

**City of Port Colborne  
Council Meeting Agenda**

**Date:** Tuesday, October 10, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

**Pages**

1. Call to Order
2. National Anthem
3. Land Acknowledgment
4. Proclamations
5. Adoption of Agenda
6. Disclosures of Interest
7. Approval of Minutes
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## **10. Presentations**

- 10.1 Isadore Sponder Memorial Trophy Presentation – 2023 Recipient

## **11. Delegations**

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

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

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

## **14. Staff Remarks**

## **15. Councillors' Remarks**

<b>16.</b>	<b>Consideration of Items Requiring Separate Discussion</b>	
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<b>18.</b>	<b>Notice of Motions</b>	
<b>19.</b>	<b>Minutes of Boards &amp; Committees</b>	
19.1	Port Colborne Historical and Marine Museum Board Meeting Minutes - July 18, 2023	142
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20.1	Memorandum from Director of Museum and Culture - Museum, Heritage, and Culture Board Terms of Reference	148
<b>21.</b>	<b>By-laws</b>	
21.1	By-law to Exempt the Lands Known as Blocks 71-74 on Plan 59M-150, More Specifically Described as Parts 1-25 on Plan 59R-17727, Municipally Known as 39-46 Saturn Drive from the Part Lot Control Provisions of the Planning Act	158
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21.3	By-law to Establish a Board known as the Museum, Heritage and Culture Board	189
21.4	By-law to Appoint a Deputy Clerk	190
21.5	By-Law to Adopt, Ratify and Confirm the Proceedings of the Council of the Corporation of the City of Port Colborne	191
<b>22.</b>	<b>Confidential Items</b>	
	Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.	
22.1	Confidential Memorandum - Office of the Chief Administrative Officer, a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality	
<b>23.</b>	<b>Procedural Motions</b>	
<b>24.</b>	<b>Information items</b>	

## 25. Adjournment



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

**Date:** Tuesday, September 26, 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  
R. Bodner, Councillor  
G. Bruno, Councillor  
F. Danch, Councillor  
D. Elliott, Councillor  
T. Hoyle, Councillor  
W. Steele, Mayor (presiding officer)

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

**Staff Present:** B. Boles, Director of Corporate Services/Treasurer  
S. Lawson, Fire Chief  
S. Luey, Chief Administrative Officer  
S. Shypowskyj, Director of Public Works  
D. Landry, Chief Planner  
D. Schulz, Senior Planner  
G. Long, Manager of Strategic Initiatives  
S. Tufail, Acting City Clerk (minutes)

- 1. Call to Order**  
Mayor Steele called the meeting to order at 7:35pm.
- 2. National Anthem**
- 3. Land Acknowledgment**
- 4. Proclamations**

**4.1 Poppy Weeks, October 27 - November 11, 2023**

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

That October 27 to November 11, 2023 be proclaimed as “**POPPY WEEKS**” in the City of Port Colborne.

Carried

**5. Adoption of Agenda**

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

That the agenda dated September 26, 2023 be confirmed, as amended.

Carried

**6. Disclosures of Interest**

**6.1 Councillor R. Bodner - Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive, 2023-154**

The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.

**6.2 Councillor R. Bodner - 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**

The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.

**6.3 Councillor R. Bodner - Being a By-Law to Adopt Amendment no. 12 to the Official Plan for the City of Port Colborne**

The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.

**7. Approval of Minutes**

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

That items 7.1 to 7.3, be approved, as presented.

Carried

**7.1 Special Council Minutes (Closed Session) - September 5, 2023**

**7.2 Regular Meeting of Council - September 12, 2023**

**7.3 Special Council Meeting (Committee of the Whole) - September 20, 2023**

**8. Recommendations Arising from Committees**

**8.1 2024 Capital and Related Project Budget, 2023-160**

Moved by Councillor G. Bruno

Seconded by Councillor D. Elliott

That the Corporate Service Department, Financial Services Division, Report No. 2023- 160 Subject: 2024 Capital and Related Projects Budget, **BE RECEIVED**; and

That the 2024 Capital and Related Projects Budget as outlined in Report No. 2023-160, **BE APPROVED** and that the projects identified in the 2024 Capital and Related Projects Budget be permitted to begin immediately where feasible.

Carried

**a. Memorandum from Director of Corporate Services/Treasurer- 2024 Capital and Related Budget**

**9. Staff Reports**

Moved by Councillor F. Danch

Seconded by Councillor D. Elliott

That items 9.1 to 9.4 be approved, and the recommendations contained therein be adopted.

Carried

**9.1 Condominium Exemption Request – 118 West Street – SouthPort Condo, 2023-190**

That Development and Legislative Services Department – Planning Division Report 2023-190 be received; and

That Council approve the request for exemption from draft plan of condominium for SouthPort Condos at 118 West Street; and

That the Mayor and Clerk be authorized to sign the Certificate of Exemption attached as Appendix A; and

That the Chief Planner be delegated to sign the final condominium plans once provided by the applicant.

**9.2 Billing of the Bearss Drain West Branch West Municipal Drain Maintenance, 2023-184**

That Corporate Services Department Report 2023-184 be received; and

That the billing of the Bearss Drain West Branch West be invoiced in accordance with the *Drainage Act*; and

That the By-law to amend the Assessment Schedule and to Levy the Actual Costs incurred for the maintenance of the Bearss Drain West Branch West Municipal Drain be approved.

**9.3 Billing of the Bearss, Bearss WBE and Wm Michael Municipal Drain Maintenance, 2023-182**

That Corporate Services Department Report 2023-182 be received; and

That the billing of the Bearss, Bearss West Branch East, and the William Michael Municipal Drains be invoiced in accordance with the *Drainage Act*; and

That the By-law to amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of the Bearss, Bearss West Branch East, and the William Michael Municipal Drains be approved

**9.4 Billing of the Oil Mill Creek Municipal Drain Maintenance, 2023-183**

That Corporate Services Department Report 2023-183 be received; and

That the billing for the Oil Mill Creek Municipal Drain be invoiced in accordance with the *Drainage Act*; and

That the By-law to amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of the Oil Mill Creek Municipal Drain be approved.

**10. Correspondence Items**

Moved by Councillor F. Danch  
Seconded by Councillor D. Elliott

That item 10.1 be received for information.

Carried

**10.1 Town of Grimsby - Establishing a Guaranteed Livable Income**

**11. Presentations**

**11.1 Presentation for Grants to Non-Profit Organizations - 2023 Second Allocation**

The members of the Grant Allocation Committee presented grants to various not-for-profit organizations and recipients of the 2023 second allocation.

**12. Delegations**

**12.1 Scott Barnes, Head Coach/General Manager, Jr. B. Port Colborne Sailors - Port Colborne Team**

Mayor Steele, Scott Barnes, Head Coach/General Manager of the Jr. B. Port Colborne Sailors introduced the Port Colborne Team.

**13. Mayor's Report**

A copy of the Mayor's Report is attached.

**14. Regional Councillor's Report**

**15. Staff Remarks**

**16. Councillors' Remarks**

**16.1 Friendship Trail Maintenance (Danch)**

Councillor Danch expressed gratitude towards staff for their work on the Friendship Trail and requested for a clean-up of bird droppings.

**16.2 Thank You (Hoyle)**

Councillor Hoyle expressed appreciation towards staff for addressing various issues.

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

**17.1 Follow-up report to 2023-143 amendments to the Discharge of Firearms By-law, 2023-175**

Moved by Councillor M. Aquilina

Seconded by Councillor R. Bodner

That Community Safety and Enforcement Department - By-Law Services Report 2023-175 be received; and

That By-law 7026/63/22, Being a by-law to regulate the discharge of firearms and bows in the City of Port Colborne be amended to include the Port Colborne and District Conservation Club's Trap and Skeet Shooting Schedule as Schedule F; and

That By-law 7026/63/22, Being a By-law to regulate the discharge of firearms and bows in the City of Port Colborne be amended to allow for penalties under the Administrative Penalty System (AMPS) for non-parking offences; and

That By-law 6902/50/21, Being a By-law to establish a System for Administrative Penalties for Non-Parking Offences within The City of Port Colborne, be amended, to change Schedule 'B', as attached as Appendix C to this report, be approved.

Carried

- a. **Delegation from Stephen Ward, President, Port Colborne and District Conservation Club**
- b. **Delegation from Tom Napper, Vice President, Port Colborne and District Conservation Club**
- c. **Delegation from Janice Sammut, resident**
- d. **Delegation from Vanessa Sammut, Member, Port Colborne District Conservation Club**
- e. **Delegation from Andy Veenstra, resident**
- f. **Virtual delegation from Lorie Tokola, resident**
- g. **Written Delegation Material from Members of Public**

**17.2 Recommendation Report for Proposed Official Plan and Zoning By-law Amendment – 135 Coronation Drive, 2023-154**

Councillor R. Bodner declared a conflict on this item. (The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.)

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

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.

Lost

**a. Delegation from Aaron Butler, Planner, NPG Planning Solutions**

Aaron Butler, Planner of NPG Planning Solutions appeared before Council and responded to questions.

**b. Delegation from Susan Pidgen, resident**

**c. Delegation from Kelly Rohe, resident**

**d. Written Delegation Materials from Melinda Day, resident**

**e. Written Delegation Material from Marc and Michelle Tremblay, residents**

**f. Written Delegation Material from Hammie Schilstra, resident**

**g. Written Delegation Material and Petition from Various Residents Regarding Coronation Drive**

**h. Written Delegation Material from Matthew Whynot, resident**

**i. Delegation from Peter DiPetro, resident**

**j. Delegation from Marc Tremblay, resident**

**17.3 Recommendation Report for a Draft Plan of Subdivision and Zoning By-law Amendment for Northland Estates, 2023-194**

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

That Development and Legislative Services Department – Planning Division Report 2023-194 be received; and

That Council approve the Zoning By-law Amendment attached as Appendix A of Planning Division Report 2023-194, rezoning the lands from Residential Development (RD), Third Density Residential (R3) and Environmental Conservation (EC) zones to R3-73 (Third Density Residential – Special), MU-74 (Mixed-Use – Special), EC (Environmental Conservation), and P (Public and Park) zones; and

That Council approve the Draft Plan of Subdivision and associated conditions attached as Appendix B of Planning Division Report 2023-194, approving the Northland Estates Draft Plan of Subdivision, associated draft plan conditions and to set a lapsing date of September 26, 2026.

Carried

**a. Written Delegation Material from Ron Rienas, resident**

**17.4 City of Port Colborne Growth Analysis Review, 2023-158**

Kelly Martel and Antony Lorius, Consultants from Dillion Consulting provided a presentation and responded to questions received from Council.

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

That Development and Legislative Services Department – Planning Division Report 2023-158 be received for information.

Carried

**a. Delegation from Kelly Martel and Antony Lorius, Consultants, Dillion Consulting**

**18. Motions**

**19. Notice of Motions**



**20. Minutes of Boards & Committees**

Moved by Councillor F. Danch

Seconded by Councillor T. Hoyle

That items 20.1 and 20.2 be approved, as presented.

Carried

**20.1 Port Colborne Public Library Board Meeting Minutes - August 2, 2023**

**20.2 Environmental Advisory Committee Meeting Minutes - July 12, 2023**

**21. By-laws**

Moved by Councillor D. Elliott

Seconded by Councillor F. Danch

That items 21.1 to 21.3 and 21.6 to 21.10 be enacted, as passed.

Carried

**21.1 By-Law to Amend By-Law No 7026/63/22, Being a By-Law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne**

**21.2 By-Law to Amend By-Law No. 7026/63/22, Being a By-Law to Regulate the Discharge of Firearms and Bows**

**21.3 By-Law to Amend By-Law No. 6902/50/21, Being a By-Law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne**

**21.6 By-Law to Amend Zoning By-Law 6575/30/18 respecting Lands Legally Described as Lot 31, Concession 2, Geographic Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara**

**21.7 By-Law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works known as the Bearss Drain West Branch West Municipal Drain**

**21.8 By-Law to Amend the Assessment Schedule and to Levy the Actual Costs Incurred for the Maintenance of Drainage Works known as the Bearss, Bearss WBE and WM. Michael Municipal Drains**

**21.9 By-Law to Amend the Assessment Schedule and to Levy the Costs Incurred for Maintenance of Oil Mill Creek Municipal Drain**

**21.10 By-Law to Adopt, Ratify, and Confirm the Proceedings of the Council of the Corporation of the City of Port Colborne at its Regular Meeting of September 26, 2023**

**21.4 Being a By-Law to Adopt Amendment no. 12 to the Official Plan for the City of Port Colborne**

Councillor R. Bodner declared a conflict on this item. (The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.)

This item has been defeated as a result of the vote on the corresponding report.

**21.5 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**

Councillor R. Bodner declared a conflict on this item. (The Councillor has an indirect pecuniary interest as the applicant supplies grocery and related products for the Councillor's business.)

This item has been defeated as a result of the vote on the corresponding report.

## **22. Confidential Items**

Moved by Councillor R. Bodner

Seconded by Councillor T. Hoyle

That Council proceed into closed session in order to address items 22.1 to 22.3.

Carried

**22.1 Minutes of the Closed Session portion of the July 18, 2023 Council Meeting**

**22.2 Public Works Department Report 2023-195, litigation or potential litigation and advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

**22.3 Confidential Memorandum Human Resources - Personal matters about an identifiable individual, including municipal or local board employees.**

**23. Procedural Motions**

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

That the rules of procedure set out in Section 20.1 of the Procedural By-law be waived to allow the meeting to extend past 11 p.m.

Carried

**24. Information items**

**25. Adjournment**

Council moved into Closed Session at approximately 11:30 p.m.

Council reconvened into Open Session at approximately 11:50 p.m.

Mayor Steele adjourned the meeting at approximately 11:51 p.m.

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William C. Steele, Mayor

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Saima Tufail, Acting City Clerk

## **MAYOR'S REPORT**

**TUESDAY, SEPT. 26, 2023**



### **PORT COLBORNE HIGH SCHOOL 100TH ANNIVERSARY HOMECOMING**

Kudos to the organizing committee, led by Alicia Arnold, Melissa Bigford and Port High Principal Paul Taylor. You and your team did a fantastic job organizing the 100th anniversary homecoming reunion on Saturday, Sept. 23.

What a homecoming it was – Port High Blue bears attended from as far as Houston, Texas, Los Angeles, California, and hundreds from here in Port and across the Region.

Everyone really enjoyed it – wandering the halls and classes after 10, 20 or even 50 years or more!, flipping through old year books, reminiscing the mischief and mayhem of our teenage years --- Alicia and her alumni parents the Arnolds, and all the team, did an awesome job pulling all the decades of students and teachers together.

The Belmont was busy Friday night with alumni, and the after-parties continued Sunday with so many reunions of friends and family.

Not many schools make it to 100 years, folks. We are so fortunate to be able to celebrate a century of our school, with its amazing new track and field facility.

Reminder to everyone that the Centennial Art Show is on at Roselawn until Oct. 23. The “Old School” exhibit is on at the museum until December.

### **TOUCH A TRUCK OPEN HOUSE**

Kudos to our staff at the Operations Centre and Fire Station One for joining forces to present an Open House and Touch a Truck. What an amazing event we'll always remember on the 21st of September!

It was clear many parents and grandparents enjoyed it as much as the children did. It was pure joy on faces, as children of all ages climbed up in behind the

wheel of a grader, or a snow plow, or a fire truck. The chance for a child to pull on bunker gear and a fireman's helmet and aim the fire hose – is there anything more exciting?

Council and I are so proud of all the staff involved in coordinating this event. You did a super job. You impressed everyone who attended. Thank you all, and thanks to all of you who attended! See you again at next year's event.

## **FINAL COMMUNITY CONCERT: MESSAGE IN A BOTTLE**

Thanks to all who attended the Billy Joel Community Concert Friday evening in King George Park downtown at Market Square. Another great crowd for the sixth of our community concerts this summer. Elton Lammie, who played Billy Joel, is an amazing talent. We are so glad you all enjoyed him, and all the concerts we've presented this year.

You'll enjoy the final concert of the season this Friday in HH Knoll Lakeview Park -- it's called Message in a Bottle – a tribute to the Police and Sting. Bring your lawn chairs and settle in – the concert runs from 7 to 9pm.

## **TRUTH AND RECONCILIATION**

September 30 marks the National Day for Truth and Reconciliation, and Orange Shirt Day. The day honours the children who never returned home, and the survivors of residential schools, as well as their families and communities. September 30 reminds us that Every Child Matters.

Public commemoration of the tragic and painful history and ongoing impacts of residential schools is a vital component of the reconciliation process.

We have offered council and staff several ways to reflect on the 94 calls to action established by the Truth and Reconciliation Commission of Canada. We have made available several educational resources.

Everyone is invited to the library for Lunch and Learn programs presented by the National Centre for Truth and Reconciliation. The library will broadcast the free programs every day this week from 1:30 to 2:30.

On Saturday, Sept. 30 at 2 pm, the library presents a special screening of the short film “Orange Shirt Day” in the L.R. Wilson Archives. Everyone is invited to see the 50-minute film about the life of Phyllis Webstad, founder of Orange Shirt Day. It’s free for everyone.

## **SLOW DOWN**

To conclude my report this evening, a final reminder to all drivers: **please slow down**. Residents call my office daily to report incidents of speeding. We see accidents and fatalities on the news every day. Please everyone, if the sign says 50, drive 50. Slow down to 40 in school zones. We don’t need more signs; nobody wants more signs. It’s up to all of us to be responsible, and safe.

That concludes my report this evening. It’s been a busy week!

## **City of Port Colborne**

### **Public Meeting Minutes**

**Date:** Tuesday, September 26, 2023  
**Time:** 6:30 pm  
**Location:** Council Chambers, 3rd Floor, City Hall  
66 Charlotte Street, Port Colborne

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

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

**Staff Present:** S. Luey, Chief Administrative Officer  
S. Tufail, Acting City Clerk  
D. Landry, Chief Planner  
G. Long, Manager of Strategic Initiatives  
B. Boles, Director of Corporate Services/Treasurer  
M. Murray, Chief Human Resources Officer  
D. Schulz, Senior Planner

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

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

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

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

That the agenda dated September 26, 2023, be confirmed, as circulated.

**3. Disclosures of Interest**

**4. Statutory Public Meetings**

**4.1 Draft Comprehensive Community Improvement Plan, 2023-191**

Moved By Councillor F. Danch

Seconded By Councillor D. Elliott

That Development and Legislative Services Department 2023-191 be received.

**Amendment:**

Moved By Councillor G. Bruno

Seconded By Councillor D. Elliott

That the outer boundary of all Community Improvement Plan zones extend to include both sides of the street when an opportunity to further achieve the guiding principles of the proposed Community Improvement Plan can be identified.

Carried

**a. Delegation from Luciano Piccioni, Consultant/President, RCI Consulting**

Luciano Piccioni, the President of RCI Consulting (“the consultant”), provided a presentation outlining the draft Community Improvement Plan (“CIP”), which currently proposes to combine the six existing CIPs into one, with varying incentive programs, and make minor adjustments to the Community Improvement Project Area (“CIPA”).

Councillor Bruno asked whether the CIPA could be expanded to allow anyone in the Urban Area to benefit from the Tax Increment Grant (“TIG”).

The consultant advised that CIPAs are meant to focus on smaller areas which could benefit from extra financial support, adding that this more focused approach is consistent with CIPs offered by other municipalities.

Councillor Bagu asked if there is a limit on how many CIP applications can get approved.



The consultant stated that, with respect to TIG applications, there is no limit to how many can be approved by Council because the City would not be directly paying for these projects; rather, funding would only be provided to a successful TIG applicant after the work is complete.

Councillor Bagu asked whether any future amendments to a CIPA would incur a cost to the City.

The Senior Planner responded that there would not be any cost to the City as a result of such an amendment.

**b. Delegation from Leslie Malloy, resident**

Noted that she owns a business on Killaly Street and asked whether her business would be included in one of the CIPAs.

The Senior Planner responded that one of the CIPAs includes one side of Killaly Street, but not the other side of the street.

The consultant added that if Council wanted to amend the boundary of any of the proposed CIPAs, they would need to recommend the amendment during this meeting.

**5. Procedural Motions**

**6. Information Items**

**7. Adjournment**

Mayor Steele adjourned the meeting at approximately 7:20 p.m.

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William C. Steele, Mayor

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Saima Tufail, Acting City Clerk



**Subject: Fleet Services Update**

**To: Council**

**From: Public Works Department**

Report Number: 2023-185

Meeting Date: October 10, 2023

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**Recommendation:**

That Public Works Department Report 2023-185 be received; and

That Council approve the transfer of \$49,195 from the General Tangible Capital Asset reserve to the Capital Fund to offset cost escalations on a single and tandem axle dump truck.

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**Purpose:**

The purpose of this report is to obtain Council's approval to fund inflationary cost escalations on a single and tandem axle dump truck.

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**Background:**

The City's Fleet Services division has implemented a proactive approach to managing its fleet of vehicles and equipment, ensuring they remain safe, reliable, cost-effective, and compliant with regulations.

As part of the City's ongoing fleet replacement program, Fleet Services received budget approval to replace several vehicles and equipment for the total estimated cost of \$1,844,500.

To date, City staff have purchased a backhoe, waste haul truck, a total of four pickup trucks, and a street sweeper for the total cost of \$1,204,000. The remaining vehicles that were slated for replacement include facilities cargo van, trailer for the roads department, a mid-size car formerly used by fire department that is currently used by crossing guards, and both a single and tandem axle dump truck.

After reviewing the remaining equipment originally scheduled to be replaced, staff recommend cancelling the purchase of the facilities cargo van and mid-size car due to staffing changes and review of divisional needs. The estimated cost to replace the two vehicles was \$105,000. This savings will help offset the additional funding required for the two dump trucks.

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## **Discussion:**

In June 2023, City went through a purchasing process that requested quotations for the purchase of two dump trucks. The request for quotations closed on July 19, 2023. The City received the following bids:

### **Single Axle dump truck:**

Low bid in the amount of \$408,570 plus applicable taxes.

Estimated approved budget: \$325,000.

Additional funding required for purchase: \$83,570.

### **Tandem Axle dump truck:**

Low bid in the amount of \$455,625 plus an additional \$4388 for online shop manual subscriptions plus an additional \$13,066 if ordered with 304 stainless steel body option.

Estimated approved budget: \$385,000.

Additional funding required for purchase: \$70,625.

Over the past several years, purchasing large dump trucks has been challenging within the industry due to a combination of pandemic related supply chain issues and material shortages, resulting in higher costs and delays in delivery due to backlogs.

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## **Internal Consultations:**

The Fleet Division has collaborated closely with both Operations and Procurement staff to ensure that vehicle specifications meet the needs of the City.

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## **Financial Implications:**

Funding of \$49,195 (Single Axle \$83,570 + Tandem Axle \$70,625 – Savings \$105,000) is recommended to come from the General Tangible Capital Asset reserve. As noted during the 2024 Capital and Related Project budget process, the General Tangible Capital Asset reserve has approximately \$1,600,000 at this time. The 2023 Trimester 2

and Year End forecast currently forecasts a surplus of approximately \$120,000. In the event that a 2024 operating budget surplus is recognized, Staff will be recommending to Council that the funds be directed to the General Tangible Capital Asset Reserve.

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### **Strategic Plan Alignment:**

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

- Environment and Climate Change
  - Welcoming, Livable, Healthy Community
  - Economic Prosperity
  - Increased Housing Options
  - Sustainable and Resilient Infrastructure
- 

### **Conclusion:**

Upon review of the City's fleet replacement program, City staff recommend proceeding with the purchase of the two dump trucks for the total cost of \$868,583 and that the additional funding required in the amount of \$154,195 be funded by General Capital Asset Reserve.

---

Respectfully submitted,

Joe Colasurdo  
Manager of Infrastructure  
905 835-2900 Ext. 244  
Joe.Colasurdo@portcolborne.ca

### **Report Approval:**

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

**Subject: Pleasant Beach Retaining Wall Remediation**

**To: Council**

**From: Public Works Department**

Report Number: 2023-197

Meeting Date: October 10, 2023

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**Recommendation:**

That Public Works Department Report 2023-197 be received; and

That Council direct staff to replace the retaining wall located at the Pleasant Beach Road end for the total estimated cost of \$1,000,000.00; and

That the project be funded from the General Tangible Capital Asset reserve.

---

**Purpose:**

The purpose of this report is to replace the failed sheet piling retaining wall located within the Pleasant Beach Road allowance at the lake end.

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**Background:**

Located at the southern limit of Pleasant Beach Road, along the east property line of the road allowance, the City has a sheet pile retaining wall in its asset inventory. This retaining wall supports both the City's road allowance and neighbouring private property. The retaining wall is approximately 3 to 4 meters higher than the elevation of the City's property at various locations along the wall. This elevation change allows access over the right of way to the waterfront through a gradual slope.

The retaining wall has partially collapsed compromising the wall as a whole and now requires replacement.

---

## Discussion:

Staff requested a third-party engineering consultant to investigate the retaining wall and provide a preliminary cost estimate to replace the structure; the estimated cost is \$1,000,000.



Three options are being reviewed and are listed below in preferred order:

### 1. Sheet Pile Wall

The first option is to replace the failed infrastructure like for like with new sheet piling and support structure providing an estimated lifespan of 100 years. However, this design requires an agreement with the neighbouring property to install “tie-backs”. Tie-backs are placed underground and fastened to the backside of the retaining wall to act as additional stability. This design also requires the bedrock elevation to be sufficiently deep enough to permit the driving of the sheet piles into the earth.



## 2. Armour Stone Embankment

The second option is to remove the failed retaining wall and replace it with a terraced armour stone embankment. This design requires no agreement with the neighbouring property and has an estimated lifespan of 75 years. The drawback of this design is primarily the risk to the armour stone shifting during the most severe seiche events, resulting in a maintenance cost to upkeep. This option will also reduce the available width of the right of way.

## 3. Reinstall Sand Dune

The third option includes removal of the wall and reinstatement of the sand dune. The Sherkston Shores property, West of the Pleasant Beach right of way, shows significant deterioration to the sand dune due the extreme weather events where the water level rises and pulls the sand back into the lake. If the City were to reinstall the sand dune, it would ultimately see a similar fate and compromise the residential retaining walls to the East.

Staff are recommending that the wall be replaced like for like (Option 1). Should the on-site investigations determine that there is not enough bearing earth or tie-backs are not able to be set onto private property, staff will proceed with the Armour Stone Embankment (Option 2).

Realizing the short time remaining until the City typically sees major storm events, Staff are anticipating the need to follow a non-standard procurement process in order to replace the wall as soon as practicably possible.

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### **Financial Implications:**

The estimated cost to replace the Pleasant Beach Road retaining wall is \$1,000,000. It is recommended that the funding come from the City's General Tangible Capital Asset Reserve. As noted during the 2024 Capital and Related Project budget process that reserve is approximately \$1,600,000 at this time. The 2023 Trimester 2 and Year End forecast currently forecasts a surplus of approximately \$120,000. In the event that a 2024 operating budget surplus is recognized, Staff will be recommending to Council that it be directed to the General Tangible Capital Asset Reserve.

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### **Strategic Plan Alignment:**

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

- Environment and Climate Change
- Sustainable and Resilient Infrastructure

### **Conclusion:**

Staff recommend that Council replace the Pleasant Beach Road retaining wall like for like (Option 1) to ensure continuity of the adjacent retaining wall and protect the road allowance and adjacent property from erosion.

---

### **Appendices:**

- a. Appendix A: Shoreline Protection Assessment

Respectfully submitted,

Mat Pilon  
Project Manager  
905 835-2900 ext. 233  
Mathew.Pilon@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.





## **Shoreline Protection Assessment**

Pleasant Beach Shoreline Access – Port Colborne

September 20, 2023

Attention: Mathew Pilon

Rankin Coastal Engineering has conducted an assessment of the retaining wall at the Pleasant Beach shoreline access. Our objective was to evaluate the condition of the existing sheet pile wall and provide options for replacement.

### **Condition Survey:**

Our on-site inspection revealed that the shoreline protection wall has failed. There evidence water rushing up the access and getting behind the sheet pile wall, resulting in wash out of the backfill. The sheet pile wall has then globally failed starting at the north end. This has resulted in the full length of wall being compromised from the north end to the lake. See photos below.





### **Conclusion/Recommendations:**

The shoreline protection at Pleasant Beach access needs to be replaced immediately to avoid more erosion of the slope. There are two options that should be looked at to replace this wall. A new sheet pile wall and a stacked armour stone wall.





The sheet pile wall has a design lifespan of 100 years. It has a deeper embedment to better protect from scour. It is a vertical wall that will not take up any width of the existing access. A sheet pile wall will easily connect into the existing steel sheets at the lake.

The armour stone wall has a design lifespan of 75 years. It is a stepped wall so some width of the existing access may need to be taken. It will be harder to connect into the existing sheets at the lake.

Rankin construction has prepared high level cost estimates for both options with preliminary drawings:

Approximately 66m of armour stone wall per attached sketch +/- \$475,000.00 +HST

Approximately 66m of sheet pile wall with tie backs per attached sketch +/- \$600,000.00 +HST

Both of these options are based on final engineered design. Note the sheet pile design requires a certain depth before bed rock is encountered. A test dig will need to be completed to confirm the depth of bedrock for a new sheet pile wall.

Engineering services for final design: Survey, Engineered Drawing, Final Quotes, Assistance with Permits and Applications: \$40,000.00 +HST

Sincerely,

**Rankin Coastal Engineering**



**Thomas Robertson, P.Eng.**

**Subject: Lifting of Part Lot Control on 39-46 Saturn Road – File No. D25-02-23**

**To: Council**

**From: Development and Legislative Services Department**

Report Number: 2023-193

Meeting Date: October 10, 2023

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### **Recommendation:**

That Development and Legislative Services Report 2023-193 be received; and

That the By-law attached as Appendix A to Planning Division Report 2023-193 be approved, exempting 39-46 Saturn Road on Plan 59R-17727 from the Part Lot Control provisions of the *Planning Act*.

---

### **Purpose:**

The purpose of this report is to provide Council with information and a recommendation regarding an application submitted by the agent Mitchell Baker on behalf of the owners Scott and Laura Killins for a Part Lot Control exemption for the lands known as Blocks 71-74 on Plan 59M-150, more specifically described as Parts 1-25 on Plan 59R-17727, municipally known as 39-46 Saturn Drive.

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### **Background:**

The original Barrick Heights Plan of Subdivision was registered in 1988. Construction of this subdivision has been completed while the expansion of the Meadow Heights subdivision to the north is ongoing.

Section 50 (5) of the *Planning Act* (“the Act”) provides restrictions on how land can be conveyed and transferred to new owners. In simple terms, only whole lots or blocks in a registered plan of subdivision can be legally transferred to new owners. Section 50 (7) of the Act further provides an option to local municipalities to pass a by-law to exempt lands from s. 50 (5) when located in a registered plan of subdivision. This provision of the Act is typically used to convey individual units in a townhouse block and allow them

to be dealt with independently. This allows the townhouse block to be built cohesively and ensures that reference plans can accurately reflect property lines between common walls.

---

## **Discussion:**

### **Provincial and Regional Policies:**

This application has been reviewed with consideration of applicable policies in the Provincial Policy Statement (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), the Niagara Official Plan (2022), the City of Port Colborne Official Plan and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

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. 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 that should efficiently use land and resources.

The Growth Plan also directs development to settlement areas. The subject parcel is located within a settlement area. Development in these areas is to be planned, designated, zoned, and designed in a manner that: supports the achievement of complete communities, supports active transportation, and encourages integration and sustained viability of transit services.

The Niagara Official Plan (NOP) designates the subject lands as within the “Urban Area Boundary”. Policies within the NOP generally encourage development within the Urban Area provided the development builds a compact, mixed-use, transit-supportive, active transportation-friendly community.

### **City Official Plan and Zoning By-law:**

The City of Port Colborne Official Plan designates these lands as Urban Residential. These lands permit a full range of residential uses including townhouse dwellings such as these ones. Staff is of the opinion that this proposal is consistent with the policies of the Official Plan.

The City of Port Colborne Zoning By-law 6575/30/18 zones the lands as First Density Residential and Second Density Residential. This zoning does not permit townhouse dwellings; however, staff have recognized that the zoning schedule for this property is inaccurate and will be revised in the next housekeeping amendment to reflect the accurate zoning of Third Density Residential, which permits townhouse dwellings. Through a submitted Planning Justification Brief (attached as Appendix B), the applicant

has confirmed that the existing dwellings are able to meet the requirements of the Zoning By-law.

### **Planning Justification Brief**

As a part of a complete application, Planning Staff required the submission of a Planning Justification Brief explaining the need for the requested application and justifying it against the Provincial, Regional, and local policy documents. The brief has been attached as Appendix B. Staff has reviewed the brief submitted by LandPro Planning Solutions, which assessed the proposal against the relevant policy documents. Planning Staff have no concerns with the justifications that have been provided in the brief and agree with the author that the application represents good planning. This is evident as the proposal aligns with the Planning Act, PPS, and Growth Plan and conforms to the Regional Official Plan, Local Official Plan, and Zoning By-law.

