

## City of Port Colborne Council Meeting Agenda

**Date:** Tuesday, August 15, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
 66 Charlotte Street, Port Colborne

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3. Land Acknowledgment	
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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 [www.portcolborne.ca/delegation](http://www.portcolborne.ca/delegation), email [deputyclerk@portcolborne.ca](mailto:deputyclerk@portcolborne.ca) or phone 905-835-2900, ext. 115.

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22. Information items
23. Adjournment



## **City of Port Colborne**

### **Council Meeting Minutes**

**Date:** Tuesday, July 11, 2023  
**Time:** 7:00 pm  
**Location:** Committee Room 3-City Hall  
66 Charlotte Street, Port Colborne, Ontario, L3K 3C8

**Members Present:** M. Aquilina, Councillor  
M. Bagu, Councillor  
E. Beauregard, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
D. Elliott, Councillor  
T. Hoyle, Councillor  
W. Steele, Mayor (presiding officer)

**Staff Present:** C. Madden, City Clerk  
S. Lawson, Fire Chief  
S. Luey, Chief Administrative Officer  
S. Shypowskyj, Director of Public Works  
D. Landry, Chief Planner  
D. Hornblow, Acting Chief Building Official

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

Mayor Steele called the meeting to order at 7:38 p.m.

#### **2. Adoption of Agenda**

Moved by Councillor M. Aquilina  
Seconded by Councillor E. Beauregard

That the closed session agenda dated July 11, 2023 be confirmed, as circulated.

Carried

**3. Disclosures of Interest**

**3.1 Councillor E. Beauregard - Community Safety and Enforcement Department Report 2023-138, advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

**3.2 Councillor R. Bodner - Community Safety and Enforcement Department Report 2023-138, advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

**4. By-law**

Moved by Councillor F. Danch

Seconded by Councillor M. Bagu

That item 4.1 be enacted and passed.

Carried

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

**5. Confidential Items**

Moved by Councillor D. Elliott

Seconded by Councillor T. Hoyle

That Council do now proceed into closed session in order to address items 5.1 to 5.4.

Carried

**5.1 Minutes of the closed session portions of the May 23, and June 27, 2023 Council Meetings**

**5.2 Community Safety and Enforcement Department Report 2023-138, advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

Councillor E. Beauregard declared a conflict on this item.

Councillor R. Bodner declared a conflict on this item.

**5.3 Public Works Department Report 2023-127, litigation or potential litigation affecting the municipality and advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

**5.4 Chief Administrative Office Report 2023-126, personal matters about an identifiable individual, including municipal or local board employees**

**6. Adjournment**

Council moved into Closed Session at 7:40 p.m.

Council reconvened into Open Session at 10:29 p.m.

Mayor Steele adjourned the meeting at approximately 10:30 p.m.

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William C. Steele, Mayor

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Charlotte Madden, City Clerk

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

**Date:** Tuesday, July 18, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Members Present:** M. Aquilina, Councillor  
M. Bagu, Councillor  
E. Beauregard, Councillor  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
D. Elliott, Councillor (Virtual)  
T. Hoyle, Councillor  
W. Steele, Mayor (presiding officer)

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

**1. Call to Order**

Mayor Steele called the meeting to order at 6:31 p.m.

**2. National Anthem**

**3. Land Acknowledgment**

**4. Proclamations**

**5. Adoption of Agenda**

Moved by Councillor M. Aquilina  
Seconded by Councillor E. Beauregard

That the agenda dated July 18, 2023, be confirmed, as circulated.

Carried

**6. Disclosures of Interest**

**6.1 Councillor G. Bruno - Vale Health & Wellness Centre – Commercial Food Operations, 2023-140**

The Councillor declared a conflict as his son is a part of the group in this agreement.

**6.2 Councillor E. Beauregard - Chief Administrative Office Report 2023-134, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board**

**7. Approval of Minutes**

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That items 7.1 to 7.3, be approved as presented.

Carried

**7.1 Public Meeting - June 06, 2023**

**7.2 Special Council Meeting (Closed Session) - June 27, 2023**

**7.3 Regular Meeting of Council - June 27, 2023**

**8. Staff Reports**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That items 8.1 to 8.4 be approved, and the recommendations contained therein be adopted.

Carried

**8.1 CIP Agreement – 176 Elm Street, 2023-120**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-120 be received;

That Council approve the Downtown Central Business District Community Improvement Plan (CIP) Revitalization (Tax Increment) Grant agreement between the City of Port Colborne and Hometown Properties Inc., attached as Appendix A to Chief Administrative Office Report 2023-120; and

That a by-law to enter into an agreement with Hometown Properties Inc. be brought forward and approved.

Carried

**8.2 Recommendation Report for Zoning By-law Amendment D14-03-23, VL Knoll Street, 2023-137**

Moved by Councillor F. Danch  
Seconded by Councillor T. Hoyle

That Development and Legislative Services Department Report 2023-137 be received; and

That Council approves the Zoning By-law Amendment attached as Appendix A, to amend the zoning of the subject lands from First Density Residential (R1) to Second Density Residential (R2).

Carried

**8.3 2022 Consolidated Financial Statements, 2023-132**

Moved by Councillor F. Danch  
Seconded by Councillor T. Hoyle

That Corporate Services Department – Financial Services Division Report 2023-132 be received;

That the reserve transfers proposed in this report and included in the consolidated financial statements, be approved; and

That the consolidated financial statements attached as Appendix A to Corporate Services Department – Financial Services Division Report 2023-132 be approved.

Carried

#### **8.4 Appointments to Committees, 2023-131**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That Corporate Services Department Report 2023-131 be received;

That the applicants listed in Confidential Appendix A of Corporate Services Department Report 2023-131 be appointed to the respective Committees at the pleasure of Council up to the term specified in Appendix A, or until such time as successors are appointed; and

That Councillor Tim Hoyle be appointed as the Council representative on the Mayor's Youth Advisory Committee for a term ending November 14, 2026.

Carried

#### **9. Correspondence Items**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That items 9.1 to 9.3 be received for information.

Carried

**9.1 Town of Fort Erie - Impact on Woodbine's Race and Stay Program on the Fort Erie Race Track**

**9.2 Niagara Peninsula Conservation Authority - Agreement of Services with Municipalities as required under the Conservation Authorities Act Phase 1 Regulation**

**9.3 Town of Petrolia - Recommendation for Amendment to the Current Regulations for Licensed Home-Based Childcare Operators to increase Allowable Spaces**

#### **10. Presentations**

#### **11. Delegations**

#### **12. Mayor's Report**

A copy of the Mayor's Report is attached.

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

## **14. Staff Remarks**

### **14.1 Golf Cart Model - Nickel Beach (Boles)**

The Director of Corporate Services/Treasurer advised the individual who had approached the City with their unsolicited request regarding the Golf Cart model has withdrawn their request. He further advised a business case will not come forward unless direction is provided by Council.

## **15. Councillors' Remarks**

### **15.1 West Street Closure (Bruno)**

Councillor Bruno advised that the West Street business owners were not made aware of the road closure. He requested that City staff work along side Niagara Region staff to ensure prompt communication for such road closures in the future. The Chief Administrative Officer and the Director of Public Works confirmed that all possible options will be explored.

### **15.2 Stray Animal Issue (Hoyle)**

Councillor Hoyle expressed appreciation towards By-law Services staff for addressing an issue regarding a stray animal.

### **15.3 Communication - West Street Closure (Danch)**

Councillor Danch requested for better communication regarding road closures from the City and the Niagara Region.

### **15.4 H.H Knoll Lakeview Park - Tree Log (Danch)**

In response to Councillor Danch's request for the removal of a tree log at H.H Knoll Lakeview Park, the Director of Public Works confirmed he will investigate.

### **15.5 Thank You City Staff (Elliott)**

Councillor Elliott expressed gratitude towards City staff for the new planters and for addressing the tree issue on Lakeshore Road.

### **15.6 Speed Signs Elm Street (Elliott)**

In response to Councillor Elliott's inquiry, the Director of Public Works provided an overview and the timeline for speed signs located on Elm Street being utilized to gather data.

### **15.7 List of Development Approvals (Bruno)**



In response to Councillor Bruno's inquiry regarding a list of development approvals, the Chief Administrative Officer advised that the list was scheduled to be circulated to Council in June, however due to agenda management, the item has been deferred and will come forward in September.

**15.8 Multi-Residential Properties Storm Sewer Rate Credits (Bruno)**

Councillor Bruno stated that there was an issue with an over charge for Storm Sewer Rates for owners of multi-residential properties. He further advised that staff worked promptly to fix the glitch in the system and provided credits where necessary.

**15.9 Speed Radar Signs Data- Clarence Street (Bagu)**

In response to Councillor Bagu's inquiry, the Director of Public Works provided a brief overview of the process when a data system issue occurs.

**15.10 West Street Closure - Concert Stage (Bagu)**

Councillor Bruno stated that he has received complaints of poor communication regarding the closure of West Street for the setup of a concert stage. The Chief Administrative Officer advised he will investigate all possible solutions to ensure community engagement and a report will be brought forward at a future Council meeting.

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

**16.1 Property Acquisition – 316 2nd Concession / Highway 140, 2023-133**

Moved by Councillor M. Bagu

Seconded by Councillor G. Bruno

That Chief Administrative Office Report 2023-133 be received;

That a by-law to authorize entering into an Agreement of Purchase and Sale with Timothy Horst and Reginald Malott (“the sellers”) at the agreed upon price of \$840,000 for 316 2nd Concession legally described as Pt Lt 25 Con 3, Humberstone, As In RO119873 Lying W of RO109911 Except RO222994; be approved and brought forward; and

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

Carried

**16.2 Application to Housing Accelerator Fund, 2023-139**

Moved by Councillor M. Bagu

Seconded by Councillor T. Hoyle

That Chief Administrative Office Report 2023-139 be received; and

That Council direct the Manager of Strategic Initiatives to submit an application to the federal government's Housing Accelerator Fund (HAF).

Carried

**16.3 Agreement for Dispatching Services with the City of St. Catharines, 2023-135**

Moved by Councillor M. Bagu

Seconded by Councillor F. Danch

That Community Safety & Enforcement Department Report 2023-135 be received;

That Council approve the Fire & Emergency Dispatch Services agreement between the City of Port Colborne and the City of St. Catharines, attached as Appendix A to Community Safety & Enforcement Department Report 2023-135, for a 15-year period commencing on January 1, 2023 to continue until December 31, 2037; and

That a by-law to enter into an agreement with the City of St. Catharines for Fire & Emergency Dispatch Services be brought forward and approved.

Carried

**16.4 Vale Health & Wellness Centre – Commercial Food Operations, 2023-140**

Councillor G. Bruno declared a conflict on this item. (The Councillor declared a conflict as his son is a part of the group in this agreement.)

Moved by Councillor T. Hoyle

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-140 be received;

That Council provides approval for the Mayor and Clerk to enter into a 5-year lease agreement, attached as Appendix A to Corporate Services

Department report 2023-140, with the ownership of The Kennedy Club as the new Commercial Food Vendor at the Vale Health & Wellness Centre.

Carried

**16.5 User Fee Update and 2024 Sugarloaf Marina User Fees, 2023-136**

Moved by Councillor T. Hoyle

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2023-136 be received;

That the non-resident fees at the Vale Health and Wellness Centre be approved effective September 1, 2023; and

That the 2024 Sugarloaf Marina User Fees attached as Appendix B be approved effective September 1, 2023, to provide for early registration discounts.

Carried

**16.6 2022 Development Charge Summary, 2023-106**

Moved by Councillor G. Bruno

Seconded by Councillor M. Aquilina

That Corporate Services Department Report 2023-106 be received for information.

Carried

**16.7 2022 Purchasing Summary, 2023-107**

Moved by Councillor M. Bagu

Seconded by Councillor R. Bodner

That Corporate Services Department Report 2023-107 be received for information.

Carried

**16.8 Township of Selwyn - Short Term Rentals**

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That correspondence from the Township of Selwyn - Short Term Rentals, be supported.

Carried

**16.9 The Women of Ontario Say NO - Request for Support - Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement**

Item 16.9 has been deferred until such time as the Niagara Region's motion regarding Bill 5 comes forward at a future Niagara Regional Council Meeting.

**17. Motions**

**17.1 Memorandum from Councillor Bodner - Motion Regarding Regulatory Options for the Port Colborne & District Conservation Club**

Moved by Councillor R. Bodner  
Seconded by Councillor M. Aquilina

That the Director of Community Safety and Enforcement be directed to bring forward a report back to the August 15, 2023, meeting regarding the inclusion of the Conservation Club in the City's Noise and Discharge of Firearms By-Law, as well as any additional options that will allow Council control of the amount of shooting at the club.

Carried

**17.2 Memorandum from Councillor Elliott - Motion Regarding the Royal Canadian Legion – Planning Act Application Fees**

Moved by Councillor D. Elliott  
Seconded by Councillor E. Beauregard

That Council waive the *Planning Act* application fee to permit a storage container at 67 Clarence Street, Royal Canadian Branch 56, for the purpose of storing donations, yard equipment and additional equipment as needed.

Carried

**18. Notice of Motions**

**19. Minutes of Boards & Committees**

Moved by Councillor M. Aquilina  
Seconded by Councillor M. Bagu

That item 19.1 be approved, as presented.

Carried

**19.1 Social Determinants of Health Advisory Committee Minutes,  
September 9, 2022, February 2, 2023 and April 6, 2023**

**20. By-laws**

Moved by Councillor M. Aquilina  
Seconded by Councillor E. Beauregard

That items 20.1 to 20.4 and 20.6 to 20.8, be enacted and passed.

Carried

**20.1 By-law to Authorize entering into an Agreement with Hometown Properties Inc. regarding a Downtown Central Business District Community Improvement Revitalization Plan (Tax Increment) Grant**

**20.2 By-law to Authorize Entering into an Agreement of Purchase and Sale with Timothy Horst and Reginald Malott for 316 2nd Concession**

**20.3 By-law to amend Zoning By-law 6575/30/18 respecting lands in the City of Port Colborne municipally known as a vacant lot on Knoll Street**

**20.4 By-law to Authorize Entering into an Agreement with the City of St. Catharines regarding Fire & Emergency Dispatch Services**

**20.6 By-law to Appoint a Building Inspector - Matt Roy**

**20.7 By-law to Appoint Building Inspectors**

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

**20.5 By-law to Authorize Entering into a Lease Agreement with the ownership of The Kennedy Club as the new Commercial Food Vendor at the Vale Health & Wellness Centre**

Moved by Councillor R. Bodner  
Seconded by Councillor T. Hoyle

That item 20.5, be enacted and passed

Carried

## **21. Confidential Items**

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

That Council do now proceed into closed session in order to address items 21.2 to 21.5.

Carried

**21.2 Chief Administrative Office Report 2023-134, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board**

Councillor E. Beauregard declared a conflict on this item.

**21.3 Human Resources Verbal Report, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations**

**21.4 Corporate Services Department – Human Resources Report 2023-54, personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations**

**21.5 Corporate Services Department – Human Resources Report 2023-141, personal matters about an identifiable individual, including municipal or local board employees**

**21.1 Confidential Appendices A and B to Corporate Services Department Report 2023-131 Subject: Appointments to Committees**

**22. Procedural Motions**

**23. Information items**

**24. Adjournment**

Council moved into Closed Session at approximately 8:22 p.m.

Council reconvened into Open Session at approximately 10:48 p.m.

Mayor Steele adjourned the meeting at approximately 10:50 p.m.

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William C. Steele, Mayor

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Saima Tufail, Acting City Clerk

## Mayor's Report

Tuesday, July 18, 2023



### CANAL DAYS

The 45<sup>th</sup> annual Canal Days Marine Heritage Festival is 17 days away and we are all looking forward to another outstanding Civic Long Weekend in Port Colborne.

This year we have an excellent line up for the concert series at H.H. Knoll Lakeview Park.

Friday, August 4 we welcome headliners The Glorious Sons with opening acts Elliott Brood and JIN. We've also announced an addition to the mainstage lineup opening for The Glorious Sons – it's local band and winners of the 97.7 HTZ-FM Rocksearch contest, GRAVELY. I'm really looking forward to seeing these bands on the mainstage for Friday night.

Then on Saturday, we welcome headliners Sam Roberts Band with Skye Wallace, and Texas King.

On Sunday, August 6 we have Pink Floyd Niagara and Riders on the Storm: A live celebration of The Doors.

And finally, to round out the weekend we have an afternoon show on Monday featuring The Caverners Beatles Tribute, Canada's Premier Tribute to the Beatles with Tim 'E' Hendry, the 2013 King of the World Elvis Tribute Artist World Champion.

For those adventuring down West Street, we will have the Empire Sandy offering Tall Ship Cruises, vessel deck tours on the US Brig Niagara, the Lettie G. Howard and the E.M. Cotter Fireboat. There are tons of awesome retail vendors, food vendors and artisan vendors, alone with great activities for the whole family at the Rec Zone and Kids Zone.

The Patio on West will be open again this year with awesome local talent on stage all weekend. This year the Patio on West will be located right in front of the new SouthPort Condo buildings on West Street.



There's a midway carnival, awesome activities happening at the Historical & Marine Museum, the craft show, the car show, and so much more.

Don't forget the Sunday night Boat Parade of Lights and the fireworks display, happening at about 10 p.m. along West Street.

I hope to see you all celebrating our great City this year at the Canal Days Marine Heritage Festival.

## **MUSIC IN PORT COLBORNE**

While Canal Days is our biggest event of the year, and we have tons of great musical events all year round. This past weekend we held another community concert at H.H. Knoll Lakeview Park with Mystic Highway, Dan the Music Man, Avenue Inn and a really cool kite show.

## **COMMUNITY LOGO SHIRTS**

Also at the community concert, our team was out selling the new Port Colborne community logo merch!

In case you missed it, last week we announced the launch of our new community logo, a symbol designed to capture the essence of our vibrant city and honor its rich marine heritage.

For a limited time, the City will be offering t-shirts, sweaters, and hats for sale with the new community logo displayed proudly on the front. The merchandise will be available for purchase at various City events, the weekly Port Colborne Farmers' Market, City Hall and more.

During Canal Days, the new community logo merchandise will be featured at "The Pilot House", the City's booth on West Street, located at the base of Charlotte Street.

After Canal Days, the City will open the logo up for use by businesses and members of the public to use, free of licensing or other charges.

The City of Port Colborne's corporate logo remain the same, but is trademarked and can only be displayed by authorized individuals, such as City staff.

## **MAIN STREET CLOSURE**

Finally, I want to remind everyone that Main Street West, between King Street and Canal Bank Road, will be temporarily closed July 18 - 20, 2023, in order to complete repairs at the rail crossing.

The closure is expected to last approximately three days.

We suggest that if you usually travel down Main Street West that you plan an alternate route or follow the designated detour signs.

I know this might be a pain for many of us, but I am personally really looking forward to getting this road repaired, which was damaged when the train derailed a few months ago.

**Subject: Port Colborne and District Conservation Club and the Discharge of Firearms By-law – 2023 update**

**To: Council**

**From: Community Safety & Enforcement Department**

Report Number: 2023-143

Meeting Date: August 15, 2023

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**Recommendation:**

That Community Safety and Enforcement Department - By-Law Services Report 2023-143 be received; and

That Council approve staff recommendation Option 2, to adopt the most recent schedule followed by the Club and include Schedule F to the By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne; and

That the proposed amendments to the By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne be brought at a future Council meeting for approval.

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**Purpose:**

The purpose of this report is to provide options and recommendations regarding the Discharge of Firearms at the Port Colborne and District Conservation Club as per the motions that were carried at the June 27 and July 18, 2023, Council Meetings. (See attached Appendix A).

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**Background:**

The Port Colborne and District Conservation Club (the Club) is a legally approved club to discharge firearms within the City of Port Colborne. The Club meets both land use and provincial regulatory requirements, which are Zoning (legal-nonconforming) compliance and a provincial license from the Chief Firearms Officer for the Province of Ontario.

The Club recently underwent some changes with their membership and executive, resulting in an increase in the discharge of firearms, which varied from their traditional shooting schedule, which in turn resulted in an increase of complaints to the City of Port Colborne, By-law Services. The Chief Firearms Officer for the Province of Ontario recently revoked the Shooting Range approval certificate #186 and is now considering reimplementing Provincial approval.

The City Clerk, on behalf of Council, emailed the Chief Firearms Officer regarding pending consideration of the matter by Council at the June 27, 2023, meeting hoping that the City of Port Colborne's position on the matter would be taken into consideration regarding the issuance of the approval certificate. (See attached Appendix B)

The Council meeting of July 18, 2023, Councillor Ron Bodner presented a motion to Mayor and Council (See attached Appendix A).

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## **Discussion:**

After review of all the data presented, By-law Services is providing two options for Council to consider.

**Option 1:** Status Quo – do nothing – This is not a recommended option.

**Option 2:** Adopt the most recent schedule followed by the Club (see attached Appendix C). The Schedule is twice monthly (no July & August) on Sundays, from 12:00 p.m. to 5:00 p.m. for trap and skeet shooting and once monthly on a Saturday for Air Gun Field Target, with no shooting on any other dates. As well as, further amendments be added to the body of the By-law, to incorporate the option and also to include Administrative Penalties for Non-Parking Offences; and/or

**Option 3:** Determine a new schedule by adding additional dates and times to the Schedule; or reducing and removing dates and times from the recent Schedule.

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## **Internal Consultations:**

The Chief Firearms Officer for the Province of Ontario was contacted by City staff to discuss ways to regulate dates and times as part of the provincial license, The Office of the Chief Firearms Officer for the Province of Ontario advised via email that:

*“This type of decision is completely up to The City of Port Colborne, and the Chief Firearms Officer only requires the parameters of the amendments the City of Port Colborne put in place as well as confirmation that the range location is in compliance with the Zoning laws.”*

Therefore, the dates and times can not be included as part of the license issued by the Province of Ontario and can only be regulated by the municipality. Any violations of

these parameters would be enforced by the municipality via its Discharge of Firearms and Noise By-laws.

Given the position of the Chief Firearms Officer, staff are recommending that hours of operation/schedules be set out in the Discharge of Firearms By-law through the amendments that reflect option 2 above:

1. An amendment to add Schedule F as follows to the Discharge of Firearms and Bows 7026/63/22:

Schedule 'F'

Name of Club	Address of Club	Type of Shoot	Schedules
Port Colborne and District Conservation Club	3757 Second Concession Road Port Colborne, ON L3K 5V5	Trap & Skeet	Two Sundays per month from 12pm to 5pm (No shoots in July and August) Excluding Sundays that fall within a Statutory Holiday weekend
Port Colborne and District Conservation Club	3757 Second Concession Road Port Colborne, ON L3K 5V5	Air Gun Field Target	One Saturday per month from March to October, during daylight hours Nationals weekend and the Elmer Fudd

2. Further amendments to the body of the By-law, to incorporate option and also to include Administrative Penalties for Non-Parking Offences

---

### Financial Implications:

There are no financial implications.

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### Public Engagement:

Currently, no public engagement has taken place.

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### Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community

## Conclusion

Staff recommend Option 2, with amendments to the Discharge of Firearms By-law.

That the amendments to the by-law be referred to staff to make the necessary changes and further forward such amendments for Council's approval.

---

## Appendices:

- a. Motion from Councillor Ron Bodner July 18, 2023
- b. Email from City Clerk to Chief's Firearms Officer for the Province of Ontario
- c. Port Colborne and District Conservation Club Shooting Schedule 2023.
- d. Schedule F – Discharge of Firearms By-Law
- e. Confidential memorandum from Sullivan Mahoney Lawyers, Conservation Club – Discharge of Firearms and Noise By-laws (**Note: Confidential appendix will be circulated under separate cover**)

Respectfully submitted,

Sherry Hanson

Manager of By-law Services

905-835-2900 ext. 210

[Sherry.Hanson@portcolborne.ca](mailto:Sherry.Hanson@portcolborne.ca)

## Report Approval:

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



**PORT COLBORNE**

## **Memorandum**

**To: Mayor Steele and Members of Council**  
**From: Councillor Ron Bodner**  
**Date: July 18, 2023**  
**Re: Port Colborne & District Conservation Club**

---

Since being elected to Council in 1998, the Port Colborne & District Conservation Club has been a well-respected member of the Community. The Club has been involved in many activities and been respectful of and tried to work with the neighbours in regard to the activities going on at the club. Skeet and trap shooting occurred every other Sunday between a certain time period and didn't take place on holidays.

Recently, the City has received complaints about the use and operation of the Club, including complaints regarding set times for shooting. These issues remain unresolved, and I feel we should look at all regulatory options to assist residents that are affected by the operations of the club and have experienced recent issues with the club. One option is including the club in the City's Noise and Discharge of Firearms By-laws in addition to anything else staff finds appropriate.

I am requesting that the following motion be approved:

**That the Director of Community Safety and Enforcement be directed to bring a report back to the August 15, 2023 Council Meeting regarding the inclusion of the Conservation Club in the City's Noise and Discharge of Firearms By-laws as well as any additional options that will allow Council to control the amount of shooting at the club.**

Thank you for your consideration,

Councillor Bodner  
Ward 4



## PORT COLBORNE

Development and Legislative Services

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

"

T 905.835.2900 ext. 106 F 905.834.5746

E [cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)

June 20, 2023

Sent Via Email: [ONCFO\\_ClubsandRanges@cfp-pcaf.ca](mailto:ONCFO_ClubsandRanges@cfp-pcaf.ca)  
[CFOON@cfp-pcaf.ca](mailto:CFOON@cfp-pcaf.ca)

B.I. (Brian) Griffith  
Superintendent – CFO Bureau Commander  
Chief Firearms Officer for the Province of Ontario  
50 Andrew Street South, Suite 201  
Orillia ON L3V 7T5

Dear Mr. Griffith:

**Re: Port Colborne and District Conservation Club – File Reference 8676 50**

I am writing to you regarding the Revocation of Shooting Range Approval certificate # 186 relating to the Port Colborne and District Conservation Club located at 3757 Second Concession Road, Port Colborne, Ontario.

The City understands that your Office is considering re-issuing this Shooting Range Approval.

The purpose of this letter is to advise you that the subject matter of this particular Shooting Range is coming forward at the City of Port Colborne's June 27, 2023 Council Meeting. We would appreciate the opportunity to provide you with Council's position on this approval before your Office makes a decision. We will provide you with that position immediately after the June 27 meeting. While we are aware that the issuance of an approval is a Provincial matter, we are hoping that your Office will consider taking into account comments or concerns of a local municipality.

Thank you for your time and consideration. If you have any questions, please feel free to contact the undersigned.

Sincerely,

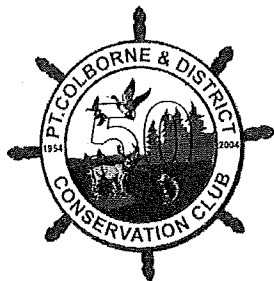
Charlotte Madden  
City Clerk

/cm

cc: Scott Luey, Chief Administrative Officer, The City of Port Colborne

Page 1 of 1





## PORT COLBORNE & DISTRICT CONSERVATION CLUB 2023 TRAP & SKEET SCHEDULE

Whether you are a beginner, a hunter, or a seasoned clay buster, join us for Trap or Skeet. Note we will have "meat shoots" shoots once a month and they are indicated on the schedule. We will try and handicap the rounds during the "meat shoots" based on shooter skill.

Note the club will be offering **2 free rounds of trap or skeet a month to youth shooters** (17 and under) when accompanied by a club member. Shooters to provide own shells. Note that parent or guardian must sign a waiver for youth shooter (waivers only need to be signed once a year.

### 2023 SHOOT DATES

12:00pm – 5:00pm

#### Winter/Spring 2023 -----

Jan 8	regular shoot
Jan 22	meat shoot
Feb 12	regular shoot
Feb 26	meat shoot
Mar 12	regular shoot
Mar 26	meat shoot
April 2	regular shoot
April 23	meat shoot
May 7	regular shoot
May 28	meat shoot
June 11	regular shoot
June 25	meat shoot

#### Fall/Winter 2023 -----

Sept 10	regular shoot
Sept 24	meat shoot
Oct 15	regular shoot
Oct 29	meat shoot
Nov 12	regular shoot
Nov 26	meat shoot
Dec 10	regular shoot
Dec 24	meat shoot

**Note: Dates subject to change, check website for dates.**

### ABOUT TRAP & SKEET

- Anyone not a member of the Ontario Federation of Anglers & Hunters (OFAH) must sign a waiver form.
- Shooters must supply their own shotguns and shells.
- Hearing protection and eye protection required.
- No shot size larger than No. 7½.

### TRAP & SKEET COSTS

**Members:** \$6.00 per 25 birds

**Non-members:** \$8.00 per 25 birds

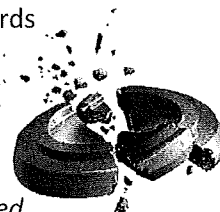
### SHOOTING SCHEDULE

Shooting starts 12:00pm

Shooting ends at 5:00pm

*or sooner if shooters are finished.*

**All shoots are weather permitting.**



### SHOOTING LOCATION

The club is located at 3757 2<sup>nd</sup> Concession Rd.

(east of Brookfield Rd.)

Latitude: 42.910276 W

Longitude: 79.157797 N

**For more information or to join the PCDCC contact Bill Upfold, Range Officer 905-348-1422**

Website: [www.pcdcc.com](http://www.pcdcc.com)

Email: [pcdcc@pcdcc.com](mailto:pcdcc@pcdcc.com)

## COME OUT AND TRY AIR GUN FIELD TARGET!

Air gun Field Target is a fun way to get out and shoot. We shoot at knockdown silhouette targets anywhere between 10 to 55 yards away. Some shooters use "off the rack" airguns, others use highly customized exotic air rifles. This is one of the least expensive and easiest to get into shooting sports that you will ever try. We are very beginner friendly and have participants from 8 years old to over 80.

Whether you are new to shooting or have decades of experience, you can enjoy this safe and fun hobby. Beginners are always paired up with an experienced buddy to make it stress free and fun and we have



different shooting divisions to accommodate casual shooters, right up to serious competitors.

Field Target is a social event, shot in small squads of two or three competitors. The sport has existed in Canada since 1994 and started at Port Colborne in 2005. The international governing body called the World Field Target Federation (WFTF) and there are 43 member countries in the world.

The Canadian governing body is the Canadian Airgun Field Target Association (CAFTA).

[www.caftacentral.ca](http://www.caftacentral.ca)

[www.ftcentral.com](http://www.ftcentral.com)

Come out and give it a try!



If you are interested, but not sure if you want to shoot, come out and watch or send me an email or call me to find out more.

Contact: Rob Wright, PCDCC Match Director

Call: (416) 453-1827

Email: [Rob27PortC@gmail.com](mailto:Rob27PortC@gmail.com)

Web: [www.pcdcc.com](http://www.pcdcc.com)

### 2023 SCHEDULE

March 11

April 15

May 13

June 10

July 8

August 12

September 16 & 17 Nationals

October 14 Elmer Fudd

### SHOOTING LOCATION

The PCDCC Club is located at 3757 2<sup>nd</sup> Concession Rd., Port Colborne (east of Brookfield Rd.)

Latitude: 42.910276 W

Longitude: 79.157797 N

Early shoots are weather and range condition dependent.

Discharge of Firearms and Bows 7026/63/22  
Schedule 'F'

Appendix D  
Report 2023-143

Name of Club	Address of Club	Type of Shoot	Schedules
Port Colborne and District Conservation Club	3757 Second Concession Road Port Colborne, ON L3K 5V5	Trap & Skeet	Two Sundays per month from 12pm to 5pm (No shoots in July and August) Excluding Sundays that fall within a Statutory Holiday weekend
Port Colborne and District Conservation Club	3757 Second Concession Road Port Colborne, ON L3K 5V5	Air Gun Field Target	One Saturday per month from March to October, during daylight hours Nationals weekend and the Elmer Fudd



**Subject: Scouts Canada Lease Agreement**

**To: Council**

**From: Corporate Services Department**

Report Number: 2023-157

Meeting Date: August 15, 2023

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**Recommendation:**

That Corporate Services Department Report 2023-157 be received; and

That the Mayor and City Clerk be directed to execute the lease agreement attached as Appendix A.

---

**Purpose:**

This report proposes the City renew a lease with Scouts Canada to continue providing space for a Scouts camp ("DayHondaLahQuah") in the Centennial-Cedar Bay park area of the City of Port Colborne.

---

**Background:**

Scouts Canada has leased the property from the City since 1980. The original lease between the City of Port Colborne District Boy Scouts was established June 13, 1980.

Through the years there have been multiple extensions and amendments. The last agreement ended December 31, 2021. At that time Scouts Canada identified they would not be renewing the lease. Since then, local Scout members have worked with Scouts Canada and Scouts Canada is once again requesting a lease for camp DayHondaLahQuah at Centennial-Cedar Bay.

---

**Discussion:**

The City has worked with Scouts Canada to update the lease agreement as attached in Appendix A.

The agreement has been updated to ensure the leased space remains in active use, the space can be shared with similar organizations, and only the land actually used by Scouts Canada is included in the lease.

The agreement continues to require Scouts Canada to put the land back to its original, natural conditions should Scouts Canada ever cease operations/terminate/not-renew the lease at the identified property.

This agreement was developed by the City's solicitors with guidance from the City's insurance company.

---

**Internal Consultations:**

This project is a collaboration between Corporate Services and Public Works.

---

**Financial Implications:**

This agreement does not commit the City to any funding to Scouts Canada or Port Colborne Scouts.

Scouts Canada will pay the City \$1 annually for the lease.

---

**Public Engagement:**

Staff have worked with Scouts Canada and local Port Colborne Scouts.

---

**Strategic Plan Alignment:**

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

- Welcoming, Livable, Healthy Community
-

**Conclusion:**

That the Mayor and Clerk be directed to execute the lease agreement attached as Appendix A.

---

**Appendices:**

- a. Scouts Canada Lease Agreement
- b. By-Law

Respectfully submitted,

Bryan Boles, CPA, CA, MBA  
Director, Corporate Services / Treasurer  
(905) 835-2900 x.538  
[Bryan.Boles@portcolborne.ca](mailto:Bryan.Boles@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.

THIS AGREEMENT made in triplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COLBORNE

(Hereinafter called the "Municipality")

-and-

PROVINCIAL COUNCIL FOR ONTARIO; SCOUTS CANADA

(Hereinafter called the "Scouts")

WHEREAS the Scouts have requested a permit to conduct Scouting Activities in or about the lands and premises owned by the Municipality and more particularly described in Schedule "A" attached hereto.

AND WHEREAS the Municipality is prepared to allow the Scouts the use of the aforesaid lands and premises subject to certain conditions, covenants and agreements hereinafter set out.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the sum of \$1.00 paid by Scouts, the receipt whereof is hereby acknowledged and the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

#### INTERPRETATION

1. For all purposes of this Agreement, except as otherwise expressly provided:
  - a. The term "Scouting Activities" is to include activities carried out by the Scouts in its normal course, including overnight camping, recreational activities, conservation practices, conservation education, and Scout club meetings;
  - b. The term "Active Use of the Lands" means use of the Lands for Scouting Activities being carried out at least once every two (2) months;
  - c. The term "Lands" means the lands described in section 2 of this lease agreement.
2. If there is any dispute as to the meaning of any term listed above or within this Agreement, the decision of the Municipality's Director, Corporate Services/Treasurer or designate shall be final and binding in all respects.

#### LAND USAGE

3. The Municipality agrees to allow the Scouts the use of those lands and premises located in Part of Lot 14, Concession One in the former Township of Humberstone, now in the City of Port Colborne, and more particularly described in Schedule "A" and a map in Schedule "B" hereto (hereinafter "Lands"), for the purposes of the erection of a Scout headquarters and the conduct of Scouting Activities.
4. Scouts understands and agrees that it will make Active Use of the Lands only for Scouting Activities and for no other purpose, or by no other entity, except that which is expressly permitted by the Municipality in writing.
5. Notwithstanding section 3 and 4, Scouts is granted the authority to allow the Lands to be used by third party organizations for shared use. This includes like-minded community groups such as Girl Guides, Early Years Centre, the YMCA, the Boys and Girls Clubs, Cadets or other non-profits with similar pursuits. Scouts agrees that it shall obtain consent from the Municipality in writing and such third-party organization may not use the Lands until after full written approval is granted by the Municipality and on any conditions required of the Municipality. Scouts will ensure that any shared use of the Lands will be in conformity with this Agreement and that the third-party organization is fully insured as described in this Agreement. Scouts will be responsible for all actions and liabilities of the approved 3<sup>rd</sup> party organization, including but not limited to, damage to the Lands or any personal injury.

#### TERM

6. This lease agreement for the Lands shall commence on the 1<sup>st</sup> day of July 1, 2023 and end on the 31<sup>st</sup> day of June 2028. This Agreement shall continue for a 5-year term between the Municipality and Scouts, with the option to renew for one further 5-year term. Written notice must be given for renewal on or before December 31, 2027.
7. The Municipality shall have the right to terminate this Agreement upon sixty (60) days' notice in writing if there is no Active Use of the Lands for Scouting Activities
8. Scouts may, at its sole option and discretion, terminate this Agreement by giving the Municipality sixty (60) days' notice in writing of its intention to terminate the Agreement and vacate the premises.

#### RIGHT OF RE-ENTRY

9. If the Scouts at any time make or suffer a breach or non-observance of any covenant, proviso, condition or reservation herein contained, or of any covenant, proviso, or reservation contained in any appendix hereto, then and in every such case, it shall be lawful for the Municipality to unilaterally immediately cancel the Agreement without prior notice, to re-enter and thereafter to have, possess and enjoy the said land and all improvements thereon; and no condoning, excusing, or overlooking by the Municipality on previous occasions of breaches or defaults similar to that for which re-entry is made shall be taken to operate as a waiver of this condition nor in any way to defeat or affect the rights of the Municipality hereunder.



### BUILDINGS OR STRUCTURES

10. The Scouts shall not construct any buildings or structures of any description on the said lands nor shall they make any change in the nature of the land without the written approval of the Municipality. A full listing of current buildings/structures is outlined in Schedule "C".
11. In the event that permission is given to the Scouts for the erection of any buildings or structures of any description, they shall forthwith following such erection sell all their rights and interest in the same to the Municipality for the sum of ONE DOLLAR provided that should this agreement be terminated for any reason the Scouts shall have the option of purchasing any buildings or structures for the sum of ONE DOLLAR upon written notification to the Municipality within ninety (90) days of termination of the agreement. The Scouts shall remove from the lands all structures so purchased within sixty (60) days following the Municipality's receipt of notice of exercise of the option to purchase failing which the option to purchase shall be deemed not to have been exercised.
12. Upon cancellation or termination of this Agreement by either party to this Agreement, the Scouts shall forthwith remove at their own expense its property from the land and premises of the municipality, leaving said land and premises in a neat and clean condition to the reasonable satisfaction of the Municipality. In case of default of the SCOUTS to remove their property within a reasonable period as determined by the MUNICIPALITY, said property shall become the property of the MUNICIPALITY without any right of compensation of the Scouts therefore in any case.
13. Notwithstanding section 11, if the Municipality determines that it does not want to retain the Scouts property, Scouts agrees that any cost incurred by the Municipality in remedying any default, including the removal of any building or structure, shall be reimbursed by Scouts, failing which such cost shall immediately become a debt owed to the Municipality.

### MAINTENANCE OF LANDS AND PREMISES

14.
  - a. Lands  
The Scouts shall, at all times during the existence of this agreement, at their own cost and expense, keep and maintain the walls and grounds in good order and in condition satisfactory to the Municipality and without limiting the foregoing the Scouts agree not to remove or cut down trees or shrubs without first obtaining the consent in writing of the Municipality. And further the Scouts agree not to permit waste paper, garbage, ashes or waste or objectionable material to accumulate thereon.
  - b. Premises  
The Scouts shall, at all times during the existence of this agreement, at their own cost and expense, keep and maintain the building and other facilities erected from

time to time during the term of this agreement, and any renewals thereof, in good order and condition and promptly make all needed repairs and replacement and keep the said premises well painted, clean and in such condition as a careful owner would do.

c. Environmental

Scouts will not do or permit or omit to be done on the leased premises anything which may cause or increase the likelihood of the escape, seepage, leakage, spillage, release or discharge of any hazardous substance or other adverse environmental conditions on, from or under the leased premises. Scouts will promptly notify the Municipality upon becoming aware of any actual, threatened or potential escape, seepage, leakage, spillage, release or discharge of any hazardous substance or other adverse environmental conditions on, from or under the leased premises

The Municipality and Scouts acknowledge and agree that Scouts shall assume all liability and responsibility for any environmental or health and safety liabilities (whether accrued, actual, contingent or otherwise) on the Lands and Scouts shall indemnify and save harmless the Municipality from and against any and all environmental and health and safety liabilities (whether accrued, actual, contingent or otherwise), losses damages, claims, costs and expenses directly or indirectly suffered by Scouts and/or the Municipality resulting from or in any way connected to any adverse environmental condition at, on, below or within the Lands and which the Scouts, or those for whom it is responsible at law, did not cause or permit

COMPLIANCE WITH THE LAW

15. The Scouts shall in all respects abide by and comply with all lawful rules, regulations and bylaws of the Provincial Government, municipalities or other governing bodies, in any manner affecting the said land and premises.

NON-ASSIGNMENT

16. The Scouts shall not make any assignment or transfer of this Agreement, without obtaining the consent in writing of the Municipality to such assignment or transfer, it being understood and agreed that this consent by the Municipality may be unreasonably withheld.

RESERVATION

17. The Municipality shall may enter the land at any time that youth are not present for the purpose of inspecting the lands, the buildings and the equipment thereon. In instances where entry by the Municipality is required while youth are present, this shall be done in accordance with the youth protection and screening policies of Scouts. Specifically, any representative of the Municipality who does not meet Scouts screening requirements must be accompanied by an adult member of Scouts who meets current screening and membership requirements.

RISK OF SCOUTS

18. The Scouts shall not have any claim or demand and shall Hold the Municipality

Harmless for detriment, damage or injury of any nature to the said land or to any building, structure, materials, supplies, articles, effects or things at any time erected, brought, placed, made or being upon the said land and premises

19. Any damage which may, during the existence of the Agreement, be occasioned to the property of the Municipality, or any part thereof, or works connected therewith, by reason or on account of the execution of this agreement or of anything done as a result thereof, the Scouts shall immediately, upon notice from the Municipality or its duly authorized agent, given either verbally or in writing, be repaired, rebuilt, replaced or restored by the Scouts to the entire satisfaction of the Municipality; or the Municipality at its options may repair such damage, in which case the Scouts shall, upon demand, forthwith repay and reimburse the Municipality for all costs and expenses connected therewith or incidental thereto.

#### INSURANCE

20.

a. Liability

The Scouts shall at all times through the term of this Agreement provide at their own expense and keep in force Commercial Liability Insurance which will include as an additional insured The Corporation of the City of Port Colborne in an amount determined by the Chief Administrative Officer, no less than two million dollars (\$2,000,000.00), inclusive and to furnish a copy of such insurance and a certificate of insurance from the Scouts prior to signing of this Agreement and should be provided for each renewal term. Scouts agrees that should the Lands be used by any third party organization as permitted in this Agreement, it shall require the same insurance from that third party organization prior to their use of the Lands.

b. Fire Insurance

The Scouts shall at all times throughout the term of this lease insure at its own cost and expense all the buildings now or hereafter erected on the premises at their full insurable value. Provided that the Scouts shall furnish the Municipality with copies of such insurance policies and in the event that the Scouts fail to keep such insurance, the Municipality shall have the right, after 48 hours written notice to the Scouts to effect such insurance at the cost of the Scouts. It is understood and agreed that the Municipality will not be responsible for personal injury or damage or for the loss or theft of clothing or equipment of the Scouts, or anyone attending on the invitation of the Scouts.

#### INDEMNITY

21. The Scouts shall at all times protect, defend, indemnify and save harmless the Municipality from and against all claims, suits, actions, damages, demands, loss, costs (including legal costs), charges and expenses of any kind or nature, which the Municipality may sustain or incur in any manner based upon, arising out of or connected with the existence of this Agreement or anything done or maintained hereunder, including the use of any third party organization as permitted in this Agreement.

### SUPERVISION OF LANDS AND PREMISES

22. The Scouts shall be responsible for the conduct and supervision of all persons given permission to enter the buildings and grounds and shall see that all restrictions, covenants and regulations contained in this agreement are strictly observed.

### NUISANCE

23. The Scouts agree not to do or omit to do or permit to be done or omitted anything upon or in respect of the lands and premises the doing or omission of which (as the case may be) shall be or result in nuisance.

### RESTORATION OF SITE

24. Upon cancellation or termination of this Agreement, the Scouts shall forthwith remove at their own expense its property from the land and premises in a neat and clean condition to the entire satisfaction of the Municipality's Director, Corporate Services / Treasurer. In case of default of the Scouts to remove their property within a reasonable period as determined by the said Director, said property shall be removed and the site restored by the Municipality at the expense of the Scouts, or at the option of the Municipality said property shall become the property and of shall vest in the Municipality without any right of compensation to the Scouts therefore in any case.

### SCHEDULES

25. It is hereby expressly agreed that Schedule "A", "B", and "C", and any other schedule or schedules referred to herein and stated to be annexed thereto shall form a part of this agreement and that the lease shall be read and constructed as if the said Scheduler and Schedules had been set forth and contained herein.

### HEADINGS

26. The parties hereto agree that the headings herein form no part of this lease and shall be deemed to have been inserted for convenience only.

### NOTICE

27. Where this Agreement requires notice to be delivered by one party to the other, such notice shall be in writing and delivered either personally, by e-mail, by fax or by pre-paid registered first class post, by the party wishing to give such notice to the other party at the address noted below. Such notice shall be deemed to have been given: the case of personal delivery, on the date of delivery; and in case of email or fax transmission, on the date of transmission provided it is received: Before 4:30 PM on a day that is not a statutory holiday, failing that it shall be deemed to have been received the next day provided the next day is not a statutory holiday. Any notice required or contemplated by any provision of this Agreement will be effectively given, in the case of notice to the Licensee at:

Scouts Canada  
10 Kodiak Crescent  
Toronto, Ontario

M3J 3G5

Attention: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

and in case of notice to the City, at:

The Corporation of the City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

Attention: Director, Corporate Services / Treasurer  
Telephone: 905-835-2900 Ext. 1 05  
Email: [csadmin@portcolborne.ca](mailto:csadmin@portcolborne.ca)

#### AMENDMENTS

28. If at any time during the continuance of this agreement the parties hereto shall deem it necessary or expedient to make any alterations or addition to this agreement, they may do so by means of a written agreement between them which shall be supplemental hereto and form part thereof.

#### AGREEMENT IN ENTIRETY

29. It is agreed that this written instrument embodies the entire agreement of the parties hereto with regard to the matters dealt with herein, and that no understandings or agreements, verbal or otherwise, exist between the parties except as herein expressly set out.

30. This Agreement shall ensure to the benefit of and be binding on the respective administrators, successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF The Corporation of the City of Port Colborne has hereto affixed its Corporate Seal attested by the hand of its duly authorized offices and Scouts Canada have hereunto set its hands and seal by its President and Treasurer in the presence of the witness whose name is set opposite the signature of such party this \_\_\_\_\_ of \_\_\_\_\_, 2023.

SIGNED, SEALED AND DELIVERED  
By the Municipality in the presence of:

THE CORPORATION OF THE CITY OF PORT COLBORNE

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

SIGNED, SEALED AND DELIVERED

By the Scouts in the presence of:

SCOUTS CANADA

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

Name: [specify]

Title: [specify]

(I Have Authority to Bind the Corporation)

SCHEDULE “A” – Legal Description of the Lands

ALL AND SINGULAR that certain parcel (~6.5 acres) 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 in the County of Welland) and Province of Ontario and being composed of Part of Lot 14 in the First Concession of said Township, as shown on the site plan shown in Schedule “B”.

The property is zoned P-349 (Municipal Camping Ground). Surrounding neighbourhood is residential, public parkland and agricultural.

SCHEDULE “B” – Site Plan



**SCHEDULE "C"**  
**Buildings & Property Items**

Main building with power and furnace

Various chattels in the main building range from 2 fridges, stove, portable grill and toaster to photocopier and projector screen to folding chairs and filling cabinet

Septic System

Garage with power

Pavilion with power

Shed(s)

Driveway bollards

DRAFT



**Subject: Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2023-154

Meeting Date: August 15, 2023

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**Recommendation:**

That Development and Legislative Services Department – Planning Division Report 2023-154 be received; and

That the Official Plan Amendment attached as Appendix A of Planning Division Report 2023-154 be approved; and

That the Zoning By-law Amendment attached as Appendix B of Planning Division Report 2023-154 be approved, with the recommended Holding provision.

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**Purpose:**

The purpose of this report is to provide Council with a recommendation regarding applications for an Official Plan and Zoning By-law Amendment submitted by Jeremy Tran of NPG Planning Solutions on behalf of the owner, Sobeys Capital Inc., for the property legally known as Lot 8 to 13 on Registered Plan 61, on the north side of Coronation Drive, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive.

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**Background:**

Applications for an Official Plan Amendment and Zoning By-law Amendment were submitted by NPG Planning Solutions on June 2, 2023. The applications were deemed complete on June 19, 2023. The site is proposed to be developed as six stacked townhouse blocks with a total of 114 dwelling units. The following reports/plans have been submitted to help facilitate the development of the lands: Conceptual Site Plan, Planning Justification Report, Noise Feasibility Study and Renderings. These

reports/plans can be found attached as Appendices C through F and on the City's website under the "Current Applications" page.

The Official Plan Amendment is being requested to redesignate the lands from Commercial Plaza to an Urban Residential special policy area designation. The proposed site-specific policies seek to expand on Policy 3.2.1 to allow an increase in density range for stacked townhouses, from 35 to 70 units per hectare, to 70 to 100 units per hectare. Additionally, the special policy area seeks to add policies related to the siting of buildings, visual barriers for parking, landscaping, and principal entrances so as to enhance the visual quality from the public realm. The specific policy changes requested can be found in the Discussion section of this report.

The Zoning By-law Amendment proposes to change the zoning from Commercial Plaza (CP) to a site-specific Fourth Density Residential zone (R4). The site-specific zoning seeks to reduce the minimum lot area per unit from 125 square metres to 114 square metres; reduce the minimum corner side yard balcony setback from 7.5 metres to 6.4 metres; and reduce the minimum lower-level terrace corner side yard setback from 7.5 metres to 4.5 metres.

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## **Discussion:**

### **Planning Legislation**

Planning staff reviewed these applications with consideration of several legislated 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 (2020)*, the *Niagara Official Plan*, the *City of Port Colborne Official Plan* and the *City of Port Colborne Comprehensive Zoning By-law 6575/30/18*. For the applications 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 21 of the Act allows for the consideration of an Official Plan Amendment.

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 (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) and should efficiently use land and resources. Further, the PPS states that the mix of housing and densities shall be provided to meet projected market-based housing needs of current and future residents.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications are consistent with the PPS. The applications propose to make use of existing infrastructure and help contribute to suitable mix of densities and housing.

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

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. The Growth Plan encourages communities that provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.

Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the Growth Plan. The proposed application supports the priorities of the Growth Plan through intensification and providing a mix of housing types.

### **Niagara Official Plan (2022)**

The subject property is located within the Delineated Built-Up Area according to the Niagara Official Plan (NOP). The main objectives of this section are as follows:

- Manage growth within urban areas;
- Accommodate growth through strategic intensification and higher densities;
- Promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community;

These objectives are supported by specific policies within Section 2 of the NOP. The proposed development will provide a higher density housing option and will provide

intensification within the City's Built-Up Area. The proposal helps the City achieve its 30% intensification target. Overall, based on the policies of the NOP, the proposed development is generally encouraged. Staff are satisfied that the proposed Official Plan and Zoning By-law Amendment applications conform to the NOP. Additionally, the Niagara Region has provided comments on the proposed application and have confirmed that in their opinion, the application conforms to the NOP.

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

The subject property is located within the Built-up Area and Commercial Plaza 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 of the City's OP provides direction for residential development proposals as follows:

#### **2.4.3 Intensification and Infill**

*As identified on Schedule A1, intensification will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire Built-up area, which will count towards the municipality's 15% intensification target, shall occur in accordance with the applicable policies of this Plan.*

- a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses.*
- c) The objectives of the intensification policies of this Plan are to:
 
  - i) Revitalize and support the Downtown by promoting intensification in the Downtown areas;*
  - iii) Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;**

*Sections B and C ii, iv and v are not relevant to this application.*

#### **2.4.3.1 Design Guidelines**

- a) Infill and intensification sites should match the pre-established building character of adjacent buildings.*
- b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*
- c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*

*d) The design of infill and intensification development should be consistent with all other applicable policies of this Plan.*

The above policies are achieved through the proposed redevelopment as intensification is encouraged within the built boundary of the City and specifically in the Urban area. The proposed residential use of the property is compatible with the surrounding residential and commercial uses.

As the applicant proposes to amend the Official Plan designation to an Urban Residential special policy area, the development is subject to the policies found within the Urban Residential designation. Section 3.2.3.1 (Urban Residential designation), policy c) provides further 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.*

In addition to the above, the Official Plan sets out further, more specific policies for higher density uses. Section 3.2.1 sets out the density and design aspects of all dwelling types within the City's urban residential areas as follows:

*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.*

Although stacked townhouses technically fall within the Medium Density Residential policies of the OP, the applicant is proposing to amend the plan to facilitate the development with the following site-specific policies:

1. Redesignate the lands from Commercial Plaza to a Special Policy Area of the Urban Residential designation that permits stacked townhouse dwellings.
2. Provide the following site-specific policies:

- a. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, the land may be developed for stacked townhouse dwellings ranging in density from 70 to 100 units per hectare;
- b. Stacked townhouse blocks located nearest to the lot lines running parallel to them must be oriented towards the street;
- c. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;
- d. Principal entrances of blocks oriented towards the street should be accessible and visible from the street and connected to public sidewalks;
- e. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.

In summary, the proposed development of the site meets the above policies with respect to intensification and the applicable design guidelines as the proposed development will contribute to a variation in building typology and density. Also, the proposed Official Plan Amendment provides additional design criteria for the siting of the buildings so as to enhance the overall streetscape.

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

The City of Port Colborne Zoning By-law 6575/30/18 currently zones the subject property as Commercial Plaza (CP).

The Zoning By-law Amendment proposes to change the zoning from Commercial Plaza (CP) to a site-specific Fourth Density Residential zone (R4). The following site-specific amendments to the R4 zone are proposed:

Notwithstanding the provisions of section 8.7 of the Zoning By-law 6575/30/18, following regulations shall apply:

a) Permitted uses	Stacked townhouse dwellings; and Uses permitted in the R4 zone
b) Minimum lot area per dwelling unit	114 square metres (where 125 square metres is typical)
c) Minimum setback of balconies from the corner side lot line	6.4 metres (where 7.5 metres is typical)
d) Minimum setback of lower-level terraces from the corner side lot line	4.5 metres (where 7.5 metres is typical)
e) The balance of the regulations under section 8.7	

Additionally, the amendment proposes to add the following Definition to Section 38:

**Dwelling, Townhouse, Stacked:** means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

Staff have reviewed the proposed amendments to the Zoning By-law and find that they are appropriate for the development of the site. The reductions in lot area per unit and setbacks represent minor deviations from the By-law and will help achieve a more compact development. The site-specific provisions are not anticipated to negatively impact the surrounding land uses as the buildings will still be sufficiently setback from the travelled portion of the road. As referenced below, and in response to comments heard from members of the public and Council, staff are recommending that a Holding (H) provision be implemented with the Zoning approval to require the completion of a Traffic Impact Study (TIS) to the satisfaction of City staff.

### **Planning Justification Report prepared by NPG Planning Solutions Inc.**

The property owner retained an independent planning consultant to prepare a Planning Justification Report (PJR) to help facilitate the application. The report, prepared by NPG Planning Solutions, analyzes the policies set forth in relevant 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), Niagara Official Plan (NOP), 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 following the NPG response letter as Appendix D.

In follow up to the public meeting, NPG Planning Solutions provided a formal response letter to address comments from the Public Meeting. This letter can be found attached as Appendix D.

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### **Internal Consultations:**

The applications were circulated internally to applicable departments and agencies on June 19, 2023, and the following comments have been received as of the date of preparing this report:

#### **Drainage Superintendent**

No specific comments at this time. Comments regarding grading and drainage will apply at the site plan control stage when applicable plans are submitted.

## **Fire Department**

No comments at this time. Detailed comments will be provided through the site plan control process.

## **By-law Enforcement Division**

The By-law Enforcement Division will review the City's Fence By-law and Tree By-law to ensure compliance through the site plan control process.

## **Ministry of Transportation (MTO)**

The subject site is located within the MTO Permit Control Area and as a result, the applicant should be made aware that an MTO Building & Land Use Permit(s) will be required from this office prior to the start of any onsite construction/works. Additional materials will be required as part of the Site Plan Application circulation.

## **Niagara Region**

Regional Growth Strategy and Economic Development staff does not object to the proposed Official Plan Amendment and Zoning By-law Amendment as submitted subject to noted requirements (i.e., noise mitigation, site servicing and waste collection) being addressed through the future Draft Plan and/or Site Plan applications. Staff additionally notes the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

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## **Financial Implications:**

There are no direct financial implications with this report. However, the change in land use from a vacant property to residential will result in an increase in the assessment base in the City and new water and wastewater users over time.

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## **Public Engagement:**

Notice of the Public Meeting was circulated in accordance with Sections 22 and 34 of the *Planning Act*. Notice was mailed to property owners within a 120-metre radius of the subject property on June 16, 2023. As of the date of preparing this report, the following comments have been received:

### **Kelly Rohe – No address provided**

- Long-standing issues with traffic on Coronation Drive.



- Concerns with a traffic study not being completed at this point.
- Is there a plan to upgrade the street with sidewalks etc.?

### **Matthew Whynot – 81 Coronation Drive**

- Long-standing issues with traffic on Coronation Drive.
- Concerns with a traffic study not being completed at this point.
- Is there a plan to upgrade the street with sidewalks etc.?
- A traffic light may be required at the Coronation Drive and Westside Road intersection.
- Concerns with the parking situation proposed – most residents have more than one car etc. This could cause people to park on Coronation Drive.
- Current issues with drainage in the area.

### **Kyra and Ryan Kirchmayer – No address provided**

- Concerns with there not being enough parking onsite.
- Turning left is difficult on Westside Road from Coronation Drive – this will get worse with the development.
- Concerns with flooding and drainage will get worse with the proposed development as water will be displaced elsewhere.

### **Staff responses to Public Comments**

Staff recognize that the following main concerns were raised by members of the public by way of written correspondence and oral presentations at the Public Meeting.

1. *Concerns with long standing traffic issues on Coronation Drive and a Traffic Study not being completed.*

Response: Staff recognize the residents' concerns with traffic in the area. The Ministry of Transportation has requested a Traffic Impact Study as part of the future site plan application to address traffic mitigation. As it is recognized that this is a concern at this stage, staff are recommending that Council implement a Holding provision on the Zoning, requiring the completion of a Traffic Impact Study to the satisfaction of City staff prior to the Zoning taking place on the property.

2. *Concerns with the parking situation and there not being enough.*

Response: Staff note that the proposed development is meeting the minimum parking requirement as referenced in the Zoning By-law.

3. *Concerns with turning left on Westside Road.*

Response: The Traffic Impact Study as referenced above will review and analyze the intersection to determine if a traffic light is required.

4. *Overall drainage concerns in the area and the potential to get worse after the development.*

Response: New developments are required to meet minimum drainage requirements per City engineering policy. Typically, developments are required to match their existing pre-development flows to post-development flows. It is not anticipated that drainage will be negatively impacted by this development.

5. *Concerns with waste collection.*

Response: the applicant has noted that based on the proposed waste collection method at this time (Moloks), the property will not be eligible for Niagara Regional waste collection. The property owner will be responsible for private waste collection on their site. Additional details regarding the waste collection location and methods will be provided through the Site Plan stage.

6. *Loss of commercial space/land.*

Response: The City's Official Plan states that no new commercial plazas or shopping centres are needed at this time. Having vacant lands designated for commercial plaza is counterintuitive to this applicable policy.

7. *Reduction in landscaped area.*

Response: The proposal meets the minimum landscaped area requirements established by the Zoning By-law. Also, as referenced in the Official Plan Amendment, the applicant proposes to add site-specific policies to increase landscaping and enhance the overall streetscape.

