the generality of the foregoing, taking all reasonable measures to secure and protect the Building from vandalism, fire and damage from inclement weather.

## **2.7 Signs, Structures, Etc.**

- 2.7.1 The Owner shall not erect or permit the erection on the Property or on the Building of any signs, awnings, television aerials or other objects of a similar nature without the prior written approval of the City.

- 2.7.2 Such approval may, in the discretion of the City, in consultation with Heritage Port Colborne, and for any reasons which may detract from the heritage and/or cultural value or interest of the Building or property, be refused provided that with respect to signage to identify the occupant(s) of the Building from time to time, the approval of the City shall not be unreasonably withheld, having regard to its use of the Building, the Reasons for Designation and the photographs contained in Schedule "B" attached hereto.

## **2.8 No Act of Waste**

The Owner shall not commit or permit any act of waste on the Property. In respect to the subject lands, the Owner shall not, except with the prior written approval of the City:

- (a) grant any easement or right-of-way which would adversely affect the easement hereby granted;
- (b) erect or remove or permit the erection or removal of any building, sign, fence or other structure of any type whatsoever, which is included in, or adversely affects, the Reasons for Designation;
- (c) allow the dumping of soil, rubbish, ashes, garbage, waste or other unsightly, hazardous or offensive materials of any type or description;
- (d) except for the maintenance of existing improvements, allow any changes in the general appearance of topography of the lands, including and without limiting the generality of the foregoing, the construction of drainage ditches, transmission towers and lines, and other similar undertakings as well as the excavation, dredging or removals of loam, gravel, soil, rock, sand or other materials;
- (e) allow the planting of trees, shrubs or other vegetation which would have the effect of causing any damages to the Building; and
- (f) allow the removal, destruction or cutting of trees, shrubs or vegetation that are contained in the Reasons for Designation except as may be necessary for:
  - (i) the prevention or treatment of disease, or
  - (ii) other good husbandry practices.

## **2.9 Breach of Owner's Obligations**

2.9.1 If the City, in its sole discretion, is of the opinion that the Owner has neglected or refused to perform any of his or her obligations set out in this Easement Agreement, the City may, in addition to any of its other legal or equitable remedies, serve on the Owner a notice setting out particulars of the breach and of the City's estimated maximum cost or remedying the breach. The Owner shall have thirty (30) days from receipt of such notice to remedy the breach or make arrangements satisfactory to the City for remedying the breach.

2.9.2 If the Owner has not remedied the breach or made arrangements satisfactory to the City for remedying the breach, or if the Owner does not carry out the said arrangements within a reasonable period of time, of which the City shall be the sole and final judge, the City may enter upon the Property and may carry out the Owner's obligations and the Owner shall reimburse the City for all expenses incurred thereby. Such expenses incurred by the City shall, until paid to it by the Owner, be a debt owed to the City and recoverable by the City by action in a court of law or in like manner as municipal taxes pursuant to Section 427 of the *Municipal Act*.

## **2.10 Waiver**

The failure of the City at any time to require performance by the Owner of any obligation under this Easement Agreement shall in no way affect its right thereafter to enforce such obligation, nor shall the waiver by the City of the performance of any obligation hereunder be taken or be held to be a waiver of the performance of the same or any other obligation hereunder at any later time. Any waiver must be in writing and signed by the City.

## **2.11 Extension of Time**

Time shall be of the essence of this Easement Agreement. Any time limits specified in this Easement Agreement may be extended with the consent in writing of both the Owner and the City, but no such extension of time shall operate or be deemed to operate as an extension of any other time limit, and time shall be deemed to remain of the essence of this Easement Agreement notwithstanding any extension of any time limit.

## **2.12 Emergencies**

Notwithstanding the provisions of paragraph 2.1, it is understood and agreed that the Owner may undertake such temporary measures in respect of the Building as are:

- (a) in keeping with the intentions of this Easement Agreement;
- (b) consistent with the conservation of the Building, and
- (c) reasonably necessary to deal with an emergency which puts the security of integrity of the Building or occupants of the Building at risk of damage, provided that the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended, or re-enacted from time to time, is complied with.

## **3. USE OF PROPERTY/BUILDING**

### **3.1 No Inconsistent Use**

The Owner expressly reserves for itself, its representatives, heirs, successors and assigns the right to continue the use of the Property for all purposes not inconsistent with this Easement Agreement.

## **4. INSPECTION OF PROPERTY**

#### **4.1 Inspection by City at All Reasonable Times**

The City or its representatives shall be permitted at all reasonable times to enter upon and inspect the Property and the Building upon prior written notice to the Owner of at least forty- eight (48) hours.

#### **4.2 Emergency Inspection**

Notwithstanding the requirement for notice in paragraph 4.1, should the City, in its sole and absolute discretion, determine that there is an emergency situation at the Property or with the Building, the City or its representatives shall be permitted to enter upon the Property or into the Building in order to carry out such inspections as may be necessary and warranted.

### **5. NOTICE**

#### **5.1 Addresses and Contacts of Parties**

(a) If any notice is required to be given by the City to the Owner with respect to this Easement Agreement, such notice shall be mailed, delivered, or sent by facsimile transmission to:

Dr. Peter Typer  
380 King Street  
Port Colborne, ON  
L3K 4H4

(b) If any notice is required to be given by the Owner to the City with respect to this Easement Agreement, such notice shall be mailed, delivered, or sent by facsimile transmission to:

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

Attention: City Clerk

or such other addresses of which the City has notified the Owner, in writing, and any such notice mailed, delivered, or faxed shall be deemed good and sufficient notice under the terms of this Easement Agreement.

The parties agree to notify each other immediately, in writing, of any changes of address from those set out above.

#### **5.2 Service Where Postal Service is Interrupted**

In the event of any interruption in the postal service, notice may be given to either party at its respective address as set out in paragraph 5.1, either in person or by special courier. The party receiving the notice shall indicate the receipt of it by signing a form of acknowledgment of receipt, and the notice shall be deemed to have been received on the date on which the form of acknowledgment of receipt was signed. In the event that either party refuses to sign an acknowledgment of receipt of the notice, the person delivering the notice may swear an affidavit of service, and the notices shall be presumed to have been received on the date of service as set out in such affidavit.

#### **5.3 Notice in Subsequent Instruments**

Notice of these covenants, easements, and restrictions shall be inserted by the Owner in any subsequent deed or other legal instrument by which they divest themselves either of the fee simple title to or of their possessory interest in the



Property or the Building.

#### **5.4 Notice to City**

The Owner shall notify the City in the event that it divests itself of the fee simple title to or of its possessory interest in the Property or Building.

### **6. COSTS**

In the event that a dispute arises between either of the parties hereto because of this Easement Agreement, the Owner shall be responsible for legal fees, court costs and all other similar type expenses which may result from such dispute.

### **7. INDEMNIFICATION**

#### **7.1 Non-Liability of City**

The Owner shall hold the City harmless against and from any and all liabilities, suits, actions, proceedings, claims, causes, damages, judgements or costs whatsoever (including all costs of defending such claims) arising out of, incidental to, or in connection with any injury or damage to person or property of every nature and kind (including any death resulting therefrom), occasioned by anything done pursuant to this Easement Agreement.

### **8. ENTIRE AGREEMENT**

#### **8.1 No Extraneous Agreements Between Parties**

This written Easement Agreement embodies the entire agreement of the parties with regard to the matters dealt with herein, and no understandings or agreements, verbal or otherwise, exist between the parties except as herein expressly set out.

#### **8.2 Amendment and Modification Only by Written Agreement**

No amendment, supplement, waiver or consent provided for by the provisions of this Easement Agreement shall be effective unless in writing and signed by the part against whom enforcement of the amendment, supplement, waiver or consent is sought

### **9. INTERPRETATION**

#### **9.1 Interpretation of Agreement**

- (a) Part numbers and headings, subheadings and section, subsection, clause and paragraph numbers are inserted for convenience of reference only and shall not affect the construction or interpretation of this Easement Agreement.
- (b) This Easement Agreement shall be construed with all changes in number and gender as may be required.
- (c) Every provision of this Easement Agreement by which the Owner is obligated in any way shall be deemed to include the words "at the expense of the Owner" unless the context provides otherwise.
- (d) References herein to any statute or any provision thereof include such statute or provision thereof as amended, revised, re-enacted and/or consolidated from time to time and any successor statute thereto.
- (e) All obligations herein contained, although not expressed to be covenants, shall be deemed to be covenants.
- (f) Whenever a statement or provision in this Easement Agreement is following by words denoting inclusion or example and then a list of or reference to specific items, such list or reference shall not be read so as to limit the generality of that statement or provision, even if words such as "without

limiting the generality of the foregoing" do not precede such list or reference.

## **9.2 Proper Covenants Not to Terminate**

The Owner and City agree that all covenants, easements, and restrictions contained in this Easement Agreement shall be severable, and that should any covenant, easement or restriction in the Easement Agreement be declared invalid or unenforceable, the remaining covenants, easements and restrictions shall not terminate thereby.

## **9.3 Covenants to Run with Property**

The covenants, easements and restrictions set out in this Easement Agreement shall run with the property and shall ensure to the benefit of and be binding upon the Owner and upon the City and their respective heirs, executors, administrators, successors and assigns as the case may be.

## **9.4 Governing Law**

This Easement Agreement shall be interpreted under and is governed by the laws of the Province of Ontario.

# **10. TERMINATION**

## **10.1 Term of Agreement**

Notwithstanding any other provision of this agreement, this Agreement shall remain in force and effect until one of the following occurs:

- a) This Agreement is repealed by the parties.
- b) Approval to demolish pursuant to section 2.3 is granted.
- c) If no funds are provided for the Heritage Tax Rebate Program or the Heritage Tax Rebate Program is eliminated by the City, the Owner may request the City terminate this Agreement.

# **11. GENERAL**

## **11.1 Registration of Agreement**

The Owner consents to the registration of this Easement Agreement and any schedules attached hereto on title to the lands and agrees that such registration shall be at the instance of the City and at its sole and absolute discretion. The Owner covenants and agrees to pay all costs associated with the preparation and registration of this Easement Agreement, as well as other costs incurred by the City as a result of the registration of any other documents pertaining to this Easement Agreement, including but not limited to, any amendment thereto.

## **11.2 Postponements**

The Owner hereby agrees to procure and provide to the City any postponement agreements which the City considers necessary to ensure that this Easement Agreement shall have a priority over any other interest in the Property.

# **12. SCHEDULES**

The following schedules are attached hereto and form part of this Easement

Agreement: "Schedule A" Legal Description of the Lands  
"Schedule B" being photographs of the Building  
"Schedule C" Reasons for Designation

**IT IS HEREBY DECLARED THAT** this Easement Agreement and the covenants, provisions, conditions, and schedules herein contained shall be binding upon the parties hereto, their successors and assigns.

**IN WITNESS WHEREOF** the Parties hereto have hereunto affixed their corporate seals duly attested to by their proper signing officers in that behalf.

**SIGNED, SEALED and DELIVERED**

X  
\_\_\_\_\_  
Peter Typer  
Owner

X  
\_\_\_\_\_  
Witness

**The City of Port Colborne**

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

X  
\_\_\_\_\_  
Witness

X  
\_\_\_\_\_  
Nicole Rubli  
Acting City Clerk

X  
\_\_\_\_\_  
Witness

## **SCHEDULE "A"**

### **LEGAL DESCRIPTION**

ALL AND SINGULAR the certain parcel or tract of land and premises situate, lying, and being in the City of Port Colborne, in the Regional Municipality of Niagara, formerly in the Township of Humberstone, and being Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara, municipally known as 380 King Street.

## SCHEDULE "B"



The East sides of building. Shown is the large verandah and field stone wall with the rounded wooden pillars; the "tower" ; and the rounded arch window on the first floor.

SCHEDULE "C"

RECORD OF DESIGNATION

Name of Municipality:	City of Port Colborne
Municipal Address of Property: Owner of Property:	380 King Street, Port Colborne
(As of May 26 <sup>th</sup> , 2022)	Dr. Peter J. Typer
Address of Owner:	380 King Street, Port Colborne December 23, 1992
Date of service of Notice Of Intention to Designate:	
Dates of publication of Notice of Intention:	1) December 23, 1992 2) December 30, 1992 3) January 6, 1993
Date of Designation By-law:	January 25, 1993 (2831/10/93)
Reason for Designation:	

ARCHITECTURE

The house is the only example in Port Colborne of the Romanesque Revival style in both shape (broken wall lines, bay windows, and tower), and in the choice of materials. These included the dark red brick, heavy cut stone lintels and sills, and the unglazed terracotta tiles set just below the eaves.

The large verandah, with its field stone wall and raised ribbon mortar joints is derived from the Queen Anne period. The general shape of the verandah, especially the circular portion surrounding the octagonal tower is very typical of that style, as are the simple rounded wooden pillars.

The truncated hip roof, with its several dormers, was covered with red painted galvanized steel tiles (rectangular on the main roof, and fish scales on the tower), three-dimensional sheet metal cresting and the ornament surmounting the tower roof (incorporating a six-pointed star). Of special note are the triangular dormers and windows in the tower roof.

Two other distinctive features of the house are: one; the wide rounded arch window on the first floor, with its etched leaded glass, and two; the triangular multi-paned window of the attic, with its diagonal muntins.

Interior features of note include the ornate wood trim and doors with egg and dart motif and/or inset leaded glass, the wooden archway with classical columns located in the waiting room at the north-east corner of the first floor, the fireplace located in the same room, and ornate plaster cove moldings. The interior egg and dart motif reflects the pattern of the exterior terracotta tiles.

HISTORY

The property is part of a parcel of land that at one time belonged to William Hamilton Merritt. In 1907, Thomas Euphronius Reeb (a member of the Reeb family, one of the earliest families to settle this area) purchased the land and erected the present building. In 1941 John Horne Jr., a well-known developer and council man purchased the property and converted the building to a series of apartments, for a time occupied by teachers at the local school, and later by the Red Cross.



**Administration**

Office of the Regional Clerk

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

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

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

August 30, 2022

**CL 15-2022, August 25, 2022**

**By-law No. 2022-71**

**LOCAL AREA MUNICIPALITIES**

**SENT ELECTRONICALLY**

**Regional Development Charges By-law**

Regional Council, at its meeting held on August 25, 2022, passed By-law No. 2022-71, being a by-law to establish development charges for The Regional Municipality of Niagara.

A copy of By-law No. 2022-71 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2022-103

cc: T. Harrison, Commissioner, Corporate Services/Treasurer  
H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer  
B. Hutchings, Senior Tax & Revenue Analyst



THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2022-71

A BY-LAW TO ESTABLISH DEVELOPMENT CHARGES FOR  
THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS subsection 2(1) of the *Development Charges Act, 1997, as amended c. 27* (hereinafter called "the Act") provides that the council of a municipality may pass By-laws for the imposition of development charges against land for increased capital costs required because of the need for services arising from development in the area to which the By-law applies;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has given Notice on June 9, 2022 according to section 12 of the *Development Charges Act, 1997, as amended*, of its intention to pass a By-law under Section 2 of the Act;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara has heard all persons who applied to be heard no matter whether in objection to, or in support of, the development charge proposal at a public meeting held on June 30, 2022;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara had before it a report entitled Development Charge Background Study dated May 19, 2022 and updated May 30, 2022 prepared by Watson & Associates Economists Ltd., wherein it is indicated that the development of any land within The Regional Municipality of Niagara will increase the need for services as defined herein;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on June 23, 2022 approved the applicable Development Charge Background Study, inclusive of the growth, development and capital estimates therein, in which certain recommendations were made relating to the establishment of a development charge policy for The Regional Municipality of Niagara pursuant to the *Development Charges Act, 1997, as amended*;

AND WHEREAS the Council of the Corporation of The Regional Municipality of Niagara on July 21, 2022 determined that no additional public meeting was required to be held as part of the approval process;

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

DEFINITIONS

In this By-law:

"Act" means the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended;

"agricultural use" means use or intended use for bona fide farming purposes

(a) including (but not limited to):

- (i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;
- (ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and
- (iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

(b) but excluding:

- (i) retail sales activities; including but not limited to restaurants, banquet facilities, hospitality facilities and gift shops;
- (ii) services related to grooming, boarding, or breeding of household pets; and
- (iii) marijuana processing or production facilities.

"ancillary" means a use, building, or structure that is normally incidental and/or subordinate and is exclusively devoted to a main use and/or a building and/or structure, and is located on the same lot therewith.

"apartment dwelling" means any residential building containing seven or more dwelling units where the units are connected by an interior corridor, but does not include a special care/special dwelling unit/room, or dormitories;

"archeological site" means an assessment under the relevant Act carried out by a

consultant archeologist when the land is known to have an archeological site on it, or has the potential to have archaeological resources;

“back-to-back townhouse dwelling” means a building containing more than two dwelling units separated vertically by a common wall, including a rear common wall, that do not have rear yards;

“bedroom” means a habitable room including a den, study, or other similar area that is larger than eight square metres, but does not include a living room, dining room, kitchen or bathroom.

“board of education” means a board as defined in the *Education Act*, R.S.O. 1990, c. E.2, as amended;

“brownfield” means land located within the urban areas as defined from time to time in the Regional Official Plan, upon which there has been previous agricultural, industrial, institutional, or commercial or open lands use or other use as prescribed under the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time, and for which site remediation is required in accordance with a Phase 2 Environmental Site Assessment, and for which a Record of Site Condition has been filed on the Province’s Brownfields Environmental Site Registry pursuant to the *Environmental Protection Act*, R.S.O. 1990, c.E.19 and Ontario Regulation 153/04 thereto, each as amended from time to time;

“building permit” means a permit pursuant to the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended;

“class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act. Also referred to as class of service or classes of services.

“commercial purpose” means any building or structure used, designed or intended for use for or in connection with the purchase and/or sale and/or rental of commodities; the provision of services for a fee; or the operation of a business office, including but not limited to:

- (a) Accommodations including but not limited to hotels and motels, bed and breakfast, or short-term rentals;
- (b) personal or self-storage facilities;
- (c) Wholesale trade;
- (d) Retail trade;

(e) Auto repair shops;  
Car sales/dealers;

(f) Warehousing of goods where manufacturing, producing, and processing of the goods is not completed on site;

(g) Food Services;

(h) Parking structures not used exclusively by a residential structure.

“development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of increasing the size or usability thereof, and includes redevelopment; notwithstanding the foregoing, development does not include temporary structures, including but not limited to, seasonal hoop structures, seasonal fabric structures, tents, or produce sales stands;

“dwelling room” means each bedroom used, designed or intended for use by one or more persons living together in a lodging home, dormitories, or special care/special dwelling;

“dwelling unit” means one or more rooms used, designed or intended to be used by one or more persons as a residence and which has access to culinary and/or sanitary facilities.

“existing industrial building” means an industrial building or industrial buildings existing on a site in the Regional Municipality of Niagara as of July 21, 2022 or the industrial buildings or industrial structures constructed and occupied on a vacant site pursuant to site plan approval under section 41 of the Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) subsequent to July 6, 2012 for which development charges were exempted or paid for;

“gross floor area” means the total floor area, measured between the outside of exterior walls, virtual walls or between the outside of exterior walls or virtual walls and the centre line of party walls dividing the building from another building, of all floors and mezzanines, above and below the average level of finished ground adjoining the building at its exterior walls;

“group home” means a dwelling for the accommodation of three to eight residents, supervised by agency staff and funded wholly or in part by any government or its agency and approved or supervised by the Province of Ontario under any Act.

“hospice” means a building or portion of a mixed-use building designed and intended to provide palliative care and emotional support to the terminally ill in a home or homelike setting so that quality of life is maintained, and family members may be active

participants in care.

“industrial use” means land, buildings or structures used for or in connection with manufacturing by:

- (a) manufacturing, producing, and processing goods for a commercial purpose, as well as storing and/or distribution of goods manufactured, produced or processed on site;
- (b) research or development in connection with manufacturing, producing or processing good for a commercial purpose;
- (c) retail sales by a manufacturer, producer or processor of goods they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place;
- (d) office or administrative purposes, if it is:
  - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something; and
  - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

“institutional” means lands, buildings or structures used or designed or intended for use by an organized body, society or religious group for promoting a public or non-profit purpose and offices where such uses are accessory to an institutional use which includes but is not limited to:

- (a) Federal government public administration;
- (b) Provincial government public administration;
- (c) Local, municipal and regional public administration;
- (d) Aboriginal public administration;
- (e) Day care facility excluding in home day care;
- (f) Administrative offices owned and used by a non-profit or charitable entity;

- (g) Medical doctor office or hospital;
- (h) Places of worship excluding space that is designed for a commercial use.

“live/work unit” means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

“local board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of one or more local municipalities or the Region, including Niagara Regional Housing, but excluding a board of education, a conservation authority, any municipal services corporation that is not deemed to be a local board under O. Reg. 599/06 made under the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.

“local municipality” means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;

“lodging home” means a boarding, lodging, or rooming house in which lodging is provided for more than four persons in return for remuneration or for the provision of services, or for both, and in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

“long term care home” means homes, nursing homes or homes for the aged where the Ministry of Health and Long Term Care funds the care provided in such homes and application for accommodation is made through a Community Care Access Centre.

“mezzanine” means an intermediate floor assembly between the floor and ceiling of any room or story and includes an interior balcony;

“mixed-use building” means a building or structure used for both residential and non-residential use;

“multiplex dwelling” means a residential building containing three or more dwelling units, each of which unit a separate entrance to grade has;

“municipal housing project facilities” has the same meaning as that specified in the Region’s Municipal Housing Facility By-law (No. 34-2004), as may be amended;

“non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

- (i) a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- (ii) a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- (iii) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

"non-residential building" means a building or structure used exclusively for non-residential use;

“non-residential use” means use or intended use for any purpose other than human habitation and includes, but is not limited to, an institutional use, an industrial use, and a commercial use;

“on-site farm accommodations” means a dwelling unit for seasonal or full-time farm help located within a farm building, ancillary to a farm and location on the same lot therewith;

“other multiple” means all residential units other than a single detached dwelling, semi-detached dwelling, apartment dwelling or a special care/ special dwelling room, including, but not limited to, row dwellings, multiplex dwelling, back-to-back townhouse dwelling, stacked townhouse dwelling, apartment buildings containing less than 7 units and the residential component of live/work units;

“place of worship” means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

"Region" means The Regional Municipality of Niagara;

“Regulation” means O. Reg. 82/98 under the Act, as amended;

“rental Housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

"residential building" means a building used exclusively for residential use, including but

not limited to a single detached dwelling, a semi-detached dwelling, a row dwelling, stacked townhouse dwelling, back-to-back townhouse dwelling, a multiplex dwelling, an apartment dwelling, a dwelling room; or the residential component of a live/work unit;

“residential use” means use or intended use for human habitation and ancillary purposes, and includes such use related to agricultural use, including farm help houses, but does not include a hotel/motel use; for purposes of this definition “ancillary purposes” includes (but is not limited to) vehicle storage and equipment storage;

"row dwelling" means a residential building containing three or more dwelling units separated by vertical division, each of which units has a separate entrance to grade;

"semi-detached dwelling" means a dwelling unit in a residential building consisting of two dwelling units separated by vertical division each of which units has a separate entrance to grade;

"single detached dwelling" means a residential building containing one dwelling unit and not attached to another structure. Where it is attached to another structure by footings or below grade walls only, it shall be considered a single detached dwelling for the purposes of this By-law;

“site” means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership.

“special care/special dwelling unit/room” means a residence (not including a farm help house)

- (a) containing two or more dwelling rooms, which rooms have common entrance from street level; and
- (b) where the occupants have the right to use in common with other occupants, halls, stairs, yards, common room and accessory buildings; and
- (c) that is designed to accommodate persons with specific needs, including but not limited to, independent permanent living arrangements; and where support services, such as meal preparation, grocery shopping, laundry, housing, nursing, respite care and attending services are provided at various levels; and includes but is not limited to retirement homes or lodges, group homes, dormitories, and hospices.



“stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally and/or vertically from another dwelling unit by a common wall or floor;

“use” means either residential use or non-residential use.

“wind turbine” means a part of a system that converts energy into electricity, and consists of a wind turbine, a tower and associated control or conversion electronics. A wind turbine and energy system may be connected to the electricity grid in circuits at a substation to provide electricity off-site for sale to an electrical utility or other intermediary, where there is a rated output of more than 3 kilowatts.

## RULES

2. For the purposes of complying with section 6 of the Act:
  - (a) The rules for determining if a development charge is payable in any particular case and for determining the amount of the charge shall be in accordance with sections 4 through 8, and 20 and 21.
  - (b) The rules for determining exemptions, relief, credits and adjustments shall be in accordance with sections 9 through 19.
  - (c) The rules for determining the indexing of development charges shall be in accordance with sections 20 and 21.
  - (d) The rules respecting the redevelopment of land shall be in accordance with sections 10 and 11.

## LANDS AFFECTED

3. This By-law applies to all lands in the geographic area of the Region, being all of the lands shown on Schedule “A”.

## APPROVALS FOR DEVELOPMENT

4.
  - (a) Development charges under this By-law shall be imposed against all development if the development requires:
    - (i) the passing of a zoning By-law or of an amendment to a zoning By-law under section 34 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended;

- (ii) approval of a minor variance under section 45 of the Planning Act;
  - (iii) a conveyance of land to which a By-law passed under subsection 50(7) of the Planning Act applies;
  - (iv) the approval of a plan of subdivision under section 51 of the Planning Act;
  - (v) a consent under section 53 of the Planning Act;
  - (vi) the approval of a description under section 50 of the Condominium Act, 1998, S.O. 1998, c. 19, as amended; or
  - (vii) The issuing of a permit under the Building Code Act in relation to a building or structure.
- (b) That nothing in this By-law prevents Council from requiring, in an agreement under section 51 of the *Planning Act* or as a condition of consent or an agreement respecting same under section 53 of the *Planning Act*, that the owner, at his or her own expense, install such local services related to or within the area to which a plan of subdivision or consent relates, as Council may require, in accordance with the Region's applicable local service policy in the effect at the time.

#### DESIGNATION OF SERVICES/ CLASSES OF SERVICES

5. A development charge shall include:

- (a) a charge in respect of growth studies, policing services, ambulance services, public health services, provincial offences court services, long-term care, social housing, waste diversion, public works and services related to a highway;
- (b) if water service is available, a charge in respect of water; and
- (c) If wastewater service is available, a charge in respect of wastewater.

#### AMOUNT OF CHARGE

##### Amount of Charge – Residential

6. For development for residential purposes, development charges shall be

imposed on all residential development, including a dwelling unit accessory to a non-residential development and the residential component of a mixed-use building, including the residential component of a live/work unit, according to the number and type of dwelling units on the lands as set out in Schedule "C" as applicable.

Amount of Charge – Non-residential

7. For development for non-residential purposes, development charges shall be imposed on all non-residential development and, in the case of a mixed-used building, on the non-residential component of the mixed-use building, including the non-residential component of a live/work unit, according to the type and gross floor area of the non-residential component as set out in Schedule "C" as applicable.

TIMING AND CALCULATION AND PAYMENT

8.
  - (a) The development charges under this By-law shall be calculated and payable as of the date of the issuance of the first building permit with respect to the development.
  - (b) No Chief Building Official of any local municipality shall issue a building permit in respect of a development for which a development charge is payable pursuant to this By-law, until such development charge is paid.
  - (c) The Region may, by agreement pursuant to section 38 of the Act, permit an owner to perform work that relates to a service to which this By-law applies in lieu of the payment of all or any portion of a development charge. The Region will give the owner who performed the work a credit towards the development charge in accordance with the agreement and subject to the requirements of the Act. In addition, the Region may, in the case of development located outside of the existing service area, require payment of an appropriate share of the costs of the required infrastructure within the existing service area, in addition to the costs external to the service area.
  - (d) Notwithstanding Sections 8 (a), 8 (b), or 8 (c), development charges for rental housing and institutional developments are due and payable in 6 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Regional Policy

CSD 49-2020, as may be revised from time to time.

- (e) Notwithstanding Sections 8 (a), 8 (b), 8 (c), or 8 (d), development charges for non-profit housing developments are due and payable in 21 equal annual payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest at the interest rate as provided in the Regional Policy CSD 49-2020, as may be revised from time to time.
- (f) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under Sections 6 and 7 shall be calculated on the rates set out in Schedule "C" on the date of the planning application, including interest. Where both site plan and zoning by-law amendment applications apply, development charges under Sections 6, 7, and 8 (a) through 8 (f) shall be calculated on the rates, including interest at the interest rate as provided in the Regional Policy CSD 49-2020, as may be revised from time to time, as set out in Schedule "C" on the date of the later planning application.

#### EXEMPTIONS

- 9. The following are exempt from the payment of development charges under this By-law by reason of section 3 of the Act and section 6.1 of the Ministry of Training, Colleges and Universities Act:
  - (a) lands and buildings owned by and used for the purposes of any local municipality or the Region or any local board unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose; and
  - (b) land and buildings owned by and used for the purposes of a board of education unless such buildings or parts thereof are used, designed or intended for use primarily for or in connection with any commercial purpose.
  - (c) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Rules With Respect to Redevelopment – Demolitions

10.

- (a) If application is made for a building permit in respect of a parcel of land upon which a building/structure existed within five years prior to the date of such application, then the amount of the development charges payable shall be the excess of the development charges for the building/structure constructed, less the development charges for building/structure demolished or destroyed. This calculation is based on the development charge rates as of the date the charges are calculated and payable for the new building/structure.
- (b) If, at the time of payment of development charges in respect of a parcel of land, the owner of the said land provides written notification of his/her intention to demolish (within five years) a building/structure existing on that parcel at the time of such payment, then upon the subsequent assurance by the Treasurer of the relevant local municipality (or his or her designate) to the Region's Treasurer, within five years after such payment, that such building/structure on such parcel has indeed been so demolished (and the particulars of such demolished building/structure), the Region shall refund to such owner a reduction in the development charges paid, which reduction is the amount, calculated pursuant to this By-law or a predecessor By-law of the Region, at the development charge rates in effect at the time of such payment, that would have been payable as development charges in respect of the building/structure demolished, provided that such reduction shall not exceed the development charges actually paid.
- (c) Where demolition takes place on a brownfield or an archaeological site, the above conditions apply however, an application may be made to the Regional Treasurer for an extension of time for the redevelopment credit of up to three additional years if the redevelopment has not been able to proceed due to delays in completing the remediation works. This application must be received prior to the expiry of the initial five-year period as provided in section 10(a) of this By-law. This application will be considered by Regional Council for approval.
- (d) Where the first use of a building/structure would be exempt from development charges, as set out in section 9 of this by-law, the

reduction available under 10(a), 10(b), and 10(c) above shall be determined by assessing the first use of the building/structure at the Institutional rate set forth in Schedule "C", as applicable, to this By-law.

#### Rules With Respect to Redevelopment – Conversions

11.

- (a) If a development includes the conversion of a building/structure from one use (the "first use") to another use, then the amount of development charges payable shall be reduced by the amount, calculated pursuant to this By-law at the current development charge rates, that would be payable as development charges in respect of the first use, provided that such reduction shall not exceed the development charges otherwise payable.
- (b) Where the first use of a building/structure would be exempt from development charges, as set out in section 9 of this by-law, the reduction available under the above shall be determined by assessing the first use of the building/structure at the Institutional rate set forth in Schedule "C", as applicable, to this By-law.

#### Rules with Respect to Exemptions for Intensification of Existing and New Housing

- 12. Pursuant to the Act, no development charge is payable if the development is only the enlargement of an existing dwelling unit.
- 13. Pursuant to the Act and Regulation, no development charge is payable if the development is to:
  - (a) permit the creation of one or two additional Dwelling Units in an existing single detached dwelling or a prescribed ancillary residential dwelling structure to the existing residential building;
  - (b) permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units in existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;
  - (c) permit the creation of one additional dwelling unit in any other existing residential building already containing at least one Dwelling Unit or prescribed ancillary residential dwelling structure to the existing residential building; or
  - (d) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units.  The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units.  The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit.  The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

14. Notwithstanding section 13 above, Development Charges shall be imposed if the total Gross Floor Area of the additional one or two dwelling units exceeds the Gross Floor Area of the existing Single Detached Dwelling Unit.
15. Notwithstanding section 13 above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:
  - (a) In the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and
  - (b) In the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building
16. The exemption to Development Charges in Section 12 above shall only apply to the first instance of intensification in an existing or new dwelling.
17. Subject to sections 14, 15, and 16 above, any exemption under section 13 above shall apply to the smallest dwelling unit, as determined by applicable rates under this by-law.