Planning Staff initially had concerns that the services to each unit would not be wholly contained on each lot prior to the adoption of the by-law. However, the applicant has submitted an Auxiliary Locate Sheet with a map indicating that the existing services service each dwelling independently and will be wholly contained within each parcel once Part Lot Control is lifted. As such, Staff no longer has any concerns regarding services. The Auxiliary Locate Sheet has been included as Appendix D.

### **Land Division:**

The Part Lot Control exemption is being requested to facilitate the creation of eight independent units (lots) in the existing townhouse blocks. Staff recommend that the by-law contain a two-year expiration date following approval from Council. This will allow the owner sufficient time to create the lots required to be able to sell the units individually.

Based on the above, staff are confident that the proposed Part Lot Control exemption meets the applicable policies set out in the Provincial, Regional and City plans. Staff recommend that Council approve the By-law attached as Appendix A for a period of two years, which will provide the current owner sufficient time to transfer the lands accordingly.

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### **Internal Consultations:**

Applicable departments such as Public Works, Fire, Building, and Planning have been involved in this permit application and have had no concerns.

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**Financial Implications:**

There are no financial implications with this specific application. Fees such as parkland dedication and development charges were collected at the time of the Building Permit application.

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**Public Engagement:**

Public engagement is not required as per the *Planning Act* for this type of application.

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**Strategic Plan Alignment:**

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

- Increased Housing Options
  - Sustainable and Resilient Infrastructure
- 

**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, Regional Official Plan, and City Official Plan, and represents good planning. Staff recommends that the Part Lot Control exemption by-law attached as Appendix A be approved.

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**Appendices:**

- a. Part Lot Control By-law
- b. Planning Justification Brief
- c. Reference Plan 59R-17727
- d. Auxiliary Locate Sheet

Prepared by,

Chris Roome, BURPI  
Planner  
(905) 835-2900 ext. 205  
chris.roome@portcolborne.ca

Respectfully submitted,

Denise Landry, MCIP, RPP  
Chief Planner  
(905) 835-2900 ext. 203  
denise.landry@portcolborne.ca

**Report Approval:**

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



The Corporation of the City of Port Colborne

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

Being a by-law to exempt the lands known as Blocks 71-74 on Plan 59M-150, more specifically described as Parts 1-25 on Plan 59R-17727, municipally known as 39-46 Saturn Drive from the Part Lot Control provisions of the *Planning Act*.

Whereas, subsection 50(5) of the *Planning Act* provides restrictions on how land can be conveyed and transferred to new owners.

Whereas, subsection 50(7) of the *Planning Act* allows municipalities to pass a by-law exempting specific lands within a registered plan of subdivision to be exempt from subsection 50(5).

Whereas, the Council of The Corporation of the City of Port Colborne desires to pass an exemption by-law.

Now therefore, and pursuant to the provisions and authority of subsection 50(7) of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. That subsection 50(5) of the *Planning Act*, R.S.O. 1990, shall not apply to the lands described as follows:
  - a) Part of Blocks 28-31, Part of Block 71-74, Plan 59M-150, City of Port Colborne all of PINs 64138-0660 (LT), 64138-0384 (LT), 64138-0661 (LT), 64138-0385 (LT), 64138-0662 (LT), 64138-0386 (LT), 64138-0663 (LT), 64138-0387(LT).

For the purpose of creating eight (8) lots for street townhouse dwelling units as follows:

- i. Parts 1, 2 & 3 on Reference Plan 59R-17727
  - ii. Parts 4, 5 & 6 on Reference Plan 59R-17727
  - iii. Parts 7, 8, 9, 10, 11 & 12 on Reference Plan 59R-17727
  - iv. Parts 13, 14 & 15 on Reference Plan 59R-17727
  - v. Parts 16 & 17 on Reference Plan 59R-17727
  - vi. Parts 18 & 19 on Reference Plan 59R-17727
  - vii. Parts 20, 21, 22 & 23 on Reference Plan 59R-17727
  - viii. Parts 24 & 25 on Reference Plan 59R-17727
2. This By-law expires two years from the date of its enactment by Council in accordance with subsection 50(7.3) of the *Planning Act*.
3. 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*.
4. The City Solicitor is hereby authorized and directed to proceed with the registration of this by-law with the local Land Registry Office, as applicable.

Enacted and passed this      day of      , 2023.

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

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



LandPro Planning Solutions Inc.  
110 James St., Suite 204  
St. Catharines, ON L2R 7E8

28 Colborne St. N.  
Simcoe, ON, N3Y 3T9

Report 2023- 193  
Appendix B

June 21, 2023

Mr. David Schulz  
Senior Planner  
66 Charlotte Street, Port Colborne  
Niagara, ON L3K 3C8

Email: [David.Schulz@portcolborne.ca](mailto:David.Schulz@portcolborne.ca)

Re: **Planning Justification Brief**  
Part-Lot Control Applications  
39 – 44 Saturn Road, Port Colborne

## 1 INTRODUCTION

LandPro Planning Solutions Inc. ("Agent") was retained by the property owner, Mr. Scott Killins ("the Owner"), to assist with severing four (4) residential lots into a total of eight (8) residential lots. Currently, there are two (2) lots with four (4) existing townhomes on the west side of Saturn Road and the same is mirrored on the east side.

### 1.1 PURPOSE

The accompanying applications propose to separate each townhome to sit on their own lots for ease of ownership.

This letter aims to provide justification for the creation of the new lots and provide an overview of the planning merits of these applications.

## 2 SITE CONTEXT

The subject properties are located on the west and east side of Saturn Road, west of Elm Street, and north of Barrick Road. See **Figure 1** below.



Figure 1: Location of 39-44 Saturn Road



Table 1: Existing Property Dimensions

Existing Municipal Address	Unit Number	Part No.(s)	Existing Area	Existing Frontage	Existing Depth
44 Saturn Rd	46	16, 17	611.38m <sup>2</sup>	14.93m	36.38m
	44	18, 19			
43 Saturn Rd	45	13, 14, 15	640.13m <sup>2</sup>	14.93m	46.68m
	43	7, 8, 9, 10, 11, 12			
40 Saturn Rd	42	20, 21, 22, 23	566.04m <sup>2</sup>	15.24m	37.47m
	40	24, 25			
39 Saturn Rd	41	4, 5, 6	695.85m <sup>2</sup>	15.24m	46.66m
	39	1, 2, 3			

### 3 PROPOSED DEVELOPMENT

The proposed application at 39 to 44 Saturn Road, Port Colborne proposes to create four (4) new lots by severing the existing lots reflecting the size and width of the existing townhomes. The purpose of these applications are to separate each existing townhomes to each their own lot. The pre-consultation notes identify that this is best facilitated through part-lot control rather than several consent applications.

Pursuant to the provisions and authority of *Subsection 50(7)* of the *Planning Act*, these applications propose the subject properties to be exempt from part-lot control for the purposes of creating four (4) new lots for street townhouse dwellings as shown in Plan 59R-17727. Please see **Table 1** for the property descriptions.

When preparing the survey sketches for the properties the Ontario Land Surveyor (Chamber & Associates Surveying Ltd.) noted that the centrelines of the existing lots are off slightly and does not conform with the existing buildings. This is also intended to be corrected as part of these applications through *Part 8 & Part 21*. Please see **Figure 2** and refer to **Table 1** for property dimensions.

The properties on the west side of Saturn Road (40 & 44 Saturn Road) appear to be zoned as *R2 Second Density Residential* while the properties on the east side of Saturn Road (39 & 43 Saturn Road) appear to be zoned as *R1 First Density Residential*. The current zoning on the property was identified to be an internal error by the City of Port Colborne and is to be corrected through a housekeeping amendment to the correct medium density residential (R3) zone.

Further, it was confirmed that each unit has their own servicing lateral from the main to each unit. Therefore, no easements would be required as part of these applications. Please refer to **Appendix 1**.

Figure 2: Proposed Lots

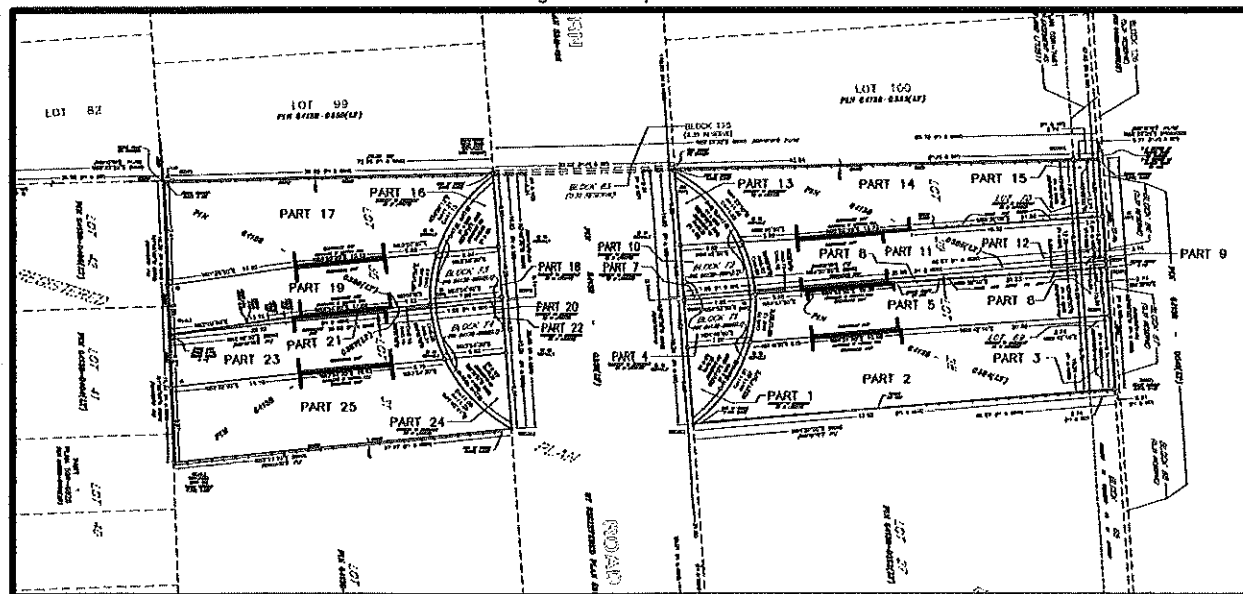


Table 1: Proposed Property Dimensions

Existing Municipal Address	Unit Number	Part No.(s)	Proposed Area	Proposed Frontage	Proposed Depth
44 Saturn Rd	46	16, 17	381.29m <sup>2</sup>	8.50m	36.38m
	44	18, 19	217.98m <sup>2</sup>	6.43m	36.38m
43 Saturn Rd	45	13, 14, 15	381.89m <sup>2</sup>	8.88m	46.68m
	43	7, 8, 9, 10, 11, 12	284.98m <sup>2</sup>	6.19m	46.67m
40 Saturn Rd	42	20, 21, 22, 23	245.36m <sup>2</sup>	6.23m	36.98m
	40	24, 25	335.85m <sup>2</sup>	9.01m	37.47m
39 Saturn Rd	41	4, 5, 6	267.79m <sup>2</sup>	6.02m	46.66m
	39	1, 2, 3	416.23m <sup>2</sup>	9.08m	46.66m

## 4 LAND USE PLANNING FRAMEWORK

In preparing these applications, several policy and regulatory documents were reviewed that need to be addressed to demonstrate good planning. They include the following:

1. Planning Act R.S.O. 1990, c.P13
2. Provincial Policy Statement (2020);
3. Provincial Planning Statement, DRAFT 2023
4. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)
5. Niagara Region Official Plan (2022)
6. City of Port Colborne Official Plan (cons. 2021);
7. City of Port Colborne Comprehensive Zoning By-law 6575/30/18 (2018)

The proposed development was assessed against these regulations and associated policies. A detailed review is below.

### 4.1 PLANNING ACT, R.S.O 1990 c.P.13

The *Planning Act* is the provincial legislation and provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs.

The purposes of the *Act* as outlined in **Section 1.1** are:

**Part-Lot Control Applications**

39 – 44 Saturn Road, Port Colborne

- a) to promote sustainable economic development in a healthy natural environment;
- b) to provide for a land use planning system led by provincial policy;
- c) to integrate matters of provincial interest in provincial and municipal decisions;
- d) to provide for planning processes that are fair;
- e) to encourage co-operation and coordination among various interests; and
- f) to recognize the decision-making authority and accountability of municipal councils in planning.

The matters of Provincial Interest are outlined in **Section 2** of the *Act*. These applications *shall have regard* to the following matters: c), e), f), g), h), j), l), m), n), o), p), and q). The proposed development also has regard for the criteria outlined in **Section 51(24)** of the *Planning Act*.

**Subsection 50(5)** the *Planning Act* provides restrictions on how land can be conveyed and transferred to new owners. Whereas, **Subsection 50(7)** of the *Planning Act* allows municipalities to pass a by-law exempting specific lands within a registered plan of subdivision to be exempt from Subsection 50(5).

Pursuant to the provisions and authority of Subsection 50(7), these applications propose the subject properties to be exempt from existing Plan 59M-150 for the purposes of creating four (4) new lots for street townhouse dwellings as shown in the newly registered **Plan 59R-17717**.

These applications have regard for the relevant sections of the *Planning Act*.

## 4.2 PROVINCIAL POLICY STATEMENT, 2020

The *Provincial Policy Statement* ("PPS") provides policy direction on matters of provincial interest for all land use development throughout Ontario. It provides direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

**Section 1.1.1** outlines sustained healthy, livable, and safe communities through efficient development and land use patterns.

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses for long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;



**Part-Lot Control Applications**

39 – 44 Saturn Road, Port Colborne

- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- h) promoting development and land use patterns that conserve biodiversity; and
- i) preparing for the regional and local impacts of a changing climate.

**Section 1.1.3** supports the development through focusing growth and development to settlement areas **(1.1.3.1)**. 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; (c) minimize negative impacts to air quality and climate change, and promote energy efficiency; (d) prepare for the impacts of a changing climate;

Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. **(1.1.3.5)** with new development occurring adjacent to the existing built-up area and allows efficient use of land **(1.1.3.6)**.

These applications involve four (4) residential properties located in an existing neighbourhood in Port Colborne. These applications intend to exempt each subject property from part-lot control to create four (4) new lots with one (1) townhome unit on each. This proposal will facilitate the ability for separate ownership of each townhome. These applications ensure the efficient use of land and utilizes existing municipal infrastructure. There is no new construction proposed as part of these applications.

These applications are consistent with the *Provincial Policy Statement*.

**PROVINCIAL PLANNING STATEMENT, DRAFT 2023**

The *Provincial Planning Statement (DRAFT 2023)* is a draft provincial policy planning document that will replace the current PPS, 2020 and A Place to Grow: Growth Plan, 2020 once approved. The Provincial Planning Statement is **not in force and effect** however, the draft policies are available for review and have been considered below on the assumption they will be approved generally as proposed.

The separation of these lots contributes towards an appropriate range and mix of housing options to meet projected needs of current and future residents **(2.2.1)** through permitting and facilitating all types of residential development which results in a net increase in residential units **(2.2.1.b.2)**. Settlement areas shall be the focus of growth and development **(2.3.1)**.

Land use patterns within settlement areas should be based on densities and a mix of land uses which **(a)** efficiently use land and resources; **(b)** optimize existing and planned infrastructure and public service facilities **(2.3.2)**.

The proposed development is consistent with the DRAFT PPS, as proposed.



#### 4.3 A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE, 2020

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The *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* ("Growth Plan") is the Ontario government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities achieve a high quality of life.

The subject properties are in Port Colborne, which is subject to the policies of the Growth Plan. The subject properties are within an urban area as per the Growth Plan. The following are key principles and policies of the Growth Plan that apply to this matter.

The Growth Plan designates the subject property as being within the *Built-Up Area*. Most of the growth will be directed to settlement areas (2.2.1.2.a) with growth to be focused in delineated built-up areas (2.2.1.2.c.i). The Growth Plan intends to encourage intensification generally throughout the delineated built-up area (2.2.2.3.c) and shall be implemented through official plan policies and designations, updated zoning and other supporting documents (2.2.2.3.f). These applications aim to support housing choice through the creation of new lots within the existing neighbourhood (2.2.6.1.a).

These applications align with the policies outlined in the Growth Plan as the property is in a built-up area and promotes intensification of the existing neighbourhood. The properties contain two (2) existing townhomes units each and are intended to separate each townhome to each their own lot. This will facilitate the ability for separate ownership of each townhome. This proposal will optimize the use of land and marginally increase density further moving towards the intensification targets of the Growth Plan with the creation of a total of four (4) new lots.

These applications conform with the policies of the *Growth Plan*.

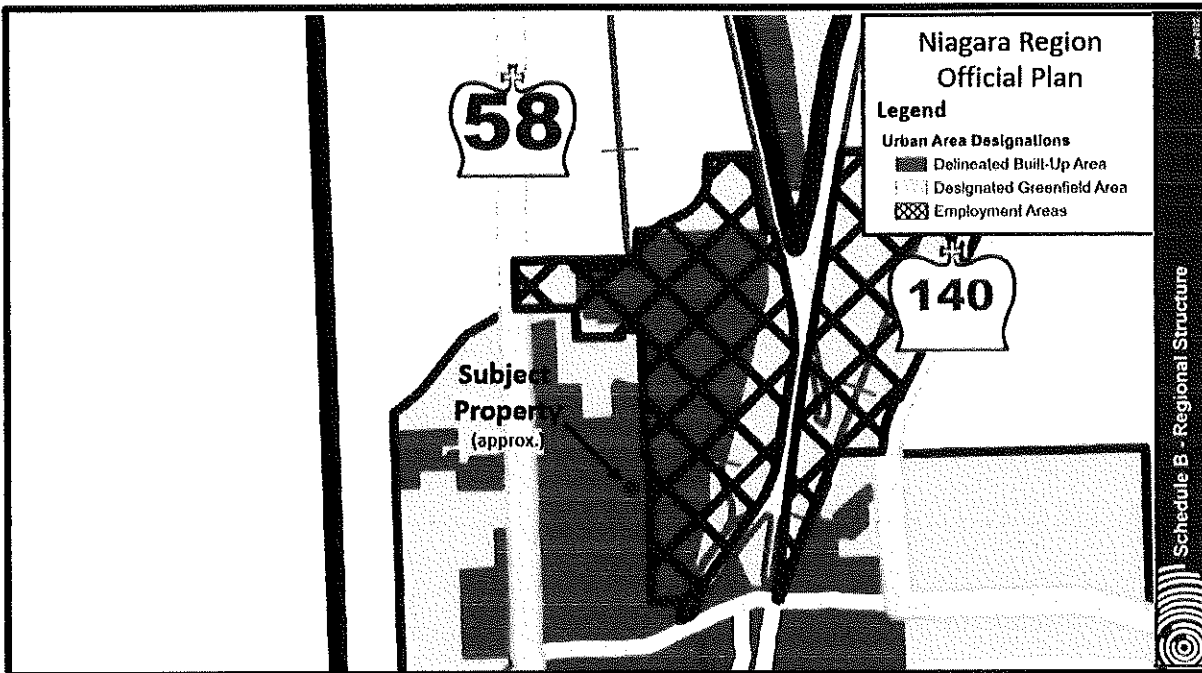
#### 4.4 NIAGARA REGION OFFICIAL PLAN, 2022

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The *Niagara Region Official Plan* ("NROP") contains objectives, policies and mapping that describe the Region's vision for the next 20+ years, including their approach to managing growth, growing the economy, protecting the natural environment, resources, and agricultural land, and providing sustainable infrastructure.

The subject properties are designated as *Delineated Built-Up Area* in the Niagara Region Official Plan. **Figure 3**, below, shows the property designation and surrounding land uses.

Figure 3: Niagara Region Official Plan - Schedule B excerpt



The NROP aims to manage growth within urban areas (2.2.a) by accommodating growth through strategic intensification (2.2.b). Urban growth shall have a diverse range and mix of housing types/sizes (2.2.1.1.c) and shall support opportunities for intensification including infill development (2.2.1.1.g). The NROP shall also support opportunities for gentle density (2.2.1.1.h) and the development of a mix of residential built forms in appropriate locations, such as local growth centres (2.2.1.1.i).

This proposal also aims to provide a mix of housing options to address current and future needs (2.3.a) and creates a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing (2.3.1.1).

These applications facilitate the creation of a total of four (4) new lots in the urban area and within an existing neighbourhood. The proposed new lot lines will make efficient use of the lands as it will accommodate the separate and distinct ownership of each townhome. These applications also represent an opportunity for gentle density and intensification through the creation of new lots in an appropriate location within the urban area.

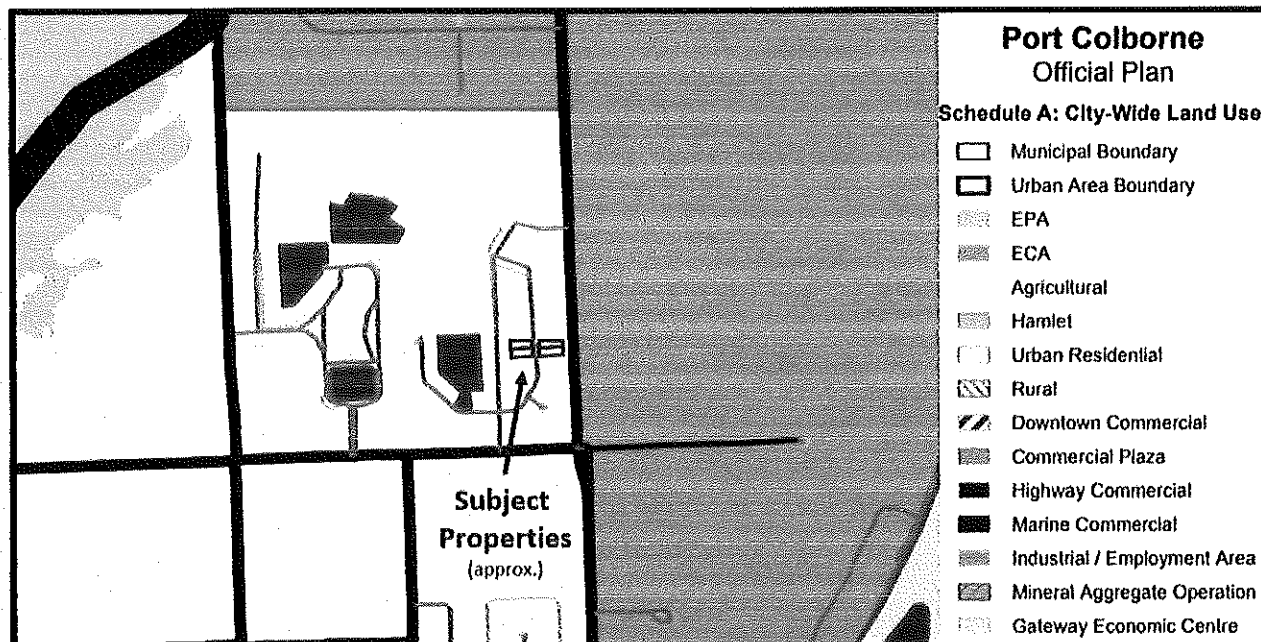
Lastly, this proposal contributes to the intensification target for the City of Port Colborne as set out by Niagara Region. It shall be noted that each local area municipality shall establish intensification targets in their own Official Plans that meet this NROP target (2.2.2.6). However, since the NROP was newly adopted in June 2022 and approved by the OMMAH, the Port Colborne Official Plan does not reflect these updated targets.

These applications conform with the *Niagara Region Official Plan*.

#### 4.5 CITY OF PORT COLBORNE OFFICIAL PLAN, 2013

The property is located within the urban area of Port Colborne, and the *City of Port Colborne Official Plan* ("PCOP") designates the property as "Urban Residential". **Figure 4**, below, shows the property designation.

Figure 4: Port Colborne Official Plan - Schedule A excerpt



In accordance with the policies in the PCOP, 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.a)**. The PCOP intends to accommodate the majority of the Municipality's intensification within the urban area where the development is compatible with the surrounding uses **(2.4.3.c.i)**. Infill and intensification sites should match the pre-established building character of adjacent buildings **(2.4.3.2.a)**. Additionally, medium density developments such as townhomes are to be developed at a density ranging from 35 to 70 units per hectare **(2.3.1.b.i)**.

These applications intend to contribute to the intensification target though providing new lots with existing housing in an established neighbourhood. However, there is no new construction proposed as part of these applications. The proposed lots intend to suit the existing lot fabric with the existing townhomes matching the pre-established building character. The existing density of the subject properties is approximately **32 units per hectare** which will remain upon approval of these applications.

These applications conform with the *City of Port Colborne Official Plan*.

**Part-Lot Control Applications**

39 – 44 Saturn Road, Port Colborne

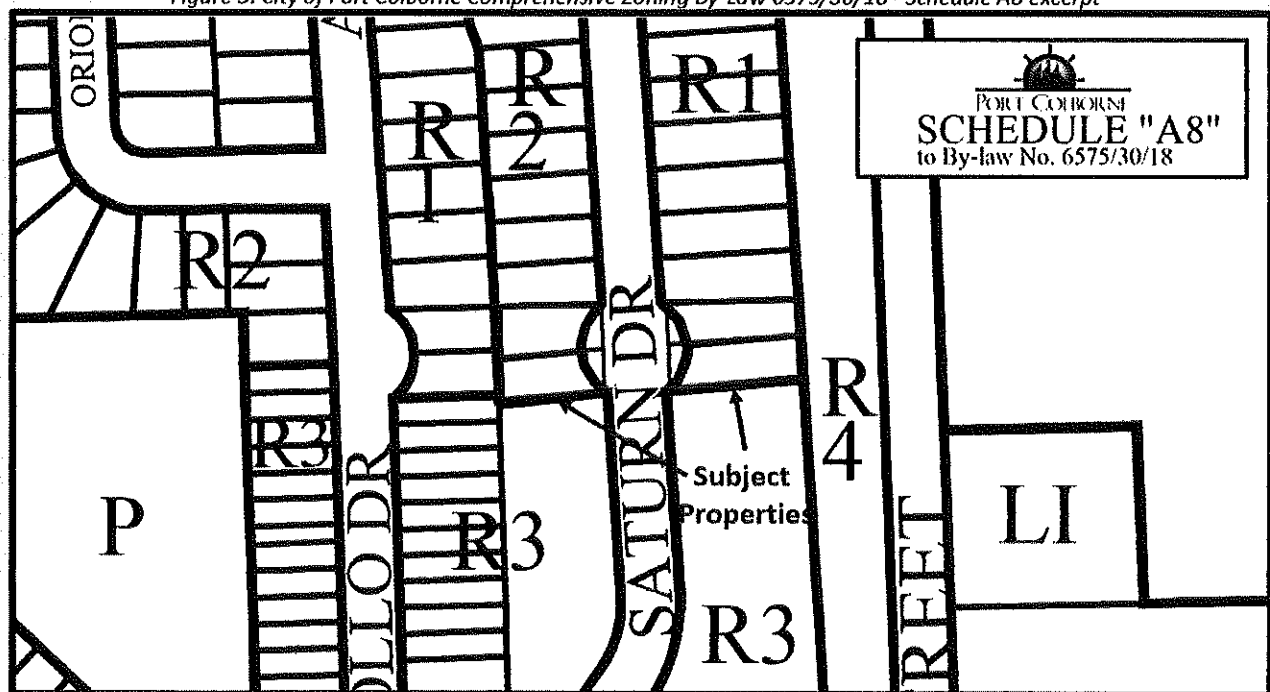
**4.6 CITY OF PORT COLBORNE COMPREHENSIVE ZONING BY-LAW 6575/30/18**

The *City of Port Colborne Comprehensive Zoning By-law 6575/30/18* (ZBL) is used to manage land use compatibility, character and appearance of communities; and to implement policies of the Official Plan.

The current zoning of the property is Second Density Residential Zone 1 (R1) and Second Density Residential Zone 2 (R2), as presented in **Figure 5** below.

It should be noted that the existing structures are legal non-conforming and the subject properties are to be rezoned through a housekeeping amendment to the Third Density Residential Zone (R3) by the City of Port Colborne as indicated in the pre-consultation notes.

*Figure 5: City of Port Colborne Comprehensive Zoning By-Law 6575/30/18 - Schedule A8 excerpt*



There is no new construction proposed as part of these applications with all structures complying with the R3 zoning provisions. However, a 3-metre planting strip shall be required when a Townhouse development abuts the boundary of the Residential First Density, Residential Second Density or Residential Third Density Zone (7.8.1).

The proposed severances are compatible with the permitted uses of the R3 zoning. Please see R3 zone provisions below in **Table 2**.

Table 2: City of Port Colborne Comprehensive Zoning By-law 6575/30/18 - R3 Zone Provisions

Third Density Residential (R3) Zone									
	Required	East Side of Saturn Road Addresses				West Side of Saturn Road Addresses			
		45	43	41	39	46	44	42	40
Min. Lot Area	200m <sup>2</sup>	381.89 m <sup>2</sup>	284.98 m <sup>2</sup>	267.79 m <sup>2</sup>	416.23 m <sup>2</sup>	381.29 m <sup>2</sup>	217.98 m <sup>2</sup>	245.36 m <sup>2</sup>	335.85 m <sup>2</sup>
Min. Lot Frontage per Unit	6m	8.88m	6.19m	6.02m	9.08m	8.50m	6.43m	6.23m	9.01m
Min. Front Yard	7.5m	12.87m	13.0m	13.0m	13.76m	12.5m	12.19m	12.57m	12.57m
Min. Interior Side Yard	3m (0m for shared walls)	0m	0m	0m	0m	0m	0m	0m	0m
Min. Rear Yard	6m	21.06m	23.4m	23.27m	22.83m	14.20m	13.73m	14.19m	14.19m
Max. Building Height	11m	2 storeys (+/- 7.5m)				2 storeys (+/- 7.5m)			

## 5 ANALYSIS

The applications propose to exempt the subject properties at 39 to 44 Saturn Road, Port Colborne from part-lot control. The applications propose to create four (4) new lots reflecting the size and width of the existing townhomes as shown in Registered Plan 59R-17727. No new construction is proposed.

These applications for exemption from part-lot control involve removing four (4) existing residential properties within the existing Registered Plan 59M-150.. Pursuant to the provisions and authority under Subsection 50(7) of the *Planning Act*, the City of Port Colborne may pass a by-law which allows the creation of four (4) new lots for the existing street townhomes.

With the new by-law passed and the properties exempt from part-lot control, the existing townhomes can then be separated to have one (1) townhome unit on each property as shown in the attached reference plan (59R-17727). This proposal will facilitate the ability for separate ownership of each townhome.

These applications ensure the efficient use of land and utilizes existing municipal infrastructure within the existing neighbourhood. This proposal also represents an opportunity for gentle density and intensification through the creation of new lots in an appropriate location within the urban area. There is no new construction proposed as part of these applications.

The proposal has regard for the Planning Act, is consistent with the PPS and Growth Plan and also conforms with the NROP, PCOP and zoning by-law.

## 6 CLOSING

It is our opinion that these applications represent good planning and should be approved because the applications:

1. Have regard for the *Planning Act*;
2. Are consistent with the *Provincial Policy Statement*;
3. Conforms with the *Growth Plan*;
4. Conforms with the *Niagara Region Official Plan*;
5. Conforms with the *City of Port Colborne Official Plan*;
6. Conforms with the *City of Port Colborne Comprehensive Zoning By-Law*;

Please do not hesitate to contact the undersigned if you have any questions or concerns.