8. *Pedestrian oriented development – will there be upgrades to Coronation Drive for sidewalks etc.?*

Response: Pedestrian connections are proposed to the east side of the property with the existing sidewalk along Westside Road. At this time, no sidewalks have been confirmed for the Coronation Drive frontage.

9. *Concerns with overall compatibility.*

Response: Staff find the use to be compatible with the existing residential uses surrounding the property. The proposed stacked townhouses will be setback from the established residential uses to the west and they are proposed to be under 11 metres in height, which is below the typical maximum height for residential uses in Port Colborne.

10. *Secondary access through 287 Westside Road.*

Response: As noted above, the Traffic Impact Study will review and analyze the area and determine any mitigation measures that may be required through the Site Plan Control process. The applicant has noted that it is not practical to bring a second

entrance in behind the existing mall to the north as they are not the owners of the property.

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### **Strategic Plan Alignment:**

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

- Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Increased Housing Options
- 

### **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 with the Growth Plan, Niagara Official Plan, and City Official Plan, and represents good planning. Staff recommends that the Official Plan Amendment attached as Appendix A and the Zoning By-law Amendment (with a Holding provision) attached as Appendix B, be approved.

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### **Appendices:**

- a. Official Plan Amendment
- b. Zoning By-law Amendment
- c. Site Plan
- d. Response Letter and Planning Justification Report
- e. Noise Study
- f. Renderings
- g. Region Comment Letter

Prepared by,

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

Respectfully submitted,

Denise Landry, MCIP, RPP  
Chief Planner  
(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 adopt amendment no. 12 to the  
Official Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. 12 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk

**AMENDMENT NO. 12  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**PREPARED BY:  
CITY OF PORT COLBORNE DEPARTMENT OF  
DEVELOPMENT AND LEGISLATIVE SERVICES**

**July 25, 2023**

**AMENDMENT NO. 12  
TO THE  
OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

**AMENDMENT NO. 12  
TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 12 to the Official Plan for the City of Port Colborne.

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



**AMENDMENT NO. 12 TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

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1. Department of Planning and Development Report

## **STATEMENT OF COMPONENTS**

### **PART A**

The Preamble does not constitute part of this Amendment.

### **PART B**

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. 12 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

### **PART A - THE PREAMBLE**

#### **Purpose**

The purpose of this amendment is to amend land use designations on Schedule A – City- Wide Land Use of the Port Colborne Official Plan in order to facilitate the development Of the subject lands, shown on the attached Schedule, as stacked townhouse dwellings.

#### **Location**

The lands affected by this amendment are legally described as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive. A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 12.

#### **Basis**

Currently, the subject lands are designated “Commercial Plaza”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By- law as they relate to these lands in order to facilitate the development of 114 residential stacked townhouse dwelling units. The proposed density is 87.3 units per hectare.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject lands are surrounded by residential, commercial and institutional land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City’s Zoning By-law 6575/30/18, rezoning of the lands from the existing "CP- Commercial Plaza" zone to "R4-72-H – Site-specific Fourth Density Residential Zone with Holding (H) provision". The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;
- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City’s intensification target and promoting growth within the Built-Up Area.

### **PART B - THE AMENDMENT**

#### **Introductory Statement**

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 12 to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:  
Lands shown on Schedule A are redesignated from Commercial Plaza to Special

Policy Area and permitted to be developed for stacked townhouse dwellings at a density range of 70 to 100 units per hectare.

### **Details of the Amendment**

1. That lands shown on "Schedule A to Official Plan Amendment No. 12", shall be re- designated from Commercial Plaza to Special Policy Area and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.
2. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, the lands may be developed for stacked townhouse dwellings ranging in density from 70 to 100 units per hectare, subject to the following:
  - a. Stacked townhouse blocks located nearest to the lot lines and running parallel to them must be oriented towards the street;
  - b. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;
  - c. Principal entrances of blocks oriented towards the street should be accessible and visible from the street and connected to public sidewalks;
  - d. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.

### **Implementation and Interpretation**

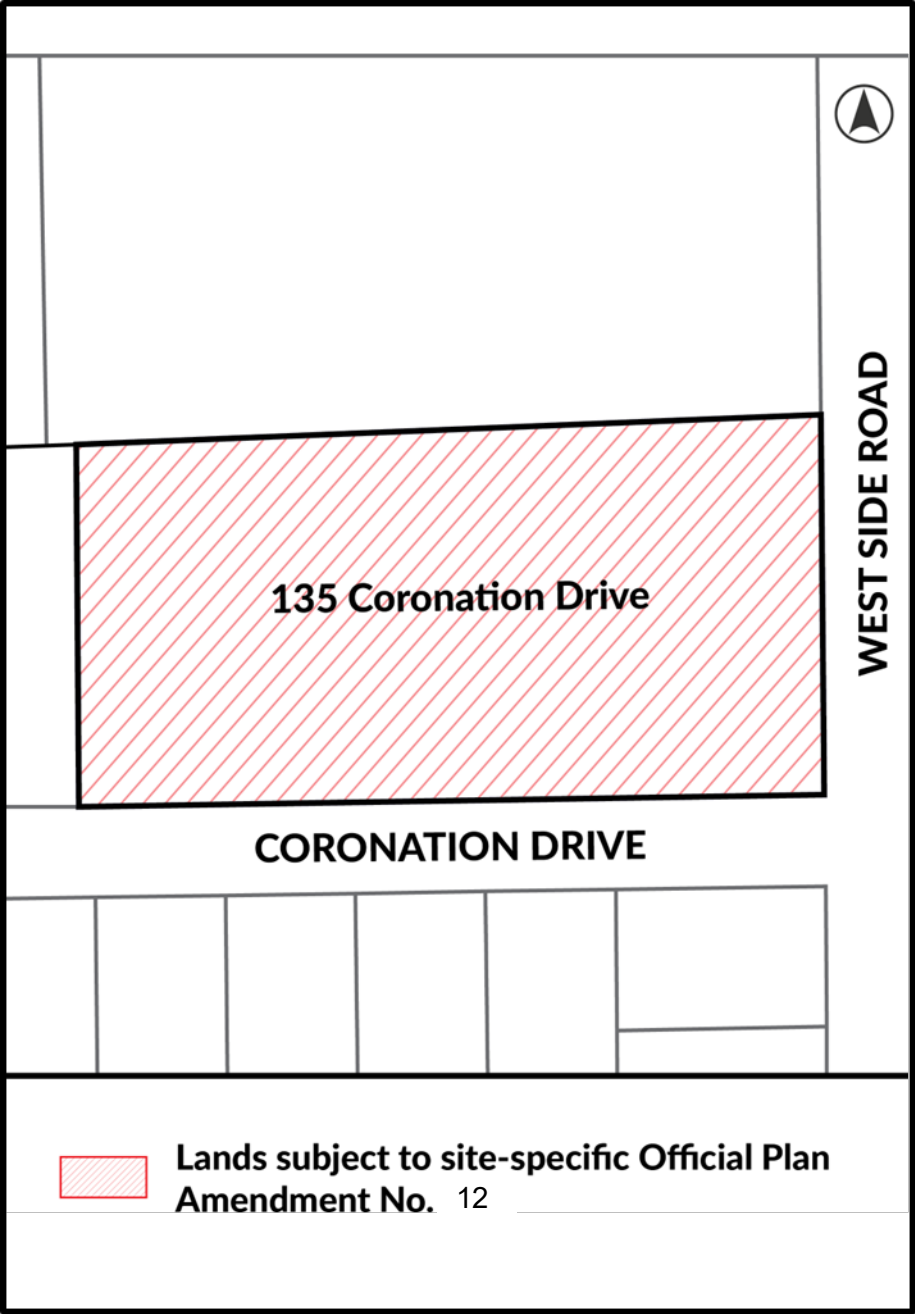
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

### **PART C – THE APPENDICES**

The following appendices do not constitute part of Amendment No. 12 but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2023-154

Schedule “A”



The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 for the lands legally known as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive, and Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

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

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

- 1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
- 2. That the Zoning Map referenced as Schedule “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Commercial Plaza (CP) to R4-72-H, being a special provision of the Fourth Density Residential (R4) zone with a Holding (H) provision.
- 3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-72-H

Notwithstanding the provisions of section 8.7 of the Zoning By-law 6575/30/18, following regulations shall apply:

- |   |   |
|---|---|
| a) Permitted uses   | Stacked townhouse dwellings;<br>and Uses permitted in the R4 zone |
| b) Minimum lot area per dwelling unit   | 114 square metres (where 125 square metres is typical)            |
| c) Minimum setback of balconies from the corner side lot line   | 6.4 metres (where 7.5 metres is typical)                          |
| d) Minimum setback of lower-level terraces from the corner side lot line  | 4.5 metres (where 7.5 metres is typical)                          |
| e) The balance of the regulations under section 8.7   |   |
| f) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the R4-72-H (Fourth Density Residential-Special-Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding provision removal will only be permitted when: |   |
| i) The owner/applicant provides a Traffic Impact Study prepared by a qualified professional to the satisfaction of the City and applicable approval authorities.  |   |

- 4. That Section 38 entitled "Definitions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Dwelling, Townhouse, Stacked:** means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

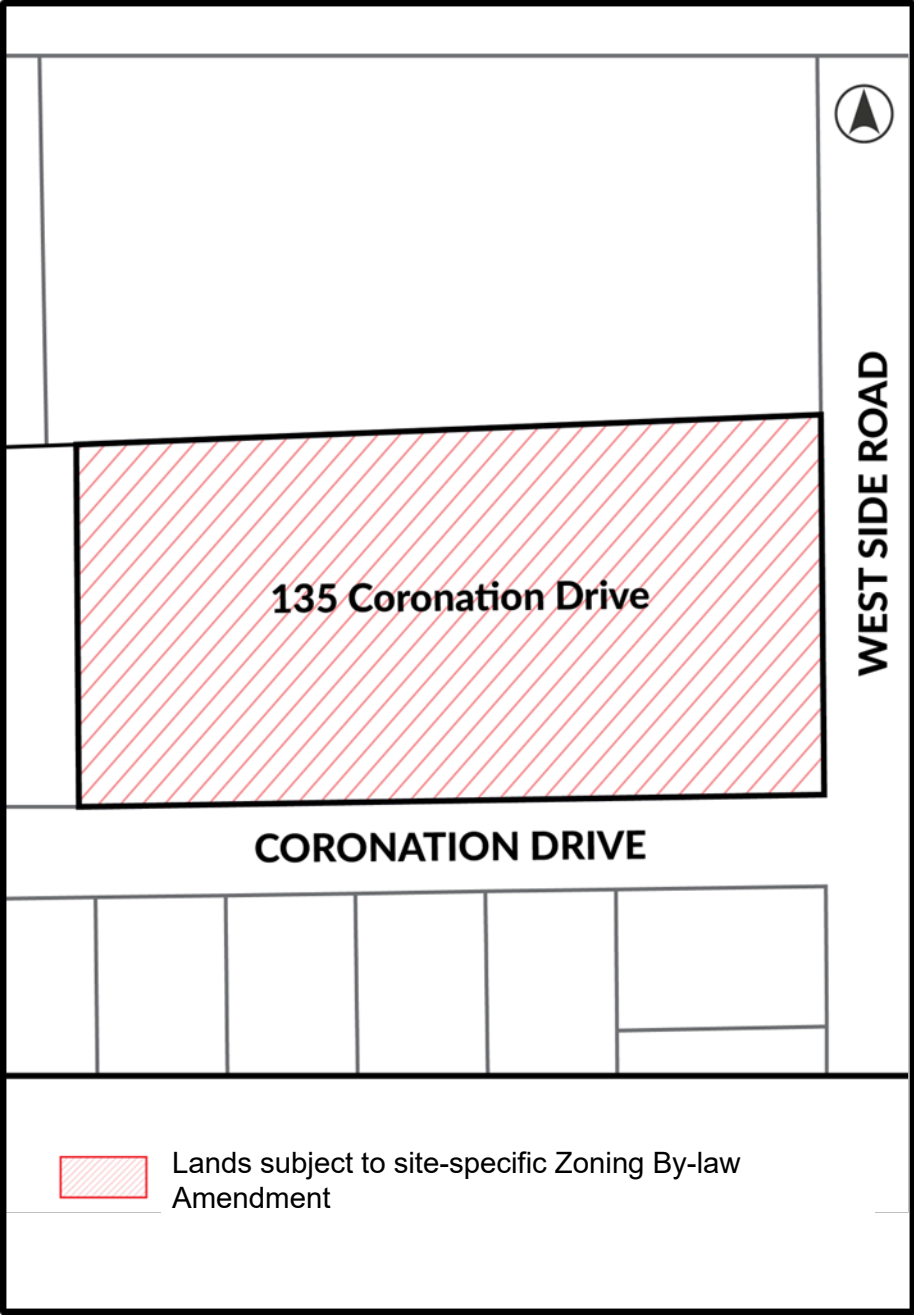
5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

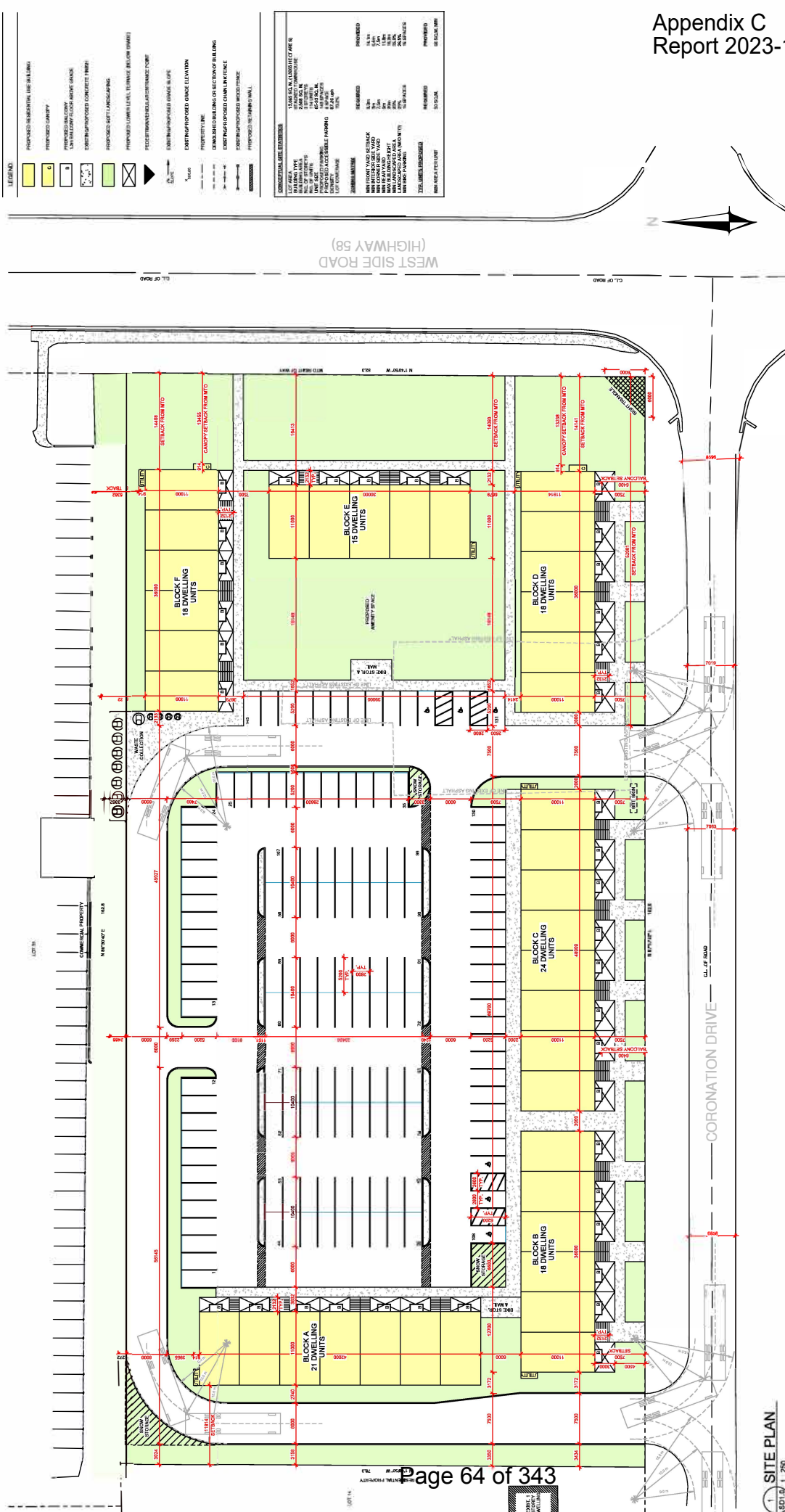
Enacted and passed this      day of      , 2023.

William C Steele  
Mayor

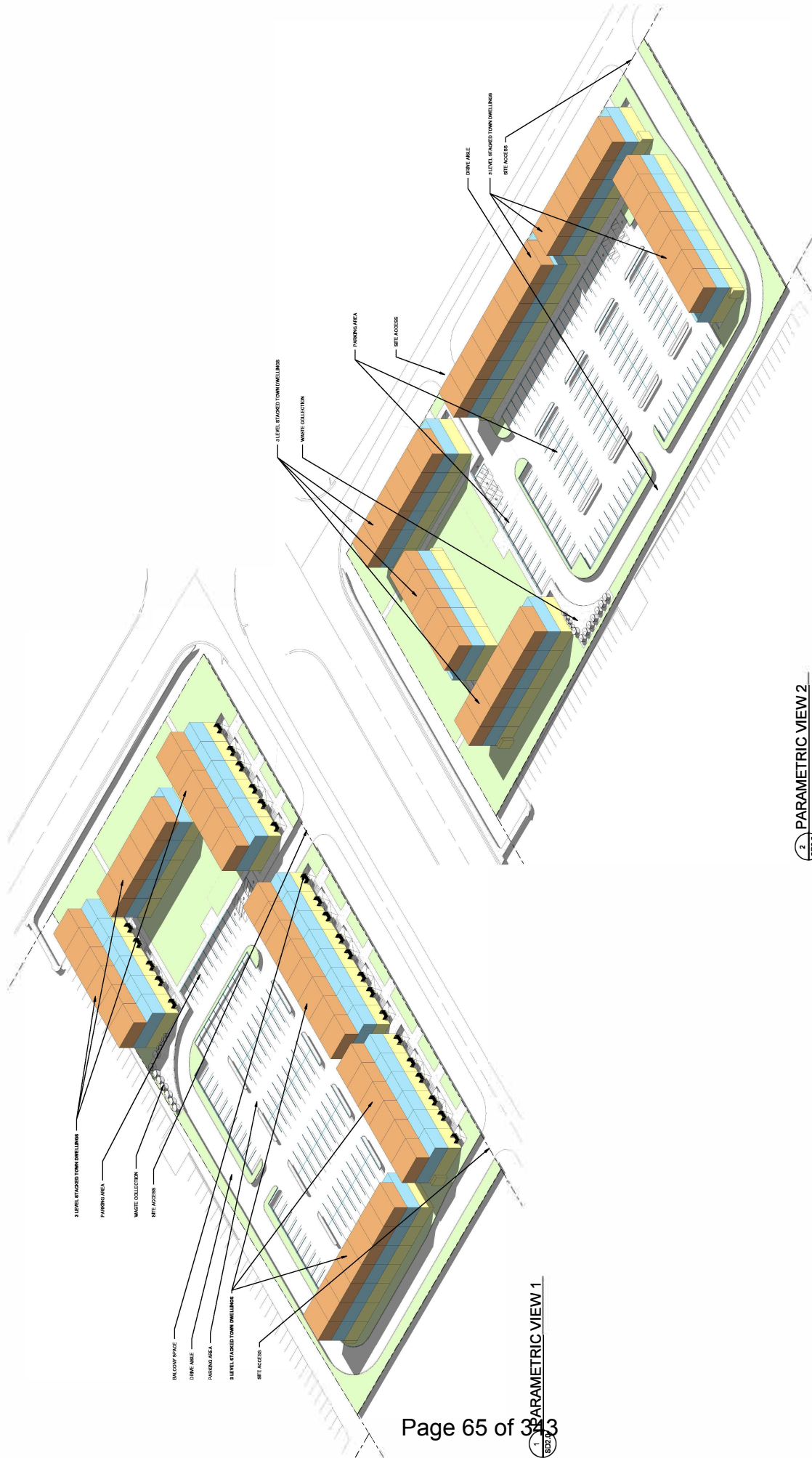
Saima Tufail  
Acting City Clerk

Schedule “A”









July 26, 2023

David Schulz BURPI, MCIP, RPP  
Senior Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON L3K 3C8

**Re: Official Plan Amendment and Zoning By-Law Amendment Application for 135  
Coronation Drive | Response to Public Meeting Comments**

Dear David,

Please accept this letter as supporting documentation for the Official Plan Amendment (“OPA”) and Zoning By-Law Amendment (“ZBA”) applications associated with the property municipally known as 135 Coronation Drive (“Subject Lands”) in the City of Port Colborne (“City”). NPG Planning Solutions Inc. is the planning consultant to Sobeys Capital Inc. (“Applicant”). The OPA and ZBA application for the Subject Lands was submitted on June 2, 2023, and subsequently, the Statutory Public Meeting took place on July 11, 2023.

This letter addresses the comments retrieved from the following sources, and separates comments by theme:

- Draft Statutory Public Meeting Minutes provided to NPG by the City, containing comments from Council and the public
- Public Meeting Agenda (addendum), containing written delegations from the public

**Responses to Comments from the Statutory Public Meeting**

COMMENT	RESPONSE
<b>a. Parking</b>	
<i>Concern that more parking will be required than is proposed. Concern that there is no visitor parking.</i>	The proposed parking rate of 1.25 spaces per unit complies with the City’s Comprehensive Zoning By-law 6575/30/18. There is no reduction proposed to the City’s minimum parking standards. The Zoning By-law does not contain a specific requirement for visitor parking beyond the

COMMENT	RESPONSE
	required 1.25 spaces per unit. Specific visitor parking spaces may be delineated in the future.
<b>b. Traffic</b>	
<p><i>Concern expressed that the intersection of Coronation Drive and Highway 58 is at capacity. Difficulty making left-hand turns from Coronation Drive.</i></p>	<p>As noted at the Public Meeting, a Traffic Impact Study was not requested as part of the subject applications. The Province has indicated that a Traffic Impact Study will be required as part of a future Site Plan application to study the impacts on Highway 58.</p> <p>Notwithstanding this Provincial requirement, the applicant is amenable to the use of a Holding symbol in the implementing Zoning By-law, to require a Traffic Impact Study to the satisfaction of the Province and City. The use of the lands as outlined in the proposed Zoning By-law Amendment would be subject to the completion of the Traffic Impact Study and removal of the Holding symbol.</p>
<b>c. Waste Collection</b>	
<p><i>Concern regarding waste management and the Region's ability to provide waste collection services to the proposed development. Concern regarding the difficulty of enforcing property standards if waste is not adequately managed.</i></p>	<p>Niagara Region staff have reviewed the submitted site plan and acknowledge that the development is proposing to utilize in-ground Molok waste. The applicant has been advised that this method of waste storage is not eligible for Regional collection and waste collection for the subject property would be the responsibility of the owner through a private waste collection contractor. More details with regard to the waste collection will be provided at the Site Plan stage.</p>
<b>d. Commercial Needs</b>	
<p><i>Concern with the fact that the applicants are proposing a residential development adjacent to a commercial space, noting their belief that this proposal is subtracting from the City's already-low stock of commercial lands which are needed to keep up with</i></p>	<p>No comments have been received from the City which indicate concern regarding the stock of commercial lands. A Commercial Needs Assessment was not requested by the municipality for these applications.</p>

COMMENT	RESPONSE
<i>the amount of residential development in the City.</i>	
<b><i>e. Reduction in Landscaped Area</i></b>	
<i>Expressed concern regarding the reduction in the landscaped area across the street from her home due to the development, then noted that she does not believe the approval of the development would be fair to the existing community.</i>	<p>The proposal exceeds the minimum landscaped area requirement of 25%, standing at 26.5%, set out in the City's Comprehensive Zoning By-law 6575/30/18.</p> <p>Additionally, the proposed OPA introduces Urban Design Policies specifically tailored to the landscaping aspects of any prospective development on the Subject Lands. These policies are outlined below:</p> <p><i>b. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;</i></p> <p><i>d. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.</i></p>
<b><i>f. Pedestrian Oriented Development</i></b>	
Will there be upgrades to Coronation Drive such as sidewalks within the road allowance?	<p>The conceptual site plan submitted with the OPA and ZBA applications features pedestrian walkways that link to the street. These walkways are designed with the possibility of connecting to any future municipal sidewalks that the City might plan. Additionally, the proposed OPA introduces Urban Design Policies specifically tailored to pedestrian oriented development. These policies include:</p> <p><i>a. Stacked townhouse blocks located nearest to the lot lines and running parallel to them must be oriented towards the street;</i></p> <p><i>d. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to</i></p>

COMMENT	RESPONSE
	<i>provide suitable buffer with the adjacent uses to the north and west.</i>
<b>g. Stormwater Management</b>	
Concern with drainage issues and collection of rainwater.	A functional servicing report and drainage plan will be prepared as part of the Site Plan Application.
<b>h. Compatibility</b>	
Existing surrounding neighbourhood consists of mainly low density residential, and the proposal is for stacked townhouses.	<p>Compatible does not mean “the same as.” In our opinion, this is a suitable location for the proposed use because the height, massing, scale and layout of the development is compatible with its surroundings.</p> <p>The proposed development does not contain individual driveways on Coronation Drive, reducing the impact of a development on dwellings on the south side of Coronation. Blocks B, C, and D are situated along Coronation Drive and have been designed to align with the orientation of neighbouring residences on the same street. This deliberate arrangement ensures that the overall design is in harmony with the surrounding environment.</p>
<b>i. Secondary Access through 287 West Side Road</b>	
Can a road access to the Subject Lands be provided through the adjacent commercial lands at 287 West Side Road.	No. The applicant is not the owner of 287 West Side Road; they are a tenant.

We trust the above is satisfactory. Should you require anything further or have any questions please do not hesitate to contact the undersigned.

Yours truly,



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# Planning Justification Brief

## Official Plan Amendment & Zoning By-law Amendment Applications

135 Coronation Drive  
City of Port Colborne

For: Sobeys Capital Inc.

By: NPG Planning Solutions Inc.  
4999 Victoria Avenue  
Niagara Falls, ON L2E 4C9  
905 321 6743

Date: May 2023

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## 1. Introduction

NPG Planning Solutions Inc. (“NPG”) are planning consultants to Sobeys Capital Inc., (“Owners”) of approximately 13,000 square metres (1.3 hectares) of land in the City of Port Colborne (“City”), municipally known as 135 Coronation Drive (“Subject Lands”).

NPG has been retained to provide professional planning advice on the proposed residential development consisting of 114 new dwelling units in six stacked townhouse dwellings on the Subject Lands.

Implementation of the proposed development will require an Official Plan Amendment (“OPA”) to redesignate the Subject Lands from Commercial Plaza to a Special Policy Area that permits stacked townhouse dwellings with site-specific urban design policies to guide the development of the Subject Lands. A Zoning By-law Amendment (“ZBA”) is also required to rezone the Subject Lands to a Site-Specific Fourth Density Residential (R4-XX) Zone under the City's Comprehensive Zoning By-law 6575/30/18 to permit stacked townhouse dwellings and to provide relief from minimum unit size per dwelling unit, minimum setback of balconies as well as the lower level terraces from the corner side lot line.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of the Official Plan Amendment and the Zoning By-Law Amendment Applications when assessed against the applicable policy framework provided by the *Planning Act* the Provincial Policy Statement 2020 (“PPS”), the Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), the Niagara Official Plan 2022 (“NOP”), and the City of Port Colborne Official Plan (“City OP”).

The proposed development represents good land use planning and the new housing supply it provides in Port Colborne is in the public interest. The proposal is also consistent with the PPS and conforms with the Growth Plan, the NOP, and the City OP. Therefore, NPG recommends the proposed OPA and ZBA be approved.

## 2. Description of Subject Lands and Surrounding Area

### 2.1 Description of Subject Lands

As shown on Figure 1 – Aerial Context Map, the Subject Lands are located west of West Side Road, also known as provincial Highway 58, and north of Coronation Drive. The Subject Lands have a frontage of approximately 82.3 metres on West Side Road/ Highway 58 and a total area of approximately 1.31 hectares.

At present, there is a driveway, connecting Coronation Drive to an existing asphalt area on the Subject Lands. The remainder of the Subject Lands are vacant and generally characterized by a flat terrain, with a subtle downward slope from east to west. There's some vegetation to the northwest of the Subject Lands and some trees can be found along the eastern and southeastern side of the property as shown in Photo 1. The following photos are from Google Street view. These photos show the current use and the existing conditions of the Subject Lands.



*Photo 1: View from southeast corner of Subject Lands looking northwest. The fence indicated the approximate property boundary.*



*Photo 2: View of the Subject Lands from Coronation Drive looking north. The existing driveway can be seen on this photo.*



*Photo 3: View from southwest corner of the Subject Lands from Coronation Drive looking north with adjacent property at 91 Coronation Drive on the left.*



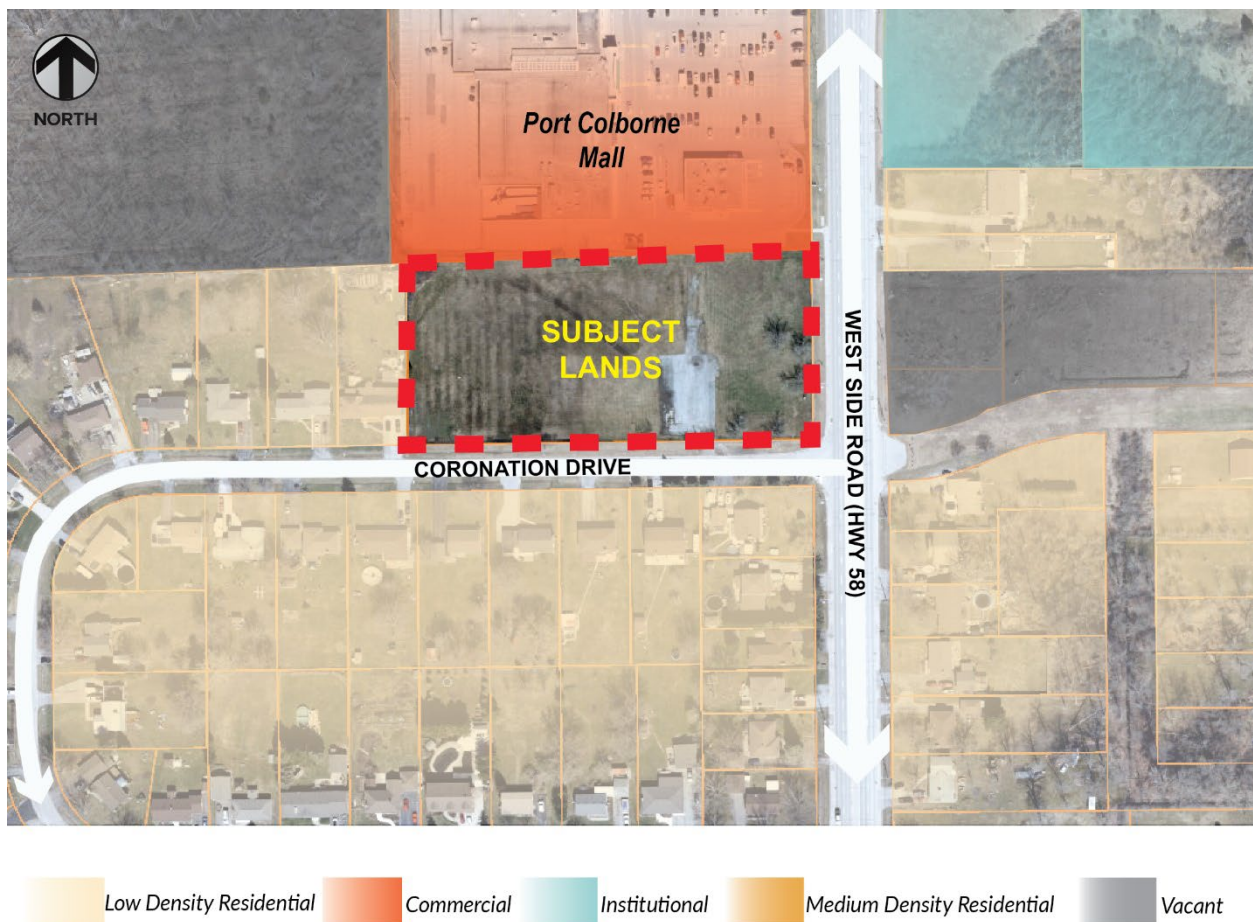
*Photo 4: View of the Subject Lands from Port Colborne Mall located at 287 West Side Road looking south.*





*Photo 5: View from the northeast corner of the Subject Lands (left) from West Side Road looking southwest with Port Colborne Mall on the right.*

## 2.2 Description of Surrounding Areas



*Figure 1 - Aerial Context Map*

Existing uses surrounding the Subject Lands include the following:

- North:** Commercial (Port Colborne mall)
- South:** Residential (Low rise residential uses)
- East:** Residential (Low rise residential uses) and vacant lands
- West:** Residential (Low rise residential uses)

As outlined above, the surrounding uses consist of commercial and residential uses along with a few vacant land parcels to the east and northwest of the Subject Lands. The area to the west, south and southeast of the Subject Lands is characterized by low density residential uses. Lands to the north of the Subject Lands is occupied by the Port Colborne Mall which houses retail stores, restaurants, a gas station and a grocery store.

Figure 2 highlights community amenities and active transportation facilities within a 500 and 1,000-metre radii of the Subject Lands.

Within a 500-metre radius (equivalent to a six-minute walk) is a diverse mix of land uses including restaurants, commercial and retail services, school (Oakwood Public School), a child care centre as well as recreational facilities such as the Westdale Park and Harry Dayboll Oakwood Park. Beyond the 500-metre radius and within the 1,000-metre radius (equivalent to a three-minute bike trip) are additional amenities complementary to residential use, such as parks, grocery and retail stores, and institutional uses, including churches and schools.

Additionally, the Subject Lands are serviced by the Niagara Region's On-Demand transit service (NRT OnDemand), providing door-to-door transit and convenient access to amenities within the Town and convenient access to nearby grocery stores, retail shops, schools, parks and other institutional uses in the vicinity of the Subject Lands. Furthermore, as shown on Figure 2, the 'Port Colborne Link' transit service, connecting Downtown Welland, Welland County General Hospital with Downtown Port Colborne, has a 'flag stop' area conveniently located within walking distance to the Subject Lands. Within 'flag stop' areas, passengers are able to board the bus by waving to the driver as the bus approaches.



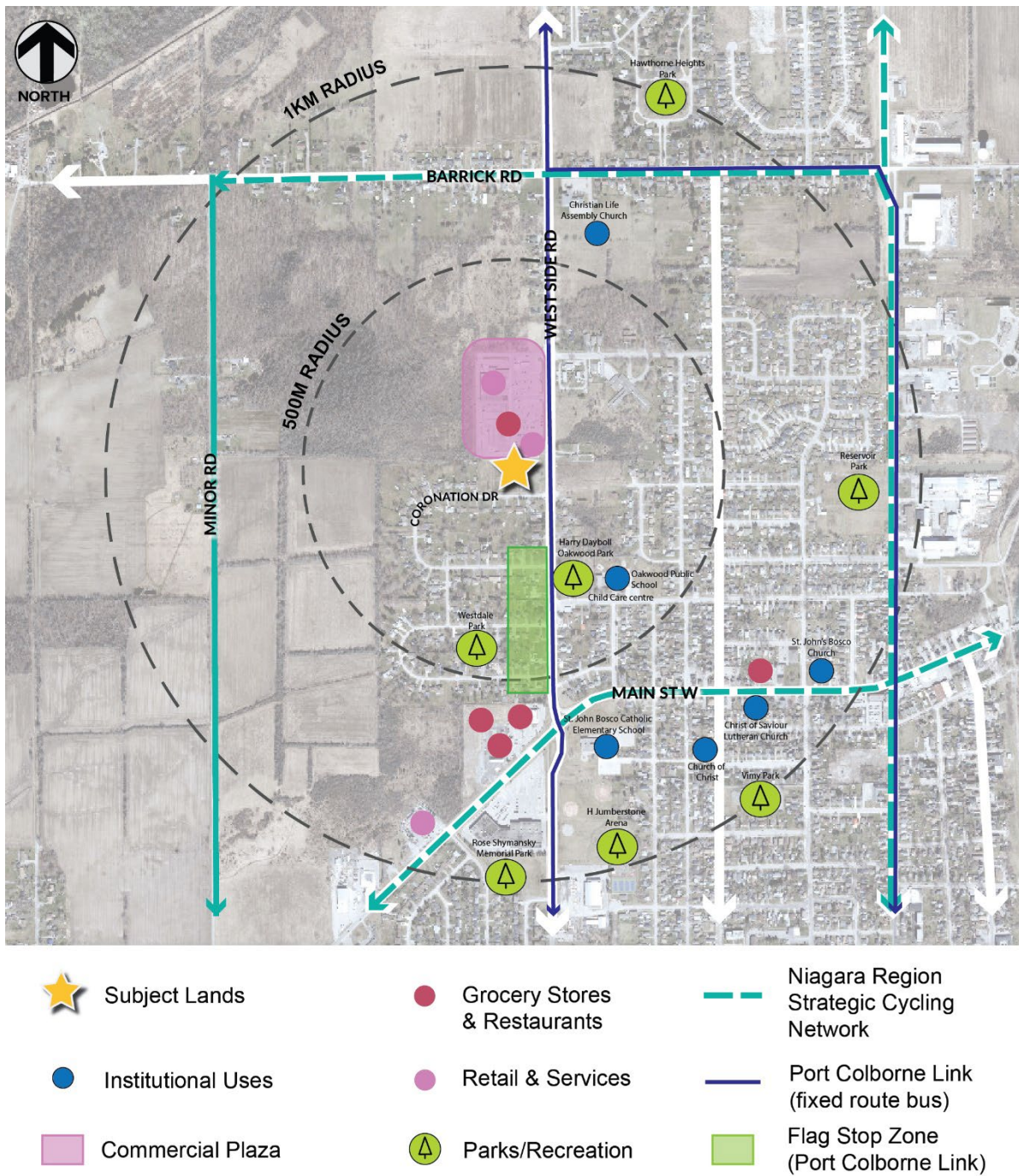


Figure 2- Community amenities map

### 3. Proposed Development

#### 3.1 Description of the Proposed Development

As shown on Appendix A – Conceptual Site Plan, the proposed development consists of six stacked townhouse dwellings, labelled Blocks A to F, with a total of 114 dwelling units on the Subject Lands. Most of the proposed buildings are oriented towards adjacent public streets and provide strong visual interests along West Side Road and Coronation Drive. In detail, Blocks B, C and D are oriented towards Coronation Drive, while blocks A and F will have principal entrances facing the internal pedestrian walkways. Lastly, Block E will face West Side Road. All six (6) stacked townhouse dwellings are proposed to be three storeys and approximately 10.2 metres in height.

As West Side Road is a provincial highway, Blocks D, E and F have provided a minimum setback of 14 metres from this highway, except for the canopies on the eastern elevations of Blocks D and F that are set back approximately 13.5 metres away from this right-of-way. The Ministry of Transportation (“MTO”) has confirmed in writing that they have no objection to the location of the proposed buildings and canopies. Correspondence regarding the same can be found in Appendix F of this report.

Vehicular access to the site is provided through two driveways from Coronation Drive, which is a local road. The development will provide 143 parking spaces at a rate of 1.25 spaces per unit. Surface parking for the residential units is located in the interior of the proposed development and screened from both West Side Road, Coronation Drive and adjacent residential lands to the west by buildings.

The proposed development will also feature pedestrian walkways to the existing municipal sidewalks. The area immediately to the west of Block E is proposed as an outdoor amenity area for future residents.

#### 3.2 Pre- Consultation Meeting Summary

A pre-consultation meeting with the City was held on February 24th, 2022, during which the City identified items that will be required for the Official Plan and Zoning By-law Amendment Application. The below table identifies the required items and their inclusion as part of the application submission:

No.	Reports, Studies, Plans	Note
1	Planning Justification Report (PJR)	Submitted with Application
2	Conceptual Site Plan	Submitted with Application
3	Noise Feasibility Study	Submitted with Application
4	Draft Official Plan Amendment	Submitted as part of this PJR
5	Draft Zoning By-law Amendment	Submitted as part of this PJR

## 4. Supporting Studies Review

### 4.1 Conceptual Site Plan and Renderings

Organica Studio Inc. has prepared the Conceptual Site Plan and Renderings in support of the applications. The Conceptual Site Plan illustrates the proposed layout, including building location, parking area, landscaping elements, pedestrian pathways and other relevant features. The Renderings offer preliminary visual representation of the proposed development for the Subject Lands, for reference only. Detailed designs of the buildings are subject to changes at the Site Plan Application stage.

### 4.2 Noise Feasibility Study

A Noise Feasibility Study was conducted by HGC Engineering to support the proposed development. The results of the study indicate that the proposed development is feasible with provided some noise control measures are incorporated. These measures include providing central air conditioning for Blocks D, E and F as these blocks face West Side Road. Additionally, forced air ventilation systems with ductwork sized for future installation of central air conditioning is recommended for Block C. Upgraded building constructions are required for the façades facing West Side Road. These recommendations will be addressed in detail at the Site Plan Application stage.



## 5. Planning Policies

As previously noted, the purpose of this PJR is to evaluate the appropriateness of advancing applications for an OPA and ZBA in the context of the *Planning Act*, the PPS, the Growth Plan, the NOP, and the City OP. The following subsections provide discussion and analysis of these documents in relation to the proposed development.

### 5.1 Planning Act

Section 2 of the *Planning Act* identifies matters of provincial interest for which Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Included in these matters are:

#### **POLICY**

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- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
  - (i) is well-designed,*

#### **ANALYSIS**

The Subject Lands are at an appropriate location for growth and development as the lands are within settlement area and in proximity to a wide range of complementary uses including a commercial plaza, schools, churches, grocery stores, retail spaces, restaurants, and parks. This proposal makes efficient use of an under-utilized land parcel through intensification at an appropriate location. Moreover, a noise feasibility study was conducted to evaluate the suitability of the proposed development in relation to the commercial plaza to the north. The study concludes that the proposed development is feasible with appropriate noise control measures.

Additionally, the proposal contributes to the provision of a full range of housing by facilitating a stacked townhouse development in the City where single detached dwellings are the predominant housing typology.

The proposed development is also compact, well-designed and pedestrian-oriented for the following reasons:

- Stacked townhouse dwelling is a denser housing form compared to other types of ground-oriented residential development;
- Buildings are oriented to the public streets to provide visual interest and eyes on the street;

- Curb cuts are limited as no individual driveways or front-facing garages are proposed;
- Parking is provided in a common surface parking area that is screened by buildings;
- The proposed buildings and amenity area are well connected to the public sidewalks via private pedestrian walkways.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Consistency and conformity with Provincial, Regional and Town policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Application is considered to comply with the provisions of the Planning Act.

## 5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides overall policy direction on matters of provincial interest related to land use planning and land development within the Province of Ontario. The PPS supports improved land use planning and contributes to more efficient and cost-effective development patterns, which protects the financial and natural resources of the province, as well as public health and safety, while preserving and maintaining the natural environment.

### 5.2.1 Managing and directing land use

#### **POLICY**

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

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

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed;*

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

## **ANALYSIS**

The Subject Lands are located within Settlement Areas as defined in the PPS. A high-density residential development in the form of 114 stacked townhouse dwelling units is proposed on the Subject Lands where infrastructure and public facilities are available. As such, the proposal efficiently uses urban lands which are underutilized relative to their planned highest and best use.

The Subject Lands are serviced by both fixed-route (Port Colborne Link) and on-demand transit services. Residential intensification on the Subject Lands will optimize the use of these services.

### **5.2.2 Housing**

## **POLICY**

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

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

*2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

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

## ANALYSIS

The proposed development facilitates residential intensification in a land-efficient manner by way of 114 stacked townhouse dwelling units, at a density of 87.3 units per hectare. The proposed stacked townhouse dwelling units will provide new housing supply that contributes to the diversification of housing options available in Port Colborne. As a form of multiple-unit housing, the proposed stacked townhouse dwelling units are expected to have lower price points when compared to ground-oriented housing types, such as single detached and semi-detached dwellings.

As previously noted, residential intensification at this location supports transit and is expected to utilize the existing municipal infrastructure.

### 5.2.3 Infrastructure and Transportation Systems

## POLICY

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- 1.6.2.2** *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

## ANALYSIS

The proposed development is anticipated to make use of the existing infrastructure. A detailed Functional Servicing Report and Stormwater Management Report will be prepared at the Site Plan Application stage.

## POLICY

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

## ANALYSIS

Because of the Subject Lands' strategic location, the proposed residential development thereon is anticipated to reduce the length and number of vehicular trips made to access services, retail, institutional and recreational uses which are in the immediate vicinity. The diverse mix of land uses surrounding the Subject Lands enables future residents to complete their trips on foot or other active alternatives such as cycling and transit. As such, the proposal is consistent with Policy 1.6.7.4 of the PPS that encourages land use patterns and development densities to reduce car usage and support active transportation.

## SUMMARY

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The proposed development is within a settlement area and will increase housing supply and widen the range of housing options which will contribute to meeting the housing needs of the current and future residents. The development is appropriately located where municipal services and infrastructure are available. Based on the foregoing, the proposed development is consistent with the PPS.

### 5.3 Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)

The Growth Plan supports the achievement of complete communities that are compact and transit supportive and make efficient use of investments in infrastructure and public service facilities. The Growth Plan also prioritizes intensification in Built-up Areas where existing municipal services and infrastructure are available. The proposed development is located within the delineated Built-Up Area in Port Colborne where the Growth Plan envisions accommodating intensification and more compact, higher-density forms of housing.

The policies of the Growth Plan relevant to the proposed development are reviewed below.

#### 5.3.1 Guiding Principles

## POLICY

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Section 1.2.1 sets out the Guiding Principles of the Growth Plan, and the policies relevant to the development are listed below.

- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*

## ANALYSIS

The proposed development supports the achievement of a complete community by providing a compact housing development on a vacant parcel of serviced land close to public parks, schools, grocery stores and local businesses. The proposed residential intensification will be supported by the existing fixed-route transit service as well as the new on-demand transit. The proposal will contribute towards diversifying both the range and mix of housing options in the area to better serve a variety of households by size, income and age/stage of life.

### 5.3.2 Managing Growth

#### **POLICY**

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**2.2.1.2** *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

*c) within settlement areas, growth will be focused in:*

*i. delineated built-up areas;*

*ii. strategic growth areas;*

*iv. areas with existing or planned public service facilities;*

**2.2.1.4** *Applying the policies of this Plan will support the achievement of complete communities that:*

*a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

*b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

*c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

*f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability;*

**2.2.2.1** *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*

*a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and*

**2.2.2.3** *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

*c) encourage intensification generally throughout the delineated builtup area;*

## ANALYSIS

The proposed development is within the Delineated Built-up Area where the Growth Plan directs growth should be focused (Policy 2.2.1.2.c).

The proposal conforms to Policy 2.2.1.4 and supports the achievement of complete communities by:

- Intensifying residential use at a location that will enable more people to live close to restaurants, grocery stores, services, recreational options as well as institutional uses such as schools and churches;
- Introducing a new compact housing form that contributes to a wider range and mix of housing options within the community; and

The proposal conforms to 2.2.2.1 a) and 2.2.2.3 c) by providing an opportunity for intensification within a delineated built-up area and contributing towards the minimum intensification target of 50%.

### 5.3.3 Housing

## POLICY

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**2.2.6.2** *Notwithstanding policy 1.4.1 of the PPS, 2014, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

*c) considering the range and mix of housing options and densities of the existing housing stock; and*

*d) planning to diversify their overall housing stock across the municipality.*

**2.2.6.3** *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

## ANALYSIS

The proposed development will provide 114 stacked townhouse dwelling units of various sizes. This conforms to policies 2.2.6.2 and 2.2.6.3 as the proposal will increase the range of housing options found in the area in terms of typology and density. As previously stated, stacked townhouse dwelling is a more compact form of multi-unit housing that reduces

housing costs and will contribute to meeting housing needs of current and future residents.



## SUMMARY

The proposed development is in the Delineated Built-up Area and supports the achievement of complete communities, increases housing options, and will contribute to meeting the minimum intensification targets for the City of Port Colborne. Additionally, the proposed development will utilize the existing municipal services and transportation network, while adopting a compact built form to make efficient use of the land. Based on the preceding, the proposed development conforms to the Growth Plan.

### 5.4 Niagara Official Plan (2022) (NOP)

The NOP is a long-range document that guides the physical, economic, and social development of Niagara Region. It contains objectives, policies and mapping to ensure most new development to accommodate future growth in Niagara Region is directed to Built-up Areas.

The designation of the Subject Lands in relevant schedules of the Niagara Official Plan are shown below.

Schedule	Designation of Subject Lands
<b>Schedule B – Regional Structure</b>	Delineated Built-Up Area
<b>Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage System</b>	Not part of the natural environment system
<b>Schedule J1 - Transportation Infrastructure</b>	West Side Road (Highway 58) is a Provincial Road
<b>Schedule J2 - Strategic Cycling Network</b>	Strategic Cycling Network on Main Street West (approximately 560 metres from the Subject Lands)

#### 5.4.1 Regional Structure and Housing

## POLICY

**2.2** *The objectives of this section are as follows:*

*b. accommodate growth through strategic intensification and higher densities;*

*e. promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

**2.2.1.1** *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a. the intensification targets in Table 2-2 and density targets outlined in this Plan;

**Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051**

<b>Municipality</b>	<b>Units</b>	<b>Rate</b>
Fort Erie	3,680	50%
Grimsby	4,500	98%
Lincoln	8,895	90%
Niagara Falls	10,100	50%
Niagara-on-the-Lake	1,150	25%
Pelham	1,030	25%
Port Colborne	690	30%
St. Catharines	18,780	95%
Thorold	1,610	25%
Wainfleet	0	0%
Welland	10,440	75%
West Lincoln	1,130	13%
<b>Niagara Region</b>	<b>62,005</b>	<b>60%</b>

- b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.
- e. built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/ services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;
- h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;

**2.3.1.1** The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

**2.3.1.4** New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a. facilitating compact built form; and

## ANALYSIS

The NOP directs that growth be accommodated through strategic intensification and higher densities. The proposed development provides a higher density housing option

within the City's existing urban area with employment, retail options, services, recreation/institutional uses, and other amenities located nearby. Moreover, the proposal will introduce a compact development on underutilized lands which will effectively minimize land consumption and optimize existing municipal infrastructure.

A minimum residential intensification target rate of 30% has been established for the City of Port Colborne by the NOP. The proposed development, as a residential intensification project, contributes to achieving this target. Moreover, it will provide a new housing typology in the form of stacked townhouse dwellings that will widen the range of housing options available to serve a wider range of households in terms of size, income level, and stage of life. Overall, the proposed development will support the creation of a complete community in the area and contribute to meeting diverse housing needs.

#### 5.4.2 Healthy Communities

### **POLICY**

---

**6.3**            *The objectives of this section are as follows:*

*a. plan healthy and safe communities that provide high quality of life*

**6.3.1.1**       *The Region shall support healthy communities by:*

*a. creating built form that provides healthy living;*

*b. planning for all ages, incomes, abilities and populations;*

*d. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;*

### **ANALYSIS**

The Subject Lands are within walking distance to various commercial and recreational uses. Moreover, the proposed development incorporates well connected walkways which encourages residents to walk to nearby commercial and recreational uses. This prevents sedentary lifestyle and contributes to healthier communities. Moreover, noise control measures will be considered at the site plan stage which will minimize noise pollution, contributing to healthier living as reduced noise levels promote better sleep and overall mental wellbeing.

In addition, the proposal will not only augment the housing supply but also provide more choices suitable for households at different stages of life and income levels. Given that the current surrounding community consists mainly of low-density residential properties, the proposed stacked townhouse development presents an opportunity for individuals seeking to downsize, enabling them to age in place within the same community.

Lastly, The proposal features an outdoor amenity space within the Subject Lands which will allow residents to engage in physical activity, foster social cohesion, and support mental health.

## SUMMARY

The proposed development is located within an area identified for long-term growth that can be serviced through municipal infrastructure. At 87.3 units per hectare the development will be compact, efficiently use land, and contribute to meeting the Region's target intensification rate for the City. The proposed development will provide an attractive street wall along both roads and add eyes-on-the-street to enhance the safety and attractiveness of the adjacent public realm, where active transportation facilities such as municipal sidewalks and on-demand transit are available and/or planned.

Based on the foregoing, the proposed development conforms to the NOP.

### 5.5 City of Port Colborne Official Plan (City OP)

The City of Port Colborne Official Plan (City OP) provides a comprehensive 20-year vision for the future of the municipality. The Official Plan identifies and addresses matter that influences the growth and development of the City with respect to economic development, community improvement, conservation of natural and natural heritage resources, parks and open space requirements and expectations for water and wastewater servicing. The following table identifies the Subject Lands' designations under the City's OP Schedules (Appendix C – City of Port Colborne Official Plan Schedules).

Schedule	Designation of Subject Lands
<b>Schedule A – City-Wide Land Use</b>	Commercial Plaza, within Urban Area boundary
<b>Schedule A1 - Greenfields</b>	Built Boundary
<b>Schedule B - Natural Heritage</b>	No natural heritage features
<b>Schedule D - Transportation</b>	West Side Road (Highway 58) is a Provincial Road; Coronation Drive is a Local Road

#### 5.5.1 Purpose of the Plan and Growth Management Strategy

## POLICY

### 1.2 Purpose of the Plan

- ii) Taking advantage of compact building design, where appropriate;*
- iv) Creating a range of housing opportunities and choices;*
- v) Creating walkable neighbourhoods;*
- vi) Fostering distinctive, attractive communities with a strong sense of place*

## 2.2 Growth Management Strategy

*The City of Port Colborne's Growth Management Strategy shall:*

- b) Direct growth in a strategic manner.*
- c) Direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services.*
- e) Support infill and intensification, subject to the applicable policies, in the following designations: i) Urban Residential*
- f) Support compact and transit supportive development within the built boundary and on designated greenfield lands.*

## ANALYSIS

The Subject Lands are within the City's Urban Area Boundary as shown in Schedule A of the City OP (Appendix C – City of Port Colborne Official Plan Schedules).

The proposed infill development is on lands within the urban areas where municipal water and sanitary services are available. A compact, high density residential development on the Subject Lands will increase the range of housing options in Port Colborne and support the immediate area becoming more walkable and transit-supportive by encouraging a larger number of people to walk or take transit to their desired destinations within the community.

Additionally, urban design policies are proposed as part of the OPA to foster a strong sense of place for the future development on the Subject Lands.

### 5.5.2 Strategic Planning Policies

## POLICY

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### 2.4.2.1 a) New housing development should:

- i) Be located in the urban area to make use of existing infrastructure and facilities;*
- ii) Be accessible to medical facilities, shopping and any future public transportation system;*
- iii) Be close to or be developed with on-site parks and open space;*
- v) Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings;*
- vi) Provide for a range of smaller lots and homes suitable to smaller households; and*

*vii) Be close to or be developed with social and recreational facilities*

**2.4.3** *a) The majority of the Municipality's intensification will be accommodated within the Urban Area where the development is compatible with the surrounding uses*

**2.4.3.1** *a) The Municipality will plan to achieve an intensification target of 15%.*

*b) Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area.*

**2.4.3.2** *a) Infill and intensification sites should match the pre-established building character of adjacent buildings.*

*b) Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan.*

*c) Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.*

## ANALYSIS

The proposal conforms to Section 2.4.2.1 as its is located in an Urban Area and will utilize existing infrastructure and facilities. It is also in proximity to commercial uses, existing transit service, and public parks. The proposed stacked townhouse dwellings, similar to apartment buildings, is a form of housing suitable for seniors and empty nesters who are looking to downsize and still live in the neighbourhood. The proposal also caters to a variety of households, including smaller households as stacked townhouse dwelling units are generally smaller than their single detached or semi-detached counterparts. Moreover, the Subject Lands are in proximity to various parks as shown in Figure 2.

Additionally, as identified in Section 2.4.3 and 2.4.3.1, the City encourages intensification throughout the Built-up area where the Subject Lands are located. The intensification project proposed on the Subject Lands will utilize current infrastructure and contributing to the municipality's goal of achieving a 15% intensification target.

Section 2.4.3.2 b) applies to the Subject Lands as they are surrounded by a variety of buildings with varied built form and character such as the commercial plaza to the north, the low-density residential housing form to the south and west. The applicable design guideline policies of the City OP will be analyzed in Section 5.5.3 of this report. Lastly, as identified in Section 2.4.3.2 c), the proposed development provides pedestrian walkways that link directly to municipal sidewalks to provide linkages.

### 5.5.3 Urban Residential

Implementation of the proposed development will require an Official Plan Amendment ("OPA") to redesignate the Subject Lands from Commercial Plaza to Special Policy Area

to permit stacked townhouse dwellings. Section 6 of this report will evaluate the appropriateness of the proposed redesignation of the Subject Lands to Urban Residential. As the proposed residential development will be achieving a density of 87.3 units per hectare, it is appropriate to assess the applications against the policies under Section 3.2.1 c) High Density Residential as well as the design guidelines under Section 3.2.3.1 of the City OP.

## POLICY AND ANALYSIS

### 3.2.1 c) High Density Residential will:

POLICY	ANALYSIS
i) Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;	<p>The residential use on the Subject Lands is proposed to be stacked townhouse dwellings instead of apartment buildings in order to improve compatibility with the low-rise residential uses to the west and south. As a form of ground-oriented housing, stacked townhouse dwellings are closer in built-form to other ground-oriented typologies such as single detached, semi-detached and townhouse dwellings.</p> <p>Moreover, the proposed stacked townhouse development still achieves a density of 87.3 units per hectare which falls within the permitted density range for High Density Residential.</p>
ii) Have frontage on an arterial or collector road;	The Subject Lands have frontage on West Side Road/ Highway 58 which is a provincial highway and Coronation Drive which is a local road. The proposed development provides two (2) vehicular accesses from Coronation Drive to comply with MTO's request.
iii) Have commercial or ground-oriented residential uses on the main floor;	As noted, the proposal is for a stacked townhouse development. Each vertical stack will be split into four levels, consisting of one unit that is below grade and two upper-level units. Nonetheless, all units are proposed to be ground-oriented with separate accesses to the pedestrian walkways. Additionally, the lower-level terraces and balconies provide eyes-on-the-street benefits to the neighbourhood. The intent of this policy is still achieved with the proposed design.
v) Be oriented on the site to minimize shadows on adjacent low and medium density residential development;	The property is a corner lot, abutting West Side Road to the east and Coronation Drive to the south. Only the immediately adjacent residential developments are assessed for potential shadowing impacts caused by the proposed development.



POLICY	ANALYSIS
	<p><u>Impacts on residential use to the south</u> The majority of shadowing is anticipated to occur generally towards the northern side of the development due to the known movement of the sun across the sky. The proposal is not anticipated to generate adverse shadowing over the residential uses to the south.</p> <p><u>Impact on the residential use to the west</u> For the dwelling to the west, Block B is located at a distance of approximately 14.1 metres from the westerly lot line. As Block B is only proposed to be approximately 10 metres, this substantial side yard setback ensures the proposed development does not create significant shadowing impacts on the dwellings to the west.</p>
<i>v) Be encouraged to be developed in proximity to public transit and active transportation routes; and</i>	The proposed development is at a location where on-demand transit and fixed-route transit services are available.
<i>vi) Be subject to Site Plan Control;</i>	The proposed development is subject to site plan control, where additional details such as landscaping and servicing will be provided.

Section 3.2.3.3 b) provides design guidelines for townhouses and multiple-unit developments.

## POLICY

### 3.2.3.3 b) Townhouses and multiple-unit housing should:

- i) Be aligned parallel to the street from which the principal entrance should be visible and accessible;*
- ii) Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street façade that is composed of a consistent and attractive variety of building elements; and*
- iii) Be consistent with the placement and character of the surrounding built form where an infill development.*

## ANALYSIS

The proposal conforms to section 3.2.3.3 i) and ii) because of the following reasons:



- Blocks B, C, D and E are aligned parallel to the adjoining public roads, thereby framing the streets and providing direct access to principal entrances from these streets.
- As shown in Figures 3 and 4 below, the overall massing and rhythm proposed for each of the blocks is similar and will create a consistent street façade.
- Each unit will have independent access from the established grade, providing a convenient connection to the interior vehicular and bike parking area as well as municipal sidewalks.