Rules with Respect to Exemptions for Industrial Enlargement and Industrial Grant Program

18.
  - (a) Pursuant to the Act, and notwithstanding any other provision of this By-law, there shall be an exemption from the payment of development

charges for one or more enlargements of existing industrial buildings on a site, up to a maximum of fifty percent of the gross floor area before the first enlargement for which an exemption from the payment of development charges was granted pursuant to the Development Charges Act or this section. The development need not be an attached addition or expansion of an existing industrial building, but rather may be a new standalone structure, provided it is located on the same parcel of land. Development charges shall be imposed in accordance with this By-law with respect to the amount of floor area of an enlargement that results in the gross floor area of the industrial building on the site being increased by greater than fifty per cent of the gross floor area of all the existing industrial buildings on the site.

- (b) If the gross floor area is enlarged by more than 50 percent, the amount of the development charge in respect of the enlargement is the amount of the development charge that would otherwise be payable multiplied by the fraction determined as follows:
  - (i) Determine the amount by which the enlargement exceeds 50 percent of the gross floor area before the enlargement.
  - (ii) Divide the amount determined under paragraph i by the amount of the enlargement.

#### DISCRETIONARY EXEMPTIONS

19. Notwithstanding any other provision of this By-law, no development charge is imposed under this By-law respecting:
- (a) non-residential lands and buildings used for agricultural use;
  - (b) on-farm site farm accommodations used for agricultural use;
  - (c) that portion of a place of worship which is used exclusively as a place of worship for religious services and any reception and meeting areas used in connection with, or integral to the worship space.

#### INDEXING

20. The amounts of development charges imposed pursuant to this By-law, as set out in Schedule "C", as applicable, shall be adjusted annually without amendment to this By-law, in accordance with the prescribed index in the Act.



21. For greater certainty, on January 1 of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule "C", as applicable, plus the accumulated annual indexation adjustments from previous years, if any.

#### REMITTANCE TO THE UPPER-TIER

22. Pursuant to section 29 of the Act:
  - (a) The Treasurer of the upper-tier municipality shall certify to the treasurer of the area municipality that the charge has been imposed, the amount of the charge, the manner in which the charge is to be paid and when the charge is payable;
  - (b) The Treasurer of the area municipality shall collect the charge when it is payable and shall, unless otherwise agreed by the upper-tier municipality, pay the charge to the Treasurer of the upper-tier municipality on or before the 25<sup>th</sup> day of the month following the month in which that charge is received by the area municipality;
  - (c) If the charge is collected by the upper-tier municipality, the Treasurer of the upper-tier municipality shall certify to the Treasurer of the area municipality that the charge has been collected.

#### GENERAL

23. The following schedules to this By-law form an integral part of this By-law:  
  
Schedule "A" – Map of the Regional Municipality of Niagara  
  
Schedule "B" – Components of Services Designated in Section 5  
  
Schedule "C" – Development Charges September 1, 2022 – August 31, 2027
24. Pursuant to the Act, and unless it is repealed earlier, this By-law shall expire at 11:59 PM on August 31, 2027.
25. Each of the provisions of this By-law is severable and if any provision hereof should, for any reason, be declared invalid by the Ontario Land Tribunal or a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

26. This By-law shall come into force and effect on September 1, 2022.

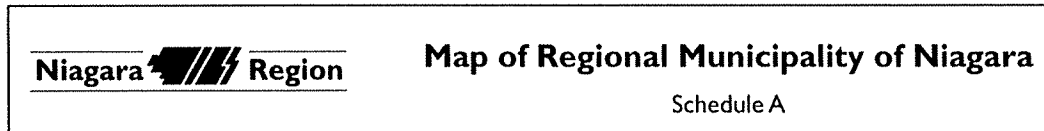
THE REGIONAL MUNICIPALITY OF NIAGARA

  
\_\_\_\_\_  
James Bradley, Regional Chair

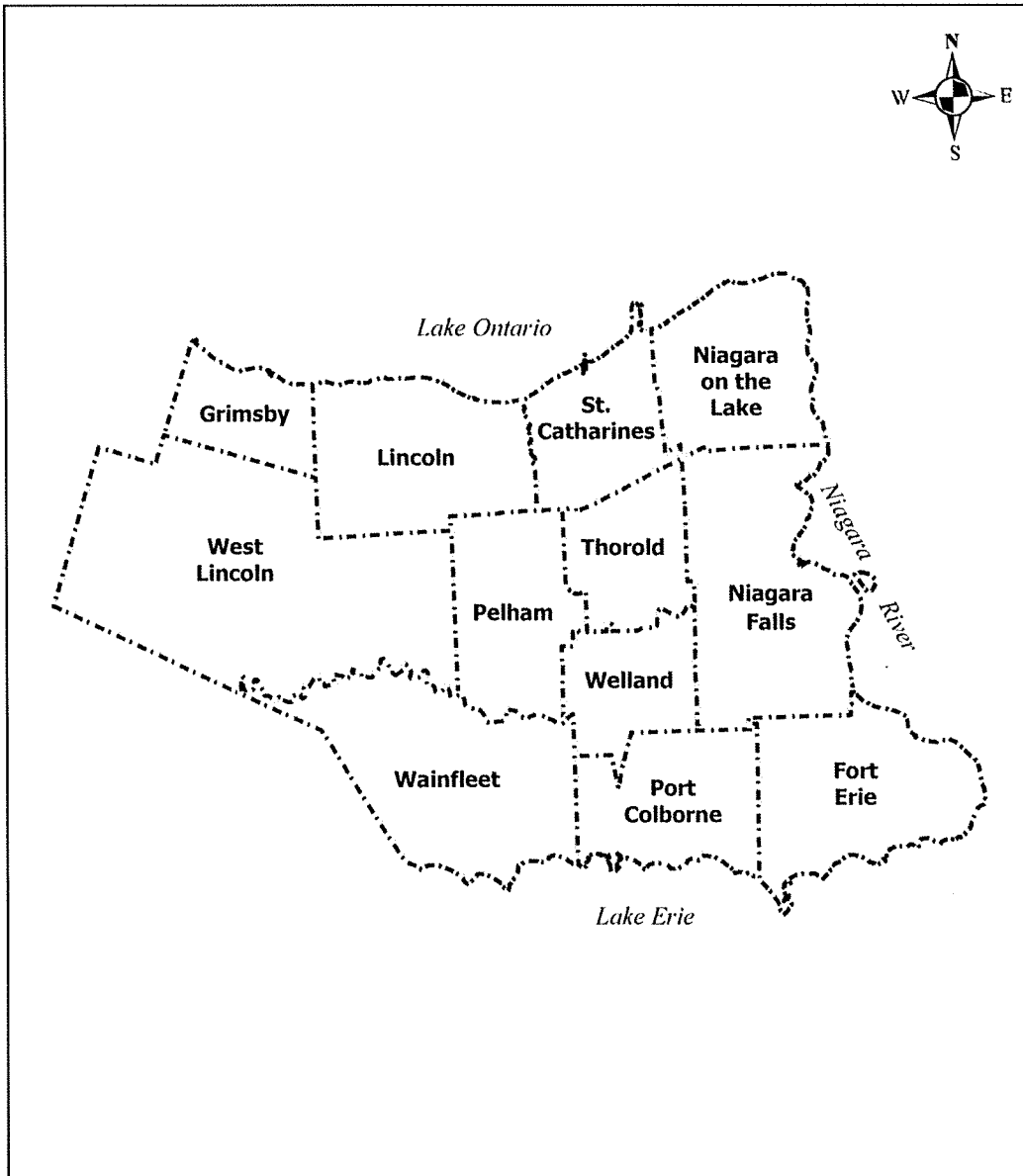
  
\_\_\_\_\_  
Ann-Marie Norio, Regional Clerk

Passed: August 25, 2022

Schedule "A"  
To By-law 2022-58



Map  
of the



**Regional Municipality of Niagara**

**Schedule "B"**  
**To By-law 2022-58**  
**Components of Services and Classes of Services Designated in Section 5**

**D.C.-Eligible Services:**

Services Related to a Highway

Roads and Related Infrastructure

Policing Services

Police Facilities

Police Vehicles

Police Small Equipment and Gear

Long-term Care Services

Long-term Care Facilities

Long-term Care Vehicles and Equipment

P.O.A. including by-law Enforcement Services

P.O.A. Facilities

Public Health Services

Public Health Facilities

Ambulance Services

Ambulance Facilities

Ambulance Vehicles

Housing Services

Housing Facilities

Waste Diversion Services

Waste Diversion Facilities

Waste Diversion Vehicles and Equipment

Waste Diversion Land

Waste Diversion Containers

Wastewater Services

Treatment, Trunk Sewers, and Pumping Stations

Water Services

Treatment, Transmission, Storage, and Booster Pumping Stations

**Schedule "B"**  
**To By-law 2022-58**  
**Components of Services and Classes of Services Designated in Section 5**

**D.C.-Eligible Classes:**

Public Works

Facilities

Vehicles and Equipment

Growth Studies

Services Related to a Highway

Policing Services

Water Services

Wastewater Services

Services Related to Public Health

Ambulance Services

Long-term Care Services

Housing Services

Waste Diversion Services

P.O.A. including by-law Enforcement Services

Child Care and Early Years Programs and Services

Schedule "C"  
To By-law 2022-58

Schedule of Development Charges

Service/Class of Service	Single and Semi-Detached Dwelling	Other Multiples	Apartments 2+ Bedrooms	Apartments 1 Bedroom	Special Care/Special Dwelling Units & Dwelling Rooms	Commercial (per sq.ft.)	Industrial (per sq.ft.)	Institutional (per sq.ft.)	Wind Turbines
Services Related to a Highway	9,883	7,062	6,718	4,096	3,712	6.78	2.23	5.08	9,883
Public Works (Facilities and Fleet)	286	204	194	119	107	0.26	0.09	0.21	286
Policing Services	297	212	202	123	112	0.28	0.09	0.21	297
Growth Studies	84	60	57	35	32	0.06	0.02	0.04	84
Long-term Care Services	1,241	887	844	514	466	0.60	0.20	0.38	0
Provincial Offences Act	0	0	0	0	0	0.00	0.00	0.00	0
Public Health Services	0	0	0	0	0	0.00	0.00	0.00	0
Ambulance Services	266	190	181	110	100	0.14	0.04	0.08	266
Housing Services	2,039	1,457	1,386	845	766	0.00	0.00	0.00	0
Waste Diversion	176	126	120	73	66	0.04	0.01	0.03	0
<b>Sub-total Region-wide Services/Class of Services</b>	<b>14,272</b>	<b>10,198</b>	<b>9,702</b>	<b>5,915</b>	<b>5,361</b>	<b>8.16</b>	<b>2.68</b>	<b>6.03</b>	<b>10,816</b>
Wastewater Services	7,486	5,349	5,089	3,103	2,811	5.24	2.21	3.87	0
Water Services	4,027	2,878	2,737	1,669	1,512	2.95	1.24	2.17	0
<b>Sub-total Urban Services</b>	<b>11,513</b>	<b>8,227</b>	<b>7,826</b>	<b>4,772</b>	<b>4,323</b>	<b>8.19</b>	<b>3.45</b>	<b>6.04</b>	<b>0</b>
<b>Total Rural Area</b>	<b>14,272</b>	<b>10,198</b>	<b>9,702</b>	<b>5,915</b>	<b>5,361</b>	<b>8.16</b>	<b>2.68</b>	<b>6.03</b>	<b>10,816</b>
<b>Total Urban Area</b>	<b>25,785</b>	<b>18,425</b>	<b>17,528</b>	<b>10,687</b>	<b>9,684</b>	<b>16.35</b>	<b>6.13</b>	<b>12.07</b>	<b>10,816</b>

September 2, 2022

Mayor Bill Steele and Council  
City of Port Colborne  
66 Charlotte Street  
Port Colborne ON L3K 3C8

**SENT ELECTRONICALLY**

Dear Mayor Steele and Council,

Please be advised that at its meeting of June 17, 2022, the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following as Resolution No. FA-56-2022:

*Moved by Member Ed Smith  
Seconded by Member Jack Hellinga*

1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle to engage with external partners to obtain input before finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the Conservation Authorities Act, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

**CARRIED**

Accordingly, please find attached the subject NPCA Report No. FA-24-2022, in addition to the *Draft Land Securement Strategy 2022-2032*. As the NPCA moves forward with this initiative, we seek opportunities to enhance partnerships and encourage collaboration in securing and preserving public lands across the Niagara Peninsula watershed.

Please share this information with the appropriate staff and kindly reach out to Eric Baldin, Manager of Land Planning, by October 3, 2022, to set up a meeting or provide feedback on the final Land Securement Strategy document. Mr. Baldin can be reached by email at [ebaldin@npca.ca](mailto:ebaldin@npca.ca) or by phone at 905-788-3135, extension #283.

Sincerely,



Grant Bivol  
NPCA Clerk

**Report To: Board of Directors**

**Subject: Draft Land Securement Strategy 2022-2032**

**Report No: FA-24-22**

**Date: June 17, 2022**

---

**Recommendations:**

1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle for the purpose of engaging with external partners to obtain input prior to finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the *Conservation Authorities Act*, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

**Purpose:**

The purpose of this report is to present the final Draft Land Securement Strategy 2022-2032 and obtain the Board of Directors' endorsement, in principle, for consultation with key stakeholders as well as the development of a land acquisition and disposition policy, as per the updated *Conservation Authorities Act*.

**Background:**

A land acquisition strategy was first prepared by the NPCA in 2007 and updated in 2015 (referred to as a Land Management Plan) aimed at securing ecologically-sensitive areas within the NPCA watershed. A recommendation from the Auditor General of Ontario's 2018 Special Audit of the NPCA specifically noted that a review and update of the 2015 Land Management Plan be conducted to improve its goals, criteria, funding options, implementation plan, and success measures. An updated draft Land Management Plan was presented to the Board of Directors in December 2019 (Report No. FA-163-19) and staff were further directed to expand on the program.

In May 2020, NPCA staff engaged the Board of Directors for input on developing a robust long-term land securement program aligned with the strategic plan and background research was completed. Further to the completion of NPCA 10-Year Strategic Plan in 2021, staff initiated the process of



developing the draft Land Securement Strategy to guide the securement of lands within the Niagara Peninsula watershed over the next decade for environmental, natural hazard protection, and societal (recreation, culture, health) benefits. The consulting firm, Orland Conservation, was retained to develop the Strategy with input from a staff team.

## **Discussion:**

The draft Land Securement Strategy 2022-2032 (Appendix 1) provides 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 NPCA currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction. Despite having secured the most lands compared to other conservation organizations in the watershed, the NPCA falls significantly behind the land securement achievements of its two neighbouring conservation authorities. Further, according to the NPCA's 'Nature for Niagara's Future' study (2011), the Niagara Peninsula watershed only achieves 56% towards what science recommends is required to sustain a healthy and resilient landscape. A long-term land securement strategy, in combination with other watershed-based programs, is necessary to help the NPCA achieve its strategic goals related to increasing biodiversity, habitat connectivity, and natural cover while creating equitable access to greenspace for the health and well-being of people and building relationships with partners, stakeholders, and Indigenous peoples.

The watershed contains a multitude of important natural resources needing protection to sustain life. It is not feasible to secure all the important natural resources in the watershed with limited resources; therefore, land securement criteria are imperative to prioritize areas to be considered and actively pursued. The strategy guides the application of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost. Given that the amount of land meeting these criteria would be considered unwieldy to secure in any timeframe, the Land Securement Strategy identifies six landowner outreach areas (LOAs) to provide a manageable number of target areas as the focus of a proposed landowner outreach program within the Strategy's 10-year horizon.

By collaborating with other land securement organizations and partners, applying for funding where possible, and launching a targeted landowner outreach program within the six LOAs, the NPCA can expect to secure a minimum of 180 hectares (i.e., average 20 ha annually, 1 property per year secured) by 2032. As landowner outreach and land securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive land securement target of 360 hectares secured by 2032 (i.e., average of 40 ha annually, two properties per year) may become attainable.

The Land Securement Strategy offers 8 recommendations to ensure the NPCA achieves its objectives:

1. Develop and adopt policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act*, O. Reg 686/21 (Sec. 9 (2)(vi)).
2. Develop and implement a land securement program including:
  - a. staff and financial resources
  - b. annual work plans and targets and performance measures
  - c. outreach and engagement plan and associated collaterals

- d. internal staff team to evaluate potential land securement projects from technical, operational, and financial perspectives
  - e. continued augmentation of land acquisition reserve in accordance with NPCA board-approved reserve policy
3. Ensure NPCA Indigenous engagement guidelines support opportunities to work together on land securement.
4. Engage with land securement partners to obtain feedback on the land securement strategy and establish connections that facilitate future securement collaborations.
5. Form a Land Securement Working Group (comprised of land securement partners and funders) to collaborate on potential securement projects. The group should meet a minimum of annually.
6. Collaborate with the Niagara Peninsula Conservation Foundation to develop and implement a stewardship fund.
7. Collaborate with the Niagara Peninsula Conservation Foundation to launch fundraising campaign(s) for land securement.
8. Proactively seek funding opportunities and explore the feasibility of non-conventional funding options for securement projects.

The next steps for implementation of the Land Securement Strategy in 2022 are to:

- consult with municipal partners, land trusts, Indigenous organizations, Niagara Peninsula Conservation Foundation, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement;
- develop policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act* O. Reg 686/21 (Sec. 9 (2)(vi)); and
- develop a land securement program including a budget, outreach and engagement plan and associated materials, landowner contact list, and allocating staff resources.

### **Financial Implications:**

The costs associated with land securement can vary greatly depending on the property and method of securement. There are numerous ways to fund land securement projects including municipal and other partnerships, government grants, and fundraising campaigns, among others. However, to access funding and successfully secure lands, it is imperative to fund a land securement program. For a successful and effective land securement program, an annual budget will be required to cover the associated costs of implementation (e.g., staff time, outreach materials, appraisal, assessment fees, etc.), as determined by an annual review by staff. Following endorsement by the Board of Directors, staff will develop a preliminary annual costing and work with partners to discuss financing options.

### **Links to Policy/Strategic Plan:**

The NPCA strategic plan calls for the development and implementation of a land acquisition strategy to achieve Goal 1.4: “*Manage lands to increase biodiversity, habitat connectivity, and natural cover*”.

Implementing a land securement strategy will also directly support achieving Goal 3.1 “*Create equitable access to greenspace for the health and well-being of people*” as well as several other NPCA strategic goals and performance measures related to natural hazard protection, ecosystem improvements, and building relationships with partners, stakeholders, and Indigenous peoples.

### **Related Reports and Appendices:**

Appendix 1: Draft Land Securement Strategy 2022-2032

### **Authored by:**

*Original Signed by:*

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---

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*Original Signed by:*

---

Adam Christie  
Director, Conservation Areas

### **Submitted by:**

*Original Signed by:*

---

Chandra Sharma, MCIP RPP  
Chief Administrative Officer/Secretary-Treasurer

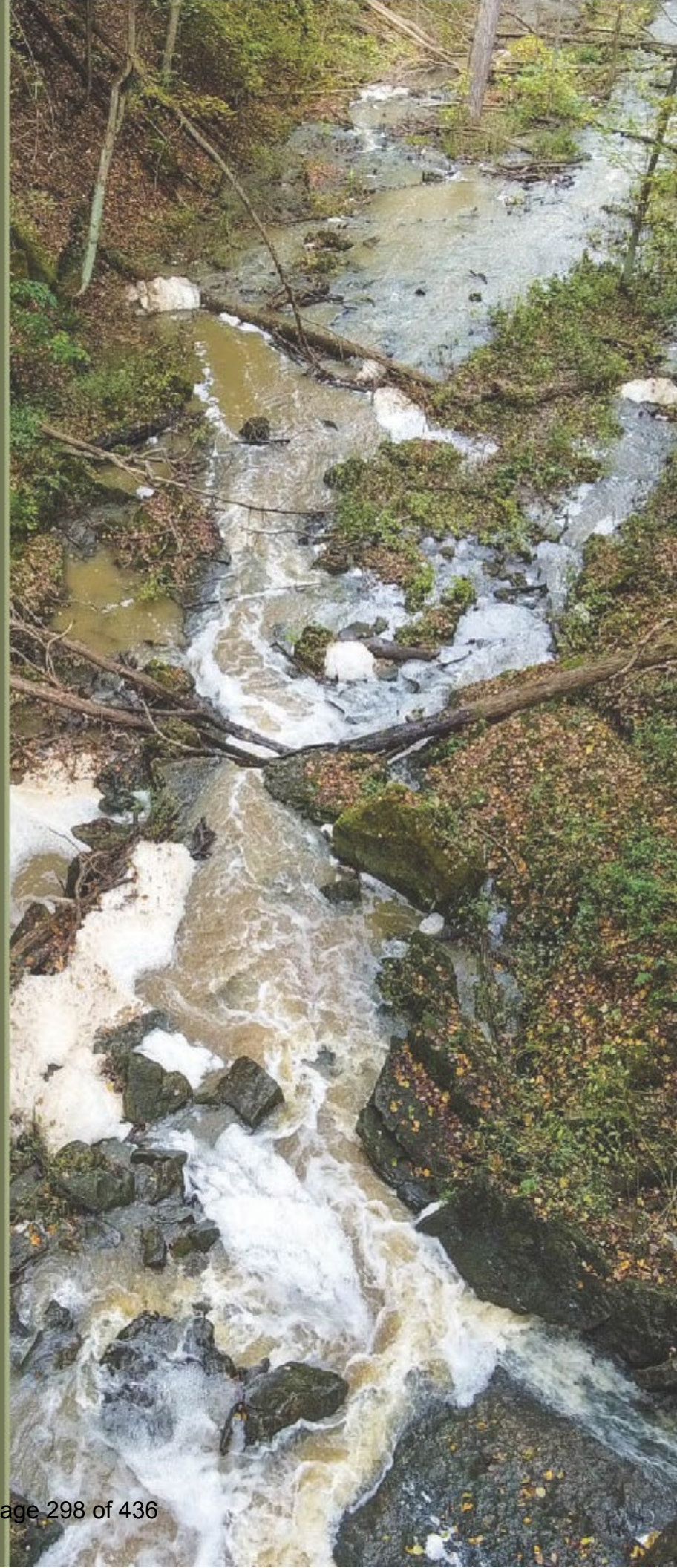


# Land Securement Strategy

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2022-2032

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# Land Securement Strategy

## 2022 - 2032



Produced by Orland Conservation, 2022

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

## Land Acknowledgment

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiwonderonk (Neutral), and the Anishinaabeg, including the Mississaugas of the Credit—many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties: Niagara Purchase (Treaty No. 381), Between the Lakes Purchase (Treaty No. 3), and the Simcoe Patent or Haldimand Tract (Treaty No. 4) and is within the land protected by the Dish with One Spoon Wampum agreement. Today, the watershed is home to First Nations, Métis, and Inuit.

Through the 2021-2031 Strategic Plan and this land securement strategy, the NPCA is committed to improving engagement with local Indigenous peoples by implementing actions that support reconciliation and shared stewardship of the Niagara Peninsula watershed.

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# Executive Summary

The conservation of greenspace has been used to improve environmental conditions, protect and improve biodiversity, promote outdoor activities and active lifestyles, increase social interaction and exchange, and provide healthy conditions for good physical and mental well-being. Since many areas containing such important natural features and functions are found on private property, working with landowners is important in the long-term protection of these lands.

This Land Securement Strategy is intended to complement other land and water conservation programs operated by the Niagara Peninsula Conservation Authority (NPCA) with a cost-effective approach. It expands on the NPCA's existing conservation area network while protecting delicate habitats and natural hydrologic and hydrogeologic functions.

The NPCA has secured the most land in the watershed compared to land trusts and other land conservation organizations working in the region; however, it falls significantly behind the land securement achievements of its two neighbouring conservation authorities. This strategy will outline a path for the NPCA to increase land securement effectively and notably within the watershed.

Criteria used to determine the areas within the watershed worthy of the NPCA securement has largely already been done by staff and by the Province in designations of certain environmental features, such as wetlands, Areas of Natural and Scientific Interest (ANSIs) and Environmentally Significant Areas (ESAs). These criteria will be of importance when considering public inquiries to convey land or conservation easements to the NPCA. The amount of land meeting the land securement criteria would be considered unwieldy to secure in any timeframe. This strategy identifies six landowner outreach areas to provide a manageable number of target areas as the focus of the landowner outreach program.

By partnering with other land securement organizations, applying for funding where possible, and launching a targeted landowner outreach program, the NPCA can expect to secure a minimum of 180 hectares within a ten-year timeframe. If implemented consistently, the NPCA could reasonably double this goal.

# Introduction

Natural heritage and natural green infrastructure (e.g., forests, wetlands, rain garden, bioswales) provide critical services and benefits that sustain life for people and wildlife such as providing clean air and water, protection from flooding and erosion, as well as a source of food and habitats for wildlife species. However, there are growing pressures on the landscape due to increased urbanization, land use changes, and changing climatic conditions that continue to threaten and impact the integrity of these natural features. In addition, there is an increasing demand for access to greenspaces for the health and well-being of people. Together, these issues have highlighted the critical need to secure more natural areas to improve the environment, mitigate the impacts of climate change, and provide more opportunities for people to enjoy the outdoors.

The NPCA is one of 36 community-based natural resource management agencies in Ontario that protects, enhances, and sustains healthy watersheds. The NPCA currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction (Fig. 1). These conservation areas are held in public trust for the purpose of natural heritage protection and/or restoration (e.g., interior forests, wetlands, areas of natural and scientific interest (ANSIs)), passive recreation (e.g., hiking, birdwatching), active recreation (e.g., swimming, camping, boating), education programming, cultural heritage protection, and natural hazard protection (e.g., floodplains, valleylands, and dams). Most of these conservation lands are publicly accessible with a few exceptions in various municipalities. In addition to NPCA conservation areas, there are natural areas owned/managed by other stakeholders (e.g., municipalities, Province of Ontario, Nature Conservancy of Canada, other landowners) that help bolster natural heritage across the NPCA jurisdiction. These important natural areas support a rich biodiversity within the watershed (including rare plants and animals) and provide people with recreational, social, and economic benefits.

While the terms ‘land acquisition’ and ‘land securement’ are often used interchangeably, there are important differences. The term ‘land securement’ refers to the legal purchase of natural areas with the intent to maintain, protect, restore and/or enhance those natural features using a range of methods to facilitate permanent protection of land in perpetuity. The term ‘land acquisition’ refers to the purchase of land that may at some point be deemed a disposable asset by the public, non-profit funding partner, or land donor/seller.

The NPCA has an increasingly important role in the securement of lands for the purpose of conservation and restoration of natural areas. The *Conservation Authorities Act* (CA Act) provides guidance on the governance and purpose of conservation authorities, including the powers to “acquire by purchase, lease or otherwise any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired” (Sec. 21 (1)(c)). As part of the *CA Act Regulation O. Reg 686/21*, there are only certain types of programs and services that can be provided in relation to the conservation and management of lands including (but not limited to) the development of one or more policies governing land acquisitions and land dispositions (Sec. 9 (2)(vi)).

In 2021, the NPCA completed its first 10-year strategic plan aimed at achieving its vision of ‘Nature for all’ to ensure a healthy and vibrant environment with shared greenspace and clean water that

sustains life for future generations. Through six overarching strategic priorities and twenty-one specific goals, the NPCA is committed to actions that aim to create healthy and climate-resilient watersheds, support sustainable communities, connect people to nature, strengthen relationships with partners and stakeholders, improve organizational practices, and ensure financial sustainability. Notably, the strategic plan calls for the development and implementation of a land acquisition strategy to achieve Goal 1.4: *“Manage lands to increase biodiversity, habitat connectivity, and natural cover”*. Implementing a land securement strategy will also directly support achieving Goal 3.1 *“Create equitable access to greenspace for the health and well-being of people”* as well as several other NPCA strategic goals and performance measures related to natural hazard protection, ecosystem improvements, and building relationships with partners, stakeholders, and Indigenous peoples.

Given the recent (2021) changes to the CA Act, the need to meet the Auditor General’s recommendation, and a new NPCA strategic plan, there was a clear and timely need to update the NPCA’s land securement strategy. The purpose of the Land Securement Strategy is to guide the securement of lands within the Niagara Peninsula watershed for environmental, natural hazard protection, and societal (recreation, culture, health) benefits.

To achieve the NPCA’s strategic goals, the Land Securement Strategy focuses on the following objectives:

- Secure public greenspace in the NPCA watershed using clear and concise decision-making;
- Collaborate with municipal partners, land trusts, stakeholders, and Indigenous communities on mutual land securement goals;
- Implement sustainable and innovative financial models that support land securement and stewardship

## Regional Context

Since time immemorial, Indigenous peoples have been stewards of the lands within the Niagara Peninsula. It continues to be a place for sharing, trading, hunting, gathering, stewardship, and friendship. The Niagara Peninsula watershed is the traditional territory of the Haudenosaunee, Attiwoonderonk (Neutral), and Anishinaabeg including the Mississaugas of the Credit. Today, the watershed is home to many First Nations peoples, Métis citizens, and Inuit.

The NPCA’s watershed jurisdiction encompasses 2,424 km<sup>2</sup> and supports a population of 474,217 people situated within the entire regional municipality of Niagara, portions of the City of Hamilton (21%), and Haldimand County (25%). NPCA’s partner municipalities will experience significant increases in human population with the watershed by 2051. For example, the City of Thorold was in the top ten Ontario municipalities for population growth at 26.7% according to Statistics Canada from 2016 to 2021. In addition, the Niagara Region is set to accommodate a minimum of 674,000 people by 2051 (Growth Plan, May 2021 Forecast).

The watershed is uniquely situated between two Great Lakes with the Niagara River and is part of the Carolinian Life Zone, which supports a rich biodiversity including rare plants and animals

and provides people with recreational, social, and economic benefits. The watershed includes noteworthy natural features such as the Niagara Escarpment, Niagara Falls, Niagara gorge, Wainfleet Bog, Ball's Falls, and Willoughby Marsh. The unique microclimate created by the Niagara Escarpment and rich soils supports one of Ontario's most productive agriculture systems including vineyards, tender fruit orchards, livestock, and various specialty crops (greenhouses for flowers, vegetables, sod farms, and mushroom farms). Despite these incredible features, the NPCA's 'Nature for Niagara's Future' study indicates that the watershed only achieves 56% of the minimum natural cover target (30%) required to sustain a healthy and resilient landscape.

To date, NPCA has secured 41 properties totalling almost 3,000 hectares as shown in Table 1. NPCA's secured lands constitute 1.22% of the total watershed. All other land securement organizations have secured about 1,000 additional hectares or 0.42% land in the watershed. The combined secured land in the watershed is almost 4,000 hectares (1.64%).