Sincerely,

**LANDPRO PLANNING SOLUTIONS INC.**



Mitchell Baker, BES  
Planner | Project Manager




289-680-6134



mitchell@landproplan.ca



landproplan.ca



Michael Sullivan, M.Pl., RPP, MCIP  
President | Founder



289-687-3730

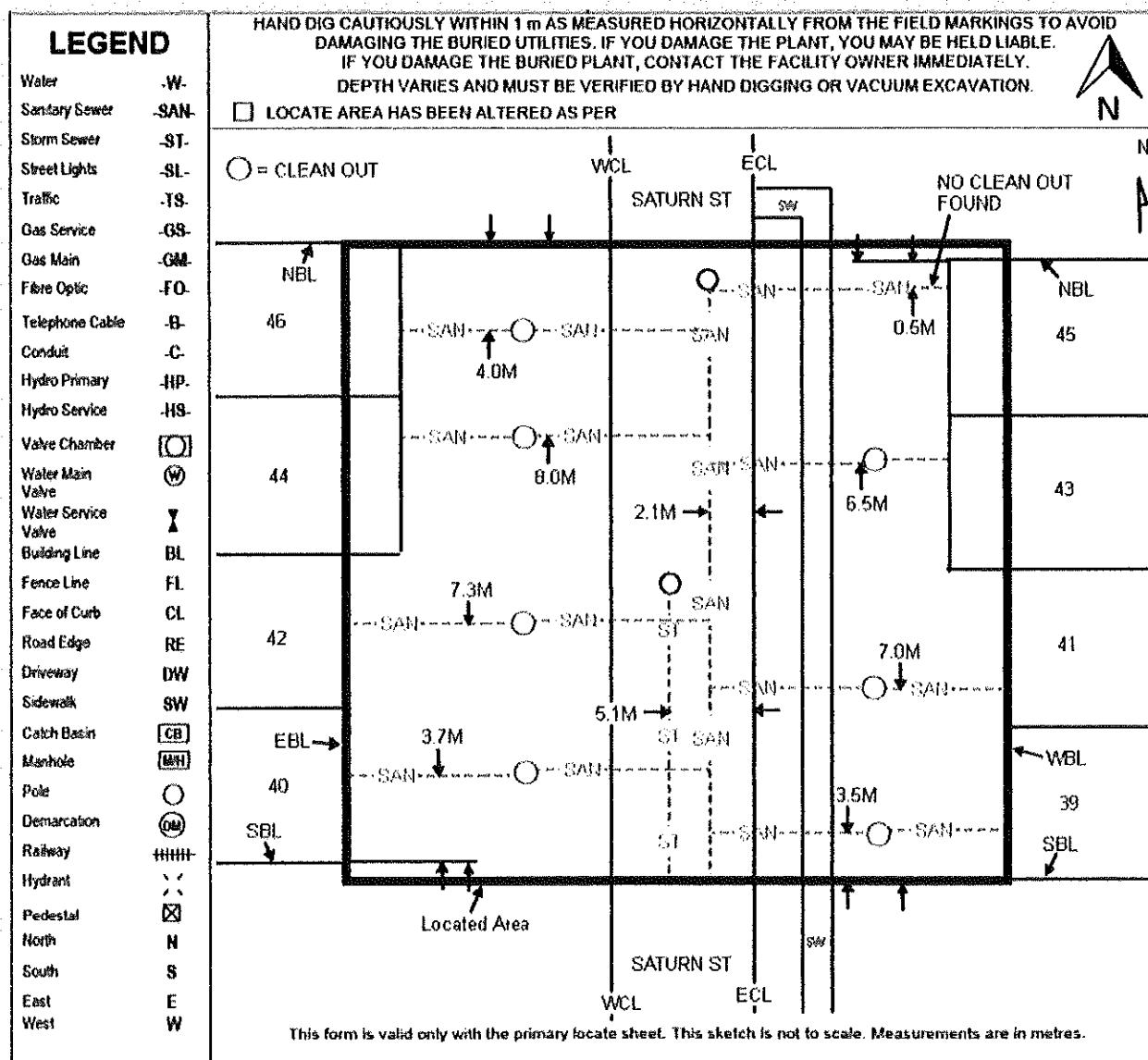


mike@landproplan.ca



landproplan.ca

## APPENDIX 1 – SERVICING LATERALS PREPARED BY ONTARIO UTILITY LOCATES





PLAN OF SURVEY OF  
LOTS 28, 29, 30, 31, 69 & 70  
AND BLOCKS 71, 72, 73 & 74  
REGISTERED PLAN 59M-150  
**CITY OF PORT COLBORNE**  
REGIONAL MUNICIPALITY OF NIAGARA  
SCALE 1 : 200

0 1 2 3 4 5 10 20 METRES

DONALD G. CHAMBERS  
ONTARIO LAND SURVEYOR

THE INTENDED PLOT SIZE OF THIS PLAN IS 862mm IN WIDTH BY  
605mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:200

Report 2023-193  
Appendix C

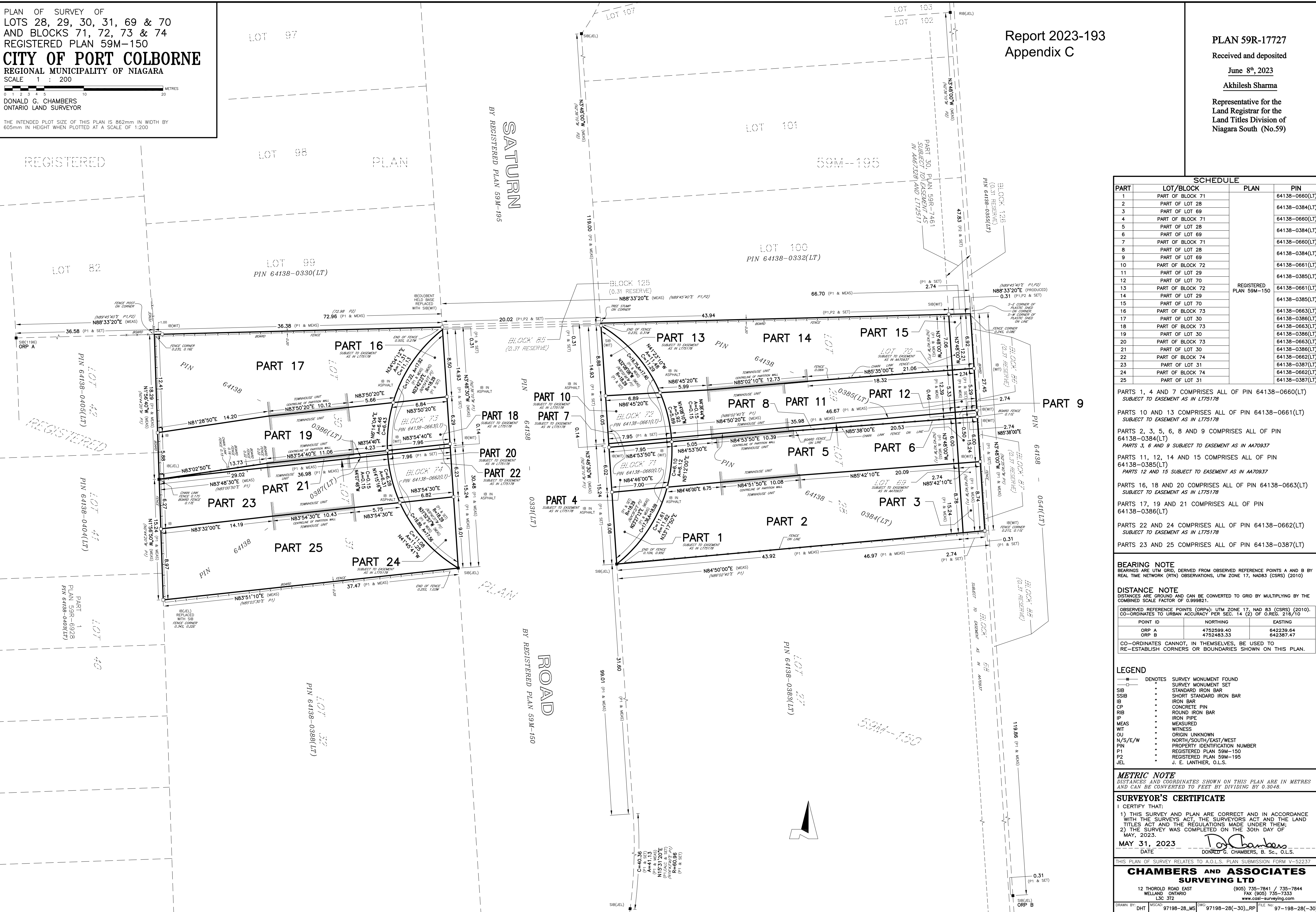
PLAN 59R-17727

Received and deposited

June 8<sup>th</sup>, 2023

Akhilesh Sharma

Representative for the  
Land Registrar for the  
Land Titles Division of  
Niagara South (No.59)







Utilities Located:	Date Completed:
<input type="checkbox"/> Gas <input type="checkbox"/> Electrical <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sanitary Services <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Telecom <input type="checkbox"/> Unknown	09/26/2023

**Located Area: Excavator shall not work outside the located area without obtaining another locate.**

From: NBL OF 46 SATURN ST

To: SBL OF 39 SATURN ST

From: EBL OF 40 SATURN ST

To: WBL OF 39 SATURN ST

### LEGEND

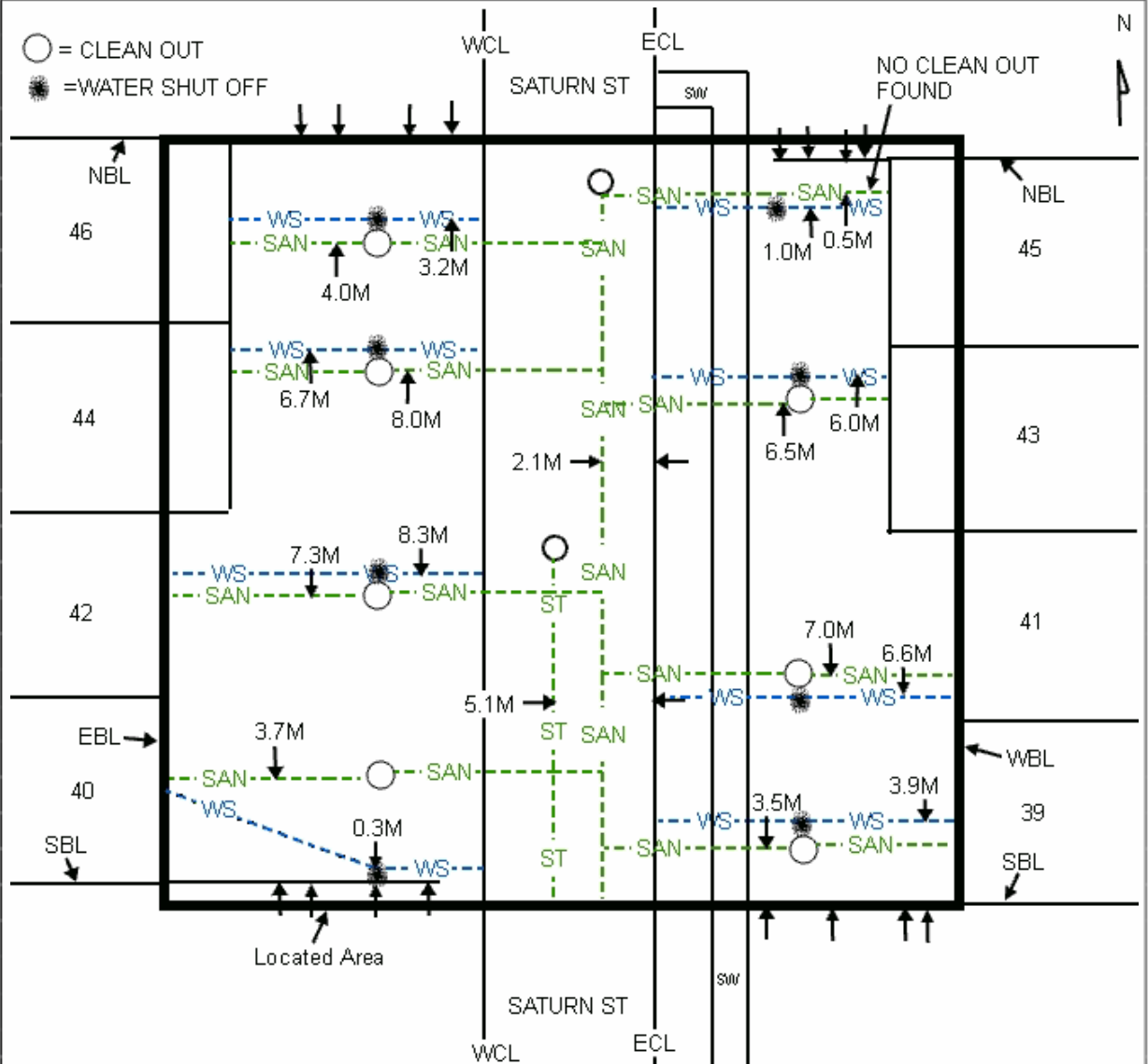
Water	-W-
Sanitary Sewer	-SAN-
Storm Sewer	-ST-
Street Lights	-SL-
Traffic	-TS-
Gas Service	-GS-
Gas Main	-GM-
Fibre Optic	-FO-
Telephone Cable	-B-
Conduit	-C-
Hydro Primary	-HP-
Hydro Service	-HS-
Valve Chamber	
Water Main Valve	
Water Service Valve	
Building Line	BL
Fence Line	FL
Face of Curb	CL
Road Edge	RE
Driveway	DW
Sidewalk	SW
Catch Basin	
Manhole	
Pole	
Demarcation	
Railway	
Hydrant	
Pedestal	
North	N
South	S
East	E
West	W

HAND DIG CAUTIOUSLY WITHIN 1 m AS MEASURED HORIZONTALLY FROM THE FIELD MARKINGS TO AVOID DAMAGING THE BURIED UTILITIES. IF YOU DAMAGE THE PLANT, YOU MAY BE HELD LIABLE. IF YOU DAMAGE THE BURIED PLANT, CONTACT THE FACILITY OWNER IMMEDIATELY. DEPTH VARIES AND MUST BE VERIFIED BY HAND DIGGING OR VACUUM EXCAVATION.

☐ LOCATE AREA HAS BEEN ALTERED AS PER:

○ = CLEAN OUT

⊗ = WATER SHUT OFF



This form is valid only with the primary locate sheet. This sketch is not to scale. Measurements are in metres.

A copy of the Primary Locate Sheet and the Auxiliary Locate Sheet must be on site and in the hands of the machine operator during the work operations. Should sketch and markings not coincide, a new locate must be obtained.

The party requesting the locate of underground services, hereafter known as the Customer, shall indemnify and save Ontario Utility Locates and its employees and/or subcontractors harmless from and against all actions, proceedings, claims and demands for injuries, death, losses, debts, costs, damages and expenses which may be brought against or suffered by the Customer or its clients or which any of them may sustain, pay or incur as a result of the location of underground plant given that the customer is solely responsible to provide the specific details and/or records of the plant or equipment that is 'in situ' and within the area of the locate. THIS PRIVATE LOCATE IS NOT VALID WITHOUT A VALID ONE CALL LOCATE

**Subject: Filming Policy**

**To: Council**

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

Report Number: 2023-173

Meeting Date: October 10, 2023

---

**Recommendation:**

That Office of the Chief Administrative Officer Report 2023-173 be received;

That the City Clerk or designate be delegated the authority to issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the Filming Policy;

That the Director of Corporate Services/Treasurer or designate be delegated the authority to negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law;

That new rates and fees be added to the by-law that establishes the rates and fees for various City services; and

That the City of Port Colborne Filming Policy, as recommended by staff, be approved.

---

**Purpose:**

The purpose of this report is to present a filming policy that outlines how City staff will henceforth coordinate requests for filming in Port Colborne. The report also puts forward recommendations to delegate authority to the City Clerk to issue film permits, approve exemptions to the Noise By-law for projects with a film permit, and execute any related documents resulting from the administration of the filming policy, and to the Director of Corporate Services/Treasurer to negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law.

The filming policy will apply to feature films, short films, television films and programs/series, commercials and music videos, documentaries, educational films, student and not-for-profit films and commercials, as well as general commercial videography.

## **Background:**

To become a location that welcomes the film and television industry and all of the social, cultural, and economic benefits that come with it, the City of Port Colborne should have a policy in place to guide staff in processing filming requests. A scan of Ontario municipalities with film offices or designated film liaisons showed that such offices and staff generally reside within economic development departments.

The total annual production activity in Ontario generates billions of dollars for the provincial economy (e.g., \$4.5 billion in 2022). Production activity in the Niagara Region is continuously growing, with the City of St. Catharines reporting 40 film inquiries in 2021 compared to 12 in 2019 and 10 in 2018. The City of Port Colborne receives an average of six film inquiries a year. In comparison to Ontario's two busiest filming hubs (i.e., Hamilton and Toronto), Niagara is still relatively unknown to producers and location managers or scouts. Niagara Region Economic Development—in their Economic Development Strategy 2022-2032—identified the film sector as having significant investment and growth potential. To that end, their staff are working with the local area municipalities to drive new interest in the eclectic locations throughout Niagara that would be ideal for film productions.

Following this lead, the City's Economic Development & Tourism Services (EDTS) Division has determined that establishing a filming policy and administering its contents will springboard a coordinated approach to both processing requests and promoting Port Colborne as a film location.

---

## **Discussion:**

Requests to film on City-owned and/or private property can arrive at any time of the year, and it is important to have a framework that offers guidance not only to City staff but also the production companies showing interest in Port Colborne. These requests can be considerably varied in terms of where, when, what, and how (long) the production unfolds—mainly ranging from low impact (e.g., one or few locations and a short filming duration with minimal cast, crew, and production requirements) to high impact (e.g., several locations and a long filming duration with copious cast and crew, and multifaceted production requirements). Furthermore, there is an expectation, given the abundance of desirable locations in Ontario to choose from, that filming requests be processed by the property owner in a timely and sometimes speedy fashion.

One central point of contact in the EDTS Division will serve as the Film Liaison and distribute any incoming film permit applications—to be made available for completion on the City's website—to the appropriate managerial staff or department/division heads for their review. A film permit for filming on City-owned property, containing an approval

letter from the City Clerk and an executed filming agreement, will be issued to applicants only once all requirements have been met. Film permits for filming on private property will not be required nor issued unless, at any point in time, the activity will involve City-owned property or directly impact public life.

By adopting the filming policy, Council hereby delegates approval authority to the City Clerk or designate to issue a film permit, grant an exemption to the Noise By-law, as amended, for filming purposes, and execute any related documents (e.g., filming agreement) resulting from the administration of this policy. When one or more temporary road closures and exemptions to current or new by-laws are requested by the applicant, Council will retain the right to make a final decision on the request.

The filming policy introduces three new rates and fees: film permit, staff time for the Film Liaison, and security deposit. If the filming policy is approved by Council, these rates and fees will be effective immediately and are subject to change hereafter with every annual update or amendment to the Rates & Fees By-law. Staff recommend that student and non-profit filming projects be exempt from the film permit fee. However, other rates and fees will apply to these projects. An adoption of the filming policy also gives approval authority to the Director of Corporate Services/Treasurer or designate to negotiate with film permit applicants the price of rates and fees for any good or service not identified in the Rates and Fees By-law. Such negotiations are to occur primarily when the applicant requests multi-day and/or multi-location rates (i.e., bundled or packaged rates) as part of their filming project.

The application forms in the appendix of the filming policy are templates only, and even after they are posted on the City's website, they will be subject to change from time to time. The filming agreement included in the appendix was reviewed by the City's solicitor and its contents may be updated in the future based on any new legal advice.

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### **Internal Consultations:**

A draft of the filming policy was circulated internally to every department and division affected by the policy. It was also sent externally to the City's solicitor and insurance broker for their review.

---

### **Financial Implications:**

Production companies will be charged rates and fees according to the City's Rates & Fees By-law. Three new fees will be added to this By-law as a way to recover the costs associated with reviewing film permit applications and coordinating the various requests that come from allowing companies to film on City-owned property in Port Colborne. A security deposit is among these fees, and it is compulsory in order to deal with any instances of non-payment of fees or damages caused by a filming project.

---

## Public Engagement:

A section of the filming policy gives instructions to film permit applicants regarding communication to the public. In almost all circumstances of filming on municipal or private property, the applicant will be tasked with preparing a notification letter that, subject to City approval, must be hand-delivered to any residents, occupants, and businesses impacted by the filming project a minimum of 48 hours—or five (5) business days for road closures—before the project starts. Filming in residential and business areas will require the applicant to carry out a more detailed process that involves canvassing the impacted areas to obtain signatures of support or no objections.

---

## Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
  - Economic Prosperity
- 

## Conclusion:

The City of Port Colborne currently does not have a filming policy. Promoting Port Colborne as a film location will be made easier once there is a policy in place to help give direction to City staff and any inquiring production companies. The recommendation to approve the policy presented in this report will springboard a concerted effort to drive new interest in Niagara as a filming hub.

---

## Appendices:

- a. By-law to Adopt a Filming Policy

Respectfully submitted,

Greg Higginbotham  
Tourism & Special Projects Coordinator  
905-835-2900 x505  
[greg.higginbotham@portcolborne.ca](mailto:greg.higginbotham@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 a Filming Policy

Whereas Section 10(2) of the *Municipal Act, 2001*, S.O, 2001, c.25 authorizes a municipality to pass by-laws respecting the public assets of the municipality acquired for the purpose of exercising its authority, the economic, social and environmental well-being of the municipality, health safety and well-being of persons, the provision of any service or thing that it considers necessary or desirable for the public and the protection of persons and property;

Whereas at its meeting of October 10, 2023, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendations of Chief Administrative Office Report No 2023-173, Subject: Filming Policy; and

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

1. That the policy and procedure respecting the Filming Policy in the City of Port Colborne appended hereto as Schedule "A" and made part of this By-law be approved.

Enacted and passed this 10<sup>th</sup> day of October, 2023.

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

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

City of Port Colborne Filming Policy

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### **1.1 Purpose**

This policy outlines the application process, terms and conditions of approval, and directives for filming in the City of Port Colborne, including, but not limited to, City facilities and buildings, streets and roads, parks, trails and pathways, and beaches. A policy like this protects the rights, privacy, and safety of residents, businesses, and City staff, while at the same time supporting the social, cultural, and economic benefits that the film and television industry brings to the community. It also goes as far as establishing the City's one-stop, coordinated approach to ensuring all requirements are met and all applicable by-laws are followed.

### **1.2 Applicability**

This policy applies to the following categories of filming projects:

- feature films;
- short films;
- television films;
- television network (including reality) programs/series;
- commercials (for-profit) and music videos;
- documentaries;
- educational films;
- student and not-for-profit films and commercials; and
- general commercial (including drone and aircraft) videography.

The City of Port Colborne reserves the right to refuse filming and issuing a film permit to any applicant that does not comply and/or satisfy the criteria of this policy, including any filming project that contains scripted content which may be considered offensive, discriminatory, obscene or controversial. Decisions, including those that involve revoking a film permit, will be made on a case-by-case basis and at the discretion of the City Clerk or designate.

Projects that are not subject to this policy include:

- street interviews;
- newscasts and current affairs;
- press conferences;
- filming for personal purposes;
- videography related to weddings, sports, tourism, City-run events; and
- general photography.

### **1.3 Administration**

This policy is administered by the Economic Development & Tourism Services (EDTS) Division. A staff member from this Division, hereby designated as the Film Liaison, will be the initial and primary contact for all filming requests. Applications requesting approval for filming in the City of Port Colborne must be submitted in writing to the EDTS Division according to the lead time requirements set out in this policy. Applications will be received by the Film Liaison and directed to the appropriate City departments or divisions for review. The Film Liaison will advise the Mayor and Council of all approved film permits as soon as they are issued.

By adopting this policy, Council has delegated authority to the City Clerk, or designate with authority to bind the corporation, to issue a film permit, grant an exemption to the Noise By-law, as amended, for filming purposes, and execute any related documents (e.g., Filming Agreement) resulting from the administration of this policy. When one or more temporary road closures and exemptions to current or new by-laws, as amended, are requested by the applicant, Council will retain the right to make a final decision on the request.

#### **1.4 Compliance**

It is the applicant's responsibility to be aware of and comply with all relevant by-laws and all applicable provincial and/or federal legislation. Any complaints and disputes must be handled by the production company and resolved to the satisfaction of the City, with notice provided. In the event that a dispute cannot be resolved, the decision of the City Clerk (or designate) will be final and binding.

#### **1.5 Compensation**

The City of Port Colborne will not compensate individuals or businesses, including production companies, their directors, officers, employees, agents, contractors, and subcontractors, or any of them in connection with or in any way related to the filming project, for any for out-of-pocket expenses, disruptions or damage attributable to filming on municipal or private property. Although they may do so voluntarily or be otherwise legally obligated to do so, production companies are not required to compensate residents, occupants or businesses for any filming-related disruptions.

#### **2.1 Municipal Property**

Location managers and production companies must bear in mind that municipal property and City-owned facilities function primarily to serve the community. Filming will not be permitted if it severely limits public access or adversely impacts staff's ability to perform their work or serve customers. As a result, restrictions or specific conditions may need to be established before a film permit is issued. Any bookings at a City-owned facility that were made prior to the receipt of a film permit application will supersede the filming request.

Any proposal to alter or change the condition of municipal property and assets must be approved by the Director of Public Works (or designate). This work must be done by Public Works staff, or it will be conditional to a requirement that such staff be present to monitor or supervise. The City, in its sole discretion, will determine the number of staff reasonably required to attend the filming location or site.

At the conclusion of the filming project, the production company is responsible for restoring any municipal property and assets, including garbage removal, to the same condition as before the filming project and within a mutually agreed upon time period. A failure to clean up and restore municipal property and assets will be subject to a forfeiture of the security deposit as well as additional penalties or fees as determined by the City. The production company will be given first opportunity to repair any damages,

within a reasonable timeframe, and assume the full cost of any repairs or replacements. If the repair work is not completed to the satisfaction of the City, as determined by the Director of Public Works (or designate), the City will complete the work and the production company must pay for all costs and expenses incurred.

## **2.2 Private Property**

With respect to filming on private property or at individual businesses, the property owner is responsible for negotiating with the production company the terms, conditions, and fees associated with its use. A film permit is not required for any filming taking place on private property unless the activity necessitates road closures, interrupts traffic, involves traffic sign and streetlight control, alters, removes or controls public infrastructure, includes special effects and dangerous filming, or has a direct impact on neighbouring residents, occupants or businesses. In such cases, compliance with the criteria of this policy will apply.

Filming on private property or at individual businesses that does not comprise the above-mentioned activities must still be reported to the City, through the EDTS Division, a minimum of 48 hours before filming occurs. This is to ensure the City has an opportunity to determine that the filming project will not contravene any municipal by-laws or policies and/or disrupt City services or operations. The production company must also forward a copy of the written permission obtained from the property owner to the Film Liaison.

## **2.3 Requirements**

A film permit, comprising a letter of approval from the City and an executed filming agreement, is required for any applicable filming project making use of municipal property in the City of Port Colborne. It is the applicant's responsibility to provide the following documentation, which is subject to change from time to time, according to the lead time requirements specified in this policy. This information must be completed to the satisfaction of the Film Liaison and be submitted as a package not less than three (3) business days before the filming project begins.

### **2.3.1 Mandatory**

- Film Permit Application (see Appendix A)
- Location/Site Map
- Certificate of Insurance (see 3.2)
- Filming Agreement (see Appendix D)

### **2.3.2 Additional Materials (as applicable)**

- Script (or scene/shot breakdown) and production schedule
- Municipal Facility Rental Agreement
- Temporary Road Closure Application (see Appendix B)
- Dangerous Filming & SPFX Application (see Appendix C)
- Municipal Consent Permit
- Building Permit
- Parking Plan and/or Traffic Management Plan

- Road Occupancy Permit from Niagara Region
- Separate permits from Niagara Region
- Proof of a Paid Duty Officer agreement with Niagara Regional Police Service
- Proof of approval from the Ontario Ministry of Transportation (MTO) for closures and traffic matters involving provincial highways under the jurisdiction of the Ontario Provincial Police (OPP)
- Proof from regional, provincial or federal governments that they authorize the use of property owned by them

## 2.4 Timelines

Recognizing that production companies expect their filming requests to be processed in a timely manner, the Film Liaison may expedite the film permit application review process from time to time.

Type of Request	Lead Time
Film Permit for a project on municipal property with minimal cast and crew, and no road closures or use of special effects	4 business days
Film Permit for a project on municipal property with substantial cast and crew, and no road closures or use of special effects	7 business days
Film Permit for a project on municipal property requiring a temporary road closure, intermittent traffic control, traffic sign and streetlight control, and/or any alterations or removals	14 business days
Film Permit for a project on municipal property involving the use of special effects and/or dangerous filming	16 business days
Coordination with Niagara Regional Police Service (NRPS)	5 business days
Review by Port Colborne Fire & Emergency Services (PCFES)	10 business days
Film set construction	20 business days
Film Permit for a project involving multiple locations and multiple permits	21 business days

Business days are Monday through Friday, from 8:30 a.m. to 4:30 p.m., excluding holidays. Complex requests, particularly those involving special effects (SPFX) and dangerous filming, may require more lead time. This is to be determined on a case-by-case basis. Lead time for Paid Duty Officers from NRPS and standby services from PCFES cannot be guaranteed by the City of Port Colborne.

## 2.5 Approval

Once all required and supporting documentation has been submitted, and any special requirements or concerns have been addressed, the approval of a film permit will be

granted. This permit will comprise a letter of approval from the City, information from the film permit application, and a filming agreement that must be signed by an authorized representative of the production company and the City Clerk or designate (with authority to bind the corporation) of the City of Port Colborne.

## **2.6 Notifications**

In almost all circumstances of filming on municipal or private property, a notification letter must be prepared by the applicant and submitted to the Film Liaison four (4) business days prior to filming. This letter, once approved by the City's Corporate Communications Division, must be hand-delivered to any residents, occupants, and businesses impacted by the filming project a minimum of 48 hours—or five (5) business days for road closures—before the project begins. The City reserves the right to modify notification letters for clarity and accuracy. The City also reserves the right to issue public notices about filming on municipal or private property at its sole discretion. The cost of any notices that are advertised by the production company or the City will be the responsibility of the applicant.

The City will not provide the names, addresses or contact information of any impacted residents and occupants to the production company.

## **2.7 Residential & Business Areas**

Every effort must be made by the production company to minimize the disruption and negative impacts—including, but not limited to, noise (e.g., generators and SPFX), light (e.g., spillover), air (e.g., exhaust fumes), water (e.g., pollution to Welland Canal, Lake Erie, and the municipal water system), natural ecosystems and wildlife—that may result from filming in residential and business areas. Exemptions to the Noise By-law, as amended, will be considered on a case-by-case basis by the City Clerk or designate.

Filming in residential areas will be limited to two occasions per year for each residential block. Filming in these areas at any time, but particularly between 11:00 p.m. and 7:00 a.m., and 11:00 p.m. and 9:00 a.m. on weekends and holidays, will not be approved unless a majority of affected residents have given their written approval and presented no objections. The same procedure must be followed for dangerous filming and SPFX in residential areas. It will be the responsibility of the production company to canvas the impacted residential areas, obtain signatures of support or non-objections, and present this in a form acceptable to the Film Liaison 72 hours before filming. If a minimum of 66% of residents do not object, then the filming project will be permitted.

Filming in business or commercial areas, for any given period of time, is subject to consultation with the Downtown Port Colborne BIA or the Main Street BIA. Unless a minimum of 66% of affected businesses have given their written approval and presented no objections, filming will not be approved. The same procedure must be followed for dangerous filming and SPFX in business areas. It will be the responsibility of the production company to canvas the impacted business areas, obtain signatures of support or non-objections, and present this in a form acceptable to the Film Liaison 72 hours before filming.

A copy of all notification letters and approval documentation must be submitted to the Film Liaison for filing and internal communication purposes prior to any filming taking place.

## **2.8 Access & Safety**

Production companies must agree to provide pedestrian and vehicular access, throughout the entire duration of the filming project, to persons with disabilities, mobility challenges, and special needs or circumstances. Regarding sidewalks, 1.5 metres of unencumbered pedestrian access must be maintained for mobility device users.

All production company vehicles (e.g., cars, vans, buses, and trucks) must adhere to posted speed limits, traffic legislation, and all applicable laws and regulations on streets—including the City’s Parking and Traffic By-law, as amended—unless otherwise approved by the rightful governing authority. These vehicles must not park in fire routes and within 16 metres of an intersection (or 45 metres of an intersection controlled by a traffic signal), impede any emergency response vehicles, and block (by maintaining the necessary clearance) fire hydrants, bus stops, crosswalks or crossovers, railway crossings, driveways, ramps, ingresses/egresses, and accessible parking for persons with disabilities.

Production companies will be responsible for complying with the provisions and requirements of the *Occupational Health and Safety Act*, any related regulations, and the Safety Guidelines for the Film and Television Industry in Ontario. It is also their responsibility to ensure that all on-set personnel conduct themselves and operate in a safe, professional, and respectful manner in the course of their duties. Production companies must promptly report to the Ministry of Labour and City of Port Colborne any serious accidents, fatal or critical injuries, and/or claims for liability or loss that occurred during the filming project.

## **2.9 Signage**

The production company is responsible for the cost and placement of signs in publicly accessible areas—no later than 24 hours before filming—to inform the public that filming on municipal or private property is taking place. The use of barricades, signals, and other signs must be to the satisfaction of the Director of Public Works (or designate) or Chief Building Official (or designate). Additional sign permits may be required through the City’s Building Division to show compliance with the Sign By-law and/or the Building Code. Requests to control, cover, alter, remove or reinstall traffic signs and streetlights will require approval and supervision from the Director of Public Works (or designate), and all costs must be borne by the production company.

Building emergency signage (i.e., required under the *Fire Protection and Prevention Act*) must not be temporarily covered, altered or removed unless approved by PCFES.

### **3.1 Procedures**

The film permit application will be available on the City's website for any applicant who wishes to film on municipal property in the City of Port Colborne. If this application includes a space to which rental fees apply, the applicant must rent this space and will be subject to pay the rental fees outlined in the Rates & Fees By-law, as amended.

In order to avoid unnecessary delays in the review process, the Film Liaison must be notified as early as possible of location scouting, road closures, intermittent traffic control, traffic sign and streetlight control, dangerous filming, use of special effects, and film set construction. Approval may be denied at the onset if the request cannot be accommodated within the required timeframe.

Every film permit application will be directed to the necessary City departments or divisions for review if it requires approval for the following:

#### **3.1.1 Road Closures**

Filming requests that require one or more temporary municipal road closures must be approved by the Director of Public Works (or designate), in consultation with Port Colborne Fire & Emergency Services (PCFES) and Niagara Regional Police Service (NRPS), before such requests are presented to Council. Regional road closures must be approved by Niagara Region in consultation with the City's Public Works Department, PCFES, and NRPS. It is the applicant's responsibility to make the necessary arrangements with NRPS to have Paid Duty Officers conduct traffic and pedestrian control (if required), adhere to the Ontario Traffic Manual, identify alternate access routes or detours, and maintain adequate access to adjacent residential or business areas.