In accordance with section 3.2.3.3 iii) the proposal achieves consistency with the placement and character of the surrounding built form as the proposed stacked townhouse dwellings are planned to be 10.2 metres in height, comparable to the maximum height of 11 metres that is permitted as of right for the surrounding low-rise residential properties. Without the proposed OPA and ZBA, a development on the Subject Lands that conforms to the existing Commercial Plaza designation and complies with the Commercial Plaza zone regulations will uncertainly be less compatible with the surrounding low-rise residential developments. Moreover, Blocks B, C, and D are situated along Coronation Drive and have been designed to align with the orientation of neighboring residences on the same street. This deliberate arrangement ensures that the overall design is in harmony with the surrounding environment.

Additional details regarding building elements and roof designs that will further enhance the consistency of the proposed development with the surrounding built form will be finalized at the Site Plan Application stage.



*Figure 3 - Proposed development from Coronation Drive looking north*



*Figure 4 - Proposed development from West Side Road (Highway 58) looking south-west*

## SUMMARY

The proposed development will provide 114 dwelling units in a stacked townhouse form, which will contribute to meeting Port Colborne's intensification target and provide a relatively new housing choice in a location appropriate for higher density housing. The proposal will optimize the use of the Subject Lands while being compatible with neighbouring land uses. Stacked townhouse dwellings represent a compact and affordable housing form compared to other prevalent housing typologies in the City. The proposal also makes efficient use of existing community facilities, public transit, recreational facilities, and schools; optimizes existing infrastructure and supports nearby retail and commercial services.

Based on the foregoing, the proposed development conforms to the City of Port Colborne Official Plan, subject to approval of the official plan amendment required to redesignate the Subject Lands to Special Policy Area to permit stacked townhouse dwellings on Schedule A – City Wise Land Use.

## 6. Proposed Official Plan Amendment

The Subject Lands are currently designated as Commercial Plaza under on Schedule A – City Wide Land Use. The applicant is proposing to amend the Official Plan to facilitate the proposed development. The specific changes to the Official Plan are as follows:

1. Redesignate the lands from Commercial Plaza to a Special Policy Area that permits stacked townhouse dwellings.
2. Provide the following site-specific policies:
  - a. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, the land may be developed for stacked townhouse dwellings ranging in density from 70 to 100 units per hectare.
  - b. Stacked townhouse blocks located nearest to the lot lines and running parallel to them must be oriented towards the street;
  - c. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;
  - d. Principal entrances of blocks oriented towards the street should be accessible and visible from the street and connected to public sidewalks;
  - e. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.

The Official Plan Amendment can be supported for the following reasons:

- The proposed amendment facilitates the development of new housing in the City. As mentioned, stacked townhouse dwellings help diversify the housing stock and meet the needs of households across the income spectrum and stages of life.
- The Subject Lands are immediately adjacent to lands designated Urban Residential to the west and south and there are no land use compatibility issues with the commercial plaza to the north as concluded by the Noise report.
- The high-density residential development at this location provides an appropriate transition between the Commercial Plaza use to the north and the low-density residential development to the west and south of the Subject Lands.
- As the Subject Lands are still undeveloped, there appears to be no demand for more commercial development at this location. The area is already well served by the existing commercial plaza to the north.
- The proposed urban design policies above help ensure the future development will be compatible with the surrounding uses, contribute to an attractive private-public interface and conform with the City OP.

- The proposed OPA will facilitate residential intensification that contributes to the City meeting its intensification target.
- The proposed designation is well suited for the location of the Subject Lands as it is surrounded by a diverse mix of land uses complementary to residential development, including restaurants, grocery store, schools and parks.
- The proposed development addresses the matters of provincial interest stated in the Planning Act as demonstrated in section 5.1 of this report. In particular, the proposed development contributes to the adequate provision of housing.
- The proposed OPA is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Official Plan.
- The proposal implements the policies of the City of Port Colborne Official Plan in that the proposal provides for a higher density residential use adjacent to West Side Road, promoting active transportation and complete communities.

The text of the Official Plan Amendment is found in Appendix E – Draft Official Plan Amendment to this report.

## 7. Proposed Zoning By-law Amendment

The proposed development is located on lands that are zoned as Commercial Plaza (CP) in accordance with Comprehensive Zoning By-law 6575/30/18 (see Figure 5 below).

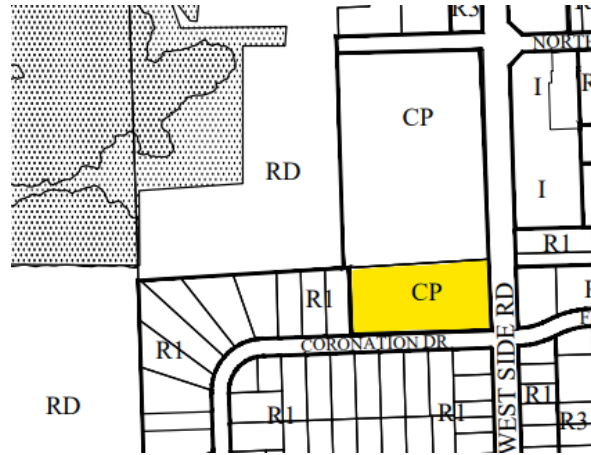


Figure 5 – Zoning of the Subject Lands (Subject Lands indicated in yellow)

A Zoning By-law Amendment is required to rezone the Subject Lands to a Site-Specific Fourth Density Residential Zone (R4-XX) to facilitate the proposed development. The table below assesses the proposed development against the R4 zone regulations and other relevant provisions under the City's Comprehensive Zoning By-law 6575/30/18 and identifies where site-specific relief is needed.

REGULATION	REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	e) Dwelling, Townhouse Block; f) Dwelling, Townhouse Street; g) Apartment Buildings;	Stacked Townhouse Dwelling	No
<b>Minimum Lot Frontage</b>	18 metres	82.3 metres	Yes
<b>Minimum Lot Area per unit</b>	125 square metres per unit	13,065/ 114= 114.6 square metres per unit	No
<b>Minimum Front Yard</b>	9 metres	14 metres	Yes
<b>Minimum Interior Side Yard</b>	3 metres	6.3 metres	Yes
<b>Minimum Corner Side Yard</b>	7.5 metres	7.5 metres	Yes



REGULATION	REQUIREMENT	PROPOSED	COMPLIANCE
<b>Minimum Rear Yard</b>	6 metres	11.8 metres	Yes
<b>Maximum Lot Coverage</b>	40%	19.2%	Yes
<b>Maximum Height</b>	20 metres	10.2 metres	Yes
<b>Minimum Landscaped Area</b>	25%	26.5% <sup>1</sup> (without the 14-m MTO setback),  35.9% (with the 14-m setback)	Yes
<b>Minimum Floor Area for a Unit</b>	50 square metres	60 square metres	Yes
<b>Sight Triangle (2.13.1)</b>	6 m x 6 m	6 m x 6 m	Yes
<b>Encroachment of Uncovered Stairs (2.19.1)</b>	Permitted in all yards and should be setback 0.5 metres from lot line	Located 5.36 metres from the corner side lot line	Yes
<b>Minimum Balcony Setback (2.19.1)</b>	7.5 metres from Corner Side Lot Line	6.4 metres	No
<b>Minimum Lower-Level Terrace Setback (2.19.2 a))</b>	7.5 metres from Corner Side Lot Line	4.5 metres	No
<b>Parking Spaces (3.1.1)</b>	1.25/ unit for apartment	1.25/ unit for apartment (143 spaces in total)	Yes
<b>Parking Space Dimensions (3.2)</b>	Standard Parking Space: 2.6 X 5.2 m  Two (2) Accessible Spaces Side by Side: 2.6 X 5.2 m with 2.6 m common space between accessible spaces	Standard Parking Space: 2.6 X 5.2 m  Two (2) Accessible Spaces Side by Side: 2.6 X 5.2 m with 2.6 m common space between accessible spaces	Yes
<b>Accessible Parking Spaces (3.3)</b>	6 spaces	6 spaces	Yes

REGULATION	REQUIREMENT	PROPOSED	COMPLIANCE
<b>Ingress and Egress Standards (3.7)</b>	Driveway width = 7.5 metres	Ingress and Egress driveway width = 7.5 metres	Yes
<b>Bicycle Parking (3.13.1)</b>	16 spaces	16 spaces	Yes

## 7.1 Permitted Uses

**Required:** Uses permitted in the R4 Zone

**Proposed:** Stacked Townhouse Dwellings, defined as a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

The proposed housing form of stacked townhouses is technically an apartment building as defined by City's Zoning By-law. This proposed amendment is to provide additional clarity. A definition of "stacked townhouse dwellings" is also introduced in this Zoning By-law Amendment.

## 7.2 Minimum Lot Area per unit

**Required:** 125 square metres per unit

**Proposed:** 114 square metres per unit

With a land area of approximately 1.3 hectares and 114 units, a minimum lot area of 114 square metres per unit is being proposed, which represents a minor reduction of 11 square metres from the required overall lot area per unit. The overall site design has been optimized to efficiently utilize the land while maintaining compatibility with the surrounding uses. The slight decrease in lot area per unit is not anticipated to have any negative impacts on the proposed development or the surrounding uses.

## 7.3 Minimum Balcony Setback

**Required:** 7.5 metres from Corner Side Lot Line

**Proposed:** 6.4 metres from Corner Side Lot Line

The Zoning By-law 6575/30/18 defines balconies as platforms which are subject to provision 2.19.1, requiring such structures to have a minimum setback equivalent to the required corner side yard. The reduced corner side yard setback for balconies of block B, C and D is not expected to cause any adverse impacts and is supportable due to the following reasons:

- By extending the balconies into the corner side yard, residents can benefit from improved views and increased exposure to natural light;
- The balconies will contribute to the visual appeal of the building's façade;
- Provides 'eyes on the street' for Coronation Drive and increases the overall neighbourhood safety.

#### **7.4 Minimum Lower-Level Terrace Setback**

**Required: 7.5 metres from Corner Side Lot Line**

**Proposed: 4.5 metres from Corner Side Lot Line**

The proposed lower-level terraces are considered enclosed platform structures under the Zoning By-law 6575/30/18 and are subject to provision 2.19.2 which requires such structures to be deemed part of the building and to meet all required yards. The proposed encroachment of the lower-level terraces into the corner side yard is not expected to result in any adverse effects. This is because the encroachment occurs below ground level and will not be visible from the street, thus eliminating any potential visual impacts along Coronation Drive. Consequently, there are no concerns regarding the streetscape or the overall aesthetic appeal of the area.

Additionally, blocks B, C and D adhere to a consistent 7.5 metre setback for their main building front wall.



## 8. Summary of Planning Opinion

The proposed development of 114 residential dwellings will provide an opportunity for additional housing while making efficient use of the Subject Lands and maintaining compatibility with the surrounding uses.

It is our professional opinion that the proposed Zoning By-law Amendment and Official Plan Amendment represent good land use planning, are in the public interest, and should be approved for the following reasons:

1. The proposed development addresses matters of provincial interests as outlined in the *Planning Act*, is consistent with the PPS and conforms to the Growth Plan, the NOP, and the City OP;
2. The proposal facilitates compact residential intensification within the Built-Up Area where growth is directed;
3. The proposal will make efficient use of existing transit services and municipal infrastructure;
4. The proposed development is compatible with the surrounding land uses and contributes to an improvement of the adjacent public realms;
5. The proposed development augments the housing supply in Port Colborne, contributes to the diversification of housing options in the City to meet the needs of households at different stages of life and income levels;
6. The proposed development is appropriately located in an area that has a wide range of complementary land uses including commercial, recreational and institutional uses;

Report prepared by:

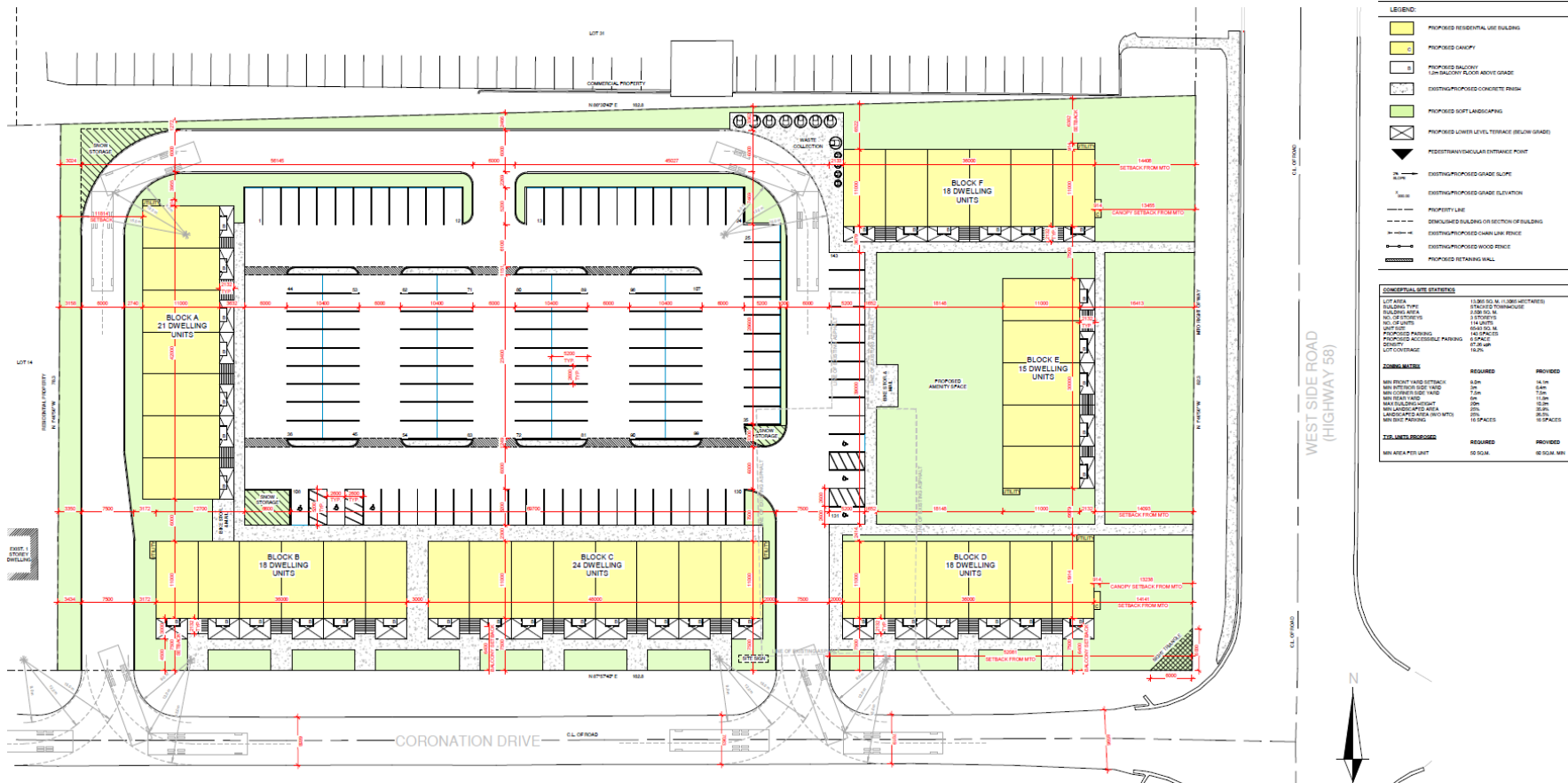
**Asawari Modak, MPlan**  
Planner  
*NPG Planning Solutions Inc.*

Report reviewed by:

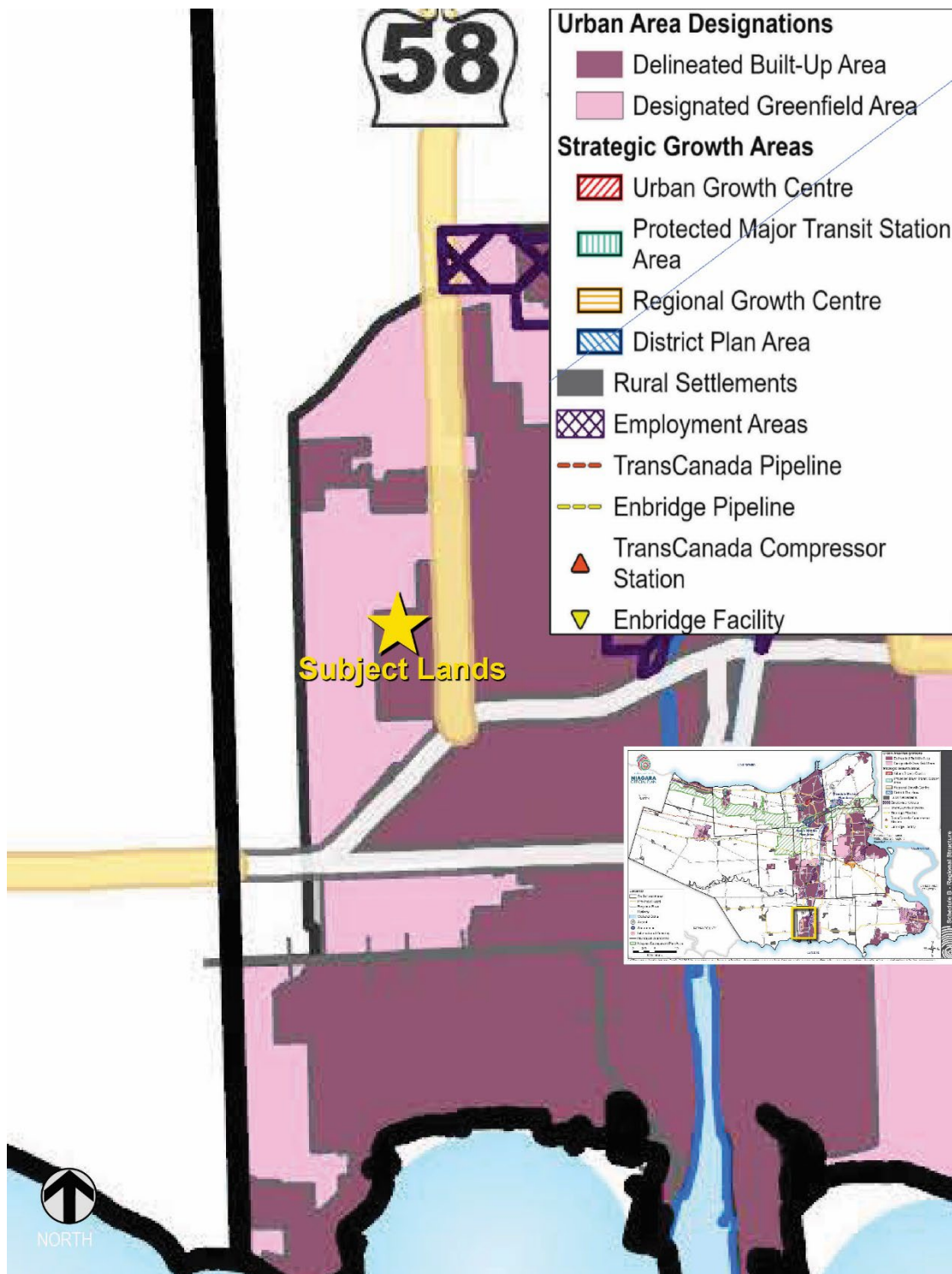
**Jeremy Tran, MCIP, RPP, MPlan**  
Senior Planner and Urban Designer  
*NPG Planning Solutions Inc.*

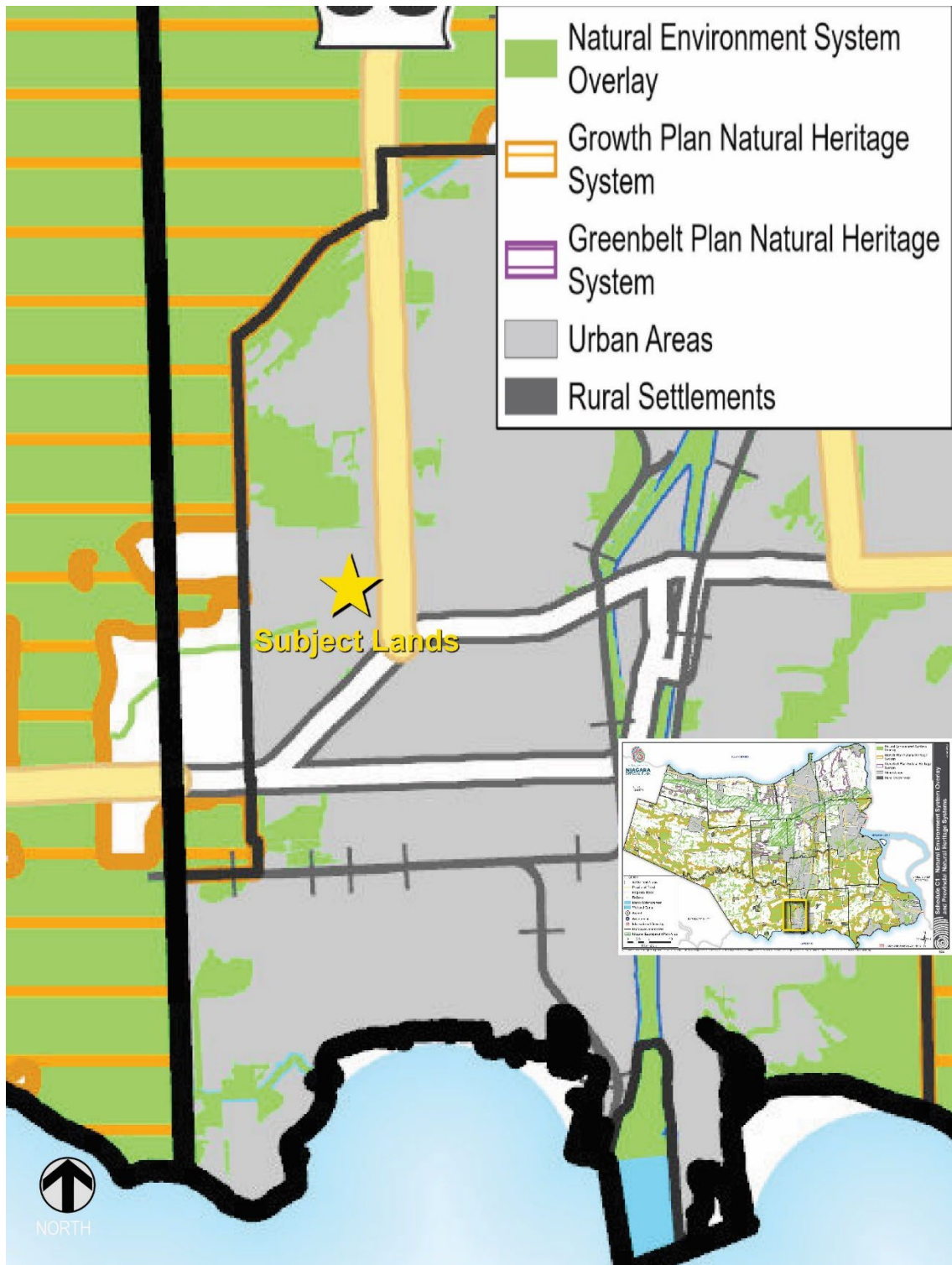
9. Appendices

Appendix A: Conceptual Site Plan



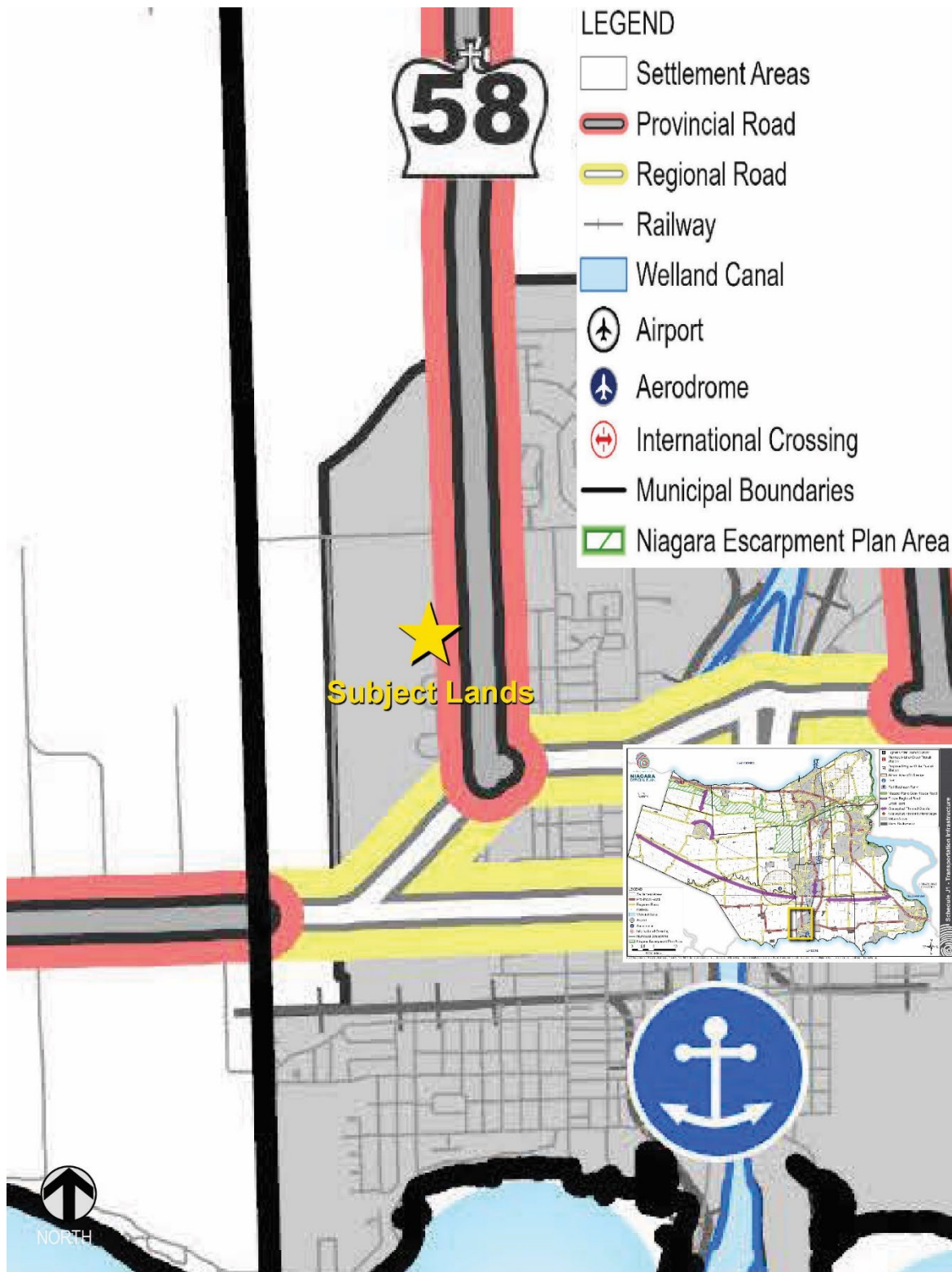
Appendix B: Niagara Official Plan Schedules

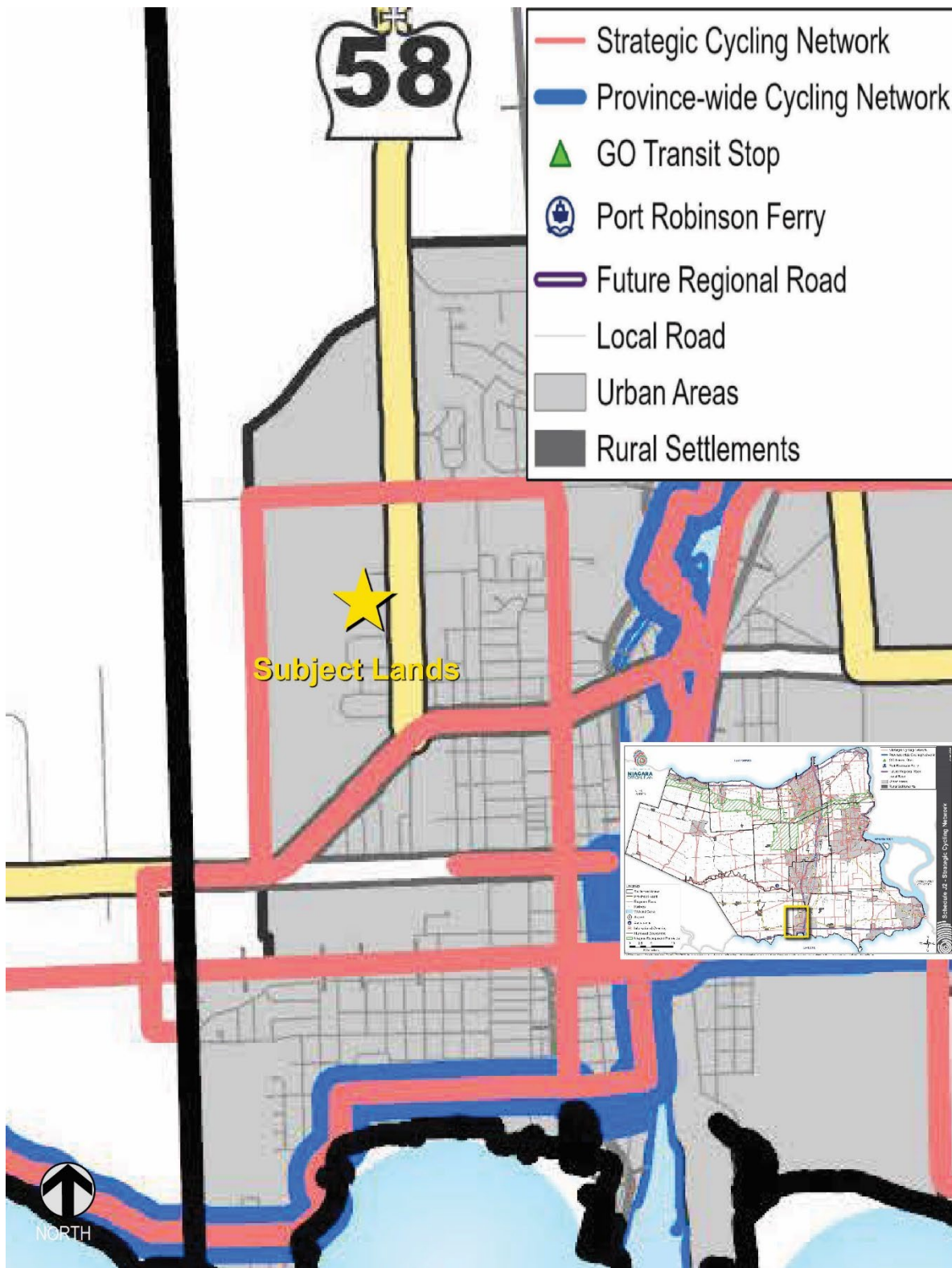




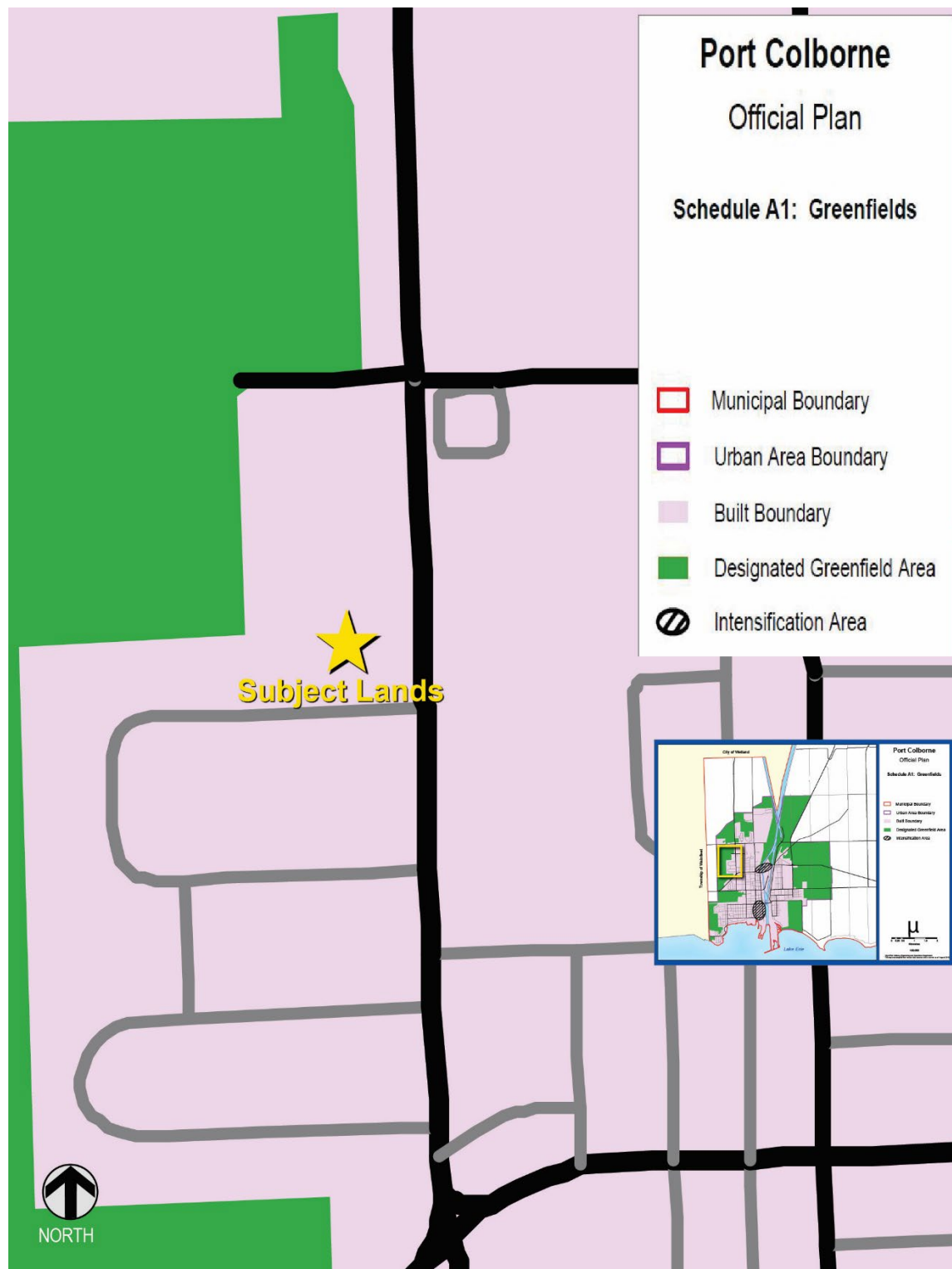
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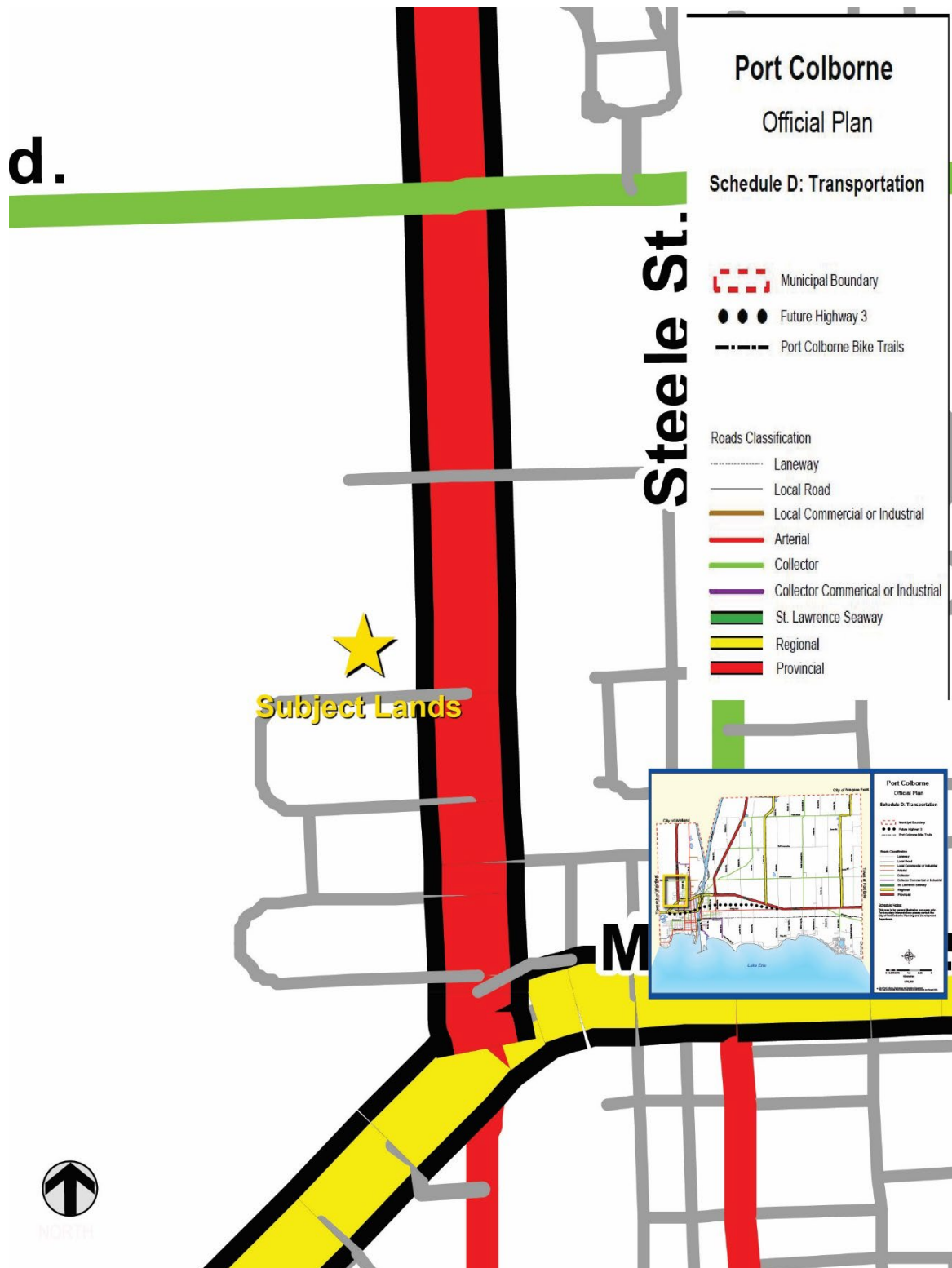












Appendix D: Draft Zoning By-law Amendment

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

Page 1

The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 for the lands legally known as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive, and

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

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

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

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Commercial Plaza (CP) to R4-XX, being a special provision of the Fourth Density Residential (R4) zone.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Residential Fourth Density Zone - R4-XX**

Notwithstanding the provisions of section 8.7 of the Zoning By-law 6575/30/18, following regulations shall apply:

- |                   |  |
|-------------------|--|
| a) Permitted uses | Stacked townhouse dwellings;<br>and<br>Uses permitted in the R4 zone |
|-------------------|--|

- b) Minimum lot area per dwelling unit      114 m<sup>2</sup>
  - c) Minimum setback of balconies              6.4 metres  
    from the corner side lot line
  - d) Minimum setback of lower-level            4.5 metres  
    terraces from the corner side  
    lot line
  - e) The balance of the regulations under section 8.7
4. That Section 38 entitled "Definitions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:
- Dwelling, Townhouse, Stacked:** means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.
5. 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.
6. 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*.

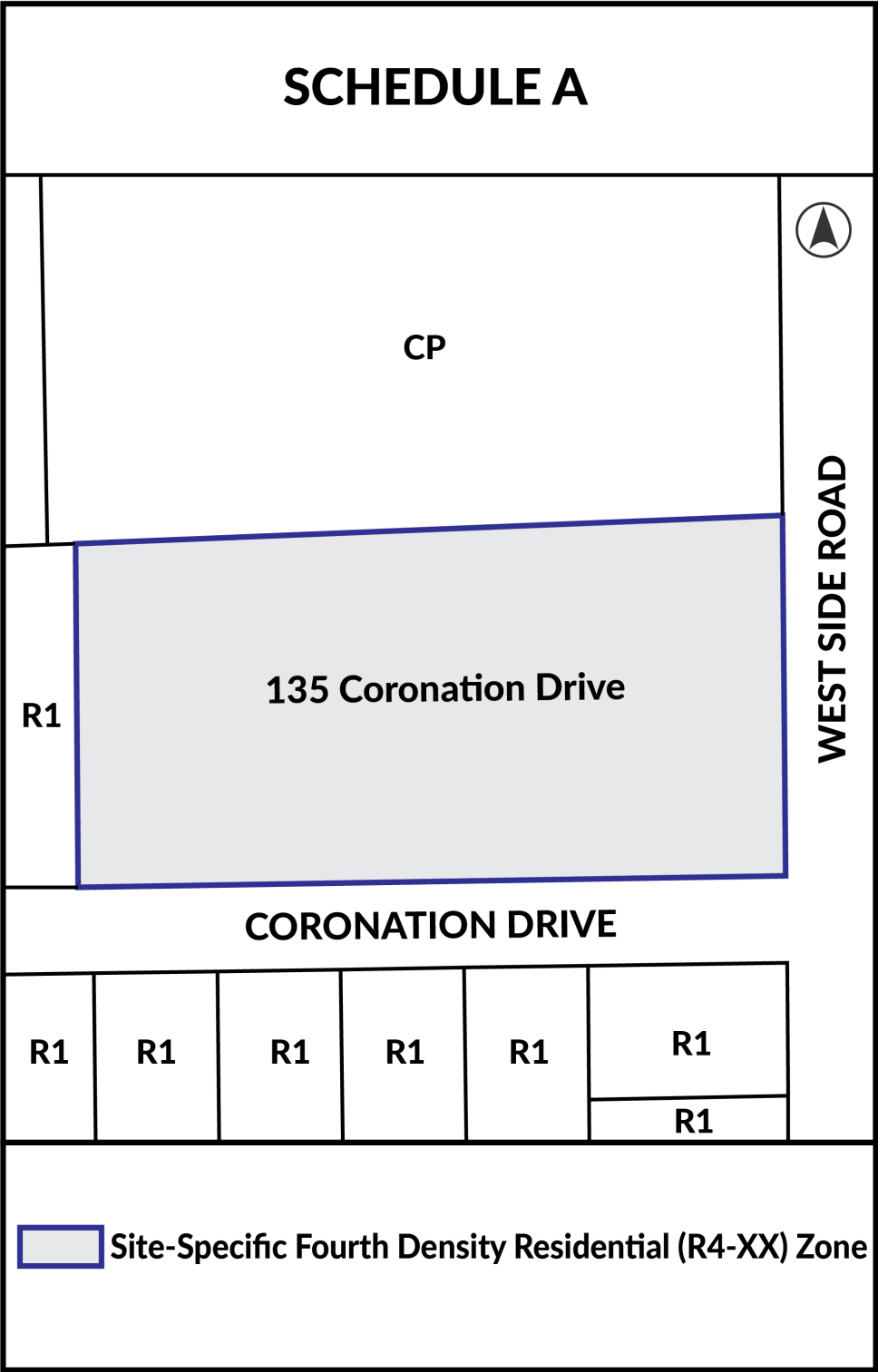
Enacted and passed this      day of                      , 2023.

---

William C Steele  
Mayor

---

Charlotte Madden  
Acting City Clerk



Appendix E: Draft Official Plan Amendment

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

**BY-LAW NO XXX/XX/23**

**BEING A BY-LAW TO ADOPT AMENDMENT NO. XX TO THE OFFICIAL PLAN FOR  
THE CITY OF PORT COLBORNE**

**WHEREAS** It is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

**NOW THEREFORE** the Council of the Corporation of the City of Port Colborne pursuant to Section 17(22) of *The Planning Act, R.S.O. 1990*, enacts as follows:

1. That the Official Plan Amendment No. XX to the Official Plan for the City of Port Colborne Planning Area consisting of the attached explanatory text and mapping is hereby adopted.
2. That this By-law shall come into force and take effect on the date upon which it is finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXTH  
DAT OF [MONTH] 2023.**

---

**William C Steele, MAYOR**

---

**Charlotte Madden, CLERK**

**AMENDMENT NO. XX**  
**TO THE OFFICIAL PLAN FOR THE**  
**PORT COLBORNE PLANNING AREA**

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**AMENDMENT NO. XX  
TO THE OFFICIAL PLAN FOR THE  
PORT COLBORNE PLANNING AREA**

**THE STATEMENT OF COMPONENTS**

**PART A**

The Preamble which does not constitute part of this Amendment.

**PART B**

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. XX to the Official Plan for the Port Colborne Planning Area.

## **PART A – THE PREAMBLE**

### **Purpose**

The purpose of this amendment is to amend land use designations on Schedule A – City-Wide Land Use of the Port Colborne Official Plan in order to facilitate the development of the subject lands, shown on the attached Schedule, as stacked townhouse dwellings.

### **Location**

The lands affected by this amendment are legally described as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive. A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. XX

### **Basis**

Currently, the subject lands are designated “Commercial Plaza”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 114 residential stacked townhouse dwelling units. The proposed density is 87.3 units per hectare.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject lands are surrounded by residential, commercial and institutional land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City’s Zoning By-law 6575/30/18, rezoning of the lands from the existing “CP- Commercial Plaza” zone to “R4-XX – Site-specific Fourth Density Residential Zone”.

The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;
- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City’s intensification target and promoting growth within the Built-Up Area.



## **PART B – THE AMENDMENT**

### **INTRODUCTORY STATEMENT**

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. XX to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows:

Lands shown on Schedule A are redesignated from Commercial Plaza to Special Policy Area and permitted to be developed for stacked townhouse dwellings at a density range of 70 to 100 units per hectare.

### **DETAILS OF THE AMENDMENT**

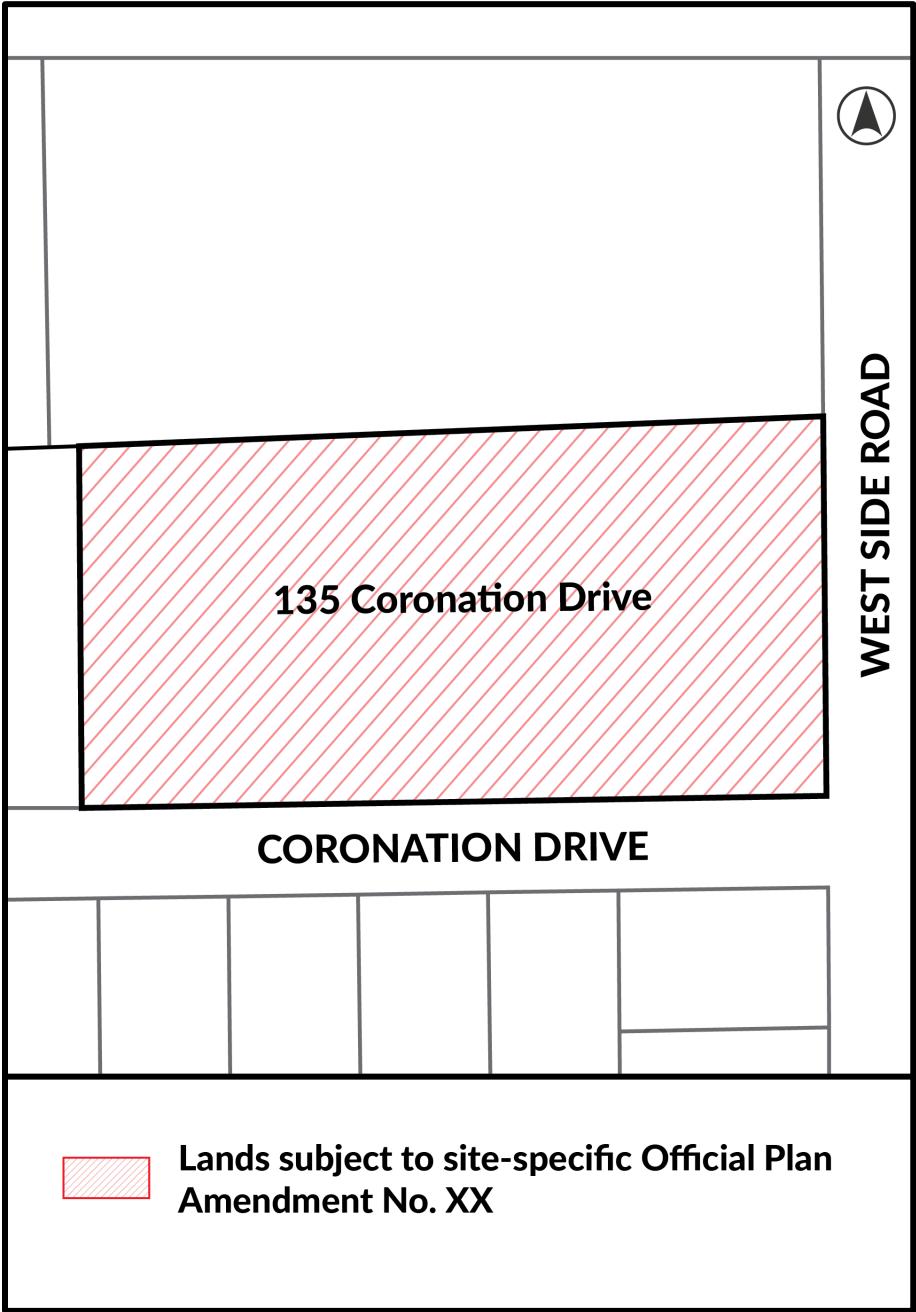
The following changes are made to the Official Plan and Schedule A - City Wide Land Use of the Official Plan for the Port Colborne Planning Area:

1. That lands shown on "Schedule A to Official Plan Amendment No. XX", shall be re-designated from Commercial Plaza to Special Policy Area and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.
2. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, the lands may be developed for stacked townhouse dwellings ranging in density from 70 to 100 units per hectare, subject to the following:
  - a. Stacked townhouse blocks located nearest to the lot lines and running parallel to them must be oriented towards the street;
  - b. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;
  - c. Principal entrances of blocks oriented towards the street should be accessible and visible from the street and connected to public sidewalks;
  - d. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.

### **IMPLEMENTATION AND INTERPRETATION**

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

SCHEDULE A



## Appendix F: Correspondence with MTO regarding canopies

**From:** [Nunes, Paul \(MTO\)](#)  
**To:** [Asawari Modak](#)  
**Cc:** [David Schulz](#); [Jeremy Tran](#)  
**Subject:** RE: 135 Coronation Drive  
**Date:** May 1, 2023 9:48:04 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image001.png](#)

---

Hi Asawari,

Re: Proposed multi-block residential stacked townhouse development  
135 Coronation Drive, Port Colborne, ON. (Hwy 58)

The MTO would have no objection to the proposed canopy and architectural framing encroaching into the 14 setback, as indicated in your preliminary image,.

Thanks,

**Paul Nunes | Senior Project Manager (West)**

Highway Corridor Management Section | Central Operations | Ontario Ministry of Transportation

159 Sir William Hearst Avenue, 7<sup>th</sup> Floor, Toronto, ON. M3M 0B7

Telephone: 416-270-3108 | Email: [paul.nunes@ontario.ca](mailto:paul.nunes@ontario.ca)



---

**From:** Asawari Modak <[amodak@npgsolutions.ca](mailto:amodak@npgsolutions.ca)>  
**Sent:** April 27, 2023 11:14 AM  
**To:** Nunes, Paul (MTO) <[Paul.Nunes@ontario.ca](mailto:Paul.Nunes@ontario.ca)>  
**Cc:** David Schulz <[David.Schulz@portcolborne.ca](mailto:David.Schulz@portcolborne.ca)>; Jeremy Tran <[jtran@npgsolutions.ca](mailto:jtran@npgsolutions.ca)>  
**Subject:** 135 Coronation Drive

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hi Paul, good morning,

My name is Asawari, planner with NPG and I'm working on the proposed OPA and ZBA application for 135 Coronation Drive.

I have a question about the proposed development at 135 Coronation Drive and wanted to touch base with you. We received your comments after the pre-consultation held on February 24, 2022, and have included them for your reference.

Our architecture team is interested in incorporating a canopy and architectural framing for the end units that face the highway to enhance their visual appeal from that side. These features would project onto the 14-meter setback mandated by the MTO. Based on the pre-consultation notes, it seems that you are open to including non-essential elements like these within the 14-meter setback. I am sharing a

preliminary image below for your consideration. Let me know if you see any problems with the proposed canopy and architectural framing.



**Asawari Modak, MPlan**

Planner

**M** 403 918 9984 **E** [amodak@npgsolutions.ca](mailto:amodak@npgsolutions.ca)



**Our offices:**

**To our valued clients and industry partners:** We are now working in a hybrid office format at full capacity in both our Niagara Falls and Hamilton offices. Our landline (905) 321-6743 is available and all NPG team members are available via our individual cell phones. If you are having trouble reaching us, please email Dianne Rintjema @ [drintjema@npgsolutions.ca](mailto:drintjema@npgsolutions.ca). Thank you for working with NPG.



Howe Gastmeier Chapnik Limited  
2000 Argentia Road, Plaza One, Suite 203  
Mississauga, Ontario, Canada L5N 1P7  
t: 905.826.4044

# Noise Feasibility Study

## Proposed Residential Development

### 135 Coronation Drive

### Port Colborne, ON


Prepared for:

Sobeys Capital Incorporated  
4980 Tahoe Boulevard  
Mississauga, ON  
L4W 0C7

Prepared by

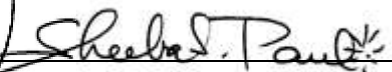


Harry Cai, PEng



Patrick Walsh, EIT

Reviewed by



Sheeba Paul, MEng, PEng

May 9, 2023

HGC Project No: 02300086

## VERSION CONTROL

Noise Feasibility Study, Proposed Residential Development, 135 Coronation Drive, Port Colborne, Ontario

Ver.	Date	Version Description	Prepared By
1.0	May 9, 2023	Noise Feasibility Study for Plannings and Approvals Process	H. Cai

### Limitations

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Any conclusions and/or recommendations herein reflect the judgment of HGC Engineering based on information available at the time of preparation, and were developed in good faith on information provided by others, as noted in the report, which has been assumed to be factual and accurate. Changed conditions or information occurring or becoming known after the date of this report could affect the results and conclusions presented.

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Figure 1: Key Plan

Figure 2: Proposed Plan Showing Prediction Locations

Figure 3: Proposed Plan Showing Ventilation Requirements

Figures 4a/b: Stationary Noise Criteria, Daytime/Nighttime

Figure 5: Stationary Noise Source Locations

Figures 6a/b: Stationary Noise Impact, Daytime/Nighttime

Figure 7: Mitigation Option 1

Figure 8: Mitigation Option 2

Appendix A: Road Traffic Information

Appendix B: Sample STAMSON 5.04 Output

## 1 Introduction and Summary

HGC Engineering was retained by Sobeys Capital Incorporated to conduct a noise feasibility study for a proposed residential development located at 135 Coronation Drive in Port Colborne, Ontario. The residential development will consist of six townhouse blocks. The study is required by the Region of Niagara and the City of Port Colborne as part of the planning and approvals process.

The primary source of noise is road traffic on West Side Road (Highway 58). Road traffic data was obtained from the Ontario Ministry of Transportation (MTO), and was used to predict future traffic sound levels at the proposed building façades and outdoor living areas. The predicted sound levels were compared to the guidelines of the Region of Niagara and the Ministry of Environment, Conservation and Parks (MECP) to develop noise control recommendations.

The results of the study indicate that the proposed development is feasible with the noise control measures described in this report, which will be refined at the Site Plan Control application stage. Central air conditioning and upgraded glazing constructions are required for the townhouse Blocks D, E, and F, which are adjacent to West Side Road. For all blocks, building constructions meeting the minimum requirement of the Ontario Building Code will provide sufficient acoustical insulation for the indoor spaces. Forced air ventilation systems with ductwork sized for the future installation of central air conditioning by the occupant are required for townhouse Block C. Noise warning clauses are required to inform future occupants of traffic noise impact and proximity to existing commercial uses.

A computational model was created, using acoustical modelling software, to assess the potential sound impact from the nearby commercial uses to the north on the proposed development. The results show that sound emissions from commercial uses have the potential to exceed the applicable criteria during daytime hours. Mitigation is required, and options for mitigation are presented in this report.

## 2 Site Description and Noise Sources

Figure 1 is a key plan indicating the location of the proposed site. The site is located west of West Side Road and north of Coronation Drive in Port Colborne, Ontario. Figure 2 shows the site plan by



Organica Studio + Inc, dated March 23, 2023. The proposed development will consist of six 3-storey townhouse blocks, totaling to 114 dwelling units.

HGC Engineering personnel visited the site on April 3, 2023 to make observations of the acoustical environment. During the site visit, it was noted that the primary source of noise impacting the site was road traffic on West Side Road. Negligible impact from road traffic was observed on Coronation Drive. The site is currently vacant. There are existing single detached dwellings to the west, south, and east of the site area.

To the north of the site area is a single storey commercial plaza (Port Colborne Mall), containing a grocery store at the south end of the plaza and is adjacent to the site area. There are also two restaurants with drive-throughs (Tim Horton's and Little Caesars Pizza) north of the site area.

An assessment of the noise impact from the commercial uses to the north is detailed in Section 6.

### 3 Traffic Noise Criteria

Guidelines for acceptable levels of road traffic noise impacting residential developments are given in the MECP publication NPC-300, "Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning", release date October 21, 2013, and are listed in Table I below.

The values in Table I are energy equivalent (average) sound levels [ $L_{EQ}$ ] in units of A-weighted decibels [dBA].

**Table I: MECP Road Traffic Noise Criteria (dBA)**

Area	Daytime $L_{EQ}$ (16 hour) Road	Nighttime $L_{EQ}$ (8 hour) Road
Outdoor Living Area	55 dBA	--
Inside Living/Dining Rooms	45 dBA	45 dBA
Inside Bedrooms	45 dBA	40 dBA

Daytime refers to the period between 07:00 and 23:00. Nighttime refers to the time period between 23:00 and 07:00. The term "Outdoor Living Area" (OLA) is used in reference to an outdoor patio, a backyard, a terrace, or other area where passive recreation is expected to occur. Small balconies are

not considered OLAs for the purposes of assessment. Terraces greater than 4 m in depth (measured perpendicular to the building façade) are considered to be OLAs.

The guidelines in the MECP publication allow the daytime sound levels in an Outdoor Living Area to be exceeded by up to 5 dBA, without mitigation, if warning clauses are placed in the purchase and rental agreements to the property. Where OLA sound levels exceed 60 dBA, physical mitigation is required to reduce the OLA sound level to below 60 dBA and as close to 55 dBA as technically, economically, and administratively practical.

A central air conditioning system as an alternative means of ventilation to open windows is required for dwellings where nighttime sound levels outside bedroom or living/dining room windows exceed 60 dBA or daytime sound levels outside bedroom or living/dining room windows exceed 65 dBA. Forced-air ventilation with ducts sized to accommodate the future installation of air conditioning is required when nighttime sound levels at bedroom or living/dining room windows are in the range of 51 to 60 dBA or when daytime sound levels at bedroom or living/dining room windows are in the range of 56 to 65 dBA.

Building components such as walls, windows and doors must be designed to achieve indoor sound level criteria when the plane of window nighttime sound level is greater than 60 dBA or the daytime sound level is greater than 65 dBA due to road traffic noise.

Warning clauses to notify future residents of possible noise excesses are also required when nighttime sound levels exceed 50 dBA at the plane of a bedroom/living/dining room window and when daytime sound levels exceed 55 dBA at the plane of a bedroom/living/dining room window due to road traffic.

## 4 Traffic Noise Assessment

### 4.1 Road Traffic Data

Traffic data for West Side Road was obtained from the MTO in the form of Average Annual Daily Traffic (AADT) traffic values, and is provided in Appendix A. The traffic data was projected to the year 2033 at an annual growth rate of 2.5 %. A projected volume of 15 119 vehicles per day at a posted speed limit of 70 km/h was applied for the analysis. A commercial vehicle percentage of 11 %

was applied, split into 4.2 % for medium trucks and 6.8 % for heavy trucks as per MTO guidelines. A day/night split of 85 % / 15 % was used, as per MTO guidelines.

Table II summarizes the traffic volume data used in this study.