### **Secured Land**

**Watershed Area 242,400 ha**

**NPCA Secured Land 2,946 ha / 1.22%**

**Total Secured Land (includes all partners) 3,967 ha / 1.64%**

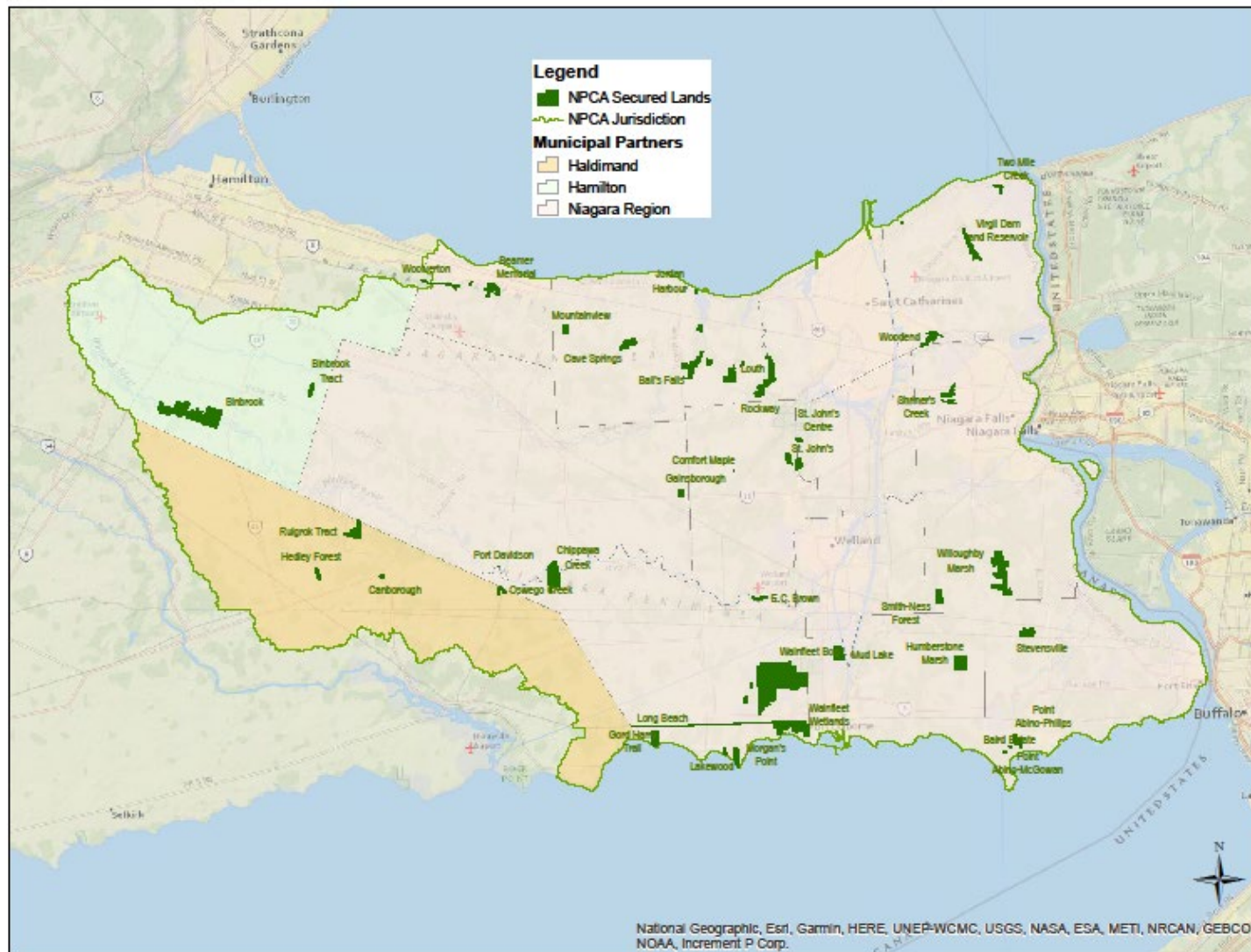
**Table 1: NPCA Secured Lands**

#	Name	Municipality	Ha
1	Wainfleet Bog	Wainfleet	805.27
2	Binbrook	City of Hamilton	374.28
3	Willoughby Marsh	Niagara Falls	230.13
4	Wainfleet Wetlands	Wainfleet	182.02
5	Chippawa Creek	Wainfleet	149.79
6	Rockway	Lincoln/St. Catharines	125.52
7	Ball's Falls	Lincoln	112.61
8	Humberstone Marsh	Port Colborne	82.39
9	Ruigrok Tract	Haldimand County	73.79
10	Mud Lake	Port Colborne	63.13
11	Louth	Lincoln	62.21
12	Beamer Memorial	Grimsby	57.22
13	Long Beach	Wainfleet	55.83
14	Virgil Dam and Reservoir	Niagara-on-the-Lake	49.70
15	Stevensville	Fort Erie	49.30
16	Woodend	Niagara-on-the-Lake	47.51
17	Cave Springs	Lincoln	43.37
18	Point Abino-Philips	Fort Erie	38.36
19	Smith-Ness Forest	Niagara Falls	37.77
20	Morgan's Point	Wainfleet	37.52
21	Shriner's Creek	Niagara Falls	36.02
22	St. John's	Thorold/Pelham	30.81
23	Mountainview	Lincoln	26.37
24	Gord Harry Trail	Wainfleet	26.92

25	Lathrop	Pelham	20.73
26	Binbrook Tract	City of Hamilton	20.29
27	Woolverton	Grimsby	18.59
28	Hedley Forest	Haldimand County	17.65
29	Gainsborough	West Lincoln	16.04
30	E.C. Brown	Pelham	13.77
31	Two Mile Creek	Niagara-on-the-Lake	8.51
32	Oswego Creek	Haldimand County	7.84
33	St. John's Centre	Thorold	7.44
34	Lakewood	Wainfleet	6.16
35	Canborough	Haldimand County	5.56
36	Baird Estate	City of Hamilton	2.07
37	Point Abino-McGowan	Fort Erie	2.00
38	Eight Mile Creek	Niagara-on-the-Lake	0.79
39	Jordan Harbour	Lincoln	0.72
40	Comfort Maple	Pelham	0.24
41	Port Davidson	West Lincoln	0.19
<b>41</b>	<b>TOTAL</b>		<b>2,946.39</b>



Figure 1: NPCA Secured Lands



# Land Securement Partners

It is not uncommon to have several partners involved in the securement of a particular property. Sometimes additional partners are required for funding purposes or assistance with specific expertise (e.g., negotiating leverage, funding) required to secure a property. In other cases, involving title or an interest in title, a partner group may be a better suited land or conservation easement recipient than the original organization involved. There may be a better suited recipient of the land due to funding requirements or because the landowner has requested the involvement of another group based on personal preference. In addition, a landowner may not want to sell or donate their property but is instead willing to have the land secured through a conservation easement agreement. Some circumstances will depend on the unique characteristics of the property, the type of securement method involved, and the requests of the landowner (depending on whether it is a donation or purchase). It is important to note that any partnership involvement that NPCA has in the securement of a property should be viewed as a land securement success. This is also referred to as an “assist.” An assist can include the involvement of staff time, resources, technical expertise, mapping, or funding towards securement of a particular property. Even if NPCA does not end up holding title, an interest in title, or even managing a particular property, any contribution by NPCA is considered a victory. After all, the end goal is to secure these key properties for overall conservation in the watershed.

The following sections describe the various land securement partners and their primary benefits to NPCA as well as their strengths and weaknesses in terms of holding title or interests in title (i.e., conservation easement agreements) to land.

## Federal Government

Environment and Climate Change Canada (ECCC) announced in late 2021 that they set a target to protect 25% of lands and oceans by 2025 and 30% by 2030. This commitment comes with funding; however, some monies would have to be accessed by partnering with land trusts. Additionally, conservation authorities are eligible to receive ECCC’s Nature Smart Climate Solutions Fund for land securement projects.

ECCC also administers the Ecological Gifts Program (Ecogifts) which can provide significant tax savings to landowners wishing to donate lands; NPCA is a qualified Ecogifts recipient.

## Provincial Government

Provincial parks, and other park lands, are managed for the public by public agencies such as municipalities and the Ontario Ministry of the Environment, Conservation and Parks (MECP) through Ontario Parks. In NPCA’s jurisdiction, there are two provincially protected properties: Short Hills Provincial Park and Wainfleet Bog Conservation Reserve.

The Ontario Heritage Trust (OHT) is somewhat removed optically from the Province yet is still an arm’s length government agency. OHT has conserved several natural heritage properties within NPCA’s watershed.

Beginning in 2021, the Province has committed \$20,000,000 towards land securement until 2025 through a program called the Greenlands Conservation Partnership. Currently, this funding is awarded to the Nature Conservancy of Canada (NCC) and the Ontario Land Trust Alliance (OLTA). Through partnering with a local land trust, the funding could be accessible for NPCA to secure, restore, and manage a property.

## **Indigenous Governments**

There is the potential for the NPCA to partner with local Indigenous organizations to secure lands for the establishment of Indigenous Protected and Conserved Areas (IPCAs) within the watershed. IPCAs are an important tool for reconciliation through conservation and can help the NPCA achieve habitat targets while supporting and maintaining Indigenous cultural knowledge systems. In 2021, the federal government pledged over \$166 million to support the establishments of IPCAs in Canada. This model would involve leadership from local Indigenous governments to secure and manage the IPCA with the NPCA assisting as a partner if the property is in the watershed.

## **Single and Upper-Tier Municipal Government**

In early 2022, relevant staff from NPCA's partner municipalities were contacted to help inform the development of the Land Securement Strategy. The City of Hamilton has its own land securement strategy and Natural Areas Acquisition Fund to provide funding support to CAs and land trusts for eligible securement projects. The City will not use the fund to secure lands for itself to hold title or conservation easements. The funding model is 50 percent of the acquisition or \$50,000. The City has policies within both its Rural (RHOP) and Urban Official Plans (UHOP) that support a Natural Areas Acquisition Fund Strategy. These policies are: RHOP Volume 1 policies C.2.11.1, C.2.11.2 and C.2.11.3 and UHOP Volume 1 policies C.2.2.8, C.2.12.1, C.2.12.2 and C.12.3.

Although the Regional Municipality of Niagara does not have a land securement program in place, there have been staff-level discussions about the possibility of developing such a program like those of other regional Greenbelt municipalities.

The County of Haldimand expressed interest in land securement as they have also mapped their Natural Heritage System. The County has 13% forest cover and ideally wants 25%. Securing existing forests and non-forested lands with potential of reforestation will help them achieve their goal. If NPCA brings forward such a land securement project, municipal staff may consider bringing the project forward to Council for support on a case-by-case basis.

## **Lower-Tier Municipal Government**

Although the lower tier municipalities do not typically secure land for conservation, they all expressed varying interest in land securement. could be securement partners that offer insight and facilitate introductions to key landowners. Additionally, most local area municipalities have Official Plan goals related to environmental protection, restoration, and sustainability. Lower-tier municipalities can be approached for funding support on a case-by-case basis, particularly if the potential securement project offers benefits to the local community and helps the municipality achieve its own strategic objectives.

## Land Trusts

Most land trusts are primarily focused on securing natural heritage lands to protect significant ecological features; therefore, it is important for the NPCA to collaborate with land trusts to further its conservation goals through land securement.

Several land trusts operate within the watershed including the Bruce Trail Conservancy (BTC), Niagara Land Trust (NLT), Nature Conservancy of Canada (NCC), and Ontario Nature. Combined, these land trusts have secured over 241 hectares in the watershed. This number is expected to rise but most land trusts are not actively securing more land in the watershed. The BTC has targeted properties along their Optimum Route (OR) which they would very much like to secure but the opportunities are relatively few compared to other areas outside of NPCA's jurisdiction.

The following is a list of land trusts and their potential benefit to NPCA's securement efforts:

**American Friends of Canadian Conservation (AFCC)** is available to help NPCA with land securement involving American landowners. AFCC can receive donated land temporarily from landowners and issue a U.S. tax receipt. Land would later be transferred to NPCA. There may be few (if any) American landowners currently holding targeted lands in the watershed, but existing lands could be sold to Americans in the future. Additionally, AFCC can also issue U.S. tax receipts to American cash donors to NPCA or its Foundation. To date, there have not been any projects within the watershed that AFCC has been asked to help with.

**Bruce Trail Conservancy (BTC)** is one of the most active land trusts, but their interest is confined to a narrow corridor along the Niagara Escarpment which they refer to as the Optimal Route (OR). If NPCA takes on a project within the OR, BTC has proven to be a reliable partner. They are highly adept at raising funds to secure land.

**Escarpment Biosphere Conservancy (EBC)** primarily focuses on securing lands on the Niagara Escarpment and is highly active in their securement activity, but they have yet to secure land south of the 401 Highway. They have expressed interest in securing land in the NPCA watershed. EBC also executes securement projects relatively quickly and would be a potential securement partner both on and off the Escarpment.

**Ducks Unlimited Canada (DUC)** have a multitude of wetland restoration projects on private lands within the watershed which are in partnership with NPCA. DUC is not actively looking to secure land in the watershed but would consider helping NPCA with some ideal areas especially on coastal areas of the Great Lakes. Securement projects worthy of DUC's consideration must be ideal for waterfowl staging or breeding habitat (e.g., shallow, open water) and have a minimum project size of 40 hectares. DUC does not have a leveraging demand on funds that NPCA need to provide; therefore, they could potentially fund an entire project. DUC also has access to federal land securement funds.

**Nature Conservancy of Canada (NCC)** is not targeting any areas within NPCA's watershed for securement, but they would be open to help on projects that could expand on their current holding. Additionally, NCC has access to significant federal and provincial funds for securement; therefore,

discussions to access those funds through a partnership with another local land trust should be discussed.

**Head-of-the-Lake Land Trust (HLLT)** is Ontario's first land trust and acquired its first property for conservation in 1961. The HLLT, managed by the Hamilton Naturalists' Club, has secured ten properties to protect ecologically significant natural heritage in Southern Ontario. Two of the HLLT properties (Vinemount and Short Hills Nature Sanctuary) are situated in the Niagara Peninsula watershed. The group has a strong volunteer base, an active land securement program, and an endowment fund to support ongoing management and maintenance costs.

**Niagara Land Trust (NLT)** is the newest land trust to the area and has secured two properties so far. As with most relatively new land trusts, they operate entirely with volunteers. There is a high potential for partnering on land securement projects as this is the only land trust that has a watershed wide focus on land securement. While they have their own criteria by which they will accept projects, their geographic scope covers the watershed.

**Ontario Farmland Trust (OFT)** aims to secure prime agricultural land. Thus far, they have only secured land through donations of conservation easements. These easements have been certified as Ecogifts, which required that they have significant ecological merit. Partnering on securement projects that have prime agricultural land may suit having OFT as a partner. For example, OFT could arrange to retain the arable land for farming and manage it while NPCA takes title to any adjoining forest and/or marginal farmland better suited for ecological restoration.

**Ontario Nature** is a registered land trust in Ontario and owns the Harold Mitchell Nature Reserve, but securement is not this group's primary role. They are not targeting land to secure in the watershed but if a property has a particularly important ecological feature or function, Ontario Nature may consider assisting with securement and contributing funds.

## Other Non-Governmental Organizations

Non-governmental organizations such as the local nature clubs, stewardship councils, and Carolinian Canada Coalition may be helpful to NPCA's securement efforts by providing the following:

- Introductions to key landowners
- Fundraising and community support efforts for protection of an area of specific public interest
- Ecological monitoring/inventory
- Gathering volunteers for invasive species removal
- Trail maintenance

## Secured Land

Including lands secured by NPCA, the Province, and land trusts, there are almost 4,000 hectares (1.64%) of protected lands within the watershed (Figure 2). The NPCA has secured the most land in the watershed than all other land securement partners combined (Table 2). However, its neighbouring conservation authorities have secured significantly more land in their respective watersheds. The Grand River Conservation Authority has secured 19,400 ha equating to 2.8% of



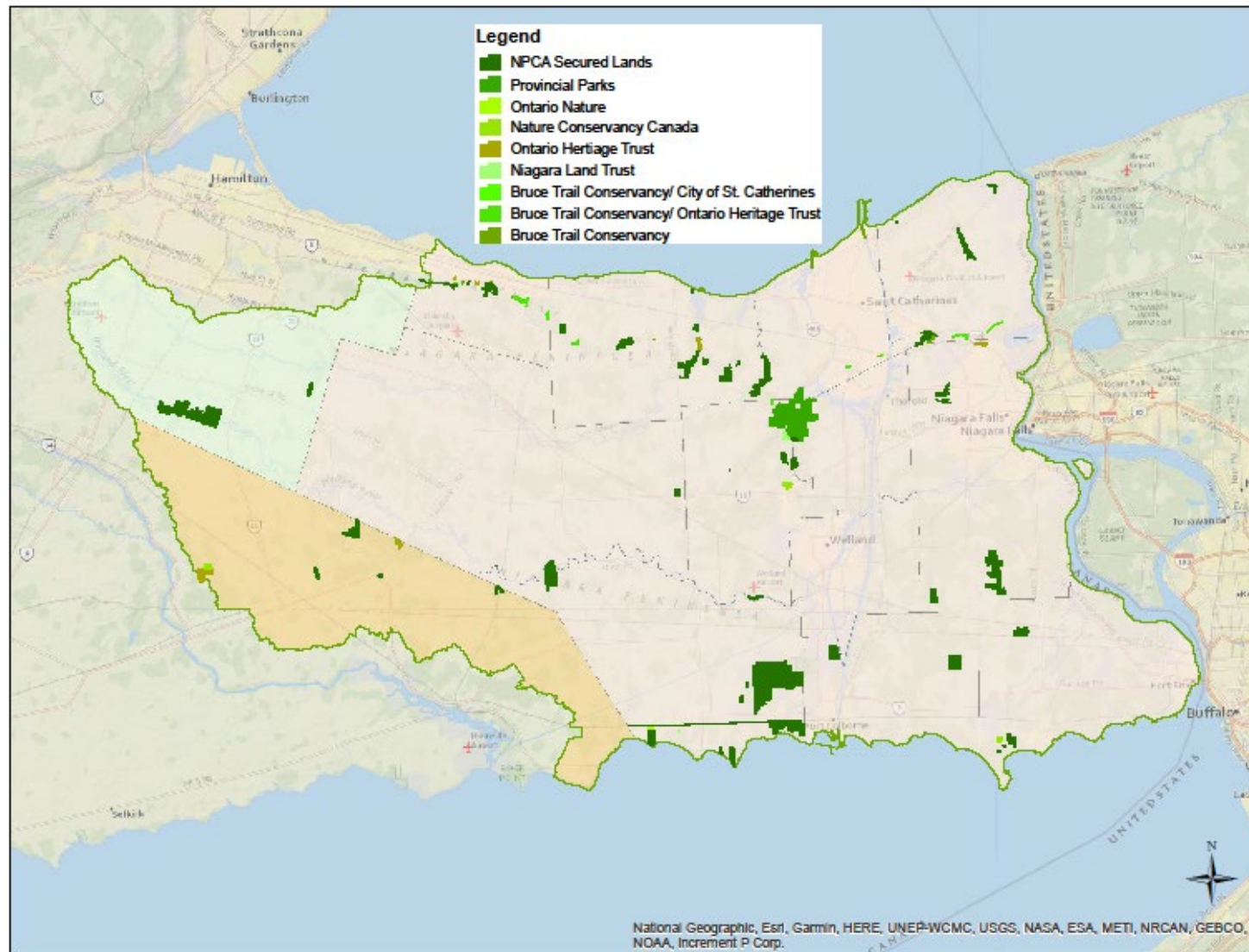
its watershed. Hamilton Conservation Authority has secured 4,603 ha equating to 9.2% of its watershed.

Once the NPCA's Land Securement Strategy is approved in principle, a meeting of all the partners is recommended. Inviting all the above listed partners to a meeting where NPCA staff present this report and receive feedback can lead into a brainstorming session which may bring helpful information towards achieving land securement goals faster and easier. Also, communication between partners can coordinate landowner outreach activities and firm up possible partnerships on upcoming projects. This meeting of partners may evolve into a Land Securement Working Group that could meet once or twice per year to give updates on securement activities and funding programs.

**Table 2: Secured Land within Watershed**

Partner Name	# of properties	Total area (ha)	% of watershed
NPCA	41	2,946.39	1.22
Ontario Parks	1	645.08	0.27
Bruce Trail Conservancy	48	151.67	0.06
Ontario Heritage Trust	9	133.87	0.06
Nature Conservancy of Canada	3	52.85	0.02
Niagara Land Trust	2	23.16	0.01
Ontario Nature	1	13.92	0.01
<b>TOTAL</b>	<b>106</b>	<b>3,966.94</b>	<b>1.64</b>

Figure 2: Secured lands (all partners)



# Securing Land

There are two primary ways to secure lands: holding land title (fee simple) or holding land rights (conservation easement agreement). The following provides a brief overview of these securement tools.

## Fee-Simple

The most used method of land securement is fee-simple purchase. In this case, NPCA would purchase full title and rights to a property from a willing seller. A landowner can also offer to donate property using the fee simple method; NPCA has a history of receiving such fee-simple donations.

## Conservation Easement Agreement

Conservation easement agreements (CEs) are an effective tool for protecting the conservation values of a property without owning that property because they contain restrictive covenants intended to ensure the protection of ecological features. CEs are legally binding agreements registered on title whereby the landowner transfers specific rights to an easement holder such as a conservation authority such as the ability to create building lots or cut trees.. The easement holder has the right and responsibility to monitor the property (thus the term “easement”) and ensure that the terms of the conservation agreement are being respected. If no easement is granted under the agreement, the agreement can be referred to as simply a “restrictive covenant.”

The purpose of a CE is typically to prevent the destruction of a feature(s) on a particular property. The rights to the uses of a property (i.e., subdivision rights, development rights, and tree cutting rights) can be donated or purchased from the landowner; however, it is more common to have CEs donated. CEs can provide for the protection of a feature, trail construction, and construction and maintenance of rehabilitation works.

To aid in the protection of the natural features, a Baseline Documentation Report (BDR) is prepared and registered on title with the accompanying CE. The BDR takes an ecological inventory and pinpoints other pertinent features, improvements, and disturbances. This reporting at the time of securement identifies all issues for staff to observe and compare to for future monitoring of the property. The BDR offers proof, if needed, for enforcement of the CE restrictions.

Since a property with a CE remains in ownership with the private landowner, NPCA does not have maintenance responsibility nor property tax to pay. However, with the responsibility of monitoring, which is usually an annual minimum, comes the possibility of enforcement and legal defence should a present or future landowner contravene the restrictions of the CE. Even though there are often less upfront securement costs associated with a CE, the ongoing stewardship and possible costs are unpredictable. These costs do not include the need for a legal defense fund should the landowner (usually subsequent owner) breaches the restrictions of the CE.



# Methods of Fee-Simple Land Securement

The following section outlines the various fee simple methods which could be employed in the securement of environmentally sensitive or significant lands. These options should be clearly communicated to landowners in person and through web-based media and print publications facilitated through the landowner outreach program discussed later in this strategy. In order to maximize available resources (i.e., financial and staff time), this strategy recommends fee simple donations first (full value or split-receipt), followed by important purchases.

Of all the land securement scenarios, a project often combines several tools. For example, a landowner may decide to donate the bulk of their property via direct conveyance while retaining a life interest on the severed parcel.

## Donations

Donations of land or property rights (i.e., fee simple or conservation easement agreements) at appraised value may qualify as charitable donations under the Federal Income Tax Act through the Ecological Gifts Program (or Ecogifts Program). The Canada Revenue Agency (CRA) provides tax incentives to landowners willing to donate ecologically sensitive lands. All Ecogifts are subject to 0% capital gains tax. All lands donated outside of this program remain subject to 50% capital gains. In addition, as part of the program, all appraisals are reviewed by an expert panel of appraisers; therefore, landowners and NPCA can be assured that the appraisal's legitimacy is peer reviewed. These and other advantages of the program are outlined in Appendix 1. Donations can include receipt of lands under specific conditions such as a bequest or gratuitous dedication.

### Bequest

Landowners may elect to provide for a gift of land to NPCA in their Will through a bequest. The advantage of making a bequest is that there is no cost during the landowner's lifetime. A bequest can be cost-effective from a tax perspective against the estate and create a legacy for the donor and their family. However, a Life-Interest Agreement (discussed later) serves the same objective and is often better for the donor and recipient because it protects the land sooner rather than later, prevents family members from contesting a Will, and offers the donor a tax receipt to use while alive rather than leaving it for the estate.

### Gratuitous Dedication

Typically, Official Plans contain a provision which requires the dedication of environmentally protected lands to a public authority as part of the development process. Implemented through the conditions of draft approval for the subdivision, these lands are generally those associated with a riverine valley system and include the hazard lands associated with that system and the associated access allowances. Further, environmentally protected lands may contain a wetland feature and associated buffer habitats.

Should NPCA be the public authority to which these lands are dedicated, they shall be dedicated free and clear of all encumbrances and an easement(s) for access to these lands may be required. The donor of the property may also be required to pay a stewardship fee, to cover costs associated with the long-term maintenance of the lands, which may include such things as:

- Land management planning
- Research and monitoring
- Land operations
- Land administration

The exact figure of the stewardship fee can be calculated based on the actual costs associated with the property and based on expenditure requirements for an agreed upon timeframe. Alternatively, the industry standard of 15% of the land value could be used, or whichever is greater. The stewardship fee would be paid to the Niagara Peninsula Conservation Foundation (NPCF) in a lump sum payment upon the transfer of lands. Refer to the 'Financing Land Securement' section for more information.

## **Trade Lands**

When a landowner wishes to either donate or bequeath their property but their property does not contain any significant environmental features, NPCA can accept the gift with the intention to sell it. The proceeds from the property sale should be directed into securement of more strategic lands, as agreed upon with the donor. A trade lands policy is recommended to guide this type of decision-making.

## **Exchanges**

In this case, landowners who own property of interest to NPCA may exchange their parcels for surplus lands owned by NPCA that the landowner desires. For example, a landowner wants to expand their farm or have better access to it. In turn, they have a parcel of land that meets NPCA's securement criteria. If the parcel desired by the landowner is not of significant ecological value, NPCA may consider the exchange. While these transactions traditionally consist of the exchange of fee simple interests, they can consist of any combination of property interests. Note that land exchanges are not necessarily acre for acre and any exchange would be based on an appraised value as valley lands would not be valued the same as developable tableland.

## **Direct Conveyance**

A direct conveyance is an acquisition of part of a property through either a fee simple purchase or donation scenario to a government agency. For example, if a landowner has a residence, they may be willing to dispose of most of the property while retaining the residence and amenity area (Figure 3). The advantage of this method is that usually the part of the property severed for conservation purposes does not include the bulk of the value of the property. Therefore, landowners can retain a residential lot and some acreage around their residence or building, allowing them to hold on to most of the property's value. The land severed is then owned and managed by the municipality or conservation authority. The landowner's residence, barn, or working farm field remain adjacent to the now publicly owned conservation lands without the

burden of the costs and liability associated with maintaining and managing a larger property. In addition, if the landowner wishes to sell the property in the future, it will be a significantly more saleable parcel size, which may attract more buyers.

In the situation of a direct conveyance, conservation authorities have an advantage over land trusts with their allowance under Section 50 (3)(e) of the *Planning Act* to create the conveyance without going through the formal severance process.

**Figure 3: Direct Conveyance Example**



## Split-Receipt

A split-receipt can be viewed as either a donation of land or easement, with cash consideration back to the donor, or a purchase of land with a donation of land value in cash back to the purchaser. Once the land value is determined by a qualified appraiser, the percentage of the fair market value of the land to be donated versus the percentage of land to be accepted in cash will be negotiated. Through the Ecogifts Program, the donated portion must be a minimum of 20% of the value to qualify for a split-receipt. Conversely, the landowner cannot receive more than 80% cash for the appraised value.

## Fee-Simple Purchase

The most used method of land securement is fee-simple purchase. In this case, NPCA would purchase full title and rights to a property from a willing seller. An Agreement of Purchase and Sale is signed between both parties to clarify the details of the transaction.

There are two additional agreement types that could be utilized in a fee simple purchase:

1. Option to Purchase
2. Right of First Refusal

### Option to Purchase

An option to purchase is a contract that would allow NPCA to buy a property at a set price for a stipulated period. It is a written contract by the landowner to sell the property by which they agree to not withdraw the offer of sale during the stipulated deadline. NPCA would likely pay a fee for this option. This mechanism is often used as a means of “buying time” during an attempt to acquire a specific piece of land and allows time to fundraise for the purchase costs. For NPCA, the approach could be used to extend the “window” of buying time into the next fiscal year, if needed.

### Right of First Refusal

A right of first refusal is an agreement between a landowner and the potential buyer to match any third party offer to buy the subject property. It sets out the conditions of sale and is registered on title to the property. It is an interim measure giving NPCA the option to acquire a key property in the future. It can be a good tool to use if negotiations have been halted (e.g., due to an unacceptable appraised value). The right of first refusal can also be registered on title allowing NPCA to buy a property that has an existing conservation easement agreement. In this case, NPCA would prefer to wait until they can secure title rather than be the easement holder. Right of first refusal is also a means by which to discourage other potential buyers (e.g., developers) as they will know they have competition and the holder of the first rights has priority. There may be a fee associated with the right of first refusal.

## Life Interest Agreement or Lease Back Arrangement

When the vendor/donor wishes to retain an interest in the property, they can enter into either a life interest agreement or a lease back arrangement. A life interest agreement allows the landowner to retain an interest in the property for the duration of their life. This interest can take many forms including use of a family home, cottage, or recreational access to hiking trails. In a lease back arrangement, the landowner sells the property but remains in possession for a specified period while paying rent to the buyer, effectively making the landowner a tenant. In either case, the land can be donated, purchased, or split-receipted. The value of the retained interest would be determined by a qualified appraiser. The agreement would specify a set term or continue if the vendor uses the subject property as outlined in the agreement. Such retained interests can range from passive use (e.g., hiking), medium use (e.g., camping, removal of deadfall trees for firewood), to high use (e.g., residing, agricultural operation).



# Land Securement Criteria

The watershed contains a multitude of important natural resources needing protection to sustain life, but it is not feasible to secure all these lands with limited resources. Thus, it is important to prioritize areas for securement by identifying a set of land securement criteria to guide which lands are to be considered and actively pursued for land securement. Overall, the NPCA will use a set of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost.

To be considered, every potential land securement project must pass the first and second criteria screening. There will be times when the NPCA should graciously reject an opportunity, even a donation of land is deemed ecologically important. If a property is relatively small to offer much benefit, is costly or problematic to secure, or is predicted to be more challenging than it is worth to the organization, it should not be a project for the NPCA. Passing it to another securement partner may be the best option.

## Watershed Features and Functions

Previous provincial and NPCA-led scientific assessments have identified several key areas in the watershed required to conserve ecological integrity including Areas of Natural and Scientific Interest (ANSIs), Environmentally Significant Areas (ESAs), floodplains, wetlands, habitat of species at risk, etc. While it is understood that these areas are important, they are already mostly protected through policy. Thus, land securement criteria should also focus on protecting and restoring other important features and functions critical for watershed health.

Eligibility criteria of the Ecogifts program and the Conservation Land Tax Incentive Program (CLTIP) (Appendix 2) are suitable filters for determining NPCA's land securement criteria. These criteria apply regardless of if a securement project is to be donated or purchased.

In general, the NPCA will consider the securement of land if any of the following first-level criteria are met:

- Lands in proximity or adjacent to existing NPCA conservation areas;
- Flood control, flood vulnerable, erosion control and reservoir project lands, and their associated access lands;
- Valley and stream corridors, riparian habitat zones, wetlands;
- Great Lakes' waterfront;
- Highly vulnerable aquifers, significant groundwater recharge areas;
- Important woodland/vegetation/habitat linkages, interior forest areas, and/or lands which contribute to the expansion of interior forest habitats;
- Environmentally Significant Areas (ESAs), Areas of Natural and Scientific Interest (ANSI);
- Habitat for aquatic and terrestrial species of concern and sensitive species, including those listed under the *Species at Risk Act* and the *Endangered Species Act*;
- Relevant lands identified in NPCA's watershed and sub-watershed plans, municipal natural heritage systems, and in urban and near-urban areas suitable to provide residents with access to nature;

- Lands identified as Escarpment Natural Areas and Escarpment Protection Areas in the Niagara Escarpment Plan;
- Lands that provide terrestrial and aquatic habitat restoration opportunities, including lands identified as priority for ecosystem restoration;
- Areas that provide linkages for a regional trail system or to other nearby greenspaces (e.g., municipal natural areas, neighbouring conservation authorities).