#### **3.1.2 Intermittent Traffic Control**

Intermittent traffic interruptions or pattern changes are preferred over temporary road closures. Filming requests that impact a municipal right-of-way (i.e., roads, lanes, and sidewalks) must be approved by the Director of Public Works (or designate) in consultation with PCFES and NRPS. Alternate routes or detours may be required and will be determined by the City in conjunction with the applicant. It is the applicant's responsibility to adhere to the Ontario Traffic Manual and arrange with NRPS for Paid Duty Officers to conduct traffic and pedestrian control (if required). These interruptions must be limited to a maximum of three (3) minutes.

#### **3.1.3 Traffic Signs, Streetlights & Public Infrastructure**

Filming requests that require any traffic signs and street fixtures (i.e., lights, street names, etc.), and public infrastructure to be controlled or altered and/or removed must be approved by the Director of Public Works (or designate), and, if applicable, Niagara Region or MTO. All such work must be done by Public Works staff, or it will be conditional to a requirement that such staff be present to monitor or supervise.



### **3.1.4 Parking**

Filming requests that include significant vehicle (e.g., car, van, bus, and truck) parking for a period of three (3) consecutive days or longer will require the applicant to submit a detailed parking and/or traffic management plan, regardless of whether the production is taking place on municipal or private property. This parking and/or traffic management plan must list all of the roads and residential or business areas affected, applicable dates and times, and confirm compliance with the City's Parking and Traffic By-law, as amended. The film permit will cover parking for production vehicles only, subject to an acceptable maximum.

The amount of parking permitted in a given area may be limited as determined by the Film Liaison in consultation with By-law Services and the ward Councillors.

The City will attempt to recommend available off-street parking and the use of shuttle vans or buses for cast and crew. However, it is the applicant's responsibility to make their own on-site and off-site parking arrangements, park the majority of the cast and crew's personal vehicles off-site during production days, minimize the loss of on-street parking, not interfere with regular pedestrian or vehicular traffic, and pay for parking fees or special parking permits in public parking areas. These fees are not included in the cost of the film permit. Production vehicles, depending on their size, must stay on and use suitable roadways as well as adhere to the load and time restrictions imposed by the applicable governing authority. Such vehicles may be issued parking permits, which must be displayed on their dashboards, for parking privileges at or near the filming location. Personal vehicles will not be issued parking permits.

### **3.1.5 Special Effects (SPFX) & Dangerous Filming**

The use of special effects machines or equipment, firearms or guns (i.e., relics, replicas, rubber and prop, etc.), (simulated) gunfire, weapons, explosives or (mock) bombs, detonators, flash powder, pyrotechnics, fireworks or squibs, fire or flame effects, open air burning, flammable liquids or materials, and the filming of dangerous stunts will require notification and approval from the appropriate authorities, including PCFES and NRPS. These filming activities will be subject to the applicable City by-laws, including, but not limited to, Discharge of Firearms By-law, Fireworks By-law, and Open Air Burning and Recreational Fires By-law.

Paid Duty Officers may be a requirement for such activities as deemed necessary by NRPS. Standby services from PCFES may be a requirement as deemed necessary by PCFES. Private paid duty services and standby services are not permitted. The presence of one or more licensed professionals on set as well as Emergency Medical Services (EMS) personnel will be required. All costs associated with dangerous filming, including the payment of NRPS and EMS fees, will be at the expense of the production company.

### **3.1.6 Film Set Construction**

The desire to construct a film set must be approved by the City of Port Colborne's Building Division. A site inspection and approval of technical drawings may be required if the proposal exceeds 10 square metres and/or contains plumbing with a building associated with the structure. Special or temporary use by-laws, particularly those that supersede the current Zoning By-law, as amended, may also be required.

### **3.1.7 Drones & Low-flying Aircraft**

All drone operations must follow the rules and regulations set by Transport Canada. The applicant must also notify the Film Liaison if the filming project will involve drone (Remotely Piloted Aircraft or RPAs) operations. A copy of the drone pilot's certification may be required to keep on file. All drone operations must respect the privacy of the residents where the drone will be flown by issuing a notification letter.

Authority to fly lower than 1000 feet above ground is required from Transport Canada. Obtaining Transport Canada approval for low-flying aircraft (e.g., helicopters, hot air balloons, etc.) is the sole responsibility of the applicant. The City reserves the right to object to such flying activity—regardless of whether it is taking place on municipal or private property—and require that aviation liability insurance in the amount of \$25,000,000.00 (twenty five million), with the City of Port Colborne named as an additional insured, be provided.

## **3.2 Insurance**

The applicant must, at its own expense, including the cost of deductibles, have insurance coverage from a company registered to do business in the province of Ontario. A certificate of commercial general liability insurance in the amount of not less than \$2,000,000.00 (two million dollars) must be presented to the Film Liaison prior to the issuance of a film permit. Where a road closure, intermittent traffic control, traffic sign and streetlight control, public infrastructure control, alteration or removal, special effects and dangerous filming, and drone (or RPA), aircraft or watercraft activity is involved, the commercial general liability insurance must be in the amount of not less than \$5,000,000.00 (five million dollars).

The certificate of commercial general liability insurance must name the City of Port Colborne as an additional insured and include the following: a provision for cross liability and severability of interest; coverage for bodily injury, property damage, and personal injury; non-owned automobile coverage (not less than \$2,000,000.00); contractual non-owned coverage; products and completed operations coverage; broad form property damage; contractual liability; work performed by sub-contractors; and a provision to not call into contribution any other insurance available to the City. This certificate must also provide 30 days prior notice of cancellation.

The applicant must also have all risks property insurance and standard form automobile liability insurance. All risks property insurance must be in an amount equal to the full replacement cost of property of every description and kind owned by the applicant or for which the applicant is legally responsible, and which will be used for the filming of the

production. Standard form automobile liability insurance must have an inclusive limit of not less than \$2,000,000.00 (two million) per occurrence for third party liability, in respect of the use or operation of vehicles owned, operated or leased by the applicant.

Additional insurance and coverage (e.g., commercial property, third party liability, drone liability, aviation liability, tenants' legal liability, pyrotechnics, explosives, fire, weaponry, animals, aerial filming, watercraft, on-water and underwater filming, contents and equipment, rentals, business interruption, etc.) in an amount of not less than \$5,000,000.00 (five million dollars) may be required depending on the filming activities taking place and as determined by the appropriate City department or division. Higher limits may apply as reasonably required by the City.

### **3.3 Rates & Fees**

Recognizing that filming projects vary in complexity and budget, the rates and fees charged for each project will be evaluated on the basis of the filming project in conjunction with the City of Port Colborne's Rates and Fees By-law, as amended. Review of the film permit application is a paid service (see Appendix E), and rates and fees will be applied on a cost-recovery basis. Student and not-for-profit filming projects will be exempt from the film permit fee but other rates and fees will apply.

Staff has delegated authority to negotiate the price of rates and fees for any good (e.g., use of municipal property) or service not identified in the Rates and Fees By-law, as amended, and specifically in the case of any multi-day and/or multi-location filming project.

A security deposit paid by credit card, certified cheque or in the form of an irrevocable standby letter of credit approved by the Director of Corporate Services/Treasurer (or designate) will be required a minimum of 48 hours before the issuance of a film permit. The security deposit will not be returned until all conditions have been satisfied, including cleanup, and all outstanding costs or expenses incurred by the City have been paid by the production company.

### **3.4 Additional Requirements**

#### **3.4.1 Staff Monitoring & Supervision**

The production company must keep a copy of the film permit on-site at all times and add the Film Liaison to all call sheets. If deemed necessary, the Film Liaison may monitor the production company on-site, and depending on the nature of the production, additional City staff may be deployed to the filming location for a site meeting or to provide access and supervision (e.g., setup and tear down). The production company agrees to cover the costs associated with having staff present at the applicable hourly rate (regular or overtime). The City, in its sole discretion, will determine the number of staff reasonably required to attend the location or site. Mileage reimbursement may apply.

### **3.4.2 Unforeseen Circumstances**

Changes to the production schedule that occur as a result of unforeseen circumstances will be accommodated by City staff as efficiently as possible. However, if, in the opinion of the Film Liaison, there has been an instance of non-compliance with this policy, or a false statement, misrepresentation, and/or substantial deviation from the information provided during the film permit application process, the film permit may be revoked. The City of Port Colborne will not be responsible for any costs resulting from the revocation of a film permit (see 1.5). The decision to re-instate the film permit may be given after any issues have been resolved to the satisfaction of all parties. In the event that the production schedule goes beyond the filming project's specified timelines, the City will have the option, in its sole discretion, to negotiate an extension or refuse to accept an extension request.

### **3.4.3 Sustainability**

The City of Port Colborne has embraced the three pillars of sustainability and committed to ensuring that all choices and decisions are rooted in an awareness of this important concept. Production companies are asked to agree to the following:

- Respect sensitive environmental and historical areas, as well as (public and privately-owned) heritage properties, in the City where filming may be restricted or prohibited;
- Do not film City staff, uniforms, logo, identifiable materials, vehicles, equipment, etc., without prior written approval;
- Do not fly flags on municipal property that represent groups or organizations whose principles, purposes or activities are contrary to the laws of Canada, the laws of the Province of Ontario or the values and principles of the City;
- Make every effort to patronize Port Colborne businesses and use local services;
- Dispose of garbage, materials (e.g., liquids must not be washed into catch basins, etc.), and debris in an environmental-friendly manner;
- Reduce (e.g., waste that ends up in the local landfill, vehicle idling, etc.), reuse (e.g., materials on future filming projects), recycle, and donate (i.e., food, beverages, clothing, hygiene products, and other essential items) to the community's most vulnerable residents;
- Keep a detailed record of funds—whether by the production company, cast or crew—spent in the community and report this amount to the City in order to assist with measuring the impact of the filming project.

## **3.5 Credit**

In return for the approval to film in Port Colborne, the City asks for the following:

- A letter confirming the City will receive screen credit in the final production;
- City's name and/or logo will be listed in the credits of the final production;
- Permission to use the production's title or to reference general information (e.g., dates, actors, directors, producers, writers, etc.) about the production in any City promotional materials; and

- Copies of any stills, footage, clips, etc. of scenes filmed in Port Colborne to be utilized by the City for promotional purposes.

## Appendix A – Film Permit Application

Please read the City of Port Colborne's Filming Policy ahead of filling out this application.

Production Information				
Date of Application:				
Applicant Name & Title:				
Email:			Phone:	
Production Title:				
Production Type:				
<input type="checkbox"/> Feature Film	<input type="checkbox"/> Short Film	<input type="checkbox"/> TV Movie	<input type="checkbox"/> TV Series	<input type="checkbox"/> Commercial
<input type="checkbox"/> Music Video	<input type="checkbox"/> Documentary	<input type="checkbox"/> Educational Film	<input type="checkbox"/> Student or Not-for-profit Film	<input type="checkbox"/> Student or Not-for-profit Commercial
<input type="checkbox"/> Other:				
Episode Number (TV series only):				
Airing Network:				
Production Company:				
Address:				
Email:			Phone:	
Key Personnel – Contact Information				
Primary Contact:	Cell:	Email:		
Producer:	Cell:	Email:		
Production Manager:	Cell:	Email:		
Location Manager:	Cell:	Email:		
Asst. Loc. Manager:	Cell:	Email:		
Other:	Cell:	Email:		

Filming Location(s)		
Main Filming Location: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior <input type="checkbox"/> Combination		
Additional Filming Locations: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior <input type="checkbox"/> Combination		
Locations include municipal property or private property: <input type="checkbox"/> Municipal property <input type="checkbox"/> Private property <input type="checkbox"/> Combination		
Basecamp Location:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Other applicable dates and times:		
Description of the scene(s):		
Location/Site Map: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Script: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Size of cast and crew:		
Scene(s) includes construction (e.g., film set) and/or the use building structures: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Scene(s) involves changes to the existing structure and/or appearance of (municipal or private) property and/or buildings: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, describe the extent to which these changes will be made:		
Parking		
Number of passenger vehicles:	Number of production vehicles and cast trailers:	Number of oversize trucks:
Describe the parking arrangements:		
Overnight parking: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Special parking arrangements requested:		
Special Requests		
Temporary Road Closure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Intermittent Traffic Control	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Traffic Signs, Streetlights & Public Infrastructure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
SPFX and/or Dangerous Filming	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Drones	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Animals	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other:		
<b>City Services</b>		
Cleanup & Garbage Collection: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Staff Monitoring & Supervision: <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> <li>▪ Billed accordingly to the production company at the applicable hourly rate</li> </ul>		
Additional Requests: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide details:		
<b>Intermittent Traffic Control (if applicable)</b>		
Travelling shot with normal traffic flow: <input type="checkbox"/> Yes <input type="checkbox"/> No	Camera in Car: <input type="checkbox"/> Yes <input type="checkbox"/> No Process Trailer: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Location:	Dates & Times:	
From (cross street):	To (cross street):	
Description of the scene(s):		
<b>Traffic Signs, Streetlights &amp; Public Infrastructure (if applicable)</b>		
Description of control, alterations or removals of traffic signs, streetlights, and/or public infrastructure:		
<b>Documentation</b>		
I agree to submit the following documentation not less than three (3) business days before production begins.		
Certificate of Insurance: <input type="checkbox"/> Yes <input type="checkbox"/> No Filming Agreement: <input type="checkbox"/> Yes <input type="checkbox"/> No		
I agree to submit a residential/business area notification letter not less than four (4) business days before production begins: <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Economic Impact</b>		



Estimated amount of money to be spent by the production company, cast or crew in Port Colborne:

I agree to make every effort to patronize Port Colborne businesses and use local services: ☐ Yes ☐ No

I agree to keep a detailed record of the funds spent in Port Colborne and report this amount to the City: ☐ Yes ☐ No

The following provides a list of the most referenced by-laws with respect to filming projects. This list is not intended to be a complete listing of all by-laws that may apply to a filming project. Applicants are responsible for ensuring that they are aware of and comply with all relevant by-laws, as amended, and all applicable provincial and/or federal legislation.

- AMPS Parking & Non-Parking By-laws
- Encroachment By-law
- Keeping of Animals By-law
- Open Air Burning and Recreational Fires By-law
- Parking and Traffic By-law
- Public Nuisance By-law
- Site Alteration By-law
- Water By-law
- Discharge of Firearms By-law
- Fireworks By-law
- Noise By-law
- Parks By-law
- Parking Permit By-laws
- Sign By-law
- Tree By-law
- Zoning By-law

## Appendix B – Temporary Road Closure Application

Production Information		
Date of Application:		
Applicant Name & Title:		
Email:	Phone:	
Production Title:		
Production Type:		
Production Company:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Temporary Road Closure		
Occupy a lane on a roadway: <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupy a sidewalk or boulevard: <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupy an alleyway: <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, number of lanes:	If yes, can 1.5 metres around the encumbrance be maintained? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, will passage be partially or completely blocked? <input type="checkbox"/> Partially <input type="checkbox"/> Completely
Item for Occupancy (e.g., moving vehicle, production vehicle, other):		
Location of Occupancy:		
Description of Occupancy:		
Occupancy Start Date:	Occupancy End Date:	
Length (in metres) of occupied space:	Width (in metres) of occupied space:	
A traffic control plan—with maps, diagrams, etc.—to illustrate the occupancy will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Residential/Business Area Notification Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No		
I agree to notify residents, occupants or businesses five (5) business days before filming begins: <input type="checkbox"/> Yes <input type="checkbox"/> No		

## Appendix C – Dangerous Filming & SPFX Application

Production Information		
Date of Application:		
Applicant Name & Title:		
Email:	Phone:	
Production Title:		
Production Type:		
Production Company:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Special Effects (SPFX)		
Location:		
Date and Time:		
FX Location Representative:		
Representative's Cell Number:		
FX Supervisor Name:		
Supervisor's Cell Number:		
Pyrotechnician Certificate # & Expiry:		
Pyrotechnician Certificate # Class:		
Description of the scene(s) during which SPFX will be used:		
<input type="checkbox"/> SPFX machines or equipment	<input type="checkbox"/> Firearms, guns or gunfire	<input type="checkbox"/> Weapons
<input type="checkbox"/> Explosives or bombs	<input type="checkbox"/> Pyrotechnics or flash powder	<input type="checkbox"/> Fireworks or squibs
<input type="checkbox"/> Fire, open air burning or flammable liquids or materials	<input type="checkbox"/> Flame effects	<input type="checkbox"/> Dangerous stunts
A completed SPFX Plan—with maps, diagrams, and a detail description of the effect,		

including safe distances between personnel, objects and the effect—as well as a certificate of insurance will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
A completed Fire Safety Plan will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Pyrotechnics</b>
Set-up date:
Projected initiation times:
Detonating cord inclusions: <input type="checkbox"/> Yes <input type="checkbox"/> No
Planned number of resets:
Materials to be used, including quantities:
Safety Measures – Describe the place and method of pyrotechnics storage on-site, as well as the use of extinguishers on set as a safety measure:
Do you intend to have the fire protection equipment disconnected from this effect: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Squibs</b>
Will squibs be used with anything else (i.e., black powder)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will fuses or detonators be used? <input type="checkbox"/> Yes <input type="checkbox"/> No
Set-up date:
Projected initiation times:
Planned number of resets:
<b>Firearms, Guns, or Gunfire</b>
Firearms Handler Name:
Firearms Handler Cell Number:
PAL # for Firearms Handler:
Firearms Business License #:
Set-up date:
Projected initiation times:
Planned number of rounds:

What is being fired at? <input type="checkbox"/> Vehicle <input type="checkbox"/> Prop <input type="checkbox"/> Person <input type="checkbox"/> Other
Will an air capsule gun (e.g., Sweeney) be used? <input type="checkbox"/> Yes <input type="checkbox"/> No
Describe what the air capsule gun rounds contain:
Types of firearms on set, including quantities:
Safety Measures – Describe the place and method of firearms storage on-site (Note: Prop or replica firearms must be secured in the same way as actual firearms):
A copy of the on-set Firearms Handler's PAL will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
A copy of the Firearms Business License will be submitted along with application: <input type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Regional Police Service will be notified and a Paid Duty Officer will be requested (if required): <input type="checkbox"/> Yes <input type="checkbox"/> No
The completed application and all required attachments will be emailed to both the City of Port Colborne and Niagara Regional Police Service at least 10 business days in advance of filming: <input type="checkbox"/> Yes <input type="checkbox"/> No

## Appendix D – Filming Agreement

**THIS FILMING AGREEMENT** (the “**Agreement**”) is dated \_\_\_\_\_, 20\_\_

### **BETWEEN**

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

66 Charlotte Street, Port Colborne, ON L3K 3C8

(the “City”)

### **AND**

Name

Address

(the “Permittee”)

(collective referred to as the “Parties”)

**IN CONSIDERATION** of the City having issued to the Permittee a film permit (the “Permit”) to engage in filming activities within the City of Port Colborne, which may include without limitation permission to enter onto, use, or occupy certain lands, property, or facilities, including roads and streets and public places, that belong to or that are under the control of the City as more particularly described in the Permit (“City Property”), the Permittee agrees as follows:

1. The Permittee shall ensure that all filming activities are carried out strictly in accordance with the City of Port Colborne’s Filming Policy, in a safe and appropriate manner, in accordance with all applicable City by-laws and Provincial and Federal laws, including but not limited to the *Occupational Health and Safety Act*, as amended, and the Safety Guidelines for the Film and Television Industry in Ontario, and assumes all risks connected with or that may arise out of such activities.
2. The Permittee shall inspect City Property prior to its use both as to its suitability for the Permittee’s activities and its condition, and its use by the Permittee shall, except for any undiscoverable hazardous condition, be construed as acceptance of the suitability and condition of the City Property. The Permittee shall leave the City Property in the same condition as, or better condition than, it was prior to the Permittee’s use.
3. The Permittee shall be allowed to enter on City Property from [date] to [date]. The Permittee shall elect not to use City Property for filming activities or any other purpose, which the Permittee shall have the right to do, only by providing written notice forty-eight (48) hours prior to the Permittee’s scheduled use of City Property.
4. The Permittee shall obtain, at its own expense, all permits from any public authority which may be required in connection with the Permittee’s filming activities.

5. The Permittee agrees to release absolutely, waive, and save harmless the City and its elected officials, officers, employees, servants, agents and contractors from and against any and all claims that the Permittee or its servants and agents might otherwise have against the City except only to the extent caused by the negligent or wilful misconduct of the City or its elected officials, officers, employees, servants, agents and contractors or arising out of any undiscoverable hazardous condition.
6. The Permittee agrees to indemnify and hold harmless the City, and its elected officials, officers, employees, servants, agents and contractors, from and against all claims and demands and all awards, judgements, actions, or causes of action and proceedings by whomsoever made or brought in respect of any claim for personal or bodily injury, including death, to any person, and for any loss of or damage to property caused directly or indirectly by or as a result of the granting of the Permit by the City or the activities of the Permittee within the City of Port Colborne, except to the extent caused by the negligence or wilful misconduct of the City or its officers or employees or arising out of any undiscoverable hazardous condition.
7. The Permittee shall obtain and maintain, at all times throughout the filming activities, insurance satisfactory to the City and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for bodily injury, property damage, and personal injury as well as include but not be limited to the following.
  - A. Commercial general liability insurance with:
    - i. A limit of liability of not less than \$2,000,000.00 (two million) per occurrence with an aggregate of not less than \$5,000,000.00 (five million), or a limit of liability of not less than \$5,000,000.00 (five million) per occurrence with an aggregate of not less than \$5,000,000.00 (five million);
    - ii. The City added as an additional insured with respect to the operations of the Named Insured;
    - iii. A provision for cross liability and severability of interest in respect of the Named Insured;
    - iv. Non-owned automobile coverage with a limit not less than \$2,000,000.00 (two million) and contractual non-owned coverage (SEF 96);
    - v. Products and completed operations coverage;
    - vi. Broad Form Property Damage;
    - vii. Contractual Liability;
    - viii. Work performed on behalf of the Named Insured by Sub-Contractors; and
    - ix. 30 days prior notice of cancellation provided.
  - B. All Risks Property Insurance in an amount equal to the full replacement cost of property of every description and kind owned by the Permittee or for which the Permittee is legally responsible, and which will be used for the filming of

the production (the "Production" includes the time before/prep, during/shoot, and after/wrap).

- C. Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario, having an inclusive limit of not less than \$2,000,000.00 (two million) per occurrence for Third Party Liability, in respect of the use or operation of vehicles owned, operated or leased by the Permittee.
  - D. Aircraft, Drone and Watercraft Liability Insurance, if applicable, with respect to any non-owned aircraft or watercraft connected to the project, in an amount of not less than \$5,000,000.00 (five million) per occurrence for Third Party Liability including Passenger Hazards.
8. The Permittee, its directors, officers, employees, agents, contractors, and subcontractors, or any of them in connection with or in any way related to the Production, shall comply with any instructions given by the City's film liaison (the "Film Liaison") for the purposes of the use of City Property. If at any time during the Production, the Film Liaison determines that any activity carried out by the Permittee is contrary to any rules, regulations, orders, or by-laws of the City, or contrary to any general law, or is unsafe or not in the best interest of the City, the Film Liaison shall have the right to order the Permittee to discontinue the Production. The Permittee shall comply immediately with any such instructions, directions, or orders given by the Film Liaison. In the event that the Permittee, its employees, agents, contractors or subcontractors fail to comply, the Film Liaison may use whatever reasonable force necessary to prevent the Permittee from continuing with the Production and remove the Permittee from City Property.
9. Subject to the City of Port Colborne's Filming Policy, all rights of every kind in and to all photographs, video and sound recordings made hereunder in connection with use of City Property by the Permittee (the "Footage") and any duplicates created of City Property (the "Duplicates") shall be and remain the sole and exclusive property of the Permittee and its licensees and assigns. Such rights shall include, without limitation, the perpetual and irrevocable right and license to use and re-use said Footage in connection with the Production and any other productions (including, without limitation, any television, motion picture, internet or other new media production) (collectively, the "Productions") as the Permittee may elect, and in connection with advertising, publicizing, exhibiting, merchandising, distributing and exploiting such Productions in any manner whatsoever and at any time by all means, media, devices, processes and technology now or hereafter known or devised in perpetuity throughout the universe. The rights granted to the Permittee hereunder in connection with the Footage and the Duplicates shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein. Neither the City nor any other party now or hereafter claiming an interest in the City Property and/or through the City shall have any right of action against the Permittee or any other party arising from or based upon any use or exploitation of



such Footage or Duplicates, whether or not such use is claimed to be defamatory, untrue or censurable in nature. The Permittee shall not be obligated to make any actual use of any Footage or Duplicates in the Productions or otherwise.

10. The Permittee shall agree to report to the Film Liaison the amount of money spent in Port Colborne, acknowledge the City of Port Colborne in the credits of the final production, and provide the City with permission to use the Production's information and copies of the Footage or Duplicates for marketing or promotional purposes.
11. With respect only to the use of City Property, the City warrants, represents and agrees that it is fully authorized to enter into this Agreement and has the right to grant the Permittee use of the City lands and facilities for the purpose of filming, and, to the best of its knowledge, the City owns and controls the copyrights and trademarks in and to the interior and exterior designs of City owned facilities such that no further permission(s) or consent(s) from, or payment to, any other entity is necessary for the City to grant the rights granted herein. Notwithstanding the foregoing, where the City Property is occupied by a tenant the Permittee must obtain the separate agreement of the tenant to the use of the City Property for the filming activities.
12. In the event of any claims by the City against the Permittee for physical damage to City Property, the liability of the Permittee shall be for the reasonable cost of repairing such damage; for any other claims by the City against the Permittee, whether or not material, the City shall be limited to the City's remedy at law for damages, if any, and the City shall not be entitled to enjoin, restrain or interfere with (i) the Footage or Duplicates as provided hereunder; or (ii) the production, distribution, merchandising, advertising, publicizing, exhibiting, or exploitation of the Productions.
13. Any schedule(s) attached to this Agreement form a part of this Agreement.
14. In the event of any conflict between the terms and conditions of this Filming Agreement and the terms and conditions of the City's Filming Policy, the terms and conditions of this Filming Agreement shall govern.
15. Except as otherwise specifically provided herein, this Agreement will be interpreted in accordance with the laws of the Province of Ontario.
16. If any provision in this Agreement is invalid or unenforceable, the remainder of this Agreement is not affected thereby and each covenant, obligation and provision of this Agreement is separately valid and enforceable to the fullest extent permitted by law.
17. This Agreement may be executed and delivered (including being scanned and e-mailed) in one or more counterparts, and by the different Parties hereto in separate

counterparts, each of which when executed shall be deemed to be an original, but all of which taken together shall constitute one and the same agreement.

**IN WITNESS WHEREOF** the Parties hereto have executed this Agreement through duly authorized representatives.

_____	_____	_____
Permittee	Signature	Date

_____	_____	_____
The Corporation of the City of Port Colborne	Signature	Date

I have the authority to bind the Corporation.

## Appendix E – Rates & Fees

Service Type	Name	Fee
Film	Film Permit – Municipal Property	\$175.00
Film	Staff Time – Film Liaison	\$85.00 per hour
Film	Security Deposit	\$2,500.00 minimum for low impact filming projects
		\$5,000.00 minimum for medium to high impact filming projects

### Notes:

<sup>1</sup> All applicable taxes shall apply.

<sup>2</sup> Student and not-for-profit filming projects are exempt from the film permit fee.

<sup>3</sup> Staff time—that of the Film Liaison and City staff (at the applicable hourly rate, regular or overtime, and mileage reimbursement, if required) from other departments or divisions, including PCFES—will be necessary to coordinate requests and permit application review for any filming projects, whether on municipal or private property, involving road closures, traffic interruption, traffic sign and streetlight control, public infrastructure control, alteration or removal, as well as SPFX and dangerous filming.

<sup>4</sup> Security deposits may be adjusted lower or higher depending on the nature of the filming project and the number of filming days and/or locations.

**From:** diane noble <[REDACTED]>  
**Sent:** Tuesday, July 4, 2023 11:07 PM  
**To:** City Clerk <[cityclerk@portcolborne.ca](mailto:cityclerk@portcolborne.ca)>  
**Subject:** Request for Support - Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement  
**Importance:** High

Some people who received this message don't often get email from [REDACTED] [Learn why this is important](#)

Dear Municipal Clerk – City of Port Colborne,

I am respectfully requesting this email and attachments (*including supporting resolutions by The Township of Cramahe and The Township of Selwyn*), are forwarded to Council and added as action correspondence to your next council meeting agenda as a matter of urgency. Please let me know when this may be on the agenda. If you could also email the outcome to [thewomenofontariosayno.team@gmail.com](mailto:thewomenofontariosayno.team@gmail.com) that would be most appreciated. *Thank you!*

**Dear Mayor Steele, Councillor Bagu, Councillor Elliott, Councillor Beauregard, Councillor Hoyle, Councillor Bruno, Councillor Danch, Councillor Aquilina, Councillor Bodner and Councillor Davies:**

**Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement:**

This request is from The Women of Ontario Say NO. A grassroots advocacy effort comprised of individuals, organizations, and community groups. We are committed to ensuring that locally elected officials are held accountable for violence and harassment in municipal workplaces. This advocacy stems from a number of egregious cases throughout the province including Ottawa, Barrie, and Mississauga. You can learn more on our website:

<https://www.thewomenofontariosayno.com/>

**Thank you for previously passing a resolution in support of Bill 5 Stopping Harassment and Abuse by Local Leaders Act.**

**Many councillors will know that on May 31<sup>st</sup>, 2023, the government voted down Bill 5 – The Stopping Harassment and Abuse by Local Leaders Act. At that time 160 municipalities had endorsed their support for Bill 5. In 2021, the Association of Municipalities Ontario recommended changes to strengthen municipal codes of conduct for elected officials. Again in 2023, after meetings with our group, the AMO issued a statement again calling on government to implement legislation change on this matter. AMO also provided sample resolution text for councils that wish to lend their support to this call: [Codes of Conduct, Changes to Visible Fees, and Fees Charged to Beverage Producers | AMO](#) These recommendations have still not been implemented.**

**As Bill 5 died on the floor, we now have a further request to ask of you.** We are calling on your municipality to continue to be an active and engaged voice in your own workplace safety and

that of the municipal staff in holding municipally elected representatives accountable for violence and harassment.

1. **We are therefore now asking council to pass the attached motion of March 27, 2023, issued by AMO, calling for government legislation on this issue.**
2. **We are requesting the motion include the communication that this legislation be prioritized for the fall of 2023 given the urgency of this issue.**
3. **We are asking that a letter expressing support for the motion be sent to: The Premier, Local MPPs, Minister of Municipal Affairs, Associate Minister of Women's Social and Economic Opportunity, AMO and local municipalities.**

We are counting on you as leaders to ensure your municipal workplace is safe and that there is basic human rights protection for all persons. This cannot wait any longer. This legislation needs to move ahead without any further delay.

Thank you in advance for continuing to being open to advocating for legislative change that will help ensure workplaces and community spaces are safe for everyone!

If you have any questions, please reach out to me.

Sincerely,

Diane Noble  
On Behalf of  
The Women of Ontario Say NO

Sent from [Mail](#) for Windows

---

**MEMORANDUM**

**CSC-C 18-2023**

**Subject: Referred Motion – Support for Association of Municipalities Ontario (AMO) Municipal Code of Conduct Recommendations**

**Date: August 9, 2023**

**To: Corporate Services Committee**

**From: Ann-Marie Norio, Regional Clerk**

---

At its meeting held on July 20, 2023, Regional considered a motion from Councillor Huson respecting Support for Association of Municipalities Ontario (AMO) Municipal Code of Conduct Recommendations as follows:

1. That Regional Council **SUPPORTS** the recommendations made by AMO that:
  - a) Codes of Conduct should be updated to include workplace safety and harassment policies;
  - b) Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances;
  - c) Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province;
  - d) in the most egregious cases, such as harassment or assault, municipalities should be able to apply to a judge to remove a sitting member if recommended by an Integrity Commissioner;
  - e) a member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term;
2. That Regional Council **URGES** the Ontario Government to table and pass legislation to make these changes as soon as possible;
3. That Regional Council **REINFORCES** that the time to act is past due as articulated and expressed by AMO; and

4. That this motion **BE CIRCULATED** to AMO, Niagara members of provincial parliament and local area municipalities.

During consideration of the motion, the following amendment was proposed:

1. That Regional Council **SUPPORTS** the recommendations made by AMO that:
  - a) ~~Codes of Conduct should be updated to include workplace safety and harassment policies;~~
  - b) Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances;
  - c) Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province;
  - d) in the most egregious cases, such as harassment or assault, ***an Integrity Commissioner*** ~~municipalities~~ should be able to apply to a judge to remove a sitting member ~~if recommended by an Integrity Commissioner;~~
  - e) ~~a member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term;~~

Council subsequently referred the motion and the proposed amendment to the Corporate Services Committee for staff to provide information regarding the differences between AMO's language and the proposed amendment.