**Table II: Projected Road Traffic Data to Year 2033**

Road Name		Cars	Medium Trucks	Heavy Trucks	Total
<b>West Side Road (Highway 58)</b>	Daytime	11 437	540	874	12 851
	Nighttime	2 018	95	154	2 268
	<b>Total</b>	<b>13 456</b>	<b>635</b>	<b>1 028</b>	<b>15 119</b>

## 4.2 Road Traffic Noise Predictions

To assess the levels of road traffic noise which will impact the study area in the future, sound level predictions were made using STAMSON version 5.04, a computer algorithm developed by the MECP. Sample STAMSON output is included in Appendix B.

Predictions of the traffic sound levels were chosen around the proposed residential buildings to obtain an appropriate representation of future sound levels at various façades. The proposed townhouses are assumed to be 3-storey in height, as indicated on the site plan, and will have 3<sup>rd</sup> floor terraces greater than 4 m in depth. Sound levels were predicted at the plane of the top storey bedroom and/or living/dining room windows during daytime and nighttime hours to investigate ventilation and façade construction requirements. Sound levels were also predicted on the 3<sup>rd</sup> floor terraces of the townhouses to investigate the need for noise barriers. Figure 2 shows the site plan with prediction locations. The results of these predictions are summarized in Table III.

**Table III: Predicted Road Traffic Sound Levels [dBA], Without Mitigation**

Prediction Location	Description	Daytime – in the OLA L <sub>EQ-16 hr</sub>	Daytime – at the Façade L <sub>EQ-16 hr</sub>	Nighttime – at the Façade L <sub>EQ-8 hr</sub>
[A]	Block E, east façade facing West Side Rd	60 <sup>+</sup>	66	62
[B]	Block F, north façade flanking West Side Rd	60 <sup>+</sup>	63	59
[C]	Block C, south façade with some exposure to West Side Rd	59 <sup>+</sup>	57	52
[D]	Proposed Amenity Space	<55	--	--

Note: + with a minimum 1.07m high solid parapet on the 3<sup>rd</sup> floor terraces

## 5 Traffic Noise Recommendations

The sound level predictions indicate that the future traffic sound levels will exceed MECP guidelines at the proposed development. The following discussion outlines the recommendations for acoustic barrier requirements, ventilation requirements, upgraded building façade construction, and warning clauses to achieve the noise criteria stated in Table I.

### 5.1 Outdoor Living Areas

The townhouse units are expected to have 3<sup>rd</sup> floor terraces that are greater than 4 m in depth. The daytime predicted sound levels at these terraces, with a minimum 1.07 m high solid parapet wall, will be up to 60 dBA. While this exceeds the MECP guideline limit of 55 dBA, it is within the allowable exceedance range of 5 dBA as per MECP guidelines. Further mitigation is not required.

The parapet should be of a solid construction with a surface density of no less than 20 kg/m<sup>2</sup>. The walls may be constructed from a variety of materials such as glass, wood, pre-cast concrete or other concrete/wood composite systems provided that it is free of gaps or cracks within or below its extent.

The predicted daytime sound level at the proposed common amenity area during daytime hours will be less than 55 dBA and is within the MECP guideline limits. No mitigation is required.

## 5.2 Indoor Living Areas and Ventilation Requirements

### Air Conditioning

The predicted future sound levels outside the top storey windows of the townhouse façades facing West Side Road will be greater than 60 dBA during nighttime hours and 65 dBA during daytime hours. To address these excesses, these units need to be equipped with central air conditioning systems so that windows may remain closed. These units are indicated in Figure 3. Window or through-the-wall air conditioning units are not recommended because of the noise they produce and because the units penetrate through the exterior wall which degrades the overall sound insulating properties of the envelope. The location, installation and sound ratings of the outdoor air conditioning devices should minimize noise impacts and comply with criteria of MECP publication NPC-300, as applicable.

### Provision for Air Conditioning

The predicted future sound levels outside the top storey windows of townhouse Block C, with some exposure to West Side Road, will be between 56 and 65 dBA during the daytime hours and/or between 51 to 60 dBA during the nighttime hours. To address these excesses, these dwelling units require provisions for the future installation of central air conditioning systems so that windows may be kept closed. This requirement is typically satisfied through the installation of forced air ventilation systems with ductwork sized for the future installation of central air conditioning by the occupant. These units are indicated in Figure 3. The installation of central air conditioning for all units will satisfy and exceed ventilation requirements. The location, installation and sound ratings of the outdoor air conditioning devices should minimize noise impacts and comply with criteria of MECP publication NPC-300.

## 5.3 Building Façade Constructions

The predicted sound levels at the west façades facing West Side Road will exceed 65 dBA during daytime and 60 dBA during nighttime. MECP guidelines stipulate that in such cases, building components including windows, walls, and doors be designed so that the indoor sound levels comply with the noise criteria in Table I.

Calculations were performed to determine the acoustical insulation factors (AIF) to maintain indoor sound levels within MECP guidelines. The calculation methods were developed by the National Research Council (NRC). They are based on the predicted future sound levels at the building facades, and the anticipated area ratios of the facade components (walls, windows and doors) and the floor area of the adjacent room.

### ***Exterior Doors***

There may be glazed exterior doors (sliding or swing) for entry onto the balconies from living/dining rooms and some bedrooms. The glazing areas of the doors should be counted as part of the total window glazing area. All exterior doors should include good weather seals to reduce air infiltration to the minimum achievable levels.

### ***Acoustical Requirements for Glazing***

The required building components are selected based on the AIF value for road traffic. A summary of the STC requirements is given in Table IV for the townhouse façades, based on the possibility of sound entering the building through walls, windows and doors for all of the dwellings. Detailed floor plans and building elevations were not available for review at the time of this report, which will be available as a part of a future Site Plan Control application. A window to floor ratio of 50% (40% fixed, 10% operable) for living/dining room and 40% (30% fixed, 10% operable) for bedrooms were assumed to determine preliminary window STC ratings required to mitigate road traffic noise levels.

**Table IV: Preliminary Minimum STC Requirements**

Block	Description	Space	STC Glazing Requirements
D, E, F	West façades facing West Side Road	+Living/Dining	STC-28
		+Bedroom	STC-28
	Other façades	+Living/Dining	OBC
		+Bedroom	OBC
Others	All façades	+Living/Dining	OBC
		+Bedroom	OBC

Notes: OBC – Ontario Building Code  
+ Sound entering through windows and walls

The glazing requirements can be met using fairly standard sealed units. Any double-glazed unit, meeting the minimum requirements of the Ontario Building Code, should provide adequate acoustical insulation for indoor spaces. Operable sections, including doors and operable windows, must be well-fitted and weather-stripped in order to achieve the upper range of target STC values.

### ***Further Analysis***

When detailed floor plans and building elevations are available for the dwelling units adjacent to West Side Road, window glazing construction should be refined based on actual window to floor area ratios.

## **6 Stationary Source Assessment**

Noise sources associated with industrial and commercial facilities are assessed separately from traffic sources under MECP guidelines. The grocery store, Tim Horton's restaurant & drive-through, and Little Caesar restaurant & drive-through are potential sources of noise that can impact the proposed development. These facilities are considered to be Stationary Sources of Sound and criteria for their assessment are contained in the following section.

### **6.1 Sound Level Criteria at the Nearby Receptors**

Typical ambient sound levels can be determined through prediction of road traffic volumes in areas where traffic sound is dominant. Where it can be demonstrated that the hourly background sound levels are greater than the exclusionary limits, the criterion becomes the minimum predicted one-hour  $L_{EQ}$  sound level during each respective period of the day. At locations where the background sound levels are low, the exclusionary limit of 50 dBA for daytime/evening and 45 dBA for nighttime respectively will apply.

Elevated background sound levels due to road traffic on West Side Road are considerable, especially at the townhouse blocks adjacent to West Side Road. Using the traffic volumes provided by the MTO, the traffic data was applied to a generic 24-hour traffic pattern developed by the US Department of Transportation, Federal Highways Administration contained in the report titled "Summary of National and Regional Travel Trends 1970 – 1995" dated May 1996. The traffic

volumes were then used to predict the minimum hourly background sound levels at the existing dwelling façades and outdoor living areas.

To assess the levels of background road traffic noise, noise predictions were made using a numerical computer modelling package (*Cadna-A version 2023, build: 195.5312*) using hourly traffic volumes. The road noise sources have been included in the *Cadna/A* model as line sources. Our experience suggests that road sound levels predicted by *Cadna/A* are reasonably accurate. In the model, road traffic values have been qualified to be within 1-2 dBA of those predicted in STAMSON 5.04, a computer algorithm developed by the MECP.

The results show that the background sound levels due to road traffic can exceed the exclusionary limits at façades close to West Side Road. Figures 4a and 4b show the applicable sound level criteria for the proposed development.

## 6.2 Stationary Source Noise Predictions

Predictive noise modelling was used to assess the sound impact of the nearby stationary sources at the most critically impacted façades of the proposed development in accordance with MECP guidelines. The noise prediction model was constructed based on site visit observations, information from grocery store personnel regarding their operations, review of the proposed site and floor plans, satellite aerial photos, and estimates of sound emission levels of stationary sources taken from similar past HGC Engineering project files.



**Table V: Source Sound Power Levels [dB re 10-12 W]**

Source	Octave Band Sound Level								Overall dBA
	63	125	250	500	1k	2k	4k	8k	
Exhaust Fan	--	79	76	71	72	64	59	55	75
Kitchen Fan	84	85	84	80	76	73	64	57	82
Chiller Condenser Fan (Each)	84	79	78	77	76	70	63	59	80
Trash Compactor	101	95	88	81	77	75	74	67	86
Carrier 48TCxx06 5-Ton HVAC	84	82	76	75	73	69	66	62	78
Tractor Trailer Acceleration	101	100	94	96	97	95	91	86	101
Tractor Trailer Idling	96	91	88	88	91	90	81	70	95
Tractor Trailer Refrigeration Unit	112	105	96	95	93	91	85	77	98
Drive-through speakerboard*	80	75	72	86	83	81	68	53	88
Low Speed or Idling Car	90	86	76	72	71	68	62	58	77

Note: The above drive-through speakerboard sound power specification equates to a sound pressure level of 71 dBA at 1.5 meters from the speaker, while the speaker is active.

\* Includes a 5 dB tonal penalty.

The above data were inputted into a predictive computer model. The software used for this purpose (*Cadna-A version 2023, build: 195.5312*) is a computer implementation of ISO Standard 9613-2.2 “Acoustics - Attenuation of Sound During Propagation Outdoors.” The ISO method accounts for reduction in sound level with distance due to geometrical spreading, air absorption, ground attenuation and acoustical shielding by intervening structures such as buildings and barriers.

The following information and assumptions were used in the analysis.

- The height of the existing commercial building is assumed to be 5.0 m.
- A minimum 1.07 m high parapet wall surrounds the 3<sup>rd</sup> storey terraces of the proposed townhouses.
- There is a loading dock associated with the existing grocery store with a wing wall that is approximately 2.5 m tall, which has been included in the analysis.
- The rooftop HVAC units are assumed to be 1.5 m in height and exhaust fans are assumed to be 0.5 m in height. Equipment data was obtained from grocery store personnel for the grocery store rooftop.
- Based on information from the grocery store, tractor trailers deliver food and products to the loading dock during daytime hours, with some of the trucks equipped with refrigeration units (reefers).

- Location of rooftop equipment, truck engine and reefer idling, idling cars, and drive-through speakerboard sources are shown as green crosses, location of truck movements are shown as green lines in Figure 5.

In this impact assessment, we have considered typical worst-case (busiest hour) scenarios for each time period to be as follows:

***Assumed daytime worst-case hour scenario:***

- All rooftop equipment operating continuously at 100% capacity (60 minutes in an hour).
- One tractor trailer with a refrigeration unit arrives and departs the loading dock.
- At the loading areas, trucks are assumed to idle engines for 10 minutes as a conservative estimate. The refrigeration units on the trucks are assumed to operate for 30 minutes.
- The trash compactor next to the loading dock is assumed to operate for 5 minutes.
- 10 cars idling at the Tim Hortons drive-through queue for the full hour.
- 5 cars idling at the Little Caesars drive-through queue for the full hour.
- Tim Hortons speakerboard active for 20 minutes out of an hour (10 seconds per order for 120 cars).
- Little Caesars speakerboard active for 10 minutes out of an hour (10 seconds per order for 60 cars).

***Assumed nighttime worst-case hour scenario:***

- All rooftop equipment operating on a 33% duty cycle (20 minutes in an hour), to account for cooler ambient temperatures, with the exception of kitchen fans of the Little Caesar restaurant which do not operate during nighttime hours (outside of business hours).
- No tractor trailer activity at the grocery store as deliveries occur during daytime hours only.
- 10 cars idling at the Tim Hortons drive-through queue for the 30 minutes in an hour.
- Tim Hortons speakerboard active for 10 minutes out of an hour (10 seconds per order for 60 cars).
- No drive-through activity at the Little Caesar restaurant (outside of business hours).

## 6.3 Results

The unmitigated sound levels due to stationary noise sources associated with the grocery store, Tim Hortons, and Little Caesars at the façades of the proposed buildings are summarized in Table VI, and presented graphically in Figures 6a and 6b.

**Table VI: Predicted Sound Levels from the Existing Commercial Uses on the Proposed Townhouses[dBA]**

Block	Description	Daytime/Evening (07:00 – 23:00)	Nighttime (23:00 – 07:00)	Criteria (Day / Night)
A	West Facade	43	<30	50/45
	North Facade	<b>53</b>	43	
	East Facade	<b>52</b>	43	
	South Facade	32	<30	
	3 <sup>rd</sup> Floor Terrace	50	--	50/45
F	West Facade	49	43	50/45
	North Facade	52	45	52/45
	East Facade	44	41	59/52
	South Facade	37	31	50/45
	3 <sup>rd</sup> Floor Terrace	46	--	50/45
Others	Other façades	<50	<45	50/45*

Notes: **Bold** indicate sound level excesses over the applicable limits.

\*Exclusionary minimum limits shown for façades of other townhouse blocks that are less impacted by the commercial uses to the north. See Figures 4a and 4b for sound level criteria of all façades.

The results of the calculations indicate that the predicted sound levels during a worst case operational scenario have the potential to exceed the applicable criteria at the south and east façades of the proposed townhouse block (Block A) closest to the existing commercial uses.

## 6.4 Discussions & Conceptual Noise Mitigation Options

The results show that there are sound level excesses, of up to 3 dBA during the daytime at the north and east façades of Block A, primarily due to the grocery store's trucking activities at the loading dock.

While the MECP does not generally accept central air conditioning or mechanical ventilation as mitigation measures for stationary noise sources per se, it is noted that central air conditioning can be installed in the proposed buildings for the residential units so that the windows can remain closed against both traffic and stationary noise.

Conceptual options for noise mitigation include the following:

*Option 1: Architectural Modifications*

Architectural design for the north façade of townhouse Block A and the east façades of the two townhouse units closest to the grocery store, such that no windows to noise sensitive spaces face towards the loading dock, as shown in Figure 7, will reduce the sound levels to below MECP limits.

When detailed floor plans and building elevations are available, windows to noise sensitive spaces for townhouse Block A should be verified by an acoustical consultant. Windows to non-noise sensitive spaces to those abovementioned north and east façades are permitted. In accordance with MECP noise guidelines, noise sensitive spaces include the following: bedrooms, living/dining rooms, eat-in kitchens, and dens.

*Option 2: Property Line Barrier and Architectural Modifications*

Alternatively, a combination of a property line barrier and architectural modifications can also mitigate sound levels to be within the limits. A 4.2 m high property line barrier built on the proposed site area lands, approximately 15 m long and shown in Figure 8, along with architectural design for the north façade of townhouse Block A such that no windows to noise sensitive spaces face towards the loading dock, will reduce sound levels to below MECP limits.

Acoustic barriers can be any combination of an earth berm with an acoustic wall on top. The wall component of the barrier should be of a solid construction with a surface density of no less than 20 kg/m<sup>2</sup>. The walls may be constructed from a variety of materials such as wood, brick, pre-cast concrete or other concrete/wood composite systems provided that it is free of gaps or cracks within or below its extent.

When detailed floor plans and building elevations are available, windows to noise sensitive spaces for townhouse Block A should be verified by an acoustical consultant. Windows to non-noise sensitive spaces to the abovementioned north façade are permitted. In accordance with MECP noise guidelines, noise sensitive spaces include the following: bedrooms, living/dining rooms, eat-in kitchens, and dens.

## 7 Warning Clauses

The MECP guidelines recommend that warning clauses be included in the property and tenancy agreements and offers of purchase and sale for all units with anticipated traffic sound level excesses. The following noise warning clauses are required for specific dwellings as indicated in Table VII.

Suggested wording for future dwellings which have minor sound levels excesses over the MECP criteria is given below.

Type A:

Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Suggested wording for future dwellings with sound levels exceeding the MECP criteria for which air conditioning has been provided is given below.

Type B:

Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment, Conservation and Parks noise criteria.

Suggested wording for future dwellings which have provisions for central air conditioning to be installed is given below.

Type C:

This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby

ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Suggest wording for future dwellings which will have central air conditioning units to be installed is given below.

Type D:

This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.

Suggested wording for future dwelling units in close proximity to commercial buildings is given below.

Type E:

Purchasers are advised that due to the proximity of the existing commercial buildings, sound levels from the facilities may be at times be audible.

These sample clauses are provided by the MECP as examples, and can be modified by the Municipality as required.

## 8 Summary and Recommendations

The following list and Table VII summarize the recommendations made in this report. The reader is referred to Figure 3 and previous sections of the report where these recommendations are applied and discussed in more detail.

### Transportation Noise

1. Central air conditioning will be required for townhouse Blocks D, E, and F, which are adjacent to West Side Road.
2. Forced air ventilation systems with ductwork sized for future installation of central air conditioning systems will be required townhouse Block C.
3. A minimum 1.07 m high solid parapet is required on the 3<sup>rd</sup> floor terraces.

4. Upgraded building constructions are required for the façades facing West Side Road as noted in Section 5.3. When detailed floor plans and building elevations are available for the dwelling units with exposure to the roadways, window glazing construction should be refined on actual window to floor ratios.
5. The use of warning clauses in the property and tenancy agreements is recommended to inform future residents of traffic noise issues.

### Stationary Noise

6. Mitigation is required for Block A since sound level excesses are predicted due to activity at the grocery store's loading dock. Options for mitigation are presented Section 6.4.

**Table VII: Summary of Noise Control Requirements and Noise Warning Clauses**

Block	Description	Acoustic Barrier	Ventilation Requirements*	Type of Warning Clause	Upgraded Glazing Constructions	Architectural Modifications
D, E, F	Townhouse block adjacent to West Side Rd - West façades	--	Central A/C	B, D, E	LR/DR: STC-28 BR: STC-28	--
	Townhouse block adjacent to West Side Rd - Other façades				OBC	--
C	Townhouse block with some exposure to West Side Rd	--	Forced Air	A, C, E	OBC	--
B	Interior townhouse block	--	--	E	OBC	--
A	Townhouse block closest to grocery store loading dock	--	--	E	OBC	+

Notes:

\* The location, installation and sound rating of the air conditioning condensers must be compliant with MECP Guideline NPC-300, as applicable.

-- No specific requirements

+ Architectural modifications, such that no windows to noise sensitive spaces are on the north and/or the east façade and/or wing wall improvement at grocery store's loading dock

OBC – Ontario Building Code

LR/DR – Living Room/Dining Room

BR – Bedroom

## 8.1 Implementation

To ensure that the noise control recommendations outlined above are properly implemented, it is recommended that:

1. Prior to the issuance of building permits for this development, a Professional Engineer qualified to perform acoustical engineering services in the Province of Ontario should review the detailed architectural plans and building elevations to refine glazing requirements based on actual window to floor areas ratios. An acoustical consultant shall review the floor plans and building elevations of Block A to ensure noise sensitive spaces are relocated and/or a property line barrier is implemented.
2. Prior to the issuance of occupancy permits for this development, the Municipality's building inspector or a Professional Engineer qualified to perform acoustical engineering services in the Province of Ontario should certify that the noise control measures have been properly incorporated, installed, and constructed.





Figure 1: Key Plan







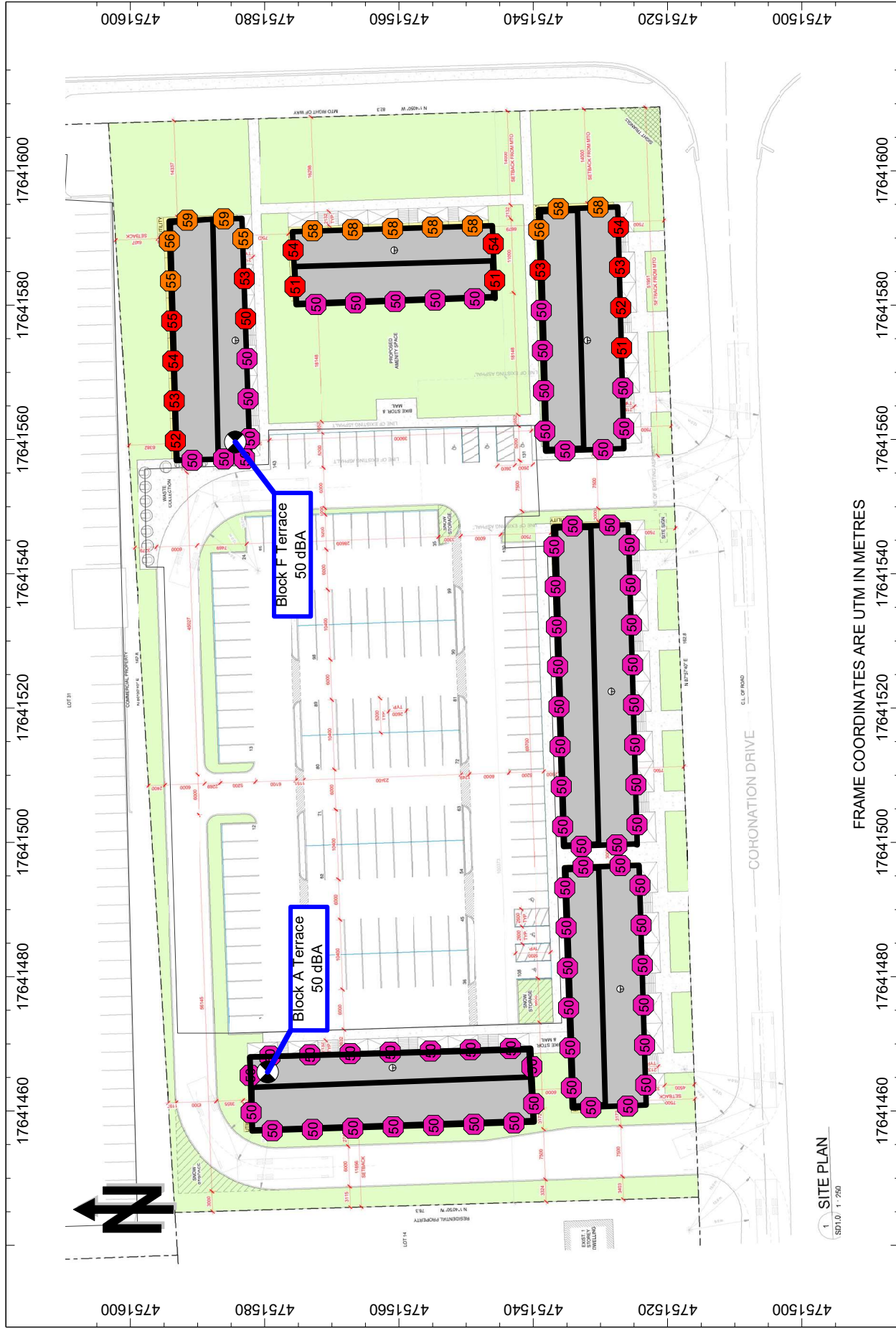


Figure 4a: Stationary Noise Criteria, Daytime (07:00 - 23:00), Leq [dBA]



ACOUSTICS



NOISE



VIBRATION



Figure 4b: Stationary Noise Criteria, Nighttime (23:00 - 7:00), Leq [dBA]



ACOUSTICS



NOISE



VIBRATION



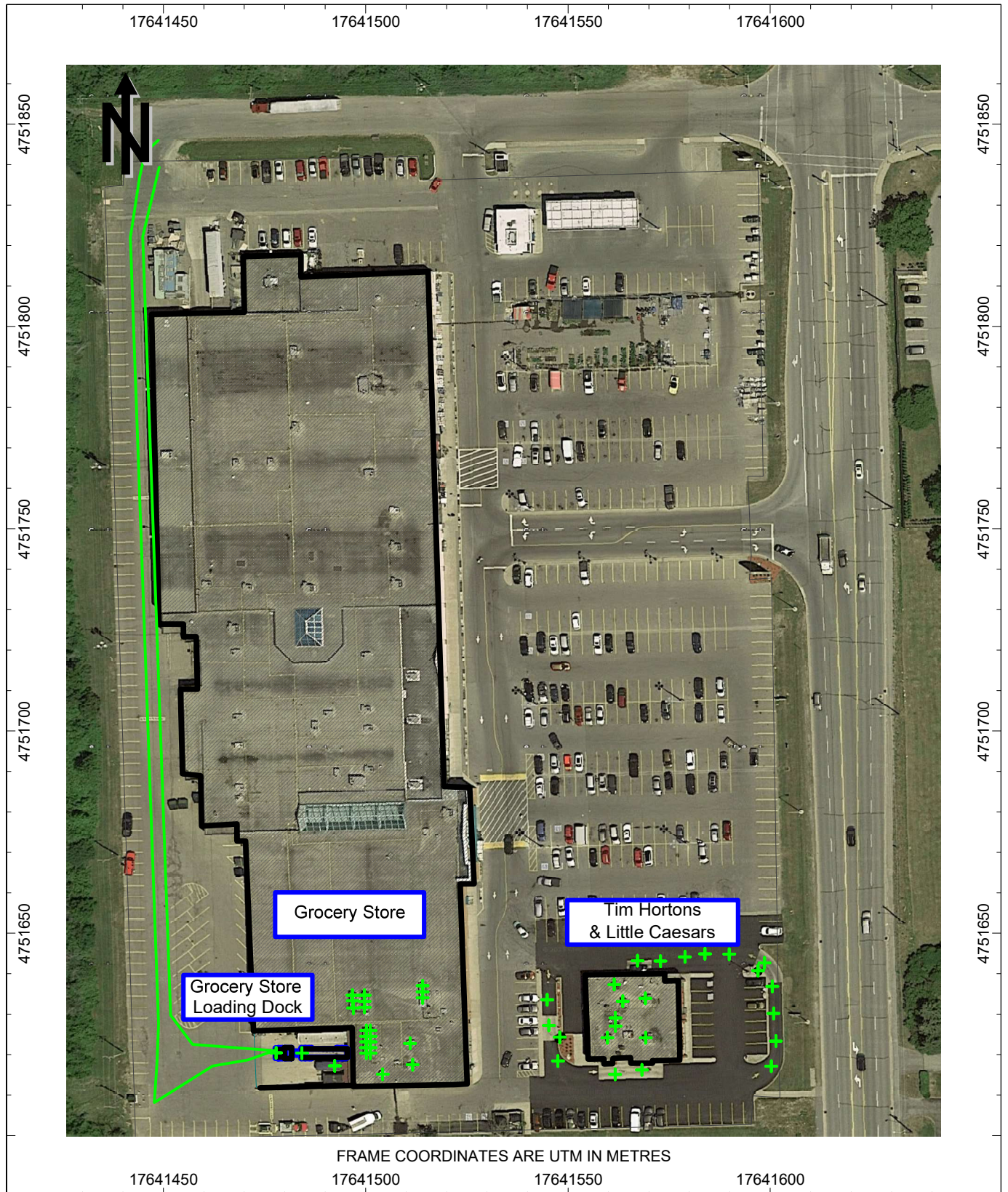


Figure 5: Stationary Noise Source Locations



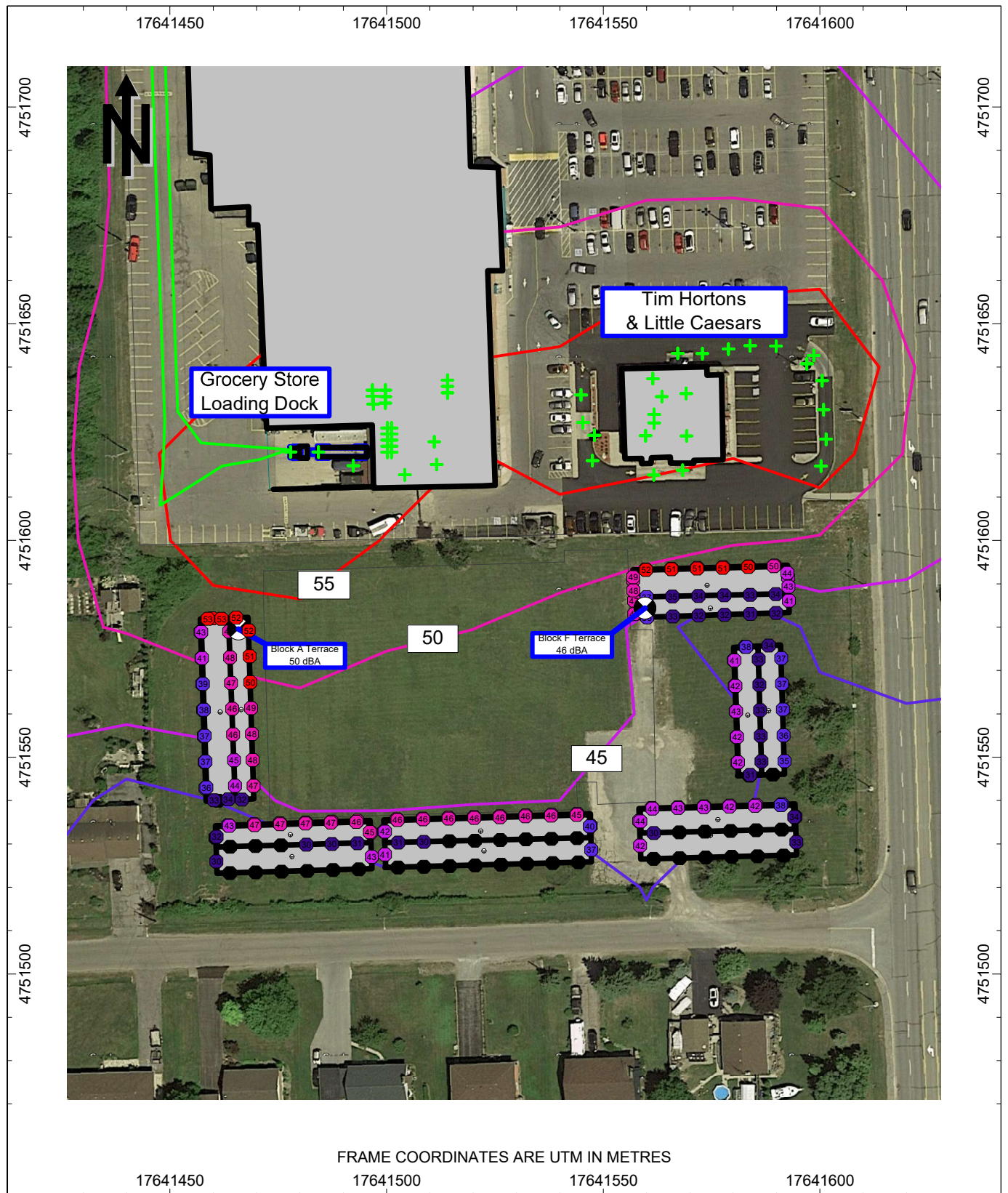


Figure 6a: Stationary Noise Impact, Daytime (7:00 - 23:00), Leq [dBA]



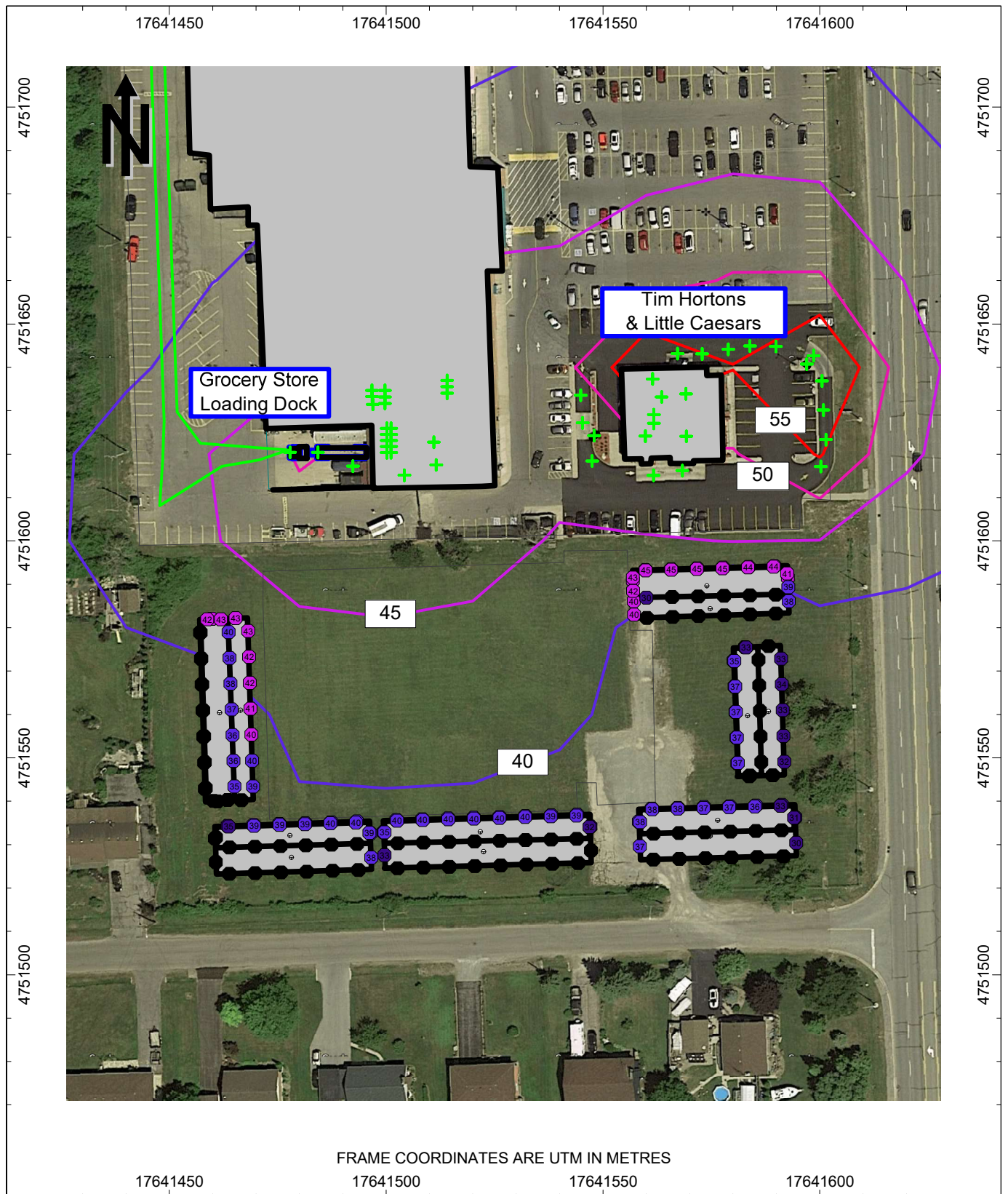


Figure 6b: Stationary Noise Impact, Nighttime (23:00 - 07:00), Leq [dBA]



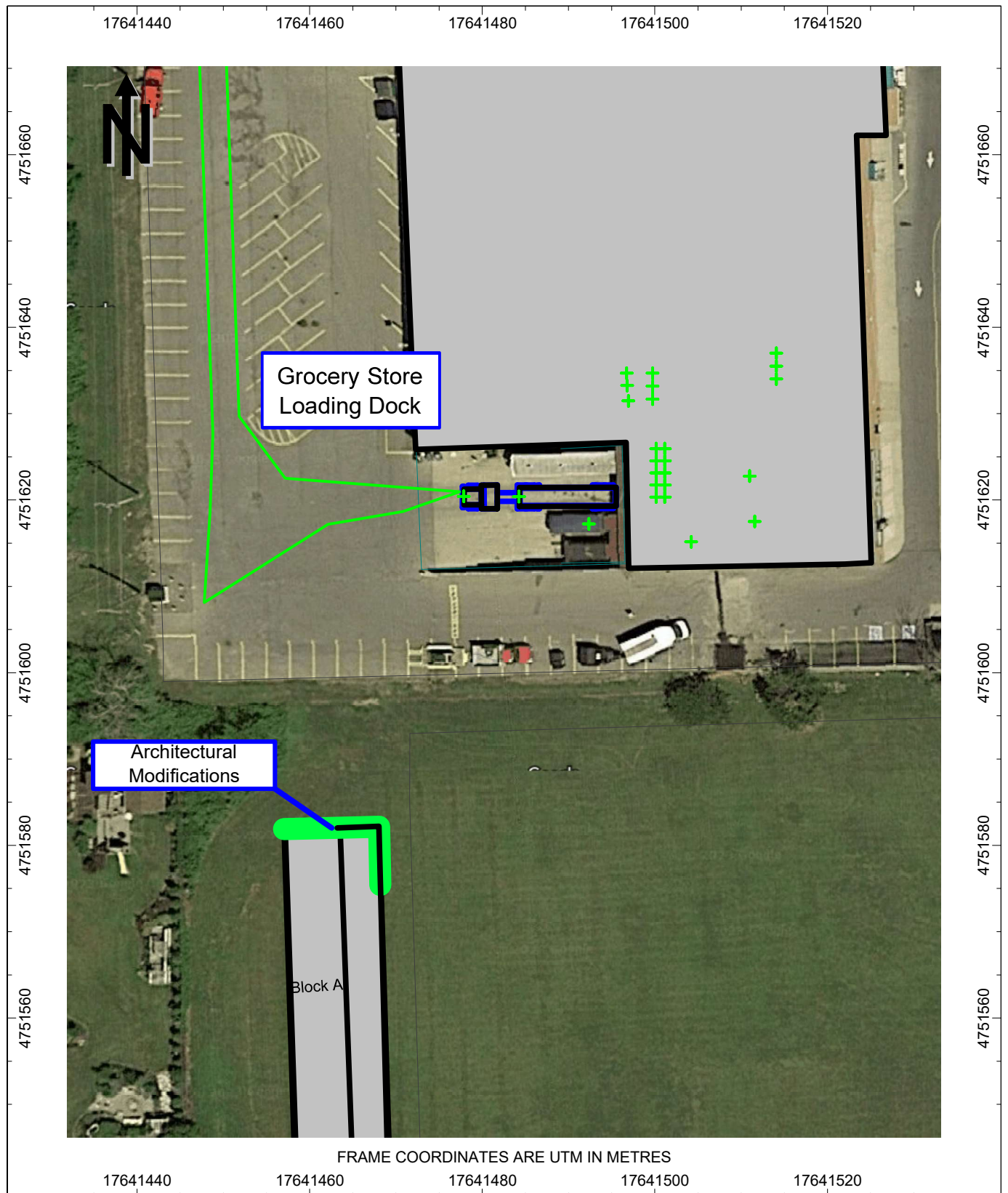


Figure 7: Mitigation Option 1.  
Architectural Modifications

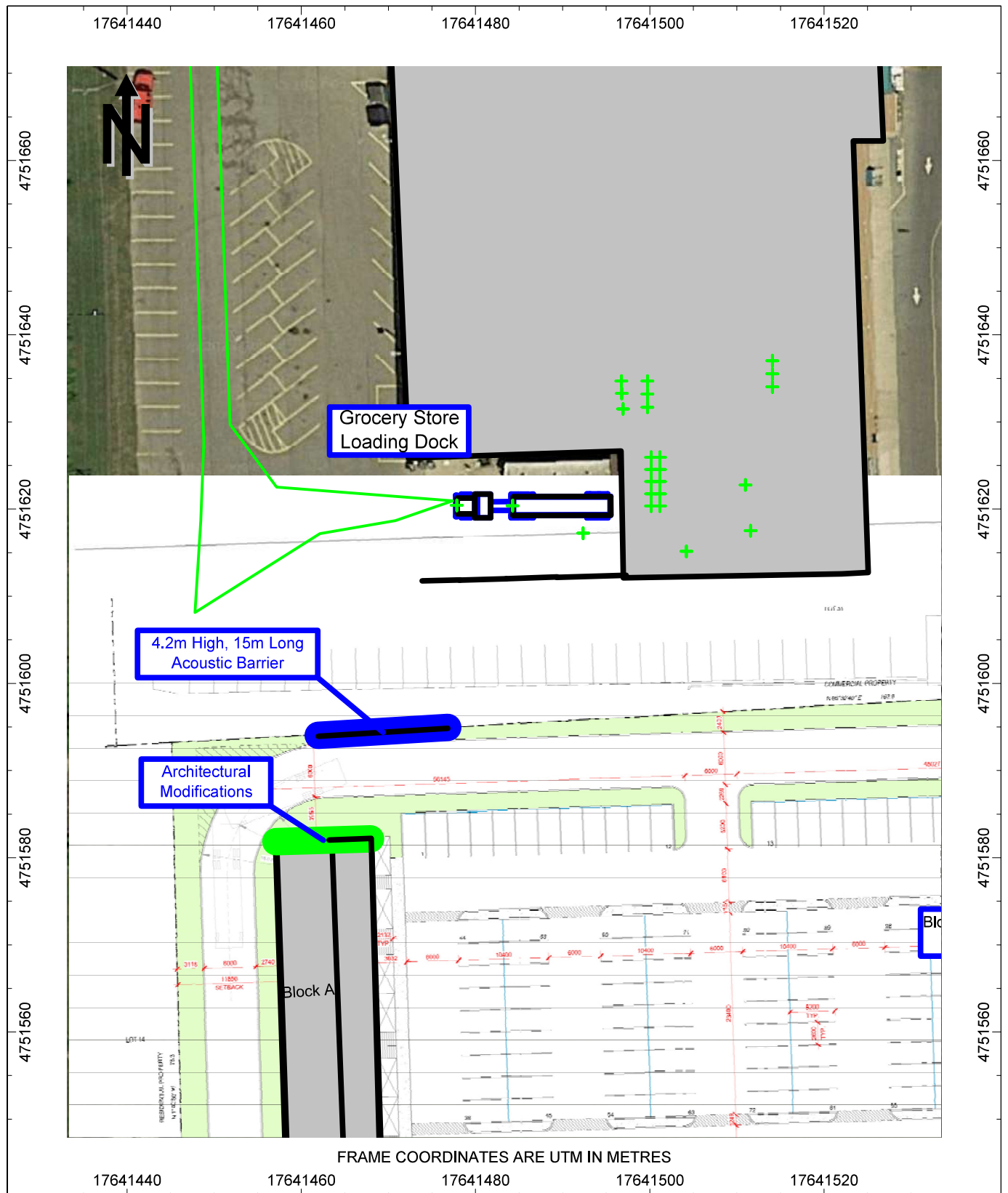


Figure 8: Mitigation Option 2  
Property Line Barrier and Architectural Modifications

# Appendix A

## Road Traffic Information



ACOUSTICS



NOISE



VIBRATION

**From:** [Dzbik, Les \(MTO\)](#)  
**To:** [Harry Cai](#)  
**Cc:** [Shabro, Sherry \(MTO\)](#); [Dutchak, Lance \(MTO\)](#)  
**Subject:** FW: DATA REQUEST: Commercial Vehicle Percentages - Hwy 58 & Main St, Port Colborne  
**Date:** March 21, 2023 10:35:10 AM  
**Importance:** High

---

Hello Mr. Cai: the 2019 AADT and %commercial vehicles is shown in the following table for the described sections of Hwy 58

HWY 3-NIAGARA RD 3-MAIN ST-PORT COLBORNE to S ENT PORT COLBORNE MALL(W)	10700 AADT	11%
North of S ENT PORT COLBORNE MALL(W)	8800 AADT	6%

Thank you.

Regards,

Les Dzbik, P.Eng.  
A/Traffic Manager  
Ministry of Transportation | Transportation Infrastructure Management Division  
| Traffic Central 2  
159 Sir William Hearst Avenue | 6th Floor  
Toronto, Ontario | M3M 0B7  
Cell: 437-772-7193  
Email: [Les.Dzbik@ontario.ca](mailto:Les.Dzbik@ontario.ca)

---

**From:** Guillermo, Danielle (MTO) <[Danielle.Guillermo@ontario.ca](mailto:Danielle.Guillermo@ontario.ca)>  
**Sent:** March 21, 2023 9:52 AM  
**To:** Dzbik, Les (MTO) <[Les.Dzbik@ontario.ca](mailto:Les.Dzbik@ontario.ca)>; Dutchak, Lance (MTO) <[Lance.Dutchak@ontario.ca](mailto:Lance.Dutchak@ontario.ca)>  
**Cc:** Shabro, Sherry (MTO) <[Sherry.Shabro@ontario.ca](mailto:Sherry.Shabro@ontario.ca)>  
**Subject:** DATA REQUEST: Commercial Vehicle Percentages - Hwy 58 & Main St, Port Colborne  
**Importance:** High

Hi Les/Lance,

Please see request for commercial vehicle percentages for sections of Highway 58 just north of the interchange with Niagara Road 3.

Google maps link [here](#) for reference.

Thank you,  
Danielle

---

**From:** Harry Cai <[hcai@hgcengineering.com](mailto:hcai@hgcengineering.com)>  
**Sent:** March 21, 2023 9:47 AM  
**To:** Guillermo, Danielle (MTO) <[Danielle.Guillermo@ontario.ca](mailto:Danielle.Guillermo@ontario.ca)>  
**Subject:** Commercial Vehicle Percentages - Hwy 58 & Main St, Port Colborne

**CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.**

Hi Danielle,

HGC Engineering is conducting a noise study located near the intersection of Highway 58 (West Side Road) and Niagara Road 3 (Main Street) in Port Colborne.

See Google maps link [here](#) for reference.

Could you provide the commercial vehicle percentages for sections of Highway 58 just north of the interchange with Niagara Road 3?

Thank you.

**Harry Cai**, PEng  
Project Consultant

**HGC Engineering** [NOISE](#) | [VIBRATION](#) | [ACOUSTICS](#)  
**Howe Gastmeier Chapnik Limited**  
2000 Argentia Road, Plaza One, Suite 203, Mississauga, Ontario, Canada L5N 1P7  
t: 905.826.4044 ext. 297 e: [hcai@hgcengineering.com](mailto:hcai@hgcengineering.com)  
Visit our website: [www.hgcengineering.com](http://www.hgcengineering.com) Follow Us – [LinkedIn](#) | [Twitter](#) | [YouTube](#)

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. Any conclusions or recommendations provided by HGC Engineering in this e-mail or any attachments have [limitations](#).

## Appendix B

Sample STAMSON 5.04 Output



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NOISE



VIBRATION

Filename: a.te      Time Period: Day/Night 16/8 hours  
 Description: Pred. Loc. [A], BLock E east facade

Road data, segment # 1: West Side Rd (day/night)

-----  
 Car traffic volume : 11437/2018 veh/TimePeriod \*  
 Medium truck volume : 540/95 veh/TimePeriod \*  
 Heavy truck volume : 874/154 veh/TimePeriod \*  
 Posted speed limit : 70 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

\* Refers to calculated road volumes based on the following input:

24 hr Traffic Volume (AADT or SADT): 10700  
 Percentage of Annual Growth : 2.50  
 Number of Years of Growth : 14.00  
 Medium Truck % of Total Volume : 4.20  
 Heavy Truck % of Total Volume : 6.80  
 Day (16 hrs) % of Total Volume : 85.00

Data for Segment # 1: West Side Rd (day/night)

-----  
 Angle1 Angle2 : -90.00 deg 90.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0 / 0  
 Surface : 1 (Absorptive ground surface)  
 Receiver source distance : 29.00 / 29.00 m  
 Receiver height : 7.50 / 7.50 m  
 Topography : 1 (Flat/gentle slope; no barrier)  
 Reference angle : 0.00

Results segment # 1: West Side Rd (day)

-----  
 Source height = 1.61 m

ROAD (0.00 + 66.05 + 0.00) = 66.05 dBA  
 Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq

-----  
 -90 90 0.48 71.41 0.00 -4.23 -1.13 0.00 0.00 0.00 66.05  
 -----

Segment Leq : 66.05 dBA

Total Leq All Segments: 66.05 dBA

Results segment # 1: West Side Rd (night)

Source height = 1.61 m

ROAD (0.00 + 61.53 + 0.00) = 61.53 dBA

Angle1 Angle2 Alpha RefLeq P.Adj D.Adj F.Adj W.Adj H.Adj B.Adj SubLeq

-90	90	0.48	66.88	0.00	-4.23	-1.13	0.00	0.00	0.00	0.00	61.53
-----	----	------	-------	------	-------	-------	------	------	------	------	-------

Segment Leq : 61.53 dBA

Total Leq All Segments: 61.53 dBA

TOTAL Leq FROM ALL SOURCES (DAY): 66.05  
(NIGHT): 61.53





Filename: aola.te      Time Period: 16 hours  
 Description: 3rd floor terrace of Block E

Road data, segment # 1: West Side Rd

-----  
 Car traffic volume : 11437 veh/TimePeriod \*  
 Medium truck volume : 540 veh/TimePeriod \*  
 Heavy truck volume : 874 veh/TimePeriod \*  
 Posted speed limit : 70 km/h  
 Road gradient : 0 %  
 Road pavement : 1 (Typical asphalt or concrete)

Data for Segment # 1: West Side Rd

-----  
 Angle1 Angle2 : -90.00 deg 90.00 deg  
 Wood depth : 0 (No woods.)  
 No of house rows : 0  
 Surface : 1 (Absorptive ground surface)  
 Receiver source distance : 34.00 m  
 Receiver height : 1.50 m  
 Topography : 4 (Elevated; with barrier)  
 Barrier angle1 : -90.00 deg Angle2 : 90.00 deg  
 Barrier height : 1.07 m  
 Elevation : 6.00 m  
 Barrier receiver distance : 3.00 m  
 Source elevation : 0.00 m  
 Receiver elevation : 6.00 m  
 Barrier elevation : 6.00 m  
 Reference angle : 0.00

Results segment # 1: West Side Rd

-----  
 Source height = 1.61 m

Barrier height for grazing incidence

-----  
 Source ! Receiver ! Barrier ! Elevation of  
 Height (m) ! Height (m) ! Height (m) ! Barrier Top (m)  
 -----+-----+-----+-----  
 1.61 ! 1.50 ! 0.98 ! 6.98

ROAD (0.00 + 60.34 + 0.00) = 60.34 dBA

Angle1	Angle2	Alpha	RefLeq	P.Adj	D.Adj	F.Adj	W.Adj	H.Adj	B.Adj	SubLeq
-90	90	0.41	71.41	0.00	-5.02	-1.01	0.00	0.00	-5.05	60.34

Segment Leq : 60.34 dBA

Total Leq All Segments: 60.34 dBA

TOTAL Leq FROM ALL SOURCES: 60.34



ACOUSTICS



NOISE



VIBRATION



PROPOSED DEVELOPMENT FROM WEST SIDE ROAD (HIGHWAY 58) LOOKING SOUTH-WEST

STACKED TOWNHOUSE DEVELOPMENT

135 CORONATION DR  
PORT COLBORNE, ON  
L3K 3Z5

| 7-145 Birmingham Street | Toronto ON | M8V3Z8 | 905 832 5758 | [organicastudio.ca](mailto:info@organicastudio.ca) | [info@organicastudio.ca](mailto:info@organicastudio.ca)

organica  
studio + inc

architecture | interiors | design | research





PROPOSED DEVELOPMENT FROM CORONATION DRIVE LOOKING NORTH

## **Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free: 1-800-263-7215

---

### **Via Email Only**

July 12, 2023

Region File: D.18.07.ZA-23-0061 & D.10.07.OPA-23-0032

David Schulz  
Senior Planner  
City of Port Colborne  
66 Charlotte Street  
Port Colborne, ON, L3K 3C8

Dear Mr. Schultz:

**Re: Regional and Provincial Comments  
Proposed Official Plan and Zoning By-law Amendment  
City Files: D09-03-23 & D14-04-23  
Owner: Sobeys Capital Inc. c/o Phil Busby  
Applicant: John Henricks and Jeremy Tran- NPG Planning Solutions  
135 Coronation Drive  
City of Port Colborne**

---

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the above mentioned Official Plan and Zoning By-law Amendment for 135 Coronation Drive in the City of Port Colborne. The applicant is proposing an Official Plan Amendment to re-designate the lands from Commercial Plaza to an Urban Residential special policy area designation to allow for stacked townhouses providing a density range of 70 to 100 units per hectare and to add policies pertaining to enhancements for visual quality.

Additionally, the Zoning By-Law amendment proposes to change the zoning from Commercial Plaza to a site-specific Fourth Density Residential zone to developed six stacked townhouse blocks with 114 dwelling units and 144 parking spaces. Accordingly, the amendment seeks to reduce the minimum lot area (from 125 square metres to 114 square metres), reduce the minimum corner set back (from 7.5 to 6.4 metres) and reduce the minimum lower-level terrace corner side yard setback (from 7.5 metres to 4.5 metres).

A pre-consultation meeting for the proposed Official Plan Amendment and By-law Amendment was held on February 24, 2022 with the applicant/agent, City and Regional

staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist the City with its consideration of this Application.

## **Provincial and Regional Policies**

The subject land is designated “Settlement Area” under the Provincial Policy Statement, 2020 (“PPS”), “Delineated Built-Up Area” under A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”), and “Built-Up Area” under the Niagara Official Plan (“NOP”).

The Provincial and Regional policies direct development to take place in Urban Areas to support intensification in Built-Up Areas where appropriate servicing and infrastructure exists. A full range of residential uses are generally permitted within the Delineated Built-Up Area designation, subject to availability of adequate municipal services, infrastructure and policies regarding land use compatibility and environmental conservation. Development in Urban areas is to support the creation of complete communities that have a mix of diverse land uses and housing types, unit sizes, and densities that improve social equity and quality of life and provide spaces that are vibrant and resilient in their design. Additionally, NOP Policy 2.2.1.1 h) regarding development in urban areas outlines support for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighborhoods as part of managing growth.

As the proposed development supports intensification of the urban area and will contribute to the City’s intensification target of 30% as set out within Table 2-2 of the NOP, staff is generally satisfied that the Application is consistent with the PPS and conforms to Provincial and Regional policies, subject to the City’s satisfaction from a local planning perspective and the below comments.

## **Land Use Compatibility**

The subject lands abut a commercial plaza to the north and Provincial Highway 58 West Side Road to the east. As such, staff identified the requirement for the submission of a Noise Impact Study (NIS). Regional Staff has reviewed the “Noise Feasibility Study Proposed Residential Development 135 Coronation Drive” completed by HGC Engineering, which evaluated stationary and transportation noise for the proposed site (dated May 9, 2023). The stationary sound sources (Port Colborne Mall and adjacent restaurants, Tim Horton’s and Little Caesars Pizza, with associated drive-throughs) were assessed using sound level criteria at nearby receptors.

Exclusionary limits of 50dBA for daytime/evening and 45dBA for nighttime criterion were used excepting where the hourly background sound levels were greater than the exclusionary limits (primarily due to road traffic). In those scenarios the minimum predicted one-hour Leq sound level for the respective period of the day was used. The

NIS found the proposed development would experience noise threshold exceedances during the daytime at the North and East façades of Block A due to the grocery store's loading dock trucking activities. Architectural modifications were the suggested mitigation methods for stationary noise, such as absence of windows on the noise sensitive façades and/or incorporation a property line barrier and/or modifications to the wing wall at the grocery store's loading dock. The chosen noise mitigation option, as provided through the NIS, is to be satisfactorily addressed at the development stage, prior to site plan/draft plan approval.

In addition, the traffic noise assessment was prepared in accordance with Ontario Ministry of the Environment, Conservation and Park (MECP) NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources– Approval and Planning" (October, 2013), using road traffic volumes for West Side Road provided by the Ministry of Transportation projected to the year 2033 at an annual growth of 2.5%.

The NIS found the proposed development would experience noise threshold exceedances above the MECP guideline limits from the nearby transportation-related noise sources. As such, the NIS recommended the following specific mitigation measures to be incorporated into the proposed development:

- The third floor terraces are to incorporate a parapet at least 1.07metres high, with a solid construction surface of 20kg/m2 at minimum.
- The inclusion of central air conditioning for Blocks D, E and F
- Forced ventilation systems with ductwork sized for future central air conditioning installation for Block C
- Upgraded building construction (windows, walls doors) for façades facing West Side Road as noted in sec 5.3 of NIS
- Warning clauses in tenancy agreements as highlighted in the NIS.

Staff note NIS recommendations and clauses are to be addressed at the future Draft Plan and/or Site Plan applications for the proposed development.

Furthermore, staff has reviewed the Planning Justification Brief prepared by NPG Planning Solutions Inc. dated May 2023. Staff is in general agreeance with the provided study which outlines the proposed development's compliance with Provincial and Regional policies, facilitates compact residential intensification while augmenting housing diversification and supply, makes efficient use of existing transit and municipal services, is compatible with and complementary to commercial, institutional and recreational surrounding land uses and provides an improvement to adjacent public realms through good land use planning.

## **Site Servicing**

Regional staff highlights a Functional Servicing Report (FSR) is required at the time of Draft Plan and/or Site Plan application. The FSR is to identify the expected dry and wet weather sanitary flows for the proposed development, to demonstrate if capacity of the Arena Sewage Pumping Station can accommodate the anticipated flows.

July 12, 2023

---

## Stormwater Management

Regional staff note the development's stormwater management is subject to the satisfaction of the City of Port Colborne and to ensure the local storm infrastructure requirements (both water quality and quantity) are adequately addressed.

## Waste Collection

The subject property is eligible to receive Regional curbside waste and recycling collection, per the requirements of Niagara Region's Waste Collection Policy, provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Blue/grey –no limit (weekly)
- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit (bi-weekly)

Staff has reviewed the submitted site plan and acknowledge that the development is proposing to utilize in-ground Molok waste. The applicant is advised that this method of waste storage is not eligible for Regional collection and waste collection for the subject property would be the responsibility of the owner through a private waste collection contractor.

## Conclusion

In conclusion, Regional Growth Strategy and Economic Development staff does not object to the proposed Official Plan amendment and Zoning By-law Amendment Applications as submitted subject to the above noted requirements (i.e. noise mitigation, site servicing and waste collection) being addressed through the future Draft Plan and/or Site Plan applications. Staff additionally notes the Official Plan Amendment is exempt from Regional Council approval, in accordance with Policy 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

Should you have any questions, please contact the undersigned at [Valentina.Escobar@niagararegion.ca](mailto:Valentina.Escobar@niagararegion.ca), or Pat Busnello, Manager of Development Planning at [Pat.Busnello@niagararegion.ca](mailto:Pat.Busnello@niagararegion.ca).

Kind regards,



Valentina Escobar



Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Jake McGowan, Development Approvals Technician, Niagara Region



**Subject: Elgin Street Road Closure – Port Colborne High School 100 Year Anniversary**

**To: Council**

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

Report Number: 2023-149

Meeting Date: August 15, 2023

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**Recommendation:**

That Office of the Chief Administrative Officer Report 2023-149 be received;

That the Council of The Corporation of the City of Port Colborne hereby deems the Port Colborne High School 100 Year Anniversary as a municipally significant event and supports the application to the Alcohol and Gaming Commission of Ontario for a Special Occasion Permit;

That a section of Elgin Street, between Steele Street to the west and Fielden Avenue to the east, be approved for a road closure during the following dates and times:

- September 23, 2023 from 8:00 a.m. through 11:59 p.m.
- September 24, 2023 from 12:00 a.m. through 8:00 a.m.;

That a Noise By-law Variance be approved for the Port Colborne High School 100 Year Anniversary on September 23, 2023; and

That the fees for a road closure, Noise By-law Variance, and fire prevention assistance be waived.

---

**Purpose:**

The purpose of this report is to present requests from the organizing committee of the Port Colborne High School 100 Year Anniversary for a temporary (24-hour) road closure on a section of Elgin Street, a Noise By-law Variance, and the waiving of fees associated with hosting their event on September 23, 2023.

---

**Background:**

Port Colborne High School is celebrating a milestone anniversary this year, and a group of alumni have formed a committee to plan festivities on September 23, 2023. In addition to an all ages open house happening inside the high school building, a live music stage as well as food and (alcoholic) beverage vendors will be set up outdoors on Elgin Street in an effort to encourage alumni and other attendees to congregate, socialize, and reminisce. Tickets are required for anyone 19 years of age and older who will be entering and exiting the licensed area – designated as such through a Special Occasion Permit from the AGCO (Alcohol and Gaming Commission of Ontario) – on Elgin Street.