This extensive list covers an enormous area of the watershed offering many passive land securement opportunities (landowners approaching the NPCA). Conversely, there is too much potential area to actively pursue (NPCA outreach to landowners) within a 10-year timeframe. Even when limiting the criteria for active land securement to only wetlands, ANSIs, and ESAs (in which many of the other criteria overlap) those three features alone cover a daunting area exceeding 19,200 ha or 7.9% of the watershed (Figure 4). While value is impressive, it falls woefully short of the International Union for Conservation of Nature's Aichi Biodiversity Targets of 17% applying to terrestrial lands and inland waters.

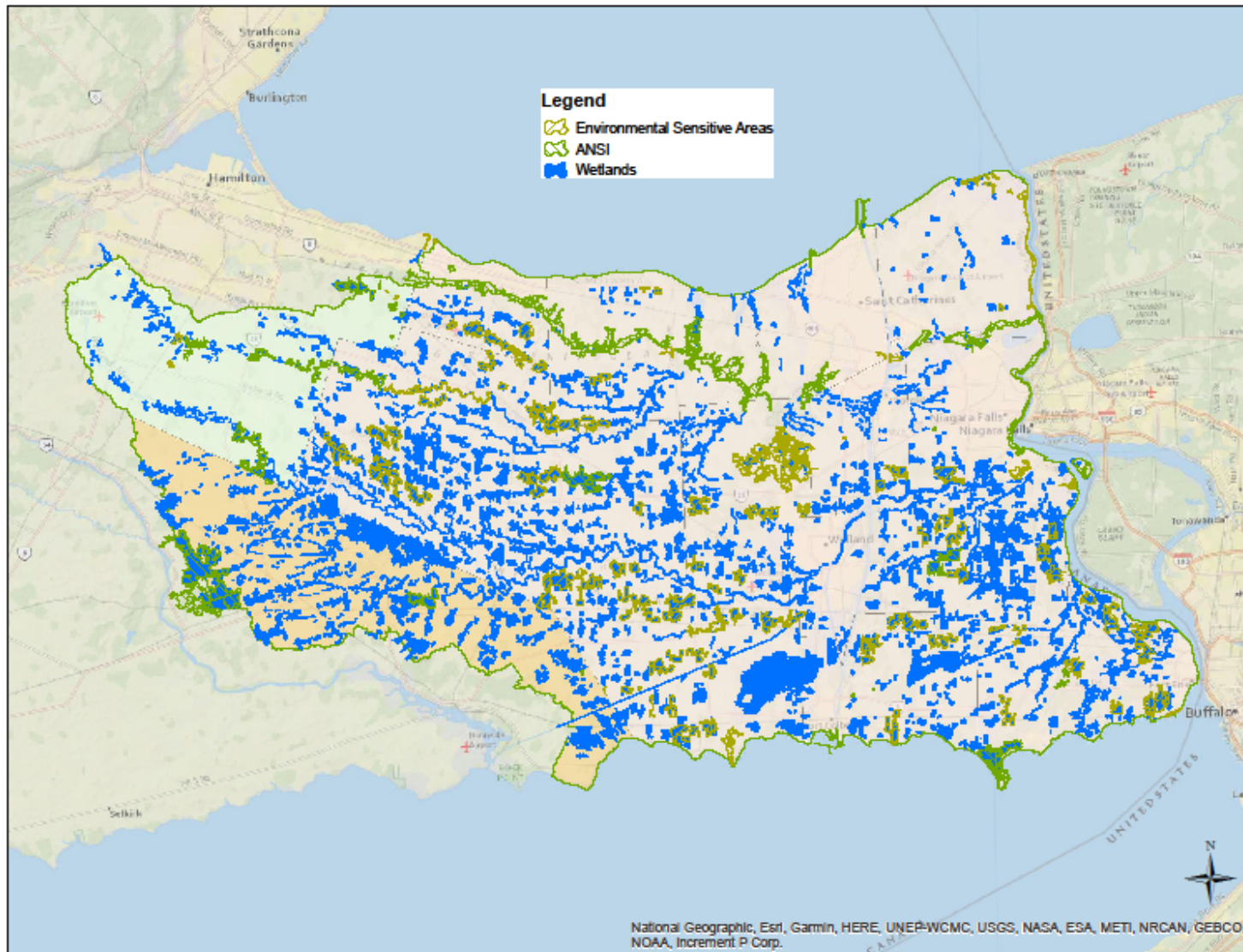
To make a land securement program effective and manageable, additional criteria must be considered. Even though some landowners may offer the NPCA land or a CE that meets the primary criteria, there are securement and stewardship costs that accompany each project. Being selective is important so that resources can be extended to the worthiest land securement projects. After a potential property passes the first screening, it still needs to pass an important secondary practical screening of the following criteria before a decision to secure can be made:

- Size of parcel
- Type of securement form and method landowner prefers
- Cost of stewardship

## Parcel Size

Parcel size is one of the most important of the secondary criteria since the time and costs that are required to secure a property are largely independent of size. Therefore, securing large properties are most cost effective at further advancing NPCA's efforts to protect delicate habitats, maintain important natural function, and restore degraded areas. Exceptions to this criterion are when a small parcel is needed for access, to maintain terrestrial corridors or is strategic to secure in some way.

Figure 4: Natural features limited to ESAs, wetlands, and ANSIs



## Securement Method

The NPCA needs to consider the securement method that will be most advantageous. In some cases, it may not be best for the NPCA to hold title or a CE. For example, the stewardship of the land may be deemed too costly or the landowner wishes to sell quickly and NPCA cannot foresee raising funds quickly enough. Instead of refusing the offer, the NPCA can still help by bringing in a partner better suited to the land securement method that the landowner prefers.

Alternatively, if a landowner offers to donate some land to the NPCA, the decision becomes much easier to accept, especially if the property passes the first level of screening.

## Cost of Stewardship

The cost of managing properties can vary greatly. Passing up on land securement opportunities that are likely to have high ongoing costs is prudent. For example, the NPCA may choose to accept lands that are, or will be, exempt from property taxes through the provincial Conservation Land Tax Incentive Program (CLTIP), regardless of if the land is to be donated.

Additionally, the anticipated stewardship cost of holding title of land or a CE should be assessed. As previously mentioned, CEs have unpredictable stewardship costs whereas taking ownership of land can more easily be budgeted.

The proximity of lands near existing conservation areas is also a key factor in the cost of stewardship. Lands that abut existing NPCA lands should have the least stewardship costs because travel to the site is minimized and there are already stewardship activities on the original conservation area that the new parcel would be absorbed into.

Lands farther away from NPCA properties need to be closely inspected to determine existing and potential stewardship. The cost to address those issues would need to be estimated. If estimated stewardship costs are high, the securement project may be rejected or re-directed to another land securement partner. Before passing on such an opportunity, an investigation of accessing reliable long-term stewardship funds should happen. Additionally, opportunities for income generation that would have nominal or neutral impact on the land could be considered. In either case, a determination through a cost-benefit analysis is required.

## Landowner Outreach

A primary goal of any land securement initiative should be to inform the targeted landowners about the various long-term conservation options that are available to them. Most landowners only know about two options when it comes to their land:

- Sell it, or
- Leave it to their children.

Deciding to protect one's property for the long term is a big decision and can take a landowner several years to make. Even if a landowner does not express interest in selling or donating their land when first approached, they will have increased awareness about long-term conservation



should they reconsider such options in the future. As in fundraising, approaching people for land donations also requires patient cultivation. Building relationships and patience is important for successful landowner outreach.

Types of proactive landowner outreach activities are listed below; however, it is possible that some landowners will take the lead in contacting the NPCA to discuss potential donation or sale of their land. This is especially likely if the NPCA maintains a good reputation with target landowners and the community and practices good communication of land securement programs and tax benefits to landowners.

## **Developing a Landowner Contact List**

Landowner contact information (e.g., mailing address and contact person) must be collected so that packages can be mailed and followed-up on. Although landowner emails and phone numbers can be difficult to obtain, there will be a greater chance of connecting with landowners if this information can be collected.

Communication between partner conservation organizations is very important especially in areas where partners are directly involved in landowner outreach. These landowners can be included on the list but making contact should be left to the partner organization to reduce duplicative efforts.

The list should be in a format that is accessible to applicable NPCA staff to review and update and can be created with spreadsheet or database software. A blank example is provided in Appendix 3.

## **Property Listings**

When funding is available, a search for property listings in the target areas should be conducted using [www.realtor.ca](http://www.realtor.ca). Communicating the NPCA's interest in a listing to a listing agent should include explaining the NPCA's conservation goal which should give the realtor and vendor encouragement of a possible sale. It is also an opportunity to explain the various scenarios to acquire the property, either whole or in part.

Land donation options are usually not appropriate to discuss as the realtor expects a commission. However, the landowner could entertain a donation of the bulk of the property while retaining a smaller parcel for the realtor to sell. It is best practice to request a three-way call or meeting (virtual or in person) with the landowner and listing agent.

## **Landowner Leads**

Getting warm leads and introductions can significantly boost any landowner outreach initiative and improve the effectiveness of communications. An introduction bridges trust between parties. There are likely many landowners within the targeted areas that have already interacted with NPCA. Thus, the landowner list should be circulated throughout the applicable NPCA departments to identify any previous interactions between staff and landowners. For those identified landowners that already have shown an interest in conservation (e.g., participated in

tree planting program, wetland restoration), the staff member with the best relationship should approach and arrange an introduction.

Conversely, if past interactions with a particular landowner were not positive or well-received (e.g., denied a permit, violation issued), staff should be cognizant of those past interactions and give due consideration before reaching out to the landowner. If the property is also within an area of interest to a land securement partner, the NPCA could pass those leads to that partner for contact.

NPCA Board members, being well-connected to the community, should also be asked to provide leads and introductions to key landowners in their communities/wards. If a Board member does not know a specific landowner of interest in their area, they should be able to suggest someone who does.

## **Mail Campaigns**

A mail campaign involves sending out an introductory letter (Appendix 4), a brochure outlining the various long-term securement options, and a photo mosaic map of the subject property (potentially showing ecological features). Ecogifts and NPCA program brochures should be excluded from the first mail out to avoid initial disinterest from the landowner. The primary objective is to introduce the landowner to the idea of long-term conservation and “break the ice” so that a telephone call, email, or drop-in visit can potentially be made a few weeks later. Other brochures can be given to the landowner if applicable and as rapport develops.

## **Telephone Contact**

As more people are forgoing landlines, it is harder to find phone numbers for landowners. Nevertheless, Canada 411 can still be utilized. For phone numbers obtained, calling landowners to introduce them to long-term conservation options and other stewardship programs offered can be successful. The objective is to arrange a meeting, ideally on the property, rather than to discuss details over the phone. A face-to-face conversation is a much more engaging and trust-building format. It is highly recommended that this step follows the mail campaign so that the telephone call is not a “cold call”.

## **Drop-in Visits**

Following mail campaigns, some mail is returned due to out-of-date address information or landowners undergoing a recent change of address. If there is no other way to contact the landowner, knocking on the door is prudent to bring the information to them.

Even when packages have been mailed out and presumably received, if a phone number is not available, dropping in is often very effective. Some landowners are interested in exploring the information mailed to them but do not often act on it immediately. The package may get placed in a drawer with good intentions to follow up, but often gets forgotten. Thus, making the effort to reach out personally to ensure the package was received and be available to answer questions or to arrange a meeting at their convenience is well-received.

Having another package on hand to leave at the gate or roadside mailbox for those properties that are gated or warn of no trespassing is suggested. Adding a note or postcard to the effect of

“We would like an opportunity to meet with you to discuss land conservation options that you may wish to take advantage of” may increase the likelihood of a favourable response.

Drop-in visits have been shown to be highly effective. The best times to drop-in are in the warmer weather months when landowners can be engaged outside or not holding the door open.

## Landowner Forums

An effective way to meet and engage landowners was at a forum designed to provide them with information on a variety of land conservation and estate planning topics. Landowners can be invited to attend an in-person informational event with topics to learn about land conservation programs available and meet relevant NPCA staff.

To maximize attendance, the following guidelines should be considered:

- Select a date on a weekend or evening
- Include several topics that would be of interest to a rural landowner (e.g., tree planting, restoration, MFTIP, and invasive species such as Emerald Ash Borer), life estate planning
- Do not exceed three hours
- Host at a location near the targeted land securement zone
- Send postcard invitations requesting RSVP
- Follow-up with each landowner to ensure receipt of invitation and ask if they plan to attend, or if they would rather have a private visit/consultation

With the mass use of virtual mediums, landowner forums could be attempted while following the same format above. There are pros and cons to a virtual landowner forum; the best test is to host one. Costs to organize and host such an event would be less than an in-person forum and is likely worth the effort.

## Scheduled Site Visits

Once a landowner is contacted and they express some interest in the program, a site visit or landowner visit can be scheduled (if necessary). Meeting with a landowner allows for more free-flowing dialogue. At this time, more information can be provided to the landowner about long-term land conservation options. If the landowner is interested, a Property Evaluation Form can be filled out by NPCA staff (Appendix 5).

## Landowner Expectations

When interest is garnered, expectations of timing and value should be managed. Explaining the appraisal and approval process in the beginning is important to prepare landowners and realtors for several months of waiting. This explanation is often more important when dealing with land donation through the Ecogifts Program.

Appraisals can often be disappointing to a landowner’s expectations. Having a third party perform a thorough appraisal will ensure the report is fair and unbiased. Giving a six-week approximation for appraisal completion and another week for internal review helps to explain the lengthy process.

## Early Outreach Process

Attempts to contact all identified high priority landowners will commence in 2023. After assessing the uptake and time management of securement projects, the second priority landowners will be contacted.

Based on other landowner outreach programs, it is expected that an average of 10-20% of landowners will express an interest in learning more about land securement. Of these, a smaller percentage will be interested in more detailed discussions. The focus of the work in year 2 of the land securement program implementation not only involves contacting the secondary priority landowners but also requires follow-up with high priority contacts previously established in the first year. It can take several years to cultivate a relationship with a landowner before they are ready to decide to leave a legacy of their land. The landowner outreach process is repeated every year, with new contacts being established and continued relationship building with those expressing interest in the program.

## Landowner Outreach Areas

The land securement criteria result in a substantial amount of area in the watershed to ideally be secured; however, as previously mentioned, this is an unsurmountable amount of area and number of projects to warrant active pursuit. Therefore, six Landowner Outreach Areas (LOAs) are proposed to concentrate landowner outreach efforts within the watershed over the next ten years. These LOAs are not given higher priority over other areas in the watershed that meet the land securement criteria; rather, they are intended to focus direct landowner contact to a manageable amount. It is usually simpler and more effective to give attention to specific areas rather than spread efforts thinly across all areas of the watershed.

Using a geospatial analysis together with the application of the specific attributes listed in Table 3, six LOAs were identified in the Niagara Peninsula watershed.

**Table 3: Description of the attributes applied to identify LOAs**

Attribute examined	Details and rationale
Proximity to existing conservation area(s)	Existing conservation areas are already in highly ecologically valuable areas. A parcel near an existing CA is easier and less expensive to maintain and offers greater ecological benefits.
Watershed features and functions	Parcels meeting multiple primary land securement criteria generally represent a more environmentally valuable area.
Land use	Orthoimagery provides insight into current land use. Parcels with active land use (e.g., gravel pit, golf course, intensive agriculture) should be avoided for landowner contact. Vacant lands that appear to be naturalized or properties with an existing residence, but no other apparent land use have a higher probability of being secured than those in active use.
Large parcel size	Areas containing large parcels (>20 ha) enable securement of a larger area with fewer transactions.
Funding opportunities	The potential funding source available in a particular area can facilitate a land securement project. The proposed LOAs spread out those potential funding sources and increase NPCA's chances of receiving funding.
Geographic distribution	Ensuring securement is distributed across each of the upper tier and single tier municipalities (i.e., Region of Niagara, City of Hamilton, Haldimand County) allows better access to greenspace and environmental benefits across the watershed.

Properties in the vicinity of the conservation areas less than three hectares were removed from the analysis as they would be less likely to be significant land securement targets to fulfil the previously outlined criteria. The exception was Cave Springs LOA because the number of properties within the boundaries are significantly less than the other LOAs. Properties less than 1 ha for the Cave Springs LOA was used as the minimum parcel size.

Within all the proposed LOAs, a total of 9,684 hectares were identified as shown in Table 4.

**Table 4: Summary of proposed target LOA data**

LOA name	Total Area (ha)	Average Size (ha)
Binbrook	1,792.27	35.85
Wainfleet	1,972.88	19.15
Short Hills/St. John's	1,415.54	11.23
Willoughby	1,757.38	17.06
Ruigrok	2,600.79	41.28
Cave Springs	145.38	10.38
<b>TOTAL</b>	<b>9,684.23</b>	<b>21.10</b>

The data excludes lands already secured by the NPCA and other land securement organizations. As can be seen from Table 4, there is a substantial amount of land just within the proposed LOAs that could be secured; however, as previously mentioned, some properties should be excluded during a more detailed investigation. Furthermore, properties in their entirety will not always be available to secure as some landowners may prefer to divest a portion of a property rather than the whole. Thus, the total area of eligible land to be secured may decrease after a more detailed analysis and the first wave of landowner outreach have been completed.

## Land Securement Targets

Setting targets helps provide motivation for NPCA to work toward a measurable goal. An easily achievable target diminishes the importance of land conservation while setting the bar too high can lead to disappointment. The purpose of this section is to set achievable targets that significantly enhance NPCA's conservation efforts.

Land securement successes are often measured in hectares and/or number of properties secured. From Table 4, there are 9,864.23 hectares identified as potentially worthy of securing.

For landowner outreach efforts in the LOAs to commence in 2023, a reasonable minimum securement target is to **secure 10 properties or 200 hectares by 2032**. This target may be achieved earlier than the 10-year timeframe. If so, an updated goal to would be required.

A more aggressive yet reasonable target is to double the minimum target and aim to **secure 20 properties or 400 hectares by 2032**. This target requires regular landowner engagement and additional time for project management, but less than double the time involved. Much of the time is spent on initial landowner contact. By diligently following-up with landowners, the potential for more securement projects increases.

In addition, NPCA will likely continue to receive calls from landowners offering qualified land donations outside the LOAs. These securement projects would also contribute to either target.

## Management & Implementation

To evaluate potential securement opportunities in an efficient manner, it is important to screen potential land securement opportunities using the Property Evaluation Form (Appendix 5) to assess each securement project. When landowner outreach commences, there will be multiple projects to assess and a system to track and rank them will be necessary.

### Land Securement Project & Evaluation List

Developing and maintaining a list of land securement projects divided into category A for “active” securement projects and category B for “potential” properties for securement will help organize projects and help focus on projects at a glance. Projects in category A will have a signed commitment in the form of a Letter of Intent or an Agreement of Purchase and Sale. Category B would include those properties that have landowners expressing interest in land securement options and warrant further consideration.

Before placing a candidate property on either list, a property evaluation involving desktop analysis and, where necessary, a field investigation should be undertaken. This process will provide an assessment of the merit and stewardship issues of the property. Further, the desire to acquire the property and the landowner’s interest in working with NPCA will need to be assessed to develop a mutually acceptable transaction. The transaction could take the form of a fee-simple purchase, land donation, or split-receipt. Depending on the property history and preliminary site evaluation, additional environmental studies may also be required before completing a land securement transaction (e.g., Phase 1 and/or 2 Environmental Assessment).

When a property has moved to category A, staff should prepare a business case and recommendation for its purchase. Approval by the Board is required prior to any further negotiation. If financing the purchase is approved, the securement process continues (i.e., negotiate agreement, obtain appraisal, commission survey, etc.).

### Land Securement Success & Promotion

The term “success breeds success” is highly applicable to any land securement program. Unless confidential, once there is the success of securing a property within a given area, NPCA should



consider the messaging and leveraging of successful land securement projects to generate additional successes. Whether the property was purchased or donated, a single success can be used to generate local, regional, or even provincial attention leading to increased funding, more interested landowners, and better partnership support. Especially in the case of land donations, other landowners may be encouraged to do the same. These landowners can in turn be invited to act as champions in their own communities. Below are best practices for communicating successes:

- Ensure that all partners involved in the securement of a property are given proper recognition
- Invite municipal politicians to the event (include federal representatives if a donation was made through the Ecogifts program)
- Ensure that the event or success is covered by all forms of local media (i.e., newspaper, television, radio, social media)
- Ensure that celebrations and donor recognitions are communicated through internal media such as newsletters, website, social media, etc.
- Use the media articles, newsletters, or other internal communications to send to other target landowners

## Land Securement Budget

The NPCA has a current modest reserve dedicated to land securement. As landowner interest increases, more attention to the budget must be given. If there is more landowner interest to sell than the capacity of the budget, negotiations must adapt to ensure budget capacity is secured prior to scheduling property closings.

Relative to conservation land values, ranging from \$2,500 to 4,500 per hectare, the current budget may be insufficient to meet land securement requirements. Thus, an emphasis on landowner outreach to encourage land donations becomes necessary as well as seeking external funding sources to potentially increase the amount of land secured.

## Securement Costs

Even with a land securement program that focused only on receiving land donations or taking on purchases that have the purchase price covered by outside funding sources, there are still securement costs. Just one fee-simple land donation has the following approximate associated securement costs (as of 2022):

\$4,500 - \$7,000	Appraisal
\$1,500 - \$4,000	Legal
\$2,500 - \$10,000	Survey (if required)
\$2,500 - \$4,000	Phase 1 Environmental Assessment (if required)
\$8,000 - \$13,000	Baseline Documentation Report (if required, see CE section)
\$5,000 - \$10,000	Staff/contractor time

Some of the costs noted above can be recovered through external programs and sources. Nevertheless, it would be prudent to budget at least \$30,000 per acquisition.



## Program Implementation

Once the land securement strategy is approved and resources have been assigned for program development, implementation can begin. As previously mentioned, the first year of program implementation (2023) will be primarily devoted to landowner outreach. As outreach continues, land securement projects may occur concurrently, as a result of each previous year's outreach. The suggested program implementation work plan is as follows:

### 2022

- Obtain Board approval for the Land Securement Strategy
- Consult with municipal partners, land trusts, Indigenous organizations, NPCF, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement
- Develop a land securement program including a budget, outreach and engagement plan and associated materials, landowner contact list, and allocating staff resources

### Year 1 of implementation (2023)

- Scan for property listings in LOAs
- Populate a landowner contact list
- Circulate landowner list to people that could be helpful in facilitating introductions and providing background information
- Prepare and mail out landowner information packages in waves of one or two target areas per month
- Follow-up with phone calls and emails where possible
- Conduct drop-in visits with those landowners whose mail has been returned to sender and no other contact information is available
- Determine which landowners are most likely to work towards selling or donating and prioritize closings for the fiscal year and which to carry over, if needed
- Begin securement process, as required (e.g., retain appraiser)

The first year of implementation is primarily gearing up for the follow-through each subsequent year. Each year thereafter involves the same process with the addition of closing property transactions from the previous year, regularly updating the landowner contact list, and reporting on performance metrics.

## Stewardship Fund

To provide adequate resources in perpetuity for stewardship related activities on owned properties, a detailing of stewardship costs is required for each new and existing property. There are more stewardships costs involved in the direct management of land that the NPCA owns versus lands under conservation easement agreement. Administrative and conservation stewardship-related costs can be short-term (e.g., tree planting) or long-term costs (e.g., insurance, clean-up, monitoring, etc.). Examples of stewardship costs are listed below as well as their likelihood for successful fundraising.

## **Land Administration - Carrying Charges**

For owned properties: taxes, carrying charges including (but are not limited to) risk management, insurance, access, perimeter signage for adjacent neighbours or trespass. These disbursements are often difficult to fundraise for and are more reliant on operating costs or interest accrued from a stewardship fund.

## **Conservation Stewardship - Managing Sites**

Stewardship costs are determined on a case-by-case basis following a site visit and discussion with the landowner. For owned properties, stewardship activities include (but are not limited to) burning (for ecosystem maintenance), removal of invasive species, restoration, interpretive signage, partner/volunteer support, and community relations. For both owned and CE properties, stewardship activities include (but are not limited to) inventory and site monitoring. These conservation stewardship costs have a greater likelihood of successful fundraising. Stewardship requirements should be assessed and detailed in the Property Evaluation Form (Appendix 5). Further, when the NPCA develops new or updated conservation area management plans, stewardship costs for these areas and any adjoining nature reserves should be identified and detailed accordingly.

Consideration should be given to developing and implementing a stewardship fund through the NPCF and based on the current and future costs of stewardship. The fund would consist of a pool of dollars used to support a specific operating objective consisting of stewardship of conservation lands. The stewardship fund would require a Board approved policy providing a governance framework and terms of reference to guide collection of funds and disbursement of eligible costs. Contributions to the fund may vary with each land purchase and the contribution from a landowner may be a negotiated item, in accordance with appropriate stewardship fund governance framework. For special projects that may be periodic and require additional funding, further fundraising would be required. The amount required in the fund would be determined from the projected stewardship costs and would change over time as the NPCA's property portfolio changes.

## **Enforcement or Legal Defence Funds**

In addition to having a stewardship fund, it is important to consider having a legal defence fund for CE properties. For example, in the event a CE has been violated, the NPCA will take every measure possible to mitigate the situation with the landowner in a friendly way. However, this approach may not always be successful and may require the support of legal counsel or involvement in legal proceedings. The cost of defending a CE could range from thousands to tens of thousands of dollars per property, depending on the situation. By having a separate legal defence fund, resources could be properly allocated, tracked, and managed to ensure that they are in place when needed. The determination of the amount for the fund could be based on the number of CEs and the likelihood of risk of each.

It is the responsibility of the NPCA to uphold its CEs and set a precedent for other landowners. Having a legal defence fund shows the community and future easement landowners that the NPCA is serious about enforcing its easements and protecting the natural features of the watershed.

# Land Disposition

The purpose of this Land Securement Strategy is to guide NPCA in conserving land that best fits the aforementioned criteria of maintaining healthy and well-functioning ecosystems. Although the disposition of land seems counter to such a strategy, there are instances whereby disposition would benefit the NPCA's conservation efforts and would provide resources that enable the NPCA to secure higher quantity and quality properties.

As the NPCA does not endorse the sale of lands containing significant features, a Land Disposition Policy should be developed. Where the land still warrants protection, but the NPCA determines that another conservation organization or government agency would be better suited to manage the property, such lands can be transferred with a land holding agreement to ensure the land remains protected.

In either case, for lands that are recommended for disposition, the following practices could be considered for NPCA's Land Disposition Policy:

- a) That all surplus lands be offered "as is".
- b) That a staff report be prepared detailing the technical concerns of the disposition, the environmental significance of the lands, potential impacts of the disposition, and any mitigation requirements associated with the lands and remaining NPCA land holdings. The proponent may be required to prepare an environmental review documenting the above noted matters. The scope of this assessment will be determined in consultation with the NPCA staff, agency staff, and/or their consultants prior to any work being undertaken.
- c) That the proposed disposition of land is first offered to the local municipality and upper tier municipality within which the lands are located for either purchase or lease. Where lands have been acquired through a donation or bequest of lands that do not contain environmentally significant lands and the owner has given permission for the NPCA to use or dispose of the lands as the NPCA desires, the staff report may not be required. This will be determined at the discretion of the Board.
- d) When the disposition involves any lands where the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNR) provided funding for the acquisition of the subject lands under section 39 of the CA Act, that the proposed disposition be approved by the MECP (CA Act, Sec. 21 (2))
- e) That all land sales generally be appraised at market value by an Accredited Appraiser Canadian Institute (AACI) qualified appraiser. The sale may be subject to conditions to ensure objectives are met. Where an appraisal of land value is required, the appraisal will be commissioned by the NPCA. Generally, where lands were donated to the NPCA, the family who donated the property will be given first right of refusal or requested for consent to sell unless otherwise stated in the terms of the donation or bequest.
- f) Any proceeds from the sale of any lands shall be used to acquire other conservation lands or be used for the direct care of the existing conservation lands and CEs.

# Financing Land Securement

Historically, NPCA hasn't had the benefit of a land securement program *per se*. Land securement has been opportunistic requiring staff and Board reaction. This Land Securement Strategy proposes a proactive approach through the implementation of a landowner outreach program. Random opportunities are still expected and welcomed if they meet the criteria laid out in this report, but such cases cannot be counted on and can distract from a focused approach to achieve the securement targets. Thus, it is important to distinguish between program and project costs.

## Program Financing

With the adoption of this Land Securement Strategy there is an acknowledgement of the need for land protection efforts above and beyond NPCA's current conservation activities. To have an effective land securement program, an annual budget will be required to cover the associated costs of implementation. The cost for a land securement program, especially in the first few years, can be nominal compared to other programs by paying for just the essentials. Below are some of the essential program costs:

- One staff member or contractor to do landowner outreach and coordinate securement projects. Additional help from seasonal staff to maintain the landowner database, support mapping updates, conduct site visits, and mail packages.
- Supplies and printing costs for informational handouts and landowner packages (including envelopes and postage)
- Travel expenses to meet with landowners and conduct site visits
- Appraisals (also a project cost but is considered a program cost as not every project comes to a close). When an agreement is signed between the landowner and NPCA, the appraisal becomes a project cost. Prior to that, there should be some monies available for one or two appraisals each year.
- Event/celebration costs (e.g., refreshments if hosting a landowner outreach event or an event to celebrate a project closing), especially a purchase of a property for which there was a successful fundraising campaign.

## Project Financing

A securement project is defined as the process of protecting an individual property. Securing land is never free of costs even when land or a conservation easement is donated. Land securement "soft" costs for projects were outlined in the preceding sections of this strategy. Financing land securement is important to be able to successfully execute this Land Securement Strategy.

Funding for securement projects can fluctuate. Additionally, funding sources have their own eligibility criteria. As such, some funding can be received directly while other sources need to be obtained through securement partners or combined from multiple sources. Traditionally, funding for land securement projects have been from government and charitable foundations.

## **Government Funding**

As was stated in the Land Securement Partners section of this document, there are federal and provincial funds available to exclusively to land trusts requiring NPCA to establish a partnership. The partnership may require the land trust to be the primary or sole applicant and be the one to hold title to the property or hold the CE.

Some municipal funds are available on a case-by-case basis that would be beyond NPCA's regular levy. For example, the City of Hamilton has a fund earmarked for land securement applicants. The other upper tier and single tier municipalities in the watershed do not have land securement funds yet; nevertheless, partnering with a municipality on a land securement project that benefits their community should be brought forward. In most cases, municipalities will expect to have their funds leveraged.

## **Niagara Peninsula Conservation Foundation**

The Niagara Peninsula Conservation Foundation (NPCF) raises funds exclusively for NPCA projects and programs. The NPCF should have a list of environmentally giving foundations and private individuals that would contribute funds towards land securement projects. The NPCF should be engaged to discuss raising funds for land securement projects and launching project campaigns.

## **Project Campaigns**

When a property purchase can be made that could excite the community, NPCF and NPCA (possibly with partner support) should launch a fundraising campaign for the securement of that property. In such a case, a long closing date would be negotiated with the seller to allow sufficient time to fundraise (e.g., 9 - 12 month closing). Such campaigns have proven to be effective beyond just closing the intended property transaction. They also boost public awareness and support of the land securement project and overall program. Such "flagship" property acquisitions should be encouraged every couple of years to keep the public interest high.

When considering campaigning for a property purchase, it is prudent to have a high degree of confidence of closing the transaction in the proposed timeframe. If half the funds are reliably available, launching a successful fundraising campaign becomes easier. Knowing that more than half of the funds have been raised gives more assurance that the project will close. Furthermore, an exact closing date creates a sense of urgency and encourages people to donate.

People are motivated to donate cash towards a property that have a perceived benefit to them. If a property can be used by the public in a way while also protecting the bulk of the land from intrusion, the use can be promoted. For example, the Bruce Trail Conservancy (BTC) have been highly successful in its fundraising campaigns because each acquisition allows people to hike more trail. BTC typically runs two securement campaigns each year because of all the trail enthusiasts in its membership.