At the meeting, there were some concerns expressed regarding if the motion presented was consistent with what AMO has put forward. Councillor Huson has provided correspondence (Appendix 1) from AMO with regard to this matter. In addition, Councillor Foster as Council's representative on the AMO Board, circulated a letter to Council from AMO to the Province dated February 3, 2021 on this subject matter (Appendix 2).

As this was referred to the Corporate Services Committee, the matter is before Committee for consideration.

Respectfully submitted and signed by

---

Ann-Marie Norio  
Regional Clerk

**Norio, Ann-Marie**

---

**From:** Huson, Diana  
**Sent:** Tuesday, August 08, 2023 10:00 AM  
**To:** Norio, Ann-Marie  
**Subject:** Fwd: AMO policy on code of conduct

Can this be added to the agenda tomorrow to accompany my motion?

Sincerely,

**Diana Huson, MA MBA**  
*Regional Councillor*  
 Town of Pelham | Niagara Region

C: [905-324-3094](tel:905-324-3094)  
[Diana.huson@niagararegion.ca](mailto:Diana.huson@niagararegion.ca)

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---

**From:** Brian Rosborough <BRosborough@amo.on.ca>  
**Sent:** Friday, July 21, 2023 11:20 AM  
**To:** Huson, Diana <Diana.Huson@niagararegion.ca>; Craig Reid <CReid@amo.on.ca>  
**Cc:** colin.best@milton.ca <colin.best@milton.ca>  
**Subject:** Re: AMO policy on code of conduct

**CAUTION EXTERNAL EMAIL:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Councillor Huson. Thanks for your note. Yes, the amo board has approved our work on the code of conduct matter and supports it fully. I have taken the liberty of adding my colleague craig reid to the email. Craig has been our principal advisor on this work and can assist if you have any specific questions or need any assistance. Thanks. Brian

---

**From:** Huson, Diana <Diana.Huson@niagararegion.ca>  
**Sent:** Friday, July 21, 2023 11:11:23 AM  
**To:** Brian Rosborough <BRosborough@amo.on.ca>  
**Cc:** colin.best@milton.ca <colin.best@milton.ca>  
**Subject:** AMO policy on code of conduct



**From:** [Colin.Best@milton.ca](mailto:Colin.Best@milton.ca) <[Colin.Best@milton.ca](mailto:Colin.Best@milton.ca)>

**Sent:** Thursday, July 13, 2023 8:51:06 PM

**To:** Huson, Diana <[Diana.Huson@niagararegion.ca](mailto:Diana.Huson@niagararegion.ca)>

**Subject:** Re: AMO Code of Conduct position.

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Hello Diana

Sorry for the delay in responding. Had a busy day.

I have attached AMO's summary on the issue and advocacy work.

<https://www.amo.on.ca/advocacy/municipal-gov-finance/action-municipal-codes-conduct-summary-ending-homelessness-symposium>

More information at the conference.



**Colin Best**

Regional Councillor Ward 1 (North-West)

[150 Mary Street, Milton ON, L9T 6Z5](https://www.milton.ca)

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

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You don't often get email from diana.huson@niagararegion.ca. [Learn why this is important](#)

Hi Brian,

Colin was kind enough to share AMO's recommendations regarding policy improvements to Code of Conduct legislation which is outlined on the website:

<https://www.amo.on.ca/advocacy/municipal-gov-finance/action-municipal-codes-conduct-summary-ending-homelessness-symposium>

I've put a motion together for my Council in this regard. I'm just looking for confirmation that this was approved by the Board? Colin indicated that anything on the website is Board approved.

Thank you kindly for your assistance!

Sincerely,

**Diana Huson, MA MBA**

*Regional Councillor*

Town of Pelham | Niagara Region

C: [905-324-3094](tel:905-324-3094)

[Diana.huson@niagararegion.ca](mailto:Diana.huson@niagararegion.ca)

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# Action on Municipal Codes of Conduct, Summary of Ending Homelessness Symposium, Bill 97 Passes

Policy Update • June 20, 2023

## **AMO Encourages Member Action on Municipal Codes of Conduct and Enforcement**

AMO's Board and members have been very clear: a safe and respectful workplace is a basic expectation. All council members agree to follow a Code of Conduct when they are sworn into office. However, sometimes there have been incidents when a council member's behaviour clearly crosses the line and councils have limited ability to enforce the Codes.

AMO, other municipal organizations such as ROMA and OBCM and 84 municipalities have lent their support to making changes to improve enforcement of Codes of Conduct. However, with the defeat of Bill 5, more direct action from municipal councils is required. That is why AMO is asking our members to meet with your local MPPs before the AMO Conference in August to request that the Government of Ontario introduce legislation to enact our recommended changes.

\* Key messages are linked to help guide your conversations with your local provincial representatives. Municipal governments working together make positive change happen.

## **Summary of Proceedings from AMO's Ending Homelessness Symposium**

On May 3-4, 2023, AMO hosted the Ending Homelessness Symposium in Toronto,

which brought together around 250 people including municipal elected officials and staff, Indigenous organizations and other sector partners. A central aim of the symposium was to create a platform for dialogue to share and understand various perspectives and experiences with homelessness across the province, and to move towards building coordinated and strategically aligned solutions. Given this aim, multiple sessions were held that addressed the various perspectives and facets on the root causes of homelessness – including income insecurity, insufficient supply of deeply affordable housing, insufficient responses to mental health and addictions challenges and potential policy responses required. Since governments, community and healthcare partners, as well as the private sector all have a role to play, these sessions brought together these diverse actors.

This Summary of Proceedings summarizes key takeaways from each session, and will be used by AMO's staff, Task Forces, and Board of Directors to inform ongoing advocacy positions and strategy.

### **Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023 Passes**

Bill 97 received Royal Assent on June 8, 2023. The Bill amends the Building Code Act, 1992; City of Toronto Act, 2006; Development Charges Act, 1997; Ministry of Municipal Affairs and Housing Act, 1999; Municipal Act, 2001; Planning Act, 1990; and Residential Tenancies Act, 2006. AMO prepared several submissions in response to the consultations on the Bill, which can be found on our website. AMO also delivered remarks to complement a written submission to the Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 97. AMO staff are currently preparing a submission for the ongoing consultation on the Provincial Planning Statement, which will be submitted ahead of the August 4, 2023 deadline.

Contact:

#### **AMO Policy**

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

T 416.971.9856

Share this article:

### Key Messages for AMO Members – Codes of Conduct and Enforcement

- A safe and respectful work environment is a basic expectation for all Ontarians
- Our municipality supports the recommendations made by AMO that:
  - Codes of Conduct should be updated to include workplace safety and harassment policies
  - Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances
  - Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province
  - in the most egregious cases, such as harassment or assault, municipalities should be able to apply to a judge to remove a sitting member if recommended by an Integrity Commissioner
  - a member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term
- Our municipality urges the Ontario Government to table and pass legislation to make these changes as soon as possible
- Serving our communities in a leadership role is a privilege and a responsibility
- Improving local public discourse will improve public confidence in local government and increase respect for our municipal institutions and the work we do
- Democracy suffers when the public loses confidence in their representatives and institutions
- \_\_\_\_\_ municipality believes the time to act is past due

**From:** [Colin.Best@milton.ca](mailto:Colin.Best@milton.ca) <[Colin.Best@milton.ca](mailto:Colin.Best@milton.ca)>

**Sent:** Thursday, July 13, 2023 8:51:06 PM

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Policy Update • June 20, 2023

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Contact:

#### **AMO Policy**

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

T 416.971.9856

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- Improving local public discourse will improve public confidence in local government and increase respect for our municipal institutions and the work we do
- Democracy suffers when the public loses confidence in their representatives and institutions
- \_\_\_\_\_ municipality believes the time to act is past due

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

February 3, 2021

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

Dear Minister Clark,

**Re: Options for Enforcing Compliance by Council Members with Municipal Codes of Conduct**

I am writing to you in response to your inquiry at the December MOU meeting as to whether AMO might provide input into a potential council member recall mechanism. I appreciate being able to provide you with some input on behalf of the Association. To do so, I am taking the unusual step of attaching the motion approved recently by AMO's Board, expanded upon in the text of this letter to explain the rationale for our recommendations and the detailed legislative, regulatory, and municipal policy changes needed to put them in place.

As I know you are aware, the subject of enforcing Codes of Conduct for democratically elected members of a council or legislature is an important issue. It is also one in which striking the correct balance is both difficult and critical to preserving accountability and confidence in the electoral system. Since your inquiry, AMO has been working to examine options that improve accountability to the electorate with reasonable actions that can help to promote and ensure good behaviour amongst elected officials. Our staff have consulted with municipal legal experts and conferred with staff at your Ministry. Our Executive Committee and Board of Directors have also discussed the issue and potential recommendations. The input I am presenting you for consideration reflects development and refinement at each of those stages.

I can tell you that our Board had detailed discussions and informed opinions were voiced on all sides of this issue. With that said, our Board reached a general consensus that municipal Codes of Conduct and the system to enforce them are strong governance tools but that municipal governments needed a better ability to ensure compliance with these Codes that all elected officials agree to when they take office.

Ultimately, the Board strongly endorsed the need to create additional interim options to enforce council member behaviour as well as the ultimate ability to remove a council member in the most egregious breaches of a municipal Code of Conduct.

These options build on the current removal criteria for council members of criminal conviction or missing three consecutive council meetings.

## Guiding Principles

The AMO Board endorsed several principles to guide our conversations and analysis. We think they are relevant to any actions the Ministry may consider regarding changes to compliance mechanisms for council members. As a result, I am presenting them to you in this letter so that you can understand how our recommendations were formed and for your consideration as you work on any policy development in this area. AMO will weigh any policy changes in accordance with the principles. The most significant ideas behind these principles are respect for municipal government as a democratic institution including municipal electors, evolution of current mechanisms, practicality and acknowledgement that enforcing criminal law is a separate task from the Code of Conduct compliance matters being considered here.

The principles AMO believes most relevant are:

- **Subsidiarity and accountability to electorate** – decisions taken at the closest level of their impact and local electors must be consulted/decisions respected.
- **Mature municipal governments** – councils should decide and implement sanctions, not other orders of government.
- **Clear link to municipal governance** – process and actions encourage compliance with governance policies and insulated from vexatious claims and political grievances/reprisals.
- **Practicality** – can the outcome be achieved affordably in a term of office.
- **Respects other legal processes** – does not replace criminal conviction which results in forfeit of a council seat.

## Removal by Minister and Recall by Voters

As we applied these principles, AMO considered the two options that have been presented through recent public discussions in Ontario. They are: removal of a council member by the Minister of Municipal Affairs and Housing; and voter recall. As the Board considered these options, it became evident that they did not meet the principles of respect for municipal government institutions and voters, subsidiarity, and practicality. As a result, the Board elected not to recommend these as actions for policy development.

## Code of Conduct Enforcement and Integrity Commissioners

The Board preferred to recommend an alternative to the previous options that it felt enhanced the current mechanisms in place to incent compliance with behavioural

codes and also allow recommendation of suspension or removal in some circumstances, subject to process. AMO's Board felt that the introduction of municipal Integrity Commissioners, reporting as officers of council governance, offered the best option for enhanced compliance with Codes of Conduct, with new enhancements to powers and processes through regulation and municipal policy. The rationale for this is that the Board believes that these Codes are mutually agreed upon covenants that all members of council agree to uphold upon election and that it is fair to hold members accountable to each other and the public for their compliance with them.

In particular, the Board believes that the introduction of municipal Integrity Commissioners has been largely successful but that better education and standardization of the role, where appropriate, is needed to improve performance across the province. The Board also felt that the fact these officers are employed by councils and already empowered to investigate breaches in Codes of Conduct provided a useful foundation consistent with the need to respect local governments and our electors. Subsequent powers would render them even more useful to uphold principles agreed to by public office holders.

### **Administrative Monetary Penalties**

Despite their current relevance, some particular changes to legislation and regulations are needed to enhance the Integrity Commissioner's role to enforce Codes of Conduct to give it more tools to do so. The Board recommends that the *Municipal Act* be amended to allow Administrative Monetary Penalties to be applied to council members where violations of Codes of Conduct have been found through an Integrity Commissioner's report. To allow these penalties and create a framework for their application, regulations under the *Municipal Act* should also be filed to create a range of penalties that can be applied throughout the province.

The Board was keen to ensure that the differences in municipal governments were reflected and recommends that such a regulation should also require each municipal council to establish an Administrative Monetary Penalty Policy with respect to Code of Conduct violations that can account for such variances as council remuneration, local economic circumstances and institutional culture. These penalties should only be applied after the conclusion of a public report of an Integrity Commissioner has documented violations of Codes of Conduct and recommends the application of these consequences to council.

### **Suspension**

While Administrative Monetary Penalties were felt to have merit, AMO's Board also discussed the need to be able to suspend and, in some cases, remove a member of council in more specified and limited situations. The Board considered that suspensions of council members for a specified and limited time could be warranted in situations where that member's participation in certain council decisions could have deleterious consequences to public health or safety, such as during an emergency.

The current response to the pandemic is one such situation that such an action may be taken where public discourse and disagreement about the existence of COVID-19 and use of public health measures have been openly discussed. Once again, the members of AMO's Board believe that such an action should only be taken where a member's participation in a meeting or meetings is immediately or imminently likely to make response to an emergency situation or other health and safety threat very challenging or impossible.

### **Removal from Office**

In the most significant situations, the Board believes that there should be the ability to remove members of council when the most significant breaches of Codes of Conduct are found. This would need to be separate from any criminal proceedings that may otherwise arise. In such cases, it would be appropriate for a council to seek intervention by a member of the judiciary to remove a council member where a report of a municipal Integrity Commissioner recommends such action for serious, willful and/or repeated significant violations of a Code of Conduct adopted by the municipality and agreed to by council members. Removal of a councillor by a member of the bench would of course require a legal appeal mechanism and should not necessarily disqualify a person from running in a subsequent election.

### **Education and Standardization**

Finally, the Board recommended that better education and standardization, where appropriate, of the skillset of Integrity Commissioners should be pursued over time. To do so, the Board recommended that the Ministry of Municipal Affairs and Housing develop resources for current and prospective Integrity Commissioners to improve access for councils to quality and consistent resources across Ontario. To do so, the Ministry could begin to build a continuous improvement regime for qualifications/skill sets of a Commissioner that would be common to each office holder regardless of their location.

Additionally, the Board discussed the need to educate council members through on-boarding by municipal officials after an election. Municipal staff will need to update their materials for new and returning members to reflect any changes to the regime. Also, for prospective members of council AMO's educational offerings for candidates should be updated to ensure that they understand the roles of Integrity Commissioners, compliance with Codes of Conduct and other necessary knowledge before they submit their nominations. As well, we would ask that MMAH's Councillor Guide also be so updated.

### **Conclusion**

AMO's Board had a thorough and detailed discussion based on the research conducted by our organization and the experiences of our members. The Board is aware that it is recommending significant changes to the role played by Integrity

Commissioners as well as the conventions that have bound democratically elected municipal officials in Ontario for decades or more. While it was felt that recall and removal of council members by the voter or Minister respectively did not meet the test of the principles we agreed to, we believe that more can and must be done to help ensure municipal government continues to enjoy the confidence of our electors.

The recommendations put forward in this letter and the rationales for them have the potential to do so in a measured manner. We trust you will consider our thoughts and advice in this complex matter. We are happy to discuss them as you move forward with any action to improve Code of Conduct compliance.

Sincerely,



Graydon Smith  
AMO President  
Mayor of the Town of Bracebridge

cc: Kate Manson-Smith, Deputy Minister, Ministry of Municipal Affairs and Housing

## Options for Enforcing Compliance with Municipal Codes of Conduct Amongst Council Members

### Motion:

That the Board of Directors of the Association of Municipalities of Ontario endorse the provision of advice to the Minister of Municipal Affairs and Housing to consider the following options to enforce compliance with Municipal Codes of Conduct amongst members of municipal council.

That the Board direct the President to write to the Minister with the Board's advice for strengthening enforcement of municipal Codes of Conduct for council members, as follows:

That section 223.2 (3) of the *Municipal Act* be amended to allow Administrative Monetary Penalties to be levied in the event that breaches of a municipal Code of Conduct are found through an Integrity Commissioner's investigation and published in a report;

That the Ministry of Municipal Affairs and Housing issue regulations under the *Municipal Act* authorizing municipal governments to adopt a policy for Administrative Monetary Penalties specifying a financial range of penalties for application by Integrity Commissioners in Code of Conduct breaches;

That the regulation specifies a range of financial thresholds for these penalties and a range of suspension timeframes that municipal governments can choose from to suit their local circumstances;

That an Integrity Commissioner's report into a council member's conduct be disseminated to the electors of that office through publication or other means;

That the powers of Municipal Integrity Commissioners be expanded to enforce compliance with a Municipal Code of Conduct to include:

- The levying of an Administrative Monetary Penalty for a violation of a Code of Conduct provision, subject to a municipal policy adopted by a Council specifying penalty ranges;
- Suspension of a council member for a specified time where the council member's attendance at council is affecting the ability of council to make necessary decisions in the interest of the public such as during an emergency;
- Referral to a member of the judiciary with a recommendation to consider removing a councillor from office where continued and serious violations of the Code of Conduct have been documented; and

That MMAH provide funding and resources to improve the education and performance of Integrity Commissioners to create norms and standards in the office holders to improve councillor and public acceptance and trust.

**Norio, Ann-Marie**

---

**From:** Huson, Diana  
**Sent:** Tuesday, August 08, 2023 10:00 AM  
**To:** Norio, Ann-Marie  
**Subject:** Fwd: AMO policy on code of conduct

Can this be added to the agenda tomorrow to accompany my motion?

Sincerely,

**Diana Huson, MA MBA**  
*Regional Councillor*  
 Town of Pelham | Niagara Region

C: [905-324-3094](tel:905-324-3094)  
[Diana.huson@niagararegion.ca](mailto:Diana.huson@niagararegion.ca)

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---

**From:** Brian Rosborough <BRosborough@amo.on.ca>  
**Sent:** Friday, July 21, 2023 11:20 AM  
**To:** Huson, Diana <Diana.Huson@niagararegion.ca>; Craig Reid <CReid@amo.on.ca>  
**Cc:** colin.best@milton.ca <colin.best@milton.ca>  
**Subject:** Re: AMO policy on code of conduct

**CAUTION EXTERNAL EMAIL:** This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Hi Councillor Huson. Thanks for your note. Yes, the amo board has approved our work on the code of conduct matter and supports it fully. I have taken the liberty of adding my colleague craig reid to the email. Craig has been our principal advisor on this work and can assist if you have any specific questions or need any assistance. Thanks. Brian

---

**From:** Huson, Diana <Diana.Huson@niagararegion.ca>  
**Sent:** Friday, July 21, 2023 11:11:23 AM  
**To:** Brian Rosborough <BRosborough@amo.on.ca>  
**Cc:** colin.best@milton.ca <colin.best@milton.ca>  
**Subject:** AMO policy on code of conduct



**From:** [Colin.Best@milton.ca](mailto:Colin.Best@milton.ca) <[Colin.Best@milton.ca](mailto:Colin.Best@milton.ca)>

**Sent:** Thursday, July 13, 2023 8:51:06 PM

**To:** Huson, Diana <[Diana.Huson@niagararegion.ca](mailto:Diana.Huson@niagararegion.ca)>

**Subject:** Re: AMO Code of Conduct position.

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Hello Diana

Sorry for the delay in responding. Had a busy day.

I have attached AMO's summary on the issue and advocacy work.

<https://www.amo.on.ca/advocacy/municipal-gov-finance/action-municipal-codes-conduct-summary-ending-homelessness-symposium>

More information at the conference.



**Colin Best**

Regional Councillor Ward 1 (North-West)

[150 Mary Street, Milton ON, L9T 6Z5](https://www.milton.ca)

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

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You don't often get email from diana.huson@niagararegion.ca. [Learn why this is important](#)

Hi Brian,

Colin was kind enough to share AMO's recommendations regarding policy improvements to Code of Conduct legislation which is outlined on the website:

<https://www.amo.on.ca/advocacy/municipal-gov-finance/action-municipal-codes-conduct-summary-ending-homelessness-symposium>

I've put a motion together for my Council in this regard. I'm just looking for confirmation that this was approved by the Board? Colin indicated that anything on the website is Board approved.

Thank you kindly for your assistance!

Sincerely,

**Diana Huson, MA MBA**

*Regional Councillor*

Town of Pelham | Niagara Region

C: [905-324-3094](tel:905-324-3094)

[Diana.huson@niagararegion.ca](mailto:Diana.huson@niagararegion.ca)

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# Action on Municipal Codes of Conduct, Summary of Ending Homelessness Symposium, Bill 97 Passes

Policy Update • June 20, 2023

## **AMO Encourages Member Action on Municipal Codes of Conduct and Enforcement**

AMO's Board and members have been very clear: a safe and respectful workplace is a basic expectation. All council members agree to follow a Code of Conduct when they are sworn into office. However, sometimes there have been incidents when a council member's behaviour clearly crosses the line and councils have limited ability to enforce the Codes.

AMO, other municipal organizations such as ROMA and OBCM and 84 municipalities have lent their support to making changes to improve enforcement of Codes of Conduct. However, with the defeat of Bill 5, more direct action from municipal councils is required. That is why AMO is asking our members to meet with your local MPPs before the AMO Conference in August to request that the Government of Ontario introduce legislation to enact our recommended changes.

**\*** Key messages are linked to help guide your conversations with your local provincial representatives. Municipal governments working together make positive change happen.

## **Summary of Proceedings from AMO's Ending Homelessness Symposium**

On May 3-4, 2023, AMO hosted the Ending Homelessness Symposium in Toronto,

which brought together around 250 people including municipal elected officials and staff, Indigenous organizations and other sector partners. A central aim of the symposium was to create a platform for dialogue to share and understand various perspectives and experiences with homelessness across the province, and to move towards building coordinated and strategically aligned solutions. Given this aim, multiple sessions were held that addressed the various perspectives and facets on the root causes of homelessness – including income insecurity, insufficient supply of deeply affordable housing, insufficient responses to mental health and addictions challenges and potential policy responses required. Since governments, community and healthcare partners, as well as the private sector all have a role to play, these sessions brought together these diverse actors.

This Summary of Proceedings summarizes key takeaways from each session, and will be used by AMO's staff, Task Forces, and Board of Directors to inform ongoing advocacy positions and strategy.

### **Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023 Passes**

Bill 97 received Royal Assent on June 8, 2023. The Bill amends the Building Code Act, 1992; City of Toronto Act, 2006; Development Charges Act, 1997; Ministry of Municipal Affairs and Housing Act, 1999; Municipal Act, 2001; Planning Act, 1990; and Residential Tenancies Act, 2006. AMO prepared several submissions in response to the consultations on the Bill, which can be found on our website. AMO also delivered remarks to complement a written submission to the Standing Committee on Heritage, Infrastructure and Cultural Policy on Bill 97. AMO staff are currently preparing a submission for the ongoing consultation on the Provincial Planning Statement, which will be submitted ahead of the August 4, 2023 deadline.

Contact:

#### **AMO Policy**

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

T 416.971.9856

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### Key Messages for AMO Members – Codes of Conduct and Enforcement

- A safe and respectful work environment is a basic expectation for all Ontarians
- Our municipality supports the recommendations made by AMO that:
  - Codes of Conduct should be updated to include workplace safety and harassment policies
  - Codes of Conduct should have an escalating enforcement mechanism through administrative monetary penalties that recognize local circumstances
  - Integrity Commissioners should have better, standardized training to improve consistency of decisions across the province
  - in the most egregious cases, such as harassment or assault, municipalities should be able to apply to a judge to remove a sitting member if recommended by an Integrity Commissioner
  - a member removed under this process should be unable to sit in another election during the term of office removed and the subsequent term
- Our municipality urges the Ontario Government to table and pass legislation to make these changes as soon as possible
- Serving our communities in a leadership role is a privilege and a responsibility
- Improving local public discourse will improve public confidence in local government and increase respect for our municipal institutions and the work we do
- Democracy suffers when the public loses confidence in their representatives and institutions
- \_\_\_\_\_ municipality believes the time to act is past due

September 25, 2023

**CL 13-2023, September 21, 2023**

**CSC 9-2023, September 13, 2023**

**CSC-C 18-2023, September 13, 2023**

***DISTRIBUTION LIST***

***SENT ELECTRONICALLY***

Motion – Equity, Diversity and Inclusion and the Damaging Impacts of Hate and Intolerance

CSC-C 18-2023

Regional Council, at its meeting held on September 21, 2023, passed the following recommendation, as amended, of its Corporate Services Committee:

WHEREAS respect for the views and opinions of others is a hallmark of civil discourse in our society;

WHEREAS freedom of expression is a fundamental value of a free and democratic society;

WHEREAS speech that threatens violence, intimidates, abuses or bullies is not and should not be protected as free expression;

WHEREAS there have been many recent instances of violence, threats of violence, intimidation, abuse, and bullying by some individuals in the Niagara region against others for a variety of reasons other than legitimate differences of political views or opinions;

WHEREAS some elected officials in Niagara have been the subject of violent attacks, online harassment, and physical intimidation over the past several months;

WHEREAS Regional Council approved on February 17, 2022, a Resolution at the Corporate Services Committee that condemned those acts of violence, harassment, and intimidation against members of Regional Council and local area municipal councils, all public servants, and all health care providers;

WHEREAS elected officials are obligated to adhere to the provisions of codes of conduct that regulate their behaviour when serving the public; and

WHEREAS there is no excuse for bad behaviour by any individual against another.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **AFFIRMS** that equity, diversity, and inclusion are core values that it supports and will continue to promote;
2. That the Niagara Regional Police Service **BE REQUESTED** to consider the implementation of training and look to update protocols with respect to responding to complaints of threats of violence, intimidation, and bullying of elected officials and members of local appointed committees in Niagara;
3. That staff **BE DIRECTED** to investigate the following and provide a report to the Corporate Services Committee as soon as reasonably practical:
  - a) Creation of a program to educate the public on the benefits of equity, diversity and inclusion and conversely the damaging impacts of hate and intolerance;
  - b) Whether Council should consider the creation of a residents or citizens code of conduct to guide individuals engaging elected officials or attending meetings of Regional Council and its Committees and various advisory committees;
  - c) Any further information, data or recommendations that Council should consider to alleviate incidents of hate and intolerance in Niagara;
4. That the Provincial Government **BE REQUESTED** to develop legislation and/or policies to protect elected officials and members of local appointed committees from violence, threats of violence, intimidation, abuse, and bullying by other individuals; and
5. That a copy of this Resolution **BE SENT** to the Premier of Ontario, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, all municipalities in Niagara, all Niagara MPPs and MPs, and the Chief of the Niagara Regional Police Service for consideration and support.

Yours truly,



Ann-Marie Norio  
Regional Clerk

:kl  
CLK-C 2023-109



Motion – Equity, Diversity and Inclusion and the Damaging Impacts of Hate and  
Intolerance

September 25, 2023

Page 3

Distribution List:

The Honourable Doug Ford, Premier of Ontario  
The Honourable Paul Calandra, Minister of Municipal Affairs and Housing  
The Association of Municipalities of Ontario (AMO)  
Local Area Municipalities  
Jeff Burch, Member of Provincial Parliament, Niagara Centre  
Wayne Gates, Member of Provincial Parliament, Niagara Falls  
Sam Oosterhoff, Member of Provincial Parliament, Niagara West  
Jennie Stevens, Member of Provincial Parliament, St. Catharines  
Dean Allison, Member of Parliament, Niagara West  
Vance Badawey, Member of Parliament, Niagara Centre  
Tony Baldinelli, Member of Parliament, Niagara Falls  
Chris Bittle, Member of Parliament, St. Catharines  
B. MacCulloch, Chief of Police, Niagara Regional Police Services



**Administration**

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

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

September 25, 2023

**CL 13-2023, September 21, 2023**  
**PEDC 9-2023, September 13, 2023**  
**PDS 32-2023, September 13, 2023**

Saima Tufail, Acting City Clerk  
City of Port Colborne  
66 Charlotte Street, Port Colborne  
Ontario, Canada L3K 3C8

***SENT ELECTRONICALLY***

**Regional Funding for a Brownfield Tax Assistance Program Grant in the City of Port Colborne**  
PDS 32-2023

Regional Council, at its meeting held on September 21, 2023, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 32-2023, dated September 13, 2023, respecting Regional Funding for a Brownfield Tax Assistance Program Grant in the City of Port Colborne, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional participation in a Brownfield Tax Assistance Program grant for 118 West Street in the City of Port Colborne, **BE APPROVED**; and
2. That Report PDS 32-2023 **BE CIRCULATED** to the City of Port Colborne.

A copy of PDS 32-2023 is enclosed for your reference.

Yours truly,



Ann-Marie Norio  
Regional Clerk

js

CLK-C 2023-108

cc:

M. Bannerman, Development Industry and Housing Consultant  
M. Sergi, Commissioner, Growth, Strategy and Economic Development  
N. Oakes, Executive Assistant to the Commissioner, Growth, Strategy and Economic  
Development

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**Subject:** Regional Funding for a Brownfield Tax Assistance Program Grant in the City of Port Colborne

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

**Report date:** Wednesday, September 13, 2023

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## **Recommendations**

1. That Regional participation in a Brownfield Tax Assistance Program grant for 118 West Street in the City of Port Colborne, **BE APPROVED**; and
2. That Report PDS 32-2023 **BE CIRCULATED** to the City of Port Colborne.

## **Key Facts**

- This report provides information on a request from the City of Port Colborne for the Region to participate in matching funding under the Smarter Niagara Incentive Program (SNIP) Brownfield Tax Assistance Program (BTAP).
- BTAP grants encourage remediation of brownfield sites by either freezing or cancelling property taxes on a property that is undergoing redevelopment, to assist with the cost of environmental remediation.
- Unlike most Regional matching incentive programs which can be approved through delegated staff authority, the Municipal Act (365.1) requires a resolution by an upper tier municipality to participate in matching funding for a BTAP grant.
- The BTAP grant request for a freeze on the Regional portion of taxes up to eligible costs over a three-year period for 118 West Street is \$2,724.58.
- Regional participation in the BTAP incentive expires October 1, 2023 per PDS 3-2022.

## **Financial Considerations**

Regional BTAP grants, like Regional tax increment grants, are funded with budget established through allocation of assessment growth revenue. Annual budget requirements vary depending on the approved projects and timing of development. The 2023 combined budget for SNIP BTAPs and tax increment grants is \$890,226.

There is no cap on the amount of a SNIP BTAP grant or tax increment grant funding the Region may approve.

## **Analysis**

BTAP grants encourage remediation of brownfield sites by providing a freeze or cancellation of the property taxes on a property that is undergoing remediation and redevelopment, to assist with the cost of environmental remediation. The grant is provided for a time period specified in a municipality's program and the project agreement between the municipality and the applicant.

### **2118 West Street, Port Colborne**

The BTAP request for 118 West Street (Appendix 1) is estimated at \$2,724.58 for a freeze on the Regional portion of municipal taxes on the property up to eligible costs up to a maximum of three years. The City's portion of this BTAP grant is \$5,826.78.

The creation of a nine storey mixed use building with main floor commercial and 72 condo units is underway on this property. It will not include affordable housing. The property owner has also requested a Smart Growth Regional Development Charge (RDC) Reduction grant of up to 50% of eligible RDCs paid, estimated to be a maximum of \$377, 275 in Regional funding. The City of Port Colborne is also expected to request Regional matching funding for a SNIP Property Rehabilitation and Redevelopment Tax Increment Grant (SNIP TIG) on this property. While updated figures have not yet been provided, the most recent estimate for the Regional portion of a SNIP TIG was approximately \$1.07M in matching funding at a grant rate of 80% over 10 years. Total amount of incentives received for the project will not exceed eligible costs.

### **Regional Participation in the BTAP**

BTAP grants must be approved through a by-law at the local municipal level, and any matching participation by the Region must be approved through a resolution of Council. The City of Port Colborne has approved the required by-law (By-law 6908/56/21) for the BTAP grant that is the subject of this report.

Regional Council has approved all BTAP matching funding requests to date.

Through PDS 31-2021 Regional Council extended SNIP incentives, with expiration dates for its programs established or reaffirmed through PDS 3-2022. The SNIP BTAP expires on October 1, 2023. Local municipalities have until that date to submit complete

applications to the Region for consideration. After that date, eligible costs under the current BTAP may be considered eligible costs under regionally approved brownfield tax increment grants.

Regional Council targeted and confirmed its commitment to brownfield remediation when it was identified as a key priority area for incentives through the Regional Incentive Review. The new Niagara Region Incentives Policy includes brownfield incentives that remain robust while becoming more sustainable and accountable.

### **Alternatives Reviewed**

This report recommends Council approve Regional participation in the BTAP grant for the project above. The Region has consistently approved matching BTAP grants when requested in the past to support rehabilitation of contaminated sites.

Council could elect not to approve matching Regional funding for this BTAP request, but that reversal of historical practice is not recommended.

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

The information in this report supports the priority of a Green and Resilient Region through its support of remediating contaminated sites, and the priority of an Equitable Region through its support of growth and development.