The City's festivals and events insurance policy requires event organizers to carry a minimum of \$5 million in general liability insurance for any event where alcohol will be served and consumed on City property. The organizing committee of the Port Colborne High School 100 Year Anniversary is required to obtain a Certificate of Insurance prior to the event that names the City of Port Colborne as an additional insured. Given that live music performances will be a component of this event, the organizing committee is required to request a Noise By-law Variance.

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**Discussion:**

The section of Elgin Street in question is the south-facing side of Port Colborne High School. It is approximately 205 metres, beginning at the intersection with Steele Street to the west and continuing to the intersection with Fielden Avenue to the east. A large portion of this section comprises the back of the Roselawn Centre theatre as well as the lawn and garden premises. The dates and times for the proposed (24-hour) road closure are as follows:

- September 23, 2023 from 8:00 a.m. through 11:59 p.m.
- September 24, 2023 from 12:00 a.m. through 8:00 a.m.

Emergency vehicles, including police, fire and ambulance, as well as Public Works and public utility vehicles, will be exempt from the road closure. The participating vendors' vehicles and those belonging to a small number of committee volunteers will be exempt only in so far as when they need to set up and tear down the event.

A map of the proposed road closure is attached as Appendix A.

City-approved signage and road barricades will be placed at Elgin Street's intersections with Steele Street and Fielden Avenue respectively. The signage is to make known the times when the road closure is in effect, and the barricades are to be promptly removed the morning of September 24, 2023.

There are two duplex dwellings and one home on Elgin Street – near Steele Street – that would be impacted by this road closure. Moreover, with the road closure creating a defined outdoor private event space where alcohol will be served and consumed, pedestrian access for the general public will have to be prohibited.

Owing to the significance of this celebration to the community, staff are in support of the requests for a temporary road closure and a Noise By-law Variance. Lastly, the organizing committee of the Port Colborne High School 100 Year Anniversary has also requested that the following fees be waived:

- \$241.50 for a road closure
- \$115.00 for a Noise By-law Variance
- \$66.06/hour for fire prevention assistance

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### **Internal Consultations:**

The Public Works Department will drop off and pick up the road barricades in accordance with the times of the proposed road closure. The Fire Department will review a fire safety plan for the event to ensure every one of its components meets an acceptable level of safety.

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### **Financial Implications:**

The proposed waiving of fees associated with the road closure, Noise By-law Variance, and three hours of fire prevention assistance total \$554.68.

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### **Public Engagement:**

While the City's Corporate Communications Department will notify the public of the temporary road closure, the organizing committee of the Port Colborne High School 100 Year Anniversary has been asked to consult with the residents of Elgin Street impacted by this closure.

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### **Strategic Plan Alignment:**

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

- Welcoming, Livable, Healthy Community
  - Economic Prosperity
-

## **Conclusion:**

This report presents requests from the organizing committee of the Port Colborne High School 100 Year Anniversary for a temporary (24-hour) road closure on a section of Elgin Street, a Noise By-law Variance, and the waiving of fees associated with hosting their event on September 23, 2023.

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## **Appendices:**

- a. Elgin Street – Road Closure Map

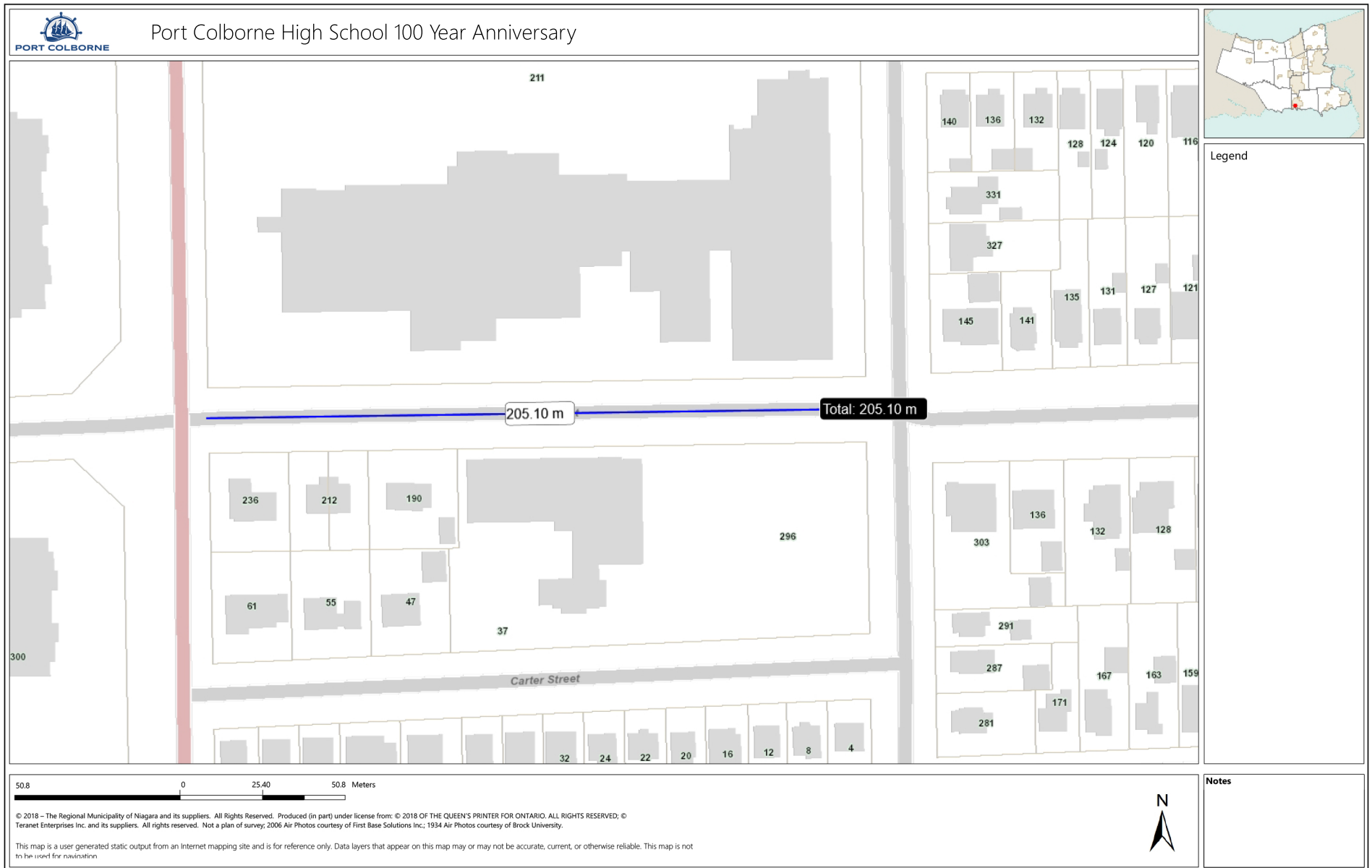
Respectfully submitted,

Greg Higginbotham  
Tourism & Strategic Projects Coordinator  
905-835-2900 ext. 505  
[greg.higginbotham@portcolborne.ca](mailto:greg.higginbotham@portcolborne.ca)

Luke Rowe  
Event & Volunteer Coordinator  
905-835-2900 ext. 566  
[luke.rowe@portcolborne.ca](mailto: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: Sale of City property adjacent to 157 Sugarloaf Street**

**To: Council**

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

Report Number: 2023-146

Meeting Date: August 15, 2023

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**Recommendation:**

That Chief Administrative Officer report 2023-146 be received for information; and

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17765, part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, part of PIN 64162-0299; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

---

**Purpose:**

The purpose of this report is to finalize the sale and disposition of surplus City real estate adjacent to 157 Sugarloaf Street and seek Council approval to have the Mayor and Clerk sign the Agreement of Purchase and Sale, the by-law, and the closing documentation.

---

**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.

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**Discussion:**

The owners of 157 Sugarloaf Street contacted the City to express their interest in acquiring some City land beside their property that would allow them to extend their side yard. The City property, shown in Appendix A, is irregular shaped and has environmentally sensitive features and challenging land forms given elevation and slope. It is also adjacent to the rail line which reduces the usable area given the required fifteen (15) metre setback. A survey was completed to create the parcel to be conveyed. The City parcel will be legally merged on title with 157 Sugarloaf Street.

This parcel is close to the busy intersection at Elm Street and Sugarloaf Street. Given the rail crossing at this intersection and with the rail line abutting the City parcel being conveyed, staff will work with the City Solicitor to add a provision to the Agreement of Purchase and Sale stipulating that no landscaping or fencing can be erected that would obstruct the sightlines of pedestrian, vehicular, and rail traffic.

This parcel was declared surplus by Council at the April 11, 2023, meeting with staff report 2023-56. To determine a value for small irregular shaped parcels of City land, staff are guided by a range of \$1 to \$5 per square foot recommended by an independent appraisal firm used by the City. Typically, staff use the mid-point of \$2.50 per sq.ft. as the value when calculating the selling price.

This will confirm that staff have followed the provisions of the City's Sale of Land Policy. This parcel is deemed "unmarketable" and only has value to an adjoining landowner and it is not large enough to be marketed as an infill residential lot.

---

**Internal Consultations:**

The transaction of City real estate involves the collaboration of various City Divisions and Departments including Clerks, Finance, Economic Development, Planning, Public Works, and the City Solicitor.

**Chief Administrative Officer's Comments**

Council should be aware that both of the prospective purchasers are currently employed by the City. The Chief Administrative Officer has investigated the sale and has determined that the applicants' employment relationship with the City has not had a bearing on the decision to sell the property or the selling price. The proposed sale represents a bona fide transaction between arm's length parties.

---

## Financial Implications:

Based on the approximately 6,248 sq. ft of City property being conveyed at \$2.50 sq. ft., the selling price of the land is \$15,600. Survey and legal costs of \$3,726 will be reimbursed through this transaction. Therefore, the City will be receiving a total of \$19,326 pending any minor adjustments at closing.

The net land proceeds will be directed to the Economic Development Land Reserve and the amount being reimbursed for survey and legal costs will be allocated to the appropriate operating account.

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## Public Engagement:

The sale and disposition of City Real Estate is conducted in an open and transparent manner. The Sale of Land Policy is a public document which was discussed and updated by Council in open session; City parcels identified as being potentially surplus are brought to Council in open session; surplus City parcels, deemed “marketable” are posted on the Multiple Listing Service (MLS) and on the City’s website; and Council approval of the final Agreement of Purchase and Sale is done in open session.

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## Strategic Plan Alignment:

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

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
- 

## Conclusion:

One of the objectives of the City Real Estate initiative is to create value for underutilized and surplus City land. To this end, City staff have been working with the owners of 157 Sugarloaf Street to finalize the transaction of surplus City land and allow them to extend their side yard.

This parcel has already been declared surplus by City Council. The next step in this process is to have Council authorize the Mayor and Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation.

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## Appendices:

- a. City parcel being acquired
- b. Agreement of Purchase and Sale
- c. By-law

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.



## Legend

 Parcel Fabric

25.4 0 12.70 25.4 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



## Notes

**AGREEMENT OF PURCHASE AND SALE**

**THIS AGREEMENT** is dated for reference as of July \_\_\_, 2023.

**BETWEEN:**

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

- and -

**MICHELLE CAROL TURNER and GARRY ALAN  
TURNER**  
(collectively, the “**Purchaser**”)

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. Real Property**

(a) Upon and subject to the terms and conditions of this Agreement, the Purchaser hereby agrees to and with the Vendor to purchase, and the Vendor agrees to and with the Purchaser to sell, those lands and premises described as Part of Lot 1 on the North Side of Sugarloaf Street, being Part 1, Plan 59R-17765 (the “**Property**”); and

(b) The Purchaser confirms its understanding that the Property will merge with the adjoining lands owned by the Purchaser which are legally described as: (i) PT LT 2 N/S SUGARLOAF ST PL 845 PORT COLBORNE AS IN RO380294; PORT COLBORNE, being all of PIN 64162-0286 (LT); and (ii) PART OF LOT 2 N/S SUGARLOAF ST PLAN 845 DESIGNATED AS PART 2, 59R-15885; CITY OF PORT COLBORNE, being all of PIN 64162-0298 (LT) (collectively, the “**Adjoining Parcels**”).

**2. Payment of Purchase Price**

The purchase price for the Property is FIFTEEN THOUSAND SIX HUNDRED DOLLARS (\$15,600.00) (the “**Purchase Price**”) plus Harmonized Sales Tax (“**H.S.T.**”), payable as follows:

(a) Within two (2) business Days after the acceptance date of this Agreement by the Vendor, the Purchaser shall pay One Thousand Five Hundred and Sixty Dollars (\$1,560.00) Dollars by wire transfer or certified cheque drawn against the trust account of a law firm in Ontario to Sullivan Mahoney LLP, In Trust, as the Vendor’s solicitors (the “**Deposit**”). The Deposit will be held in trust pending completion or other termination of this transaction, and will be credited on account of the Purchase Price on the Closing Date. The Deposit will not be invested in an interest bearing account; and

(b) On closing, the sum of FOURTEEN THOSUAND AND FORTY DOLLARS (\$14,040.00), subject to the usual adjustments, if any, plus adjustments in favour of the Vendor for legal and surveying costs incurred by the Vendor, payable by wire transfer or a certified cheque drawn against the trust account of a law firm in Ontario, to the Vendor, or as it may direct, on the Closing Date. The legal costs incurred by the Vendor are currently estimated at \$1,500 and the surveying costs are currently estimated at \$2,226.00.

**3. Title Clause**

This Agreement is subject to the title to the Property being good and free from all encumbrances, save only any easements for servicing or utilities, municipal agreements,

registered restrictions, restrictive covenants, municipal by-laws, or governmental enactments. The Purchaser are not to call for the production of any title deeds, abstracts, survey or other evidence of title except such as are in the possession of the Vendor. The Purchaser are to be allowed until ten (10) days prior to Closing to examine the title at their own expense. If within that time, any valid objection to title is made in writing to the Vendor which the Vendor shall be unable or unwilling to remove, and which the Purchaser will not waive, then this Agreement shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and any deposit shall be returned by the Vendor to the Purchaser forthwith without interest or deduction and the parties shall have no other liabilities to each other. Save as to any valid objections so made within such time, the Purchaser shall be conclusively deemed to have accepted title of the Vendor to the Property.

#### 4. **Assignment**

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

#### 5. **Purchaser's Acceptance of Real Property "As Is, Where Is"**

- (a) The Purchaser acknowledges that the Vendor makes no representation nor gives any warranties with respect to the Property or the fitness of the Property for the Purchaser's intended uses, and, the Property is being sold by the Vendor and accepted by the Purchaser on an "As Is, Where Is" basis, including without limitation, state of title, outstanding work orders, zoning and development approval status, locations of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachments by buildings or fences or otherwise on the Property or adjoining properties or streets, soil condition, environmental status and as to quantity, quality or condition.
- (b) The Purchaser agrees that the Vendor shall not be obligated to perform any work in respect of the Property in order to bring the Property, or any part thereof, into compliance with any applicable standards of any relevant authority. The Purchaser also agrees not to make any claim against the Vendor in respect of any such work that may be required in order to bring the Property, or any part thereof, into such compliance.

#### 6. **Environmental**

- (a) The Purchaser acknowledges and agree that the Vendor makes no representations or warranties whatsoever, either expressed or implied, as to the existence or non-existence of any asbestos, PCBs, radioactive substances or any other substances, liquids or materials or contaminants which may be hazardous or toxic or require removal and disposal pursuant to the provisions of any applicable legislation (all of the foregoing being hereinafter called "**Environmental Matters**") and that the Purchaser takes the Property "as is" and relies upon their own investigations, if any, in this regard. From and after the Closing Date, the Property shall be the sole risk of the Purchaser, and the Vendor, its successors and assigns and its employees and agents (collectively, the "**Vendor Parties**"), will have no further liability in respect of any Environmental Matters and the Purchaser covenants and agrees, such covenant to survive closing and not to merge on closing of this transaction, to indemnify and save harmless the Vendor Parties in respect of any Claims in any way related directly or indirectly to any Environmental Matters and in respect of orders or claims, charges or requirements whatsoever of any municipal, provincial, federal or other governmental body, board, commission, authority, department or ministry, or employees, officials or representatives thereof.
- (b) As of and from the Closing Date, the Purchaser shall release the Vendor Parties, and their successors and assigns, from and against all Claims, in any way arising,

directly or indirectly by reason of the presence on the Property of any containment, pollutant, dangerous substance wastes (liquid or solid) or toxic substance or the escape thereof in the air or onto adjacent properties or lands including rivers, streams, and ground waters, (collectively the “**Substances**”), whether produced, created or generated before or after the Closing Date and such indemnity shall include any order, decree, judgment or demand under law, regulation or order applicable thereto.

- (c) The Purchaser, its successors and assigns, hereby agree to indemnify and hold harmless the Vendor Parties, and their successors and assigns, from any and all Claims arising out of or in any way connected with any state, quality or condition in, or of, the Property, including, but not limited to, the existence of any Substances existing as of, or prior to the Closing Date and thereafter, whether environmental or otherwise, whether imposed by law, equity or any federal, provincial or municipal law, rules or regulations or by any regulatory authority. These provisions shall survive and not merge on the completion of this transaction and any subsequent sale or transfer of the Purchaser’s interest in the Property.

## **7. Future Use**

- (a) The Vendor and Purchaser agrees that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement. The Purchaser covenants to use the Property as a parking lot in connection with the adjoining lands its owns.
- (b) The Purchaser acknowledges and agrees that the Vendor is under no obligation by virtue of the sale of the Property to the Purchaser, to grant any approvals, including approvals for changes to the City of Port Colborne Official Plan or Comprehensive Zoning By-law, or with respect to site plan control, minor variances, or building permits, or to support approvals required by any other approval authority which may be necessary for any contemplated use of the Property by the Purchaser.

## **8. Closing Date**

The transaction of purchase and sale shall be completed by no later than 5:00 p.m. on the 21<sup>st</sup> of August 2023 (the “**Closing Date**”).

## **9. Adjustments, Harmonized Sales Tax and Land Transfer Tax**

Realty taxes, local improvements, and assessment rates shall be apportioned and allowed to the Closing Date (with the Closing Date to be for the account of the Purchaser). On Closing, the Buyer will be responsible for the legal and surveying costs of the Vendor in connection with the purchase and sale transaction contemplated herein. H.S.T. shall be in addition to the Purchase Price. The Vendor will not collect H.S.T. only if the Purchaser provide to the Vendor an H.S.T. number as proof that they are both H.S.T. registrants under the *Excise Tax Act* (“**ETA**”), together a warranty and indemnity, satisfactory to the Vendor acting reasonably, certifying, among other things, that the Purchaser will self-assess and remit the H.S.T. payable and file the prescribed form required under the ETA. The foregoing warranties shall not merge but shall survive the completion of the transaction. The Purchaser shall be responsible for Land Transfer Tax exigible respecting the transaction.

## **10. Closing Documents**



- (a) The Vendor and Purchaser shall cause their respective solicitors to enter into a Document Registration Agreement in prescribed form and content to facilitate the electronic registration required for closing.
- (b) The Vendor represents and warrants that it is not now and shall not at the time of closing be a non-resident of Canada within the meaning of the *Income Tax Act* (Section 116), and, it shall deliver on closing an affidavit verifying same.
- (c) The Purchaser's solicitor will deliver an undertaking to consolidate the new PIN for the Property (once it is available) with the PINs for the Adjoining Parcels.
- (d) In addition to the other deliveries contemplated herein, the Vendor shall prepare and deliver the Transfer, save for the Land Transfer Tax Statements, and, the parties shall exchange, Undertakings to Readjust and Statement of Adjustments, as necessary.
- (e) The Vendor and Purchaser acknowledges and agrees that the exchange of closing funds, non-registrable documents and other items (the "**Requisite Deliveries**") and the release thereof to the Vendor and Purchaser, will (a) not occur at the same time as the registration of the Transfer (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said solicitors.

#### **11. Non-Merger**

It is agreed that all covenants, representations and warranties of the parties herein contained shall not merge on the closing of the transaction or the delivery of the transfer but shall survive thereafter.

#### **12. Binding Agreement/Time of the Essence**

This Agreement, when executed by both parties shall constitute a binding contract of purchase and sale, and time shall in all respects be of the essence hereof, provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and Purchaser, or, by their respective lawyers who may be specifically authorized in that regard.

#### **13. Entire Agreement**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property or supported thereby other than as expressed herein in writing.

#### **14. Tender**

Any tender of documents or money hereunder may be made upon the solicitor acting for the party on whom tender is desired on the Closing Date, and, it shall be sufficient that a negotiable bank draft or certified cheque may be tendered in lieu of cash.

#### **15. Non-Fettering**

(a) Nothing in this Agreement shall derogate from, interfere with or fetter the discretion of any present or future Council in the exercise of its decisions or in the Vendor's determinations or actions in the capacity of the Vendor as a municipal corporation, or the



rights of the municipality to act or refuse to act in connection with its approval, regulatory or inspection rights as a regulator or municipal corporation.

(b) All rights, benefits and obligations of the Vendor under this Agreement shall be rights, benefits and obligations of the Vendor in its capacity as a party to this Agreement, but notwithstanding the other provisions of this Agreement, shall not derogate or interfere with or fetter the rights, benefits, and obligations of the Vendor in its function and capacity as a municipal corporation with respect to matters of general application. Without limiting the generality of the foregoing, nothing in this Agreement constitutes a waiver or exception of or from the Purchaser from complying with, obtaining and being subject to all necessary consents, permits, licenses or approvals from the Vendor in its capacity as a municipal corporation, in connection with any design, construction or development of anything on the Property.

## **16. Non-Registration**

The Purchaser agrees not to register this Agreement nor notice thereof against the title to the Property. The Purchaser acknowledges that in the event that any registration respecting this Agreement or notice thereof occurs, the Vendor, in addition to any other rights or remedies it may have, shall be entitled to injunctive relief, and the Vendor may rely upon this provision in support thereof.

## **17. Business Day**

For purposes of this Agreement, a business day means a day other than Saturday, Sunday or a statutory holiday for the Province of Ontario.

## **18. 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.

## **19. 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 registered mail to the address set out below or to such other address or facsimile number as may from time to time be the subject of a Notice:

To the Vendor:

The Corporation of the City of Port Colborne  
66 Charlotte Street, Port Colborne L3K 3C8

Attention: Chief Administrative Officer

To the Purchaser:

Michelle Carol Turner and Garry Alan Turner  
157 Sugarloaf Street  
Port Colborne, ON L3K 2N8

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 registered mail, shall be deemed to have been validly and effectively given and received five (5) business days after the date it was sent, and if sent by facsimile transmission with confirmation of transmission prior to 5 p.m., shall be deemed to have been validly and effectively given and received on the day it was sent, unless the confirmation of transmission was after 5 p.m. or on a non-business day, in which case it shall be deemed to have been given and received on the next following business day.

**20. Successors and Assigns**

All of the covenants and agreements 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.

**21. Counterparts and Electronic Delivery**

The parties agree that this Agreement may be executed in counterparts and transmitted by telecopier or email and that the reproduction of signatures in counterpart by way of telecopier or email will be treated as though such reproduction were executed originals.

**22. Offer Open for Acceptance**

Once executed by the Purchaser and delivered to the Vendor or its representative, this document shall constitute an irrevocable offer to purchase the Property on the terms and conditions herein contained, open for acceptance by the Vendor until 5 p.m. on March \_\_\_, 2023, after which time, if not accepted, such offer shall become null and void.

[next page is signature page]

**IN WITNESS WHEREOF** the Purchaser have executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
**MICHELLE CAROL TURNER**

\_\_\_\_\_

\_\_\_\_\_  
**GARRY ALLAN TURNER**

**IN WITNESS WHEREOF** the Vendor has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**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 with Michelle and Garry Turner regarding City land adjacent to 157 Sugarloaf Street

Whereas at its meeting of August 15, 2023, Council approved the recommendations of the Chief Administrative Officer Report No. 2023-146, Subject: Sale of City property adjacent to 157 Sugarloaf Street; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with Michelle and Garry Turner for the City land adjacent to 157 Sugarloaf Street for the purchase price of \$15,600;

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 enter into an Agreement of Purchase and Sale with Michelle and Garry Turner for a portion of City property legally described as Part 1 on Plan 59R-17765, part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, part of PIN 64162-0299; for the purchase price of \$15,600 with the Agreement attached hereto as Schedule "A".
2. That the Mayor and the 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 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 15<sup>th</sup> day of August, 2023

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk

**Subject: Sale of City property adjacent to 216 Linwood Avenue**

**To: Council**

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

Report Number: 2023-144

Meeting Date: August 15, 2023

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**Recommendation:**

That Chief Administrative Officer report 2023-144 be received for information; and,

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17525, Part of Lot 31, Concession 1, formerly of the Township of Humberstone, Part of PIN 64157-0127; and

That Council pass the By-law attached as Appendix C, deeming Lot 236 on Plan 13 to be not part of a registered Plan of Subdivision in accordance with Section 50 of the *Planning Act*; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

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**Purpose:**

The purpose of this report is to finalize the sale and disposition of surplus City real estate adjacent to 216 Linwood Avenue and to seek Council approval to have the Mayor and City Clerk sign the Agreement of Purchase and Sale, the by-law, and the closing documentation.

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**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.

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## **Discussion:**

The owners of 216 Linwood Avenue contacted the City to express their interest in acquiring some City land behind their property that would allow them to extend their backyard. The City parcel, shown in Appendix A and Appendix B, is very small and a fifteen (15) metre setback from the rail line must be maintained. A survey was completed to create the parcel to be conveyed. The City parcel will be legally merged on title with 216 Linwood Avenue.

In order for the lands to legally merge with the 216 Linwood Avenue parcel, the purchaser's property is required to be de-registered as part of the registered Plan of Subdivision. Staff have prepared a Deeming By-Law to this affect (attached as Appendix C), deeming Lot 236 on Plan to be deemed as not part of the registered Plan of Subdivision.

This parcel was declared surplus by Council at the April 11, 2023, meeting with staff report 2023-56. To determine a value for small irregular shaped parcels of City land, staff are guided by a range \$1 to \$5 per square foot recommended by an independent appraisal firm used by the City. Typically, staff use the mid-point of \$2.50 per sq.ft as the value when calculating the selling price.

This will confirm that staff have followed the provisions of the City's Sale of Land Policy. This parcel is deemed "unmarketable" and only has value to an adjoining land owner and it is not large enough to be marketed as an infill residential lot.

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## **Internal Consultations:**

The transaction of City real estate involves the collaboration of various City Divisions and Departments including Clerks, Finance, Economic Development, Planning, Public Works, and the City Solicitor.

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## **Financial Implications:**

Based on the approximately 1,132 sq. ft. of City property being conveyed at \$2.50 sq. ft., the selling price of the land is \$2,800. Survey and legal costs of \$4,804 will be reimbursed through this transaction. Therefore, the City will be receiving a total of \$7,604 pending any minor adjustments at closing.

The net land proceeds will be directed to the Economic Development Land Reserve and the amount being reimbursed for survey and legal costs will be allocated to the appropriate operating account.

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### **Public Engagement:**

The sale and disposition of City Real Estate is conducted in an open and transparent manner. The Sale of Land Policy is a public document which was discussed and updated by Council in open session; City parcels identified as being potentially surplus are brought to Council in open session; surplus City parcels, deemed “marketable” are posted on the Multiple Listing Service (MLS) and on the City’s website; and Council approval of the final Agreement of Purchase and Sale is done in open session.

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### **Strategic Plan Alignment:**

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

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
- 

### **Conclusion:**

One of the objectives of the City Real Estate initiative is to create value for underutilized and surplus City land. To this end, staff have been working with the owner of 216 Linwood Avenue to finalize the transaction of surplus City land and allow them to extend their backyard.

This parcel has already been declared surplus by City Council and the next step in this process is to have Council authorize the Mayor and Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation.

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### **Appendices:**

- a. City parcel being acquired
- b. Part 1, 59R-17525
- c. Deeming By-law
- d. Agreement of Purchase and Sale

e. By-law

Respectfully submitted,

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

David Schulz  
Senior Planner  
905-835-2900 x.202  
[David.Schulz@portcolborne.ca](mailto:David.Schulz@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.





SCHEDULE – LAND TITLES					
PART	LOT	CONCESSION	P.I.N.	AREA (m²)	NAME OF MOST RECENT TRANSFEREE
1	PART OF LOT 31	CONCESSION 1	PART OF 64157-0127(LT)	137.0	THE CORPORATION OF THE CITY OF PORT COLBORNE

Appendix E  
Report 2023-144

PLAN 59R-17525

Received and deposited

January 10<sup>th</sup>, 2023

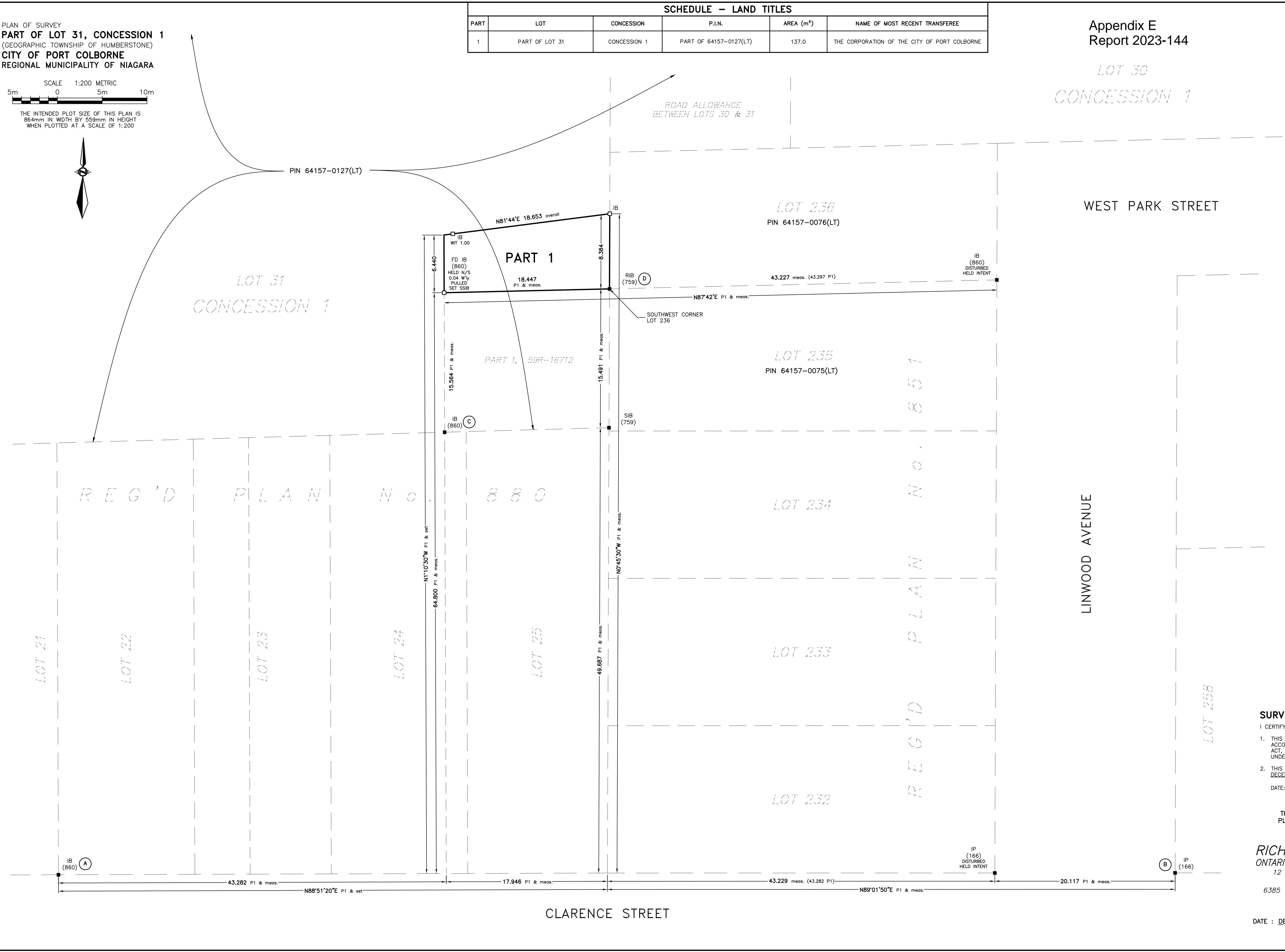
Kelly Cochrane-nott

Representative for the  
Land Registrar for the  
Land Titles Division of  
Niagara South (No.59)

PLAN OF SURVEY  
PART OF LOT 31, CONCESSION 1  
(GEOGRAPHIC TOWNSHIP OF HUMBERSTONE)  
CITY OF PORT COLBORNE  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1:200 METRIC  
5m 0 5m 10m

THE INTENDED PLOT SIZE OF THIS PLAN IS  
864mm IN WIDTH BY 559mm IN HEIGHT  
WHEN PLOTTED AT A SCALE OF 1:200



LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- IB DENOTES IRON BAR
- IP DENOTES IRON PIPE
- RIB DENOTES ROUND IRON BAR
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- (166) DENOTES G. ROSS, O.L.S.
- (759) DENOTES C. J. CLARKE, O.L.S.
- (860) DENOTES J. E. LANTHIER, O.L.S.
- (WIT) DENOTES WITNESS
- PIN DENOTES PROPERTY IDENTIFIER NUMBER
- meas. DENOTES MEASURED
- REG'D DENOTES REGISTERED
- P1 DENOTES REFERENCE PLAN No. 59R-116712

BEARING NOTE

BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL-TIME NETWORK OBSERVATIONS (LEICA SMARTNET) AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00'W LONGITUDE, ZONE 17, UNIVERSAL TRANSVERSE MERCATOR (6° UTM). THESE VALUES ARE NAD83 (CSRS v7) EPOCH 2010.0 REFERENCE SYSTEM.

METRIC NOTE

DISTANCES AND CO-ORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID CO-ORDINATES BY MULTIPLYING THE DISTANCES BY A COMBINED SCALE FACTOR OF 0.99982452.

CO-ORDINATE SCHEDULE		
POINT ID.	NORTHING	EASTING
A	4749634.361	641607.788
B	4749636.668	641732.339
C	4749684.447	641650.034
D	4749700.743	641668.154

ALL CO-ORDINATES ARE IN METRES, ARE RELATED TO UTM ZONE 17 (81°W LONGITUDE) NAD83 (CSRS v7) EPOCH 2010.0 AND HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF AN URBAN AREA AT 95% CONFIDENCE LEVEL.

THE CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH THE CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 6<sup>th</sup> DAY OF DECEMBER, 2022.

DATE: DECEMBER 12, 2022 **BRENT LAROCQUE**  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS  
PLAN SUBMISSION FORM NUMBER V-15269

**RICHARD LAROCQUE LIMITED**  
ONTARIO LAND SURVEYORS & CONSULTANTS  
12 LYMAN STREET, ST. CATHARINES, ONTARIO  
905-688-1413  
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO  
905-358-8400  
www.larocquegroup.ca

DATE : DECEMBER 12, 2022 FILE No. : NS2022-026  
DWG.FILE : NS2022-026-01

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 with Vanessa and Raymond Smith regarding City land adjacent to 216 Linwood Avenue

Whereas at its meeting of August 15<sup>th</sup> 2023, Council approved the recommendations of the Chief Administrative Officer Report No. 2023-144, Subject: Sale of City property adjacent to 216 Linwood Avenue; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with Vanessa and Raymond Smith for the City land adjacent to 216 Linwood Avenue, for the purchase price of \$2,800;

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 enter into an Agreement of Purchase and Sale with Vanessa and Raymond Smith for a portion of City property legally described as legally described as Part 1 on Plan 59R-17525, Part of Lot 31, Concession 1, formerly of the Township of Humberstone, Part of PIN 64157-0127; for the purchase price of \$2,800 with the Agreement attached hereto as Schedule "A".
2. That the Mayor and the 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 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 15<sup>th</sup> day of August, 2023

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk

**AGREEMENT OF PURCHASE AND SALE**

**THIS AGREEMENT** is dated for reference as of the \_\_\_\_ day of \_\_\_\_\_, 2023.

**BETWEEN:**

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

- and -

**VANESSA SMITH AND RAYMOND SMITH**  
(collectively, the “**Purchaser**”)

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. Real Property**

(a) Upon and subject to the terms and conditions of this Agreement, the Purchaser hereby agrees to and with the Vendor to purchase, and the Vendor agrees to and with the Purchaser to sell, those lands and premises described as Part of Lot 31, Concession 1 Humberstone, being Part 1, Plan 59R-17525, being part of PIN 64157-0127 (LT) (the “**Property**”); and

(b) The Purchaser confirms its understanding that the Property will merge with the adjoining lands owned by the Purchaser which are legally described as LT 236 PL 851 VILLAGE OF PORT COLBORNE; PORT COLBORNE, being all of PIN 64157-0076 (LT) (the “**Adjoining Parcel**”).

(c) In order for the Property to merge with the Adjoining Parcel, the Seller will, prior to Closing, register a by-law which deems Plan 851 not to be a Plan of Subdivision for purposes of Section 50 of the *Planning Act* with respect to the Adjoining Parcel.

**2. Payment of Purchase Price**

The purchase price for the Property is TWO THOUSAND EIGHT HUNDRED DOLLARS (\$2,800.00) (the “**Purchase Price**”) plus Harmonized Sales Tax (“**H.S.T.**”), payable as follows:

(a) Within two (2) business Days after the acceptance date of this Agreement by the Vendor, the Purchaser shall pay Four Hundred and Eight Dollars (\$280.00) Dollars by wire transfer or certified cheque drawn against the trust account of a law firm in Ontario to Sullivan Mahoney LLP, In Trust, as the Vendor’s solicitors (the “**Deposit**”). The Deposit will be held in trust pending completion or other termination of this transaction, and will be credited on account of the Purchase Price on the Closing Date. The Deposit will not be invested in an interest bearing account; and

(b) On closing, the sum of TWO THOUSAND FIVE HUNDRED AND TWENTY DOLLARS (\$2,520.00), subject to the usual adjustments, if any, plus adjustments in favour of the Vendor for legal and surveying costs incurred by the, payable by wire transfer or a certified cheque drawn against the trust account of a law firm in Ontario, to the Vendor, or as it may direct, on the Closing Date. It is estimated that the legal fees will be \$1,200.00 and the surveying fees will be \$3,604.00.

**3. Title Clause**

This Agreement is subject to the title to the Property being good and free from all encumbrances, save only any easements for servicing or utilities, municipal agreements, registered restrictions, restrictive covenants, municipal by-laws, or governmental

enactments. The Purchaser are not to call for the production of any title deeds, abstracts, survey or other evidence of title except such as are in the possession of the Vendor. The Purchaser are to be allowed until ten (10) days prior to Closing to examine the title at their own expense. If within that time, any valid objection to title is made in writing to the Vendor which the Vendor shall be unable or unwilling to remove, and which the Purchaser will not waive, then this Agreement shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and any deposit shall be returned by the Vendor to the Purchaser forthwith without interest or deduction and the parties shall have no other liabilities to each other. Save as to any valid objections so made within such time, the Purchaser shall be conclusively deemed to have accepted title of the Vendor to the Property.

#### **4. Assignment**

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

#### **5. Purchaser's Acceptance of Real Property "As Is, Where Is"**

- (a) The Purchaser acknowledges that the Vendor makes no representation nor gives any warranties with respect to the Property or the fitness of the Property for the Purchaser's intended uses, and, the Property is being sold by the Vendor and accepted by the Purchaser on an "As Is, Where Is" basis, including without limitation, state of title, outstanding work orders, zoning and development approval status, locations of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachments by buildings or fences or otherwise on the Property or adjoining properties or streets, soil condition, environmental status and as to quantity, quality or condition.
- (b) The Purchaser agrees that the Vendor shall not be obligated to perform any work in respect of the Property in order to bring the Property, or any part thereof, into compliance with any applicable standards of any relevant authority. The Purchaser also agrees not to make any claim against the Vendor in respect of any such work that may be required in order to bring the Property, or any part thereof, into such compliance.

#### **6. Environmental**

- (a) The Purchaser acknowledges and agree that the Vendor makes no representations or warranties whatsoever, either expressed or implied, as to the existence or non-existence of any asbestos, PCBs, radioactive substances or any other substances, liquids or materials or contaminants which may be hazardous or toxic or require removal and disposal pursuant to the provisions of any applicable legislation (all of the foregoing being hereinafter called "**Environmental Matters**") and that the Purchaser takes the Property "as is" and relies upon their own investigations, if any, in this regard. From and after the Closing Date, the Property shall be the sole risk of the Purchaser, and the Vendor, its successors and assigns and its employees and agents (collectively, the "**Vendor Parties**"), will have no further liability in respect of any Environmental Matters and the Purchaser covenants and agrees, such covenant to survive closing and not to merge on closing of this transaction, to indemnify and save harmless the Vendor Parties in respect of any Claims in any way related directly or indirectly to any Environmental Matters and in respect of orders or claims, charges or requirements whatsoever of any municipal, provincial, federal or other governmental body, board, commission, authority, department or ministry, or employees, officials or representatives thereof.
- (b) As of and from the Closing Date, the Purchaser shall release the Vendor Parties, and their successors and assigns, from and against all Claims, in any way arising, directly or indirectly by reason of the presence on the Property of any containment,

pollutant, dangerous substance wastes (liquid or solid) or toxic substance or the escape thereof in the air or onto adjacent properties or lands including rivers, streams, and ground waters, (collectively the “**Substances**”), whether produced, created or generated before or after the Closing Date and such indemnity shall include any order, decree, judgment or demand under law, regulation or order applicable thereto.

- (c) The Purchaser, its successors and assigns, hereby agree to indemnify and hold harmless the Vendor Parties, and their successors and assigns, from any and all Claims arising out of or in any way connected with any state, quality or condition in, or of, the Property, including, but not limited to, the existence of any Substances existing as of, or prior to the Closing Date and thereafter, whether environmental or otherwise, whether imposed by law, equity or any federal, provincial or municipal law, rules or regulations or by any regulatory authority. These provisions shall survive and not merge on the completion of this transaction and any subsequent sale or transfer of the Purchaser’s interest in the Property.

## **7. Future Use**

- (a) The Vendor and Purchaser agrees that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement. The Purchaser covenants to use the Property as a parking lot in connection with the adjoining lands its owns.
- (b) The Purchaser acknowledges and agrees that the Vendor is under no obligation by virtue of the sale of the Property to the Purchaser, to grant any approvals, including approvals for changes to the City of Port Colborne Official Plan or Comprehensive Zoning By-law, or with respect to site plan control, minor variances, or building permits, or to support approvals required by any other approval authority which may be necessary for any contemplated use of the Property by the Purchaser.

## **8. Closing Date**

The transaction of purchase and sale shall be completed by no later than 5:00 p.m. on the \_\_\_\_ day of \_\_\_\_\_, 2023 (the “**Closing Date**”).

## **9. Adjustments, Harmonized Sales Tax and Land Transfer Tax**

Realty taxes, local improvements, and assessment rates shall be apportioned and allowed to the Closing Date (with the Closing Date to be for the account of the Purchaser). On Closing, the Buyer will be responsible for the legal and surveying costs of the Vendor in connection with the purchase and sale transaction contemplated herein. H.S.T. shall be in addition to the Purchase Price. The Vendor will not collect H.S.T. only if the Purchaser provide to the Vendor an H.S.T. number as proof that they are both H.S.T. registrants under the *Excise Tax Act* (“**ETA**”), together a warranty and indemnity, satisfactory to the Vendor acting reasonably, certifying, among other things, that the Purchaser will self-assess and remit the H.S.T. payable and file the prescribed form required under the ETA. The foregoing warranties shall not merge but shall survive the completion of the transaction. The Purchaser shall be responsible for Land Transfer Tax exigible respecting the transaction.

## **10. Closing Documents**

- (a) The Vendor and Purchaser shall cause their respective solicitors to enter into a Document Registration Agreement in prescribed form and content to facilitate the electronic registration required for closing.
- (b) The Vendor represents and warrants that it is not now and shall not at the time of closing be a non-resident of Canada within the meaning of the *Income Tax Act* (Section 116), and, it shall deliver on closing an affidavit verifying same.
- (c) The Purchaser's solicitor will deliver an undertaking to consolidate the new PIN for the Property (once it is available) with the PIN for the Adjoining Parcel.
- (d) In addition to the other deliveries contemplated herein, the Vendor shall prepare and deliver the Transfer, save for the Land Transfer Tax Statements, and, the parties shall exchange, Undertakings to Readjust and Statement of Adjustments, as necessary.
- (e) The Vendor and Purchaser acknowledges and agrees that the exchange of closing funds, non-registrable documents and other items (the "**Requisite Deliveries**") and the release thereof to the Vendor and Purchaser, will (a) not occur at the same time as the registration of the Transfer (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said solicitors.

#### **11. Non-Merger**

It is agreed that all covenants, representations and warranties of the parties herein contained shall not merge on the closing of the transaction or the delivery of the transfer but shall survive thereafter.

#### **12. Binding Agreement/Time of the Essence**

This Agreement, when executed by both parties shall constitute a binding contract of purchase and sale, and time shall in all respects be of the essence hereof, provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and Purchaser, or, by their respective lawyers who may be specifically authorized in that regard.

#### **13. Entire Agreement**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property or supported thereby other than as expressed herein in writing.

#### **14. Tender**

Any tender of documents or money hereunder may be made upon the solicitor acting for the party on whom tender is desired on the Closing Date, and, it shall be sufficient that a negotiable bank draft or certified cheque may be tendered in lieu of cash.

#### **15. Non-Fettering**

(a) Nothing in this Agreement shall derogate from, interfere with or fetter the discretion of any present or future Council in the exercise of its decisions or in the Vendor's determinations or actions in the capacity of the Vendor as a municipal corporation, or the



rights of the municipality to act or refuse to act in connection with its approval, regulatory or inspection rights as a regulator or municipal corporation.

(b) All rights, benefits and obligations of the Vendor under this Agreement shall be rights, benefits and obligations of the Vendor in its capacity as a party to this Agreement, but notwithstanding the other provisions of this Agreement, shall not derogate or interfere with or fetter the rights, benefits, and obligations of the Vendor in its function and capacity as a municipal corporation with respect to matters of general application. Without limiting the generality of the foregoing, nothing in this Agreement constitutes a waiver or exception of or from the Purchaser from complying with, obtaining and being subject to all necessary consents, permits, licenses or approvals from the Vendor in its capacity as a municipal corporation, in connection with any design, construction or development of anything on the Property.

## **16. Non-Registration**

The Purchaser agrees not to register this Agreement nor notice thereof against the title to the Property. The Purchaser acknowledges that in the event that any registration respecting this Agreement or notice thereof occurs, the Vendor, in addition to any other rights or remedies it may have, shall be entitled to injunctive relief, and the Vendor may rely upon this provision in support thereof.

## **17. Business Day**

For purposes of this Agreement, a business day means a day other than Saturday, Sunday or a statutory holiday for the Province of Ontario.

## **18. 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.

## **19. 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 registered mail to the address set out below or to such other address or facsimile number as may from time to time be the subject of a Notice:

To the Vendor:

The Corporation of the City of Port Colborne  
66 Charlotte Street, Port Colborne L3K 3C8

Attention: Chief Administrative Officer

To the Purchaser:

Raymond Smith and Vanessa Smith  
216 Linwood Avenue, Port Colborne L3K 5K3



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 registered mail, shall be deemed to have been validly and effectively given and received five (5) business days after the date it was sent, and if sent by facsimile transmission with confirmation of transmission prior to 5 p.m., shall be deemed to have been validly and effectively given and received on the day it was sent, unless the confirmation of transmission was after 5 p.m. or on a non-business day, in which case it shall be deemed to have been given and received on the next following business day.

## **20. Successors and Assigns**

All of the covenants and agreements 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.

## **21. Counterparts and Electronic Delivery**

The parties agree that this Agreement may be executed in counterparts and transmitted by telecopier or email and that the reproduction of signatures in counterpart by way of telecopier or email will be treated as though such reproduction were executed originals.

## **22. Offer Open for Acceptance**

Once executed by the Purchaser and delivered to the Vendor or its representative, this document shall constitute an irrevocable offer to purchase the Property on the terms and conditions herein contained, open for acceptance by the Vendor until 5 p.m. on the \_\_\_\_ day of \_\_\_\_\_, 2023, after which time, if not accepted, such offer shall become null and void.

[next page is signature page]

**IN WITNESS WHEREOF** the Purchaser have executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

WITNESS:

\_\_\_\_\_

\_\_\_\_\_  
**RAYMOND SMITH**

\_\_\_\_\_

\_\_\_\_\_  
**VANESSA SMITH**

**IN WITNESS WHEREOF** the Vendor has executed this Agreement the \_\_\_\_ day of \_\_\_\_\_, 2023.

**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 designate a Plan of Subdivision, or part thereof, not to be a Registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act.

Whereas the Council of Corporation of the City of Port Colborne has authority pursuant to subsection 50(4) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to deem a Plan of Subdivision, or part thereof, that has been registered for eight years or more, to not be a registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act;

Whereas 216 Linwood Avenue, Lot 236 on Plan 851 Humberstone; Port Colborne, being all of PIN 64157-0076 (LT), is recognized as being part of a registered Plan of Subdivision;

Whereas in order for Lot 236, Plan 851 to merge with adjacent surplus lands being sold by the City, known as Part 1 on Plan 59R-17525, Part of Lot 31, Concession 1, formerly of the Township of Humberstone, Part of PIN 64157-0127, the City must pass a deeming by-law for Lot 236 on Plan 851;

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

1. Lot 236 on Plan 851 Humberstone; Port Colborne, being all of PIN 64157-0076 (LT), is hereby deemed to not be within a registered Plan of Subdivision for the purposes of Subsection 50(3) of the Planning Act.
2. This By-law shall come into full force and effect on the date it is passed by the Council of the Corporation of the City of Port Colborne, subject to the provisions of Subsection 50(27) of the Planning Act.
3. This By-law shall be registered by the Corporation of the City of Port Colborne in the applicable Land Registry Office.

Enacted and passed this      day of      , 2023.

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk



**Subject: Sale of City property adjacent to 52 Elm Street**

**To: Council**

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

Report Number: 2023-145

Meeting Date: August 15, 2023

---

**Recommendation:**

That Chief Administrative Officer report 2023-145 be received for information; and

That Council authorize the Mayor and City Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation related to the sale and disposition of City land, legally described as Part 1 on Plan 59R-17398, Part of Lot 1, NS, Sugarloaf Street, Registered Plan 845, Port Colborne, Part of PIN 64162-0299; and

That the Manager of Strategic Initiatives be directed to work with the City Solicitor to finalize the transaction.

---

**Purpose:**

The purpose of this report is to finalize the sale and disposition of surplus City real estate adjacent to 52 Elm Street and to seek Council approval to have the Mayor and Clerk sign the Agreement of Purchase and Sale, the by-law, and the relevant closing documentation.

---

**Background:**

Staff initiated a City Real Estate project in the fall of 2020 focused on identifying municipally owned properties that may 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.

**Discussion:**

The owners of 52 Elm Street contacted the City to express their interest in acquiring some City land beside their property that would allow them to extend their side yard. The City parcel, as shown in Appendix A, is irregular shaped and the useable area is reduced due to the adjacent rail line and the fifteen (15) metre setback that must be maintained. A survey was completed to create the parcel to be conveyed. The City land will be legally merged on title with 52 Elm Street.

Given that the corner of Elm Street and Sugarloaf Street is a busy intersection and there is a rail crossing, a provision has been added to the Agreement of Purchase and Sale stipulating that no landscaping or fencing can be erected that would obstruct the sightlines of pedestrian, vehicular, and rail traffic.

This will confirm that staff have followed the provisions of the City's Sale of Land Policy. This parcel is deemed "unmarketable" as it only has value to an adjoining land owner and it is not large enough to be marketed as an infill residential lot.

This parcel was declared surplus by Council at the April 11, 2023 meeting with staff report 2023-56. To determine a value for small irregular shaped parcels of City land, staff are guided by a range of \$1 to \$5 per square foot recommended by an independent appraisal firm used by the City. Typically, staff use the mid-point of \$2.50 per sq. ft. as the value when calculating the selling price.

---

**Internal Consultations:**

The transaction of City real estate involves the collaboration of various City Divisions and Departments including Clerk's, Finance, Economic Development, Planning, Public Works, and the City Solicitor.

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**Financial Implications:**

Based on the approximately 5,609 sq. ft. of City property being conveyed at \$2.50 sq. ft., the selling price of the land is \$14,000. Survey and legal costs of \$4,007 will be reimbursed through this transaction. Therefore, the City will be receiving a total of \$18,007 pending any minor adjustments at closing.

The net land proceeds will be directed to the Economic Development Land Reserve and the amount being reimbursed for survey and legal costs will be allocated to the appropriate operating account.

---

## Public Engagement:

The sale and disposition of City Real Estate is conducted in an open and transparent manner. The Sale of Land Policy is a public document which was discussed and updated by Council in open session; City parcels identified as being potentially surplus are brought to Council in open session; surplus City parcels, deemed “marketable” are posted on the Multiple Listing Service (MLS) and posted on the City’s website; and Council approval of the final Agreement of Purchase and Sale is done in open session.

---

## Strategic Plan Alignment:

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

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
- 

## Conclusion:

One of the objectives of the City Real Estate initiative is to create value for underutilized and surplus City land. To this end, City staff have been working with the owner of 52 Elm Street to finalize the transaction of surplus City land and allow them to extend their side yard.

This parcel has already been declared surplus by City Council. The next step in this process is to have Council authorize the Mayor and Clerk to sign the Agreement of Purchase and Sale, the by-law, and the closing documentation.

---

## Appendices:

- a. Property Map - City parcel being acquired
- b. Agreement of Purchase and Sale
- c. By-law

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.





## Legend

 Parcel Fabric

25.4 0 12.70 25.4 Meters

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. This map is not to be used for navigation.



## Notes

## AGREEMENT OF PURCHASE AND SALE

THIS AGREEMENT is dated for reference as of July 10<sup>th</sup>, 2023.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT  
COLBORNE  
(the “Vendor”)

- and -

SCOTT ANDREW GIBBS  
(collectively, the “Purchaser”)

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. Real Property

(a) Upon and subject to the terms and conditions of this Agreement, the Purchaser hereby agrees to and with the Vendor to purchase, and the Vendor agrees to and with the Purchaser to sell, those lands and premises described as Part of Lot 1 on the North Side of Sugarloaf Street on Plan 895, Being Part 1 on Reference Plan 59R-17398; Port Colborne (the “Property”);

(b) The Purchaser agrees that the Property will be conveyed to Scott Andrew Gibbs, as registered owner, and title to these lands will merge for purposes of the *Planning Act* with the lands to the north which are legally described as PT LT 1 N/S SUGARLOAF ST PL 845 PORT COLBORNE AS IN RO544894; Port Colborne, being all of PIN 64162-0285 (LT) and municipally known as 52 Elm Street, Port Colborne, and which are also owned by Scott Andrew Gibbs (the “Adjoining Parcel”); and

### 2. Payment of Purchase Price

The purchase price for the Property is FOURTEEN THOUSAND DOLLARS (\$14,000.00) (the “Purchase Price”) plus Harmonized Sales Tax (“H.S.T.”), payable as follows:

(a) Within two (2) business Days after the acceptance date of this Agreement by the Vendor, the Purchaser shall pay One Thousand Four Hundred Dollars (\$1,400.00) Dollars by wire transfer or certified cheque drawn against the trust account of a law firm in Ontario to Sullivan Mahoney LLP, In Trust, as the Vendor’s solicitors (the “Deposit”). The Deposit will be held in trust pending completion or other termination of this transaction, and will be credited on account of the Purchase Price on the Closing Date; and

(b) On closing, the sum of TWELVE THOUSAND SIX HUNDRED DOLLARS (\$12,600.00), subject to the usual adjustments, if any, plus adjustments in favour of the Vendor for legal and surveying costs incurred by the Vendor as more particularly described in paragraph 10 herein, payable by wire transfer or a certified cheque drawn against the trust account of a law firm in Ontario, to the Vendor, or as it may direct, on the Closing Date.

### 3. Title Clause

-  
This Agreement is subject to the title to the Property being good and free from all encumbrances, save only any easements for servicing or utilities, municipal agreements, registered restrictions, restrictive covenants, municipal by-laws, or governmental enactments. The Purchaser is not to call for the production of any title deeds, abstracts, survey or other evidence of title except such as are in the possession of the Vendor. The

Purchaser is to be allowed until ten (10) days prior to Closing to examine the title at their own expense. If within that time, any valid objection to title is made in writing to the Vendor which the Vendor shall be unable or unwilling to remove, and which the Purchaser will not waive, then this Agreement shall, notwithstanding any intermediate acts or negotiations in respect of such objections, be null and void and any deposit shall be returned by the Vendor to the Purchaser forthwith without interest or deduction and the parties shall have no other liabilities to each other. Save as to any valid objections so made within such time, the Purchaser shall be conclusively deemed to have accepted title of the Vendor to the Property.

#### **4. Assignment**

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

#### **5. Restriction on Fencing and Landscaping**

The Purchaser shall be restricted post-closing from erecting any fencing, landscaping or any other obstructions that may impact the sight line of vehicular and rail traffic at the corner of Elm Street and Sugarloaf Street.

#### **6. Purchaser's Acceptance of Real Property "As Is, Where Is"**

- (a) The Purchaser acknowledges that the Vendor makes no representation nor gives any warranties with respect to the Property or the fitness of the Property for the Purchaser's intended uses, and, the Property is being sold by the Vendor and accepted by the Purchaser on an "As Is, Where Is" basis, including without limitation, state of title, outstanding work orders, zoning and development approval status, locations of any and all structures, walls, retaining walls or fences (freestanding or otherwise) or encroachments by buildings or fences or otherwise on the Property or adjoining properties or streets, soil condition, environmental status and as to quantity, quality or condition.
- (b) The Purchaser agrees that the Vendor shall not be obligated to perform any work in respect of the Property in order to bring the Property, or any part thereof, into compliance with any applicable standards of any relevant authority. The Purchaser also agrees not to make any claim against the Vendor in respect of any such work that may be required in order to bring the Property, or any part thereof, into such compliance.

#### **7. Environmental**

- (a) The Purchaser acknowledges and agrees that the Vendor makes no representations or warranties whatsoever, either expressed or implied, as to the existence or non-existence of any asbestos, PCBs, radioactive substances or any other substances, liquids or materials or contaminants which may be hazardous or toxic or require removal and disposal pursuant to the provisions of any applicable legislation (all of the foregoing being hereinafter called "**Environmental Matters**") and that the Purchaser take the Property "as is" and relies upon their own investigations, if any, in this regard. From and after the Closing Date, the Property shall be the sole risk of the Purchaser, and the Vendor, its successors and assigns and its employees and agents (collectively, the "**Vendor Parties**"), will have no further liability in respect of any Environmental Matters and the Purchaser covenants and agrees, such covenant to survive closing and not to merge on closing of this transaction, to indemnify and save harmless the Vendor Parties in respect of any Claims in any way related directly or indirectly to any Environmental Matters and in respect of orders or claims, charges or requirements whatsoever of any municipal, provincial, federal or other governmental body, board, commission, authority, department or ministry, or employees, officials or representatives thereof.

- (b) As of and from the Closing Date, the Purchaser shall release the Vendor Parties, and their successors and assigns, from and against all Claims, in any way arising, directly or indirectly by reason of the presence on the Property of any containment, pollutant, dangerous substance wastes (liquid or solid) or toxic substance or the escape thereof in the air or onto adjacent properties or lands including rivers, streams, and ground waters, (collectively the “**Substances**”), whether produced, created or generated before or after the Closing Date and such indemnity shall include any order, decree, judgment or demand under law, regulation or order applicable thereto.
- (c) The Purchaser, their heirs, successors and assigns, hereby agrees to indemnify and hold harmless the Vendor Parties, and their successors and assigns, from any and all Claims arising out of or in any way connected with any state, quality or condition in, or of, the Property, including, but not limited to, the existence of any Substances existing as of, or prior to the Closing Date and thereafter, whether environmental or otherwise, whether imposed by law, equity or any federal, provincial or municipal law, rules or regulations or by any regulatory authority. These provisions shall survive and not merge on the completion of this transaction and any subsequent sale or transfer of the Purchasers’ interest in the Property.