## **Conservation Impact Bond**

The Conservation Impact Bond (CIB) is a new instrument being applied by multiple stakeholders in southern Ontario to address the conservation funding gap and create healthy landscapes in

the spirit and practice of reconciliation with Indigenous communities. The CIB initiative is facilitated by the Carolinian Canada Coalition. There is an opportunity for the NPCA to become a partner (e.g., habitat grower) as part of a Niagara Peninsula CIB. To date, there are no detailed eligibility criteria other than the project must further biodiversity efforts; however, it is possible that the CIB could be used to fund a land securement project.

## **Land Trusts**

Beyond land trusts' eligibility to access government funding for securement projects, they are also able to fundraise for projects that are meaningful to them. For example, a land securement project that abuts an existing secured property held by a land trust such as NCC or Ontario Nature may be of great enough interest to them to want to contribute.

Even the smaller land trusts such as the Niagara Land Trust also have a role to play. They may be able to do some local fundraising on behalf of a securement project that is important to them.

## **Creative Financing**

When funding partners are not enough, individual securement projects can also be funded creatively. Some examples follow:

### **Loans and Debentures**

Though not desired, in some special circumstances, securing a loan may be appropriate as part of an acquisition process. A loan to close on a property should be considered in only two cases:

- There is income derived from the property that a cash flow analysis demonstrates will provide a positive cash flow
- The loan is zero or very low interest and there is sufficient time before the end term to raise the required amount

In either of the two cases, negotiations for closing dates of other purchases should be postponed until all loans have been paid in full.

Similar to a loan, a conservation authority may issue a debenture to raise long-term project capital. This approach can be considered for projects whereby funds need to be raised over a few years before payback of the debenture.

## **Flipping Land with a Conservation Easement**

Some land trusts (primarily in the United States) have used the practice of flipping a property once an easement is applied to title. The concept is that they buy a property with conservation value, put a conservation easement on the property, then sell the property again. The funds from the sale go back into the land securement project fund.

## **Conservation Offsetting for Species at Risk**

Some conservation authorities have been approached by the Ministry of Northern Development, Natural Resources and Forestry (NDMNRF) for land securement when a developer in their watershed requires a permit under the Lakes and Rivers Improvement Act. For example,

NDMNRF asked the Credit Valley Conservation Authority (CVC) to provide ideal locations suitable for Bobolink (*Dolichonyx oryzivorus*) habitat that CVC could likely secure with funding. The developer paid CVC to acquire and restore marginal farmland to provide suitable habitat, and the developer received a permit from NDMNRF. Conservation offsetting is common in the U.S. and becoming more popular in Canada in recent years. This approach recognizes that developers are already required to 'offset' impacts through legislation such as the *Species at Risk Act*. Land securement and restoration for sensitive habitat can be used as an opportunity through this approach.

## Revenue Generation

Revenue generation potential is something to consider when acquiring a property. If the property can generate income beyond operating costs and such income-generating activities are congruent with NPCA's mission, then revenue generating capacity should be considered in both securement and financing of prospective properties. With recent changes to the *Conservation Authorities Act*, the NPCA will need to carefully evaluate if revenue generation is appropriate as it may have other implications. Table 5 below showcases some examples of potential activities that could generate income to help offset land securement and operational costs.

## Land Sale Funding

As previously stated in the Land Disposition Policy section of this report, the sale of land could benefit land securement finances by raising funds in the following ways:

1. A donated property, which does not meet criteria and considerations, could be sold with proceeds used to purchase environmentally significant land. For example, land gifted simply as an asset to be sold for capital like donations of stock or annuities.
2. Securing the whole of a property and then severing and selling off the house/building lot. This approach would only be desirable if the seller did not wish to sell a conservation parcel to NPCA at the outset or if there are timing issues regarding a potential severance and the seller's need to sell. This scenario has been used successfully by BTC multiple times.

## Summary

There are numerous ways to fund land securement projects, often with the use of partners. Partners and funders change over time. Some new ones show themselves and other fairly reliable sources can drop off. It is important to investigate status of partnerships, funding criteria and eligibility, and search for new prospects annually.

To access funding and have a successful land securement program, it is imperative to fund the land securement program first. This seed funding can go a long way to leverage hundreds of thousands or even millions of dollars over the next ten years.

**Table 5: Potential Revenue Generation Activity**

Activity	General Overview
Forest management	Sustainably managed forest activities. Money made from selling timber products.
Recreation – passive	Passive recreation like trails, photography, geocaching, etc. Money made from user, entry permit fees.
Accommodations	Camping and Bed & Breakfast type establishments. Reservation fees.
Green Burial / Memorial Forest	Using conservation land to bury people in a sustainable way and/or use unplanted open areas to plant trees in memoriam.
Retail/commercial permits	Using buildings to rent out for commercial / storage purposes which NPCA would receive rent and/or privatization of concession services which NPCA would receive a percentage of profit.
Landlords	Renting out existing houses to private individuals for housing. Money made through monthly rent.
Events	Permits for hosting corporate, filming, and wedding events on conservation areas. Money made by permit fees.
Agriculture – General	Either practicing agriculture or leasing out land to farmers.
Agriculture – Biofuel	Agricultural practices to produce biofuel which can be sold back to distributors.
Historical interpretative centers	Educational centers / historical interpretative centers open to public.
Community garden/orchard	Open spaces of portions of parcels could be converted to garden areas for those from urban areas without garden space.
Crowd funding	Encouraging park support from community through crowd funding platform.
Research / Academia	Research station offering to rent facilities, space, access.



# Recommendations

The following is a list of recommendations to successfully implement and achieve the securement targets of this Land Securement Strategy:

1. Develop and adopt policies that guide decision-making regarding land acquisition and disposition, as per *Conservation Authorities Act Regulation O. Reg 686/21* (Sec. 9 (2)(vi)).
2. Develop and implement a land securement program including:
  - a. staff and financial resource allocations
  - b. annual work plans and targets and performance measures
  - c. outreach and engagement plan and associated collaterals
  - d. internal staff team to evaluate potential land securement projects from technical, operational, and financial perspectives
  - e. land acquisition reserve in accordance with NPCA board-approved reserve policy
3. Ensure NPCA Indigenous engagement guidelines support opportunities to work together on land securement.
4. Engage with land securement partners to obtain feedback on the land securement strategy and establish connections that facilitate future securement collaborations.
5. Form a Land Securement Working Group (comprised of land securement partners and funders) to collaborate on potential securement projects. The group should meet a minimum of annually.
6. Collaborate with the Niagara Peninsula Conservation Foundation to develop and implement a stewardship fund.
7. Collaborate with the Niagara Peninsula Conservation Foundation to launch fundraising campaign(s) for land securement.
8. Proactively seek funding opportunities and explore the feasibility of non-conventional funding options for securement projects.

# Conclusions

As of early 2022, the NPCA has secured almost 3,000 hectares of ecologically significant land. In combination with lands protected by partner government agencies and land trusts, almost 4,000 hectares have been protected within the watershed. These joint efforts equate to over 1.6% of the total land area in the watershed being secured for conservation—far below the recommended federal and international biodiversity targets.

This Land Securement Strategy provides the criteria for the NPCA to react decisively to land donation offers and conservation easements. It also acts as a 10-year guideline for the NPCA to secure high-priority lands through proactive landowner outreach and strategic land securement. With a concerted effort in active targeted landowner outreach within the proposed six LOAs, NPCA can secure a minimum of 180 hectares by 2032. As landowner outreach and land

securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive land securement target becomes attainable.

### **Minimum Securement Target**

The securement of 180 hectares total by 2032 would aim for the following:

- Secure an average of 20 ha annually
- Secure an average of 1 property per year

### **Aggressive Securement Target**

A target of 360 hectares total by 2032 can be achieved by increasing landowner outreach to all target areas and expedite the internal decision making and approval process.

- Secure an average of 40 ha annually
- Secure 2 properties per year

The information presented in this strategy is for a ten-year timeframe (2022-2032). Annual progress on land securement efforts will be highlighted in the NPCA's annual report. A review will occur after 5 years of implementation to assess progress and adjust accordingly. The NPCA Land Securement Strategy should be reviewed and revised in 2032.

## Appendix 1: Ecological Gifts Program

The Ecological Gifts (Ecogifts) program enables owners of property with ecologically sensitive natural features to preserve wildlife habitat. Ecogifts are qualified charitable land donations that generate enhanced income tax benefits. Donations of fee simple title and partial interests, including conservation easements, are eligible. In many scenarios, the landowner can continue to hold title and/or live on the land.

To qualify as ecologically sensitive, the land must satisfy at least one criterion from the 'A' List of Specific Categories of Qualified Lands and one or more from the 'B' List of General Criteria for Other Ecologically Sensitive Lands (see below).

Gift recipients include land trusts and other conservation charities, and government agencies chosen by donors and approved by the federal government. Donors of Ecogifts receive a donation receipt for the fair market value of the gift.

Ecogifts receive tax treatment that is superior to most other charitable gifts. Program tax advantages include:

- Eliminated taxable capital gain on the disposition of the property
- No income limit for calculating the tax credit/deduction
- Donation value certified by the Government of Canada
- Tax liability for recipients that do not protect the gifted land

The process of making an Ecogift is relatively straightforward. The donor will basically have two steps to complete that include providing: (i) information to support the evaluation of the land as ecologically sensitive, and (ii) an appraisal of Fair Market Value by a qualified appraiser along with a signed Application for Appraisal Review and Determination. The donor and recipient will generally cooperate on the application to confirm that the property qualifies as ecologically sensitive. The recipient will also often help the donor arrange for the appraisal of fair market value.

### Provincial Ecological Sensitivity Criteria for Ontario

#### A) Specific Categories of Qualified Lands

Lands, easements, or covenants relative to such lands, which fall into one or more of the following categories shall be deemed to be ecologically sensitive lands in Ontario provided the terms of easements or covenants protect the ecologically sensitive features of the land.

A1. Significant portions of the habitat of species determined to be endangered, threatened or vulnerable in Ontario, as specified in a recovery plan or other biological study;

A2. Areas designated as Provincially Significant Wetlands;

A3. Provincial or regional Areas of Natural and Scientific Interest;

A4. Designated Areas of Concern for biodiversity purposes as identified in Forest Management Plans;

- A5. Areas qualifying for the Conservation Land Tax Incentive Program;
- A6. Areas managed for wildlife habitat conservation purposes that qualify under the Managed Forest Tax Incentive Program;
- A7. Areas promoting the conservation of natural heritage and biodiversity that are identified within a regional or watershed plan or strategy developed by a recognized conservation organization;
- A8. Areas designated as a World Heritage Site for biodiversity conservation purposes, a core area of a UNESCO Biosphere Reserve, or a Wetland of International Importance under the Ramsar Convention;
- A9. Areas of biodiversity significance identified in a Canadian Heritage Rivers Management Plan or Strategy;
- A10. Areas designated in the Niagara Escarpment Plan as an Escarpment Protection Area or an Escarpment Natural Area;
- A11. Areas designated as Natural Core, Natural Linkage, Sensitive Hydrological Feature, High Aquifer Vulnerability, Significant Landform, Minimum Areas of Influence or Minimum Vegetation Protection Zones within the Oak Ridges Moraine Conservation Plan;
- A12. Areas designated Core Area, Corridor or Restoration Area in the Lake Ontario Greenway Strategy;
- A13. Areas designated for biodiversity conservation purposes within Management Plans or Strategies for the Trent-Severn or Rideau waterways;
- A14. Areas within a municipal official plan or zoning by-law under the *Planning Act* (Ontario) designated as an Environmentally Sensitive Area, Environmentally Significant Area, Environmental Protection Area, Restoration Area, Natural Heritage System or other designation for similar purposes that are compatible with the conservation of the biodiversity, ecological features and functions of the site;
- A15. Areas within or adjacent to a Provincial Park, Provincial Park Reserve, Conservation Reserve, Conservation Area, Wilderness Area, Provincial Wildlife Area, National Wildlife Area, Migratory Bird Sanctuary, National Park, National Park Reserve or Ecological or Nature Reserve managed by a government or non-government agency;
- A16. Municipal parks or other protected areas designated or managed for biodiversity conservation purposes;
- A17. Areas identified as Carolinian Canada sites or alternate sites;

A18. Areas designated as Core Natural Area, Natural Area Buffer, Natural Area Link, or Valued Ecosystem Component in the National Capital Greenbelt Master Plan by the National Capital Commission; and

A19. Areas designated for biodiversity purposes by regional agencies such as the Niagara Parks Commission, St. Clair Parkway Commission, St. Lawrence Parks Commission and the Waterfront Regeneration Trust.

## **B. General Criteria for Other Ecologically Sensitive Lands**

Lands, easements, or covenants relative to such lands that meet one or more of the following general criteria may also be considered to be ecologically sensitive lands in Ontario -- subject to the approval of the federal Minister of the Environment and Climate Change (MOECC) or a person delegated by the Minister for this purpose (the term "significant" for the purposes below refers to definitions provided in Provincial Policy Statements): This is provided terms of easements or covenants regard and protect the ecologically sensitive features of the land.

B1. Significant habitats such as alvars, prairies, cliffs, Great Lakes coastal habitats, old growth forest areas, glacial relic communities and sites with enduring geological features that contribute to biodiversity;

B2. Areas of wildlife concentration such as bat caves, snake hibernacula, heronries, deer wintering yards and sites used by migratory water birds and other species for seasonal staging, feeding, breeding and like purposes;

B3. Areas identified, designated or protected as ecologically significant or ecologically important by a government or non-government local, provincial, national or international system or body;

B4. Significant water bodies, rivers, streams, shorelines, valleys, wetlands, groundwater recharge areas, headwaters and aquifers;

B5. Significant wildlife or fish habitats;

B6. Significant woodlands;

B7. Areas that have significant current or potential for enhanced ecological values through restoration, remediation, management or geographic proximity to other ecologically significant properties;

B8. Natural buffers and adjacent lands around areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B9. Natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B10. Areas used for long-term scientific study or baseline and benchmark monitoring of biodiversity; and

B11. Areas that contribute to Canada's environmental heritage through the maintenance of the genetic diversity of species, ecosystem health, or landscape biodiversity, and other natural spaces of significance to the environment in which they are located.

The categories and criteria listed above, for the purposes of implementation of provisions in the *Income Tax Act* for Ecogifts, have been agreed to by representatives of the governments of Ontario and Canada. This list and criteria may be further elaborated and amended by agreement between MOECC and the MECP.

DRAFT

## Appendix 2: Conservation Land Tax Incentive Program

Only lands identified by the NDMNRF as provincially significant are eligible for the CLTIP. These are a small subset of lands found in a natural state in Ontario. The eligible types of land are:

### Provincially Significant Wetland

Wetlands are lands covered by shallow water all the time, or in certain seasons, as well as lands where the water table is close to or at the surface. The abundant water causes the soil to be waterlogged and encourages growth of plants that either love the water or tolerate it well. Periodically soaked or wetlands that are being used for agricultural purposes and that no longer have the characteristics of wetlands are not considered wetlands under this program. Wetlands play a crucial role in the province. They:

- Provide vital habitat for rare and endangered wildlife and many other species;
- Maintain and improve water quality;
- Help stabilize shorelines and control flooding and erosion;
- Provide spawning grounds for fish;
- Help ensure a stable, long-term supply of water by functioning as groundwater recharge and discharge areas;
- Supply many social and economic benefits, such as opportunities for outdoor recreation and tourism; and
- Ensure opportunities for the renewable harvest of products such as timber, fuel wood, fish, wildlife and wild rice.

The NDMNRF has evaluated many wetlands more than 2 hectares in size, both in southern Ontario and parts of northern Ontario. Only wetlands that NDMNRF has identified as provincially significant are eligible under the CLTIP.

### Provincially Significant Area of Natural and Scientific Interest (ANSI)

ANSIs are areas of land and water that represent significant geological (Earth Science, ANSI-ES) and biological (Life Science, ANSI-LS) features. Earth Science ANSIs include areas that contain examples of rock, fossil, and landform features in Ontario. These features are the result of billions of years of geological processes and landscape evolution. Life Science ANSIs are areas that contain examples of the many natural landscapes, communities, plants, and animals found in the 14 natural regions of the province. NDMNRF identifies ANSIs that are 'provincially significant' by surveying regions and evaluating sites to decide which have the highest value for conservation, scientific study, and education.

### Habitat of Endangered Species

An endangered species is any native species that is at risk of extinction or extirpation throughout all or a significant portion of its Ontario range. For purposes of the Conservation Land Tax Incentive Program, endangered species are those listed in regulation under *Ontario's Endangered Species Act*.

The 2002 adoption of Canada's *Species at Risk Act* (SARA) completed the National Strategy for the Protection of Species at Risk. The purposes of SARA are to prevent wildlife species in Canada from disappearing, to provide for the recovery of wildlife species that are extirpated (no longer exist in the wild in Canada), endangered, or threatened as a result of human activity, and to manage species of special concern to prevent them from becoming endangered or threatened.

Through these initiatives, Canada is making its commitment under the United Nations Convention on Biological Diversity a reality.

Endangered species habitat is the habitat necessary for the survival of populations of endangered species. The specific requirements of the various endangered species are set out in NDMNRF guidelines for mapping this habitat. These guidelines are used to delineate endangered species habitat on a species-by-species and site-by-site basis.

A list of regulated endangered species in Ontario with NDMNRF rankings is published on the Species at Risk in Ontario (SARO) webpage: [www.ontario.ca](http://www.ontario.ca)

Eligibility criteria for the new category are outlined in *Ontario Regulation 388/04* under the *Assessment Act*. Agencies interested in applying under this category should review this regulation.

#### **Size**

The conservation land must be at least 1/5 of a hectare in size. Therefore, if there is a building or structure on the property, the property must be greater in size.

#### **Buildings and Improvements**

The CLTIP does not provide tax relief for buildings or other improvements and associated land (the land associated with a structure or improvement is generally considered to be 2/5 hectares).



## Appendix 3: Example Landowner Contact Database

[illegible]

## Appendix 4: Sample Landowner Contact Letter

Date

Dear [insert landowner name]:

You may already be aware that the natural areas on your property are ecologically important. Have you ever thought about creating a conservation legacy by having the natural features of your property protected in perpetuity for future generations?

I have enclosed an information package about an environmental land conservation program offered by NPCA and its partnering land trusts. In accordance with your wishes, you can arrange for the natural features on your land to be protected in perpetuity. We are working with a wide range of conservation partners, both public and private, to provide land conservation opportunities to landowners, some of which offer tax advantages.

Please contact me at xxx-xxx-xxxx if you wish to learn more about the program. I would be happy to arrange a time to discuss land conservation options with you.

Yours in conservation,

[Insert NPCA Staff name]

## Appendix 5: Sample Property Evaluation Form

### A. Property and Owner Particulars

Owner Information (Name, Phone No., Email)	
Legal address	
Mailing address	
Roll No.	
Family members and/or agent contact info	
Primary contact	
Sub-Watershed	
Property Size	
Current Official Plan Designation(s)	
Current Zoning Designation(s)	
How was contact made?	
Motivation of landowner (e.g., cash sale, conservation, curiosity, tax benefits)	
Existing Mortgage (Y/N)	
Tax Assessed Value (note year)	
Comments	

## B. Preliminary Property Investigation

Property Attributes	Yes/No/Not Applicable	Comments
Adjacent to other public lands or private conservation lands		
Tax Exempt (CLTIP, Easement)		
Contains features eligible for the Ecogifts Program		
Part of an identified municipal or provincial greenspace system		
History with the permits, complaints, and violations		
Previous positive NPCA involvement (e.g., stewardship or restoration projects, donor)		

The ecological sensitivity of the subject lands is based on the following priority and secondary land securement criteria:

## C. Priority Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Provincially Significant Wetland		
Areas of Natural and Scientific Interest (Earth or Life Science)		
Habitat of Endangered Species ( <i>Ontario Endangered Species Act</i> )		
Natural Heritage Features or Areas identified in the Provincial Policy Statement		
Regionally Significant ANSIs		

Property Attributes	Yes/No/Not Applicable	Comments
Habitats of species of special concern designated by MNRF (species at risk)		
NHIC species occurrences or ecological communities (S1, S2, S3).		
Designated Natural Area, Protection Area or Rural Area in the NEP		
Designated Natural Core, Natural Linkage		
Natural heritage areas identified within a regional or watershed plan or strategy developed by a CA under the CAA.		
Lands designated environmentally significant, environmental protection or equivalent in municipal Official Plans		
Areas within or adjacent to protected areas (i.e., provincial park, conservation reserve, or provincial wildlife area) that contribute to the natural heritage objectives of the protected area.		
Other criteria as may apply under the CLTIP program requirements.		
Distance to closest NPCA lands		
Identified NPCA property securement considerations		

#### D. Secondary Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Areas with enhanced ecological values through restoration and/or remediation (i.e., forest, stream, wetland)		
Groundwater recharge areas, headwaters and aquifers		

Property Attributes	Yes/No/Not Applicable	Comments
Lands under Forest Management Plans (designated areas of concern for biodiversity)		
Natural buffers and adjacent lands under other ecologically sensitive lands that contribute to conservation of biodiversity		
Natural links or corridors between areas identified under other ecologically sensitive lands that contribute to conservation of biodiversity (i.e., through Natural Heritage Programs or Watershed Plans)		
Regional Floodplain (flood and erosion risk)		
Significant waterbodies, rivers, streams, shorelines and valleys		
Significant wildlife or fish habitats		
Significant Woodlands		
Wetlands		

#### **E. Determination whether securement is the most appropriate course of action to protect natural heritage lands**

Criteria	Yes/No/Not Applicable	Comments
Are the lands significant in the context of the overall natural heritage system?		
Availability of funding for securement (purchase, donation, easement, appraisal, legal, survey etc.).		
Availability of funding for ongoing maintenance		
Is there an immediate threat to the lands?		

Criteria	Yes/No/Not Applicable	Comments
Proximity of property to lands already in public ownership		
Willingness of owner to enter into negotiations		
Sale price at fair market value		
Availability of maintenance access to the property		
Potential municipal lease agreement		
Preferred agency for securement (e.g., NPCA, Municipality, or other)		

## Summary and Recommendation for Securement

Evaluated by: \_\_\_\_\_

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

*Attach overview/locator map and property sized map*



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

COPY VIA EMAIL ([Premier@ontario.ca](mailto:Premier@ontario.ca))

September 1, 2022

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

Dear Premier Ford:

**RE: Town of Kingsville Council Resolution #336-08292022 in opposition to  
Bill 3, Strong Mayors, Building Homes Act, 2022**

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At its Special Meeting held August 29, 2022 Council of The Corporation of the Town of Kingsville passed a Resolution against Bill 3 as follows:

**Resolution #336-08292022**

Moved by Councillor Kimberly DeYong  
Seconded by Councillor Laura Lucier

**"WHEREAS** the Government of Ontario, through the Minister of Municipal Affairs and Housing, has introduced Bill 3 which is described as "An Act to amend various statutes with respect to special powers and duties of heads of council";

**AND WHEREAS** this Bill, if enacted, will initially apply to the City of Toronto and City of Ottawa, but will later be expanded to include other municipalities according to a statement made by the Premier at the 2022 AMO annual conference;

**AND WHEREAS** this Bill, if enacted, will give Mayors additional authority and powers, and correspondingly take away authority and powers from Councils and professional staff, and will include giving the Mayor the authority to propose and adopt the Municipal budget and to veto some decisions of Council;

**AND WHEREAS** this Bill, if enacted, will give authority over professional staff to the Mayor, including that of the Chief Administrative Officer;



**AND WHEREAS** these changes will result in a reduction of independence for professional staff including the CAO, who currently provide objective information to the Council and public and will now take direction from the Mayor alone when the Mayor so directs;

**AND WHEREAS** these are surprising and unnecessary changes to the historical balance of power between a Mayor and Council, and which historically gave the final say in all matters to the will of the majority of the elected Council.

**THEREFORE**, this Council of the Town of Kingsville, passes this resolution to petition the Government of Ontario that:

1. These changes to the *Municipal Act, 2001*, are unnecessary and will negatively affect the Town of Kingsville;
2. That if the Ontario Government deems these changes necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;
3. That the Ontario Government should enact legislation clarifying the role of Mayor, Council and Chief Administrative Officer, similar to those recommended by the Ontario Municipal Administrator's Association and those recommended by Justice Marrocco in the Collingwood judicial inquiry of 2020; and
4. That if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amendment of the *Planning Act* and funding of more affordable housing.

Council further directs the Clerk to ensure that a copy of this resolution be provided to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the "Standing Committee on Heritage, Infrastructure and Cultural Policy", Kingsville's MPP, the Association of Municipalities of Ontario, and other Municipalities in Ontario."

RECORDED VOTE – Carried Unanimously

	YEA	NAY
Deputy Mayor Gord Queen	X	
Councillor Kimberly DeYong	X	
Councillor Tony Gaffan	X	
Councillor Laura Lucier	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

If you have any questions or comments please contact Paula Parker at [pparker@kingsville.ca](mailto:pparker@kingsville.ca).

Yours very truly,



Paula Parker  
Town Clerk, on behalf of Kingsville Council

cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
([Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org))  
Standing Committee on Heritage, Infrastructure and Cultural Policy; Attn.: Committee Clerk  
Isaiah Thorning ([schicp@ola.org](mailto:schicp@ola.org))  
Anthony Leardi, MPP – Essex ([Anthony.Leardi@pc.ola.org](mailto:Anthony.Leardi@pc.ola.org))  
Association of Municipalities of Ontario (AMO) ([amo@amo.on.ca](mailto:amo@amo.on.ca))  
All Ontario Municipalities

# My Main Street Program Update



# Small Business Funding

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- In 2021, the Canadian Urban Institute (CUI) and Economic Development Council of Ontario (EDCO) partnered;
- Made an investment of \$23.25 million from the Federal Economic Development Agency for Southern Ontario (FedDev);
- A two-stream program was designed.



# My Main Street Community Activator

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- To support placemaking projects including;
- West Street Rainbow Crosswalk (2021);
- Downtown Business Improvement Area's (BIA) Lift Festival (2022).



# My Main Street Local Business Accelerator

- Support the revitalization of 65 main street communities;
- With the help of a dedicated My Main Street (MMS) Ambassador;
- Providing the opportunity for 5 existing and 5 new businesses have a chance to access non repayable funding of \$10,000.





# My Main Street Ambassador

- On December 13, 2021 the City received \$57,500 from the Local Business Accelerator program;
- Since February the Ambassador has been strengthening the connection between the local business community and City Hall.



## 'MY MAIN STREET' PROGRAM LAUNCHES IN PORT COLBORNE



# Program Specifics

- Applicants need to meet program eligibility criteria;
- The funds awarded must cover costs (net HST) related to the following categories;
- Equipment;
- Leasehold Improvements;
- External Façade Renovations;
- Inventory;
- Technology;
- Marketing;
- Lease (for 'new' businesses only).





# Application Timeline

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- Applications have taken anywhere from two (2) weeks to two (2) months to be filled out;
- External review and scoring of applications can take up to three (3) weeks;
- Successful applicants will receive 50% of funding within 10 day of submitting banking information;
- The first 50% of funds must be spent within 30 days;
- Remaining 50% of funding is received ten (10) days after submission of Interim Report
- Final funds must be distributed to applicant before December 31<sup>st</sup>, 2022;
- Final Interim Report is due 90 days after final funds are shared.

# Interest in Funding

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- Presently all 10 spots are filled, however businesses are not guaranteed to succeed to the funding phase;
- To date, 25 business owners have show some interest in the program.



# Program Marketing

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Promotion of program has occurred through;

- City Hall Media Release;
- City Hall staff;
- Presentation to PCW Chamber of Commerce;
- Presentation to Downtown BIA;
- Meeting with the Main Street BIA;
- Weekly mention in Downtown BIA Newsletter;
- Social media presence via Instagram, Twitter and LinkedIn;
- Ongoing in person business visits.



# Awarded Funding

To date four (4) businesses have been awarded MMS funding for a total of \$40,000;

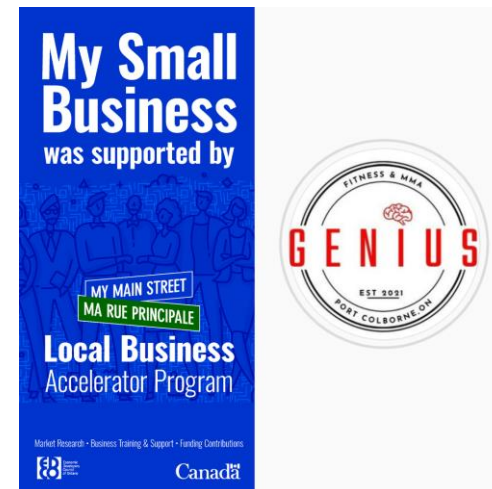
## Main Street BIA

1. Lucky Thai

## Downtown BIA

2. The Art Guild  
Summerhayes Studios
3. Eh Amigos
4. Genius Fitness & MMA

If all ten (10) businesses successfully apply, the MMS program will have injected a total of \$100,000 into Port Colborne's small business sector.



# My Main Street Program Support

My Main Street (MMS) support services include:

- 2 Community market profiles;
- Access to on-demand videos and webinar sessions;
- Customized business market research;
- Support in preparing applications, submissions and organizing marketing materials for those awarded funding.



## Port Colborne - Main Street BIA

Trade Area Population: 8,390

Trade Area Median Age: 60

Trade Area # of Households: 3,785

Trade Area: Percentage with University Degree: 7.80%

 Community Map



## Port Colborne - Downtown BIA

Trade Area Population: 7,816

Trade Area Median Age: 60

Trade Area # of Households: 3,779

Trade Area: Percentage with University Degree: 10.30%

 Community Map

# City Hall Business Resources

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Discussions with business owners have come to reveal the lack of awareness of the following resources;

- Business Directory sign up;
- Financial assistance through City's Community Improvement Program (CIP);
- "How to Start a Small Business in Port Colborne" support document;
- Connecting owners to the appropriate city staff;
- Sharing of additional grants;
- Encouraging business to business collaborations;
- Planning a grand opening;
- Farmers Market complimentary booth;
- Introduction to;
  - BIAs;
  - Port Colborne Wainfleet Chamber of Commerce;
  - Venture Niagara;
  - Niagara Falls Small Business Enterprise Center;
  - PC Works Employment.



# Thank you!

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## Questions or Comments?

For more information, please reach  
out at [olga.Loeffen@portcolborne.ca](mailto:olga.Loeffen@portcolborne.ca)





## PORT COLBORNE

**Meeting  
Environmental Advisory Committee  
June 8, 2022 6:00 p.m.**

**The following were in attendance:**

Staff: Cassandra Banting  
Janice Peyton  
Denise Landry  
Nicole Rubli  
Saima Tufail

Council: Councillor Mark Bagu  
Councillor Harry Wells

Public Members: George McKibbon  
Jack Hellinga  
Katherine Klauck  
Tim Lamb  
Trent Doan  
Tim Hoyle

Guests: Rod Tennyson  
Herb Sawatzky

This was an online Microsoft Teams meeting.

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**1. Call to Order**

Chair George McKibbon called the meeting to order at 6:00 p.m.

**2. Adoption of the Agenda**

Moved by Harry Wells  
Seconded by Tim Hoyle

That the agenda dated June 8, 2022, be accepted as circulated.  
CARRIED.

**3. Disclosures of Interest**

Nil.



**4. Approval / Review of Previous Meeting Minutes**

Moved by Jack Hellinga  
Seconded by Tim Lamb

That the minutes of April 13, 2022, be accepted as written.  
CARRIED.

**5. Discussion with City Clerk and Deputy Clerk Re: Procedural By-law, Code of Conduct, Committee Terms of Reference**

Nicole Rubli, Acting City Clerk, provided a review of the relevant points of the new Procedural By-law that was adopted by Council on March 8<sup>th</sup>.

Nicole advised that the Code of Conduct for City Councillors and Members of Boards, Commissions and Committees of May 2012 will be reviewed in 2023 as part of the work plan of the Clerks department.