### **Other Pertinent Reports**

PDS 3-2022	Regional Transitional Incentive Timelines
PDS 31-2021	Niagara Region Incentives Review
CSD 58-2019	Non-conforming Smarter Niagara Incentive Program Requests

---

#### **Prepared by:**

Marian Bannerman, PhD  
Development Industry and Housing  
Consultant  
Growth Strategy and Economic  
Development

---

#### **Recommended by:**

Michelle Sergi, MCIP, RPP  
Commissioner  
Growth Strategy and Economic  
Development

---

**Submitted by:**

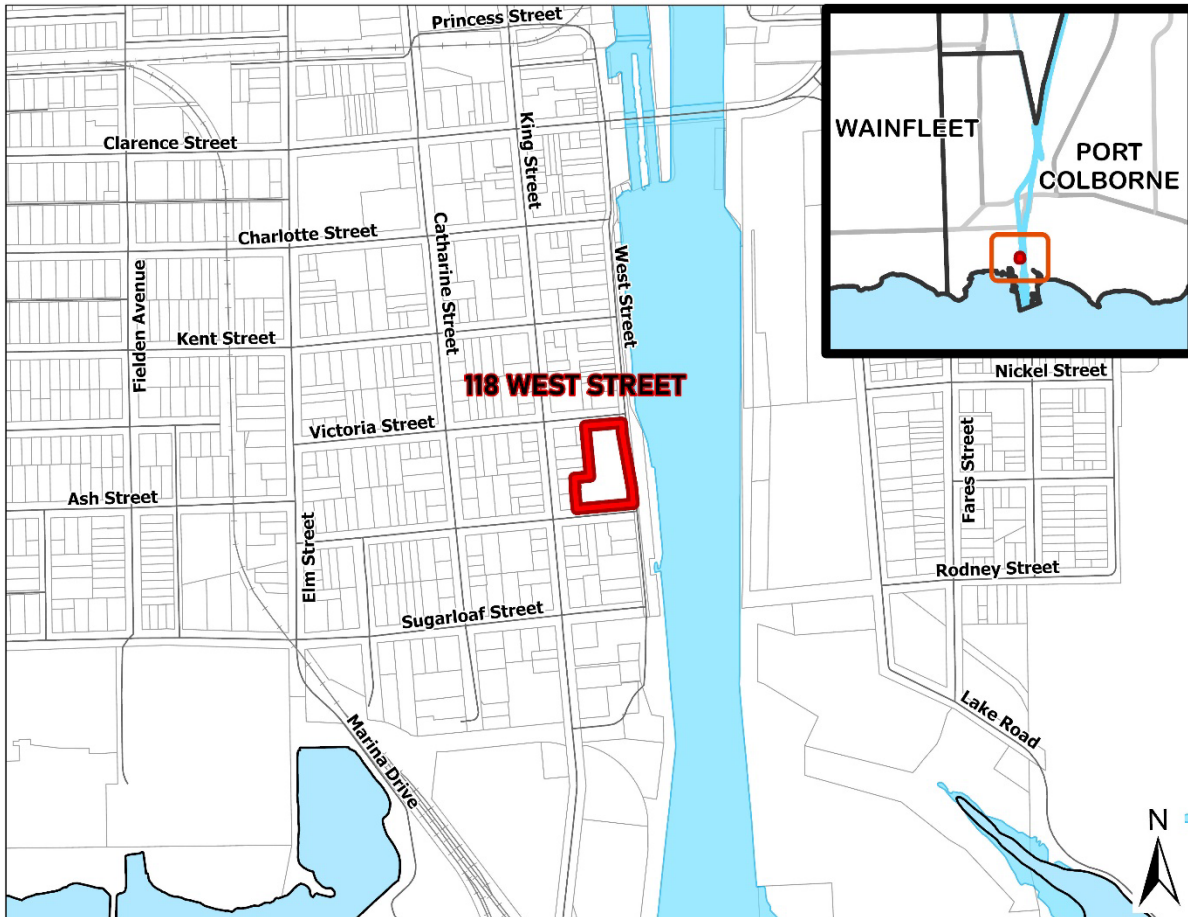
Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with Alex Rotundo, Senior Tax and Revenue Analyst, Financial Management and Planning, Corporate Services, and reviewed by Angela Stea, Director, Community and Long Range Planning, Growth Strategy and Economic Development.

**Appendices**

Appendix 1      Site in Port Colborne Requesting Regional BTAP Funding

**Appendix 1: Site in Port Colborne Requesting BTAP Funding -- 118 West Street**





## Legislative Services

September 26, 2023

File #120203

Sent via email: [ann-marie.norio@niagararegion.ca](mailto:ann-marie.norio@niagararegion.ca)

Ann-Marie Norio, Regional Clerk  
Niagara Region  
1815 Sir Isaac Brock Way, P. O. Box 1042  
Thorold, ON L2V 4T7

Dear Ms. Norio:

### Re: **Region's 2024 Operating Budget Levy Approval**

The Municipal Council of the Town of Fort Erie at its Special meeting of September 25, 2023 passed the following resolution:

**Whereas** the Niagara Region taxes form a significant portion of the overall tax bill that is issued by the local area municipality; and

**Whereas** the Niagara Region approved a 7.58% increase to the Regional Operating Budget Levy, 8.59% increase to the Water and Wastewater Levy, and a 5.5% increase to the Waste Management Levy, which outpaced the ability to pay and affordability of our local taxpayers; and

**Whereas** Niagara Region and Local Area Municipalities recognize that the post-pandemic economy, market inflation and housing shortages are a reality which have driven up costs for basic housing and food above the means of many residents.

**Therefore be it resolved that** the Niagara Regional Council be requested to ensure that the Region's 2024 Operating Budget Levy be approved at or below the current rate of inflation 3.7%, as a responsible, affordability measure for the residents of Niagara; and

**That:** This resolution be circulated to the Region and all local area municipalities for their support and endorsement.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Peter Todd,  
Manager, Legislative Services / Town Clerk

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

PT-dlk

c.c. LAM's

Mailing Address:

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

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-4000 FAX: (905) 871-4022

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



Sent by Email

October 4, 2023

Andrea Horwath  
Mayor  
City of Hamilton  
71 Main Street West  
Hamilton, ON L8P 4Y5  
[mayor@hamilton.ca](mailto:mayor@hamilton.ca)

Subject: Re: City of Hamilton - Request to Abandon Greenbelt Development  
Corr. 29-23  
File: A-1400

The Council of The Corporation of the City of Pickering considered the above matter at a Meeting held on September 25, 2023 and adopted the following resolution:

That Corr. 29-23, from Andrea Horwath, Mayor, City of Hamilton, dated September 11, 2023, regarding City of Hamilton – Request to Abandon Greenbelt Development, be received and endorsed.

A copy of the original correspondence is attached for your reference.

Should you require further information, please do not hesitate to contact the undersigned at 905.420.4660, extension 2019.

Yours truly,



Susan Cassel  
City Clerk

SC:am

Encl.

Copy: The Honourable Paul Calandra, Minister of Municipal Affairs and Housing  
Janet Pilon, Acting City Clerk, City of Hamilton  
All Ontario Municipalities



OFFICE OF THE MAYOR  
CITY OF HAMILTON

VIA: Mail

The Honourable Paul Calandra  
Ministry of Municipal Affairs and Housing  
777 Bay Street, 17th Floor  
Toronto, ON M7A 2J3

September 11, 2023

Dear Minister Calandra:

On August 18, 2023, Hamilton City Council approved Item 7.5 which reads as follows:

**7.5 City of Hamilton – Request to Abandon Greenbelt Development**

WHEREAS, the City of Hamilton is committed to reducing the cost of housing and has pledged to facilitate the construction of 47,000 housing units by 2031;

WHEREAS, City of Hamilton staff have concluded that residential housing development within the former Greenbelt lands is unnecessary to facilitate construction of the pledged housing units;

WHEREAS, on February 8, 2023, Hamilton City Council declared "The Minister's decision to remove 795 hectares of land from the Greenbelt Plan is unnecessary and is not supported by the City of Hamilton";

WHEREAS, the Auditor General for the Province of Ontario has confirmed Hamilton's conclusion that "Greenbelt land was not needed to meet the current housing targets assigned to them by the Housing Ministry";

WHEREAS, development of the Greenbelt would be a significant financial liability to Hamilton taxpayers;

WHEREAS, the Auditor General for the Province of Ontario stated: "Land sites removed from the Greenbelt in December 2022 were largely not serviced, were not in their servicing plans, and that many of the sites would be challenging to prioritize and service in the near future..." and "Some of these sites would require considerable infrastructure to prepare them for housing development"; and

WHEREAS, the Greenbelt should be protected as a vital element of Hamilton's environmental and agricultural resources.

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton requests the Province of Ontario abandon its plan to develop the Greenbelt and that all lands within the City of Hamilton removed from the Greenbelt be reinstated; and
- (b) That this resolution be circulated to all Ontario municipalities where Greenbelt lands were slated for development for support and a similar declaration to the Province of Ontario.

Your consideration of Council's request is appreciated. We would ask that you reference File #C23-015 when responding to this correspondence.

Sincerely,



Mayor Andrea Horwath

File #C23-015

c.c. Association of Municipalities Ontario (AMO)  
Federation of Canadian Municipalities  
Rural Ontario Municipal Association  
All Ontario Municipalities (by email)

P.O. Box 490  
7 Creswell Drive  
Trenton, Ontario K8V 5R6  
www.quintewest.ca



A Natural Attraction

Tel: 613-392-2841  
Toll Free: 1-866-485-2841  
josh.machesney@quintewest.ca

Josh Machesney, City Clerk

---

September 25, 2023

The Honourable Doug Ford  
Premier of Ontario  
Premier's Office, Room 281  
Legislative Building  
Queen's Park, Toronto, ON M7A 1A1

**RE: Support for Municipality of Wawa Resolution re: Chronic Pain Treatments**

Dear Premier Ford:

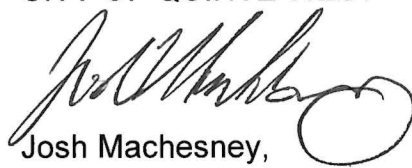
This letter will serve to advise that at a meeting of City of Quinte West Council held on September 20, 2023 Council supported the attached resolution from the Municipality of Wawa regarding maintaining OHIP coverage for chronic pain treatments by passing the following resolution:

"And further that Staff be directed to prepare a letter of support for Item 12.1 (e) Resolution from the Municipality of Shuniah in relation to Support for the Municipality of Wawa regarding Chronic Pain Treatments." **Carried**

We trust that you will give favourable consideration to this request.

Yours Truly,

CITY OF QUINTE WEST

  
Josh Machesney,  
City Clerk

CC: Municipalities of Ontario  
Ryan Williams, MP, Bay of Quinte  
Hon. Todd Smith, MPP, Bay of Quinte  
Hon. Sylvia Jones, Minister of Health  
Hon. Michael A. Tibollo, Associate Minister of Mental Health and Addictions  
Association of Municipalities Ontario (AMO)



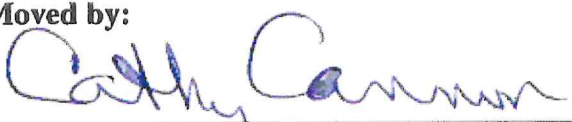
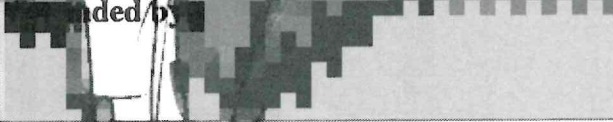


The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, June 20, 2023

Moved by:	Seconded by:
	

**WHEREAS** the Ontario College of Physicians and Surgeons has made a decision that will lead more people who suffer from chronic pain to turn to opioids to alleviate their pain and;

**WHEREAS** the College is targeting community pain clinics by requiring the use of ultrasound technology in the administration of nerve block injections by licensed physicians. This requirement will increase the time it takes to administer the nerve block and, therefore, reduce the number of patients a physician can see in a day and;

**WHEREAS** the Ontario Health Insurance Plan (OHIP) is proposing to reduce coverage for several vital healthcare services, including a drastic reduction in the number and frequency of nerve block injections a patient can receive and;

**WHEREAS** these changes have been proposed without any consultation with pain management medical professionals or with their patients and;

**WHEREAS** this cut will force chronic pain clinics to shut down, putting a greater strain on family physicians and emergency rooms and;

**WHEREAS** with the reduction in the number of nerve blocks being administered, many patients, looking for pain relief, will turn to overcrowded emergency rooms, opioid prescriptions from doctors or opioid street drugs;

**NOW THEREFORE BE IT RESOVLED THAT** the Council of the Corporation of the Municipality of Wawa is requesting that the Government of Ontario maintain OHIP coverage for chronic pain treatments and continue to provide much-needed care for the people of Ontario;

*p.2....*



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

**AND FURTHERMORE THAT** a copy of the resolution be forwarded to all Municipalities of Ontario, local MPs and MPPs, Premier Doug Ford, the Minister of Health, Associate Minister of Mental Health and Addictions and the Association of Municipalities of Ontario.

RESOLUTION RESULT		RECORDED VOTE	
		MAYOR AND COUNCIL	YES NO

Disclosure of Pecuniary Interest and the general nature thereof.

- ☐ Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: \_\_\_\_\_

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL

This document is available in alternate formats.



## TOWN OF WASAGA BEACH

30 Lewis Street, Wasaga Beach  
Ontario, Canada L9Z 1A1

Tel (705) 429-3844  
Fax (705) 429-6732

[mayor@wasagabeach.com](mailto:mayor@wasagabeach.com)

September 28, 2023

Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

BY EMAIL ONLY

Dear Premier Ford,

RE: Illegal Car Rally – Provincial Task Force

Please be advised that the Council of the Town of Wasaga Beach, during their September 14, 2023 Council meeting adopted the following resolution regarding illegal car rallies:

**WHEREAS** the prevalence of unsanctioned car rally events has grown in recent years throughout North America;

**AND WHEREAS** the Town of Wasaga Beach has been the target of unsanctioned car rallies over the past four years resulting in property damage, threats to public order, and significant risk to people's safety and enjoyment of their property;

**AND WHEREAS** the protections afforded by the Canadian Charter of Rights and Freedoms are being violated by unsanctioned car rally organizers and participants, thereby infringing on the rights of others and undermined the response of enforcement personnel;

**AND WHEREAS** unsanctioned car rally activity crosses multiple jurisdictions requiring a province wide coordinated response framework to protect all communities from the same disruption and risk to public safety;

**THEREFORE BE IT RESOLVED THAT** the Town of Wasaga Beach requests that a provincial task force be assembled to create a municipal response framework to protect communities from unsanctioned car rallies with a mandate to include, but not limited to:

- Investigate legislative enhancements and tools to assist municipalities in responding and enforcing unsanctioned car rallies.
- Investigate expanded powers for municipal law enforcement officers.
- Develop a proactive approach to awareness, prevention, enforcement and collaboration across all enforcement personnel, including police, municipal law enforcement officers and other provincial offences officers.
- Investigate harsher penalties and increased fines for unsanctioned car rally organizers and participants.

**AND FURTHER THAT** the Province provide funding to municipalities to assist with the cost in enforcing unsanctioned car rallies;

**AND FURTHER THAT** a copy of this Resolution be sent to the Right Honourable Prime Minister Justin Trudeau, Honourable Doug Ford, Premier of Ontario, the Honourable Michael Kerzner, Solicitor General of Ontario, the Honourable Doug Downey, Attorney General of Ontario, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing, the Honourable Prabmeet Sarkaria, Minister of Transportation, MPP Brian Saunderson, Commissioner of the Ontario Provincial Police, County of Simcoe, FCM, and AMO;

**AND FURTHER THAT** a copy of this resolution be sent to all Ontario municipalities requesting a letter of support be sent to senior levels of government.

Your favourable consideration of this matter is appreciated.

Should you have any questions, please contact me at [mayor@wasagabeach.com](mailto:mayor@wasagabeach.com) or (705) 429-3844.

Respectfully yours,



Brian Smith, Mayor Town of Wasaga Beach

cc: Right Honourable Prime Minister Justin Trudeau  
Hon. Michael Kerzner, Solicitor General of Ontario  
Hon. Doug Downey, Attorney General of Ontario  
Hon. Paul Calandra, Minister of Municipal Affairs and Housing  
Hon. Prabmeet Sarkaria, Minister of Transportation  
Brian Saunderson, MPP – Simcoe-Grey  
Commissioner Thomas Carrique, Ontario Provincial Police  
County of Simcoe Council  
Federation of Canadian Municipalities  
Association of Municipalities of Ontario  
Ontario Municipalities



October 3, 2023

The Honourable Doug Ford, Premier of Ontario  
Premier's Office, Room 281  
Legislative Building, Queen's Park  
Toronto, ON M7A 1A1

**Delivered by email**  
[premier@ontario.ca](mailto:premier@ontario.ca)

Dear Premier:

**Re: Town of Whitchurch-Stouffville Council Resolution of September 27, 2023, Re:  
Correspondence from Township of Puslinch and Town of Caledon, re: Illegal Land Use  
Enforcement**

Please be advised that this matter was considered by Council at its meeting held on September 27, 2023, and in this regard, Council passed the following resolution:

**WHEREAS** the Town of Whitchurch-Stouffville Council supports the resolution from the Town of Caledon regarding illegal land use enforcement; and

**WHEREAS** the Town of Whitchurch-Stouffville recognizes that combatting illegal land use enforcement effectively is challenging, and an issue of municipal importance; and

**WHEREAS** the Town of Whitchurch-Stouffville recognizes that illegal land use has a negative impact on local residents and the surrounding area; and

**WHEREAS** the Town of Whitchurch-Stouffville believes that the tools currently available to municipalities under the Municipal Act are insufficient to combat illegal land uses; and

**THAT** Council direct Staff to send a support resolution accordingly.

**THEREFORE**, the Town of Whitchurch-Stouffville passes this resolution regarding Illegal Land Use Enforcement:

**THAT** the Province be requested to strengthen municipal enforcement powers by:

- Amending the Municipal Act to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations; and
- Increasing the maximum penalty amounts in the Planning Act to \$50,000 for an individual upon conviction and on a subsequent conviction, not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted; and

- Including provisions to ensure a corporation is liable to fines of not more \$100,000 upon first conviction and not more than \$50,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

**THAT** a copy of this report be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Paul Calanda, Minister of Municipal Affairs and Housing, the Honourable Sylvia Jones, MPP, Dufferin-Caledon; the Honourable Doug Downey, Attorney General of Ontario; and

**THAT** a copy of this report be provided to the municipalities within the Greater Golden Horseshoe area seeking support in the request for strengthened enforcement powers to combat significant illegal land uses negatively impacting communities across Ontario and to the Association of Municipalities of Ontario (AMO) and Rural Ontario Municipal Association (ROMA).

The above is for your consideration and any attention deemed necessary.

Kind regards,

*Monica Beattie*

Monica Beattie  
Senior Clerk's Coordinator

Attachment

Copy: Hon. Paul Calanda, Minister of Municipal Affairs and Housing  
Hon. Sylvia Jones, MPP, Dufferin-Caledon  
Hon. Doug Downey, Attorney General of Ontario  
Association of Municipalities of Ontario (AMO)  
All Ontario Municipalities  
Rural Ontario Municipal Association (ROMA)

Meeting Date: June 6, 2023

Subject: Illegal Land Use Enforcement Update

Submitted By: Mark Srage, Director, Building Services and Municipal Law Enforcement

---

## **RECOMMENDATION**

That the Illegal Land Use Enforcement Taskforce's mandate be expanded to include other types of illegal land uses and not solely on illegal trucking land uses; and

That the Province be requested to strengthen municipal enforcement powers by:

- Amending the *Municipal Act* to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations;
- Increasing the maximum penalty amounts in the *Planning Act* to \$50,000 for an individual upon conviction and on a subsequent conviction, not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted; and
- Including provisions to ensure a corporation is liable to fines of not more than \$100,000 upon first conviction and not more than \$50,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

That a copy of this report be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Sylvia Jones, MPP, Dufferin-Caledon; and

That a copy of this report be provided to the municipalities within the Greater Golden Horseshoe area seeking support in the request for strengthened enforcement powers to combat significant illegal land uses negatively impacting communities across Ontario and to the Association of Municipalities of Ontario (AMO) and Rural Ontario Municipal Association (ROMA).

## **REPORT HIGHLIGHTS**

- Constant and undeterred enforcement efforts by both the Municipal Law Enforcement Division and the Legal Services Division is achieving the results that were envisioned when Council approved the creation of this dedicated enforcement effort.

- The Town has been successful in pursuing injunctions through the courts and will continue utilizing this enforcement mechanism for property owners that do not come into compliance to the Town's By-laws through normal enforcement actions.
- Land use permissions and performance standards should be developed and enacted through the Town's Zoning By-law to permit and regulate the creation of legal truck storage facilities.
- Advocacy with the Ministry of Municipal Affairs and Housing is necessary to secure additional enforcement powers that are needed to provide more effective and cost-efficient enforcement of municipal land use B-law with respect to illegal land use.
- That the Illegal Land Use Enforcement Taskforce (Trucking) expand its mandate to include other types of illegal land uses including but not limited to event centres, institutional uses and places of worship.

## **DISCUSSION**

### **Background**

In 2019, staff were approved by Council to implement an Illegal Land Use Enforcement Taskforce with the objective of addressing the growing illegal land use issues related to the parking and storage of tractor trailers and commercial vehicles. This includes all property types in the Town, both those of a smaller scale (e.g., one or two trucks parked on rural properties), as well as those properties with a larger commercial operation. To effectively address the scope and scale of the issue, it was determined that staff would take a proactive approach to identify properties where the parking and storage of tractor trailers and commercial vehicles exist rather than relying solely on a complaint-based method and engage in education and enforcement. The dedicated resources allocated for this initiative included the following staff compliment; two (2) Municipal Law Enforcement Officers, one (1) assistant Town Solicitor and one (1) coordinator. Due to the Covid-19 Pandemic, implementation of this dedicated staff group was delayed until July 2021. Since that time, they have been actively involved in undertaking proactive educational and enforcement efforts.

### **Education and Communication Strategy**

As part of the initiative to address the illegal land use issue, staff engaged with an external consultant to develop a public education and strategic communications strategy in consultation with our Communications staff. The objective of the strategy is to effectively educate external stakeholders and property owners on the Town's land use policies and Zoning By-law; the types of properties on which the parking and storage of tractor trailers and commercial vehicles are permitted; the processes that must be followed to be in compliance with the applicable regulations; and updated enforcement efforts undertaken by enforcement staff assigned to this initiative. The result of this effort was the creation of a guide that provides an easy-to-understand explanation of the Zoning By-laws as it

relates to truck parking and storage along with the actions being taken by the Town with respect to enforcing these rules.

Along with the production of this guide, staff continue to utilize a variety of communication tactics to help inform residents and operators of illegal truck storage facilities of the rules and consequences for violating the Town's By-laws. These efforts include:

- a month-long radio campaign on Parvasi radio,
- resident focused social media campaign,
- numerous media releases highlighting successful outcomes through the courts
- media interviews and responses

### **Enforcement Efforts**

As previously referenced the commencement of proactive enforcement efforts began in July 2021 with the Officers conducting inspections on properties that had been previously identified by residents or Town staff as possibly having illegally stored trucks. Since then, Officers have investigated over 310 properties for potential illegal truck storage violations occurring (see Figure 1 for illustration of location of properties investigated).

**Figure 1:** Location of properties investigated



Over 137 enforcement actions have been commenced because of these investigations. Depending on the severity of the By-law contraventions different enforcement actions were employed to seek compliance with the Town's By-laws. These enforcement actions

include the issuance of letters notifying the property owner of the By-law contravention(s), issuance of tickets, laying of charges or seeking court injunctions. While voluntary compliance has been achieved for some of the properties there are 36 properties where the matters are still before the courts.

While the overall enforcement objective is to achieve compliance with the Town's By-laws, the Town seeks meaningful financial penalties for those property owners who willfully ignore the Town's By-laws or do not voluntarily come into compliance. Through the combined efforts of the Officers (who are employing additional investigative techniques to provide stronger evidence) and Legal staff (who can educate and demonstrate in Court of the severity of these offences) the Courts are now imposing very significant fine amounts when a defendant is found guilty of a violation related to an illegal trucking operation. The Courts have the sole discretion in determining the fine amounts and staff have been successful in achieving fine amounts between \$35,000 - \$50,000 dollars which is the maximum amount prescribed in the *Planning Act*. To date the total amount of fines levied by the courts has been over \$350,000.00. Along with these significant fine amounts the Courts are also starting to issue Prohibition Orders. Prohibition Orders are a Court directive for the convicted party to cease using the property in noncompliance with the Order effective the date the Order is issued. Should the prohibition use continue then the Enforcement Team may lay charges for failing to comply with an Order, which would result in fines that could be imposed daily. This can result in significant consequences for the owner/operator as these daily fines can become financially onerous depending on how long the property remains noncompliant.

In addition to these court charges the Town has been successful in obtaining Superior Court issued injunctions against some of the most egregious illegal trucking operations and to date there have been 3 successful court injunctions issued for the following properties:

- 6086 Mayfield Road
- 6186 Mayfield Road
- 6230 Mayfield Road (all illegally stored vehicles have been removed from this property – see Schedule A).

While these injunctions are a very powerful enforcement tool, they are very costly for the Town to instigate and carry through the Court systems and can in some instances be a slow process, taking up to a year or beyond to achieve a Superior Court decision and Order. Along with these Zoning related enforcement actions staff have also undertaken actions to achieve compliance with the Town's other By-laws, such as the Traffic By-law and the Fill By-law, where possible and warranted. This includes actions such as placing concrete barriers on the Town's right-of-way when illegal entrances have been created

(see Figure 2) with intent of preventing the continued unpermitted use of the Town's right-of-way or the removal of illegally placed fill.

**Figure 2: Example of physical enforcement action**



Along with physical actions being taken such as the placement of barriers or removal of illegally placed fill, another action undertaken to help reduce the cost advantage of operating illegally has been to inform the Municipal Property Assessment Corporation (MPAC) through Finance staff of changes in use of the property and have the property reassessed. Often, illegal operators are surreptitiously converting farm properties to commercial properties and by informing MPAC of the actual use of the property appropriate taxes can be levied, ensuring equal treatment for legal and illegal operators. To date there have been 25 properties reassessed and this has resulted in more than a \$384,000 increase in the tax levy for these properties; another 24 properties are still waiting to be reassessed. Staff also regularly inform our contacts at the Canadian Revenue Agency (CRA) of these operations as we have found that there is a significant amount of cash transactions between the vehicle operators storing their vehicles on the property and the operators of these yards. Staff also regularly communicate with other enforcement agencies such as the Toronto and Region and Conservation Authority (TRCA), Ontario Ministry of Transportation (MTO), Ministry of Environment, Conservation and Parks (MECP), and the Electrical Safety Authority (ESA) on these illegal operations and coordinate our enforcement efforts with them as much as possible.

### **Current Challenges and Solutions**

Illegal land uses are not just restricted to illegal trucking operations/storage facilities but other uses such as event centres, institutional uses or places of worship are becoming more common in Caledon. These illegal uses all have significant impacts on adjacent property owners due to the disturbances created and non-compatibility with adjacent

residential properties or road safety. Therefore, it is recommended that this taskforce's enforcement mandate be expanded to include these other types of illegal land uses and not just focused solely on the illegal trucking land uses. While this change to the mandate will not have an immediate impact on the staff compliment it will re-enforce the work the team is doing and enable them to utilize their enforcement/legal skills on these complex files. The investigative and enforcement tools used for the illegal trucking uses are identical to the ones used for these other types of illegal uses and they are all regulated by the same provincial legislation and municipal regulations (ie. *Planning Act* and *Zoning By-law*) as well as the same enforcement challenges while pursuing compliance amongst non-compliant property owners.

Prosecution matters can typically take months and sometimes years to resolve and while the matter is being dealt with through the Courts, the illegal operation continues to make money for the operator. Also, while the fine amounts being ordered by the Courts are increasingly significant, for some of the larger illegal operations these fines are just considered the "cost of doing business". More robust and efficient enforcement measures are needed if the Town is to be successful in combatting these illegal operations. These suggested new enforcement measure need to include more significant financial penalties prescribed in the *Planning Act* including special fines provisions. Currently, the maximum fine amounts are as follows:

- An individual is liable to a fine of not more than \$25,000 upon first conviction and on a subsequent conviction, not more than \$10,000 for each day in which the contravention has continued after the day in which the person was initially convicted.
- A corporation is liable to fines of not more \$50,000 upon first conviction and not more than \$25,000 for each day in which the contravention has continued after the day in which the corporation was initially convicted.

It should be noted that directors or officers of corporations can also be charged and if found guilty of the charges they would be subject to the same penalty provisions as an individual.

In view of the revenues being generated from some of these large illegal operations the maximum fine amounts should be doubled, and special fine provisions like those found in the *Municipal Act* should also be introduced in the legislation. A special fine amount would enable a Court to levy a fine higher than the maximum amount prescribed in the legislation in circumstances where there has been an economic advantage or gain by violating the *Zoning By-law*. An example of this is in the Town's Business Licensing By-law which has a special fine provision that states, "a special fine equal to the amount of the economic gain may be imposed".



In addition to these increased fines the Town needs further enhanced enforcement powers including the authority for the municipality to bar entry to the property in circumstances where the illegal land use is occurring and it is having significant detrimental impacts on adjacent properties/occupants, the environment or creating unsafe situations such as traffic safety. These enhanced enforcement powers should be like the ones that currently exist in the provincial *Cannabis Control Act* in terms of that authority to issue a closure order along with the authority to physically block or restrict access to the property. Recognizing that this type of enforcement authority is very significant it is necessary to also have an appeal mechanism which property owners or tenants can avail themselves of when such orders and actions are taken, or the property owner has removed the illegal use. This appeal process should be through the Superior Court of Justice so that a hearing by a Judge can be held and the Judge should have the authority to confirm, modify or rescind a closure order. Implementation of such powers would be extremely effective and efficient in addressing illegal land uses such as the ones that are currently occurring in Caledon.

It needs to also be understood that even if the province was to implement these additional enforcement provisions there is a clear need for proper truck parking/storage facilities within the Town. Currently the Town's Zoning By-law does not permit such a use and considering the number of logistic facilities that have been constructed in the Town and the volume of new ones that are slated to be built both within and within proximity to the Town then this need will only continue to grow. Having clear land use designations in the most appropriate locations in the Town along with the necessary performance standards to mitigate the impacts these uses may have will help reduce the volume of illegal operations especially when combined with a very robust enforcement program regarding the illegal operations.

### **Recommended Advocacy to Combat Illegal Land Use Issues**

Staff are recommending that the Town advocate to the Province to support municipalities in efforts to combat illegal land use issues through the following means:

- Amend the *Municipal Act* to enable municipalities to physically bar entry to properties where illegal land uses that have significant detrimental impacts on adjacent residential properties, the environment or create unsafe situations.
- Increase the maximum penalty amounts in the *Planning Act* to \$50,000 for an individual upon conviction and on a subsequent conviction, not more than \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted.
- Include provisions to ensure a corporation is liable to fines of not more \$100,000 upon first conviction and not more than \$50,000 for each day in which the

contravention has continued after the day in which the corporation was initially convicted.

### **Summary**

Constant and undeterred enforcement efforts by both the Municipal Law Enforcement division and the Legal division is achieving the results that were envisioned when Council approved the creation of this dedicated Enforcement initiative. This success can be directly attributed to the professionalism and commitment of the staff and the leadership who have been assigned to this endeavour. Even though it will take time to achieve compliance with some of the more flagrant contraveners, staff will utilize all the enforcement tools provided for in the *Planning Act* along with other legal remedies as we work towards achieving compliance amongst these non-compliant property owners.

### **FINANCIAL IMPLICATIONS**

Financial implications are contained throughout this report.

### **COUNCIL WORK PLAN**

Subject matter is not relevant to the Council Workplan.

### **ATTACHMENTS**

Schedule A: Illustration showing the successful enforcement action at 6230 Mayfield Road







## Catherine Fife

MPP Waterloo

William Steele  
Mayor of City of Port Colborne  
66 Charlotte Street, Port Colborne, Ontario L3K 3C8

**RE: Requesting your support for Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022**

September 25, 2023

Dear Mayor Steele,

I am writing to you today to share an update on Bill 21, Fixing Long-Term Care Amendment Act (Till Death Do Us Part), 2022, and to request your support for this important legislation.

Bill 21 amends the Residents' Bill of Rights set out in section 3 of Fixing Long-Term Care Act, 2021 by adding the right of residents not to be separated from their spouse upon admission but to have accommodation made available for both spouses so they may continue to live together.

The Act was inspired by Cambridge resident Jim McLeod, who will have been separated from his wife of 65 years Joan, on September 17, 2023. Nearly 6 years later, Jim continues to champion spousal reunification. He often says that he will talk to anyone and has two giant binders full of his advocacy work on the Bill. Last week, he told me that his heart is breaking because of his separation from Joan. He has brought other seniors who are separated from their spouses into the advocacy – you cannot sit with these folks for any amount of time and not care deeply about this legislation.

I know that you value the many contributions that older adults have made to Waterloo Region, and care deeply that they can live their final years with dignity and love. **I am hoping you will consider bringing a motion forward to your Council, in support of the Till Death Do Us Part Act.** Your support will help us to keep attention on this important legislation, so that it can finally be called to the Standing Committee on Social Policy – one step closer to Royal Assent.