## 8. Future Use

- (a) The Vendor and Purchaser agree that there is no representation or warranty of any kind that the future intended use of the Property by the Purchaser is or will be lawful except as may be specifically provided for in this Agreement. The Purchaser covenants to use the Property as a side yard to the Adjoining Lands he owns.
- (b) The Purchaser acknowledges and agrees that the Vendor is under no obligation by virtue of the sale of the Property to the Purchaser, to grant any approvals, including approvals for changes to the City of Port Colborne Official Plan or Comprehensive Zoning By-law, or with respect to site plan control, minor variances, or building permits, or to support approvals required by any other approval authority which may be necessary for any contemplated use of the Property by the Purchaser.

## 9. Closing Date

The transaction of purchase and sale shall be completed by no later than 5:00 p.m. on July 27<sup>th</sup>, 2023 on which date vacant possession of the Property shall be given to the Purchasers (the “**Closing Date**”).

## 10. Adjustments, Harmonized Sales Tax and Land Transfer Tax

Realty taxes, local improvements, and assessment rates shall be apportioned and allowed to the Closing Date (with the Closing Date to be for the account of the Purchaser). **On Closing, the Buyer shall be responsible for the legal costs and half of the surveying costs of the Vendor in connection with the purchase and sale transaction contemplated herein.** H.S.T. shall be in addition to the Purchase Price. The Vendor will not collect H.S.T. only if the Purchaser provides to the Vendor an H.S.T. number as proof that the Purchaser is an H.S.T. registrant under the *Excise Tax Act* (“ETA”), together a warranty and indemnity, satisfactory to the Vendor acting reasonably, certifying, among other things, that the Purchaser will self-assess and remit the H.S.T. payable and file the prescribed form required under the ETA. The foregoing warranties shall not merge but shall survive the completion of the transaction. The Purchasers shall be responsible for Land Transfer Tax exigible respecting the transaction.

## 11. Closing Documents

- (a) The Vendor and Purchaser shall cause their solicitor to enter into a Document Registration Agreement in prescribed form and content to facilitate the electronic registration required for closing.

- (b) The Vendor represents and warrants that it is not now and shall not at the time of closing be a non-resident of Canada within the meaning of the *Income Tax Act* (Section 116), and, it shall deliver on closing an affidavit verifying same.
- (c) The Purchaser's solicitor will deliver an undertaking to consolidate the new PIN for the Property (once it is available) with the PIN for the Adjoining Parcel.
- (d) In addition to the other deliveries contemplated herein, the Vendor shall prepare and deliver the Transfer, save for the Land Transfer Tax Statements, and, the parties shall exchange, Undertakings to Readjust and Statement of Adjustments, as necessary.
- (e) The Vendor and Purchaser acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "**Requisite Deliveries**") and the release thereof to the Vendor and Purchaser, will (a) not occur at the same time as the registration of the Transfer (and any other documents intended to be registered in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said solicitors.

## **12. Non-Merger**

It is agreed that all covenants, representations and warranties of the parties herein contained shall not merge on the closing of the transaction or the delivery of the transfer but shall survive thereafter.

## **13. Binding Agreement/Time of the Essence**

This Agreement, when executed by both parties shall constitute a binding contract of purchase and sale, and time shall in all respects be of the essence hereof, provided that the time for doing or completing of any matter provided for herein may be extended or abridged by an agreement in writing signed by the Vendor and Purchaser, or, by their respective lawyers who may be specifically authorized in that regard.

## **14. Entire Agreement**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Property or supported thereby other than as expressed herein in writing.

## **15. Tender**

Any tender of documents or money hereunder may be made upon the solicitor acting for the party on whom tender is desired on the Closing Date, and, it shall be sufficient that a negotiable bank draft or certified cheque may be tendered in lieu of cash.

## **16. Non-Fettering**

(a) Nothing in this Agreement shall derogate from, interfere with or fetter the discretion of any present or future Council in the exercise of its decisions or in the Vendor's determinations or actions in the capacity of the Vendor as a municipal corporation, or the rights of the municipality to act or refuse to act in connection with its approval, regulatory or inspection rights as a regulator or municipal corporation.

(b) All rights, benefits and obligations of the Vendor under this Agreement shall be rights, benefits and obligations of the Vendor in its capacity as a party to this Agreement, but notwithstanding the other provisions of this Agreement, shall not derogate or interfere with or fetter the rights, benefits, and obligations of the Vendor in its function and capacity as a municipal corporation with respect to matters of general application. Without limiting the generality of the foregoing, nothing in this Agreement constitutes a



waiver or exception of or from the Purchasers from complying with, obtaining and being subject to all necessary consents, permits, licenses or approvals from the Vendor in its capacity as a municipal corporation, in connection with any design, construction or development of anything on the Property.

#### **17. Non-Registration**

The Purchasers agree not to register this Agreement nor notice thereof against the title to the Property. The Purchaser acknowledges that in the event that any registration respecting this Agreement or notice thereof occurs, the Vendor, in addition to any other rights or remedies it may have, shall be entitled to injunctive relief, and the Vendor may rely upon this provision in support thereof.

#### **18. Business Day**

For purposes of this Agreement, a business day means a day other than Saturday, Sunday or a statutory holiday for the Province of Ontario.

#### **19. 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.

#### **20. 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 registered mail to the address set out below or to such other address or facsimile number as may from time to time be the subject of a Notice:

To the Vendor:

The Corporation of the City of Port Colborne  
66 Charlotte Street, Port Colborne L3K 3C8

Attention: Chief Administrative Officer

To the Purchaser:

Scott Andrew Gibbs  
c/o Renaud Law  
380 King Street  
Port Colborne, Ontario  
L3K 4H4

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 registered mail, shall be deemed to have been validly and effectively given and received five (5) business days after the date it was sent, and if sent by facsimile transmission with confirmation of transmission prior to 5 p.m., shall be deemed to have been validly and effectively given and received on the day it was sent, unless the confirmation of transmission was after 5 p.m. or on a non-business day, in which case it shall be deemed to have been given and received on the next following business day.

#### **21. Successors and Assigns**

All of the covenants and agreements 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.

**22. Counterparts and Electronic Delivery**

The parties agree that this Agreement may be executed in counterparts and transmitted by telecopier or email and that the reproduction of signatures in counterpart by way of telecopier or email will be treated as though such reproduction were executed originals.

**23. Offer Open for Acceptance**

Once executed by the Purchaser and delivered to the Vendor or its representative, this document shall constitute an irrevocable offer to purchase the Property on the terms and conditions herein contained, open for acceptance by the Vendor until 5 p.m. on July 13, 2023, after which time, if not accepted, such offer shall become null and void.

**(the following page is the signature page)**

IN WITNESS WHEREOF the Purchasers have executed this Agreement the 10<sup>th</sup> day of July, 2023.

WITNESS:



  
SCOTT ANDREW GIBBS

IN WITNESS WHEREOF the Vendor has executed this Agreement the    day of   , 2023.

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 with  
Scott Gibbs regarding City land adjacent to 52 Elm Street

Whereas at its meeting of August 15, 2023, Council approved the recommendations of  
the Chief Administrative Officer Report No. 2023-145, Subject: Sale of City property  
adjacent to 52 Elm Street; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with  
Scott Gibbs for the City land adjacent to 52 Elm Street, for the purchase price of  
\$14,000;

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 enter into an Agreement of  
Purchase and Sale with Scott Gibbs for a portion of City property legally described  
as , legally described as Part 1 on Plan 59R-17398, Part of Lot 1, NS, Sugarloaf  
Street, Registered Plan 845, Port Colborne, Part of PIN 64162-0299 for the  
purchase price of \$14,000 with the Agreement attached hereto as Schedule "A".
2. That the Mayor and the 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 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 15<sup>th</sup> day of August, 2023

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk



**Subject: Grant Allocation for Non-Profit Organizations**

**To: Council**

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

Report Number: 2023-163

Meeting Date: August 15, 2022

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**Recommendation:**

That Corporate Services Department Report 2023-163 be received; and

That the following grants for non-profits totalling \$17,500 be approved for the second allocation of 2023;

The Wave	\$2,300
Port Cares Reach Out Centre	\$3,500
Port Colborne Art Club	\$1,500
2 <sup>nd</sup> Port Colborne Scouts	\$2,400
Oak Centre Lake House	\$2,300
Niagara Nutrition Partners	\$4,000
Friends of Roselawn Centre	\$1,500

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**Purpose:**

To seek council approval for the second allocation of 2023 grants to non-profit groups.

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**Background:**

On June 13, 2023, Council passed By-law Number 7097/39/23, Being a By-law to Establish a Committee known as the Grant Allocation Advisory Committee, to Establish a Terms of Reference and to Repeal By-law No. 6317/143/15, and all Amendments Thereto.

The Grant Allocation Advisory Committee (GAAC) is an Advisory Committee of Council established to recommend to Council the distribution of grants to non-profit organizations requesting grant funds, from the City, in accordance with the Grant Policy and approved budget.

In accordance with the Grant Policy, applications are received twice a year with deadlines of January 31 and June 30. Applications are reviewed by the Committee and recommendations are brought forward to Council for final approval.

---

## **Discussion:**

On June 30, 2023, eight applications for funding were received. Grant allocation committee members were provided with copies of the applications for review. The committee met to evaluate the applications on July 26, 2023.

The following recommendations were made by the committee:

That grant requests for a total of \$17,500 be approved for the second allocation of grants for 2023 as follows:

\$2,300 for The Wave to help cover the cost of skilled development training from a national level coach, to increase female participation in hockey, primarily U9 to U15;

\$3,500 for Port Cares Reach Out Centre to support 2,766 clients at the food bank, with lunch kits, community meals, and emergency food boxes;

\$1,500 for Port Colborne Art Club to help cover costs of website upgrades to increase membership, integrate with social media, enhance marketing and registration;

\$2,400 to 2<sup>nd</sup> Port Colborne Scouts to help cover costs of repairs and renovation to reopen the camp;

\$2,300 for the Oak Centre Lake House to refurbish new location of clubhouse for challenged clients aged 16 and older;

\$4,000 to Niagara Nutrition Partners help cover the costs of daily meals for Port Colborne school children;

\$1,500 for Friends of Roselawn Centre for an art tool loaning centre, a Tiny Art Library, and support for Authors' Talks

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**Internal Consultations:**

Not Applicable

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**Financial Implications:**

Available funds for 2023 are \$43,200 of which \$25,360.71 were allocated in the first round of funding in February, which left \$17,839.29 for the second allocation in June.

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**Public Engagement:**

The availability of the grant was made public on the city website, in the City newsletter, on the Port Colborne Facebook page, and in 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:

- Welcoming, Livable, Healthy Community
- 

**Conclusion:**

After careful, critical consideration and decision of the Grant Committee members, staff recommend that Council approve the 2023 second allocation of grants to applicants.

---

Respectfully submitted,

Gail Todd  
Executive Administrative Assistant  
Staff Liaison to Grant Committee  
905-835-2900 X301  
[Gail.todd@portcolborne.ca](mailto:Gail.todd@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.



August 9, 2023

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

[charlotte.madden@portcolborne.ca](mailto:charlotte.madden@portcolborne.ca)  
[brenda.heidebrecht@portcolborne.ca](mailto:brenda.heidebrecht@portcolborne.ca)

Dear Charlotte Madden:

Thank you for your correspondence of July 4, 2023, co-addressed to the Honourable Marie-Claude Bibeau, former Minister of Agriculture and Agri-Food, in which you share the City of Port Colborne's resolution supporting the Town of Bradford West Gwillimbury's resolution regarding the right-to-repair movement.

The Government of Canada is committed to establishing a framework that would support Canadian consumers' right to repair, which would help extend the life of home appliances and address the environmental impacts of unnecessary waste. Recently, Budget 2023 reconfirmed this commitment and expanded its scope to include measures on the right to repair and on the interoperability of farming equipment.

In terms of actions to date on developing this framework, the federal government conducted a public consultation in summer 2021 to modernize the *Copyright Act* and received submissions from stakeholders, including from the farming sector, on the right to repair. One of the primary issues raised in this consultation was how best to remove obstacles to allow for repair and interoperability under the *Copyright Act*.

Currently, there are two private Members' bills in Parliament related to the Government's commitment to remove copyright barriers to repair and that could contribute to the extended life cycle of products. Bill C-244, *An Act to amend the Copyright Act (diagnosis, maintenance and repair)*, would ensure that circumventing technological protection measures, or digital locks, is permitted

...2

under the copyright framework when repairing a product. Bill C-294, *An Act to amend the Copyright Act (interoperability)*, would allow making a computer program—or a device in which it is embedded—interoperable with any other computer program, device, or component.

Our aim is to allow Canadians the flexibility to choose their best options for repairing their own devices and equipment while furthering our environmental goals and supporting competitiveness in the commercial marketplace. The Government will pursue further stakeholder engagement in the near future to acquire insight into other aspects of the right-to-repair movement as our work toward developing a broader framework continues.

Once again, thank you for writing, and please accept my best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Champagne', with a stylized flourish at the end.

The Honourable François-Philippe Champagne, P.C., M.P.

c.c.: The Honourable Lawrence MacAulay, P.C., M.P.  
[aaafc.minister-ministre.aac@agr.gc.ca](mailto:aaafc.minister-ministre.aac@agr.gc.ca)

August 1, 2023

**CL 11- 2023, July 20, 2023**

***DISTRIBUTION LIST***

***SENT ELECTRONICALLY***

Support for Ontario's Wine Industry

Regional Council, at its meeting held on July 20, 2023, passed the following recommendation:

**WHEREAS** Niagara is Ontario's largest wine growing region responsible for over 90% of Ontario's grape production and home to the only specialty crop area in the Province;

**WHEREAS** the Province promised that economic viability and long-term sustainability would be a key commitment to farmers when the Greenbelt legislation was passed;

**WHEREAS** the Ontario wine industry supports directly and indirectly over 18,000 full-time equivalent jobs in Niagara;

**WHEREAS**, Niagara's wine sector has been a leader in developing a world class experiential tourism destination, with 2.4 million annual visitors to the region;

**WHEREAS** no other wine producing countries tax domestic wines as imports;

**WHEREAS** British Columbia has created a retail environment where their local VQA wines thrive and flourish;

**WHEREAS** COVID-19 shone a light on the importance of local economies; and it is essential that we unlock the potential of Ontario's grape and wine industry to build back stronger;

**WHEREAS** the recently released *Uncork Ontario* report from Deloitte details the numerous ways that support for Niagara's wine industry will ensure continued economic growth in areas such as tourism, culture and entertainment, hospitality, development and constructions and manufacturing;

**WHEREAS** Deloitte's report found that under the proper conditions, the future economic uplift could amount in \$8 billion in Niagara's GPD in a generation;

**WHEREAS** the same report found that Niagara's grape and wine industry experiences a higher tax burden than comparator jurisdictions such as British Columbia, the United States, France, Spain and New Zealand;

**WHEREAS** Regional Council passed a similar motion in February 2021 and March 2022 and the issues still remain unresolved.

**NOW THEREFORE BE IT RESOLVED:**

1. That the Regional Chair **BE DIRECTED** to send correspondence to the Province of Ontario that includes the following:
  - i. An expression of thanks for their ongoing support of Niagara's wine industry and the meaningful difference it has made;
  - ii. A request to create an environment that supports Ontario's wine industry and its farmers, providing more opportunities for investment in innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;
  - iii. A request to eliminate the 6.1% wine basic tax applied to VQA wines (100% Ontario-grown) on sales at onsite winery retail stores;
  - iv. A request to establish a permanent uncapped VQA wine support program that remedies the treatment of local wines like imports at the LCBO, through the Ontario Ministry of Agriculture, Food and Rural Affairs;
  - v. A request that the LCBO be called upon to create an environment where VQA wines flourish; and
2. That this motion **BE CIRCULATED** to Niagara Local Area Municipalities, Local Members of Parliament, Local Members of Provincial Parliament, the Premier of Ontario, Minister of Finance, Minister of Agriculture, Food and Rural Affairs, Wine Marketing Association of Ontario, Ontario Craft Winery Association, Wine Growers of Ontario, Grape Growers of Ontario, and Ontario Wine Appellation Authority (VQA).

Yours truly,



Ann-Marie Norio  
Regional Clerk

js

CLK-C 2023-086



Distribution List:

- Local Area Municipalities
- Local Members of Parliament
- Local Members of Provincial Parliament
- Premier of Ontario
- Minister of Finance
- Minister of Agriculture, Food and Rural Affairs
- Wine Marketing Association of Ontario
- Ontario Craft Winery Association
- Wine Growers of Ontario
- Grape Growers of Ontario
- Ontario Wine Appellation Authority

**Report To: Board of Directors**

**Subject: Canada Water Agency and *Canada-United States Great Lakes Water Quality Agreement* Funding Opportunities**

**Report No: FA-34-23**

**Date: July 21, 2023**

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**Recommendation:**

**THAT** Report No. FA-34-23: Canada Water Agency and *Canada-United States Great Lakes Water Quality Agreement* Funding Opportunities **BE RECEIVED**.

**THAT** staff continue **TO COLLABORATE** with key stakeholders to advance conservation authorities critical initiatives in support of Canada Water Agency Mandate and *Great Lakes Water Quality Agreement* priorities.

**AND FURTHER THAT** a copy of this report **BE CIRCULATED** to **NPCA** jurisdiction municipalities.

**Purpose:**

The purpose of this report is to update the Board on conservation authority's role related to Great Lakes water quality and shoreline resilience. The report further highlights NPCA's priorities and current actions in support of the Canada Water Agency and *Canada-United States Great Lakes Water Quality Agreement* related funding opportunities.

**Background:**

a) *Canada Water Agency*: Further to the 2023 Federal budget commitment of \$85.1 million over five years and then \$21 million ongoing thereafter, the Federal Government has established the Canada Water Agency to protect Canada's freshwater supply. The Agency is intended to share the latest freshwater science and serve as a major data hub to fund high-priority watershed initiatives (including the Great Lakes) through the Federal Government's renewed *Freshwater Action Plan*. The Agency is also tasked with modernizing the *Canada Water Act* to ensure the Federal Government has the tools to work with the provinces and territories on protecting and restoring shared waters.

b) *Great Lakes Water Quality Agreement*: The achievement of goals in the *Canada-United States Great Lakes Water Quality Agreement* (GLWQA) is supported by investments from both governments through separate funding programs (i.e., Great Lakes Restoration Initiative in the U.S. and the Great Lakes Protection Initiative in Canada). On March 24, 2023, Canada announced its

commitment of \$420 million in additional funding over 10 years to preserve and restore waters of the Great Lakes. Enhanced Canadian funding commitment from Environment and Climate Change Canada (ECCC) is focused on both the Canada Water Agency and GLWQA priorities including delisting Areas of Concern, achieving the phosphorus reduction target for Lake Erie, and advancing restoration and protection of priority coastal natural areas that are under high cumulative stress.

c) In February 2023, Conservation Ontario (CO) made budget submissions for an increased multi-year funding commitment. Conservation Ontario's 2023 Federal Budget Submission (*Appendix 1*) and Provincial Pre-Budget Submission (*Appendix 2*) reinforced the need for increased investments to achieve improvement in Great Lakes water quality. Additionally, on January 17, 2022, CO sent a letter to the Honourable Chrystia Freeland, Minister of Finance, and the Honourable Steven Guilbeault, Minister of the Environment and Climate Change, supporting the environmental and economic sustainability of the Great Lakes and creating of the proposed Water Agency.

d) The Great Lakes-St. Lawrence Cities Initiative (GLSLCI) with member Mayors from Ontario and Quebec, and the United States, released their 2023 Canadian Federal Priorities for the Great Lakes and St. Lawrence River Basin earlier this year with a focus on leveraging Federal resources and tools to support climate adaptation for coastal communities. Niagara Region (NPCA's jurisdiction) has a strong leadership at the GLSLCI table and NPCA anticipates collaboration with GLSLCI to support on the ground delivery and increased investment in Great Lakes water quality programs.

## **Discussion:**

Conservation Authorities (CAs) are key delivery partners to achieve commitments made by federal and provincial governments related to the *GLWQA* and *Canada-Ontario Agreement on Great Lakes Water Quality and Ecosystem Health* (COA) related to various monitoring, habitat restoration and remediation actions implemented through local Remedial Action Plans and Lakewide Action and Management Plans (LaMPs). Thirty-five of 36 Conservation Authorities' watersheds drain into the Great Lakes and St. Lawrence River and 26 have Great Lakes coast and/or St. Lawrence River shoreline to manage for natural hazards (e.g., coastal flooding and erosion).

CO and CA representatives participate on several bi-national committees with Canadian and U.S. partners. CO is a member of the bi-national Great Lakes Executive Committee representing watershed management agencies. NPCA is currently a representative on the LaMP committee representing CO and is the lead coordinating agency of the Niagara River Remedial Action Plan (RAP).

CAs have also been long time partners in collaborating with the municipal, federal, and provincial governments and other international agencies in addressing many aspects of Great Lakes protection, restoration and conservation. Many CAs (including NPCA) have legislative mandates for the management of long stretches of Great Lakes coastline, protecting and restoring Great Lakes tributaries, and taking actions in the watersheds contributing to Great Lakes water quality.

These efforts address new and continuing threats to Great Lakes water quality and ecosystem health, including aquatic invasive species, excessive nutrients, harmful pollutants, discharges from vessels, climate change and the loss of habitats and species. CA programs also protect the Great Lakes which are a direct source of drinking water to 60% of Ontarians. Reducing nutrients and erosion from our watersheds and coastlines improves Great Lakes water quality, thus reducing algae that create taste and odour and, in some cases, toxins from our drinking water.

Overall (based on 2019 figures), CAs engaged approx. 535 landowners resulting in 702 rural water quality projects; 88% of which were agricultural. Close to \$2M in grant dollars were provided to landowners to implement projects including windbreaks, soil erosion control measures, manure

storage, and stream buffers. The total value of these projects was estimated to be in the order of \$5M to the rural and agriculture economy which went to design, materials, contractors and farmers to implement the projects. This approximates the return evidenced in economic stimulus studies undertaken in the U.S. which estimate that every dollar invested in the Great Lakes restoration initiative is projected to generate more than three dollars in additional economic activity.

In addition, CAs provide extensive experience in reducing watershed and coastal flood and erosion risk (and the associated costs of flooding and erosion) through their natural hazards programs. They oversee \$3.8 billion in flood and erosion infrastructure as well as manage watershed-wide rural and urban natural infrastructure assets (forests, wetlands, etc.) that also help to reduce risk. Based on a preliminary 2021 estimates from 10 CAs on the future expenditures anticipated to mitigate coastal impacts over the next two years ranged from \$100,000 to \$50M each.

### **NPCA's Current Actions and Priorities:**

1) Niagara River Remedial Action Plan (RAP): The Niagara River Area of Concern (AOC) is defined as the 58-km connecting channel flowing from the mouth of Lake Erie to Lake Ontario with ongoing collaboration and coordination between Niagara River RAP representatives in the U.S. and Canada. NPCA is the coordinating agency of the Niagara River (Canada) RAP with funding from the federal and provincial governments through the Great Lakes Protection Initiative and Ontario's Great Lakes Strategy funding sources. NPCA coordinates local partners (i.e., federal, provincial, and municipal governments, environmental organizations, industry, scientists, non-government organizations, First Nations and Métis communities, and the public) in implementing projects that aim to improve the Niagara River's water quality and ecosystem health. NPCA continues to deliver on ongoing commitment to the de-listing of the Niagara River AOC including monitoring, community engagement, and maintenance following de-listing. In September 2022, NPCA hosted education and awareness activities in support of the Great Lakes Forum on the 50<sup>th</sup> anniversary of the signing of the GLWQA. NPCA staff also participated on expert panels and presented at the International Joint Commission (IJC) Water Quality Board Meeting.

2) NPCA's Great Lakes Shoreline Flood and Erosion Hazard Mapping update and Shoreline Resilience Plan development is scheduled to begin in 2023-2024. NPCA's Shoreline Resiliency Plan will go a step further to broaden shoreline management objectives and strategies to address climate issues, green infrastructure, and ecological considerations.

3) NPCA restoration program includes shoreline restoration initiatives with a focus on nature-based solutions to mitigate erosion hazards.

4) NPCA is working on an extensive shoreline erosion monitoring and mitigation program (for rivers, streams and lake-based shorelines).

5) NPCA's agricultural stewardship projects are being designed to maintain soil health for agriculture, reduce nutrient loadings to the Great Lakes and restore priority watersheds using rural storm water management systems, wetland restoration, tree planting, and promotion of best management practices.

### **Conclusion and Next Steps**

As a local watershed and partnership agency, responsible for two Great Lakes shorelines and boundary waters with the U.S., NPCA is well-positioned to play a key role in delivering on federal and provincial priorities while also addressing the impacts of urbanization and the compounding effects of climate change in the rapidly urbanizing Great Lakes watersheds.

This new funding commitment from the Federal government presents an excellent opportunity to build on more than 70 years of CA expertise and experience as a science and delivery partner to multiple levels of government and international agencies.

Reducing nutrients and erosion from our watersheds and coastlines will improve Great Lakes' water quality. To meet nutrient reduction targets, Conservation Authorities' Healthy Great Lakes / Rural Water Quality / Clean Water programs need a long-term commitment. It takes time to develop targeted action plans with the watershed community, to build support for conservation measures and to implement them. Continued investment is needed for science and monitoring to identify the most effective on-the-ground actions. Investment is needed to increase the scale, scope, and intensity of targeted actions given the growing impact of climate change and development intensification. Watershed projects like buffer strip plantings, septic system upgrades, tree planting and shoreline erosion mitigation /coastal projects contribute to reducing or mitigating impacts on Great Lakes water quality.

NPCA staff will continue to work with CO, Conservation Authority Lakes Leads for GLWQA, LaMP partners, and other stakeholders such as the GLCSI, to address local priorities within our partner municipal jurisdiction of Niagara, Hamilton and Haldimand.

NPCA staff will continue to work with federal and provincial staff to advance priorities in the GLWQA and COA as part of its leadership in implementing the Niagara River Remedial Action Plan.

### **Financial:**

There are no financial impacts resulting from this report at this time.

### **Links to Policy/Strategic Plan:**

This report strongly supports the NPCA's *Strategic Plan 2021-31* under several strategic priorities:

- a) Healthy and Climate Resilient Watersheds,
- b) Supporting Sustainable Growth; and
- c) Partner of Choice.

### **Related Reports and Appendices:**

*Appendix 1:* Conservation Ontario's 2023 Federal Budget Submission (February 2023)

*Appendix 2:* Conservation Ontario 2023 Provincial Pre-Budget Consultation Standing Committee on Finance and Economic Affairs

### **Submitted by:**

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Chandra Sharma, MCIP RPP  
Chief Administrative Officer/Secretary-Treasurer



# Submission on the 2023 Federal Budget

February 10, 2023

## Partnering with Ontario Conservation Authorities for Local Delivery Provides Value

Conservation Ontario and Ontario's 36 conservation authorities (CAs) are effective partners for the Federal Government. From policy tables to experienced boots-on-the-ground organizations delivering environmental programs and services, you can count on cost-effective, practical, and efficient approaches to challenging issues.

Conservation authorities offer proven experience in watershed management across Canada's most populated province. We trust our submission provides clear examples of our abilities.

In 2023, we see three main partnership opportunities:

1. Addressing climate change impacts;
2. Protecting people and property from flooding and erosion hazards through floodplain mapping and infrastructure investments; and,
3. Protecting the Great Lakes and St. Lawrence River water quality.

We have a number of recommendations and requests for your consideration during the 2023 Federal budget Deliberations:

**Recommendation 1:** That the Government renew multi-year commitments to Conservation Ontario under the Nature Smart Climate Solutions Program and the Nature Canada Fund.

**Recommendation 2:** That conservation authorities be eligible for programs developed under the National Adaptation Strategy and the Government of Canada Adaptation Action Plan.

**Recommendation 3:** That the Government provide funding to Conservation Ontario to support the capacity of CAs to successfully deliver the 2 Billion Tree Program.

**Recommendation 4:** That the Government continue and increase funding to conservation authorities under the Disaster Mitigation and Adaptation Fund and under the Natural Infrastructure Fund.

**Recommendation 5:** That the Government continue and expand its investment in the much-needed Flood Hazard Identification and Mapping program.

**Recommendation 6:** That the government establish a national high-risk flood insurance program in Budget 2023 with CA input and engagement in the development phase.



**Recommendation 7:** That conservation authorities be eligible for programs and projects developed to further objectives of the Canada Water Agency.

**Recommendation 8:** That implementation decisions on the Freshwater Action Plan continue to support significant investment in the Great Lakes St Lawrence Region. Canada has a significant responsibility to ensure environmental, social, and economic sustainability of this globally significant freshwater resource.

**Recommendation 9:** That the Government provide funding to Indigenous peoples to build greater capacity to contribute to the work being achieved by the Government around the Great Lakes Water Quality Agreement.

## About Conservation Authorities

Conservation Ontario (CO) represents the network of Ontario's 36 conservation authorities (CAs). CAs are local, watershed-based, natural resource agencies located throughout the province. Almost all of Ontario's population (95%) lives in a watershed managed by CAs. Conservation authorities are legislated under Ontario's *Conservation Authorities Act*.

Conservation authorities have worked very successfully with the Federal Government for many years monitoring Ontario's watersheds and delivering a wide range of watershed management programs in the most populated province in Canada. Outcomes from these collaborations protect Great Lakes water quality, build local watershed resilience, and address growing climate impacts with nature-based solutions.



## 1. Addressing Climate Change Impacts

Climate change is the overriding challenge affecting Ontario's natural resources. It significantly magnifies all other threats to biodiversity and creates more frequent flooding and erosion hazards. This results in severe business and social disruptions, costly infrastructure damages, and threats to water quality.

Conservation Authorities are concerned about the quality and sustainability of our water and natural resources. We rely and build upon the science provided by Environment Climate Change Canada (monitoring, modeling and research), apply it locally, and offer solutions and actions that benefit the watersheds and water quality of the Great Lakes and St. Lawrence River.

### **Nature-based Solutions for Climate Change**

Conservation Ontario and the conservation authorities are grateful for support under the Nature Smart Climate Solutions program and the Nature Canada Fund. Protecting land and investing in habitat restoration, rehabilitation, and enhancement provides multiple co-benefits including: Great Lakes water quality; flood risk reduction; maintaining biodiversity; sequestering carbon; building climate resilience; and protecting air quality.

- 2021 – 2024 Nature Smart Climate Solutions Work of CAs  
<https://conservationontario.ca/policy-priorities/climate-change/nature-based-climate-solutions>
  - Currently, 17 conservation authorities, are delivering 58 projects as nature-based solutions including GHG reductions.
- In the first two years (2021-2023):
  - 8938 hectares of enhanced land management practices implemented (cropland/cover crops);
  - 1198.4 hectares of wetlands and grasslands restored;
  - 286.3 hectares of land secured for conservation;
  - Conservation authorities have leveraged over 50 percent (\$9.5 M) of \$9M in ECCC funding.
- Canada Nature Fund
  - To date, working with 17 conservation authorities to acquire 1,933 hectares of lands for climate change adaptation.
  - Conservation authorities leveraged \$6.9 M provided by ECCC with a matching contribution of \$20.3M

We ask the Government to renew multi-year commitments to Conservation Ontario and conservation authorities under these two programs to continue advancing the work needed to address climate change.

We further request conservation authorities be eligible for funding under the National Adaptation Strategy and the Government of Canada Adaptation Action Plan.



## 2 Billion Tree Program

Conservation authorities plant approximately 2 million trees across Ontario's watersheds annually. They also map and monitor local forest cover.

Conservation authority tree planting and habitat restoration/rehabilitation projects are delivered in partnership with other agencies, local businesses, and landowners. This allows leveraging of resources, resulting in broader benefits and impacts.

We are thankful for the funding CAs, who applied directly to the Program have received. We welcome additional opportunities, including for Conservation Ontario on behalf of the CA network, to receive funding required to support the 2 Billion Tree effort.



## 2. Protecting people and property from flooding and erosion hazards through floodplain mapping and infrastructure investments

### **Flood and Erosion Hazard and Disaster Risk Management**

Flooding and erosion are costly and devastating climate change impact challenges.

Conservation authorities have proven success in partnering with the Federal Government to address flooding and erosion issues. Ongoing and additional funding under the Disaster Mitigation and Adaptation Fund and Natural Infrastructure Fund will enable CAs to continue to address the challenge of aging infrastructure, as well as the natural infrastructure required to keep flood and erosion hazards from becoming costly disasters. Conservation authority water and erosion control infrastructure already helps to avoid more than \$150 M in damages to residential properties annually.

Updated floodplain mapping is critical to guide development away from hazards and support forecast and warning and risk management decisions. Conservation authorities and Conservation Ontario appreciated engaging with Natural Resource Canada staff to shape the newly launched Flood Hazard Identification and Mapping Program launched in September. We are pleased to learn that FHIMP will continue beyond March 2024 and are greatly encouraged that the Government will continue this much-needed funding.

Further to the recently released Task Force on Flood Insurance and Relocation report *Adapting to Rising Flood Risk: An Analysis of Insurance Solutions Canadians* and as leaders in floodplain management, Conservation Ontario requests that the government establish a national high-risk flood insurance program in Budget 2023 with CA input and engagement in the development phase. Conservation authorities manage many areas of erosion along Great Lakes shorelines [these hazards threaten cottages and homes built prior to the development of CA regulations]. Today, the work of CAs prevents development in hazardous areas, and minimizes damage to existing development.

A number of other federal initiatives are important in addressing flood hazards and supporting flood insurance. While outside the scope of this submission, they are of high interest to Conservation Ontario and we welcome ongoing engagement on them. Initiatives include:

- Creating the Federal Flood Mapping Guideline Series, which includes establishing a community of practice;
- The Federal commitment to complete all flood maps in Canada;
- Promoting flood risk in Canada through a public-facing information portal;
- Measures to improve flood mitigation in communities at risk of recurrent flooding;
- Implementation of the recently announced Climate Resilient Coastal and Northern Communities Program; and
- Continued investment in hydrometric monitoring to support flood forecasting, warning and monitoring.

### 3. Protecting the Great Lakes and St. Lawrence River water quality

#### **Canada Water Agency**

Conservation Ontario provided comments on the establishment of a Canada Water Agency and are supportive of its creation. We emphasize that an integrated watershed management framework (including watersheds, sub-watersheds and catchment basins) should be used as the framework for management of freshwater resources.

We request consideration for funding under new initiatives developed to further the objectives of the Canada Water Agency. Further, decisions around the implementation of the Freshwater Action Plan should continue to support significant investment in the Great Lakes St Lawrence Region.

#### **Great Lakes / St. Lawrence River**

Conservation authority watershed report cards align with results from the State of the Great Lakes 2022 report. The next report cards are being released in March 2023. Results show that water quality, forest conditions, and groundwater in the Great Lakes Basin remain unchanged, for now. There are exceptions. Conservation authorities' watershed management programs and projects support this status, but investment is needed to increase the scale, scope, and intensity of efforts given the growing impact of climate change and development intensification.

Increased support is needed for science and monitoring to identify on-the-ground actions. For example, studies of coastal processes under a changing climate to confirm the success of specific management actions such as replacing aging shoreline protection infrastructure with nature-based solutions. Watershed projects like buffer strip plantings, septic system upgrades, stormwater management, tree planting, shoreline/coastal projects, etc. all contribute to reducing or mitigating impacts on Great Lakes water quality.

Conservation authorities are keen to assist your government to meet its goals under the Great Lakes Water Quality Agreement (GLWQA).

We congratulate the Government on the 50<sup>th</sup> anniversary of the GLWQA and the release of the 2022 State of the Great Lakes Report and the 2022 Progress Report. Conservation Ontario and many conservation authorities attended the Great Lakes Public Forum in September. We are encouraged by the participation of Indigenous peoples in this event. From this successful event, we recommend that the Government fund Indigenous peoples to support greater participation in implementation of the Great Lakes Water Quality Agreement and development of these reports.

#### **Conclusion**

Conservation Ontario and the 36 conservation authorities are effective partners for the Government. We bring considerable experience in watershed management to the policy tables and are experienced on-the-ground delivery organizations. Additional examples of this include: working around species at risk; contributing to agricultural best management practices and resilient landscapes; and working with Fisheries and Oceans Canada.



## Leveraging the Work of Conservation Authorities

Conservation authorities bring additional, valuable resources to projects by leveraging vast, long standing local, municipal and provincial partnerships. We work closely with property owners to plan, develop, and implement significant, practical, projects. When added up, these actions provide significant improvements to the Great Lakes – St. Lawrence River region and its waters.

Conservation authorities' watershed management expertise ensures: effective delivery of programs, value for money, local buy-in, and a more meaningful impact than any one organization can achieve independently.

### For Additional Information

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Conservation Ontario  
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*Wainfleet, Lake Erie*



## 2023 Provincial Pre-Budget Consultation Standing Committee on Finance and Economic Affairs

Submitted by Conservation Ontario  
February 13, 2023

### **Conservation Authority Programs Deliver Value for Provincial Investment**

**Conservation Authorities are boots on the ground delivery agents for the Province and Municipalities.** Our delivery of flooding and erosion mitigation programs, the management of conservation lands, and drinking water source protection, are a few examples.

Conservation Authority programs: protect the Great Lakes and other water resources; support a healthy agricultural industry; protect water quality and quantity; and provide the local science and operations that help Ontarians be emergency prepared. Our integrated watershed management approach manages impacts to natural resources to ensure the long-term viability of our environment and economy.

**Partnering with the Province and others, the Conservation Authorities contribute significantly to the health and well-being of residents** by protecting safe drinking water sources, protecting lives and property from natural hazards such as flooding and erosion, and providing almost 300 conservation areas for 8 – 10 million annual visitors.

**Conservation Authorities offer cost savings by working at the watershed scale.**

Conservation Authorities are locally based, cost-efficient partners for the Province, particularly for key provincial environmental, economic and social policy priorities. Working at the watershed scale brings multiple levels of government and partners to the table to achieve greater results than any one organization could working independently. Three key areas of increased investment are recommended to enhance outcomes of these partnerships for the benefit of Ontarians.

## 1. Increase Investment in Natural Hazards Programs

Conservation Authorities are a **key implementing partner of *Protecting People and Property: Ontario's Flooding Strategy***. Flooding is the most costly natural hazard and the leading cause of public emergency in Ontario. For every dollar paid in insurance claims for damaged homes and businesses, the Insurance Bureau of Canada tells us that Canadian governments and taxpayers pay multiples more to repair public infrastructure that severe weather has damaged. These costs are rising as climate change impacts grow.

Flood and erosion events tell a cautionary tale for future planning and development decisions. Land use planning is a critical component of an integrated approach to flood risk management. Conservation Authority regulations and their participation in plan review keep development safely away from flooding and erosion. Conservation Authorities support the provincial housing strategy by improving planning application review and approval processes with Conservation Ontario's Client Service and Streamlining Initiative.

Conservation Authorities appreciate the Province's attention to this program including the timely management of the Federal Flood Hazard Identification and Mapping Program (FHIMP) projects. To continue to meet the growing challenges, however, Conservation Authorities need:

- ✓ continued and increased investment for local implementation of natural hazard programs;
- ✓ increased delivery of technical guideline support;
- ✓ continued and increased investment for the provincial Water and Erosion Control Infrastructure (WECI) Program is needed for aging natural hazards infrastructure that prevents flooding and erosion. This risk-based program is delivered through a Municipal – Provincial – Conservation Authority partnership. Province provides \$5M with assistance from a Conservation Authority experts committee; Municipalities match this with another \$5M and Conservation Authorities implement the projects;
- ✓ continued funding for the Hydrometric Monitoring Network to support flood forecasting and advanced warnings for successful emergency response;
- ✓ new funding for the development of CA natural hazard asset management plans as required by changes to the *Conservation Authorities Act*; and,
- ✓ provincial top up of current Federal natural disaster funding opportunities [e.g. Disaster Mitigation and Adaptation Fund (DMAF) and Flood Hazard Identification and Mapping Program (FHIMP)] for additional infrastructure projects as well as floodplain mapping improvements.

## **2. Continue Multi-year Funding Model for Ontario Drinking Water Source Protection Program**

Conservation Authorities are a **key implementing partner for the Ontario Drinking Water Source Program**. Conservation Ontario and the Conservation Authorities gratefully acknowledge the Province's commitment to two-year multi-year funding for the program. We are in year two of this commitment in 2023 and submit that this model is successful for both partners. We look forward to the Province's continued commitment.

## **3. Continued and increased investment in Great Lakes water quality programs**

Conservation Authorities are a **key implementing partner for Ontario's Great Lakes Water Quality commitments**. Thirty-five of thirty-six Conservation Authorities' watersheds drain into the Great Lakes and St. Lawrence River and twenty-six have Great Lakes coast and/or St. Lawrence River shoreline to manage for natural hazards (e.g. coastal flooding and erosion). Conservation Authority programs protect the Great Lakes which are a direct source of drinking water to 60 percent of Ontarians. Reducing nutrients and erosion from our watersheds and coastlines will improve Great Lakes water quality thus reducing algae that create taste and odour and, in some cases, toxins that we don't want in our drinking water.

To meet nutrient reduction targets, Conservation Authorities' Healthy Great Lakes / Rural Water Quality / Clean Water programs need a long-term commitment. It takes time to develop targeted action plans with the watershed community, to build support for conservation measures and to implement them. Continued investment is needed for science and monitoring to identify the most effective on-the-ground actions. Investment is needed to increase the scale, scope, and intensity of targeted actions given the growing impact of climate change and development intensification. Watershed projects like buffer strip plantings, septic system upgrades, tree planting, shoreline/coastal projects, etc. all contribute to reducing or mitigating impacts on Great Lakes water quality.

### **Outcomes Achieved in Partnership with Conservation Authorities.**

- Reduced risk and costs from flooding events
- Less red tape and more sustainable growth under the provincial housing strategy

From January 1st – December 31st, 2021, the high-growth Conservation Authorities issued a combined total of 7533 permits, representing a 12% increase from 2020. The high-growth Conservation Authorities continue to be highly successful – issuing 91% of permits within the provincial timelines.

In 2021, 17 non-high-growth Conservation Authorities joined the annual reporting cycle, issuing a combined total of 4192 permits. These Conservation Authorities were similarly successful in their first year of reporting – with 93% of permits within the provincial timelines.

- Improved public health of Ontario residents and reduced healthcare costs through drinking water source protection and enabling people to be active in nature at over 300 conservation areas

### **Advantages of Working with Conservation Authorities**

- ✓ Known and valued for their watershed-based approach to managing flooding & erosion
- ✓ Governed by member municipalities and fosters collective actions at the local and community level
- ✓ Ability to leverage partnerships for greater resources and broader outcomes

### **More Information**

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**Report To: Board of Directors**

**Subject: NPCA Comments on the Proposed Provincial Planning Statement**

**Report No: FA-31-23**

**Date: July 21, 2023**

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**Recommendation:**

1. **THAT** Report No. FA-31-23 RE: NPCA Comments on the Proposed Provincial Planning Statement **BE RECEIVED**;
2. **THAT** the Board **ENDORSE** the attached staff comment letter and **AUTHORIZE** staff to submit the letter to the Environmental Registry of Ontario (ERO);
3. **AND FURTHER THAT** the NPCA's comments on the Proposed Provincial Planning Statement **BE CIRCULATED** to partner municipalities for their information.

**Purpose:**

The purpose of this report is to provide the Board of Directors with an update on the Province's initiative to consolidate the *Provincial Growth Plan* and *Provincial Policy Statement* into a proposed *Provincial Planning Statement*, and staff's draft comments for endorsement.

**Background:**

In the Fall of 2022, the Provincial government undertook a housing-focused policy review of *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* (Growth Plan) and the *Provincial Policy Statement* (PPS, 2020), seeking input from stakeholders on how to integrate the two provincial policy instruments into one streamlined province-wide land use planning policy instrument. Since that time, the *Proposed Provincial Planning Statement and Bill 97, Helping Home Buyers and Protecting Tenants Act, 2023* was initially released on April 6, 2023 with a 60 day comment period, however, the natural heritage policies were not included in that release. On May 30, 2023, the comment period was extended to August 4, 2023 and the Province released the draft natural heritage policies on June 16, 2023.

The PPS, 2020 and the Growth Plan both provide comprehensive, integrated policy direction on land use planning matters and aim to support achievement of livable communities, a thriving economy, a clean and healthy environment and social equity, improving the quality of life for all Ontarians. The PPS, 2020 was issued under the *Planning Act* and is the primary provincial land use planning policy document, applying across Ontario. The Growth Plan was issued under the *Places to Grow Act, 2005* and provides a more detailed framework for where and how growth should be accommodated in the Greater Golden Horseshoe.

The proposed *Provincial Planning Statement* is an integrated provincial planning policy instrument combining the PPS, 2020 and the Growth Plan that will be applicable province wide and is intended to support the Ontario government's housing policy objectives. All decisions that relate to a planning matter will be required to be consistent with the Policy Statement.

## **Discussion:**

NPCA staff have prepared comments on the draft *Provincial Planning Statement*, focusing on areas of interest to NPCA. The full draft staff comment letter is included as *Appendix 1*.

Upon review of the proposed *Provincial Planning Statement*, NPCA has identified the following general themes as seminal to our response to the Province. Detailed comments related to these themes are included in the staff comment letter.

### Natural Hazards

The proposed retention of the natural hazard policy direction from the PPS, 2020 is supported, and staff recommends the continued delegated responsibility of Conservation Authorities (CAs) in representing the provincial interest on natural hazards, other than those policies related to hazardous forest types for wildfire, encompassed in the proposed Section 5 of the *Provincial Planning Statement*. Under the delegated responsibility, CAs provide a critical service in reviewing and providing comments on municipal policy documents (e.g., official plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.

### Increased Coordination

Staff supports the focus on increased coordination between agencies through additional references to working with/coordination with CAs as appropriate (e.g., for proposed new policies requiring planning authorities to identify hazardous lands and sites and manage development in those areas). It is important to recognize the mandate of CAs is to delineate and map areas of natural hazards within its area of jurisdiction and develop programs and services to manage and mitigate natural hazards. This critical work of CAs informs the development of municipal policy documents, mapping, and planning decisions.

### Climate Change

Staff is supportive of the proposed policy requiring planning authorities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate by incorporating climate change considerations in the planning and development for stormwater management systems. Further, staff are supportive of the proposed policy that promotes the use of green infrastructure, low impact

development and active transportation to protect the environment and improve air quality. NPCA staff, however, recommends a greater focus on preparing for impacts of a changing climate. For example, assessing the cumulative impacts of climate change on water resources, natural hazards, natural heritage and infrastructure through watershed or subwatershed planning.

### Implementation Guidance

It is recommended that the Province provide comprehensive, up-to-date implementation guidance for the proposed *Provincial Planning Statement* (e.g., natural hazard technical guidelines, watershed and subwatershed planning guides, and the *Natural Heritage Reference Manual*) to increase consistency in implementation and support decision-making.

### Watershed Planning

NPCA staff supports the inclusion of policies that ensure that planning authorities protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning, and that planning authorities will minimize potential negative impacts, including cross-jurisdictional and cross-watershed impacts. It is noted that the Province is proposing to remove the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate to water resource systems at the watershed level. Staff recommends that the Growth Plan policies requiring “large and fast-growing” municipalities to undertake watershed planning be continued, and staff supports the encouragement of all other municipalities to undertake watershed planning.

### Green Infrastructure and Stormwater Management

Currently, Growth Plan policies require municipal water, wastewater, and stormwater master plans to be informed by watershed planning or equivalent. These policies are not proposed to be brought forward into the proposed planning instrument; however, a new policy is proposed that encourages municipalities to undertake watershed planning to inform planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water. The NPCA appreciates the proposed reference to undertaking watershed planning to inform planning for public infrastructure. It is noted however that the shift in language may result in major public infrastructure planned without consideration to broader watershed impacts. Such an approach could result in cumulative impacts by natural hazards which may result in risk to life and property and require costly remediation.

It is noted that the draft natural heritage policies within the proposed *Provincial Planning Statement* are the same as the PPS, 2020 policies. Similarly, the various definitions for natural heritage features also remain unchanged. Staff are also supportive of this.

Upon endorsement by the Board of Directors, the comments in *Appendix 1* will be filed with the ERO as NPCA’s official response to the posting and circulated to our partner municipalities for their information.

### **Financial Implications:**

There are no financial implications to this report.

## Links to Policy/Strategic Plan

Providing comments on provincial policy initiatives to ensure environmental concerns are upheld contributes to the strategic goal of supporting sustainable growth within NPCA's watersheds.

## Related Reports and Appendices:

*Appendix 1:* Niagara Peninsula Conservation Authority's Comments on the "Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument" ERO Number 019-6813

## Authored by:

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David Deluce, MCIP, RPP  
Senior Manager, Environmental Planning & Policy

## Reviewed by:

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Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP  
Director, Planning and Development

## Submitted by:

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Chandra Sharma  
Chief Administrative Officer/Secretary-Treasurer

July 21, 2023

Via Email Only

Ministry of Municipal Affairs and Housing  
Provincial Land Use Plans Branch  
13<sup>th</sup> Floor, 777 Bay Street  
Toronto, ON, M7A 2J3

To Whom it May Concern:

**Re: Niagara Peninsula Conservation Authority's Comments on the "Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument" ERO Number 019-6813**

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Thank you for the opportunity to provide comments on the "Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument". It is understood that the Ministry of Municipal Affairs and Housing (MMAH) is seeking input on proposed policies for an integrated, province-wide planning instrument ("proposed planning instrument"). The proposed planning instrument would include policies from the current Provincial Policy Statement ("PPS 2020") as well as *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan"). The Niagara Peninsula Conservation Authority (NPCA) has reviewed the draft PPS and offer the following comments.

Conservation Authorities (CAs) fulfill a critical role in providing expert guidance to planning authorities and to the Province to ensure consistency with provincial natural hazard policies and to identify regulatory concerns under Section 28 of the *Conservation Authorities Act* early in the process. Through the Mandatory Program and Service Regulation (O. Reg. 686/21) made under the *Conservation Authorities Act*, CAs review and comment on applications and other matters made pursuant to the *Planning Act* to help ensure consistency with the natural hazard policies found within policy statements issued under section 3 of the *Planning Act*, as well as protection of drinking water sources.

Both the PPS 2020 and the proposed planning statement provide that the Province, planning authorities, and CAs are required to work together to mitigate potential risk to public health or safety, as well as property damage from natural hazards. The NPCA supports this ongoing collaborative, preventative approach which is recognized for making Ontario a leader in the management of natural hazards. It is acknowledged that this reference to "working together" is proposed to be moved from the preamble of Section 3.0 of the PPS 2020 to the Vision section of the proposed planning instrument.

The NPCA supports the Province's proposal to keep the natural heritage policies and related definitions analogous to those within the PPS 2020. We recognize that natural heritage features such as forests and wetlands play important roles to reduce flows, store floodwaters and mitigate drought, which reduces risk and allow people greater response time to flooding emergencies. It is noted that often, the

natural heritage, water resource and natural hazard systems are inextricably linked, and therefore coordinated protection of all these systems is necessary to support the maintenance of healthy watersheds and to best protect public health and safety from natural hazards and protect drinking water sources.

To support planning authorities and CAs, NPCA recommends the Province provide comprehensive, up-to-date implementation guidance concurrently with the issuance of the proposed planning instrument. It is noted that the proposed policies are quite flexible and may result in additional Ontario Land Tribunal hearings without adequate interpretation support. Comprehensive and up-to-date guidance with ongoing implementation support from the Province would help to increase consistency and certainty regarding planning outcomes. As provided in Conservation Ontario's December 2022 submission on the Review of *A Place to Grow* and Provincial Policy Statement (ERO#019-6177), the Province should consider updating and/or finalizing the following: the *Natural Hazard Technical Guides*, the *1993 Watershed Planning Guidelines*, the *2022 Subwatershed Planning Guide*, and the *Natural Heritage Reference Manual* (and related guidance).

Upon review of the proposed Provincial Planning Statement, NPCA has identified the following general themes as seminal to our response. Further information on these themes can be found in *Attachment 1*.

- **Natural Hazards:** Support for the proposed retention of the natural hazard policy direction from the PPS 2020 and recommend the continued delegated responsibility of CA's in representing the provincial interest on natural hazards, other than those policies related to hazardous forest types for wildfire, encompassed in the proposed Section 5 of the Provincial Planning Statement. Under the delegated responsibility, CAs provide a critical service in reviewing and providing comments on municipal policy documents (e.g., official plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.
- **Increase Coordination:** Supports recommendations to increase coordination through additional references to working with/coordination with CA's as appropriate (e.g., for proposed new policies requiring planning authorities to identify hazardous lands and sites and manage development in those areas). It is important to recognize the CA's mandate to delineate and map areas of natural hazards within its area of jurisdiction and develop programs and service to manage and mitigate natural hazards. This critical work of the CA's informs the development of municipal policy documents and mapping, and planning decisions.
- **Climate Change:** Recommends a greater focus on preparing for impacts of a changing climate (e.g., as a purpose for undertaking watershed planning).
- **Implementation Guidance:** Recommends the need for comprehensive, up-to-date implementation guidance for the proposed Provincial Planning Statement (e.g., natural hazard technical guidelines, watershed and subwatershed planning guides, and the *Natural Heritage Reference Manual*) to increase consistency and support decision-making.

- **Watershed Planning:** Recommends that the Growth Plan policies requiring large and fast-growing municipalities to undertake watershed planning be continued and supports the encouragement of all other municipalities to undertake watershed planning.
- **Green Infrastructure and Stormwater Management:** Requests to carry forward existing PPS 2020 policies, including maximizing vegetation within settlement areas where feasible and minimizing stormwater volumes to protect, improve or restore water quality and quantity.

Once again, thank you for the opportunity to provide comments on the “Review of proposed policies adapted from *A Place to Grow* and Provincial Policy Statement to form a new provincial planning policy instrument” (ERO#019-6813). Please contact me should this letter require any clarification.

Sincerely,

David Deluce, MCIP, RPP  
Senior Manager, Environmental Planning & Policy



## Attachment 1:

### NPCA's Feedback on the Proposed Policy Concepts and Proposed Wording for a New Provincial Planning Policy Instrument

The NPCA offers the following responses to the consultation questions provided by the MMAH on the Environmental Registry proposal. These responses should be read in conjunction with the general comments provided in the NPCA's covering letter.

#### 1. What are your thoughts on the policies that have been included from the PPS and A Place to Grow in the proposed policy document, including the proposed approach to implementation?