Nicole spoke to the committee Terms of Reference and suggested the committee review the Terms of Reference and focus on developing a committee work plan.

Nicole reminded committee members that EAC is an Advisory Committee of Council. The committee minutes go before Council and are approved. Nothing should leave the committee to other agencies without being endorsed by Council.

Nicole advised that staff are currently preparing the 2023 budget. All budget requests must be submitted to Directors by August. If the committee is looking at a budget item for 2023, it would be prudent to provide a recommendation to Council to include in the 2023 budget.

Denise Landry, Manager of Planning Services, proposed two motions regarding aggregate expansion comments that were forwarded without being endorsed by Council.

Moved by Jack Hellinga  
Seconded by Katherine Klauck

That the EAC recommends that Council endorse the comments prepared by EAC regarding the aggregate expansion application and that the comments be forwarded to the Planning division for consideration.  
CARRIED.

Moved by Jack Hellinga  
Seconded by Tim Lamb

That the EAC recommends that Council endorse the comments prepared by EAC regarding the review of aggregate official plan policies and zoning

regulations and that the comments be forwarded to the Planning division for consideration.

CARRIED.

If these motions are approved by Council, the EAC comments will be considered as part of the work that the planning team is doing with regards to the OP policies and the zoning.

Nicole advised that there are changes to the Planning Act through Bill 109 that pushes the speed of the approval process of a planning application. This will not allow time for the committee to review every planning application. To meet approval timelines, the EAC would guide the planning application policy, and development staff would apply the Council adopted policy to their review of planning applications. Staff would like to see the terms of the committee follow the four-year term objectives and goals of Council.

**6. Green Energy Proposal Presentation by 50by30 Representative Herb Sawatzky**

Herb Sawatzky, 50by30 representative, provided a Green Energy Proposal Presentation. A copy of the presentation is attached to the minutes. The presentation encouraged the creation of a Climate Action Plan and a Municipal Energy Plan to transition all buildings off to fossil fuels.

**7. Public Works Update**

Cassandra Banting, Environmental Compliance Supervisor, provided the following update:

a) Boulevard Tree RFP

The boulevard tree by-law and policy review has been added into the Urban Forest Management Assessment RFP. Staff will review the comments made by this committee on the current policy and will discuss this with the selected consultant.

b) EV Charging Stations

Staff are currently working on the funding application for Electric Vehicle charging stations due this summer. Locations proposed are City Hall (previously approved in the 2022 budget) and Vale Health & Wellness Centre. The electricity grid has been updated for Vale. Additional charging stations will be requested in future budgets.

c) Electric RTV

An electric rugged terrain vehicle has been purchased for the Marina. The RTV plugs into a normal wall charger.

The suggestion was made to investigate an electric Zamboni as it may be easier to purchase a Zamboni than a pick-up truck and possibly a shorter wait time. The savings could be significant when considering the cost of propane, the infrastructure for the propane and the maintenance on the Zamboni. This suggestion will be shared with the Fleet Supervisor.

d) Budget Process

To incorporate a green procurement policy, budget request forms have been updated to include green alternatives. Council may have more than one cost to choose from for each budget request, where applicable.

e) ECDM Plan

The Energy Conservation Demand Management Plan will be updated this year with additional energy conservation measures. Energy audits have already been completed on the Marina, Roselawn, City Hall, Vale Health & Wellness Centre, Library, and the Operations Centre energy audit will be completed this year. Lighting retrofit programs have been utilized to switch to LED bulbs.

**8. Recommendations for Climate Warming Adaptation Committee and the Future of EAC**

Please see item #10.

**9. Multi Municipal Wind Turbine Working Group Correspondence**

The committee has reviewed the correspondence from the Multi Municipal Wind Turbine Working Group that was referred by Council on March 22, 2022.

Two reports were produced and reviewed by an EAC subcommittee comprised of Katherine Klauck, Harry Wells, Rod Tennyson, Trent Doan, and George McKibbon. Copies of the reports are attached to the minutes. Rod Tennyson gave a review of the Overview of Wind Turbine Issues and spoke to the effect of wind turbine noise on humans.

George McKibbon reviewed the Memorandum to Council on Multi Municipal Wind Turbine Working Group Correspondence.

Moved by Katherine Klauck

Seconded by Jack Hellinga

That the Overview of Wind Turbine Issues and the Memorandum to Council on Multi Municipal Wind Turbine Working Group Correspondence –

Ontario's Energy Plan and Wind Turbines be forwarded to Council for consideration.

CARRIED.

## **10. 2023 Budget**

### **Item 8, Recommendations for Climate Warming Adaptation Committee, and the Future of EAC**

Items 8 & 10 were discussed simultaneously.

George called for volunteers for a working group to review the committee terms of reference and the 2023 budget prior to the next EAC meeting in August.

Katherine Klauck, Tim Lamb, Tim Hoyle, Jack Hellinga, George McKibbin, and Rod Tennyson volunteered for the working group. George will chat with the rest of committee members when necessary. Cassandra Banting will be kept in the loop and will bring correspondence back to the Director of Public Works.

## **11. Other Business**

George McKibbin advised that Patty Moss is providing plants for free at the Farmers Market and encouraged members to visit Patty if they are at the Market and show their support.

Rod Tennyson suggested undertaking a study on solar power, like the wind turbine study. This will be an item for the committee consideration in the future.

Katherine Klauck asked that the committee not lose track of the shoreline possibilities and to think about perhaps proceeding with some type of project.

## **12. Next Meeting /Adjournment**

With no further business to discuss, the meeting was adjourned at 8 p.m.  
CARRIED.

The next EAC meeting will be on Wednesday August 10<sup>th</sup> at 6 p.m.



## 50by30Niagara

- ~ was formed in February of this year
- ~ 80% of Canadians are concerned about climate change
  - ~ most don't know what we can do
  - ~ feel hopeless and overwhelmed
  - ~ see the costs, but not the investments
  - ~ want someone else to 'do something'
- ~ 50by30Niagara is very hopeful, believing much can be done
- ~ we aim to be collaborative





Municipalities are in direct and indirect control  
of 60% of all of Canada's emissions

Municipal Emissions have 5 sources:

- ~ buildings – 40%
- ~ vehicles – 40%

the remainder come from:

- ~ municipal waste
- ~ agriculture
- ~ industry



## 50by30Niagara's Plan focuses on:

### buildings:

- ~ retrofits for insulation and move off fossil fuels
- ~ 5% of buildings are responsible for 50% of emissions
- ~ 2/3 of all buildings will still be in place in 20 years

### Transportation:

- ~ increased mixed-use density & walkable communities,
- ~ inter-municipal public transportation

### Environmental restoration:

- ~ Tree canopy of 30%
- ~ preserve and restore peatlands and wetlands



~ Reducing emissions in these areas will also make life much more affordable and create a more business friendly environment





Municipalities are already taking significant steps:

- ~ reducing emissions in their own corporate environment
  - ~ replacing lighting with LED light bulbs
  - ~ replacing the vehicle fleet
  - ~ retrofitting buildings
  - ~ installing solar panels on rooftops
- ~ taking steps to adapt to climate change through Niagara

Adapts





My ask today:

- ~ create a Climate Action Plan

- ~ create a Municipal Energy Plan to transition all buildings off fossil fuels

Port Colborne spends approximately \$60M a year on energy

A Municipal Energy plan will lead to:

- ~ reduced emissions

- ~ financial savings

- ~ create a business-friendly environment



~ District Energy can reduce energy consumption up to 50%

can be drawn from:

waste heat

sewer water

ground-sourced

(geothermal, or geo-exchange)

lake water

river water



## Case Studies:

- ~ first used by the Romans in Pompeii in the first century
  - ~ first employed in London Ontario in 1880
- ~ currently active in Cornwall, Hamilton, London, Ottawa, Sudbury, Toronto, and Windsor
- ~ Toronto, Enwave, Deep Lake Water Cooling
- ~ reduced energy consumption by 80%, emissions by 93%
  - ~ can be done at community scale:
    - ~ Montreal neighbourhood
    - ~ Enwave in Markham
    - ~ Couche-Tard retrofits



- ~ as a utility company most savings would go to rate-payers, with some returning to the municipality
- ~ the utility company would bear the upfront costs, not the municipality (which has less flexibility)
- ~ owned & operated by the utility company, there are no upfront costs for the building owner, just a monthly fee
- ~ this can help the municipality pay for other climate adaptation plans that do not pay for themselves, such as:
  - storm drains, tree planting, etc

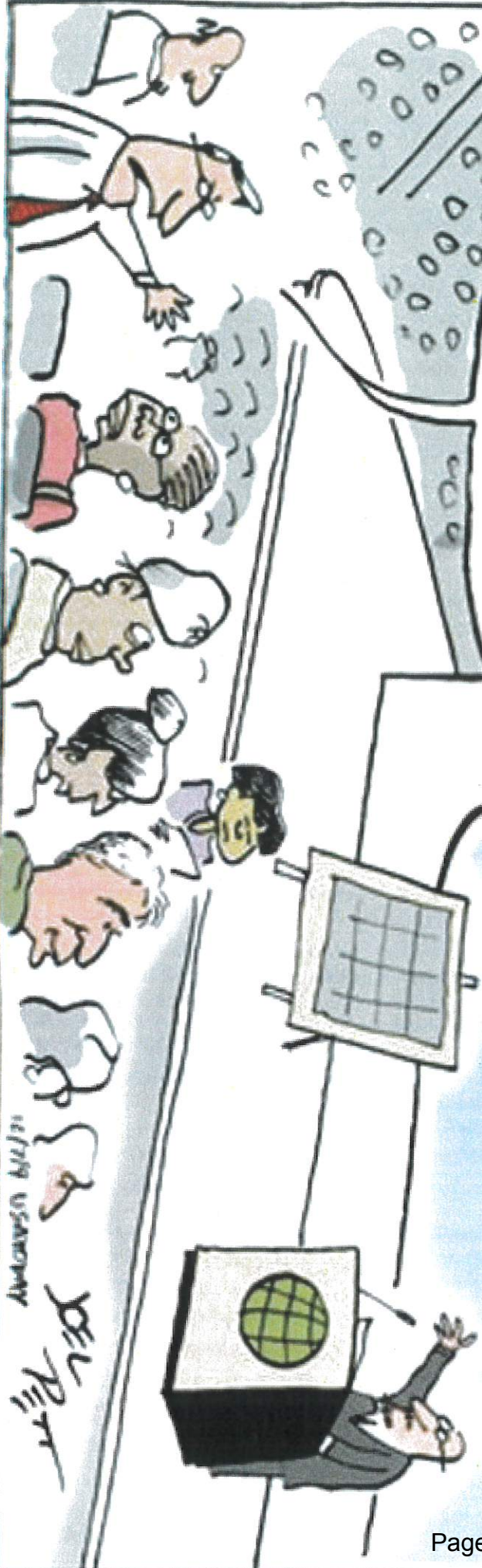




# CLIMATE SUMMIT

WHAT IF IT'S  
A BIG HOAX AND  
WE CREATE A BETTER  
WORLD FOR NOTHING?


- ENERGY INDEPENDENCE
- PRESERVE RAINFORESTS
- SUSTAINABILITY
- GREEN JOBS
- LIVABLE CITIES
- RENEWABLES
- CLEAN WATER, AIR
- HEALTHY CHILDREN
- etc. etc.



© 1999 USA TODAY

DEL PER





Municipalities have the capacity to do a great deal:  
you can make life more affordable for your residents  
and reduce overall emissions significantly

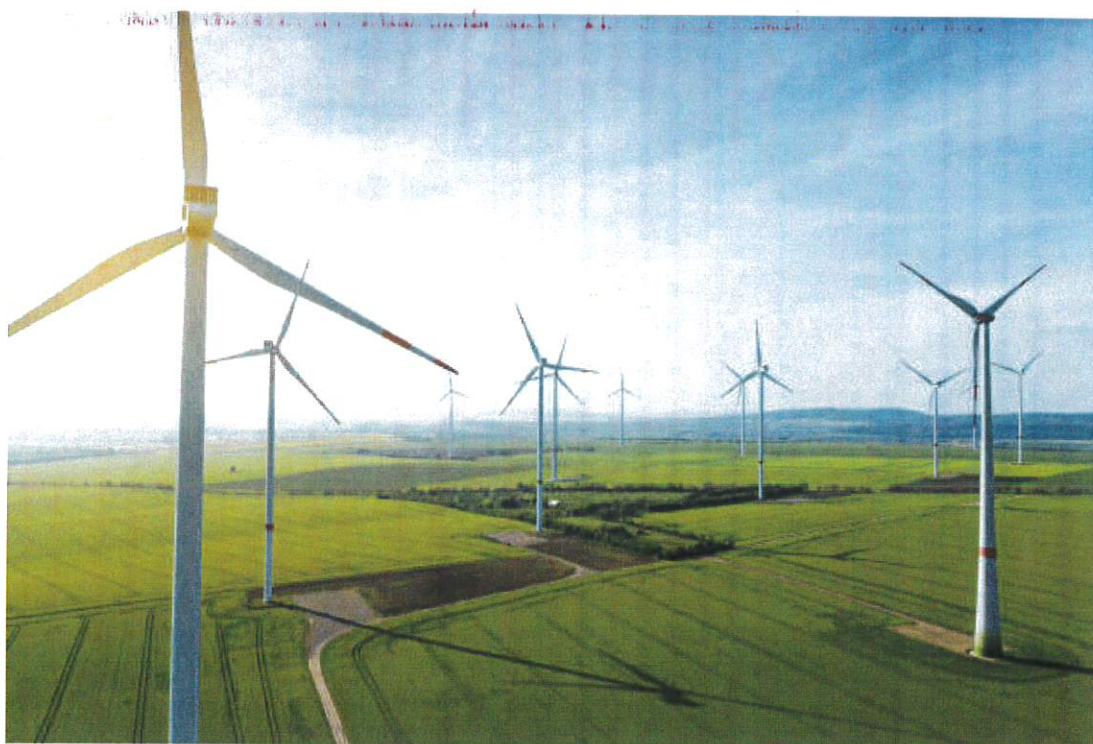
we cannot wait for the Federal government  
we can't wait for the provincial government  
thankfully, we don't need to



9(a)



## OVERVIEW OF WIND TURBINE ISSUES



**Roderick Tennyson, PhD., P.Eng.**

**Submitted to the Environmental Advisory Committee  
City of Port Colborne**

**May 2022**



## 1. Purpose of Report

The growth of wind turbine farms (windmills) to reduce energy dependence on fossil fuels is increasing each year. At first sight they appear to be a clever means of using wind energy to rotate a propellor system, to turn a turbine to produce quiet electricity and are harmless to the environment (except for birds that do fly into these towers). However, with all technologies, there are drawbacks and problems when it comes to interaction with people and communities, common with most new technological advances. Figure 1 shows the growth of power and size of current wind turbines.

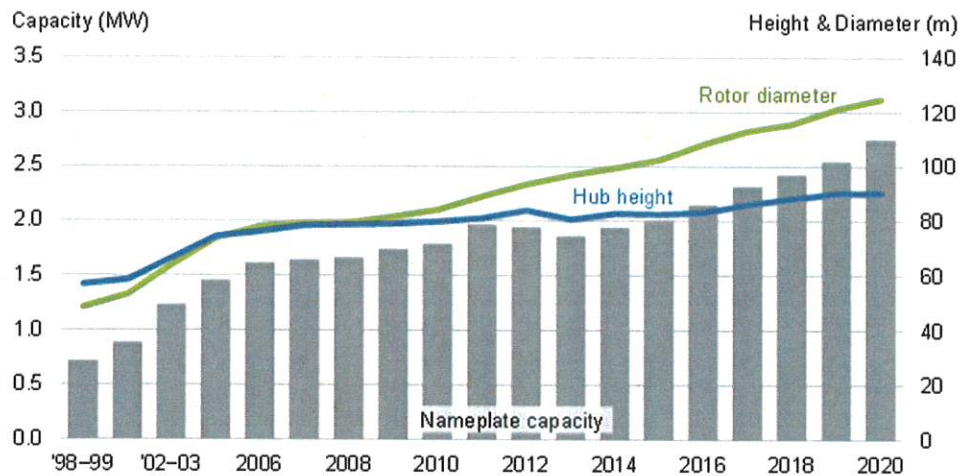


Figure 1

Average turbine hub height and rotor diameter (in meters), and nameplate capacity (how much power they produce) for land-based wind projects are shown in Figure 1. The chart was copied from the "Edition: Land area requirements".

Note that the rule of thumb is 60 acres per megawatt for wind farms. For example, a 3 megawatt farm would occupy about 180 acres of land. A "megawatt" of power is equal to a million watts of electrical power. To put that into perspective, most common light bulbs in a house are only 60 watts of power.

Figure 2 illustrates the terminology and performance characteristics of wind turbines. Note that the "cut-in" wind speed is the lowest speed that starts the turbine turning and generating power.

### Cut-in wind speeds as a function of wind turbine power to start power generation

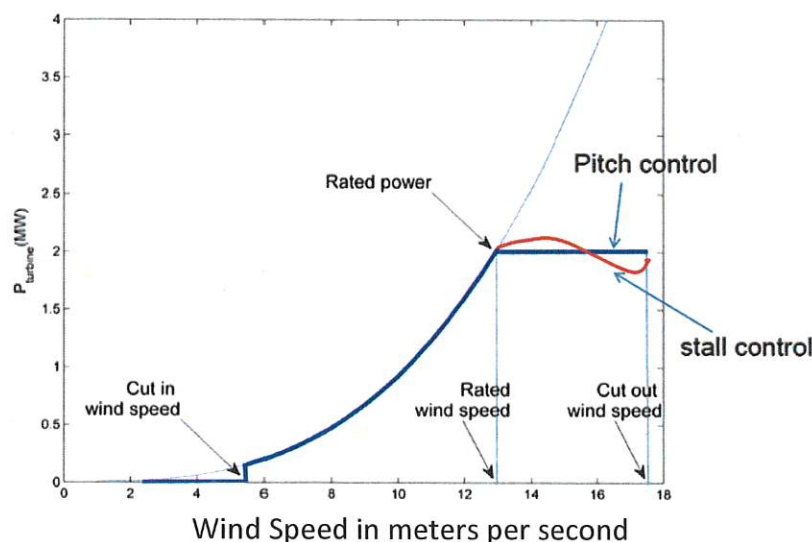


Figure 2

The major drawback to wind turbines relate to the sound they produce. Sound emanating from the propellers, the mechanical systems turning the turbines and infrasound arising from the interaction of rotating blades as they pass the main tower all cause issues in terms of proximity to the turbines. It is the low frequency infrasound that is barely detectable by human ears that is the critical issue. Why? It is known that such sound frequencies can cause health problems when people are exposed to these levels for prolonged periods of time. The answer to these problems has been to employ setbacks of the wind turbines from residences and communities.

Let us now review the essential principles of sound as perceived by humans to clarify the problem with low frequency noise (known as infrasound) and its effects on humans.

## 2. How to Measure Sound Effects on Humans

Human perception of sound can be quantified by the **loudness** and **pitch** of the sound. Loudness refers to the magnitude of the sound heard, and pitch is related to the frequency of the sound. Loudness, in common terms, is referred as the volume. The cartoon below (Figure 3) illustrates the differences between loudness (sound volume or amplitude of the sound wave we hear) and the pitch of the sound (low frequency known as infrasound) and high frequency, known as ultrasound.

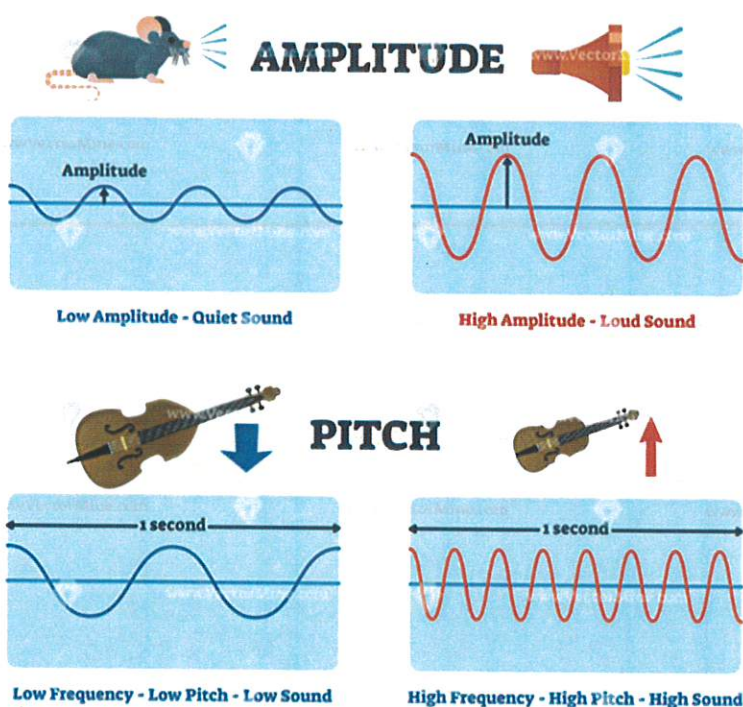


Figure 3

The frequency of the sound waves is measured in Hertz (Hz) or “cycles per second”. For example, the frequency of electricity coming to your home is 60 Hz.

For measuring loudness of the sound, engineers use the complex term called “decibels” (dB). It is not important for readers of this report to understand what a decibel is, save to say for interested people, the dB



is a logarithmic way of describing a ratio. The ratio in this case is different levels of sound. For human perception of sound loudness, a modified rating of the dB scale is used, called a dBA. So what is a dBA and why use it to measure loudness? It is a weighted value of the dB adjusted for what the human ear actually hears.

The dBA reading for different sources of sound is useful to know, since it allows the reader to correlate the dBA scale with common sounds they experience. In other words, it informs them of how much noise they hear based on common experience.

The following quotation describes why we use dBA;

*Measurements in dBA are decibel scale readings that have been adjusted in an attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. In general, the perceived loudness is reduced as the human ear is less sensitive at low audio frequencies than at high audio frequencies. Indeed, the ear of a healthy person is more sensitive to frequencies between 2 and 5 kHz. It should be noted that dBA measurements underestimate the perceived loudness and possible stress-inducing capability of such noise sources with low frequency components at moderate and high volumes. The high frequencies are given less weight than on the standard decibel scale. Humans do not hear all frequencies equally.*

The chart below (Figure 4) illustrates typical sound levels in dBA for various sources to which humans are exposed.

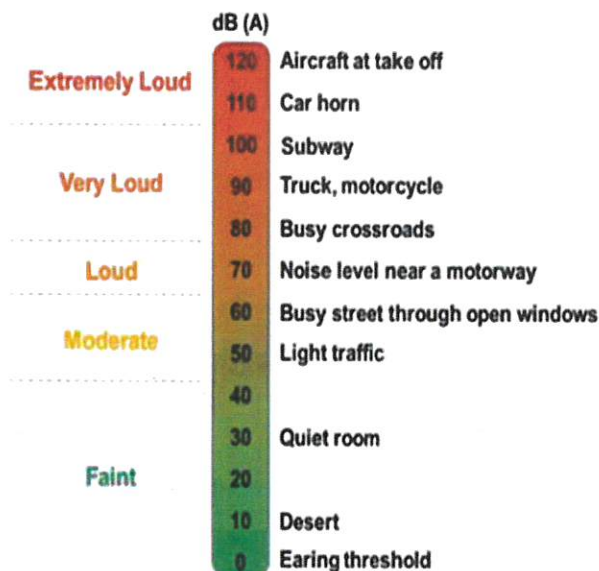


Figure 4

In general, for people's comfort, sound levels around 40 dBA are often used in selecting sites for noise generating systems.

### 3. Effect of Wind Turbine Noise on Humans

Wind turbines as noted earlier generate noise. Noise emanates from three sources; mechanical associated with the operation of the turbine and operating mechanisms; the "swooshing" aerodynamic sounds emanating from the rotating propellers (known as amplitude modulation); and infrasound (sound below 20 Hz) and known as low frequency noise (generally sound from 200 Hz to 20 Hz). This latter source relates to the sound pulses generated as the blades pass the tower in the infrasound range (typically about 0.75 Hz, 1.5 Hz, etc.). People have reported that these pulses can be "felt or sensed" more than "heard" by the ears. Research

has demonstrated that continuous exposure to infrasound can result in a physiological response from various systems within the body for some people.

It has been established that at typical levels (about 25-45 dBA outdoors), the main effect is annoyance which can be enhanced by the amplitude modulation associated with the aerodynamic effect of the moving blades. At higher levels, say  $\geq 45$  dBA outdoors and  $\geq 30$  dBA indoors, many people report that their sleep quality is affected. Many farms and homes have been abandoned in south west Ontario due to their proximity to wind turbine farms and their associated harmful effects.

The major concern in locating wind turbines is the potential harmful effects of pulsating infrasound (arising as the rotating blades pass the tower at rates dependent on wind speed), which can be detected inside homes near operating wind turbines. These sound pulses do not attenuate quickly and have been measured as far away as 10km! Long term exposure even at low levels of infrasound can affect the nervous system. Current research reports indicate that these infrasonic pulsations can cause people to report chronic sleep disturbance, dizziness, tinnitus, heart palpitations, vibrations and pressure sensations in the head and chest.

#### **4. Ground Current Effects**

It is not common knowledge that there are electrical currents that run through the ground due to various sources. Electrical systems and possibly wind turbines, can generate what is called "stray voltage-uncontrolled electricity". These are known to also pass along in the earth's surface and can cause serious problems to pastoral animals for example. What is not known is the effect of wind turbines on increasing such ground currents near farms and pastures close by wind turbine farms. This phenomenon could be easily assessed by measuring such currents before and after the wind turbine farms are turned on. Such information is not known to the author at this time.

#### **5. Ontario Setback Requirements**

As shown on the dBA chart, outside sound levels around 40dBA would seem acceptable, although community annoyance is a mitigating factor and might influence wind turbine site locations. However, the adverse effects from low frequency infrasound pulses have been reported extensively and should be taken into account in offset distances.

Currently the government of Ontario has established longer setbacks than have been used in the past to try and mitigate these problems. At present the set back is 550 meters for smaller wind turbines or groups of wind turbines, and 1500 meters for larger wind farms. This is intended to reduce noise to WHO / ISO standards of about 40 dBA in the closest bedrooms.

#### **6. References Used in Compiling This Report**

1. A review of the human exposure-response to amplitude-modulated wind turbine noise: health effects, influences on community annoyance, methods of control and mitigation; Michael J B Lotinga , Richard A Perkins, Bernard Berry , Colin J Grimwood , Stephen A Stansfield; WSP | Parsons Brinckerhoff, Bristol, U

2. Measurement In Decibels: What Is the Difference Between dB and dB(A)? by softdb, May 14, 2019, In General Acoustics
3. <https://www.wind-atch.org/documents/infrasoundlow-frequency-noise>
4. Propagation thresholds and measurement of infrasound to establish separation distances from wind farm turbines to residences; Bob Thorne, Noise Measurement Services Pty Ltd, Australia
5. Ontario keeps safe distance rule for giant wind turbines ...;  
<https://www.canadianmanufacturing.com/CT9hQ>
6. Adverse health effects of industrial wind turbines; Roy D. Jeffery, MD FCFP, Carmen Krogh, Brett Horner, CMA; Can Fam Physician. 2013 May; 59(5):473-475.
7. <https://www.farmfoodcareon.org/uncontrolled-electricity/>
8. Legal battle over Ontario wind turbine farm may redefine 'harm'; Sean Fine, London, Ont., Nov.21,2014
9. <https://www.duttondunwich.on.ca/sites/default/files/case%20study%202%20-20wind%20turbines.pdf>  
Case Study: Impact of a Wind Turbine Project on a Rural Community, Magda Havas

**Re: Memorandum to Council on Multi Municipal Wind Turbine Working Group  
Correspondence – Ontario's Energy Plan and Wind Turbines**

**Introduction:** On March 22, 2020, Nicole Rubli, Acting City Clerk, referred correspondence from the Multi Municipal Wind Turbine Working Group to the Environmental Advisory Committee (EAC) to bring a report to Council.

EAC reviewed correspondence, regulations and policies under the Environmental Protection and Planning Acts, announcements by Minister of Energy Todd Smith, and selected research on ***issues related to*** wind turbines. Two reports were produced and reviewed by an EAC subcommittee comprising Katherine Klauck, Harry Wells, Rod Tennyson, Trent Dolan and George McKibbon.

Dr. Rod Tennyson authored the first report entitled Overview of Wind Turbine Issues<sup>1</sup>. George McKibbon authored the second entitled Memorandum to Council. If we are to transition from carbon based fuels to renewable energy, we will need renewable energy projects like wind and solar energy sources. Given the Province is projecting we will need new generation capacity by 2025, the issues working group raises are important and need to be resolved.

This memorandum summarizes policy and regulation history associated with wind turbine noise and adverse effects. At its June 8<sup>th</sup> meeting, EAC will review and forward both reports to Council.

**Recommendations:** EAC supports the views expressed by the Working Group and recommends that Council write the Minister of Environment, Conservation and Parks (MECP) requesting the Province:

1. *The City reaffirm its 2017 resolution that it is an "Unwilling Host" for wind turbine projects until it has been demonstrated they do not pose an adverse effect on the environment and the health and safety to the public.*
2. *The City recognizes that wind powered hydro generation is a green source of energy and the Province should support research and development of wind turbines that are more efficient and have performance characteristics that mitigate any adverse effects.*
3. *The Province establish a moratorium for all new applications for wind energy projects until it has been demonstrated that all adverse effects can be mitigated.*
4. *Update the direction provided in terms of setbacks between wind turbines and other activities;*
5. *The Province needs to take more aggressive action in enforcing the terms of approvals for existing wind turbines before authorizing the construction of any new turbines; and*

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<sup>1</sup> The issues raised in Dr. Tennyson's report may be addressed by the next generation of wind turbines, possibly Vertical Access Wind Turbines. This is a matter we have not examined and hope MECP will.



6. *Bar operators of projects with these compliance failures from participating in any of the contract extensions or opportunities to bid on capacity expansions that are envisioned in the recent Ministerial directive.*
7. *That City Council direct staff to respond to the Multi-Municipal Wind Turbine Group March 2, 2022, correspondence acknowledging receipt and support of their efforts.*

Given MECP's ongoing compliance policy and land use compatibility reviews, EAC recommends an additional comment:

*Where ongoing MECP review of compliance and land use compatibility policy is concerned, the Province continue current Environmental Protection Act compliance requirements where wind turbine noise is concerned on both existing and new facilities.*

**Further EAC recommends that Planning Department officials liaise with Planning Departments of the Turbine Working Groups (Bruce, Huron and Grey Counties) to determine appropriate land use compatibility guidelines and setbacks used in these municipalities and where appropriate, consider their usage in Port Colborne's Official Plan and Zoning Bylaw.**

**Analysis of Policy and Related Regulations:** In 2009, the Green Energy Act was passed. This legislation provided many renewable energy generation and conservation initiatives. The legislation also exempted renewable energy projects from Planning Act requirements: no municipal planning approvals were required. Instead Regulation 359/09 under the Environmental Protection Act set out comprehensive approval requirements for renewable energy project approvals.

Regulation 359/09 sets very high standards for a successful appeal of an Environmental Director's approval: appellants must prove a wind farm approval will have health or ecological adverse effects. To our knowledge, that standard has been met in only one environmental tribunal appeal. That appeal was subsequently upheld by the courts. This decision involved Blanding's turtle habitat: an endangered species.

Wind turbine noise effects were addressed in two reports by HGC Engineering one for the industry in 2007 and a subsequent report in 2010<sup>2</sup> for MECP. MECP proposed substantial setbacks from residential sensitive uses (550 metres and more<sup>3</sup>) and noise standards linked to wind velocities. Dr. Tennyson's report describes this approval scheme.