I would be happy to discuss the Bill with you further, via phone call or an in-person meeting at your convenience. Thanks in advance for considering my request.

Sincerely,

Catherine Fife, Waterloo MPP  
Finance & Treasury Board Critic



## BACKGROUND:

On November 15, 2022, the Till Death Do Us Part Act, passed second reading in the Ontario legislature after being [introduced for the third time in September 2022](#). The bill was then referred to the Ontario Legislature's Social Policy Committee. You can view highlights of the second reading debate here: <https://www.youtube.com/watch?v=mYRlgQqDe2k>

I have been pushing for the Standing Committee on Social Policy to schedule a time to begin the work of reviewing Bill 21 since November 2022. **Today marks 286 days since the Act passed second reading at the Legislative Assembly of Ontario.** Unfortunately, the Bill has yet to be called to committee.

Bill 21, which was formerly Bill 153 and 95, respectively, had passed second reading and was sent to the Justice Committee in December 2019, but was wiped off the order paper when Premier Ford prorogued the house in 2021. It was reintroduced early 2022 but did not have time to progress before the election.

Since I first introduced this Bill in 2019, the number of people who've reached out to my offices with heartbreaking stories of couples entering long-term care who are torn apart has skyrocketed. Simply put, Ontario seniors deserve dignity in care and should have the right to live with their partner as they age. Of note, Nova Scotia passed similar legislation, titled the [Life Partners in Long-Term Care Act](#) in 2021.

Following many meetings with stakeholders, it's clear that "care campuses" which offer different levels of care (independent, assisted living and long-term care) are the progressive model for investing in quality care for Ontario's aging population. Care campuses are an essential element to keeping couples together as they often age at different rates. This level of choice has been brought to my attention as especially important to rural and northern municipal leaders across Ontario. The care campus model for seniors housing that builds different levels of care has unique financial savings that will be critical as we grapple with a rapidly aging province.

We need the Bill to be called to the Standing Committee on Social Policy as soon as possible. We know that couples who are separated across Ontario cannot wait any longer for this legislative change to be made.

Here are the links to recent media coverage of the Till Death Do Us Part Act, which provide more specific insights into the lived experiences of older adults who are separated from their spouses:

- [CTV News Kitchener: Ontario seniors separated in long-term care pushing for the right to remain together](#)
- [CityNews Kitchener: Waterloo MPP appeals for seniors bill to be brought forward](#)
- [Waterloo Region Record: Cambridge senior calls for end to separating couples in long-term care](#)



Port Colborne Historical & Marine

**MUSEUM**

*...more than a museum!*

## id Marine Museum Board Meeting Minutes

**Date:** Tuesday, July 18, 2023  
**Time:** 7:00 pm  
**Location:** L.R. Wilson Heritage Research Archives  
286 King St, Port Colborne, ON L3K 4H2

**Members Present:** B. Heaslip  
M. Tanaszi  
C. Brema  
J. Piniak  
J. Maloney  
G. Hoyle  
L. Brazeau  
B. Schneider  
A. Lessard  
M. Heaslip

**Member(s) Absent:** C. MacMillan  
E. Beauregard, Councillor  
T. Huffman  
B. Murphy

**Staff Present:** S. Powell Baswick, Director of Museum and Culture  
M. Mason, Curator  
M. Chamberlain, Staff Liaison

**Others Present:** Rick Hall (Member of the Public)

### 1. Call to Order

Arlene Lessard called the meeting to order at 6:59 p.m.

### 2. Disclosures of Interest

N/A

### 3. Adoption of Agenda

Moved by B. Schneider

Seconded by C. Brema

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

Carried

**4. Approval of Minutes**

Moved by L. Brazeau

Seconded by J. Maloney

That the minutes dated June 20, 2023, be approved, as circulated, or as amended.

Carried

**4.1 Museum Board Meeting Minutes - June 20, 2023**

**5. Business Arising from the Minutes**

N/A

**6. Correspondence**

Meghan Chamberlain reported one item of correspondence received from the Auxiliary thanking the Board of Management and Museum staff for arranging a 45th-anniversary celebration for volunteers on July 2, 2023.

**7. Council Report**

No report.

**8. Curator's Report**

Michelle Mason reported that the Canadian Museum Operation Grant (CMOG) was submitted at the end of June. Also, the summer 2023 Museum Musings newsletter has been completed and sent out to Museum members.

Lastly, Michelle shared that Dave Johnson from The Tribune interviewed herself and Port Colborne Art Club members about the upcoming Roselawn Exhibit, 'Centennial Art Show', that will be showcasing pieces from Port Colborne High School alumni in celebration of their 100th anniversary.

**9. Auxiliary Report**

Marianne Heaslip reported that Arabella's Tea Room has serviced approximately 100 more visitors in June 2023 than in June 2022. Marianne also reported that on July 7, 2023, the ignitor in the kitchen stove went out which caused the Tea Room to close for the day.

Lastly, on July 2, Auxiliary volunteers enjoyed a 45th Anniversary party with goodies served by Board members and a special visit from Mayor Bill Steele.

**10. Friends of Roselawn Centre Liaison Report**

Arlene Lessard reported that the FORC now has 97 annual members and 46 life members. On July 15th, members were invited to a special reception that featured a sneak peek at the Discovery of the Titanic exhibit and a presentation from professional explorer Adam Shoalts.

Arlene also reported that the Music on the Lawn series has been a great success and that there has been good engagement with the 50/50 draw.

**11. Committee Report**

**11.1 Finance Committee**

Bonnie Schneider reported that as of July 18, 2023, the Museum has received \$1600.00 in Life Patron donations and \$637.00 in Membership donations.

Bonnie also reviewed the 2024 Requested Operating Budget (Excluding Payroll), which had been sent out to members in advance for assessment.

Seconded by B. Heaslip

To accept the recommended 2024 Requested Operating Budget  
(Excluding Payroll)

Carried

**11.2 Membership Committee**

Claudia Brema reported that Memberships have increased by six since the last Board of Management meeting.

**11.3 Building and Property Committee**

Brian Heaslip reported the following property updates: The second-floor window on the Heritage Resource Centre has been replaced, new gravel



was brought in by the City, the captain's quarters of the Yvonne Dupre were painted, and two of the workbenches in the blacksmith shop were repaired. The committee will be focusing on repairing the Hochelaga in the coming weeks.

Luke Brazeau and Rick Hall inquired about outdoor signs on the Museum grounds and City branding. Stephanie Powell Baswick responded that the department has been working to update and improve signage for all facilities in coordination with the City's Infrastructure team.

Bonnie Schneider requested that Arabella's gate signage and Roselawn also be considered in these upgrades, to which Stephanie suggested that they would begin an inventory of all signs.

#### **11.4 Programme Committee**

John Maloney reported that Archivist Michelle Vosburgh's Urban History Walking Tours have continued to grow in popularity with very good feedback from the public. John also reported that the Music on the Lawn concert series at the Roselawn Centre has been successful thus far.

John concluded his report by reminding the Board of the upcoming 45th Annual Canal Days and Marine Heritage Festival. The Museum will be open for festivities from August 5th to 6th with heritage demonstrations from HMS Psyche, Niagara Antique Power, Blackthorn Productions, and more. This year other local businesses produced Canal Days t-shirts, this may be an issue we will need to address or consult before next year's fundraiser. Brian Heaslip suggested it could present an opportunity for a partnership that we could look into.

#### **11.5 Fundraising Committee**

Claudia Brema reported that the Music on the Lawn concert series has been a success with 300 visitors in attendance for The Nu-Tones and 311 present for Second Hand News. The weather has been great on both occasions and the final show will be on August 27, for the Toronto All-Star Big Band. A full report will be prepared for the October meeting.

Claudia also reported that the Discovery of the Titanic exhibit at the Roselawn Centre will also serve as a fundraising event, where visitors can participate in a silent auction of the items on display and the proceeds will assist in the installment of ultraviolet window protection for artifacts.

#### **11.6 Policy Committee**

No report.

#### **11.7 Accession Committee**

No report.

#### **11.8 Heritage Committee**

Stephanie Powell Baswick reported that the committee met on July 17, and Luke Brazeau has been elected committee chair. Stephanie also provided an update on the status of Humberstone Township Hall.

Luke Brazeau also alerted the Board that another committee meeting will take place in July to discuss heritage designation guidelines. Luke noted that if anyone wishes to know more about committee meetings, minutes will also be available online.

#### **12. Confidential Items**

N/A

#### **13. Director's Report**

Stephanie Powell Baswick reported that a draft copy of the Department's 5-year accessibility plan has been completed and will be sent to the Policy Committee for review. The Capital Budget is still in progress and awaiting documents from the consultant's report.

Stephanie also reported that she had met with Luke Brazeau, John Maloney, and senior management at the museum to complete new terms of reference, and a draft will be prepared for an upcoming meeting.

#### **14. New Business**

Bonnie Schneider asked if Canal Days volunteer t-shirts would be provided again this year, to which Michelle Mason replied that they would be supplied by the City.

Claudia Brema asked about the status of the popcorn machine for the Canal Days festival. Michelle supplied that the Port Colborne Volunteer Fire Co. would be lending us their machine for the festival and Stephanie Powell Baswick added that we are awaiting a grant approval to purchase a new one for the Museum.

#### **15. Adjournment**

John Maloney motioned to adjourn.





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Chair



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Staff Liaison

## **Memorandum**

**To: City Council**

**From: Stephanie Powell Baswick, Director of Museum and Culture**

**Date: October 03, 2023**

**Re: Museum Board Terms of Reference**

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In 2023, the Legislative Services Department lead a review of Terms of Reference for all committees of council. This task standardized the committees and provided opportunities for review. Based on the expansion of the Department of Museum and Culture to include the Roselawn Centre and Port Colborne Heritage Committee in 2022, the board and staff of the Port Colborne Historical and Marine Museum looked to this opportunity to provide future clarity to the advisory committee of council.

At the June 18, 2023 board meeting, a subcommittee to consider changes to the terms of reference for the Museum Board was approved. The sub-committee worked with the Director of Museum and Culture and a draft was presented for feedback at the July 16<sup>th</sup>, 2023 board meeting for questions and comments.

The board unanimously approved the Museum, Heritage and Culture Terms of Reference at the September 17, 2023 board meeting and respectfully forward the recommendation for Council. At the pleasure of council, the board recommend the approval of these changes and utilize these terms of reference for the 2024 board recruitment process.

Respectfully submitted,

Stephanie Baswick  
Director of Museum and Culture

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**Committee/Board:** Museum, Heritage and Culture Board

**Date Approved:**

**Date Revised:** N/A

**Approval:** Council

**Board Resource:** Museum Curator and Planner

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## **1. Purpose**

The Museum, Heritage and Culture Board (the “Board”) is an Advisory Board of Council established to oversee the maintenance, control, operation and management of the Port Colborne Historical and Marine Museum, Heritage Village, L.R. Wilson Heritage Research Archives, Arabella’s Tea Room, J.W. Sharpe Heritage Resource Centre and Roselawn Centre. The Board is to offer advice and recommendations to Council and to provide local perspective, guidance, and expert strategic advisement in the delivery of museum, heritage and cultural services in the City of Port Colborne.

## **2. Mandate**

### Mandate for the Board

The mandate of the Board is to oversee the maintenance, control, operation and management of Port Colborne Historical and Marine Museum, Heritage Village, L.R. Wilson Heritage Research Archives, Arabella’s Tea Room, J.W. Sharpe Heritage Resource Centre and Roselawn Centre and to provide advice to Council on matters relating to the delivery of various museum, heritage, and culture services in the City including, but not limited to:

- 2.1 Fixing the payment of fees or charges for admission to or for the use of properties under its control or supervision.
- 2.2 Selling or distributing objects and literature of historical significance or interest, and selling, within the properties under its control and supervision, souvenirs, articles and refreshments at such prices as the Board may decide.



## **PORT COLBORNE**

- 2.3 Applying revenue received, excluding private donations, to the payment of its expenses in the performance of its functions, and applying any private donations in such manner as it deems advisable but not inconsistent with the terms upon which any amount was donated.
- 2.4 Fixing visiting hours when any of the properties under its supervision may be open.
- 2.5 Representing the Corporation in matters of historical and cultural significance assigned to it by Council.
- 2.6 Advising and recommending to Council on strategic plan priorities relating to the facilities under mandate.
- 2.7 Encouraging and supporting the facilities to meet or exceed recognized professional standards and ethics in all areas including administration, research, dissemination of information, collection acquisition, exhibition education, programming and visitor services.
- 2.8 Carrying out such other duties relating to the history and development of heritage and culture in Colborne as may be assigned by Council.

### Mandate of the Heritage Subcommittee (the "Subcommittee")

The mandate of the Heritage Subcommittee is to make recommendations to Council on the identification, conservation, and preservation of cultural heritage properties in the City of Port Colborne. It is the responsibility of the Subcommittee to provide advice to Council on matters relating to Heritage services including, but not limited to:

- 2.9 Establishing criteria for the evaluation of properties of cultural heritage value or interest.
- 2.10 Preparing and maintaining a Municipal Register in compliance with the *Ontario Heritage Act*, R.S.O. 1990, as amended ("Heritage Act").
- 2.11 Advising Council on means of conserving heritage properties and areas.
- 2.12 Advising Council on current heritage conservation legislation to conserve heritage properties and areas.
- 2.13 Implementing programs and activities to increase public awareness and knowledge of heritage conservation issues and heritage sites.



- 2.14 Advising and assisting Council on all matters relating to Parts IV and V of the *Heritage Act*.

### **3. Membership Composition**

The Board shall consist of the following voting and non-voting members:

- 3.1 12 voting members shall be appointed from the public at large by resolution of Council.
- 3.2 One non-voting member of Council will be appointed to the Museum, Heritage and Culture Board to act as a liaison. The Mayor is an ex-officio non-voting member of the Board.
- 3.3 One non-voting member of staff who shall act as a resource person, recording secretary and shall provide administrative support to the Board. Additional members of staff may be called on for specific subject matter expertise as a resource.

The Heritage Subcommittee shall consist of the following voting and non-voting members:

- 3.5 Five citizen voting members shall be appointed by resolution of Council from the Board's membership complement each year.
- 3.6 One non-voting member of Council will be appointed to the Heritage Subcommittee to act as a liaison. The Mayor is an ex-officio non-voting member.
- 3.7 One non-voting member of staff who shall act as a resource person, recording secretary and shall provide administrative support to the Subcommittee. Additional members of staff may be called on for specific subject matter expertise as a resource.



#### **4. Citizen Membership Eligibility Criteria**

To facilitate the nomination and appointment of new members to the Museum, Heritage and Culture Board as well as the Heritage Subcommittee, the following criteria will be considered. The aim is to achieve a diverse Board/Subcommittee with a combination of technical experts and community representatives.

- 4.1 Residency – Members must be at least 18 years of age and a tenant or owner of land in the City of Port Colborne, or the spouse of such owner or tenant.
- 4.2 Technical Expertise – Consideration shall be given to applicants with academic qualifications and/or work experience with demonstrated interest and participation in museum/heritage/culture matters.
- 4.3 Community Representatives – Consideration shall be given to the individual's level of participation and knowledge of museum/heritage/culture services within the community. The relevance of their interests to the mandate of the Board/Subcommittee will be an important factor.
- 4.5 Availability – It is imperative that an applicant be able to attend as many Board/Subcommittee meetings as possible and undertake work outside of the regular meetings.

#### **5. Membership Recruitment**

- 5.1 Membership recruitment will be conducted in accordance with the City's Appointments to Boards and Committees Policy.
- 5.2 The membership on the Board/Subcommittee shall consist of appointments by Resolution of Council.

#### **6. Term**

The Board/Subcommittee appointments shall follow a four-year term in order to maintain the staggered structure. Each member of the Board/Subcommittee shall hold membership until his/her successor is appointed. In the case of a vacancy for any cause other than expiration of term, the member appointed to fill the vacancy shall hold office for the balance of the term of the member whose place is vacant.





## **7. Resignation**

A voting member of the Board/Subcommittee shall cease to be a member upon submission of a letter of resignation to the City Clerk or if he/she absents himself/herself from three successive scheduled meetings of the Board/Subcommittee without being authorized to do so by a resolution of the Board/Subcommittee entered into the minutes.

## **8. Appointment of Chair and Vice-Chair**

At the first meeting of the new term of the Board, the members shall appoint, from among their number, a Chair and Vice-Chair of both the Board and Subcommittee. Members of Council are not eligible to act as Chair or Vice-Chair.

## **9. Role of the Chair**

The role of the Chair is to:

- 9.1 Preside at the meetings of the Board/Subcommittee in accordance with the City's Procedural By-law and keep discussion on topic.
- 9.2 Provide leadership to the Board/Subcommittee to encourage that its activities remain focused on its mandate.
- 9.3 Review agenda items with the Staff Liaison.
- 9.4 Recognize each Member's contribution to the work of the Board/Subcommittee.
- 9.5 Serve as an ex-officio member of subcommittees and attend subcommittee meetings when necessary.
- 9.6 Liaise with other Board/Subcommittee members.
- 9.7 Make delegations, presentations, etc. before Council.
- 9.8 Prepare a report with recommendations for Council in coordination with Staff Liaison on the prescribed template.



## **10. Role of the Vice-Chair**

In the absence of the Chair, the Vice-Chair will chair meetings and assume all functions of the Chair as necessary.

## **11. Role of Board/Subcommittee Members**

The role of Board/Subcommittee Members is to:

- 11.1 Work collaboratively with City staff to develop an annual Work Plan and prepare annual progress reports. Work Plans will ensure workload is manageable and appropriately shared between Board/Subcommittee members and staff.
- 11.2 Ensure that the mandate of Board/Subcommittee is being fulfilled.
- 11.3 Conduct research to help inform outreach campaigns, by-laws, etc.
- 11.4 Provide the Chair with accurate information regarding agenda items.
- 11.5 Fairly represent the field of expertise, interest and involvement in the field of study of the Board/Subcommittee.
- 11.6 Notify the Staff Liaison if they are unable to attend Board/Subcommittee meetings to ensure that quorum will be available for all meetings.

## **12. Meetings**

- 12.1 All meetings shall be open, and no person shall be excluded therefrom except for improper conduct or for matters identified in section 239(2) of the *Municipal Act*, 2001, S.O. 2001, c. 25.
- 12.2 All matters pertaining to a closed meeting must first be approved by the City Clerk to ensure it is appropriately being dealt with in closed session.
- 12.3 The Board shall hold a minimum of four (4) meetings in each calendar year. At the first regular meeting of the new term, a meeting schedule will be adopted by the Board/Subcommittee.



12.4 The Chair shall cause notice of the meetings, including the agenda for the meetings in accordance with the City's Procedural By-law.

12.5 Meetings will be held on a set day and time as may be determined by the Board/Subcommittee or at the call of the Chair. The Board/Subcommittee will establish a meeting schedule taking into account the business needs and the schedule of Council.

12.6 The location of the meetings will be set by the Board/Subcommittee at a City facility.

### **13. Minutes**

The minutes of all Board/Subcommittee meetings shall be recorded and distributed to Board/Subcommittee Members and to the City Clerk for safekeeping and inclusion on the regular Council agenda.

The minutes shall be open to inspection in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25., as amended and such minutes will be posted on the City's website.

### **14. Quorum**

A quorum of the Board/Subcommittee shall consist of a majority of sitting, voting members; vacant seats shall count as seats for the purpose of calculating a quorum.

If a quorum for the Board/Subcommittee meeting is not present within fifteen (15) minutes of the time fixed for the commencement of the meeting, the Board/Subcommittee may proceed without a quorum, provided that at least three Members are present. The recording secretary/Staff Liaison is not required to be present, and no motions will be passed, or minutes prepared.

### **15. Conflict of Interest**

It is the responsibility of each member to identify and disclose a pecuniary interest on any item or matter before Council, or Board or Committee in accordance with the *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50.



Where a Member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board/Subcommittee, at which the matter is the subject of consideration, the Member will, in accordance with *Municipal Conflict of Interest Act*, R.S.O.1990, c.M. 50 (5):

- file a written statement of the interest and its general nature with the Clerk prior to the meeting;
- not take part in the discussion of, or vote on any question with respect to the matter;
- not attempt in any way before, during and/or after the meeting to influence the vote on the matter.

Where a meeting is not open to the public, in addition to complying with the requirements under the *Municipal Conflict of Interest Act*, the Member will forthwith leave the meeting for the part during which the matter is under consideration.

The Clerk will record the particulars of any disclosure of pecuniary interest made by Members of Boards/Committees in the minutes of that meeting and update the Pecuniary Interest Registry. The Registry will be available for public inspection.

## **16. Procedures**

Procedures for the proceedings of meetings shall be governed by the City's Procedural By-law as well as Robert's Rules of Order.

## **17. Remuneration**

All members of the Board/Subcommittee shall serve without remuneration.

## **18. Staff Liaison**

City staff from key positions within the Corporation, plus technical staff as required from time to time, will provide support for the reviews and activities of the Board/Subcommittee. The Staff Liaison will provide administrative, procedural, and technical support to the Board/Subcommittee. The Staff Liaison will co-ordinate all requests for advice from the Board/Subcommittee, through meeting agendas.



## **19. Annual Workplan**

An annual workplan with an estimate of the resources necessary for the coming year shall be prepared by the Board/Subcommittee.

## **20. Terms of Reference**

Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Port Colborne staff. Council may, at its discretion, change the Terms of Reference for this Board/Subcommittee at any time. Any changes proposed to these Terms of Reference by the Board/Subcommittee shall be recommended to Council via the City Clerk through a report.

## **21. Resources**

- 21.1 *Ontario Heritage Act*
- 21.2 Procedural By-Law
- 21.3 *Municipal Act*
- 21.4 Code of Conduct
- 21.5 Appointment to Boards/Committees Policy
- 21.6 *Conflict of Interest Act*
- 21.7 Robert's Rules of Order
- 21.8 *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*
- 21.9 *Department of Canadian Heritage Act*

The Corporation of the City of Port Colborne

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

Being a by-law to exempt the lands known as Blocks 71-74 on Plan 59M-150, more specifically described as Parts 1-25 on Plan 59R-17727, municipally known as 39-46 Saturn Drive from the Part Lot Control provisions of the *Planning Act*.

Whereas, subsection 50(5) of the *Planning Act* provides restrictions on how land can be conveyed and transferred to new owners.

Whereas, subsection 50(7) of the *Planning Act* allows municipalities to pass a by-law exempting specific lands within a registered plan of subdivision to be exempt from subsection 50(5).

Whereas, the Council of The Corporation of the City of Port Colborne desires to pass an exemption by-law.

Now therefore, and pursuant to the provisions and authority of subsection 50(7) of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

- 1. That subsection 50(5) of the *Planning Act*, R.S.O. 1990, shall not apply to the lands described as follows:
  - a) Part of Blocks 28-31, Part of Block 71-74, Plan 59M-150, City of Port Colborne all of PINs 64138-0660 (LT), 64138-0384 (LT), 64138-0661 (LT), 64138-0385 (LT), 64138-0662 (LT), 64138-0386 (LT), 64138-0663 (LT), 64138-0387(LT).

For the purpose of creating eight (8) lots for street townhouse dwelling units as follows:

- i. Parts 1, 2 & 3 on Reference Plan 59R-17727
  - ii. Parts 4, 5 & 6 on Reference Plan 59R-17727
  - iii. Parts 7, 8, 9, 10, 11 & 12 on Reference Plan 59R-17727
  - iv. Parts 13, 14 & 15 on Reference Plan 59R-17727
  - v. Parts 16 & 17 on Reference Plan 59R-17727
  - vi. Parts 18 & 19 on Reference Plan 59R-17727
  - vii. Parts 20, 21, 22 & 23 on Reference Plan 59R-17727
  - viii. Parts 24 & 25 on Reference Plan 59R-17727
- 2. This By-law expires two years from the date of its enactment by Council in accordance with subsection 50(7.3) of the *Planning Act*.
- 3. 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*.
- 4. The City Solicitor is hereby authorized and directed to proceed with the registration of this by-law with the local Land Registry Office, as applicable.

Enacted and passed this      day of      , 2023.

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

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

The Corporation of the City of Port Colborne

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

Being a By-law to Adopt a Filming Policy

Whereas Section 10(2) of the *Municipal Act, 2001*, S.O, 2001, c.25 authorizes a municipality to pass by-laws respecting the public assets of the municipality acquired for the purpose of exercising its authority, the economic, social and environmental well-being of the municipality, health safety and well-being of persons, the provision of any service or thing that it considers necessary or desirable for the public and the protection of persons and property;

Whereas at its meeting of October 10, 2023, the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendations of Chief Administrative Office Report No 2023-173, Subject: Filming Policy; and

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

1. That the policy and procedure respecting the Filming Policy in the City of Port Colborne appended hereto as Schedule "A" and made part of this By-law be approved.

Enacted and passed this 10<sup>th</sup> day of October, 2023.

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William C. Steele  
Mayor

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Saima Tufail  
Acting City Clerk



## City of Port Colborne Filming Policy

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### **1.1 Purpose**

This policy outlines the application process, terms and conditions of approval, and directives for filming in the City of Port Colborne, including, but not limited to, City facilities and buildings, streets and roads, parks, trails and pathways, and beaches. A policy like this protects the rights, privacy, and safety of residents, businesses, and City staff, while at the same time supporting the social, cultural, and economic benefits that the film and television industry brings to the community. It also goes as far as establishing the City's one-stop, coordinated approach to ensuring all requirements are met and all applicable by-laws are followed.

### **1.2 Applicability**

This policy applies to the following categories of filming projects:

- feature films;
- short films;
- television films;
- television network (including reality) programs/series;
- commercials (for-profit) and music videos;
- documentaries;
- educational films;
- student and not-for-profit films and commercials; and
- general commercial (including drone and aircraft) videography.

The City of Port Colborne reserves the right to refuse filming and issuing a film permit to any applicant that does not comply and/or satisfy the criteria of this policy, including any filming project that contains scripted content which may be considered offensive, discriminatory, obscene or controversial. Decisions, including those that involve revoking a film permit, will be made on a case-by-case basis and at the discretion of the City Clerk or designate.

Projects that are not subject to this policy include:

- street interviews;
- newscasts and current affairs;
- press conferences;
- filming for personal purposes;
- videography related to weddings, sports, tourism, City-run events; and
- general photography.

### **1.3 Administration**

This policy is administered by the Economic Development & Tourism Services (EDTS) Division. A staff member from this Division, hereby designated as the Film Liaison, will be the initial and primary contact for all filming requests. Applications requesting approval for filming in the City of Port Colborne must be submitted in writing to the EDTS Division according to the lead time requirements set out in this policy. Applications will be received by the Film Liaison and directed to the appropriate City departments or divisions for review. The Film Liaison will advise the Mayor and Council of all approved film permits as soon as they are issued.

By adopting this policy, Council has delegated authority to the City Clerk, or designate with authority to bind the corporation, to issue a film permit, grant an exemption to the Noise By-law, as amended, for filming purposes, and execute any related documents (e.g., Filming Agreement) resulting from the administration of this policy. When one or more temporary road closures and exemptions to current or new by-laws, as amended, are requested by the applicant, Council will retain the right to make a final decision on the request.

#### **1.4 Compliance**

It is the applicant's responsibility to be aware of and comply with all relevant by-laws and all applicable provincial and/or federal legislation. Any complaints and disputes must be handled by the production company and resolved to the satisfaction of the City, with notice provided. In the event that a dispute cannot be resolved, the decision of the City Clerk (or designate) will be final and binding.

#### **1.5 Compensation**

The City of Port Colborne will not compensate individuals or businesses, including production companies, their directors, officers, employees, agents, contractors, and subcontractors, or any of them in connection with or in any way related to the filming project, for any for out-of-pocket expenses, disruptions or damage attributable to filming on municipal or private property. Although they may do so voluntarily or be otherwise legally obligated to do so, production companies are not required to compensate residents, occupants or businesses for any filming-related disruptions.

#### **2.1 Municipal Property**

Location managers and production companies must bear in mind that municipal property and City-owned facilities function primarily to serve the community. Filming will not be permitted if it severely limits public access or adversely impacts staff's ability to perform their work or serve customers. As a result, restrictions or specific conditions may need to be established before a film permit is issued. Any bookings at a City-owned facility that were made prior to the receipt of a film permit application will supersede the filming request.

Any proposal to alter or change the condition of municipal property and assets must be approved by the Director of Public Works (or designate). This work must be done by Public Works staff, or it will be conditional to a requirement that such staff be present to monitor or supervise. The City, in its sole discretion, will determine the number of staff reasonably required to attend the filming location or site.

At the conclusion of the filming project, the production company is responsible for restoring any municipal property and assets, including garbage removal, to the same condition as before the filming project and within a mutually agreed upon time period. A failure to clean up and restore municipal property and assets will be subject to a forfeiture of the security deposit as well as additional penalties or fees as determined by the City. The production company will be given first opportunity to repair any damages,

within a reasonable timeframe, and assume the full cost of any repairs or replacements. If the repair work is not completed to the satisfaction of the City, as determined by the Director of Public Works (or designate), the City will complete the work and the production company must pay for all costs and expenses incurred.

## **2.2 Private Property**

With respect to filming on private property or at individual businesses, the property owner is responsible for negotiating with the production company the terms, conditions, and fees associated with its use. A film permit is not required for any filming taking place on private property unless the activity necessitates road closures, interrupts traffic, involves traffic sign and streetlight control, alters, removes or controls public infrastructure, includes special effects and dangerous filming, or has a direct impact on neighbouring residents, occupants or businesses. In such cases, compliance with the criteria of this policy will apply.

Filming on private property or at individual businesses that does not comprise the above-mentioned activities must still be reported to the City, through the EDTS Division, a minimum of 48 hours before filming occurs. This is to ensure the City has an opportunity to determine that the filming project will not contravene any municipal by-laws or policies and/or disrupt City services or operations. The production company must also forward a copy of the written permission obtained from the property owner to the Film Liaison.

## **2.3 Requirements**

A film permit, comprising a letter of approval from the City and an executed filming agreement, is required for any applicable filming project making use of municipal property in the City of Port Colborne. It is the applicant's responsibility to provide the following documentation, which is subject to change from time to time, according to the lead time requirements specified in this policy. This information must be completed to the satisfaction of the Film Liaison and be submitted as a package not less than three (3) business days before the filming project begins.

### **2.3.1 Mandatory**

- Film Permit Application (see Appendix A)
- Location/Site Map
- Certificate of Insurance (see 3.2)
- Filming Agreement (see Appendix D)

### **2.3.2 Additional Materials (as applicable)**

- Script (or scene/shot breakdown) and production schedule
- Municipal Facility Rental Agreement
- Temporary Road Closure Application (see Appendix B)
- Dangerous Filming & SPFX Application (see Appendix C)
- Municipal Consent Permit
- Building Permit
- Parking Plan and/or Traffic Management Plan

- Road Occupancy Permit from Niagara Region
- Separate permits from Niagara Region
- Proof of a Paid Duty Officer agreement with Niagara Regional Police Service
- Proof of approval from the Ontario Ministry of Transportation (MTO) for closures and traffic matters involving provincial highways under the jurisdiction of the Ontario Provincial Police (OPP)
- Proof from regional, provincial or federal governments that they authorize the use of property owned by them

## 2.4 Timelines

Recognizing that production companies expect their filming requests to be processed in a timely manner, the Film Liaison may expedite the film permit application review process from time to time.

Type of Request	Lead Time
Film Permit for a project on municipal property with minimal cast and crew, and no road closures or use of special effects	4 business days
Film Permit for a project on municipal property with substantial cast and crew, and no road closures or use of special effects	7 business days
Film Permit for a project on municipal property requiring a temporary road closure, intermittent traffic control, traffic sign and streetlight control, and/or any alterations or removals	14 business days
Film Permit for a project on municipal property involving the use of special effects and/or dangerous filming	16 business days
Coordination with Niagara Regional Police Service (NRPS)	5 business days
Review by Port Colborne Fire & Emergency Services (PCFES)	10 business days
Film set construction	20 business days
Film Permit for a project involving multiple locations and multiple permits	21 business days

Business days are Monday through Friday, from 8:30 a.m. to 4:30 p.m., excluding holidays. Complex requests, particularly those involving special effects (SPFX) and dangerous filming, may require more lead time. This is to be determined on a case-by-case basis. Lead time for Paid Duty Officers from NRPS and standby services from PCFES cannot be guaranteed by the City of Port Colborne.

## 2.5 Approval

Once all required and supporting documentation has been submitted, and any special requirements or concerns have been addressed, the approval of a film permit will be

granted. This permit will comprise a letter of approval from the City, information from the film permit application, and a filming agreement that must be signed by an authorized representative of the production company and the City Clerk or designate (with authority to bind the corporation) of the City of Port Colborne.

## **2.6 Notifications**

In almost all circumstances of filming on municipal or private property, a notification letter must be prepared by the applicant and submitted to the Film Liaison four (4) business days prior to filming. This letter, once approved by the City's Corporate Communications Division, must be hand-delivered to any residents, occupants, and businesses impacted by the filming project a minimum of 48 hours—or five (5) business days for road closures—before the project begins. The City reserves the right to modify notification letters for clarity and accuracy. The City also reserves the right to issue public notices about filming on municipal or private property at its sole discretion. The cost of any notices that are advertised by the production company or the City will be the responsibility of the applicant.