Chapter or Section (New Provincial Planning Instrument)	NPCA Comments
Chapter 1 Vision	<ul style="list-style-type: none"> <li>The proposed text for the "Vision" section proposes substantial changes from the text within PPS 2020. For instance, the PPS 2020 provides detail in this section that highlights the need for the Province to manage and protect natural resources for a myriad of reasons which support strong, liveable communities, protecting "essential ecological processes and public health and safety", and minimizing environmental and social impacts. The text in PPS 2020 further notes that "strong communities, a clean and healthy environment and a strong economy are inextricably linked". The NPCA strongly recommends this text be retained to clearly demonstrate the linkages between managing and protecting natural resources, thriving and safe communities and a strong provincial economy.</li> <li>It is further noted that this section proposes text which reads "potential risks to public health and safety or of property damage from natural hazards and human-made hazards... will be <b>mitigated</b>". Further to the provincial "Understanding Natural Hazards" Technical Guide, prevention measures, including "good land use planning, development and management, and the regulation of hazardous lands and unsafe developments" is the first and most important step. The efficacy of this preventative approach was recently re-confirmed by the "Independent Review of the 2019 Flood Events in Ontario" as well as "Ontario's Flooding Strategy". To continue to support this approach, the NPCA recommends that the text be amended to read "Potential risks to public health or safety or of property damage from natural hazards and human-made hazards, including the risks associated with the impacts of climate change, will be avoided, and where not possible, mitigated". This would also be consistent with proposed policy 5.1.1 which requires development to be directed away from areas of natural or human-made hazards.</li> </ul>



	<ul style="list-style-type: none"> <li>The NPCA is appreciative of the proposal to retain text which requires the Province, planning authorities and Conservation Authorities to work together. This highlights the important role of CAs within the land use planning system to ensure that development occurs in a manner which protects people and property from the risks of natural hazards as well as the protection of sources of drinking water.</li> </ul>
Section 2.1 Planning for People and Homes	<ul style="list-style-type: none"> <li>Proposed section 2.1.2 sets out requirements for planning authorities to provide for an appropriate range and mix of housing options and densities required to meet the needs of current and future residents within the area. Many of these requirements have been carried forward from policy 1.1.1 from the PPS 2020 which outlines means to sustain healthy, liveable and safe communities. It is noted that the Province is not proposing to carry forward policy 1.1.1(d) from the PPS 2020, which notes that communities are sustained by “avoiding development and land use patterns which may cause environmental or public health and safety concerns”. While section 5.2 in the proposed Provincial Planning Statement states that development shall generally be directed to areas outside of hazardous lands and hazardous sites, the NPCA recommends policy 1.1.1(d) from PPS 2020 be carried forward to provide clarity to planning authorities regarding matters to be considered to achieve complete communities.</li> <li>Section 2.2.8 of the Growth Plan outlines policies for Settlement Area Boundary Expansions. Policy 2.2.8.3 requires planning authorities to determine the feasibility of proposed boundary expansions based on the application of all policies within the Growth Plan, including ensuring that the proposed expansion would be planned and demonstrated to avoid, or if avoidance is not possible, minimize and mitigate any potential negative impacts on watershed conditions and the water resource system, including the quality and quantity of water. This policy is not proposed to be brought forward into the proposed planning instrument. To provide consistency with existing and proposed policies related to using the watershed as the meaningful scale for integrated and long-term planning, the NPCA recommends that existing policy 2.2.8.3 from the Growth Plan be included in section 2.3.4 of the proposed planning instrument (Settlement Areas and Settlement Area Boundary Expansions) for “large and fast-growing municipalities”.</li> </ul>
Section 2.9 Energy Conservation, Air Quality and Climate Change	<ul style="list-style-type: none"> <li>The NPCA is supportive of the proposed policy 2.9 (b) requiring planning authorities to reduce greenhouse gas emissions and prepare for the impacts of a changing climate by incorporating climate change considerations in the planning and development for</li> </ul>

	<p>stormwater management systems. We are further supportive of the proposed policy 2.9 (d) which promotes the use of green infrastructure, low impact development and active transportation to protect the environment and improve air quality.</p> <ul style="list-style-type: none"> <li>It is noted that policy 1.8.1 (g) from the PPS 2020 “maximize vegetation within settlement areas, where feasible” is not proposed to be brought forward into the proposed planning instrument. While the proposed planning instrument would require planning authorities to consider approaches which promote green infrastructure, the PPS 2020 policy requiring maximizing vegetation within settlement areas (where feasible) provides a strengthened approach to establishing or maintaining vegetative cover on the landscape. The NPCA recommends that the existing policy be carried forward, such that the proposed Section 2.9 policies continue to recognize the important contribution of natural vegetation to support energy conservation, air quality, and mitigation for impacts of a changing climate and extreme weather events such as flooding.</li> </ul>
Section 3.6 Sewage, Water and Stormwater	<ul style="list-style-type: none"> <li>The NPCA is pleased by the inclusion of the proposed policy 3.6.8 (g) which would require planning for stormwater management to “align with any comprehensive municipal plans for stormwater management that consider cumulative impacts of stormwater from development on a watershed scale”.</li> <li>It is noted that policy 2.2.1(i) in the PPS 2020 is not proposed to be carried forward, which requires planning authorities to protect, improve or restore the quality and quantity of water by “ensuring stormwater management practices minimize stormwater volume and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces”. While proposed policy 3.6.8 (b) would require planning for stormwater management to “minimize, or where possible, prevent increases in contaminant loads”, the reference to minimizing stormwater volume is not proposed to be incorporated. Minimizing stormwater volume should remain a priority policy for the provincial government to ensure planning authorities have regard to increased volumes which may contribute to flooding in developed areas from stormwater flows. As such, the NPCA recommends that proposed policy 3.6.8 (c) be amended to read “minimize, or where possible, prevent increases in stormwater volumes and contaminant loads”.</li> <li>Currently, Growth Plan policies within Section 3.2.6 (Water and Wastewater Systems) and 3.2.7 (Stormwater Management) require municipal water, wastewater, and stormwater master plans</li> </ul>

	<p>to “be informed by watershed planning or equivalent”. These policies are not proposed to be brought forward into the proposed planning instrument; however, a new policy (4.2.3) is proposed which states that “municipalities are encouraged to undertake watershed planning to inform planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water”. The NPCA appreciates the proposed reference to undertaking watershed planning to inform planning for public infrastructure. It is noted however that the shift in language from the Growth Plan which requires municipalities (“large and fast-growing”) to have plans informed by a watershed plan, or equivalent, to encouraging watershed planning for all municipalities may result in major public infrastructure planned without consideration to broader watershed impacts. Such an approach could result in unforeseen watershed impacts which may require costly remediation. To support the Province’s streamlined, coordinated and comprehensive approach to public infrastructure planning, and to maintain consistency with existing and proposed policies for using the watershed as the ecologically meaningful scale for integrated and long-term planning (see proposed policies 3.6.8(g) and 4.2.1(a)), the NPCA recommends that the existing policies from 3.2.6 and 3.2.7 of the Growth Plan regarding watershed planning be carried forward for “large and fast-growing municipalities”. Encouragement of watershed planning for all other municipalities is strongly supported.</p>
Section 4.2 Water	<ul style="list-style-type: none"> <li>• The NPCA is pleased to note the policies in section 4.2.1 which are proposed to be carried forward into the new planning instrument. Particularly, the NPCA supports policies 4.2.1 (a) and (b) which ensure that planning authorities protect, improve or restore the quality and quantity of water by using the watershed as the ecologically meaningful scale for integrated and long-term planning, and that planning authorities will minimize potential negative impacts, including cross-jurisdictional and cross-watershed impacts. The NPCA notes that the Province is proposing to remove the requirement for planning authorities to evaluate and prepare for the impacts of a changing climate to water resource systems at the watershed level (PPS 2020 policy 2.2.1 (c)). Recognizing the Province’s existing standard of requiring watershed planning to be the basis for infrastructure, stormwater, water resource and comprehensive planning for “large and fast-growing municipalities” through the Growth Plan policies, and for consistency with both existing PPS 2020 and the proposed planning instrument policies, NPCA recommends the ‘watershed planning’ policy direction in the proposed 4.2.3 be improved by:</li> </ul>

	<ul style="list-style-type: none"> <li>○ Requiring “large and fast-growing municipalities” to undertake watershed planning, as per the existing Growth Plan policies while continuing to encourage all other municipalities to undertake watershed planning;</li> <li>○ Retaining PPS 2020 policy 2.2.1 (c) to ensure planning authorities protect, improve or restore water quality and quantity by evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level;</li> <li>○ Including references that one of the purposes of watershed planning is to prepare for the impacts of a changing climate, along with informing “planning for sewage and water services and stormwater management, and the protection, improvement or restoration of the quality and quantity of water”; and,</li> <li>○ Including references to partnerships with CAs to undertake watershed planning, as appropriate and where they exist.</li> <li>● The NPCA is supportive of the proposed policy 4.2.1 (e) which will continue to protect all drinking water supplies and designated vulnerable areas. The amendments to this policy would help to strengthen the protection of all sources of drinking water.</li> </ul>
Section 5.2 Natural Hazards	<ul style="list-style-type: none"> <li>● NPCA strongly supports the proposed retention of natural hazard policy direction from the PPS 2020. Retention of these policies is vital to ensure the Province’s continued commitment to high standards for the protection of public health and safety from the risks of natural hazards.</li> <li>● NPCA is pleased to note that text previously part of the preamble for Section 3.0 in the PPS 2020 is proposed to form a new general policy for natural and human-made hazards in the proposed planning instrument (proposed policy 5.1.1). This proposed approach will strengthen requirements to ensure that development is directed away from areas of natural or human-made hazards where “there is an unacceptable risk to public health or safety or of property damage” and will ensure development does not “create new or aggravate existing hazards”.</li> <li>● A new general policy is proposed which states that “planning authorities shall identify hazardous lands and hazardous sites and manage development in these areas, in accordance with provincial</li> </ul>

	<p>guidance” (5.2.1). The NPCA is supportive of this proposed policy, with amendment, to ensure continued coordination with other planning and development related instruments, such as Section 28 of the <i>Conservation Authorities Act</i> and associated regulations. The NPCA recommends the policy be modified to include reference to “collaborating with conservation authorities, where they exist”. Such an amendment would be consistent with Recommendation #3 from the “Independent Review of the 2019 Flood Events in Ontario” Report. As previously noted, it is recognized and appreciated that details in the proposed “Vision” section regarding natural hazards requires “the Province, planning authorities and conservation authorities to work together”, however, further details regarding collaboration with CAs would provide additional clarity for the proposed Natural Hazards policies and would be consistent with the CA mandatory program and services regulation (O. Reg. 686/21) regarding the management of natural hazards.</p>
Section 6.2.1 Coordination	<ul style="list-style-type: none"> <li>• The NPCA is pleased to note that the Province is proposing to largely maintain policy 1.2.1 from the PPS 2020 (now proposed policy 6.2.1) which states a “coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities...”, including coordination of water, ecosystem, shoreline, watershed and Great Lakes related issues, as well as natural and human-made hazards. Many of these elements are inter-related and as such a coordinated approach is required to ensure all concerns or issues can be addressed efficiently and effectively by the Province or planning authorities.</li> <li>• Proposed policy 6.2.1 outlines a list of entities who may be involved in this coordinated approach; however, it is noted that CAs are not explicitly mentioned. Given their role in providing expert guidance to planning authorities and to the Province to ensure consistency with provincial natural hazard policies, as well as their regulatory role under Section 28 of the <i>Conservation Authorities Act</i>, the NPCA recommends this section be amended to ensure CAs are identified as being involved in this coordinated approach.</li> </ul>
Section 7 Definitions	<ul style="list-style-type: none"> <li>• Low Impact Development: The NPCA is pleased to note that elements of the definition of “Low Impact Development” have been brought forward into the proposed planning instrument from the Growth Plan. No previous definition was provided in the PPS 2020.</li> <li>• Subwatershed Plan / Study: The NPCA notes that no definition is proposed for “subwatershed plans” or “subwatershed studies”. Both the Growth Plan as well as the Greenbelt Plan define “subwatershed plans”. To support and provide clarity to planning</li> </ul>

	<p>authorities, it is recommended that a definition for “subwatershed plans” be included in the proposed planning instrument, consistent with the definitions in the Growth Plan and Greenbelt Plan.</p> <ul style="list-style-type: none"> <li>• <b>Watershed Planning:</b> The NPCA is supportive of the proposed definition of “watershed planning”, with amendment. As previously articulated, it is recommended the definition read “...for the protection, enhancement or restoration of water resources, including the quality and quantity of water, within a watershed, consideration of the impacts of a changing climate and severe water events, and for the assessment...”.</li> <li>• <b>Water Resource Systems:</b> The NPCA is pleased to see the definition of the “water resource system” brought forward into the proposed planning instrument from the Growth Plan (with amendments) and that it reflects the importance of all aspects of the system which contribute to the “ecological and hydrological integrity of the watershed”.</li> <li>• <b>Wave Effects:</b> The NPCA is supportive of the proposed amendment to the definition for “wave uprush” to now read “wave effects”. The proposed new definition has been made more specific and comprehensive, and includes “wave uprush, wave set up and water overtopping or spray” and states that the “limit of wave effects is the point of furthest landward horizontal movement of water onto the shoreline”. The improved direction provided by this definition will help to protect people and property.</li> </ul>
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## 2. What are your thoughts on the proposed policy direction for large and fast-growing municipalities and other municipalities?

Through review of the proposed planning instrument, the NPCA notes that existing Growth Plan policies related to requiring subwatershed studies and watershed planning (or equivalent) to inform infrastructure, stormwater, water resource and comprehensive planning are not proposed to be carried forward into the new Provincial Planning Statement. These existing policies provide critical and consistent policy direction for “large and fast-growing municipalities” (or parts thereof outside of the Greenbelt) when planning for growth in a comprehensive manner. It is noted that the Province is proposing to encourage municipalities to undertake watershed planning to inform planning for sewage and water services, stormwater management and the protection, improvement or restoration of the quality and quantity of water (proposed policy 4.2.3). “Encourage” rather than “require” represents a significant departure from the Province’s commitment and well established existing/proposed policies related to requiring the use of the watershed as the meaningful scale for integrated and long-term planning and requiring watershed planning to support comprehensive planning. As noted above, Conservation Ontario recommends policies related to requiring subwatershed studies and watershed planning (or equivalent) from the Growth Plan be carried forward for “large and fast-growing municipalities” in the proposed planning instrument. Proposed policies to encourage watershed planning should be maintained for other municipalities



(e.g., small / medium) – recognizing it may not be relevant or feasible for all municipalities province-wide to undertake these comprehensive exercises.

**3. What are your thoughts regarding the proposed policies to generate housing supply, including an appropriate range and mix of housing options?**

CAs remain committed to working with the Province, Municipalities, and other partners in support of increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety, and the environment.

**4. What are your thoughts on the proposed policies regarding the conservation of agriculture, aggregates, natural and cultural heritage resources?**

The NPCA supports the Province's proposal to keep the natural heritage policies and related definitions analogous to those within the PPS 2020. The NPCA recognizes that natural heritage features such as forests and wetlands play important roles to reduce flows, store floodwaters and mitigate drought, which reduces risk and allow people greater response time to flooding emergencies. It is noted that often, the natural heritage, water resource and natural hazard systems are inextricably linked, and therefore coordinated protection of all these systems is necessary to support the maintenance of healthy watersheds and to best protect public health and safety from natural hazards and protect drinking water sources. The NPCA supports the Province's decision to not move forward with the proposal to allow up to 3 lot severances per farm parcel.

**5. What are your thoughts on the proposed policies regarding planning for employment?**

The NPCA has no comments in response to this question.

**6. Are there any other barriers to, or opportunities for, accelerating development and construction (e.g., federal regulations, infrastructure planning and approvals, private/public partnerships for servicing, provincial permitting, urban design guidelines, technical standards, zoning, etc.)?**

The NPCA continues to recommend that technical support and implementation guidance from the Province should be provided to assist with accelerating development and construction approvals. The provision of comprehensive and up-to-date implementation guidance would support a predictable, consistent, and streamlined process. Please see additional detail under "General Comments" at the beginning of this letter.

City Clerk's Office

**Secretariat**  
Sylvia Przedziecki  
Council Secretariat Support  
City Hall, 12<sup>th</sup> Floor, West  
100 Queen Street West  
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**In reply please quote:  
Ref.: 23-PH4.8**

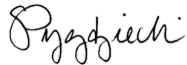
(Sent by Email)

July 25, 2023

**ALL ONTARIO MUNICIPALITIES:**

**Subject: Planning and Housing Committee Item 4.8  
City Comments on the Proposed Provincial Planning Statement (Ward All)**

City Council on June 14 and 15, 2023, considered [Item PH4.8](#), and a copy is attached for your information or appropriate action.

A handwritten signature in cursive script, appearing to read "Przedziecki".

for City Clerk

S. Przedziecki/wg

Attachment

Sent to: Minister of Municipal Affairs and Housing, Province of Ontario  
Minister of Economic Development, Job Creation and Trade, Province of Ontario  
Leader, Official Opposition, Province of Ontario  
Members of Provincial Parliament  
All Ontario Municipalities  
Executive Director, Association of Municipalities of Ontario

c. City Manager



## Planning and Housing Committee

PH4.8		Adopted		Ward: All
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### City Comments on the Proposed Provincial Planning Statement

#### City Council Decision

City Council on June 14 and 15, 2023, adopted the following:

1. City Council express its concern to the Minister of Municipal Affairs on the general direction taken in the proposed Provincial Planning Statement as it represents fundamental changes in how growth planning is carried out in the Province and by the City of Toronto.
2. City Council support in principle the provisions in the proposed Provincial Planning Statement that encourage the supply of housing, notwithstanding, that references to "Affordable Housing" and "Housing that is affordable to low-and moderate-income households" have not been carried over.
3. City Council request the Province of Ontario through ERO 019-6813 and outlined in Attachment 1 to the report (May 17, 2023) from the Chief Planner and Executive Director, City planning to:
  - a. maintain all policy references to “residential intensification” and “redevelopment” in the current Provincial Policy Statement to provide clarity that where sufficient land and servicing exists to accommodate forecast population through infill, the need for greenfield development is diminished;
  - b. require that large and fast-growing municipalities accommodate a minimum of 50 percent of all residential development within their existing settlement area and that new settlement areas or settlement area expansion lands are planned for a minimum density target of 50 residents and jobs per gross hectare;
  - c. maintain the density targets of Urban Growth Centres (Growth Plan 2.2.3.2) and policies that directed how Urban Growth Centres will be planned (Growth Plan 2.2.3.1);
  - d. provide flexibility for municipalities to identify additional higher order transit corridors that deviate from the definition of "higher order transit" in the proposed Provincial Planning Statement;
  - e. maintain the Growth Plan policies (2.2.4.8 – 2.2.4.10) that support the development of complete communities with a compact built form and affordable housing within Major Transit Station Areas, on lands adjacent to Major Transit Station Areas, and along transit corridors;
  - f. include reference to affordable housing in Provincial Planning Statement Policy 2.4.2.6 given provincial direction to include affordable housing in Protected Major Transit Station

Areas through inclusionary zoning;

g. maintain that municipalities may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a 5-year official plan update and only where it has been demonstrated that certain conditions have been met (Provincial Policy Statement 1.1.3.8);

h. lead a provincial-municipal process with large and fast-growing municipalities for the periodic preparation of regional population and employment forecasts. Enable municipalities to continue to be able to adopt higher forecasts;

i. direct municipalities in the Greater Golden Horseshoe to continue using population and employment forecasts of Schedule 3 of the Growth Plan for managing growth to 2051 and ensuring “at least 25 year” supply of land;

j. maintain the current definitions of “affordable” housing and “low and moderate-income households” or provide explicit direction for municipalities to set their own definition;

k. maintain the requirement for municipalities to establish targets for housing affordable to low- and moderate-income households (Provincial Policy Statement 1.4.3(a)) and for affordable ownership and affordable rental housing (Growth Plan 2.2.6.1(a)(ii));

l. maintain Growth Plan policy 2.2.6.3 that provides direction to municipalities to use available tools to require that multi-unit residential developments incorporate a mix of unit types to accommodate a diverse range of households sizes and incomes;

m. revise the definition of “housing options” to include consideration for affordable housing, tenure, and unit types to accommodate a range of household sizes;

n. amend proposed policy 2.2.1.b.2, related to the conversion of existing commercial and institutional buildings for residential uses, to include a requirement to maintain or replace employment space within the redevelopment or within an off-site location;

o. enact a Regulation to permit the use of zoning with conditions, pursuant to Section 113 of the City of Toronto Act, 2006, that would enable a municipality to secure replacement employment space as part of redevelopments proposing to convert existing commercial and institutional space;

p. enact a Regulation to permit the use of conditional zoning, pursuant to Section 113 of the City of Toronto Act 2006, that would enable the City to require and secure employment space to be provided prior to, or concurrent with any non-employment uses, including residential;

q. revise the Employment Area definition to explicitly include film production, cluster of office uses, stand-alone convenience retail and services to serve businesses and workers within Employment Areas, and enable municipalities to define components of Employment Areas to serve local economies;

r. maintain the current timeframe for when a conversion of employment lands can be considered: only when municipalities are undertaking their 5-year Official Plan review, absent the Municipal Comprehensive Review concept;

s. strengthen land use policy protections for all Employment Areas across the Province to ensure that these lands support the economy and are viable over the long-term;

- t. require that municipalities determine that sensitive land uses proposed near manufacturing, warehousing and other major facilities are compatible or can be made compatible prior to permitting a sensitive land use;
- u. retain the existing Growth Plan policy (2.2.5.8) which requires that the development of sensitive land uses, major retail and major office will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other major facilities;
- v. maintain the current Provincial Policy Statement and Growth Plan policies that explicitly support energy efficiency, increased vegetation, and improved air quality;
- w. maintain and expand the geographic scope of the current Provincial Policy Statement and Growth Plan policies related to natural heritage protection, climate action, intensification, and greenhouse-gas reduction;
- x. expand the geographic scope of the Growth Plan's protections for natural heritage systems (4.2.2), water resource systems and watershed planning (4.2.1), and stormwater management (3.2.7) to the entire Province;
- y. maintain the Growth Plan's provincially identified Agricultural System;
- z. maintain Growth Plan policy 4.2.8.1 requiring municipalities to develop and implement official plan policies and other strategies related to conserving mineral aggregate resources;
- aa. change the definition of "waste management system" to consider the waste hierarchy and is inclusive of and prioritizes resource recovery and environmental outcomes consistent with the Province's circular economy ambitions;
- bb. align the Waste Management policies with the language of the Waste Free Ontario Act and Resource Recovery and Circular Economy Act and provide guidance on how municipalities are to interpret the Waste Management policies in the Provincial Planning Statement alongside the Resource Recovery and Circular Economy Act;
- cc. include policy direction that requires municipalities to coordinate and plan for appropriate and adequate shared waste management infrastructure;
- dd. include policy direction that ensures the provision of lands for integrated waste management, including recycling and processing facilities, and residual disposal/management;
- ee. maintain and expand the geographic scope of Growth Plan policy 4.2.1.4 that requires a sub-watershed plan for large-scale development in greenfield areas;
- ff. maintain policy references to "key hydrologic features, key hydrologic areas and their functions", from the current Provincial Policy Statement (2.2.1(e)) and expand the geographic scope of Growth Plan policy 4.2.1.2;
- gg. include direction in the proposed Provincial Planning Statement that planning authorities shall protect, improve, or restore the quality and quantity of water;
- hh. recognize and promote green infrastructure's role in water and stormwater systems;

ii. maintain all transportation related policies in the current Provincial Policy Statement and Growth Plan that support reducing vehicle trips;

jj. include language regarding planning for a transportation system in way that accounts for factors such as equity, cost, air quality, winter maintenance and resiliency;

kk. modify policies concerning the protection of heritage properties to say, “protected heritage property shall be conserved”, recognizing that the definition of “protected heritage property” includes more than lands with built heritage resources or cultural heritage landscapes;

ll. maintain the existing Land Needs Assessment methodology as Provincial guidance to the large and fast-growing municipalities for assessing land needs as a complement to the Provincial Projections Methodology Guideline available to other municipalities;

mm. include as part of the transition regulation that all planning matters (Official Plan Amendments or Zoning By-law Amendments) that predate the in-effect date of the new Provincial Planning Statement be transitioned under the existing planning framework. These include planning matters that are: (1) deemed complete and in process/under review; (2) city-initiated process underway or nearing completion, or (3) Council-adopted but is under appeal or appeal period nearing;

nn. continue to transition Official Plan Amendment 231 as a matter in process that was approved under the Growth Plan, 2006;

oo. acknowledge the importance of and requirement for undertaking integrated planning across the Province;

pp. provide guidance on expectations with respect to municipal engagement with Indigenous communities on land use planning matters that identify best practices;

qq. clarify the scope of a municipality's obligation to identify potential impacts of decisions on the exercise of Aboriginal or treaty rights and how the Province's role in addressing asserted Aboriginal or treaty rights will be integrated in the municipal decision-making process; and

rr. add a new policy that enables municipalities to put in place local policies that address the changing nature of office space and needs to reflect the local context.

4. City Council confirm that film production will continue to be considered a form of manufacturing for the purposes of land use planning and interpretation of official plan policies and zoning standards.

5. City Council forward Attachment 2 to the report (May 17, 2023) from the Chief Planner and Executive Director, City Planning from the Film Commissioner and Director, Entertainment Industries related to the impacts the proposed Provincial Planning Statement has on the City's film production Industry to the Minister of Municipal Affairs and Housing and the Minister of Economic Development, Job Creation and Trade.

6. City Council forward a copy of the report (May 17, 2023) from the Chief Planner and Executive Director, City Planning to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Minister of Economic Development, Job Creation and Trade, the Leader of

the Official Opposition, all Ontario MPPs, the Association of Municipalities of Ontario, and all Ontario municipalities for their information and consideration.

7. City Council request the Minister of Municipal Affairs and Housing to undertake dedicated consultation with affected industry stakeholders on any changes to policies related to the protection of employment lands in advance of proceeding with the proposed Provincial Planning Statement.

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## **Committee Recommendations**

The Planning and Housing Committee recommends that:

1. City Council express its concern to the Minister of Municipal Affairs on the general direction taken in the proposed Provincial Planning Statement as it represents fundamental changes in how growth planning is carried out in the province and by the City of Toronto.
2. City Council support in principle the provisions in the proposed Provincial Planning Statement that encourage the supply of housing, notwithstanding, that references to "Affordable Housing" and "Housing that is affordable to low- and moderate-income households" have not been carried over.
3. City Council request the Province through ERO 019-6813 and outlined in Attachment 1 to the report (May 17, 2023) from the Chief Planner and Executive Director, to:
  - a. maintain all policy references to "residential intensification" and "redevelopment" in the current Provincial Policy Statement to provide clarity that where sufficient land and servicing exists to accommodate forecast population through infill, the need for greenfield development is diminished.
  - b. require that large and fast-growing municipalities accommodate a minimum of 50 percent of all residential development within their existing settlement area and that new settlement areas or settlement area expansion lands are planned for a minimum density target of 50 residents and jobs per gross hectare.
  - c. maintain the density targets of Urban Growth Centres (Growth Plan 2.2.3.2) and policies that directed how Urban Growth Centres will be planned (Growth Plan 2.2.3.1).
  - d. provide flexibility for municipalities to identify additional higher order transit corridors that deviate from the definition of "higher order transit" in the proposed Provincial Planning Statement.
  - e. maintain the Growth Plan policies (2.2.4.8 – 2.2.4.10) that support the development of complete communities with a compact built form and affordable housing within MTSAs, on lands adjacent to MTSAs, and along transit corridors.
  - f. include reference to affordable housing in Provincial Planning Statement Policy 2.4.2.6 given provincial direction to include affordable housing in Protected Major Transit Station Areas through inclusionary zoning.
  - g. maintain that municipalities may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a 5-year official plan update and only where it has been demonstrated that certain conditions have been met (Provincial Policy Statement 1.1.3.8).

- h. lead a provincial-municipal process with large and fast-growing municipalities for the periodic preparation of regional population and employment forecasts. Enable municipalities to continue to be able to adopt higher forecasts.
- i. direct municipalities in the Greater Golden Horseshoe to continue using population and employment forecasts of Schedule 3 of the Growth Plan for managing growth to 2051 and ensuring “at least 25 year” supply of land.
- j. maintain the current definitions of “affordable” housing and "low and moderate-income households" OR provide explicit direction for municipalities to set their own definition.
- k. maintain the requirement for municipalities to establish targets for housing affordable to low- and moderate-income households (Provincial Policy Statement 1.4.3(a)) and for affordable ownership and affordable rental housing (Growth Plan 2.2.6.1(a)(ii))
- l. maintain Growth Plan policy 2.2.6.3 that provides direction to municipalities to use available tools to require that multi-unit residential developments incorporate a mix of unit types to accommodate a diverse range of households sizes and incomes.
- m. revise the definition of “housing options” to include consideration for affordable housing, tenure, and unit types to accommodate a range of household sizes.
- n. amend proposed policy 2.2.1.b.2, related to the conversion of existing commercial and institutional buildings for residential uses, to include a requirement to maintain or replace employment space within the redevelopment or within an off-site location.
- o. enact a Regulation to permit the use of zoning with conditions, pursuant to Section 113 of the City of Toronto Act 2006, that would enable a municipality to secure replacement employment space as part of redevelopments proposing to convert existing commercial and institutional space.
- p. enact a Regulation to permit the use of conditional zoning, pursuant to Section 113 of the City of Toronto Act 2006, that would enable the City to require and secure employment space to be provided prior to, or concurrent with any non-employment uses, including residential.
- q. revise the Employment Area definition to explicitly include film production, cluster of office uses, stand-alone convenience retail and services to serve businesses and workers within Employment Areas, and enable municipalities to define components of Employment Areas to serve local economies.
- r. maintain the current timeframe for when a conversion of employment lands can be considered: only when municipalities are undertaking their 5-year Official Plan review, absent the Municipal Comprehensive Review concept.
- s. strengthen land use policy protections for all Employment Areas across the Province to ensure that these lands support the economy and are viable over the long-term.
- t. require that municipalities determine that sensitive land uses proposed near manufacturing, warehousing and other major facilities are compatible or can be made compatible prior to permitting a sensitive land use.

u. retain the existing Growth Plan policy (2.2.5.8) which requires that the development of sensitive land uses, major retail and major office will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other major facilities.

v. maintain the current Provincial Policy Statement and Growth Plan policies that explicitly support energy efficiency, increased vegetation, and improved air quality.

w. maintain and expand the geographic scope of the current Provincial Policy Statement and Growth Plan policies related to natural heritage protection, climate action, intensification, and greenhouse-gas reduction.

x. expand the geographic scope of the Growth Plan's protections for natural heritage systems (4.2.2), water resource systems and watershed planning (4.2.1), and stormwater management (3.2.7) to the entire Province.

y. maintain the Growth Plan's provincially identified Agricultural System.

z. Maintain Growth Plan policy 4.2.8.1 requiring municipalities to develop and implement official plan policies and other strategies related to conserving mineral aggregate resources.

aa. change the definition of "waste management system" to consider the waste hierarchy and is inclusive of and prioritizes resource recovery and environmental outcomes consistent with the Province's circular economy ambitions.

bb. align the Waste Management policies with the language of the Waste Free Ontario Act and Resource Recovery and Circular Economy Act (RRCEA) and provide guidance on how municipalities are to interpret the Waste Management policies in the Provincial Planning Statement alongside the RRCEA.

cc. include policy direction that requires municipalities to coordinate and plan for appropriate and adequate shared waste management infrastructure.

dd. include policy direction that ensures the provision of lands for integrated waste management, including recycling and processing facilities, and residual disposal/management.

ee. maintain and expand the geographic scope of Growth Plan policy 4.2.1.4 that requires a sub-watershed plan for large-scale development in greenfield areas.

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gg. include direction in the proposed Provincial Planning Statement that planning authorities shall protect, improve, or restore the quality and quantity of water.

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jj. include language regarding planning for a transportation system in way that accounts for factors such as equity, cost, air quality, winter maintenance and resiliency.

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qq. clarify the scope of a municipality's obligation to identify potential impacts of decisions on the exercise of Aboriginal or treaty rights and how the Province's role in addressing asserted Aboriginal or treaty rights will be integrated in the municipal decision-making process.

rr. add a new policy that enables municipalities to put in place local policies that address the changing nature of office space and needs to reflect the local context.

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5. City Council forward Attachment 2 to the report (May 17, 2023) from the Chief Planner and Executive Director to the Minister of Municipal Affairs and Housing and the Minister of Economic Development, Job Creation and Trade from the Film Commissioner and Director, Entertainment Industries related to the impacts the proposed Provincial Planning Statement has on the City’s film production Industry.

6. City Council forward a copy of the report (May 17, 2023) from the Chief Planner and Executive Director to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Minister of Economic Development, Job Creation and Trade, the Leader of the Official Opposition, all Ontario MPPs, the Association of Municipalities of Ontario, and all Ontario municipalities for their information and consideration.



7. City Council request that the Minister of Municipal Affairs and Housing undertake dedicated consultation with affected industry stakeholders on any changes to policies related to the protection of employment lands in advance of proceeding with the proposed Provincial Planning Statement.

## **Origin**

(May 17, 2023) Report from the Chief Planner and Executive Director, City Planning

## **Summary**

The policy led planning system under which municipalities within the Greater Golden Horseshoe (GGH) Area have operated since 2006 has experienced numerous changes over the last 5 years requiring the City to continuously review, examine and adapt our planning policies and practices. On April 6, 2023 as part of Bill 97, the Ministry of Municipal Affairs and Housing introduced a draft Provincial Planning Statement that is intended to replace the current Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. Some policies of the Growth Plan are intended to be incorporated into the new Provincial Planning Statement and the Growth Plan is proposed to be repealed.

The proposed repeal of the Growth Plan now treats the region generally the same as any other part of the Province despite it being home to 70% of Ontarians. While some Growth Plan policies are found in the proposed Provincial Planning Statement, virtually all the foundational ones have been eliminated and the overall policy intent of establishing a regional plan to lay out and coordinate planning, resource and infrastructure management efforts has been abandoned. Absent a comprehensive and coordinated regional growth management framework, potential unintended consequences may include, loss of agricultural land and associated worsening food insecurity, degradation of the natural heritage system and it's ability to mitigate the impacts of climate change, impacts on water quality, uncoordinated infrastructure planning that increases costs for local and regional governments, uncoordinated and unsustainable development patterns that encourage car dependency, and the loss and removal of employment lands needed to support a diverse economic base.

The direction for regional planning implied in the draft Provincial Planning Statement represents a seminal change in the land use planning system in the GGH that together with recent and potential future governance changes pose risks to the widely recognized benefits of coordinated and integrated land use, resource and infrastructure planning and calls into question progress toward widely understood and desirable outcomes around climate adaptation, inclusion, economic and financial stability over the next decades. Growing imperatives around housing supply and paying for infrastructure should spark an evolution in regional planning through a focussed collaborative process around making the Growth Plan work better, without jettisoning its fundamental goals around limiting sprawl and long-term land use predictability.

The Province has provided stakeholders 60 days to review the proposed document and comments are due no later than June 5, 2023. Staff will submit the recommendations from Planning and Housing Committee to the provincial ERO posting and will submit additional comments received at City Council's meeting on June 14-16, 2023 as supplementary information to the recommendations contained in this report.

This report outlines staff comments on the proposed Provincial Planning Statement as itemized in Attachment 1. The recommendations contained in this report address concerns raised by City staff intended to inform the Ministry of the City's comments and suggested revisions to the proposed Provincial Planning Statement. Staff from City Planning, Engineering & Construction Services, Economic Development & Culture, the Housing Secretariat, Toronto Water, Parks,

Forestry & Recreation, Corporate Finance and Legal Services reviewed and provided comments organized in the following six themes:

1. Regional Planning;
2. Housing;
3. Employment Lands Planning;
4. Environment;
5. Infrastructure; and
6. Implementation

### **Background Information (Committee)**

(May 17, 2023) Report and Attachments 1 and 3 from the Chief Planner and Executive Director, City Planning on City Comments on the Proposed Provincial Planning Statement (<https://www.toronto.ca/legdocs/mmis/2023/ph/bgrd/backgroundfile-236614.pdf>)

Attachment 2 - Provincial Planning Statement 2023: Impact on Film Production Industry (<https://www.toronto.ca/legdocs/mmis/2023/ph/bgrd/backgroundfile-236776.pdf>)

### **Communications (Committee)**

(May 29, 2023) Letter from Geoff Kettel and Cathie Macdonald, Co-Chairs, Federation of North Toronto Residents' Associations (PH.New)

(<https://www.toronto.ca/legdocs/mmis/2023/ph/comm/communicationfile-169993.pdf>)

(May 31, 2023) Letter from Craig McLuckie, President, Toronto Industry Network (PH.New)

(<https://www.toronto.ca/legdocs/mmis/2023/ph/comm/communicationfile-170052.pdf>)

(May 31, 2023) Letter from Victoria Harding, Executive Director, DGC Ontario (PH.New)

(<https://www.toronto.ca/legdocs/mmis/2023/ph/comm/communicationfile-170104.pdf>)

(May 31, 2023) Letter from Issac Tang, Borden Ladner Gervais LLP, on behalf of PT Studios Inc. (PH.New)

(<https://www.toronto.ca/legdocs/mmis/2023/ph/comm/communicationfile-170105.pdf>)

(May 31, 2023) Letter from Peggy Kyriakidou, President, and Jayson Mosek, Business Agent, NABET 700-M UNIFOR (PH.New)

(<https://www.toronto.ca/legdocs/mmis/2023/ph/comm/communicationfile-170106.pdf>)

### **Communications (City Council)**

(June 14, 2023) Letter from Les Veszlenyi and Angela Barnes, Co-Chairs of the Mimico Lakeshore Community Network (CC.Supp)

(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-170401.pdf>)

(May 31, 2023) Letter from Ian Carmichael and John Caliendo, Co-Chairs, ABC Residents Association (CC.New)

(<https://www.toronto.ca/legdocs/mmis/2023/cc/comm/communicationfile-170438.pdf>)

### **Speakers**

Victoria Harding, Directors Guild of Canada - Ontario

Cynthia Lynch, FilmOntario

Peggy Kyriakidou, NABET 700M UNIFOR

Angela Mastronardi, IATSE Local 873



# The Corporation of The Town of Amherstburg

July 7, 2023

Honourable Doug Ford  
Premier of Ontario  
Legislative Building, Queen's Park  
Toronto ON, M7A 1A1  
[premier@ontario.ca](mailto:premier@ontario.ca)

BY EMAIL

**Re: Support Letter: Local Emergency Response System and Gaps in Healthcare regarding Code Red and Code Black Frequency**

Dear Honourable Doug Ford,

At its meeting held on June 26, 2023, Council in the Town of Amherstburg passed the following:

**Resolution # 20230626-015**

*That Administration BE DIRECTED to send a letter of support re: Town of Essex - Local Emergency Response System and Gaps in Healthcare regarding Code Red and Code Black Frequency.*

Enclosed is a copy of the correspondence from the Town of Essex for convenience and reference purposes.

Regards,

Sarah Sabihuddin  
Deputy Clerk, Town of Amherstburg  
(519) 736-0012 ext. 2216  
[ssabihuddin@amherstburg.ca](mailto:ssabihuddin@amherstburg.ca)

**encl.**

CC:

Mary Birch, County of Essex [mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca)

Anthony Leardi, MPP [anthony.leardi@pc.ola.org](mailto:anthony.leardi@pc.ola.org)

Lisa Gretzky, MPP [lgretzky-co@ndp.on.ca](mailto:lgretzky-co@ndp.on.ca)

Chris Lewis – MP, Essex, Ontario [Chris.Lewis@parl.gc.ca](mailto:Chris.Lewis@parl.gc.ca)

Andrew Dowie, MPP [andrew.dowie@pc.ola.org](mailto:andrew.dowie@pc.ola.org)

Marit Stiles, MPP [Mstiles-op@ndp.on.ca](mailto:Mstiles-op@ndp.on.ca)

Chris Lewis, MP [chris.lewis@parl.gc.ca](mailto:chris.lewis@parl.gc.ca)

Association of Municipalities of Ontario (AMO) [amo@amo.on.ca](mailto:amo@amo.on.ca)

All other municipalities in Ontario



**CORPORATION OF THE TOWN OF ESSEX**

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | [essex.ca](http://essex.ca)

**Honourable Doug Ford**

Premier of Ontario

Legislative Building, Queen's Park

Toronto ON, M7A 1A1

[premier@ontario.ca](mailto:premier@ontario.ca)

June 19, 2023

**BY EMAIL**

RE: Local Emergency Response System and Gaps in Healthcare regarding Code Red  
and Code Black Frequency

---

Dear Honourable Doug Ford,

Further to Town of Essex resolution number **R23-05-203** passed on May 15, 2023, we enclose a letter from Town of Essex Mayor Sherry Bondy for your review and consideration.

Yours truly,

A handwritten signature in black ink, appearing to read "jmall", written over a light blue grid background.

**Joseph Malandrucolo**

Director, Legal and Legislative Services/Clerk

[jmalandrucolo@essex.ca](mailto:jmalandrucolo@essex.ca)

**encl.**

**c.c.** Mary Birch, County of Essex

[mbirch@countyofessex.ca](mailto:mbirch@countyofessex.ca)

Anthony Leardi, MPP

[anthony.leardi@pc.ola.org](mailto:anthony.leardi@pc.ola.org)

Lisa Gretzky, MPP

[lgretzky-co@ndp.on.ca](mailto:lgretzky-co@ndp.on.ca)



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Marit Stiles, MPP  
[Mstiles-op@ndp.on.ca](mailto:Mstiles-op@ndp.on.ca)

Chris Lewis, MP  
[chris.lewis@parl.gc.ca](mailto:chris.lewis@parl.gc.ca)

All other municipalities in Ontario



Dear Honourable Doug Ford,

The Town of Essex Council hereby appeals to the province of Ontario to acknowledge the challenges faced by our local emergency response system and take decisive action to resolve the gaps in our healthcare. While we recognize that our situation is not unique, we believe that it is essential to draw attention to our persistent Code Red and Code Black conditions, which are primarily caused by an insufficient number of hospitals beds, medical personnel, and resources.

Windsor and Essex County residents ought to have confidence that when they dial 911 it will elicit a prompt ambulance response for emergency situations. Local healthcare providers are engaging various initiatives such as a paramedic offload program, offload to the waiting room for assessment and triage of less severe medical matters, diversion to another hospital for low acuity cases, and the Essex-Windsor EMS paramedic patient navigator to monitor and manage dispatch. Nevertheless, these initiatives alone have been unable to curb the escalation of Code Red and Code Black frequency, signifying few or no ambulances available for emergencies.

In the year 2021, Windsor-Essex experienced a cumulative of 3253 minutes in Code Red and 791 minutes in Code Black. In 2022, the period subjected to Code Red increased significantly to 8086 minutes, whereas Code Black saw 2257 minutes. In March 2023, just three months into the year, the community has clocked 864 Code Red minutes already plus another 2257 Code Black minutes.

We implore the authorities to apply an immediate and comprehensive review of our hospital offload delays and staffing crisis in our front line. Ambulance offload processes and hospital volumes are merely two contributing factors, if nothing tangible is done, local families risk experiencing catastrophic consequences. Our former Warden, McNamara, declared an emergency on ambulance unavailability in October 2022 linked to hospital admission delays; to date, this emergency situation still holds with no decrease in Code Reds and Code Blacks.

We require a holistic solution to address our hospital deficiencies and healthcare shortcomings on an underlying basis. In addition, the Town of Essex Council request that the province of Ontario conduct a review of projected population growth and aging in Windsor – Essex and increase health care capacity to match our present and future needs.



## CORPORATION OF THE TOWN OF ESSEX

33 Talbot Street South, Essex, Ontario, N8M 1A8

p: 519.776.7336 f: 519.776.8811 | [essex.ca](http://essex.ca)

Therefore, the Town of Essex Council requests that the province of Ontario recognize the dangerous strain facing our local emergency response infrastructure and urgently work to address these gaps in our healthcare system.

Sincerely,

A handwritten signature in dark ink that reads "Sherry Bondy". The script is cursive and fluid, with the first name "Sherry" and last name "Bondy" clearly distinguishable.

**Sherry Bondy**

Mayor

Town of Essex





File Number: ACS2023-FCS-FLT-0002

July 18, 2023

Colin Best,  
President of the Association of Municipalities (AMO)  
200 University Ave., Suite 801  
Toronto, Ontario, M5H 3C6  
[amopresident@amo.on.ca](mailto:amopresident@amo.on.ca)

***By e-mail***

**Re: Donation of Decommissioned Ambulance to St. John Ambulance**

Mr. Best,

On behalf of Ottawa City Council, I am writing to advise that the City of Ottawa has approved the attached report from the Finance and Corporate Services Committee to donate a decommissioned ambulance to St. John Ambulance.

Additionally, I would like to draw to your attention to a motion Ottawa City Council approved at the City Council meeting of June 14, 2023, to donate a decommissioned ambulance to the Embassy of Ukraine:

**MOTION 2023 16-16**

Moved by: Councillor R. Brockington

Seconded by: Mayor M. Sutcliffe

**WHEREAS the City of Ottawa has previously donated surplus ambulances to specific causes or organizations, such as the Salvation Army Community and Emergency Response team, the Government of Nunavut as well as organizations doing work in Ghana and Ethiopia; and**

**WHEREAS the Embassy of Ukraine has expressed a need for a decommissioned ambulance to support their humanitarian efforts and provide medical aid in this growing emergency situations; and**

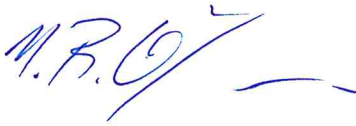
**WHEREAS the provision of an ambulance will pursue the goal of ensuring adequate conditions to provide urgent medical care and to further improve emergency response in the Ukraine; and**

**WHEREAS Section 41(4) of the City's Procurement By-law 2000-50, as amended, states that: "the sale of surplus furniture, vehicles, equipment, stock, supplies and other goods and material shall be made to the highest responsive bidder and the sale shall be made in accordance with the provisions of this by-law where applicable;" and**

**THEREFORE BE IT RESOLVED that Council waive Subsection 41(4) of By-law No. 2000-50, as amended, and approved the donation of one ambulance to the Embassy of Ukraine.**

Should you have any questions regarding this these actions, please do not hesitate to contact me.

Sincerely,



M. Rick O'Connor  
City Clerk, City of Ottawa

Encl (1)

cc: Municipalities of Ontario  
amo@amo.on.ca

<p><b>1. Donation of Decommissioned Ambulance to St. John Ambulance</b></p> <p><b>Don d'une ambulance mise hors service à Ambulance Saint-Jean</b></p>
--

**Committee Recommendation**

**That Council waive Subsection 41(4) of the City's Procurement By-law 2000-50, as amended, and approve the donation of one decommissioned ambulance to St. John Ambulance, with the lost residual value to be funded from the Fleet Reserves.**

**Recommandation du Comité**

**Que le Conseil suspend l'application du paragraphe 41(4) du Règlement sur les approvisionnements de la Ville (no 2000-50), dans sa version modifiée, et d'approuver le don d'une ambulance mise hors service à Ambulance Saint-Jean, en récupérant la valeur résiduelle perdue dans les fonds du parc automobile.**

**Documentation/Documentation**

1. General Manager and Chief Financial Officer's Report (A), Finance and Corporate Services Department, submitted 22 June 2023 (ACS2023-FCS-FLT-0002)

Rapport du Directeur général et chef des finances (T), Direction générale des finances et des services organisationnels, daté le 22 juin 2023 (ACS2023-FCS-FLT-0002)

**Subject: Donation of Decommissioned Ambulance to St. John Ambulance**

**File Number: ACS2023-FCS-FLT-0002**

**Report to Finance and Corporate Services Committee on 4 July 2023**

**and Council 12 July 2023**

**Submitted on June 22, 2023 by Cyril Rogers, General Manager and Chief Financial Officer (A), Finance and Corporate Services Department**

**Contact Person: Laila Gibbons, Director, Fleet Services, Finance and Corporate Services Department**

**613-580-2424 x23988, Laila.Gibbons@ottawa.ca**

**Ward: Citywide**

**Objet : Don d'une ambulance mise hors service à Ambulance Saint-Jean**

**Dossier : ACS2023-FCS-FLT-0002**

**Rapport au Comité des finances et des services organisationnel**

**le 4 juillet 2023**

**et au Conseil le 12 juillet 2023**

**Soumis le 22 juin par Cyril Rogers, Directeur général et chef des finances (T), Direction générale des finances et des services organisationnels**

**Personne ressource : Laila Gibbons, Directrice, Services du parc automobile, Direction générale des finances et des services organisationnels**

**613-580-2424 poste 23988, Laila.Gibbons@ottawa.ca**

**Quartier : À l'échelle de la ville**

## **REPORT RECOMMENDATION**

**That the Finance and Corporate Services Committee recommend that Council waive Subsection 41(4) of the City's Procurement By-law 2000-50, as amended, and approve the donation of one decommissioned ambulance to St. John Ambulance, with the lost residual value to be funded from the Fleet Reserves.**

## **RECOMMANDATION DU RAPPORT**

**Que le Comité des finances et des services organisationnels recommande au Conseil de suspendre l'application du paragraphe 41(4) du *Règlement sur les approvisionnements* de la Ville (n° 2000-50), dans sa version modifiée, et d'approuver le don d'une ambulance mise hors service à Ambulance Saint-Jean, en récupérant la valeur résiduelle perdue dans les fonds du parc automobile.**

## **BACKGROUND**

City Council, at its meeting on 31 August 2022, approved the following Motion ([2022-81/20](#)):

**WHEREAS St. John Ambulance (Ambulance St-Jean) supports events and festivals in the City of Ottawa by supporting the Ottawa Paramedic Service, including but not limited to opioid harm reduction; and**

**WHEREAS St. John Ambulance is seeking the donation of a surplus ambulance to provide training to employees and volunteers and to replace the one currently used for service the public in sports, arts, cultural festivals and major events.**

**WHEREAS the City of Ottawa has approximately 85 to 90 ambulances in its fleet at any given period and the expected life cycle of an ambulance is estimated at 54 months and between 200,000 to 230,000 kilometers; and**

**WHEREAS the City of Ottawa usually disposes of roughly 10 to 12 ambulances per year and the next replacement cycle for ambulances in Ottawa is scheduled for June, 2023 (31 new ambulances on order); and**

**WHEREAS the residual value of a used ambulance averages between \$20,000 to \$23,000; and**

**WHEREAS Section 41(4) of the City's Procurement By-law 2000-50, as amended, states that: "the sale of surplus furniture, vehicles, equipment, stock, supplies and other goods and material shall be made to the highest responsive bidder and the sale shall be made in accordance with the provisions of this by-law where applicable." And**

**WHEREAS Ottawa City Council has previously waived this provision in order to donate of surplus ambulances to specific causes or organizations (for example, the Salvation Army Community and Emergency Response team, and organizations doing work in Ghana and Ethiopia);**

**THEREFORE BE IT RESOLVED that staff report back to Council when the next ambulance is ready for disposal, and,**

**BE IT FURTHER RESOLVED that at the time of the report, Council consider waiving Subsection 41(4) of By-law No. 2000-50, as amended, and consider the donation of one ambulance to St. John Ambulance, with the lost residual value be funded from the Fleet Reserves.**

The City's Disposal of Fleet Vehicles and Equipment Policy includes the following provision on Donation:

"Through donation to an eligible person group or body where Council considers the donation to be in the interest of the City, as set out in the *Municipal Act*. This option is initiated by a sponsoring Councillor. The report or motion brought forward to Committee, Transit Commission or Council must waive section 41(4) of the procurement by-law to allow the donation."

## **DISCUSSION**

St. John Ambulance has requested the donation of a decommissioned ambulance to provide training to employees and volunteers and to replace the one currently used to service the public in sports, arts, cultural festivals and major events.

The City of Ottawa has, over the years, donated decommissioned vehicles to non-profit charitable organizations that serve the public interest. St. John Ambulance is a charitable organization that provides first aid and emergency medical services to the community. A decommissioned ambulance from the City of Ottawa would be a valuable asset for St. John Ambulance, as it would allow them to continue to support sports, arts, cultural festivals and major events in collaboration with the Ottawa Paramedic Service to provide medical coverage and assistance to event attendees and organizers. A decommissioned ambulance has been used in the past for training and education purposes, as well as opioid harm reduction. By donating a decommissioned ambulance to St. John Ambulance, the City of Ottawa would be supporting a worthy cause that benefits the health and safety of its residents.

The City of Ottawa roughly disposes of 10 to 12 ambulances per year and the next replacement cycle for ambulances in Ottawa is anticipated in Q3 2023 (31 new ambulances on order). The residual value of a used ambulance averages between \$20,000 to \$23,000. The Procurement By-law provides that “the sale of surplus furniture, vehicles, equipment, stock, supplies and other goods and material shall be made to the highest responsive bidder and the sale shall be made in accordance with the provisions of this by-law where applicable,” which also applies to used/decommissioned vehicles. Ottawa City Council has previously waived this provision in order to donate surplus ambulances to specific causes or organizations (for example, the Salvation Army Community and Emergency Response team, and organizations doing work in Ghana and Ethiopia).

### **FINANCIAL IMPLICATIONS**

Should Council approve waiving Subsection 41(4) of By-law No. 2000-50, as amended, the lost residual value of donating one ambulance, estimated between \$20,000 to \$23,000, will be funded from the Fleet Reserve.

### **LEGAL IMPLICATIONS**

There are no legal impediments to approving the recommendation in this report.

### **COMMENTS BY THE WARD COUNCILLOR(S)**

This is a citywide report.

### **CONSULTATION**

Staff from the Finance and Corporate Services Department and Fleet Services Branch were consulted in the preparation of this report and support the donation of the decommissioned ambulance to the St. John Ambulance.

### **ACCESSIBILITY IMPACTS**

No accessibility impacts have been identified.

### **RISK MANAGEMENT IMPLICATIONS**

No risk management implications have been identified.

## **TERM OF COUNCIL PRIORITIES**

This report aligns with the following objective in the 2019-2022 City Strategic Plan and Term of Council Priorities:

- Thriving Communities priority in promoting safety for our residents

## **DISPOSITION**

Fleet Services will arrange for donation of the decommissioned ambulance upon Council approval. Legal Services will complete the Donation Agreement and any documents required to transfer the ownership of the decommissioned ambulance.





Hon. Ted Arnott, MPP  
181 St. Andrew St. East  
2nd Floor, Fergus  
ON N1M 1P9  
VIA EMAIL:  
[ted.arnottco@pc.ola.org](mailto:ted.arnottco@pc.ola.org)  
Hon. Matthew Rae, MPP  
55 Lorne Ave. E  
Stratford,  
ON N5A 6S4  
VIA EMAIL:  
[Matthew.Rae@pc.ola.org](mailto:Matthew.Rae@pc.ola.org)

Hon. Steve Clark  
777 Bay St  
17<sup>th</sup> Floor, Toronto  
ON M5G 2E5  
VIA EMAIL:  
[steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)

Township of Puslinch  
7404 Wellington Road 34  
Puslinch, ON N0B 2J0  
[www.puslinch.ca](http://www.puslinch.ca)

August 8, 2023

RE: 9.4.5 County of Wellington Planning Report - Comments on the Government's Proposal to Grow the Greenbelt

Please be advised that Township of Puslinch Council, at its meeting held on July 12, 2023 considered the aforementioned topic and subsequent to discussion, the following was resolved:

**Resolution No. 2021-090:**

Moved by Councillor Goyda and  
Seconded by Councillor Bailey

That the Consent Agenda item 6.34 listed for JULY 12, 2023 Council meeting be received; and

Whereas Council supports the resolution from Municipality of Shuniah regarding Bill 3 - Special Powers and Duties of Heads of Council; and

That Council direct staff to support and circulate in accordance with the resolution.

Therefore, the Township of Puslinch, passes this resolution to petition the Government of Ontario that:



1. These changes to the Municipal Act, 2001, are unnecessary and will negatively impact the Municipality of Puslinch;
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 listen to concerns raised by Associations such as AMO and AMCTO;
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.

**CARRIED**

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,  
Courtenay Hoytfox  
Municipal Clerk

CC:  
Association of Municipalities of Ontario (AMO) [amo@amo.on.ca](mailto:amo@amo.on.ca)  
All Ontario Municipalities



# COUNCIL RESOLUTION

Resolution No.: 232-23

Date: Jun 20, 2023

Moved By: \_\_\_\_\_

Seconded By: \_\_\_\_\_

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 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 the Government of Ontario is proposing to expand the list of municipalities where the Head of Council has strong mayor powers and duties;

THEREFORE, this Municipality of Shuniah, 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 Municipality of Shuniah;
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 listen to concerns raised by Associations such as AMO and AMCTO;
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, Thunder Bay MPP's, the Association of Municipalities of Ontario, and other Municipalities in Ontario."



**Carried**



**Defeated**



**Amended**



**Deferred**



**CORPORATION OF THE MUNICIPALITY OF SOUTH HURON**

322 Main Street South P.O. Box 759

Exeter Ontario

NOM 1S6

Phone: 519-235-0310 Fax: 519-235-3304

Toll Free: 1-877-204-0747

[www.southhuron.ca](http://www.southhuron.ca)

August 2, 2023

Via email: [Kaleed.Rasheed@ontario.ca](mailto:Kaleed.Rasheed@ontario.ca)

Honourable Rasheed

Minister of Public and Business Service Delivery (MPBSD)

**Re: Support Time for Change – Municipal Freedom of Information and Protection of Privacy Act**

South Huron Council passed the following resolution at their July 17, 2023 Regular Council Meeting:

**Motion:** 284-2023

**Moved by:** T. Oke

**Seconded by:** M. Denomme

**That South Huron Council support the June 26, 2023 resolution of the Municipality of Chatham-Kent regarding Time for Change - Municipal Freedom of Information and Protection of Privacy Act.**

**Disposition: Carried**

Please find attached the originating correspondence for your reference.

Respectfully,

Sue Johnson, Administrative Assistant

Municipality of South Huron

[sjohnson@southhuron.ca](mailto:sjohnson@southhuron.ca)

519-235-0310 ext 225

Encl.

cc: Judy Smith, Clerk/Freedom of Information Coordinator, Municipality of Chatham-Kent [ckclerk@chatham-kent.ca](mailto:ckclerk@chatham-kent.ca)

Lisa Thompson MPP [lisa.thompsonco@pc.ola.org](mailto:lisa.thompsonco@pc.ola.org)

Ben Lobb, MP [ben.lobb@parl.gc.ca](mailto:ben.lobb@parl.gc.ca)

Information and Privacy Commissioner of Ontario [info@ipc.on.ca](mailto:info@ipc.on.ca)

AMCTO Legislative and Policy Advisory Committee [amcto@amcto.com](mailto:amcto@amcto.com)

Amo [amo@amo.on.ca](mailto:amo@amo.on.ca)

All Municipalities in Ontario

July 5, 2023

Via Email: [Kaleed.Rasheed@ontario.ca](mailto:Kaleed.Rasheed@ontario.ca)

Minister of Public and Business Service Delivery (MPBSD)

Honourable Rasheed:

**Re: Time for Change  
Municipal Freedom of Information and Protection of Privacy Act**

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on June 26, 2023 passed the following resolution:

WHEREAS the Municipal Freedom of Information and Protection of Privacy Act R.S.O. 1990 (MFIPPA) dates back 30 years;

AND WHEREAS municipalities, including the Municipality of Chatham-Kent, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Municipal Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the Act fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;



AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information launch litigation against institutions, where other remedies exist;

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

BE IT RESOLVED THAT the Ministry of Government and Consumer Services be requested to review the MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under the Act, including those of the IPC, be reviewed and modernized;
8. That the integrity of the Act be maintained to protect personal privacy and transparent governments.

If you have any questions or comments, please contact Judy Smith at  
[ckclerk@chatham-ketn.ca](mailto:ckclerk@chatham-ketn.ca)

Sincerely,

**Judy Smith**

Digitally signed by  
Judy Smith  
Date: 2023.07.05  
10:48:27 -04'00'

Judy Smith, CMO  
Director Municipal Governance  
Clerk /Freedom of Information Coordinator

c.

Lianne Rood, MP  
Dave Epp MP  
Trevor Jones, MPP  
Monte McNaughton, MPP  
Information and Privacy Commissioner of Ontario  
Association of Municipalities of Ontario  
AMCTO Legislative and Policy Advisory Committee  
Ontario municipalities



To:Council [Council Members]

From : Giacomo Parisi

Pertaining To Property: 333 Pleasant Beach RD.

Re: Non-Agenda Delegation Details

In Year 2020 , There was a By-Law order Issued For clean up of backyard at the above mentioned property.This order was issued during or just before covid lock down, in which all waste facilities were closed ,Further more a copy of that Order should have been sent to the above address, the said order time limit Expired during the shut down.The By-Law order for clean up was carried out by the city just days after lock- down was lifted.This order should have been Re-issued after waste facilities re-opened to have the 15 days to complie.Therefore I request that the \$4552.67 and all subsequent charges be absolved, do to the about mentioned argument.I thank the council for your time and consideration on this matter.

**MEMORANDUM**

To: Saima Tufail - City Clerk, City of Port Colborne

Denise Landry – Chief Planner, City of Port Colborne

Chris Roome – Planner, City of Port Colborne

From: Brett Espensen

Date: August 10<sup>th</sup>, 2023

RE: **Timeline of Natural Heritage Assessments and Environmental Impact Study for 480 Northland Avenue, City of Port Colborne**

The timeline provided below is submitted on behalf of Mr. Ralph Rotella and intended to summarize works related to the Environmental Impact Study (EIS) being completed for 480 Northland Avenue, City of Port Colborne. The following timeline provides dates and brief descriptions of the works completed on the Subject Property as part of the EIS and subsequent addendums to address Niagara Region natural heritage comments. The timeline of events are as follows:

- **November 25, 2016** – Retained by Mr. Ralph Rotella to prepare an Environmental Impact Study to assess potential impacts associated with a proposed development on the property located north of 480 Northland Avenue, in the City of Port Colborne
- **November 2016** – Initial botanical inventory and site assessment of Subject Property.
- **April - October 2017** – Botanical inventories, breeding bird surveys and other investigations associated with the EIS.
- **April - June 2018** – Additional assessments of the property to incorporate into EIS.
- **July 2018** – Draft copy of EIS completed.
- **July 2018 – November 2019** – Ongoing discussions between study team. Final version of EIS completed and submitted to City of Port Colborne.
- **February 2020** – EIS comments received from Niagara Region.
- **Spring 2020** – Reductions in staff availability and movement restrictions related to COVID-19 resulted in postponement of seasonally dependent natural heritage inventories required to address Niagara Region comments.
- **June 2021** – Acoustic bat monitoring and Butternut Health Assessment completed to address Niagara Region natural heritage comments.

Colville Consulting Inc. 432 Niagara Street, Unit 2, St. Catharines, Ontario L2M 4W3

Tel: 905 935-2161 | Fax: 905 935-0397 | Email: Brett@colvilleconsultinginc.com

- **August 2021 – February 2022** – Data analysis and communication with province.
- **May – November 2022** – Draft response to comments submitted to client for review. Ongoing editing of natural heritage response and agency consultation.
- **November 8, 2022** – Colville Consulting submitted the first EIS addendum in response to Region and City comments.
- **December 5, 2022** – Email from Niagara Region staff responding to EIS Addendum submitted on November 8, 2022.
- **December 6, 2022** – Email from Port Colborne Senior Planner addressing Niagara Region comments. Relating to the Region staff questions on applicable policies.
- **April 10, 2023** – Colville Consulting submitted a second EIS addendum to address Niagara Region natural heritage comments.
- **May 2, 2023** – Email from Niagara Region staff responding to second EIS Addendum.
- **May – Present 2023** – Correspondence with property owner. Ongoing botanical work to address remaining Niagara Region natural heritage comments.
- **August – September 2023** – Seed collection and plant relocations to satisfy the last outstanding Niagara Region natural heritage concerns.

I trust the above information assists in clarifying timelines associated with completion of the EIS and subsequent addendums related to the ongoing development application for 480 Northland Avenue. Please call me or Ian Barrett at 905-935-2161 or email [Brett@colvilleconsultinginc.com](mailto:Brett@colvilleconsultinginc.com) or [Ian@colvilleconsultinginc.com](mailto:Ian@colvilleconsultinginc.com) if you have any questions regarding the contents of this letter.

Regards,



Brett Espensen, B.A. Hons, EP, CISEC.  
Colville Consulting Inc.

**City of Port Colborne  
Environmental Advisory Committee Meeting Agenda**

**Date:** Wednesday, May 10, 2023  
**Time:** 6:00 pm  
**Location:** Engineering and Operations Centre, Committee Room  
1 Killaly St West, Port Colborne

**Pages**

1. **Call to Order**
2. **Adoption of the Agenda**
3. **Disclosures of Interest**
4. **Approval of Minutes**
  - 4.1 Regular Environmental Advisory Committee Meeting-March 8, 2023 1
5. **Staff Updates**
  - 5.1 Delegation Form
  - 5.2 Committee Workplan
  - 5.3 Membership
  - 5.4 Friendship Trail Sign Update
  - 5.5 Pollinator Garden along Friendship Trail
  - 5.6 Update on City Rebate Programs - Environment
  - 5.7 UFMP Update
6. **Order of Business**
  - 6.1 Proposed 2023 Provincial Policy Statement 4
  - 6.2 Grist Article

7. **New Business**

8. **Adjournment**

**City of Port Colborne**  
**Environmental Advisory Committee Meeting Minutes**

**Date:** Wednesday, March 8, 2023  
**Time:** 6:00 pm  
**Location:** Engineering and Operations Centre, Committee Room  
1 Killaly St West, Port Colborne

**Members Present:** R. Waines  
J. Hellinga  
T. Doan  
G. McKibbon  
T. Lamb  
K. Klauck

**Staff Present:** M. Lannan, Staff Liaison  
M. Bagu, Councillor  
T. Hoyle, Councillor  
K. Royer, NPCA Representative

**Others Present:** Interested citizens.

**1. Call to Order**

The Chair called the meeting to order at 6 p.m.

**2. Adoption of the Agenda**

Moved By Trent Doan  
Seconded By Tim Lamb

That the agenda dated March 8, 2023, be accepted as circulated.

Carried

**3. Disclosures of Interest**

Nil.