In 2016, MECP amended Regulation 359/09. The Ministry applied a more stringent set of standards which clarified separation distances where multiple turbines were developed as wind

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<sup>2</sup> HGC Engineering, Low Frequency Noise and Infrasound associated with Wind Turbine Generator Systems; A Literature Review, Ontario Ministry of the Environment RFP No. OSS-078696, September 10, 2010.

<sup>3</sup> The setback distances prior to and after amendments to OR 359 vary from a minimum of 550 metres to 1500 metres depending on the number of turbines in the wind farm and the sound power level of the wind turbine (dBA).

farms and enhanced noise standards together with reporting requirements. These changes were significant. They also addressed land use compatibility issues where vacant lots and planned developments exist. These matters were not addressed in the previous requirements<sup>4</sup> and are important because renewable energy project approvals were exempted from municipal planning approvals where land use compatibility is addressed.

At the same time, the amended regulation exempted the application of these more stringent noise standards to existing and approved wind farms unless a tower was being moved to a different location or the rated capacity of the tower was increased.

Understanding the public health effects of wind turbine noise on sensitive receptors is a work in progress. *“Wind turbine noise has presented some of the greatest challenges to environmental noise specialist in recent times. These challenges have included technical, political, emotional and ethical issues that have tested experts, the courts and lay-citizens, at times fraying relationships and trust in people and organizations.*

*“One of the most controversial acoustic issues has been the reports and perceptions of the modulation in the amplitude of the noise emitted by the turbines. To a degree this is a largely inescapable feature of any rotating sound source relative to a static measurement source. The amplitude modification of the wind turbine noise has been shown to exacerbate the annoyance some people feel in response to hearing it and this may contribute to the greater negative perception of wind turbine noise at similar exposure levels.”<sup>5</sup>*

This quote comes from ongoing research commissioned by the United Kingdom for consideration of wind turbine project planning approvals. From this research, it appears the issue is how many people experience an adverse effect and is that effect more than trivial.

In 2019, the Province rescinded the Green Energy Act. Among other actions, the Province enacted transitional regulations under both the Energy and Planning Acts<sup>6</sup> to manage the transitions bringing renewable energy projects back under the jurisdiction of municipal Planning and the Energy Acts. Municipal approvals are required under the Planning Act except for approved and existing wind farms.

Where existing wind turbine farms exist, those approvals allow for qualified modifications of the generation facilities in the future. No existing generation capacity exists in Port Colborne,

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<sup>4</sup> An undated MECP document entitled “Summary of Proposed Changes to the 2008 “Noise Guidelines for Wind Farms” describes 9 separate areas in which the standards pre and post 2016 are different.

<sup>5</sup> Page 1, in Lotinga, Mike., Richard Perkins, and Toby Lewis (WSP) updated and extended version of an article that appeared in the Acoustics Bulletin Vol 42 No 2, Mar-Apr 2017

<sup>6</sup> Ontario Regulation 121/19 provides for transitional matters associated with renewable energy generation facilities approved prior to rescinding the Green Energy Act. It is dated May 30, 2019 and amends subsection 62.0.2 of the Planning Act. Renewable energy projects approved prior to rescinding the Green Energy Act continue to be exempt from the Planning Act. These facilities can be subject to an extension, alteration, renovation or addition provided certain conditions are not exceeded.

so these provisions do not appear to apply to our knowledge. New renewable energy projects in Port Colborne will require municipal planning approvals.

The setback requirements in Ontario Regulation 359/09 as amended in 2016 are substantial, e.g., 550 metres and more where wind farms are proposed. Sizable land areas are required to buffer wind turbine farms. We recommend Port Colborne's Planning Department enquire of Grey, Bruce and Huron Planning Departments to determine what planning measures those municipalities are incorporating into planning policy. Further we recommend staff review these policies with Council in the future.

By comparison with Ontario's experience, EAC observes solar renewable energy projects are common in Upstate New York, especially in fairly densely populated metro areas like Erie County, New York. Why are we not developing more solar generating capacity?

### **Why is all of this important?**

1. Appendix #1 to the correspondence from the Working Group documents the results of project compliance with Noise Audits required by Ministry renewable energy project approvals. MECP's compliance approvals have a substantial work backlog. 43% of the projects have achieved compliance monitoring requirements. 2% have not achieved compliance and their renewable energy agreement has been amended. Another 7% have demonstrated non-compliance and are under review. 17% have submitted monitoring reports which are deemed incomplete and 30% are under review, some of these have been submitted to MECP up to 6 years ago.
2. In 2019, MECP announced it was reviewing the Environmental Protection Act compliance where complaints are received<sup>7</sup>. That review will examine ways to rationalize MECP's compliance work load. Recently an updated draft Compliance Policy has been produced<sup>8</sup>. The document is silent where wind turbines are concerned. Where incidents specific to human health are under investigation if the provincial officer cannot determine that the alleged source of pollution is likely to cause any health impact, the individual (who laid the complaint) may be asked to provide confirmation from a health care professional, e.g., Medical officer of Health, Public Health Inspector or family doctor.
3. The MECP D Series Land Use Compatibility Guidelines<sup>9</sup> are clear, where land uses were approved by municipal Planning Act decisions within recommended setbacks, MECP

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<sup>7</sup> A subsequent notice was posted on May 4, 2021 entitled Modernizing environmental compliance practices of the MECP, ERO #019-2972.

<sup>8</sup> MECP, Ontario's Environmental Compliance Policy, 2021

<sup>9</sup> EAC has commented on the Land Use Compatibility Guidelines separately. Where noise, odour and air contaminants are concerned, Planning and Environmental Protection Act decisions go hand in hand where the management of environmental quality and risks are concerned.

isn't responsible for noise complaints unless the facility is noncompliant with its Environmental Protection Act approval.

4. The PPS 2020 defines major facilities that may require separation distances. The definition includes energy generation facilities".<sup>10</sup> Unless the renewable energy project is a Hydro One or Ontario Power Generation Project subject to the requirements of the Environmental Assessment Act, renewable energy projects will require municipal Planning Act decision after the Green Energy Act was rescinded.
5. The planning problems facing municipalities are these: the required setback areas are substantial and large areas are covered including lands not owned by renewable energy facility or the land owners who leased the lands for renewable energy projects; while renewable energy projects were exempt from municipal approvals prior to 2019, PPS 2020 land use compatibility policy apply where sensitive uses are proposed; and since 2019 new wind turbine projects require municipal planning approvals.
6. In March 2021, MECP released a Draft Land Use Compatibility Guideline<sup>11</sup> intended to replace the D Series Land Use Compatibility Guidelines. That Draft Guideline uses the PPS definition of "major facilities". The Draft was withdrawn for further review.
7. Since 2009 at least 5,800 incident reports prepared by MECP Provincial officers have resulted from complaints about turbine noise of which 39% include references to adverse human health.
8. Turbine noise is a very difficult technical topic to design for, monitor and address from a public health perspective, especially the barely audible noise and infrasound generated by wind passing through the turbines and the central tower. Some members of the public can hear this sound and of that percentage, some are affected adversely. Additional research is needed to quantify who is affected and how. When this research is available we will need updated land use compatibility guidance.
9. By 2025, the Ontario Minister of Energy will need new generating capacity some of which may come from new wind turbine renewable energy projects, possibly within Port Colborne.

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<sup>10</sup> Province of Ontario, Provincial Policy Statement 2020, May 1, 2020, page 46.

<sup>11</sup> Ministry of the Environment, Conservation and Parks, Draft Land Use Compatibility Guideline, March 2021.

**Subject: Memorandum to Council – Multi Municipal Wind Turbine Working Group Correspondence-Ontario's Energy Plan and Wind Turbines**

**To: Council**

**From: Environmental Advisory Committee (EAC)**

Meeting Date: September 13, 2022

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**Recommendation from the EAC for Council consideration:**

That the Environmental Advisory Committee supports the views expressed by the Working Group and recommends that Council write the Minister of Environment, Conservation and Parks (MECP) requesting the Province:

1. The City reaffirm its 2017 resolution that it is an "Unwilling Host" for wind turbine projects until it has been demonstrated they do not pose an adverse effect on the environment and the health and safety to the public.
2. The City recognizes that wind powered hydro generation is a green source of energy and the Province should support research and development of wind turbines that are more efficient and have performance characteristics that mitigate any adverse effects.
3. The Province establish a moratorium for all new applications for wind energy projects until it has been demonstrated that all adverse effects can be mitigated.
4. Update the direction provided in terms of setbacks between wind turbines and other activities;
5. The Province needs to take more aggressive action in enforcing the terms of approvals for existing wind turbines before authorizing the construction of any new turbines;
6. Bar operators of projects with these compliance failures from participating in any of the contract extensions or opportunities to bid on capacity expansions that are envisioned in the recent Ministerial directive; and

7. Where ongoing MECP review of compliance and land use compatibility policy is concerned, the Province continue current Environmental Protection Act compliance requirements where wind turbine noise is concerned on both existing and new facilities;

Further that Council support EAC's recommendation that the Planning Department staff liaise with Planning Departments of the Turbine Working Groups (Bruce, Huron and Grey Counties) to determine appropriate land use compatibility guidelines and setbacks used in these municipalities and where appropriate, consider their usage in Port Colborne's Official Plan and Zoning Bylaw

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Attached: - Memorandum to Council – Multi Municipal Wind Turbine Working Group Correspondence-Ontario's Energy Plan and Wind Turbines



## **Memorandum**

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**Date:** August 11, 2022

**To:** Nicole Rubli, Acting City Clerk

**From:** Janice Peyton, Executive Assistant, DPW

**Re:** Environmental Advisory Committee  
Multi Municipal Wind Turbine Working Group  
Correspondence

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At the Environmental Advisory Committee meeting of June 8, 2022, the Environmental Advisory Committee reviewed the correspondence from the Multi Municipal Wind Turbine Working Group that was referred by Council on March 22, 2022.

Two reports were produced and reviewed by an EAC subcommittee. Copies of the reports are attached.

The Committee resolved as follows:

Moved by Katherine Klauck  
Seconded by Jack Hellinga

That the overview of Wind Turbine Issues and the Memorandum to Council on Multi Municipal Wind Turbine Working Group Correspondence – Ontario's Energy Plan and Wind Turbines be forwarded to Council for consideration.  
**CARRIED.**

Please place this item on the next Council agenda for consideration.

Signed: 

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Janice Peyton  
Executive Assistant, DPW  
Recording Secretary, Environmental Advisory Committee

9(a)



## **OVERVIEW OF WIND TURBINE ISSUES**



**Roderick Tennyson, PhD., P.Eng.**

**Submitted to the Environmental Advisory Committee  
City of Port Colborne**

**May 2022**

## 1. Purpose of Report

The growth of wind turbine farms (windmills) to reduce energy dependence on fossil fuels is increasing each year. At first sight they appear to be a clever means of using wind energy to rotate a propellor system, to turn a turbine to produce quiet electricity and are harmless to the environment (except for birds that do fly into these towers). However, with all technologies, there are drawbacks and problems when it comes to interaction with people and communities, common with most new technological advances. Figure 1 shows the growth of power and size of current wind turbines.

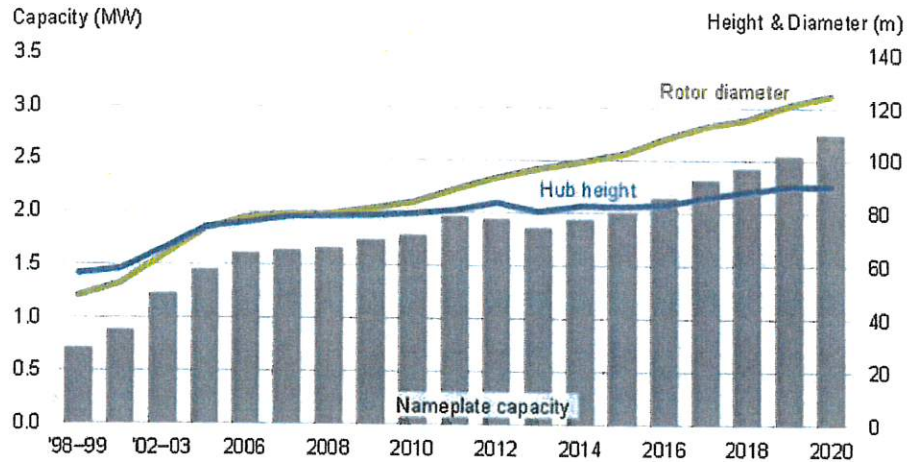


Figure 1

Average turbine hub height and rotor diameter (in meters), and nameplate capacity (how much power they produce) for land-based wind projects are shown in Figure 1. The chart was copied from the "Edition: Land area requirements".

Note that the rule of thumb is 60 acres per megawatt for wind farms. For example, a 3 megawatt farm would occupy about 180 acres of land. A "megawatt" of power is equal to a million watts of electrical power. To put that into perspective, most common light bulbs in a house are only 60 watts of power.

Figure 2 illustrates the terminology and performance characteristics of wind turbines. Note that the "cut-in" wind speed is the lowest speed that starts the turbine turning and generating power.

### Cut-in wind speeds as a function of wind turbine power to start power generation

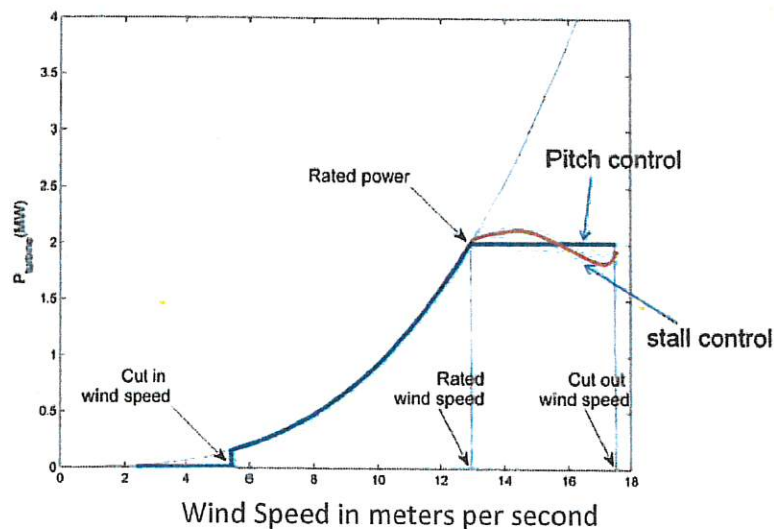


Figure 2



The major drawback to wind turbines relate to the sound they produce. Sound emanating from the propellers, the mechanical systems turning the turbines and infrasound arising from the interaction of rotating blades as they pass the main tower all cause issues in terms of proximity to the turbines. It is the low frequency infrasound that is barely detectable by human ears that is the critical issue. Why? It is known that such sound frequencies can cause health problems when people are exposed to these levels for prolonged periods of time. The answer to these problems has been to employ setbacks of the wind turbines from residences and communities.

Let us now review the essential principles of sound as perceived by humans to clarify the problem with low frequency noise (known as infrasound) and its effects on humans.

## 2. How to Measure Sound Effects on Humans

Human perception of sound can be quantified by the **loudness** and **pitch** of the sound. Loudness refers to the magnitude of the sound heard, and pitch is related to the frequency of the sound. Loudness, in common terms, is referred as the volume. The cartoon below (Figure 3) illustrates the differences between loudness (sound volume or amplitude of the sound wave we hear) and the pitch of the sound (low frequency known as infrasound) and high frequency, known as ultrasound.

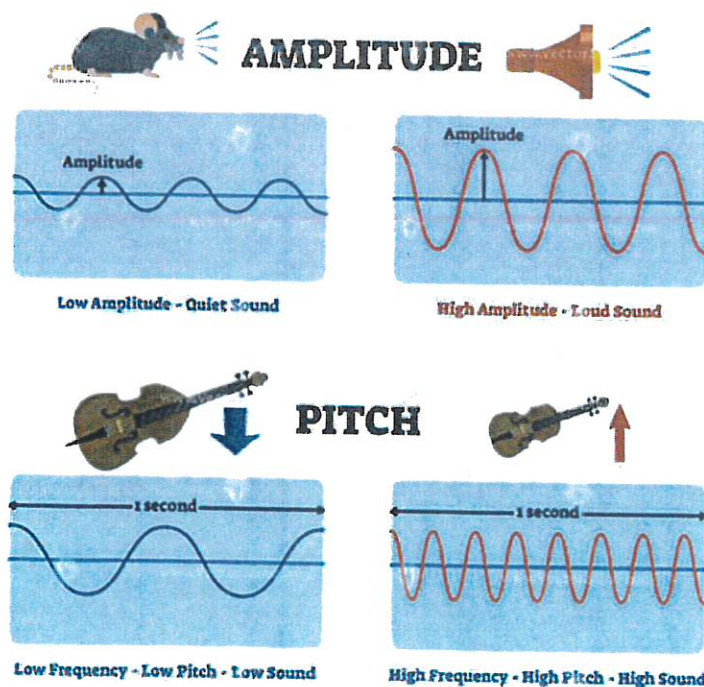


Figure 3

The frequency of the sound waves is measured in Hertz (Hz) or "cycles per second". For example, the frequency of electricity coming to your home is 60 Hz.

For measuring loudness of the sound, engineers use the complex term called "decibels" (dB). It is not important for readers of this report to understand what a decibel is, save to say for interested people, the dB

is a logarithmic way of describing a ratio. The ratio in this case is different levels of sound. For human perception of sound loudness, a modified rating of the dB scale is used, called a dBA. So what is a dBA and why use it to measure loudness? It is a weighted value of the dB adjusted for what the human ear actually hears.

The dBA reading for different sources of sound is useful to know, since it allows the reader to correlate the dBA scale with common sounds they experience. In other words, it informs them of how much noise they hear based on common experience.

The following quotation describes why we use dBA;

*Measurements in dBA are decibel scale readings that have been adjusted in an attempt to take into account the varying sensitivity of the human ear to different frequencies of sound. In general, the perceived loudness is reduced as the human ear is less sensitive at low audio frequencies than at high audio frequencies. Indeed, the ear of a healthy person is more sensitive to frequencies between 2 and 5 kHz. It should be noted that dBA measurements underestimate the perceived loudness and possible stress-inducing capability of such noise sources with low frequency components at moderate and high volumes. The high frequencies are given less weight than on the standard decibel scale. Humans do not hear all frequencies equally.*

The chart below (Figure 4) illustrates typical sound levels in dBA for various sources to which humans are exposed.

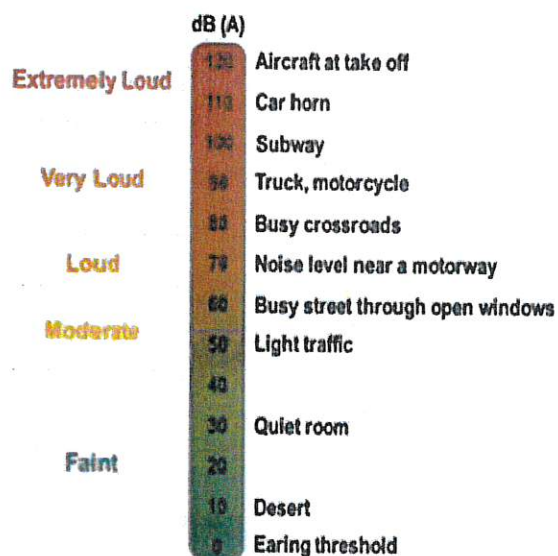


Figure 4

In general, for people's comfort, sound levels around 40 dBA are often used in selecting sites for noise generating systems.

### 3. Effect of Wind Turbine Noise on Humans

Wind turbines as noted earlier generate noise. Noise emanates from three sources; mechanical associated with the operation of the turbine and operating mechanisms; the "swooshing" aerodynamic sounds emanating from the rotating propellers (known as amplitude modulation); and infrasound (sound below 20 Hz) and known as low frequency noise (generally sound from 200 Hz to 20 Hz). This latter source relates to the sound pulses generated as the blades pass the tower in the infrasound range (typically about 0.75 Hz, 1.5 Hz, etc.). People have reported that these pulses can be "felt or sensed" more than "heard" by the ears. Research

has demonstrated that continuous exposure to infrasound can result in a physiological response from various systems within the body for some people.

It has been established that at typical levels (about 25-45 dBA outdoors), the main effect is annoyance which can be enhanced by the amplitude modulation associated with the aerodynamic effect of the moving blades. At higher levels, say  $\geq 45$  dBA outdoors and  $\geq 30$  dBA indoors, many people report that their sleep quality is affected. Many farms and homes have been abandoned in south west Ontario due to their proximity to wind turbine farms and their associated harmful effects.

The major concern in locating wind turbines is the potential harmful effects of pulsating infrasound (arising as the rotating blades pass the tower at rates dependent on wind speed), which can be detected inside homes near operating wind turbines. These sound pulses do not attenuate quickly and have been measured as far away as 10km! Long term exposure even at low levels of infrasound can affect the nervous system. Current research reports indicate that these infrasonic pulsations can cause people to report chronic sleep disturbance, dizziness, tinnitus, heart palpitations, vibrations and pressure sensations in the head and chest.

#### **4. Ground Current Effects**

It is not common knowledge that there are electrical currents that run through the ground due to various sources. Electrical systems and possibly wind turbines, can generate what is called "stray voltage-uncontrolled electricity". These are known to also pass along in the earth's surface and can cause serious problems to pastoral animals for example. What is not known is the effect of wind turbines on increasing such ground currents near farms and pastures close by wind turbine farms. This phenomenon could be easily assessed by measuring such currents before and after the wind turbine farms are turned on. Such information is not known to the author at this time.

#### **5. Ontario Setback Requirements**

As shown on the dBA chart, outside sound levels around 40dBA would seem acceptable, although community annoyance is a mitigating factor and might influence wind turbine site locations. However, the adverse effects from low frequency infrasound pulses have been reported extensively and should be taken into account in offset distances.

Currently the government of Ontario has established longer setbacks than have been used in the past to try and mitigate these problems. At present the set back is 550 meters for smaller wind turbines or groups of wind turbines, and 1500 meters for larger wind farms. This is intended to reduce noise to WHO / ISO standards of about 40 dBA in the closest bedrooms.

#### **6. References Used in Compiling This Report**

1. A review of the human exposure-response to amplitude-modulated wind turbine noise: health effects, influences on community annoyance, methods of control and mitigation; Michael J B Lotinga , Richard A Perkins, Bernard Berry , Colin J Grimwood , Stephen A Stansfield; WSP | Parsons Brinckerhoff, Bristol, U



2. Measurement In Decibels: What Is the Difference Between dB and dB(A)? by softdb, May 14, 2019, In General Acoustics
3. <https://www.wind-atc.org/documents/infrasoundlow-frequency-noise>
4. Propagation thresholds and measurement of infrasound to establish separation distances from wind farm turbines to residences; Bob Thorne, Noise Measurement Services Pty Ltd, Australia
5. Ontario keeps safe distance rule for giant wind turbines ...;  
<https://www.canadianmanufacturing.com/CT9hQ>
6. Adverse health effects of industrial wind turbines; Roy D. Jeffery, MD FCFP, Carmen Krogh, Brett Horner, CMA; Can Fam Physician. 2013 May; 59(5):473-475.
7. <https://www.farmfoodcareon.org/uncontrolled-electricity/>
8. Legal battle over Ontario wind turbine farm may redefine 'harm'; Sean Fine, London, Ont., Nov.21,2014
9. <https://www.duttondunwich.on.ca/sites/default/files/case%20study%202%20-20wind%20turbines.pdf>  
Case Study: Impact of a Wind Turbine Project on a Rural Community, Magda Havas

**Re: Memorandum to Council on Multi Municipal Wind Turbine Working Group  
Correspondence – Ontario’s Energy Plan and Wind Turbines**

**Introduction:** On March 22, 2020, Nicole Rubli, Acting City Clerk, referred correspondence from the Multi Municipal Wind Turbine Working Group to the Environmental Advisory Committee (EAC) to bring a report to Council.

EAC reviewed correspondence, regulations and policies under the Environmental Protection and Planning Acts, announcements by Minister of Energy Todd Smith, and selected research on ***issues related to*** wind turbines. Two reports were produced and reviewed by an EAC subcommittee comprising Katherine Klauck, Harry Wells, Rod Tennyson, Trent Dolan and George McKibbon.

Dr. Rod Tennyson authored the first report entitled Overview of Wind Turbine Issues<sup>1</sup>. George McKibbon authored the second entitled Memorandum to Council. If we are to transition from carbon based fuels to renewable energy, we will need renewable energy projects like wind and solar energy sources. Given the Province is projecting we will need new generation capacity by 2025, the issues working group raises are important and need to be resolved.

This memorandum summarizes policy and regulation history associated with wind turbine noise and adverse effects. At its June 8<sup>th</sup> meeting, EAC will review and forward both reports to Council.

**Recommendations:** EAC supports the views expressed by the Working Group and recommends that Council write the Minister of Environment, Conservation and Parks (MECP) requesting the Province:

1. *The City reaffirm its 2017 resolution that it is an “Unwilling Host” for wind turbine projects until it has been demonstrated they do not pose an adverse effect on the environment and the health and safety to the public.*
2. *The City recognizes that wind powered hydro generation is a green source of energy and the Province should support research and development of wind turbines that are more efficient and have performance characteristics that mitigate any adverse effects.*
3. *The Province establish a moratorium for all new applications for wind energy projects until it has been demonstrated that all adverse effects can be mitigated.*
4. *Update the direction provided in terms of setbacks between wind turbines and other activities;*
5. *The Province needs to take more aggressive action in enforcing the terms of approvals for existing wind turbines before authorizing the construction of any new turbines; and*

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<sup>1</sup> The issues raised in Dr. Tennyson’s report may be addressed by the next generation of wind turbines, possibly Vertical Access Wind Turbines. This is a matter we have not examined and hope MECP will.

6. *Bar operators of projects with these compliance failures from participating in any of the contract extensions or opportunities to bid on capacity expansions that are envisioned in the recent Ministerial directive.*
7. *That City Council direct staff to respond to the Multi-Municipal Wind Turbine Group March 2, 2022, correspondence acknowledging receipt and support of their efforts.*

Given MECP's ongoing compliance policy and land use compatibility reviews, EAC recommends an additional comment:

*Where ongoing MECP review of compliance and land use compatibility policy is concerned, the Province continue current Environmental Protection Act compliance requirements where wind turbine noise is concerned on both existing and new facilities.*

**Further EAC recommends that Planning Department officials liaise with Planning Departments of the Turbine Working Groups (Bruce, Huron and Grey Counties) to determine appropriate land use compatibility guidelines and setbacks used in these municipalities and where appropriate, consider their usage in Port Colborne's Official Plan and Zoning Bylaw.**

**Analysis of Policy and Related Regulations:** In 2009, the Green Energy Act was passed. This legislation provided many renewable energy generation and conservation initiatives. The legislation also exempted renewable energy projects from Planning Act requirements: no municipal planning approvals were required. Instead Regulation 359/09 under the Environmental Protection Act set out comprehensive approval requirements for renewable energy project approvals.

Regulation 359/09 sets very high standards for a successful appeal of an Environmental Director's approval: appellants must prove a wind farm approval will have health or ecological adverse effects. To our knowledge, that standard has been met in only one environmental tribunal appeal. That appeal was subsequently upheld by the courts. This decision involved Blanding's turtle habitat: an endangered species.

Wind turbine noise effects were addressed in two reports by HGC Engineering one for the industry in 2007 and a subsequent report in 2010<sup>2</sup> for MECP. MECP proposed substantial setbacks from residential sensitive uses (550 metres and more<sup>3</sup>) and noise standards linked to wind velocities. Dr. Tennyson's report describes this approval scheme.

In 2016, MECP amended Regulation 359/09. The Ministry applied a more stringent set of standards which clarified separation distances where multiple turbines were developed as wind

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<sup>2</sup> HGC Engineering, Low Frequency Noise and Infrasound associated with Wind Turbine Generator Systems; A Literature Review, Ontario Ministry of the Environment RFP No. OSS-078696, September 10, 2010.

<sup>3</sup> The setback distances prior to and after amendments to OR 359 vary from a minimum of 550 metres to 1500 metres depending on the number of turbines in the wind farm and the sound power level of the wind turbine (dBA).

farms and enhanced noise standards together with reporting requirements. These changes were significant. They also addressed land use compatibility issues where vacant lots and planned developments exist. These matters were not addressed in the previous requirements<sup>4</sup> and are important because renewable energy project approvals were exempted from municipal planning approvals where land use compatibility is addressed.

At the same time, the amended regulation exempted the application of these more stringent noise standards to existing and approved wind farms unless a tower was being moved to a different location or the rated capacity of the tower was increased.

Understanding the public health effects of wind turbine noise on sensitive receptors is a work in progress. *“Wind turbine noise has presented some of the greatest challenges to environmental noise specialist in recent times. These challenges have included technical, political, emotional and ethical issues that have tested experts, the courts and lay-citizens, at times fraying relationships and trust in people and organizations.*

*“One of the most controversial acoustic issues has been the reports and perceptions of the modulation in the amplitude of the noise emitted by the turbines. To a degree this is a largely inescapable feature of any rotating sound source relative to a static measurement source. The amplitude modification of the wind turbine noise has been shown to exacerbate the annoyance some people feel in response to hearing it and this may contribute to the greater negative perception of wind turbine noise at similar exposure levels.”<sup>5</sup>*

This quote comes from ongoing research commissioned by the United Kingdom for consideration of wind turbine project planning approvals. From this research, it appears the issue is how many people experience an adverse effect and is that effect more than trivial.

In 2019, the Province rescinded the Green Energy Act. Among other actions, the Province enacted transitional regulations under both the Energy and Planning Acts<sup>6</sup> to manage the transitions bringing renewable energy projects back under the jurisdiction of municipal Planning and the Energy Acts. Municipal approvals are required under the Planning Act except for approved and existing wind farms.

Where existing wind turbine farms exist, those approvals allow for qualified modifications of the generation facilities in the future. No existing generation capacity exists in Port Colborne,

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<sup>4</sup> An undated MECP document entitled “Summary of Proposed Changes to the 2008 “Noise Guidelines for Wind Farms” describes 9 separate areas in which the standards pre and post 2016 are different.

<sup>5</sup> Page 1, in Lotinga, Mike., Richard Perkins, and Toby Lewis (WSP) updated and extended version of an article that appeared in the Acoustics Bulletin Vol 42 No 2, Mar-Apr 2017

<sup>6</sup> Ontario Regulation 121/19 provides for transitional matters associated with renewable energy generation facilities approved prior to rescinding the Green Energy Act. It is dated May 30, 2019 and amends subsection 62.0.2 of the Planning Act. Renewable energy projects approved prior to rescinding the Green Energy Act continue to be exempt from the Planning Act. These facilities can be subject to an extension, alteration, renovation or addition provided certain conditions are not exceeded.

so these provisions do not appear to apply to our knowledge. New renewable energy projects in Port Colborne will require municipal planning approvals.

The setback requirements in Ontario Regulation 359/09 as amended in 2016 are substantial, e.g., 550 metres and more where wind farms are proposed. Sizable land areas are required to buffer wind turbine farms. We recommend Port Colborne's Planning Department enquire of Grey, Bruce and Huron Planning Departments to determine what planning measures those municipalities are incorporating into planning policy. Further we recommend staff review these policies with Council in the future.

By comparison with Ontario's experience, EAC observes solar renewable energy projects are common in Upstate New York, especially in fairly densely populated metro areas like Erie County, New York. Why are we not developing more solar generating capacity?

### **Why is all of this important?**

1. Appendix #1 to the correspondence from the Working Group documents the results of project compliance with Noise Audits required by Ministry renewable energy project approvals. MECP's compliance approvals have a substantial work backlog. 43% of the projects have achieved compliance monitoring requirements. 2% have not achieved compliance and their renewable energy agreement has been amended. Another 7% have demonstrated non-compliance and are under review. 17% have submitted monitoring reports which are deemed incomplete and 30% are under review, some of these have been submitted to MECP up to 6 years ago.
2. In 2019, MECP announced it was reviewing the Environmental Protection Act compliance where complaints are received<sup>7</sup>. That review will examine ways to rationalize MECP's compliance work load. Recently an updated draft Compliance Policy has been produced<sup>8</sup>. The document is silent where wind turbines are concerned. Where incidents specific to human health are under investigation if the provincial officer cannot determine that the alleged source of pollution is likely to cause any health impact, the individual (who laid the complaint) may be asked to provide confirmation from a health care professional, e.g., Medical officer of Health, Public Health Inspector or family doctor.
3. The MECP D Series Land Use Compatibility Guidelines<sup>9</sup> are clear, where land uses were approved by municipal Planning Act decisions within recommended setbacks, MECP

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<sup>7</sup> A subsequent notice was posted on May 4, 2021 entitled Modernizing environmental compliance practices of the MECP, ERO #019-2972.