**4. Approval of Minutes**

Moved By Trent Doan  
Seconded By Tim Lamb

That the minutes of January 11, 2023, be accepted as written.

Carried

## **5. Staff Updates**

Mae Lannan, Climate Change Coordinator, provided the following update:

### **Urban Forest Management Plan**

The timeline for the By-law review was moved to be completed during task 2 of the project. This was done at the suggestion of the consultant, as the management plan and the By-law are more closely related than the inventory and the Bylaw.

While task 2 was outlined as provisional in the RFP, the By-law review remained a non-provisional item. This review is currently taking place along with the management plan.

The cash allowance for the By-law review, outlined in the RFP, was determined by City Staff based on similar projects.

The management plan is being created with key Staff members to ensure that specific functional land uses are considered.

The committee provided comments on the Criteria and Indicators activity, and SWOT (strengths, weaknesses, opportunities, and threats) analysis.

Comments are provided as an attachment, and to be provided to Williams and Associates as background information for the urban forest management plan.

The committee was provided information regarding next steps for the urban forest management plan project.

The Chair asked for volunteers to form a small study group, to review information produced by the project consultants, and report back to the committee and staff.

Tim Lamb, Katherine Klauck, and George McKibbon will form the study group.

Moved By Trent Doan  
Seconded By Katherine Klauck

That the considerations from 2019 Environmental Advisory Committee the Boulevard Tree and By-law review be adopted by the committee.

Carried

**6. Order of Business**

The subcommittee for work plan 1 will begin to meet, and follow this plan until further direction.

The committee reviewed the Niagara Climate Change Action Network (NCCAN): Niagara Climate Projections Report and provided comments on the document.

Mae Lannan, Climate Change Coordinator, will bring comments regarding variance amongst climate models back to the NCCAN.

Moved By Tim Lamb

Seconded By Ryan Waines

That the Committee, and relevant subcommittees, will proceed with the two work plans in draft form, until further direction has been given by the Clerks office.

Carried

**7. New Business**

Mae to circulate the NPCA Public Advisory Recruitment email to Committee Members.

Mae to circulate Trees on the Landscape information, which Kerry will provide.

**8. Adjournment**

The Chair adjourned the meeting at approximately 7:47 p.m.

The next EAC meeting will be on Wednesday May 10th at 6 p.m.

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Chair

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Staff Liaison



## **Proposed 2023 Provincial Policy Statement Ten Important Policy Changes for Port Colborne**

**Introduction:** The Province released a draft Policy Statement for comment on April 6, 2023. The comment period ends in early June. Final implementation is expected in the fall, 2023. Municipal planning decisions have to be consistent with the new Policy and revised Planning Act, when approved. Public works need to conform to official plan policy brought into conformity with the new Policy Statement. Here are ten changes in the Proposed Policy Statement that impact Port Colborne.

**Uncertainties:** This analysis is qualified by what we don't know. Here are three unknowns that affect how these policies are implemented.

1. Earlier Planning Act amendments remove Niagara Region's planning authority. Planning responsibilities within and between the Region and area municipalities has to be re-organized. How will Port Colborne coordinate Regional services e.g., transportation, waste water treatment and water supply, with local planning and service delivery?
2. Natural heritage policies have been removed. The natural heritage policy review continues. In the future new policy will be released. It may be very different from that which exists now. We cannot fully appreciate how the new policy will work without the new natural heritage policy.
3. Without Provincial implementation guidance updates, many new policies will be difficult, if not impossible to implement. For example, land use compatibility implementation guidance is out of date: updates are needed. Substantial changes to the natural heritage policies will require substantial new guidance.

### **Ten Important Policy Changes that will affect Port Colborne:**

1. Generally, most changes provide greater municipal planning flexibility. Council will have more discretion in decision making and less Regional oversight. The caveat is planning decisions must be consistent with the Policy Statement.
2. One exception concerns energy conservation, air quality and climate change. Planning authorities "*shall*" plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through a number of approaches, many of which apply to infrastructure. Further planning authorities, with Conservation Authorities, "*shall*" prepare for climate change impacts where natural hazard risks increase.
3. Settlement area density and expansion policies are less stringent and more flexible.

4. Up to three residential severances can be created on rural parcels existing at a set date. Furthermore, multi-residential developments can be considered in rural areas outside settlement areas.
5. New policies are established for mixed use in “*complete communities*” and “*areas of employment*”. The latter are supported by proposed Planning Act amendments.
6. Land use compatibility between sensitive and industrial uses will be driven by public health and safety considerations. EAC addressed these in earlier reports to Council. Updated Provincial guidance is needed to help Council address these responsibilities.
7. Employment uses are addressed in two ways: heavy industry and warehousing will be placed in designated employment areas. Designated areas of employment” will be a defined term in the Planning Act. Light industry is permitted in mixed use complete communities provided uses are appropriately separated. Standards used to separate sensitive from industrial uses will be based on public health and safety concerns.
8. Province has changed Conservation Authority legislation and policy. Notwithstanding, this Policy states clearly the Province, Conservation Authorities and planning authorities are expected to work together to address increased hazard risks associated with a warming climate. Conservation Authorities will play a continuing and important role in Port Colborne’s hazard land policy administration.
9. Environmental Advisory Committee advice provided to Council and City Departments has to be consistent with Provincial policy.
10. Watch the planning implications where legislation, permitting requirements and policy changes occur. For example, where Minister’s Zoning Orders are concerned, they are additive to population targets established in official plans.

## **Port Colborne Historical and Marine Museum Board Meeting Minutes**

**Date:** Tuesday, June 20, 2023  
**Time:** 7:00 pm  
**Location:** L.R. Wilson Heritage Research Archives  
286 King St, Port Colborne, ON L3K 4H2

**Members Present:** C. MacMillan  
E. Beauregard, Councillor  
B. Heaslip  
T. Huffman  
M. Tanaszi  
J. Piniak  
J. Maloney  
G. Hoyle  
L. Brazeau  
A. Lessard  
M. Heaslip  
B. Schneider

**Member(s) Absent:** C. Brema  
B. Murphy

**Staff Present:** S. Powell Baswick  
Michelle Mason  
Meghan Chamberlain  
Tami Nail

**Others Present:** Terry Hughes (Member of the Public)

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

The Chair called the meeting to order at 6:59 p.m.

### **2. Disclosures of Interest**

N/A

**3. Adoption of Agenda**

Moved by G. Hoyle

Seconded by L. Brazeau

That the agenda dated June 20, 2023, be confirmed, as circulated, or as amended.

Carried

**4. Approval of Minutes**

Moved by B. Heaslip

Seconded by A. Lessard

Approve the minutes of the Board of Management from May 16, 2023, with amendments made.

Carried

**5. Business Arising from the Minutes**

Gary Hoyle asked if the new summer students will be introduced to the Board of Management. Stephanie Powell Baswick responded that each new staff member will be highlighted in the upcoming summer Museum Newsletter.

Stephanie Powell Baswick reported that Councillor Eric Beauregard has provided resources regarding the Board's previous inquiries on the status of the new Waterfront Centre and to contact her if they would like a copy.

Luke Brazeau asked if there had been any updates on the relocating of Humberstone Township Hall. Stephanie responded that there had been no further discourse on the topic.

**6. Correspondence**

Meghan Chamberlain reported 3 items of correspondence. The first item was sent to Archivist Michelle Vosburgh from Frank Gallagher, who thanked Michelle for her assistance in researching his family history. The second item was also addressed to Michelle Vosburgh from Helene Moscato from the Niagara College Retirees Association thanking Michelle for providing a private Urban History Walking Tour for their group. The third item received was a letter of resignation from the board of management from Bert Murphy.

Terry Huffman suggested a letter be sent to Bert Murphy to notify him that the board has accepted his resignation.

**7. Council Report**

No report.

**8. Curator's Report**

Michelle Mason reported that two new permanent part-time staff have been hired. Dario Smagata-Bryan has been hired as the new Archives Assistant and will be working 15 hours a week in the L.R. Wilson Heritage Archives. Barry Stickles has been hired as an additional custodian and will be working 15 hours a week alongside Frank Habjan. Stephani McDougall has been hired for the Museum Assistant Program Grant as the Collections Assistant and will be with us for the next year. Jasmaya Echlin has been hired for a second Young Canada Works Archive grant and will be helping digitize Port Colborne High School Tattlers as well as assisting at the reception/gift shop. Alicia Boros has been hired to work at Arabella's Tea Room and will also be assisting with various museum projects. Lastly, Malakai Turner will be returning for his second year in Arabella's Tea Room as well as assisting with museum projects.

Michelle also reported that the Auxiliary embroidery project is being prepared to be showcased in the Port Colborne Public Library during the month of November. The embroideries feature historic images from the collection and will be paired with the photos that inspired the needle art. All embroideries were created by Museum volunteers.

Michelle then provided a report from the Archivist Michelle Vosburgh. Urban History Walking Tours on Friday mornings have been well attended so far, with strong bookings for upcoming tours. By special request, the West St. Urban History Tour was conducted for the Niagara College Retirees Association group on Wednesday, June 7, with 24 people attending. Michelle also recently gave an 'Armchair Cemetery Tour' to the Niagara branch of the Ontario Genealogical Society on June 16, via Zoom as part of their virtual speaker series.

**9. Auxiliary Report**

Marianne Heaslip reported that the 39th Annual Arabella's Pie Social was a great success with approximately 146 patrons in attendance and 45 pies made. The money raised will help fund future Museum programming. On June 9, the front door lock was replaced to allow volunteers and patrons access to the building. On July 2, Auxiliary volunteers are having a celebratory party in the Tea Room in

honour of Arabella's 45th Anniversary. Therefore, the Tea Room will be closed on July 1 and July 2.

## **10. Friends of Roselawn Centre Liaison Report**

Arlene Lessard reported that the Friends of Roselawn Centre has released their summer 2023 newsletter and that it held its Annual General Meeting on June 14, 2023, to discuss a very successful year. Next up will be, Music on the Lawn on June 25, where the FORC will have a 50/50 draw.

## **11. Committee Report**

### **11.1 Finance Committee**

Bonnie Schneider reported that in 2023 \$1400.00 has been donated for new Life Patrons, \$636.00 has been donated by members, and \$1057.73 has been collected in general donations.

### **11.2 Membership Committee**

Michelle Mason reported on Claudia Brema's behalf that there have been 92 memberships and 15 Life Patrons in 2023.

### **11.3 Building and Property Committee**

Brian Heaslip reported that contracts have been awarded to two businesses to assist in the re-siding of the William's House and the replacement of the wooden porch on the Heritage Resource Centre. The two projects were included in the 2023 Capital Budget but there may be overage.

Brian also reported that volunteers have been hard at work replacing boards on the Carriage House exterior and that they hope to have the Yvonne Dupre touched up before the Canal Days festival. Lastly, the work on Arabella's Tea Room windows will begin within the next month.

Moved by J. Maloney

Seconded by L. Brazeau

To approve the contracts and overages for both Capital budget projects.

Carried

### **11.4 Programme Committee**

John Maloney reported that Public Programmer, Sloane McDowell, recently organized a self-guided tour for DeWitt Carter Public School's grades 1 to 3 classes to participate in on the Museum grounds, with a total of 32 students in attendance. Sloane also hosted the Niagara Pathfinders for a 'Settlers of Port Colborne' program on June 3, 2023. The next programming opportunity will be the summer workshop series.

John also reported that the 39th Annual Pie Social and Historic Fair was well received and that the committee has begun to notice a demographic shift towards families and children. This will help with the future planning of this event.

Tami Nail reported that the 2023 Canal Days t-shirts have arrived and are available for \$30.00 in the Museum Gift shop. Planning is underway for the upcoming festival, with Kindred, Barley Brae, HMS Psyche, and Blackthorne Productions set to return.

#### **11.5 Fundraising Committee**

Terry Huffman reported that the committee is all set for the first installment of the Music on the Lawns Series on June 25.

#### **11.6 Policy Committee**

No report.

#### **11.7 Heritage Committee**

Councillor Eric Beauregard reported that members met on June 19 to discuss committee terms of reference, structure, and purpose.

#### **11.8 Accession Committee**

Terry Huffman reported that the committee met on May 25 and accepted many new items into the collection.

### **12. Confidential Items**

No items.

### **13. Director's Report**

Stephanie Powell Baswick reported that she attended the Arts and Culture Niagara Region Roundtable on May 31, 2023.

Stephanie wanted to seek consensus and input on the possibility of changing the board of management's name. Stephanie outlined to present members that due to the growth of the department, the name no longer encompasses all of what we

do and therefore does not represent our identity. Stephanie would like to work with members to find a name that is inclusive of all our facets prior to the next recruitment process.

#### **14. New Business**

John Maloney re-established the conversation brought forth in the Director's Report regarding the possibility of a rebranding of the Board of Management. John commented that he believed the prospect needed to be delved into further to which Stephanie Powell Baswick agreed that a specialized meeting may be required to discuss the idea fully. Councillor Eric Beauregard suggested the creation of an ad-hoc committee to deal with this adjustment. John Maloney and Luke Brazeau volunteered to join this committee.

Meghan Chamberlain introduced the new system the Board of Management will use to process, record, and publish meeting documents. Meghan gave a brief overview of what members can expect to be different with the new system and warned everyone that the next couple of months will be a learning process.

John Maloney offered condolences on behalf of the entire board of management to Cheryl MacMillan.

#### **15. Adjournment**

Cheryl MacMillan motions to adjourn.

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Chair

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Staff Liaison



## Port Colborne Public Library Board

### MINUTES of the Fifth Regular Meeting of 2023

**Date:** Wednesday, May 3, 2023  
**Time:** 6:00 p.m.  
**Location:** Auditorium, Port Colborne Public Library  
310 King Street, Port Colborne

**Trustees Present:** M. Cooper, Chair  
B. Ingram, Vice-Chair  
M. Bagu, Councillor  
B. Beck  
M. Booth  
H. Cooper  
A. Desmarais  
C. MacMillan  
E. Tanini

**Staff Present:** S. Luey, Chief Executive Officer  
S. Therrien, Director of Library Services (Board Secretary)  
R. Tkachuk, Librarian

#### 1. Call to Order

M. Cooper, Chair, called the meeting to order at approximately 6:03 p.m.

#### 2. Land Acknowledgement

Read by B. Ingram.

#### 3. Declaration of Conflict of Interest

Nil.

#### 4. Adoption of the Agenda

Motion: 2023-032

Moved by A. Desmarais

## Port Colborne Public Library Board

Seconded by B. Ingram

That the agenda dated May 3, 2023 be adopted, as amended.

Carried.

### **5. Approval of Minutes**

Motion: 2023-033

Moved by C. MacMillan

Seconded by M. Booth

That the minutes of the regular meeting dated April 5, 2023 be approved, as amended.

Carried.

### **6. Business Arising from the Minutes**

Nil.

### **7. Consent Items**

#### **7.1. Circulation Reports**

- March 2023 Circulation Report
- March 2023 LiNC Transits Report
- 1<sup>st</sup> Quarter 2023 Circulation Report
- 1<sup>st</sup> Quarter 2023 LiNC Transits Report
- Final Summary 2022 Circulation Report

#### **7.2. Correspondence**

- Cataloguing Code of Ethics (Canadian Federation of Library Associations)
- Canadian Federation of Library Associations (CFLA), Spring 2023 Update
- Federation of Public Libraries (FOPL), Update April 2023

#### **7.3. Public Relations Report**

## Port Colborne Public Library Board

Librarian R. Tkachuk reported on outreach and activities in May 2023.

### 7.4. Media Items

- Port Colborne Public Library Digital Newsletter, May 2023
- City Hall News, May 2023

Motion: 2023-034

Moved by B. Ingram

Seconded by B. Beck

That consent items 7.1 to 7.4 be received for information purposes.

Carried.

## 8. Discussion

### 8.1. Board Assembly Meeting, Spring 2023 (C. MacMillan)

Trustee C. MacMillan reported on the Board Assembly meeting attended on behalf of the Port Colborne Public Library Board.

### 8.2. OnBoard Training Session, April 22, 2023 (S. Therrien)

M. Cooper (Board Chair), A. Desmarais (Board Trustee), and Councillor M. Bagu reported on their attendance at the Niagara Regional OnBoard Training Session for library board trustees. The event was organized by local Niagara Regional libraries and focused on the orientation of board trustees.

### 8.3. 2023-2027 Strategic Plan: First Quarterly Report of 2023 (S. Therrien)

The Board reviewed the progress of the Strategic Plan.

### 8.4. Financial Report (S. Therrien)

The Board reviewed the May 31, 2023 year-to-date financial report.

### 8.5. Accessible Washroom (S. Therrien)

## Port Colborne Public Library Board

The Director reported that with the return to normal services, library staff have noted an increase in the number of incidents regarding the public washroom on the main floor. The library will install an access control and lockout button for the main floor public washroom.

### **8.6. 2024 Operating and Capital Budgets (S. Therrien)**

The Director advised the Board that the deadline for submission of the draft 2024 operating and capital budgets is June 30, 2023.

### **8.7. Niagara Health Coalition (S. Therrien)**

The Board reviewed its policies for use of the library's public meeting spaces and distribution of community information, and declined the request from the Niagara Health Coalition.

### **8.8. Director's Report (S. Therrien)**

#### **a. Board Governance and Training**

The Director advised the Board of upcoming training opportunities for trustees.

#### **b. Annual Survey of Public Libraries**

The Director confirmed submission of the mandatory Annual Survey of Public Libraries report to the Ministry.

#### **c. Annual Update to Council**

The Director presented the annual update to the Board for final approval. The library's annual presentation to Council is scheduled for the May 9, 2023 Council meeting.

#### **d. Meeting with MPP Jeff Burch**

The Directed informed the Board that Niagara Centre libraries (Port Colborne, Welland, and Thorold) have reached out to MPP Jeff Burch to

## Port Colborne Public Library Board

arrange a meeting to provide updates on the libraries' successes and challenges, and to learn more about initiatives being undertaken at the provincial level that will affect public libraries. The date of the meeting is to be determined.

### **e. Community Agency Partnerships**

The Director reported that the library's most recent partnership opportunity to support community needs includes Birchway Niagara (formerly Women's Place).

### **f. City Partnerships**

The Director reported that library partnerships with City departments are being maximized. The library will participate in outreach opportunities on the East Side in collaboration with Port Fire to use the Bell Street Fire Hall.

### **g. Cultural Block**

The Director reported on partnering with the Museum during March Break with a bilingual StoryWalk. Plans are in place for an NFB film program, more StoryWalk and programming opportunities for the summer, and cross-promotion of programs.

### **h. Bridge: Data Solution Platform**

The Director reported that Library staff have been enrolled in this free program offered through Ontario Library Service. The platform is a tool to help libraries collect and analyze data through dashboards, surveys, and reports to better serve the community.

### **i. Edge 2.0 Partnership: Data Management Tool**

The Director reported that Library staff have also been enrolled in another free program offered through Ontario Library Service. The platform is a tool to help libraries benchmark their technology infrastructure to highlight areas of excellence as well as areas that

## Port Colborne Public Library Board

requirement improvement.

### **j. Staff Development and Training**

The Director reported on staff development and training opportunities in which library staff are currently enrolled.

### **k. Health and Safety**

The Director reported that Library staff will be enrolled in Centre for Addiction and Mental Health (CAMH) workshops for frontline and managerial staff. The courses include de-escalation training. The workshops provide mental health education for library professionals with specialized knowledge and skills to support mental health in the library.

### **l. Libraries in Niagara Cooperative (LiNC) Services**

The Director provided a report on LiNC activities and developments.

### **m. Art in the Atrium**

The Director reported that the library is hosting a show by Lakeshore Catholic High School art students in May. In June, Port Colborne High School student art will be on display.

### **n. Meetings and Committees**

The Director reported on meetings and committees attended.

### **o. “Let’s Talk About...” Series**

The Director advised the Board that planning has started for sessions including seniors’ safety, housing and homelessness, and Birchway Niagara.

### **p. Facility Updates**

## Port Colborne Public Library Board

The Director reported on facility repairs to roof capping and windows, and on the installation of a rain gauge which is part of a Pollution Prevention Control Plan for the City's wastewater collection system study.

### **q. Citizen Incidents**

The Director reported on citizen incidents that do not require police intervention. Staff have been advised to call 211 which connects the library with NASO (Niagara Assertive Street Outreach). This has had a positive impact for staff and for citizens in distress.

### **r. Programming**

The Director reported on new programming and volunteer opportunities.

## **9. Policy Review**

### **9.1. Committees of the Board: Terms of Reference**

Motion: 2023-035

Moved by C. MacMillan

Seconded by A. Desmarais

That policy 9.1 be approved, as presented.

Carried.

## **10. Other Business**

## **11. Notices of Motion**

## **12. Date of the Next Meeting**

The next regular meeting will be held Monday, June 12, 2023, at 6:00 p.m. at the Port Colborne Public Library.

## **13. Adjournment**

## Port Colborne Public Library Board

Motion: 2023-035

Moved by E. Tanini

Seconded by B. Beck

That the meeting be adjourned at approximately 7:55 p.m.

Carried.

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Michael Cooper  
Board Chair  
July 5, 2023

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Susan Therrien  
Director of Library Services  
Board Secretary  
July 5, 2023



## Port Colborne Public Library Board

### MINUTES of the Sixth Regular Meeting of 2023

**Date:** Wednesday, July 5, 2023  
**Time:** 6:00 p.m.  
**Location:** Auditorium, Port Colborne Public Library  
310 King Street, Port Colborne

**Trustees Present:** M. Cooper, Chair (attended via Microsoft Teams)  
B. Ingram, Vice-Chair  
M. Bagu, Councillor  
B. Beck  
M. Booth  
H. Cooper  
A. Desmarais  
C. MacMillan  
E. Tanini

**Staff Present:** S. Therrien, Director of Library Services (Board Secretary)  
B. Boles, Board Treasurer

**Regrets:** S. Luey, Chief Executive Officer

#### 1. Call to Order

Board Chair M. Cooper attended via Microsoft Teams. Board Vice-Chair B. Ingram chaired the meeting, and called the meeting to order at approximately 6:04 p.m.

#### 2. Land Acknowledgement

Read by B. Ingram.

#### 3. Declaration of Conflict of Interest

Nil.

#### 4. Adoption of the Agenda

The Director of Library Services requested to add an item to "Other Business"

## Port Colborne Public Library Board

regarding correspondence to Ontario Trillium Foundation.

Motion: 2023-036

Moved by C. MacMillan

Seconded by A. Desmarais

That the agenda dated July 5, 2023 be adopted, as amended.

Carried.

### **5. Approval of Minutes**

Motion: 2023-037

Moved by A. Desmarais

Seconded by E. Tanini

That the minutes of the regular meeting dated May 3, 2023 be approved, as circulated.

Carried.

### **6. Business Arising from the Minutes**

Nil.

### **7. Consent Items**

#### **7.1. Circulation Reports**

- April 2023 Circulation Report
- May 2023 Circulation Report
- April 2023 LiNC Transits Report
- May 2023 LiNC Transits Report
- 2<sup>nd</sup> Quarter 2023 LiNC Transits Report

#### **7.2. Financial Report**

- June 7, 2023

## Port Colborne Public Library Board

- July 3, 2023

### 7.3. **Public Relations Report**

Report from Librarian R. Tkachuk outlined outreach and activities in May and June 2023.

### 7.4. **Media Items**

- Port Colborne Public Library Newsletter, June 2023
- Port Colborne Public Library Newsletter, July 2023

Motion: 2023-038

Moved by C. MacMillan

Seconded by M. Booth

That consent items 7.1 to 7.4 be received for information purposes.

Carried.

## 8. **Discussion**

### 8.1. **Capital Projects Update (S. Therrien)**

The Board reviewed the progress of the 2023 capital projects.

### 8.2. **King Street Sign (S. Therrien)**

Motion: 2023-039

Moved by M. Booth

Seconded by H. Cooper

That no changes be made to the King Street sign rental fee schedule as outlined in policy *OP-19: King Street Sign*.

Carried.

## Port Colborne Public Library Board

### 8.3. Director's Report (S. Therrien)

- **Board Governance Roles and Responsibilities**

The Director of Library Services reviewed governance actions and planning as recommended by Ontario Library Service (OLS) for Years 1 and 2 of the Board Governance Cycle with the Board. The Director encouraged trustees to continue to take advantage of online training offered by OLS at the Governance Hub for public library boards regarding their obligations and responsibilities under the *Public Libraries Act*.

- **Hours of Operation**

Motion: 2023-040

Moved by E. Tanini

Seconded by A. Desmarais

- a. That the Board approves opening the library to the public at 9:30 a.m., Monday to Saturday;
- b. That the Board approves Wednesday operating hours to be 9:30 a.m. to 8:00 p.m.; and,
- c. That the new operating hours be implemented starting January 1, 2024.

Carried.

- **Website and Online Presence**

The Director reported on the Library's updated presence on social media, and advised the Board regarding staff's plans to update the website to better promote programs and services.

- **Volunteers**

The Director reported that new and returning volunteers have been

## Port Colborne Public Library Board

on-boarded to assist staff with programming. Recruitment of new volunteers is ongoing.

- **Programming and Outreach**

The Director reported on new opportunities and strategies that staff are using to build partnerships and offer new programs for the community.

- **Staffing**

The Board reviewed a report on library staffing as presented by the Director of Library Services.

- **Succession Planning**

The Board discussed the process required for succession planning and the need for coverage in the event that the Director of Library Services retires or is otherwise unavailable to fill their duties.

- **Memorandum of Understanding**

The Board discussed implementing a memorandum of understanding between the Board and the City of Port Colborne. The Director will provide further information at the August 2023 meeting.

### 8.4. **2022 Financial Reports (B. Boles)**

Treasurer B. Boles presented the 2022 Financial Reports to the Board and recommended transfers for the Board's approval.

Motion: 2023-041

Moved by A. Desmarais

Seconded by H. Cooper

That the Board approves the 2022 year-end transfers as follows:

## Port Colborne Public Library Board

- a. Transfer \$16,255.00 of surplus salaries, wages, and benefits expenses to the future liabilities reserve from the 2022 operating budget; and
- b. Transfer \$12,986.00 (the balance of the operating surplus) to the stabilization reserve from the 2022 operating budget.

Carried.

Motion: 2023-042

Moved by A. Desmarais

Seconded by E. Tanini

That the Board approves the audited 2022 Financial Statements, as presented.

Carried.

### 8.5. **Draft 2024 Operating Budget (S. Therrien)**

The Board discussed the 2024 Operating Budget and reviewed estimates for revenue and expenditures, including facility maintenance. Salaries and associated personnel cost estimates will be provided by the Human Resources department. The Board discussed the addition of a full-time assistant management position for consideration by Council for the 2024 operating year. The Board directed the Director of Library Services to prepare a request for additional staff to present to Council.

Motion: 2023-043

Moved by A. Desmarais

Seconded by B. Beck

That the Board approves the draft 2024 operating budget estimates, as presented.

Carried.

Motion: 2023-044

Moved by A. Desmarais

Seconded by M. Booth

## Port Colborne Public Library Board

That the Board submits a request to Council for the addition of a full-time assistant management position in 2024.

Carried.

### 8.6. **Draft 2024 Capital Budget (S. Therrien)**

The Board reviewed the Draft 2024 Capital Budget estimates and capital projects. Treasurer B. Boles reported to the Board regarding funding for facility capital improvements in 2024. The Board removed one project for a feasibility study. The Director advised the Board that City personnel are assisting to provide estimates for the remaining projects. Updated estimates will be presented at the August 2023 board meeting.

Motion: 2023-045

Moved by A. Desmarais

Seconded by C. MacMillan

That the Board approves the draft 2024 capital projects, as amended; and,

That the Board directs staff to provide updated estimates for the 2024 capital projects at the August 2, 2024 meeting.

Carried.

## 9. **Policy Review**

Nil.

## 10. **Other Business**

### 10.1. **Ontario Trillium Foundation (S. Therrien)**

The Director reported that the Board has been requested to help draft a letter to submit to the Ontario Trillium Foundation (under the Ministry of Tourism, Culture and Sport), asking that OTF considers updating its criteria to qualify for funding. The Director reported that the increase in the City's population (now greater than 20,000) has disqualified the library and the municipality for funding. The letter will advise OTF of the increased

## Port Colborne Public Library Board

demands on institutions such as public libraries to serve their communities due to fiscal realities and the impacts of dynamic growth.

### 10.2. **Organizational Change (A. Desmarais)**

The Board discussed the need to change its organizational structure as part of succession planning and for alignment with the *Public Libraries Act*.

Motion: 2023-046

Moved by: A. Desmarais

Seconded by: E. Tanini

That the Port Colborne Public Library Board repeals:

- a. Port Colborne Public Library Board By-law 2001- 01: *A By-law to Appoint a Chief Executive Officer and to Repeal By-Law 2000-0002*;
- b. Port Colborne Public Library Board By-law 2001-02: *A By-law to Appoint a Treasurer and to Repeal By-Law 1999-9901*; and,
- c. Port Colborne Public Library Board By-law 2001-03: *A By-law to Appoint a Secretary and to Repeal By-Law 1999-99*.

Carried.

Motion: 2023-047

Moved by A. Desmarais

Seconded by C. MacMillan

That the Board appoints Library Board employee Director of Library Services as Chief Executive Officer and Secretary-Treasurer.

Carried.

## 11. **Notices of Motion**

Nil.



## Port Colborne Public Library Board

### 12. Date of the Next Meeting

The next regular meeting will be held Wednesday, August 2, 2023, at 6:00 p.m. at the Port Colborne Public Library.

### 13. Adjournment

Motion: 2023-048

Moved by E. Tanini

Seconded by M. Booth

That the meeting be adjourned at approximately 9:16 p.m.

Carried.

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Michael Cooper  
Board Chair  
August 2, 2023

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Susan Therrien  
Director of Library Services  
Board Secretary  
August 2, 2023

The Corporation of The City of Port Colborne

By-Law No. \_\_\_\_\_

Being A By-Law to Authorize Entering into A Lease  
Agreement With the Scouts Canada and to  
Repeal By-Law 6445/12/17

Whereas the Corporation of the City of Port Colborne has held agreements, originally with the Port Colborne District Boy Scouts, permitting the use of City owned land for purposes of a scouting camp;

And Whereas at its meeting of February 27, 2017, the Council of The Corporation of the City of Port Colborne (Council) enacted By-law 6445/12/17, Being a By-law to Authorize Entering into a lease agreement with the Boy Scouts of Canada and to repeal by-law 6225/51/15;

And whereas at its meeting of August 15, 2023, Council approved the recommendations of Corporate Services Department, Report No. 2023-157, Subject: Scouts Canada Lease Agreement;

And whereas at its meeting of August 15, 2023, the Council of The Corporation of the City of Port Colborne (Council) enacted a By-Law, Being a Being A By-Law to Authorize Entering into A Lease Agreement With Scouts Canada and to Repeal By-Law 6445/12/17;

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 enter into a Lease Agreement with Scouts Canada, attached hereto as Schedule "A".
2. That the Mayor and the 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 Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That By-law 6445/12/17 is hereby repealed.
4. That the agreement shall continue for a 5-year term between the Municipality and Scouts Canada, with the option to renew for one further 5-year term. Written notice must be given for renewal on or before December 31, 2027;
5. That this By-law shall come into force and take effect on the date of passing.

Enacted and passed this 15th day of August, 2023.

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William C. Steele  
Mayor

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Saima Tufail  
Acting City Clerk

THIS AGREEMENT made in triplicate this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COLBORNE

(Hereinafter called the "Municipality")

-and-

PROVINCIAL COUNCIL FOR ONTARIO; SCOUTS CANADA

(Hereinafter called the "Scouts")

WHEREAS the Scouts have requested a permit to conduct Scouting Activities in or about the lands and premises owned by the Municipality and more particularly described in Schedule "A" attached hereto.

AND WHEREAS the Municipality is prepared to allow the Scouts the use of the aforesaid lands and premises subject to certain conditions, covenants and agreements hereinafter set out.

NOW THEREFORE THIS AGREEMENT WITNESSETH THAT in consideration of the sum of \$1.00 paid by Scouts, the receipt whereof is hereby acknowledged and the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out, the parties hereto agree as follows:

#### INTERPRETATION

1. For all purposes of this Agreement, except as otherwise expressly provided:
  - a. The term "Scouting Activities" is to include activities carried out by the Scouts in its normal course, including overnight camping, recreational activities, conservation practices, conservation education, and Scout club meetings;
  - b. The term "Active Use of the Lands" means use of the Lands for Scouting Activities being carried out at least once every two (2) months;
  - c. The term "Lands" means the lands described in section 2 of this lease agreement.
2. If there is any dispute as to the meaning of any term listed above or within this Agreement, the decision of the Municipality's Director, Corporate Services/Treasurer or designate shall be final and binding in all respects.

#### LAND USAGE

3. The Municipality agrees to allow the Scouts the use of those lands and premises located in Part of Lot 14, Concession One in the former Township of Humberstone, now in the City of Port Colborne, and more particularly described in Schedule "A" and a map in Schedule "B" hereto (hereinafter "Lands"), for the purposes of the erection of a Scout headquarters and the conduct of Scouting Activities.
4. Scouts understands and agrees that it will make Active Use of the Lands only for Scouting Activities and for no other purpose, or by no other entity, except that which is expressly permitted by the Municipality in writing.
5. Notwithstanding section 3 and 4, Scouts is granted the authority to allow the Lands to be used by third party organizations for shared use. This includes like-minded community groups such as Girl Guides, Early Years Centre, the YMCA, the Boys and Girls Clubs, Cadets or other non-profits with similar pursuits. Scouts agrees that it shall obtain consent from the Municipality in writing and such third-party organization may not use the Lands until after full written approval is granted by the Municipality and on any conditions required of the Municipality. Scouts will ensure that any shared use of the Lands will be in conformity with this Agreement and that the third-party organization is fully insured as described in this Agreement. Scouts will be responsible for all actions and liabilities of the approved 3<sup>rd</sup> party organization, including but not limited to, damage to the Lands or any personal injury.

#### TERM

6. This lease agreement for the Lands shall commence on the 1<sup>st</sup> day of July 1, 2023 and end on the 31<sup>st</sup> day of June 2028. This Agreement shall continue for a 5-year term between the Municipality and Scouts, with the option to renew for one further 5-year term. Written notice must be given for renewal on or before December 31, 2027.
7. The Municipality shall have the right to terminate this Agreement upon sixty (60) days' notice in writing if there is no Active Use of the Lands for Scouting Activities
8. Scouts may, at its sole option and discretion, terminate this Agreement by giving the Municipality sixty (60) days' notice in writing of its intention to terminate the Agreement and vacate the premises.

#### RIGHT OF RE-ENTRY

9. If the Scouts at any time make or suffer a breach or non-observance of any covenant, proviso, condition or reservation herein contained, or of any covenant, proviso, or reservation contained in any appendix hereto, then and in every such case, it shall be lawful for the Municipality to unilaterally immediately cancel the Agreement without prior notice, to re-enter and thereafter to have, possess and enjoy the said land and all improvements thereon; and no condoning, excusing, or overlooking by the Municipality on previous occasions of breaches or defaults similar to that for which re-entry is made shall be taken to operate as a waiver of this condition nor in any way to defeat or affect the rights of the Municipality hereunder.

## BUILDINGS OR STRUCTURES

10. The Scouts shall not construct any buildings or structures of any description on the said lands nor shall they make any change in the nature of the land without the written approval of the Municipality. A full listing of current buildings/structures is outlined in Schedule "C".
11. In the event that permission is given to the Scouts for the erection of any buildings or structures of any description, they shall forthwith following such erection sell all their rights and interest in the same to the Municipality for the sum of ONE DOLLAR provided that should this agreement be terminated for any reason the Scouts shall have the option of purchasing any buildings or structures for the sum of ONE DOLLAR upon written notification to the Municipality within ninety (90) days of termination of the agreement. The Scouts shall remove from the lands all structures so purchased within sixty (60) days following the Municipality's receipt of notice of exercise of the option to purchase failing which the option to purchase shall be deemed not to have been exercised.
12. Upon cancellation or termination of this Agreement by either party to this Agreement, the Scouts shall forthwith remove at their own expense its property from the land and premises of the municipality, leaving said land and premises in a neat and clean condition to the reasonable satisfaction of the Municipality. In case of default of the SCOUTS to remove their property within a reasonable period as determined by the MUNICIPALITY, said property shall become the property of the MUNICIPALITY without any right of compensation of the Scouts therefore in any case.
13. Notwithstanding section 11, if the Municipality determines that it does not want to retain the Scouts property, Scouts agrees that any cost incurred by the Municipality in remedying any default, including the removal of any building or structure, shall be reimbursed by Scouts, failing which such cost shall immediately become a debt owed to the Municipality.

## MAINTENANCE OF LANDS AND PREMISES

14.

### a. Lands

The Scouts shall, at all times during the existence of this agreement, at their own cost and expense, keep and maintain the walls and grounds in good order and in condition satisfactory to the Municipality and without limiting the foregoing the Scouts agree not to remove or cut down trees or shrubs without first obtaining the consent in writing of the Municipality. And further the Scouts agree not to permit waste paper, garbage, ashes or waste or objectionable material to accumulate thereon.

### b. Premises

The Scouts shall, at all times during the existence of this agreement, at their own cost and expense, keep and maintain the building and other facilities erected from

time to time during the term of this agreement, and any renewals thereof, in good order and condition and promptly make all needed repairs and replacement and keep the said premises well painted, clean and in such condition as a careful owner would do.

c. Environmental

Scouts will not do or permit or omit to be done on the leased premises anything which may cause or increase the likelihood of the escape, seepage, leakage, spillage, release or discharge of any hazardous substance or other adverse environmental conditions on, from or under the leased premises. Scouts will promptly notify the Municipality upon becoming aware of any actual, threatened or potential escape, seepage, leakage, spillage, release or discharge of any hazardous substance or other adverse environmental conditions on, from or under the leased premises

The Municipality and Scouts acknowledge and agree that Scouts shall assume all liability and responsibility for any environmental or health and safety liabilities (whether accrued, actual, contingent or otherwise) on the Lands and Scouts shall indemnify and save harmless the Municipality from and against any and all environmental and health and safety liabilities (whether accrued, actual, contingent or otherwise), losses damages, claims, costs and expenses directly or indirectly suffered by Scouts and/or the Municipality resulting from or in any way connected to any adverse environmental condition at, on, below or within the Lands and which the Scouts, or those for whom it is responsible at law, did not cause or permit

COMPLIANCE WITH THE LAW

15. The Scouts shall in all respects abide by and comply with all lawful rules, regulations and bylaws of the Provincial Government, municipalities or other governing bodies, in any manner affecting the said land and premises.

NON-ASSIGNMENT

16. The Scouts shall not make any assignment or transfer of this Agreement, without obtaining the consent in writing of the Municipality to such assignment or transfer, it being understood and agreed that this consent by the Municipality may be unreasonably withheld.

RESERVATION

17. The Municipality shall may enter the land at any time that youth are not present for the purpose of inspecting the lands, the buildings and the equipment thereon. In instances where entry by the Municipality is required while youth are present, this shall be done in accordance with the youth protection and screening policies of Scouts. Specifically, any representative of the Municipality who does not meet Scouts screening requirements must be accompanied by an adult member of Scouts who meets current screening and membership requirements.

RISK OF SCOUTS

18. The Scouts shall not have any claim or demand and shall Hold the Municipality

Harmless for detriment, damage or injury of any nature to the said land or to any building, structure, materials, supplies, articles, effects or things at any time erected, brought, placed, made or being upon the said land and premises

19. Any damage which may, during the existence of the Agreement, be occasioned to the property of the Municipality, or any part thereof, or works connected therewith, by reason or on account of the execution of this agreement or of anything done as a result thereof, the Scouts shall immediately, upon notice from the Municipality or its duly authorized agent, given either verbally or in writing, be repaired, rebuilt, replaced or restored by the Scouts to the entire satisfaction of the Municipality; or the Municipality at its options may repair such damage, in which case the Scouts shall, upon demand, forthwith repay and reimburse the Municipality for all costs and expenses connected therewith or incidental thereto.

#### INSURANCE

20.

a. Liability

The Scouts shall at all times through the term of this Agreement provide at their own expense and keep in force Commercial Liability Insurance which will include as an additional insured The Corporation of the City of Port Colborne in an amount determined by the Chief Administrative Officer, no less than two million dollars (\$2,000,000.00), inclusive and to furnish a copy of such insurance and a certificate of insurance from the Scouts prior to signing of this Agreement and should be provided for each renewal term. Scouts agrees that should the Lands be used by any third party organization as permitted in this Agreement, it shall require the same insurance from that third party organization prior to their use of the Lands.

b. Fire Insurance

The Scouts shall at all times throughout the term of this lease insure at its own cost and expense all the buildings now or hereafter erected on the premises at their full insurable value. Provided that the Scouts shall furnish the Municipality with copies of such insurance policies and in the event that the Scouts fail to keep such insurance, the Municipality shall have the right, after 48 hours written notice to the Scouts to effect such insurance at the cost of the Scouts. It is understood and agreed that the Municipality will not be responsible for personal injury or damage or for the loss or theft of clothing or equipment of the Scouts, or anyone attending on the invitation of the Scouts.

#### INDEMNITY

21. The Scouts shall at all times protect, defend, indemnify and save harmless the Municipality from and against all claims, suits, actions, damages, demands, loss, costs (including legal costs), charges and expenses of any kind or nature, which the Municipality may sustain or incur in any manner based upon, arising out of or connected with the existence of this Agreement or anything done or maintained hereunder, including the use of any third party organization as permitted in this Agreement.

### SUPERVISION OF LANDS AND PREMISES

22. The Scouts shall be responsible for the conduct and supervision of all persons given permission to enter the buildings and grounds and shall see that all restrictions, covenants and regulations contained in this agreement are strictly observed.

### NUISANCE

23. The Scouts agree not to do or omit to do or permit to be done or omitted anything upon or in respect of the lands and premises the doing or omission of which (as the case may be) shall be or result in nuisance.

### RESTORATION OF SITE

24. Upon cancellation or termination of this Agreement, the Scouts shall forthwith remove at their own expense its property from the land and premises in a neat and clean condition to the entire satisfaction of the Municipality's Director, Corporate Services / Treasurer. In case of default of the Scouts to remove their property within a reasonable period as determined by the said Director, said property shall be removed and the site restored by the Municipality at the expense of the Scouts, or at the option of the Municipality said property shall become the property and of shall vest in the Municipality without any right of compensation to the Scouts therefore in any case.

### SCHEDULES

25. It is hereby expressly agreed that Schedule "A", "B", and "C", and any other schedule or schedules referred to herein and stated to be annexed thereto shall form a part of this agreement and that the lease shall be read and constructed as if the said Scheduler and Schedules had been set forth and contained herein.

### HEADINGS

26. The parties hereto agree that the headings herein form no part of this lease and shall be deemed to have been inserted for convenience only.

### NOTICE

27. Where this Agreement requires notice to be delivered by one party to the other, such notice shall be in writing and delivered either personally, by e-mail, by fax or by pre-paid registered first class post, by the party wishing to give such notice to the other party at the address noted below. Such notice shall be deemed to have been given: the case of personal delivery, on the date of delivery; and in case of email or fax transmission, on the date of transmission provided it is received: Before 4:30 PM on a day that is not a statutory holiday, failing that it shall be deemed to have been received the next day provided the next day is not a statutory holiday. Any notice required or contemplated by any provision of this Agreement will be effectively given, in the case of notice to the Licensee at:

Scouts Canada  
10 Kodiak Crescent  
Toronto, Ontario



M3J 3G5

Attention: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

and in case of notice to the City, at:

The Corporation of the City of Port Colborne  
66 Charlotte Street  
Port Colborne, Ontario  
L3K 3C8

Attention: Director, Corporate Services / Treasurer  
Telephone: 905-835-2900 Ext. 1 05  
Email: [csadmin@portcolborne.ca](mailto:csadmin@portcolborne.ca)

#### AMENDMENTS

28. If at any time during the continuance of this agreement the parties hereto shall deem it necessary or expedient to make any alterations or addition to this agreement, they may do so by means of a written agreement between them which shall be supplemental hereto and form part thereof.

#### AGREEMENT IN ENTIRETY

29. It is agreed that this written instrument embodies the entire agreement of the parties hereto with regard to the matters dealt with herein, and that no understandings or agreements, verbal or otherwise, exist between the parties except as herein expressly set out.

30. This Agreement shall ensure to the benefit of and be binding on the respective administrators, successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF The Corporation of the City of Port Colborne has hereto affixed its Corporate Seal attested by the hand of its duly authorized offices and Scouts Canada have hereunto set its hands and seal by its President and Treasurer in the presence of the witness whose name is set opposite the signature of such party this \_\_\_\_\_ of \_\_\_\_\_, 2023.

SIGNED, SEALED AND DELIVERED  
By the Municipality in the presence of:

THE CORPORATION OF THE CITY OF PORT COLBORNE

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

SIGNED, SEALED AND DELIVERED

By the Scouts in the presence of:

SCOUTS CANADA

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

Name: [specify]

Title: [specify]

(I Have Authority to Bind the Corporation)

SCHEDULE "A" – Legal Description of the Lands

ALL AND SINGULAR that certain parcel (~6.5 acres) 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 in the County of Welland) and Province of Ontario and being composed of Part of Lot 14 in the First Concession of said Township, as shown on the site plan shown in Schedule "B".

The property is zoned P-349 (Municipal Camping Ground). Surrounding neighbourhood is residential, public parkland and agricultural.

SCHEDULE "B" – Site Plan



Main building with power and furnace

Various chattels in the main building range from 2 fridges, stove, portable grill and toaster to photocopier and projector screen to folding chairs and filling cabinet

Septic System

Garage with power

Pavilion with power

Shed(s)

Driveway bollards

DRAFT

The Corporation of the City of Port Colborne

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

Being a by-law to adopt amendment no. 12 to the Official  
Plan for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore  
adopted by Council for the City of Port Colborne Planning Area;

Therefore the Council of The Corporation of the City of Port Colborne under  
Section 17(22) of the Planning Act, hereby enacts as follows:

- 1. That Official Plan Amendment No. 12 to the Official Plan for the City of Port  
Colborne Planning Area, consisting of the attached map and explanatory text is  
hereby adopted.
- 2. That this By-law shall come into force and take effect on the day of passing  
thereof.

Enacted and passed this \_\_\_\_day of \_\_\_\_\_, 2023.

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk

**AMENDMENT NO. 12**  
**TO THE**  
**OFFICIAL PLAN**  
**FOR THE**  
**PORT COLBORNE PLANNING AREA**

**PREPARED BY:**  
**CITY OF PORT COLBORNE DEPARTMENT OF**  
**DEVELOPMENT AND LEGISLATIVE SERVICES**

**July 25, 2023**

**AMENDMENT NO. 12**

**TO THE OFFICIAL PLAN  
FOR THE  
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 12 to the Official Plan for the City of Port Colborne.

Date: \_\_\_\_\_ 5

**AMENDMENT NO. 12 TO THE OFFICIAL PLAN  
FOR THE  
PORT COLBORNE PLANNING AREA**

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1. Department of Planning and Development Report



## **STATEMENT OF COMPONENTS**

### **PART A**

The Preamble does not constitute part of this Amendment.

### **PART B**

The Amendment, consisting of the following text and Schedule “A”, constitutes Amendment No. 12 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

### **PART A - THE PREAMBLE**

#### **Purpose**

The purpose of this amendment is to amend land use designations on Schedule A – City-Wide Land Use of the Port Colborne Official Plan in order to facilitate the development Of the subject lands, shown on the attached Schedule, as stacked townhouse dwellings.

#### **Location**

The lands affected by this amendment are legally described as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive. A detailed map of the subject lands is attached as Schedule “A” to this Official Plan Amendment No. 12.

#### **Basis**

Currently, the subject lands are designated “Commercial Plaza”. An application has been made to initiate amendments to the City of Port Colborne’s Official Plan and Zoning By-law as they relate to these lands in order to facilitate the development of 114 residential stacked townhouse dwelling units. The proposed density is 87.3 units per hectare.

The proposed development provides an opportunity for residential intensification at a location that is serviced by existing services and infrastructure. The subject lands are surrounded by residential, commercial and institutional land uses making them a highly suitable location for the proposed intensification.

It is intended to concurrently approve an Amendment to the City’s Zoning By-law 6575/30/18, rezoning of the lands from the existing “CP- Commercial Plaza” zone to “R4-72-H – Site-specific Fourth Density Residential Zone with Holding (H) provision”.

The proposal is consistent/conforms with:

- The Provincial Policy Statement (2020) by promoting growth within a settlement area;
- A Place To Grow (2020) by contributing to the minimum intensification targets and utilizing existing municipal services;
- Niagara Official Plan through the promotion of growth in urban areas; and
- Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City’s intensification target and promoting growth within the Built-Up Area.

### **PART B - THE AMENDMENT**

#### **Introductory Statement**

All of this part of the document entitled Part B – The Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 12 to the Official Plan for the City of Port Colborne.

The Official Plan for the Port Colborne Planning Area is hereby amended as follows: Lands shown on Schedule A are redesignated from Commercial Plaza to Special Policy Area and permitted to be developed for stacked townhouse dwellings at a density range of 70 to 100 units per hectare.

### **Details of the Amendment**

1. That lands shown on "Schedule A to Official Plan Amendment No. 12", shall be re- designated from Commercial Plaza to Special Policy Area and shall be identified on Schedule A City Wide Land Use Map of the Official Plan for the Port Colborne Planning Area.
2. Notwithstanding Policy 3.2.1 of the Official Plan for the City of Port Colborne, the lands may be developed for stacked townhouse dwellings ranging in density from 70 to 100 units per hectare, subject to the following:
  - a. Stacked townhouse blocks located nearest to the lot lines and running parallel to them must be oriented towards the street;
  - b. At-grade parking should be screened by a combination of buildings and landscaping to minimize their visual appearance from the public realm;
  - c. Principal entrances of blocks oriented towards the street should be accessible and visible from the street and connected to public sidewalks;
  - d. Appropriate landscape treatment should be considered along the property lines to improve the visual quality along the public roads and to provide suitable buffer with the adjacent uses to the north and west.

### **Implementation and Interpretation**

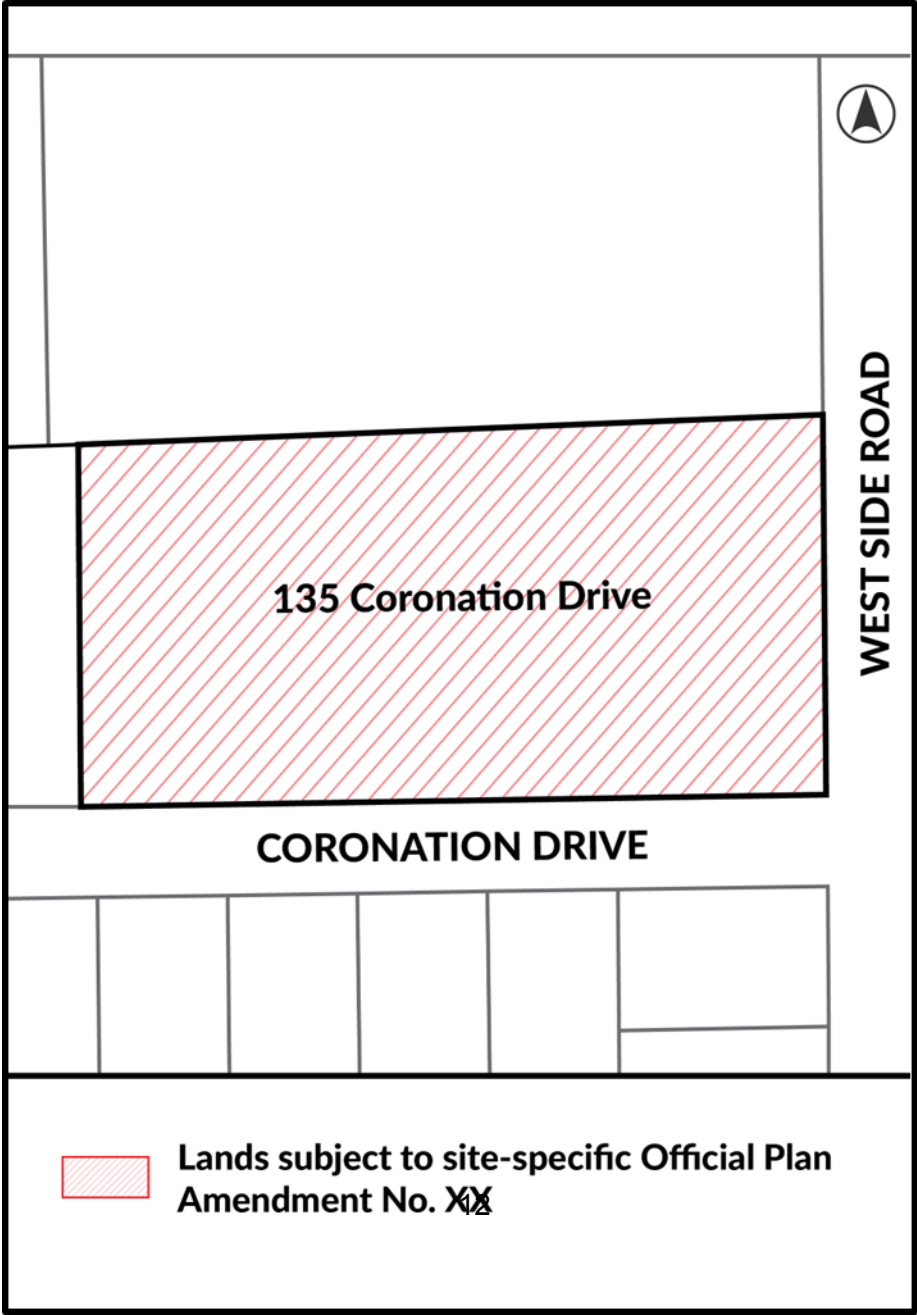
The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

### **PART C – THE APPENDICES**

The following appendices do not constitute part of Amendment No. 12 but are included as information to support the Amendment.

APPENDIX I – Department of Development and Legislative Services Report 2023-154

Schedule “A”



The Corporation of the City of Port Colborne

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

Being a by-law to amend Zoning By-law 6575/30/18 for the lands legally known as LTS 8-13 PL 820; S/T RO139541 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 135 Coronation Drive,

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

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

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

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A8” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Commercial Plaza (CP) to R4-72-H, being a special provision of the Fourth Density Residential (R4) zone with a Holding (H) provision.
3. That Section 37 entitled “Special Provisions” of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

R4-72-H

Notwithstanding the provisions of section 8.7 of the Zoning By-law 6575/30/18, following regulations shall apply:

- |   |   |
|---|---|
| a) Permitted uses   | Stacked townhouse dwellings;<br>and Uses permitted in the R4 zone |
| b) Minimum lot area per dwelling unit   | 114 square metres (where 125 square metres is typical)            |
| c) Minimum setback of balconies from the corner side lot line   | 6.4 metres (where 7.5 metres is typical)                          |
| d) Minimum setback of lower-level terraces from the corner side lot line  | 4.5 metres (where 7.5 metres is typical)                          |
| e) The balance of the regulations under section 8.7   |   |
| f) The uses permitted in this By-law shall not occur until the Holding Symbol (H) on the R4-72-H (Fourth Density Residential-Special-Holding) zone is removed through an amending By-law enacted by the City of Port Colborne. The Holding provision removal will only be permitted when: |   |
| i) The owner/applicant provides a Traffic Impact Study prepared by a qualified professional to the satisfaction of the City and applicable approval authorities.  |   |

4. That Section 38 entitled "Definitions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

**Dwelling, Townhouse, Stacked:** means a building containing five or more dwelling units, each of which has an independent entrance and does not include another dwelling type defined herein.

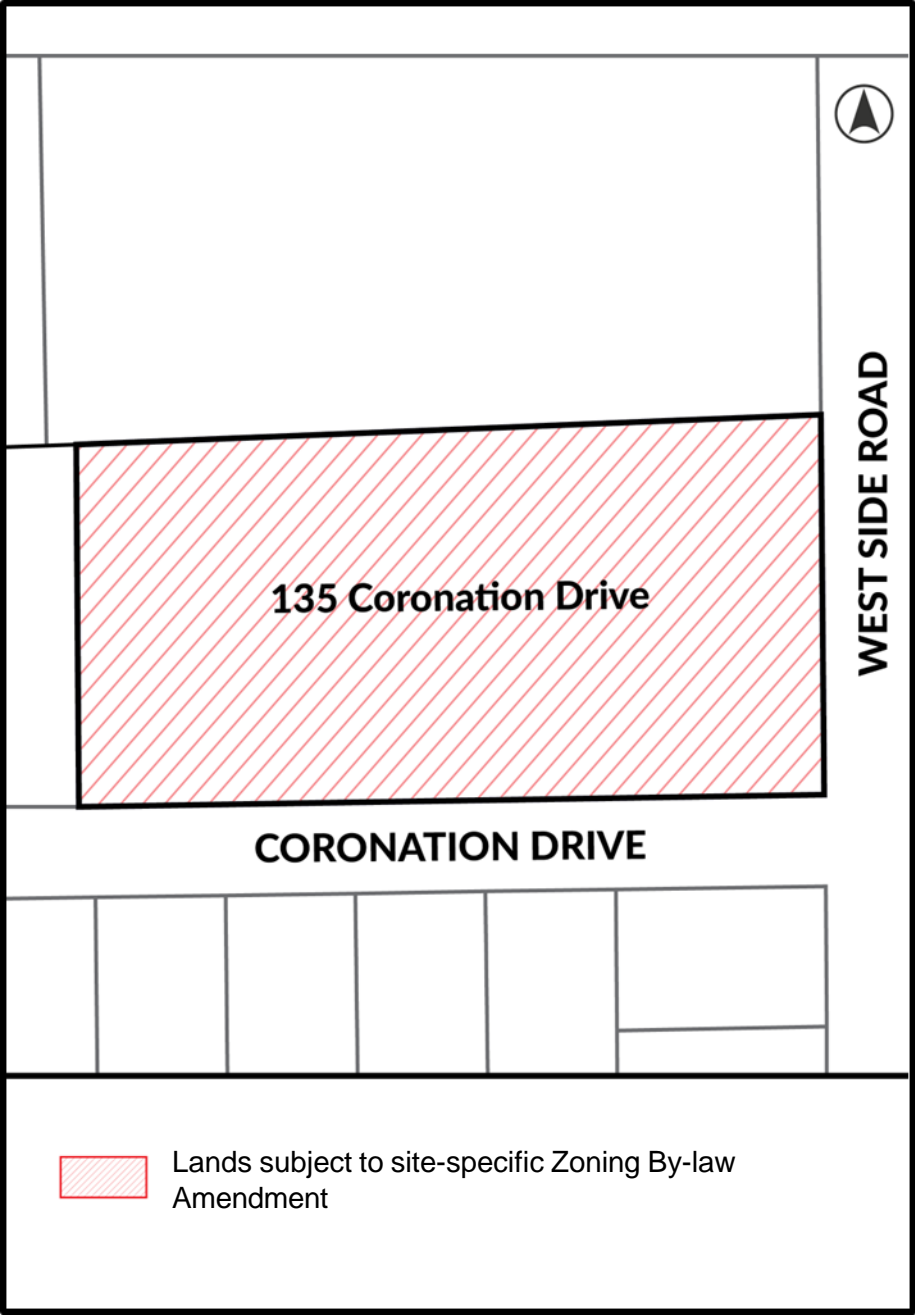
5. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
6. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this       day of       , 2023.

William C Steele  
Mayor

Saima Tufail  
Acting City Clerk

Schedule “A”



The Corporation of the City of Port Colborne

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

A By-law to Appoint a Deputy Clerk  
(Joanne Goulet)

Whereas Subsection 228(1) of the *Municipal Act, 2001* (“the Act”) provides that a municipality shall appoint a clerk; and

Whereas Subsection 228(2) of the Act provides that a municipality may appoint a deputy clerk who shall have all the powers and duties of the clerk; and

Whereas the Council of The Corporation of the City of Port Colborne deems it expedient to appoint a Deputy Clerk;

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

1. That Joanne Goulet is hereby appointed Deputy Clerk for The Corporation of the City of Port Colborne, effective July 19, 2023.
2. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne.
3. That this By-law shall come into force and take effect on the date of passing.

Enacted and passed this 15<sup>th</sup> day of August, 2023.

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William C. Steele  
Mayor

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Saima Tufail  
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 August 15, 2023

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of August 15, 2023, 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 15<sup>th</sup> day of August, 2023.

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

\_\_\_\_\_  
Saima Tufail  
Acting City Clerk