<sup>8</sup> MECP, Ontario's Environmental Compliance Policy, 2021

<sup>9</sup> EAC has commented on the Land Use Compatibility Guidelines separately. Where noise, odour and air contaminants are concerned, Planning and Environmental Protection Act decisions go hand in hand where the management of environmental quality and risks are concerned.

isn't responsible for noise complaints unless the facility is noncompliant with its Environmental Protection Act approval.

4. The PPS 2020 defines major facilities that may require separation distances. The definition includes energy generation facilities".<sup>10</sup> Unless the renewable energy project is a Hydro One or Ontario Power Generation Project subject to the requirements of the Environmental Assessment Act, renewable energy projects will require municipal Planning Act decision after the Green Energy Act was rescinded.
5. The planning problems facing municipalities are these: the required setback areas are substantial and large areas are covered including lands not owned by renewable energy facility or the land owners who leased the lands for renewable energy projects; while renewable energy projects were exempt from municipal approvals prior to 2019, PPS 2020 land use compatibility policy apply where sensitive uses are proposed; and since 2019 new wind turbine projects require municipal planning approvals.
6. In March 2021, MECP released a Draft Land Use Compatibility Guideline<sup>11</sup> intended to replace the D Series Land Use Compatibility Guidelines. That Draft Guideline uses the PPS definition of "major facilities". The Draft was withdrawn for further review.
7. Since 2009 at least 5,800 incident reports prepared by MECP Provincial officers have resulted from complaints about turbine noise of which 39% include references to adverse human health.
8. Turbine noise is a very difficult technical topic to design for, monitor and address from a public health perspective, especially the barely audible noise and infrasound generated by wind passing through the turbines and the central tower. Some members of the public can hear this sound and of that percentage, some are affected adversely. Additional research is needed to quantify who is affected and how. When this research is available we will need updated land use compatibility guidance.
9. By 2025, the Ontario Minister of Energy will need new generating capacity some of which may come from new wind turbine renewable energy projects, possibly within Port Colborne.

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<sup>10</sup> Province of Ontario, Provincial Policy Statement 2020, May 1, 2020, page 46.

<sup>11</sup> Ministry of the Environment, Conservation and Parks, Draft Land Use Compatibility Guideline, March 2021.



The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a by-law to regulate the discharge of firearms and bows  
in the City of Port Colborne

Whereas Section 9 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides a municipality with 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 Section 11 of the *Municipal Act*, 2001 S.O. 2001, c.25 states that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction; and

Whereas pursuant to Subsection 11(2) para 6. of the *Municipal Act*, 2001 S.O. 2001, c.25 municipality may pass by-laws to protect the health, safety and well-being of persons; and

Whereas Sections 23.1(1) of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties; and

Whereas Section 119 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon; and

Whereas Section 425 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law; and

Whereas Section 429 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law; and

Whereas Council of the City of Port Colborne has deemed it in the public interest to regulate the discharge of firearms within the City for the purposes of public safety; and

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

That this by-law shall be comprised of SIX (6) parts containing various sections, namely:

Part 1	Title and Definitions
Part 2	Application of the By-law
Part 3	General Provisions

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

1 of 11

Part 4	Enforcement
Part 5	Schedules
Part 6	Repeal

## **Part 1 – Title and Definitions**

### **Short Title**

1. This by-law shall be referred to as “The Discharge of Firearms By-law”.

### **Definitions**

2. For the purposes of this By-law, including in the Recitals and the Definitions,
  - a) “Agent” means a person authorized by the Regulations under the *Fish and Wildlife Conservation Act*, to act as an agent for a landowner to kill, capture or harass wildlife for the protection of property and includes:
    - i. Trappers licensed under Ontario Regulation 667/98 (Trapping);
    - ii. Members of a landowner’s immediate family acting on behalf of the landowner on the landowner’s own land;
    - iii. Persons whose business is primarily the business of removing nuisance wildlife, if they harass wildlife or if they capture and release wildlife if capable of being released;
    - iv. Employees or agents of a municipality whose responsibility relates to wildlife control; and
    - v. Persons who hold a valid class H1 outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.
  - b) “Bow” means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile in a way that could cause grievous bodily harm or death and includes cross-bows, long bows, re-curve bows and compound bows.
  - c) “Business” means a person who carries on a business that includes the manufacture, assembly, possession, purchase, sale, importation, exportation, display, repair, restoration, maintenance, storage, alteration, pawn brokering, transportation, shipping, distribution or delivery of firearms or bows, and ammunition for firearms or bows.

- d) “City” means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries.
- e) “Conservation Officer” means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act*.
- f) “Council” means the Council of the Corporation of the City of Port Colborne.
- g) “Defined Areas” includes:
  - i) All lands within the City’s urban boundary and hamlets as designated under the City’s Official Plan, as amended; Those lands illustrated in Schedules A through E inclusive of this By-law;
  - ii) Those areas within 150 metres from the water’s edge into a navigable waterway as defined in the *Navigable Waters Protection Act*, R.S.C. 1985, Chap. N-22; and
  - iii) Those areas within 229 metres from the water’s edge into Gravelly Bay in Lake Erie.
- h) “Educational Property” includes school facilities operated by a school board, a private school, a university, a provincial college, a private college or an outdoor area owned by the school when in use for instructional purposes whether or not the area is adjacent to a school building.
- i) “Farming and Food Production Protection Act” means the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, or any amending or successor legislation.
- j) “Firearm” means any type of barreled device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles, air or pellet guns, and muzzle-loaders or any object that can be adapted as a firearm as per this definition.
- k) “Fish and Wildlife Conservation Act” means the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997 c. 41, or any amending or successor legislation.
- l) “High-Calibre Rifle” means any *Firearm* with a rifled barrel in its construction that discharges a projectile greater than .223 calibre.

- m) “Highway” shall mean a common and public highway and includes a street, public land and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries.
- n) “Law Enforcement Officer” shall mean a Police Officer, a member of the Armed Forces of Canada, a peace officer, an Officer appointed under the *Fish and Wildlife Conservation Act* or the municipality’s Municipal Law Enforcement Officers, Fire Chief or his/her designate.
- o) “Livestock Product” shall be defined as in the *Livestock and Livestock Products Act*, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto.
- p) “Manager” means the Manager of By-law Services as appointed on behalf of the City of Port Colborne and includes his/her designate.
- q) “Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c. 45, or any amending or successor legislation.
- r) “Normal Farm Practice”, as defined in the *Farming and Food Production Protection Act*, means a practice which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices, and includes any practice which may be recognized as such by the Normal Farm Practices Protection Board.
- s) “Occupier” shall include,
  - (i) a person who is in physical possession of premises, or
  - (ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises; (“occupant”) e.g. an agent.
- t) “Paintball Facility” – means a facility that is designed for the purpose of conducting Paintball Marker activities.
- u) “Paintball Marker” – means a barreled device that is designed for discharging paintballs; and is deemed not to be a firearm pursuant to Section 84(3)(d) of the *Criminal Code*, or any successor thereof.

- v) "Park" includes open space, private and/or Public Park and means an area open to the public used for sports, picnic, and like activities.
- w) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.
- x) "Person" means an individual, firm, corporation, business, association or partnership.
- y) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property.
- z) "Protection of Property" means the killing, capturing or harassing of wildlife found damaging or destroying property on a person's own land, or, that a person believes, on reasonable and probable grounds, is about to damage or destroy property on their own land.
- aa) "Reasonable Safety Measures" means the shooting position and target shall be constructed in a way that no projectile could, upon accidental or intentional discharge, cross over any property boundary.
- bb) "Reactive Shooting Targets" means targets composed of ingredients designed to ignite or explode upon impact from a fast-moving projectile. Including but not limited to; Tannerite, Shockwave, etc.
- cc) "Recreational Trail" shall mean any property that is open or available to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and all lands between the lateral boundaries.
- dd) "Target" shall mean an animal, reptile, bird, *Reactive Shooting Target* or object.
- ee) "Trapper" means a person licensed by the Ministry of Natural Resources in accordance with the *Fish and Wildlife Conservation Act* and Regulations to hunt and trap fur-bearing mammals.
- ff) "Shooting Range" a location that is designated and approved by the Chief Firearm's Officer of Ontario for the safe discharge, on a regular and structured basis, of firearms for the purpose of shooting at an object to be aimed at in shooting practice or contests.
- gg) "Wildlife" shall be as defined in the *Fish and Wildlife Conservation Act*.

## **Part 2 – Application of the By-law**

### Interpretation

3. For the purposes of this by-law:

#### Word Usage

- a) words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and this By-law shall be interpreted with all changes in gender or number as the context may require;
- b) unless otherwise defined herein, the words and phrases used in this By-law have their normal and ordinary meaning;
- c) headings are inserted for convenience and reference purposes only, they form no part of this By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law; and
- d) reference to any Act, Regulation, By-law, or *Agreement* is a reference to that Act, Regulation, By-law, or *Agreement* as it is amended or re-enacted from time to time.

### Application

- 4. The provisions of this By-law shall apply to all discharges of *Firearms* and *Bows* within the boundaries of the *City*.
- 5. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and associated Regulations, including but not limited to the following:
  - a) *Criminal Code, R.S.C. 1985, c. C-46*;
  - b) *Firearms Act, S.C. 1995, c. 39*;
  - c) *Migratory Birds Convention Act, 1994, S. C. 1994, c. 22*; and
  - d) *Fish and Wildlife Conservation Act*.
- e) *Explosives Act (1985, c. E-17)*

### Conflict

6. Where this By-law conflicts, or is deemed to conflict, with any applicable Federal or Provincial statute, the provisions of such Federal or Provincial



statute shall prevail.

### Severability

7. If a court of competent jurisdiction declares 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 the remainder of the By-law shall be valid and remain in force.

## **Part 3 – General Provisions**

### Prohibitions

8. No Person shall discharge a Firearm or Bow in the City except in accordance with this By-law.
9. No Person shall discharge any Firearm in the City upon lands within the Defined Areas.
- 9.1 No Person shall discharge any Bow in the City upon lands within the Defined Areas unless reasonable safety measures are established for reasons regarding safety of person and property.
10. No Person shall discharge any Firearm in the City upon lands outside the Defined Areas except a land owner, tenant, Agent authorized by the land owner or tenant, or a Person with the land owner or tenant's permission, provided that:
  - a) where the Firearm is a shotgun, that it have a shell size no greater than a No. 2 Shot (6.86 millimetres , 0.270 inches);
  - b) no bullet, shot, bolt, arrow, or quarrel shall pass over the boundary of the Property; and
  - c) Reasonable Safety Measures are established for reasons regarding safety of person and property.
- 10.1 No person shall discharge a High Calibre Rifle within the City.
- 10.2 No Person shall discharge, cause to be discharged or allow to be discharged a Firearm for the purposes of detonating a Reactive Shooting Target or any other binary explosive that requires a shot by a Firearm to initiate a detonation.
11. Notwithstanding sections 9 and 10 of this By-law, no Person shall discharge any Firearm within 150 metres (492 ft) of:

- a) any dwelling, other than a dwelling located on the Property upon which the lawful discharge occurs; or
- b) any public or private Park (including a Recreational Trail) or a public open space; or
- c) the premises of an Educational Property or religious institution, including but not limited to any building, structures or grounds related thereto.
- d) all areas fronting onto Lake Erie, measured from the water's edge.

#### Exceptions

12. This By-law shall not apply to the discharge of a Firearm or Bow:

- a) for the Protection of Property from nuisance Wildlife that may be killed or harassed in accordance with the Ontario Fish and Wildlife Conservation Act, or a permit issued under the Canada Migratory Birds Regulations;
- b) undertaken as a Normal Farm Practice;
- c) upon properties being used for the raising of livestock product and where the discharge is necessary to protect the livestock product;
- d) by any Peace Officer, Conservation Officer or Deputy Conservation Officer acting in the course of his/her duty under the authority of his/her employment;
- e) at a facility operated or utilized by Peace Officers for training purposes;
- f) at a lawful Shooting Range, Paintball Facility, skeet club or at a shooting meet which has been authorized by the Manager;
- g) at an Educational Property used for instruction in the proper use of Firearms or Bows;
- h) at a federally regulated and licensed Business, the use and location of which is lawful and in accordance with all applicable federal, provincial and municipal laws; and
- i) by a Person firing blank ammunition for the purposes of:
  - i. a ceremonial event, historical display or educational program;

- ii. a theatrical film or television production;
- iii. a sporting event; or
- iv. the training of animals.

#### Grant of Exemption by Council

13. Notwithstanding any provisions of this By-law, any Person may make application to Council to be granted an exemption from any of the provisions of this By-law with respect to the discharge of Firearms or Bows and Council, by resolution, may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption Council may include such terms and conditions as it deems appropriate.
  - a) The Schedule of fees shall be set out in the Fees and Charges By-law as amended.
14. In deciding whether to grant an exemption, Council shall give the applicant and any other Persons an opportunity to be heard and may consider such other information and matters as it considers appropriate, including but not limited to, the impact on public safety.
15. A breach by the applicant of any of the terms or conditions of any exemption granted by Council shall render the exemption immediately null and void and of no force or effect.

#### **Part 4 – Enforcement**

16. The provisions of this By-law may be enforced by a Law Enforcement Officer or any other Person appointed to enforce by-laws for the City.

#### Power of Entry

17. The City may enter onto a Property at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
  - a) the provisions of this By-law;
  - b) an order issued under this By-law; or
  - c) an order made under section 431 of the *Municipal Act*.

18. Where an inspection is conducted by the City, the Person enforcing the provisions of this By-law and conducting the inspection may:
- a) require the production for inspection of documents or things relevant to the inspection;
  - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - c) require information from any Person concerning a matter related to the inspection including name, address, phone number and identification; and
  - d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
19. The City may undertake an inspection pursuant to an order issued under s. 438 of the *Municipal Act*.
20. The City's power of entry and inspection may be exercised by a Law Enforcement Officer or any other Person appointed or delegated to enforce by-laws for the City.

#### Penalty

21. Every Person who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
22. If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
23. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
24. Every *Person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
  - b) Upon a second or subsequent conviction for the same offence, to a

fine of not less than \$400.00 and not more than \$100,000.00;

- c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence may exceed \$100,000.00.

25. For the purposes of this By-law:

- a) “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
- b) an offence is a “second or subsequent offence” if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

#### **Part 5 – Schedules**

##### **Schedules to this By-law**

27. Schedules A through E inclusive attached hereto shall form part of this By-law.

#### **Part 6 – Repeal**

28. By-law Number 2499/115/90 and all amendments thereto are hereby repealed.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

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

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

The Corporation of the City of Port Colborne

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

Being a By-law to Amend By-law 4588/119/04

Whereas at its meeting of \_\_\_\_\_, the Council of The Corporation of the City of Port Colborne approved the recommendation of Department of Planning & Development, Report \_\_\_\_\_, Subject Discharge of Firearms;

Whereas the people expect and have a right to an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance as set out under By-law 4588/119/04, Being a By-law to Regulate Noise.

Now Therefore the Council of the Corporation of the City of Port Colborne Enacts as Follows:

1. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by deleting therefrom the following:

**Schedule “2” Times and Place Prohibited Periods Section 17**

The discharge of firearms in accordance with the City of Port Colborne’s By-law 2499/115/90 as amended Prohibiting and Regulating the Discharge of Guns and Other Weapons

2. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by adding thereto the following:

**Schedule “2” Times and Place Prohibited Periods Section 17**

The discharge of firearms in accordance with the City of Port Colborne’s By-law \_\_\_\_\_ as amended Prohibiting and Regulating the Discharge of Firearms and Bows

3. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by adding thereto the following:

**Schedule “2” Times and Place Prohibited Periods Section 18**

The detonation of an Exploding Shooting Target as described in the Discharge of Firearms and Bows By-law in the City of Port Colborne at any time.

4. That this by-law shall come into force and take effect on the day of passing.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2022.

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

\_\_\_\_\_  
Nicole Rubli, Acting City Clerk



The Corporation of the City of Port Colborne

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

Being a By-law to Authorize entering into an Agreement of Purchase and Sale of property with STANLEY HOMES for a vacant lot on KNOLL STREET

Whereas at its meeting of September 13, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Chief Administrative Officer Report No. 2022-200, Subject: Sale of Knoll Street lot; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with Stanley Homes for the sale of a vacant lot on Knoll Street in the amount of \$200,000; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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

1. That The Corporation of the City of Port Colborne enters into an Agreement of Purchase and Sale with Stanley Homes for the sale of a vacant lot on Knoll Street in the amount of \$200,000 with the Agreement attached hereto as Schedule "A".
2. That the Mayor and the Acting City Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement and the Acting City Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-Law.

Enacted and passed this 13th day of September, 2022.

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William C. Steele  
Mayor

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Nicole Rubli  
Acting City Clerk

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 25 on Concession 2, on the north side of Killaly Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 360 Killaly Street East.

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 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 R4-69.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-69

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

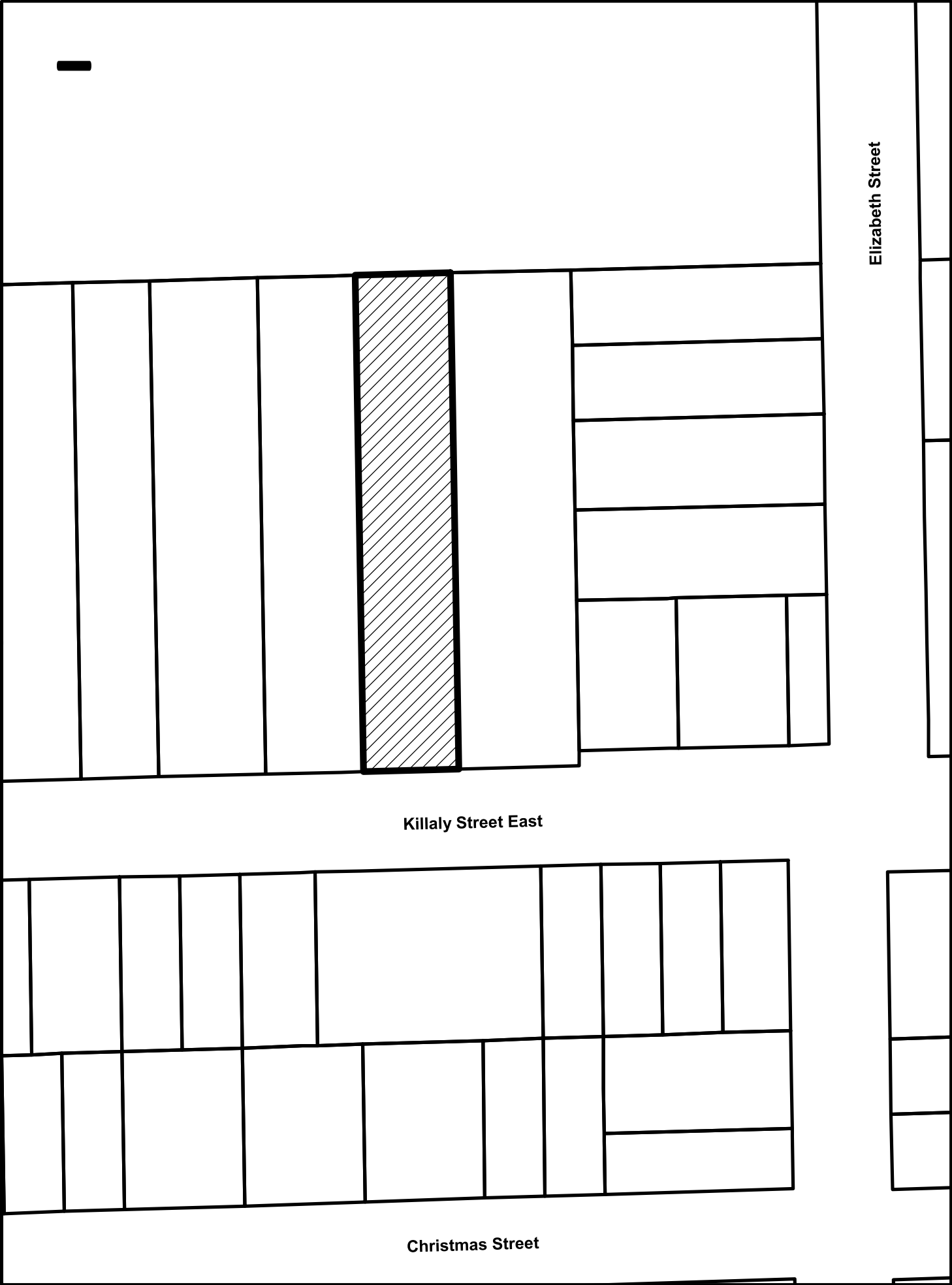
- a) Maximum Height 11 metres
  - b) Minimum Interior Side Yard 1.5 metres
  - c) Minimum Parking Spaces 1 per unit
  - d) Minimum Landscaped Area 20 percent
  - e) That the minimum landscape buffer provisions do not apply to the driveway, and that a 0.94m landscape buffer apply elsewhere on the site.
  - f) That outdoor storage of refuse be permitted to be located in the front yard.
  - g) That a minimum driveway width of 3 metres be permitted for two-way traffic.
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 Rubli  
Acting Clerk



<p>This is Schedule "A" to By-law No _____</p> <p>Passed _____, 2022</p> <p>_____ Mayor</p> <p>_____ Clerk</p>	<p> - Lands Subject to By-law</p> <p>April 2022</p> <p>File No. D14-01-22</p> <p>Drawn by: DS - City of Port Colborne Planning Division</p> <p>Not to scale</p>
<p>Page 429 of 436</p>	

The Corporation of the City of Port Colborne

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

Being a By-law to Authorize Entering into a Contribution Agreement for the  
Permanent Public Transit Program – Active Transportation Fund

Whereas at its meeting of September 13, 2022, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of CAO Report No. 2022-205, Subject: Active Transfer Fund Contribution Agreement; and

Whereas Council authorized the execution of an Agreement between the Corporation of the City of Port Colborne and Her Majesty the Queen in Right of Canada for the Permanent Public Transit Program – Active Transportation Fund with the federal government hereby represented by the Minister of Infrastructure and Communities; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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

1. The Agreement between the Corporation of the City of Port Colborne and Her Majesty the Queen in Right of Canada, as represented by the Minister of Infrastructure and Communities – City of Port Colborne Transit project hereby be authorized and approved.
2. That the Mayor and the Acting City Clerk be authorized and directed to sign the said agreement, together with any documents necessary to complete the conditions of the said agreement or any other phase for the Minister of Infrastructure and Communities, and the Acting City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 13th day of September, 2022.

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William C. Steele  
Mayor

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Nicole Rubli  
Acting City Clerk

The Corporation of the City of Port Colborne

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

Being a by-law to amend By-law 6743/107/19, designating 380 King Street, in the City of Port Colborne, Regional Municipality of Niagara to be of cultural heritage value or interest, for the purposes of correcting the legal description of the property.

Whereas Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O. 18, as amended, authorizes the Council of a municipality to enact by-laws to designate real property, including all the buildings structures thereon, to be of cultural heritage value or interest; and

Whereas the Council of the Corporation of the City of Port Colborne enacted and passed By-law 6743/107/19 on the 9<sup>th</sup> day of December 2019, to designate the property known as 380 King Street in the City of Port Colborne, Regional Municipality of Niagara, to be of cultural heritage value or interest pursuant to the provisions of the *Ontario Heritage Act*, R.S.O.1990, Chapter O.18, as amended; and

Whereas By-law 6743/107/19 contained an error in the legal description of the designated parcel, as the legal description changed following a lot boundary adjustment; and

Whereas pursuant to section 30.1 (1), the Council of the Corporation of the City of Port Colborne may, by by-law, amend a by-law designating property made under section 29 and section 29 applies, with prescribed modifications to an amending by-law; and

Whereas pursuant to section 30.1 (2), notice is not required to be served on the owner of the property and on the Trust or published in the newspaper, as the only purpose of the amendment is to correct the legal description of the property; and

Whereas pursuant to section 30.1 (3), the Council of the City of Port Colborne gave written notice of the proposed amendment in accordance with subsection (4); and

Whereas no Notice of Objection has been served on the City Clerk of the City of Port Colborne;

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

1. That Paragraph 2 of By-law 6743/107/19, enacted and passed by the Corporation of the City of Port Colborne on the 9<sup>th</sup> day of December 2019, be deleted and substituted with the following:

“That the property at 380 King Street, being Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara, is hereby designated as being of cultural heritage value or interest pursuant to Part IV on the *Ontario Heritage Act*.”

2. That the Legal Description section of Schedule A of By-law 6743/107/19 be deleted and substituted with the following:

“Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara.”

3. That a copy of this By-law be registered against the property described in Schedule “A” to this By-law in the proper Land registry Office;

- 4. That a copy of this By-law be served on the owners of the property at 380 King street and the Ontario Heritage Trust;
- 5. That this By-law shall take effect on the date of its passing.

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

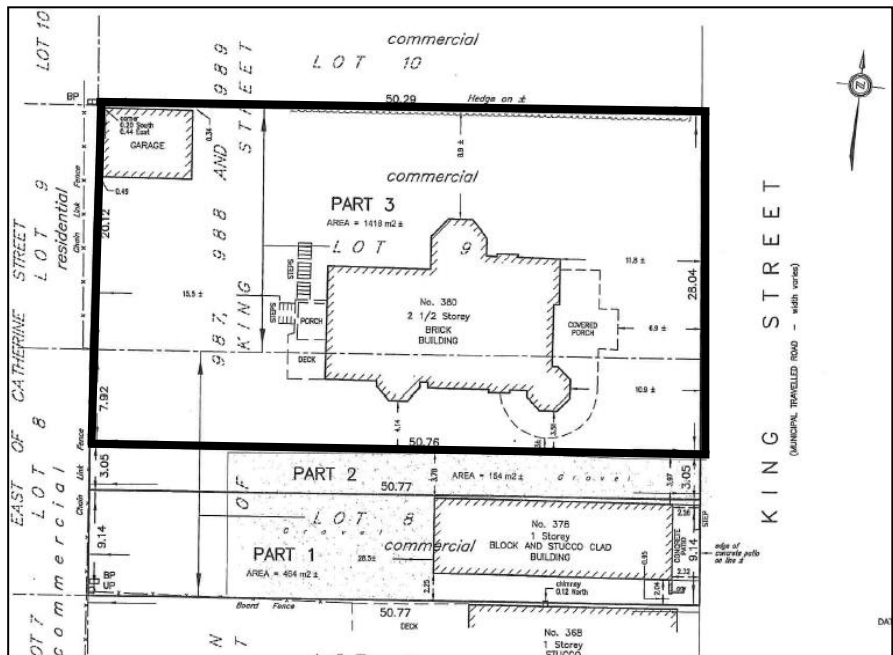
\_\_\_\_\_  
William C. Steele, Mayor


\_\_\_\_\_  
Nicole Rubli, Acting City Clerk

SCHEDULE “A”

**Description of Property**





 - Property subject to amending By-law

The property at 380 King Street is located on the west side of King Street, north of Delhi Street. The amending By-law is in reference to Part 3 shown on the sketch above.

**Legal Description:**

Plan 987 to 989 W King St, Lot 9 Pt Lot 8 RP 59R16654 Part 3, City of Port Colborne, Regional Municipality of Niagara.

**Statement of Cultural Heritage Value or Interest**

*Design/Physical Value:*

The house is the only example in Port Colborne of the Romanesque Revival style in both shape (broken wall lines, bay windows, and tower), and in the choice of materials. This includes the dark red brick, heavy cut stone lintels and sills, and the unglazed terra cotta tiles set just below the eaves.

The large verandah, with its field stone wall and raised ribbon mortar joints are derived from the Queen Anne period. The general shape of the verandah, especially the circular portion surrounding the octagonal tower is very typical of that style, as are the simple rounded wooden pillars.

The truncated hip roof, with its several dormers, was covered with red painted galvanized steel tiles (rectangular on the main roof, and file scales on the tower), three dimensional sheet metal cresting and the ornament surmounting the tower roof (incorporating a six pointed star). Of special note are the triangular dormers and windows in the tower roof.

Two other distinctive features of the house are: one, the wide rounded arch window on the first floor, with its etched leaded glass, and two, the triangular multi-paned window of the attic, with its diagonal muntins.

Interior features of note include the ornate wood trim and doors with egg and dart motif and/or inset leaded glass, the wooden archway with classical columns located in the

waiting room at the northeast corner of the first floor, the fireplace located in the same room, and ornate plaster cover moldings. The interior egg and dart motif reflects the pattern of the exterior terra cotta tiles.

*Contextual Value:*

The property is part of a parcel of land that at one time belonged to William Hamilton Merritt. In 1907 Thomas Euphronius Reeb (a member of the Reeb family, one of the earliest families to settle this area) purchased the land and erected the present building. In 1941 John Horne Jr. a well-known developer and councillor purchased the property and converted the building into a series of apartments, for a time occupied by teachers at the local school, and later by the Red Cross.

*Cultural Heritage Attributes:*

Important to the conservation of 380 King Street are the following cultural heritage attributes:

Exterior:

- Dark red brick
- Heavy cut stone lintels and sills
- Unglazed terra cotta tiles
- The large verandah with field stone wall and raised ribbon mortar joints
- The truncated hip roof
- Red painted galvanized steel tiles (rectangular on the main roof, fish scales on the tower)
- Three dimensional sheet metal cresting and the ornament surmounting the tower roof
- Triangular dormers and windows in the tower roof
- Wide rounded arch window, with etched leaded glass
- Triangular multi-paned window of the attic, with diagonal muntins

Interior:

- Ornate wood trim and doors with egg and dart motif and/or inset leaded glass
- Wooden archway with classical columns located in the northeast corner of the first floor
- The fireplace
- Ornate plaster cove moldings

The Corporation of the City of Port Colborne

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

Being a By-law to authorize entering into an amended Heritage Easement Agreement with the owner of 380 King Street, as Designated under Part IV of the *Ontario Heritage Act*.

Whereas the owners of 346 Catharine and 380 King Street entered into Heritage Easement Agreements with the City of Port Colborne dated January 26<sup>th</sup>, 2009 which were both passed through by-law 5258/13/09, and;

Whereas the Council of the corporation of the City of Port Colborne enacted By-law 4998/123/06, being a by-law to require eligible properties to be subject to an Easement Agreement with the City, and;

Whereas the Heritage Easement Agreement for 380 King Street needs to be amended for the purpose of correcting the legal description, and;

Whereas Peter Typer is the owner of 380 King Street which is designated under Part IV of the Ontario Heritage Act, and;

Whereas the Council of the Corporation of the City of Port Colborne is desirous of entering into an amended Heritage Easement Agreement with the owner of 380 King Street, respecting the property is designated under Part IV of the Ontario Heritage Act.

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

1. That the Corporation of the City of Port Colborne enters into the amended Heritage Easement Agreement with the owner of 380 King Street.
2. That the Mayor and Clerk are hereby authorized and directed to sign the easement Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

That this by-law shall come into force and take effect on the day that it is passed by Council.

Enacted and passed this      day of                      , 2022.

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

\_\_\_\_\_  
Nicole Rubi  
Acting City Clerk

The Corporation of the City of Port Colborne

By-Law No. \_\_\_\_\_

Being a by-law to adopt, ratify and confirm  
the proceedings of the Council of The  
Corporation of the City of Port Colborne at  
its Regular Meeting of September 13, 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 September 13, 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 13th day of September 2022.

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

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