The City will not provide the names, addresses or contact information of any impacted residents and occupants to the production company.

## **2.7 Residential & Business Areas**

Every effort must be made by the production company to minimize the disruption and negative impacts—including, but not limited to, noise (e.g., generators and SPFX), light (e.g., spillover), air (e.g., exhaust fumes), water (e.g., pollution to Welland Canal, Lake Erie, and the municipal water system), natural ecosystems and wildlife—that may result from filming in residential and business areas. Exemptions to the Noise By-law, as amended, will be considered on a case-by-case basis by the City Clerk or designate.

Filming in residential areas will be limited to two occasions per year for each residential block. Filming in these areas at any time, but particularly between 11:00 p.m. and 7:00 a.m., and 11:00 p.m. and 9:00 a.m. on weekends and holidays, will not be approved unless a majority of affected residents have given their written approval and presented no objections. The same procedure must be followed for dangerous filming and SPFX in residential areas. It will be the responsibility of the production company to canvas the impacted residential areas, obtain signatures of support or non-objections, and present this in a form acceptable to the Film Liaison 72 hours before filming. If a minimum of 66% of residents do not object, then the filming project will be permitted.

Filming in business or commercial areas, for any given period of time, is subject to consultation with the Downtown Port Colborne BIA or the Main Street BIA. Unless a minimum of 66% of affected businesses have given their written approval and presented no objections, filming will not be approved. The same procedure must be followed for dangerous filming and SPFX in business areas. It will be the responsibility of the production company to canvas the impacted business areas, obtain signatures of support or non-objections, and present this in a form acceptable to the Film Liaison 72 hours before filming.

A copy of all notification letters and approval documentation must be submitted to the Film Liaison for filing and internal communication purposes prior to any filming taking place.

## **2.8 Access & Safety**

Production companies must agree to provide pedestrian and vehicular access, throughout the entire duration of the filming project, to persons with disabilities, mobility challenges, and special needs or circumstances. Regarding sidewalks, 1.5 metres of unencumbered pedestrian access must be maintained for mobility device users.

All production company vehicles (e.g., cars, vans, buses, and trucks) must adhere to posted speed limits, traffic legislation, and all applicable laws and regulations on streets—including the City's Parking and Traffic By-law, as amended—unless otherwise approved by the rightful governing authority. These vehicles must not park in fire routes and within 16 metres of an intersection (or 45 metres of an intersection controlled by a traffic signal), impede any emergency response vehicles, and block (by maintaining the necessary clearance) fire hydrants, bus stops, crosswalks or crossovers, railway crossings, driveways, ramps, ingresses/egresses, and accessible parking for persons with disabilities.

Production companies will be responsible for complying with the provisions and requirements of the *Occupational Health and Safety Act*, any related regulations, and the Safety Guidelines for the Film and Television Industry in Ontario. It is also their responsibility to ensure that all on-set personnel conduct themselves and operate in a safe, professional, and respectful manner in the course of their duties. Production companies must promptly report to the Ministry of Labour and City of Port Colborne any serious accidents, fatal or critical injuries, and/or claims for liability or loss that occurred during the filming project.

## **2.9 Signage**

The production company is responsible for the cost and placement of signs in publicly accessible areas—no later than 24 hours before filming—to inform the public that filming on municipal or private property is taking place. The use of barricades, signals, and other signs must be to the satisfaction of the Director of Public Works (or designate) or Chief Building Official (or designate). Additional sign permits may be required through the City's Building Division to show compliance with the Sign By-law and/or the Building Code. Requests to control, cover, alter, remove or reinstall traffic signs and streetlights will require approval and supervision from the Director of Public Works (or designate), and all costs must be borne by the production company.

Building emergency signage (i.e., required under the *Fire Protection and Prevention Act*) must not be temporarily covered, altered or removed unless approved by PCFES.



### **3.1 Procedures**

The film permit application will be available on the City's website for any applicant who wishes to film on municipal property in the City of Port Colborne. If this application includes a space to which rental fees apply, the applicant must rent this space and will be subject to pay the rental fees outlined in the Rates & Fees By-law, as amended.

In order to avoid unnecessary delays in the review process, the Film Liaison must be notified as early as possible of location scouting, road closures, intermittent traffic control, traffic sign and streetlight control, dangerous filming, use of special effects, and film set construction. Approval may be denied at the onset if the request cannot be accommodated within the required timeframe.

Every film permit application will be directed to the necessary City departments or divisions for review if it requires approval for the following:

#### **3.1.1 Road Closures**

Filming requests that require one or more temporary municipal road closures must be approved by the Director of Public Works (or designate), in consultation with Port Colborne Fire & Emergency Services (PCFES) and Niagara Regional Police Service (NRPS), before such requests are presented to Council. Regional road closures must be approved by Niagara Region in consultation with the City's Public Works Department, PCFES, and NRPS. It is the applicant's responsibility to make the necessary arrangements with NRPS to have Paid Duty Officers conduct traffic and pedestrian control (if required), adhere to the Ontario Traffic Manual, identify alternate access routes or detours, and maintain adequate access to adjacent residential or business areas.

#### **3.1.2 Intermittent Traffic Control**

Intermittent traffic interruptions or pattern changes are preferred over temporary road closures. Filming requests that impact a municipal right-of-way (i.e., roads, lanes, and sidewalks) must be approved by the Director of Public Works (or designate) in consultation with PCFES and NRPS. Alternate routes or detours may be required and will be determined by the City in conjunction with the applicant. It is the applicant's responsibility to adhere to the Ontario Traffic Manual and arrange with NRPS for Paid Duty Officers to conduct traffic and pedestrian control (if required). These interruptions must be limited to a maximum of three (3) minutes.

#### **3.1.3 Traffic Signs, Streetlights & Public Infrastructure**

Filming requests that require any traffic signs and street fixtures (i.e., lights, street names, etc.), and public infrastructure to be controlled or altered and/or removed must be approved by the Director of Public Works (or designate), and, if applicable, Niagara Region or MTO. All such work must be done by Public Works staff, or it will be conditional to a requirement that such staff be present to monitor or supervise.

### **3.1.4 Parking**

Filming requests that include significant vehicle (e.g., car, van, bus, and truck) parking for a period of three (3) consecutive days or longer will require the applicant to submit a detailed parking and/or traffic management plan, regardless of whether the production is taking place on municipal or private property. This parking and/or traffic management plan must list all of the roads and residential or business areas affected, applicable dates and times, and confirm compliance with the City's Parking and Traffic By-law, as amended. The film permit will cover parking for production vehicles only, subject to an acceptable maximum.

The amount of parking permitted in a given area may be limited as determined by the Film Liaison in consultation with By-law Services and the ward Councillors.

The City will attempt to recommend available off-street parking and the use of shuttle vans or buses for cast and crew. However, it is the applicant's responsibility to make their own on-site and off-site parking arrangements, park the majority of the cast and crew's personal vehicles off-site during production days, minimize the loss of on-street parking, not interfere with regular pedestrian or vehicular traffic, and pay for parking fees or special parking permits in public parking areas. These fees are not included in the cost of the film permit. Production vehicles, depending on their size, must stay on and use suitable roadways as well as adhere to the load and time restrictions imposed by the applicable governing authority. Such vehicles may be issued parking permits, which must be displayed on their dashboards, for parking privileges at or near the filming location. Personal vehicles will not be issued parking permits.

### **3.1.5 Special Effects (SPFX) & Dangerous Filming**

The use of special effects machines or equipment, firearms or guns (i.e., relics, replicas, rubber and prop, etc.), (simulated) gunfire, weapons, explosives or (mock) bombs, detonators, flash powder, pyrotechnics, fireworks or squibs, fire or flame effects, open air burning, flammable liquids or materials, and the filming of dangerous stunts will require notification and approval from the appropriate authorities, including PCFES and NRPS. These filming activities will be subject to the applicable City by-laws, including, but not limited to, Discharge of Firearms By-law, Fireworks By-law, and Open Air Burning and Recreational Fires By-law.

Paid Duty Officers may be a requirement for such activities as deemed necessary by NRPS. Standby services from PCFES may be a requirement as deemed necessary by PCFES. Private paid duty services and standby services are not permitted. The presence of one or more licensed professionals on set as well as Emergency Medical Services (EMS) personnel will be required. All costs associated with dangerous filming, including the payment of NRPS and EMS fees, will be at the expense of the production company.

### **3.1.6 Film Set Construction**

The desire to construct a film set must be approved by the City of Port Colborne's Building Division. A site inspection and approval of technical drawings may be required if the proposal exceeds 10 square metres and/or contains plumbing with a building associated with the structure. Special or temporary use by-laws, particularly those that supersede the current Zoning By-law, as amended, may also be required.

### **3.1.7 Drones & Low-flying Aircraft**

All drone operations must follow the rules and regulations set by Transport Canada. The applicant must also notify the Film Liaison if the filming project will involve drone (Remotely Piloted Aircraft or RPAs) operations. A copy of the drone pilot's certification may be required to keep on file. All drone operations must respect the privacy of the residents where the drone will be flown by issuing a notification letter.

Authority to fly lower than 1000 feet above ground is required from Transport Canada. Obtaining Transport Canada approval for low-flying aircraft (e.g., helicopters, hot air balloons, etc.) is the sole responsibility of the applicant. The City reserves the right to object to such flying activity—regardless of whether it is taking place on municipal or private property—and require that aviation liability insurance in the amount of \$25,000,000.00 (twenty five million), with the City of Port Colborne named as an additional insured, be provided.

## **3.2 Insurance**

The applicant must, at its own expense, including the cost of deductibles, have insurance coverage from a company registered to do business in the province of Ontario. A certificate of commercial general liability insurance in the amount of not less than \$2,000,000.00 (two million dollars) must be presented to the Film Liaison prior to the issuance of a film permit. Where a road closure, intermittent traffic control, traffic sign and streetlight control, public infrastructure control, alteration or removal, special effects and dangerous filming, and drone (or RPA), aircraft or watercraft activity is involved, the commercial general liability insurance must be in the amount of not less than \$5,000,000.00 (five million dollars).

The certificate of commercial general liability insurance must name the City of Port Colborne as an additional insured and include the following: a provision for cross liability and severability of interest; coverage for bodily injury, property damage, and personal injury; non-owned automobile coverage (not less than \$2,000,000.00); contractual non-owned coverage; products and completed operations coverage; broad form property damage; contractual liability; work performed by sub-contractors; and a provision to not call into contribution any other insurance available to the City. This certificate must also provide 30 days prior notice of cancellation.

The applicant must also have all risks property insurance and standard form automobile liability insurance. All risks property insurance must be in an amount equal to the full replacement cost of property of every description and kind owned by the applicant or for which the applicant is legally responsible, and which will be used for the filming of the

production. Standard form automobile liability insurance must have an inclusive limit of not less than \$2,000,000.00 (two million) per occurrence for third party liability, in respect of the use or operation of vehicles owned, operated or leased by the applicant.

Additional insurance and coverage (e.g., commercial property, third party liability, drone liability, aviation liability, tenants' legal liability, pyrotechnics, explosives, fire, weaponry, animals, aerial filming, watercraft, on-water and underwater filming, contents and equipment, rentals, business interruption, etc.) in an amount of not less than \$5,000,000.00 (five million dollars) may be required depending on the filming activities taking place and as determined by the appropriate City department or division. Higher limits may apply as reasonably required by the City.

### **3.3 Rates & Fees**

Recognizing that filming projects vary in complexity and budget, the rates and fees charged for each project will be evaluated on the basis of the filming project in conjunction with the City of Port Colborne's Rates and Fees By-law, as amended. Review of the film permit application is a paid service (see Appendix E), and rates and fees will be applied on a cost-recovery basis. Student and not-for-profit filming projects will be exempt from the film permit fee but other rates and fees will apply.

Staff has delegated authority to negotiate the price of rates and fees for any good (e.g., use of municipal property) or service not identified in the Rates and Fees By-law, as amended, and specifically in the case of any multi-day and/or multi-location filming project.

A security deposit paid by credit card, certified cheque or in the form of an irrevocable standby letter of credit approved by the Director of Corporate Services/Treasurer (or designate) will be required a minimum of 48 hours before the issuance of a film permit. The security deposit will not be returned until all conditions have been satisfied, including cleanup, and all outstanding costs or expenses incurred by the City have been paid by the production company.

### **3.4 Additional Requirements**

#### **3.4.1 Staff Monitoring & Supervision**

The production company must keep a copy of the film permit on-site at all times and add the Film Liaison to all call sheets. If deemed necessary, the Film Liaison may monitor the production company on-site, and depending on the nature of the production, additional City staff may be deployed to the filming location for a site meeting or to provide access and supervision (e.g., setup and tear down). The production company agrees to cover the costs associated with having staff present at the applicable hourly rate (regular or overtime). The City, in its sole discretion, will determine the number of staff reasonably required to attend the location or site. Mileage reimbursement may apply.

### **3.4.2 Unforeseen Circumstances**

Changes to the production schedule that occur as a result of unforeseen circumstances will be accommodated by City staff as efficiently as possible. However, if, in the opinion of the Film Liaison, there has been an instance of non-compliance with this policy, or a false statement, misrepresentation, and/or substantial deviation from the information provided during the film permit application process, the film permit may be revoked. The City of Port Colborne will not be responsible for any costs resulting from the revocation of a film permit (see 1.5). The decision to re-instate the film permit may be given after any issues have been resolved to the satisfaction of all parties. In the event that the production schedule goes beyond the filming project's specified timelines, the City will have the option, in its sole discretion, to negotiate an extension or refuse to accept an extension request.

### **3.4.3 Sustainability**

The City of Port Colborne has embraced the three pillars of sustainability and committed to ensuring that all choices and decisions are rooted in an awareness of this important concept. Production companies are asked to agree to the following:

- Respect sensitive environmental and historical areas, as well as (public and privately-owned) heritage properties, in the City where filming may be restricted or prohibited;
- Do not film City staff, uniforms, logo, identifiable materials, vehicles, equipment, etc., without prior written approval;
- Do not fly flags on municipal property that represent groups or organizations whose principles, purposes or activities are contrary to the laws of Canada, the laws of the Province of Ontario or the values and principles of the City;
- Make every effort to patronize Port Colborne businesses and use local services;
- Dispose of garbage, materials (e.g., liquids must not be washed into catch basins, etc.), and debris in an environmental-friendly manner;
- Reduce (e.g., waste that ends up in the local landfill, vehicle idling, etc.), reuse (e.g., materials on future filming projects), recycle, and donate (i.e., food, beverages, clothing, hygiene products, and other essential items) to the community's most vulnerable residents;
- Keep a detailed record of funds—whether by the production company, cast or crew—spent in the community and report this amount to the City in order to assist with measuring the impact of the filming project.

## **3.5 Credit**

In return for the approval to film in Port Colborne, the City asks for the following:

- A letter confirming the City will receive screen credit in the final production;
- City's name and/or logo will be listed in the credits of the final production;
- Permission to use the production's title or to reference general information (e.g., dates, actors, directors, producers, writers, etc.) about the production in any City promotional materials; and

- Copies of any stills, footage, clips, etc. of scenes filmed in Port Colborne to be utilized by the City for promotional purposes.

## Appendix A – Film Permit Application

Please read the City of Port Colborne's Filming Policy ahead of filling out this application.

Production Information				
Date of Application:				
Applicant Name & Title:				
Email:			Phone:	
Production Title:				
Production Type:				
<input type="checkbox"/> Feature Film	<input type="checkbox"/> Short Film	<input type="checkbox"/> TV Movie	<input type="checkbox"/> TV Series	<input type="checkbox"/> Commercial
<input type="checkbox"/> Music Video	<input type="checkbox"/> Documentary	<input type="checkbox"/> Educational Film	<input type="checkbox"/> Student or Not-for-profit Film	<input type="checkbox"/> Student or Not-for-profit Commercial
<input type="checkbox"/> Other:				
Episode Number (TV series only):				
Airing Network:				
Production Company:				
Address:				
Email:			Phone:	
Key Personnel – Contact Information				
Primary Contact:	Cell:	Email:		
Producer:	Cell:	Email:		
Production Manager:	Cell:	Email:		
Location Manager:	Cell:	Email:		
Asst. Loc. Manager:	Cell:	Email:		
Other:	Cell:	Email:		

Filming Location(s)		
Main Filming Location: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior <input type="checkbox"/> Combination		
Additional Filming Locations: <input type="checkbox"/> Interior <input type="checkbox"/> Exterior <input type="checkbox"/> Combination		
Locations include municipal property or private property: <input type="checkbox"/> Municipal property <input type="checkbox"/> Private property <input type="checkbox"/> Combination		
Basecamp Location:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Other applicable dates and times:		
Description of the scene(s):		
Location/Site Map: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Script: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Size of cast and crew:		
Scene(s) includes construction (e.g., film set) and/or the use building structures: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Scene(s) involves changes to the existing structure and/or appearance of (municipal or private) property and/or buildings: <input type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, describe the extent to which these changes will be made:		
Parking		
Number of passenger vehicles:	Number of production vehicles and cast trailers:	Number of oversize trucks:
Describe the parking arrangements:		
Overnight parking: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Special parking arrangements requested:		
Special Requests		
Temporary Road Closure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Intermittent Traffic Control	<input type="checkbox"/> Yes	<input type="checkbox"/> No



Traffic Signs, Streetlights & Public Infrastructure	<input type="checkbox"/> Yes	<input type="checkbox"/> No
SPFX and/or Dangerous Filming	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Drones	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Animals	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other:		
<b>City Services</b>		
Cleanup & Garbage Collection: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Staff Monitoring & Supervision: <input type="checkbox"/> Yes <input type="checkbox"/> No <ul style="list-style-type: none"> <li>▪ Billed accordingly to the production company at the applicable hourly rate</li> </ul>		
Additional Requests: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, provide details:		
<b>Intermittent Traffic Control (if applicable)</b>		
Travelling shot with normal traffic flow: <input type="checkbox"/> Yes <input type="checkbox"/> No	Camera in Car: <input type="checkbox"/> Yes <input type="checkbox"/> No Process Trailer: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Location:	Dates & Times:	
From (cross street):	To (cross street):	
Description of the scene(s):		
<b>Traffic Signs, Streetlights &amp; Public Infrastructure (if applicable)</b>		
Description of control, alterations or removals of traffic signs, streetlights, and/or public infrastructure:		
<b>Documentation</b>		
I agree to submit the following documentation not less than three (3) business days before production begins.  Certificate of Insurance: <input type="checkbox"/> Yes <input type="checkbox"/> No Filming Agreement: <input type="checkbox"/> Yes <input type="checkbox"/> No  I agree to submit a residential/business area notification letter not less than four (4) business days before production begins: <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>Economic Impact</b>		

Estimated amount of money to be spent by the production company, cast or crew in Port Colborne:

I agree to make every effort to patronize Port Colborne businesses and use local services: ☐ Yes ☐ No

I agree to keep a detailed record of the funds spent in Port Colborne and report this amount to the City: ☐ Yes ☐ No

The following provides a list of the most referenced by-laws with respect to filming projects. This list is not intended to be a complete listing of all by-laws that may apply to a filming project. Applicants are responsible for ensuring that they are aware of and comply with all relevant by-laws, as amended, and all applicable provincial and/or federal legislation.

- AMPS Parking & Non-Parking By-laws
- Encroachment By-law
- Keeping of Animals By-law
- Open Air Burning and Recreational Fires By-law
- Parking and Traffic By-law
- Public Nuisance By-law
- Site Alteration By-law
- Water By-law
- Discharge of Firearms By-law
- Fireworks By-law
- Noise By-law
- Parks By-law
- Parking Permit By-laws
- Sign By-law
- Tree By-law
- Zoning By-law

## Appendix B – Temporary Road Closure Application

Production Information		
Date of Application:		
Applicant Name & Title:		
Email:	Phone:	
Production Title:		
Production Type:		
Production Company:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Temporary Road Closure		
Occupy a lane on a roadway: <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupy a sidewalk or boulevard: <input type="checkbox"/> Yes <input type="checkbox"/> No	Occupy an alleyway: <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, number of lanes:	If yes, can 1.5 metres around the encumbrance be maintained? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, will passage be partially or completely blocked? <input type="checkbox"/> Partially <input type="checkbox"/> Completely
Item for Occupancy (e.g., moving vehicle, production vehicle, other):		
Location of Occupancy:		
Description of Occupancy:		
Occupancy Start Date:	Occupancy End Date:	
Length (in metres) of occupied space:	Width (in metres) of occupied space:	
A traffic control plan—with maps, diagrams, etc.—to illustrate the occupancy will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Residential/Business Area Notification Letter: <input type="checkbox"/> Yes <input type="checkbox"/> No		
I agree to notify residents, occupants or businesses five (5) business days before filming begins: <input type="checkbox"/> Yes <input type="checkbox"/> No		

## Appendix C – Dangerous Filming & SPFX Application

Production Information		
Date of Application:		
Applicant Name & Title:		
Email:	Phone:	
Production Title:		
Production Type:		
Production Company:		
Preparation Dates & Times:	Filming Dates & Times:	Wrap Dates & Times:
Special Effects (SPFX)		
Location:		
Date and Time:		
FX Location Representative:		
Representative's Cell Number:		
FX Supervisor Name:		
Supervisor's Cell Number:		
Pyrotechnician Certificate # & Expiry:		
Pyrotechnician Certificate # Class:		
Description of the scene(s) during which SPFX will be used:		
<input type="checkbox"/> SPFX machines or equipment	<input type="checkbox"/> Firearms, guns or gunfire	<input type="checkbox"/> Weapons
<input type="checkbox"/> Explosives or bombs	<input type="checkbox"/> Pyrotechnics or flash powder	<input type="checkbox"/> Fireworks or squibs
<input type="checkbox"/> Fire, open air burning or flammable liquids or materials	<input type="checkbox"/> Flame effects	<input type="checkbox"/> Dangerous stunts
A completed SPFX Plan—with maps, diagrams, and a detail description of the effect,		

including safe distances between personnel, objects and the effect—as well as a certificate of insurance will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
A completed Fire Safety Plan will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Pyrotechnics</b>
Set-up date:
Projected initiation times:
Detonating cord inclusions: <input type="checkbox"/> Yes <input type="checkbox"/> No
Planned number of resets:
Materials to be used, including quantities:
Safety Measures – Describe the place and method of pyrotechnics storage on-site, as well as the use of extinguishers on set as a safety measure:
Do you intend to have the fire protection equipment disconnected from this effect: <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Squibs</b>
Will squibs be used with anything else (i.e., black powder)? <input type="checkbox"/> Yes <input type="checkbox"/> No
Will fuses or detonators be used? <input type="checkbox"/> Yes <input type="checkbox"/> No
Set-up date:
Projected initiation times:
Planned number of resets:
<b>Firearms, Guns, or Gunfire</b>
Firearms Handler Name:
Firearms Handler Cell Number:
PAL # for Firearms Handler:
Firearms Business License #:
Set-up date:
Projected initiation times:
Planned number of rounds:

What is being fired at? <input type="checkbox"/> Vehicle <input type="checkbox"/> Prop <input type="checkbox"/> Person <input type="checkbox"/> Other
Will an air capsule gun (e.g., Sweeney) be used? <input type="checkbox"/> Yes <input type="checkbox"/> No
Describe what the air capsule gun rounds contain:
Types of firearms on set, including quantities:
Safety Measures – Describe the place and method of firearms storage on-site (Note: Prop or replica firearms must be secured in the same way as actual firearms):
A copy of the on-set Firearms Handler's PAL will be submitted along with this application: <input type="checkbox"/> Yes <input type="checkbox"/> No
A copy of the Firearms Business License will be submitted along with application: <input type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Regional Police Service will be notified and a Paid Duty Officer will be requested (if required): <input type="checkbox"/> Yes <input type="checkbox"/> No
The completed application and all required attachments will be emailed to both the City of Port Colborne and Niagara Regional Police Service at least 10 business days in advance of filming: <input type="checkbox"/> Yes <input type="checkbox"/> No

## Appendix D – Filming Agreement

**THIS FILMING AGREEMENT** (the “**Agreement**”) is dated \_\_\_\_\_, 20\_\_

### **BETWEEN**

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

66 Charlotte Street, Port Colborne, ON L3K 3C8

(the “City”)

### **AND**

Name

Address

(the “Permittee”)

(collective referred to as the “Parties”)

**IN CONSIDERATION** of the City having issued to the Permittee a film permit (the “Permit”) to engage in filming activities within the City of Port Colborne, which may include without limitation permission to enter onto, use, or occupy certain lands, property, or facilities, including roads and streets and public places, that belong to or that are under the control of the City as more particularly described in the Permit (“City Property”), the Permittee agrees as follows:

1. The Permittee shall ensure that all filming activities are carried out strictly in accordance with the City of Port Colborne’s Filming Policy, in a safe and appropriate manner, in accordance with all applicable City by-laws and Provincial and Federal laws, including but not limited to the *Occupational Health and Safety Act*, as amended, and the Safety Guidelines for the Film and Television Industry in Ontario, and assumes all risks connected with or that may arise out of such activities.
2. The Permittee shall inspect City Property prior to its use both as to its suitability for the Permittee’s activities and its condition, and its use by the Permittee shall, except for any undiscoverable hazardous condition, be construed as acceptance of the suitability and condition of the City Property. The Permittee shall leave the City Property in the same condition as, or better condition than, it was prior to the Permittee’s use.
3. The Permittee shall be allowed to enter on City Property from [date] to [date]. The Permittee shall elect not to use City Property for filming activities or any other purpose, which the Permittee shall have the right to do, only by providing written notice forty-eight (48) hours prior to the Permittee’s scheduled use of City Property.
4. The Permittee shall obtain, at its own expense, all permits from any public authority which may be required in connection with the Permittee’s filming activities.

5. The Permittee agrees to release absolutely, waive, and save harmless the City and its elected officials, officers, employees, servants, agents and contractors from and against any and all claims that the Permittee or its servants and agents might otherwise have against the City except only to the extent caused by the negligent or wilful misconduct of the City or its elected officials, officers, employees, servants, agents and contractors or arising out of any undiscoverable hazardous condition.
6. The Permittee agrees to indemnify and hold harmless the City, and its elected officials, officers, employees, servants, agents and contractors, from and against all claims and demands and all awards, judgements, actions, or causes of action and proceedings by whomsoever made or brought in respect of any claim for personal or bodily injury, including death, to any person, and for any loss of or damage to property caused directly or indirectly by or as a result of the granting of the Permit by the City or the activities of the Permittee within the City of Port Colborne, except to the extent caused by the negligence or wilful misconduct of the City or its officers or employees or arising out of any undiscoverable hazardous condition.
7. The Permittee shall obtain and maintain, at all times throughout the filming activities, insurance satisfactory to the City and underwritten by an insurer licensed to conduct business in the Province of Ontario. The policy shall provide coverage for bodily injury, property damage, and personal injury as well as include but not be limited to the following.
  - A. Commercial general liability insurance with:
    - i. A limit of liability of not less than \$2,000,000.00 (two million) per occurrence with an aggregate of not less than \$5,000,000.00 (five million), or a limit of liability of not less than \$5,000,000.00 (five million) per occurrence with an aggregate of not less than \$5,000,000.00 (five million);
    - ii. The City added as an additional insured with respect to the operations of the Named Insured;
    - iii. A provision for cross liability and severability of interest in respect of the Named Insured;
    - iv. Non-owned automobile coverage with a limit not less than \$2,000,000.00 (two million) and contractual non-owned coverage (SEF 96);
    - v. Products and completed operations coverage;
    - vi. Broad Form Property Damage;
    - vii. Contractual Liability;
    - viii. Work performed on behalf of the Named Insured by Sub-Contractors; and
    - ix. 30 days prior notice of cancellation provided.
  - B. All Risks Property Insurance in an amount equal to the full replacement cost of property of every description and kind owned by the Permittee or for which the Permittee is legally responsible, and which will be used for the filming of



the production (the "Production" includes the time before/prep, during/shoot, and after/wrap).

- C. Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario, having an inclusive limit of not less than \$2,000,000.00 (two million) per occurrence for Third Party Liability, in respect of the use or operation of vehicles owned, operated or leased by the Permittee.
  - D. Aircraft, Drone and Watercraft Liability Insurance, if applicable, with respect to any non-owned aircraft or watercraft connected to the project, in an amount of not less than \$5,000,000.00 (five million) per occurrence for Third Party Liability including Passenger Hazards.
8. The Permittee, its directors, officers, employees, agents, contractors, and subcontractors, or any of them in connection with or in any way related to the Production, shall comply with any instructions given by the City's film liaison (the "Film Liaison") for the purposes of the use of City Property. If at any time during the Production, the Film Liaison determines that any activity carried out by the Permittee is contrary to any rules, regulations, orders, or by-laws of the City, or contrary to any general law, or is unsafe or not in the best interest of the City, the Film Liaison shall have the right to order the Permittee to discontinue the Production. The Permittee shall comply immediately with any such instructions, directions, or orders given by the Film Liaison. In the event that the Permittee, its employees, agents, contractors or subcontractors fail to comply, the Film Liaison may use whatever reasonable force necessary to prevent the Permittee from continuing with the Production and remove the Permittee from City Property.
9. Subject to the City of Port Colborne's Filming Policy, all rights of every kind in and to all photographs, video and sound recordings made hereunder in connection with use of City Property by the Permittee (the "Footage") and any duplicates created of City Property (the "Duplicates") shall be and remain the sole and exclusive property of the Permittee and its licensees and assigns. Such rights shall include, without limitation, the perpetual and irrevocable right and license to use and re-use said Footage in connection with the Production and any other productions (including, without limitation, any television, motion picture, internet or other new media production) (collectively, the "Productions") as the Permittee may elect, and in connection with advertising, publicizing, exhibiting, merchandising, distributing and exploiting such Productions in any manner whatsoever and at any time by all means, media, devices, processes and technology now or hereafter known or devised in perpetuity throughout the universe. The rights granted to the Permittee hereunder in connection with the Footage and the Duplicates shall be governed by the laws of the Province of Ontario and the laws of Canada applicable therein. Neither the City nor any other party now or hereafter claiming an interest in the City Property and/or through the City shall have any right of action against the Permittee or any other party arising from or based upon any use or exploitation of

such Footage or Duplicates, whether or not such use is claimed to be defamatory, untrue or censurable in nature. The Permittee shall not be obligated to make any actual use of any Footage or Duplicates in the Productions or otherwise.

10. The Permittee shall agree to report to the Film Liaison the amount of money spent in Port Colborne, acknowledge the City of Port Colborne in the credits of the final production, and provide the City with permission to use the Production's information and copies of the Footage or Duplicates for marketing or promotional purposes.
11. With respect only to the use of City Property, the City warrants, represents and agrees that it is fully authorized to enter into this Agreement and has the right to grant the Permittee use of the City lands and facilities for the purpose of filming, and, to the best of its knowledge, the City owns and controls the copyrights and trademarks in and to the interior and exterior designs of City owned facilities such that no further permission(s) or consent(s) from, or payment to, any other entity is necessary for the City to grant the rights granted herein. Notwithstanding the foregoing, where the City Property is occupied by a tenant the Permittee must obtain the separate agreement of the tenant to the use of the City Property for the filming activities.
12. In the event of any claims by the City against the Permittee for physical damage to City Property, the liability of the Permittee shall be for the reasonable cost of repairing such damage; for any other claims by the City against the Permittee, whether or not material, the City shall be limited to the City's remedy at law for damages, if any, and the City shall not be entitled to enjoin, restrain or interfere with (i) the Footage or Duplicates as provided hereunder; or (ii) the production, distribution, merchandising, advertising, publicizing, exhibiting, or exploitation of the Productions.
13. Any schedule(s) attached to this Agreement form a part of this Agreement.
14. In the event of any conflict between the terms and conditions of this Filming Agreement and the terms and conditions of the City's Filming Policy, the terms and conditions of this Filming Agreement shall govern.
15. Except as otherwise specifically provided herein, this Agreement will be interpreted in accordance with the laws of the Province of Ontario.
16. If any provision in this Agreement is invalid or unenforceable, the remainder of this Agreement is not affected thereby and each covenant, obligation and provision of this Agreement is separately valid and enforceable to the fullest extent permitted by law.
17. This Agreement may be executed and delivered (including being scanned and e-mailed) in one or more counterparts, and by the different Parties hereto in separate

counterparts, each of which when executed shall be deemed to be an original, but all of which taken together shall constitute one and the same agreement.

**IN WITNESS WHEREOF** the Parties hereto have executed this Agreement through duly authorized representatives.

_____ Permittee	_____ Signature	_____ Date
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_____ The Corporation of the City of Port Colborne	_____ Signature	_____ Date
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I have the authority to bind the Corporation.

## Appendix E – Rates & Fees

Service Type	Name	Fee
Film	Film Permit – Municipal Property	\$175.00
Film	Staff Time – Film Liaison	\$85.00 per hour
Film	Security Deposit	\$2,500.00 minimum for low impact filming projects
		\$5,000.00 minimum for medium to high impact filming projects

### Notes:

<sup>1</sup> All applicable taxes shall apply.

<sup>2</sup> Student and not-for-profit filming projects are exempt from the film permit fee.

<sup>3</sup> Staff time—that of the Film Liaison and City staff (at the applicable hourly rate, regular or overtime, and mileage reimbursement, if required) from other departments or divisions, including PCFES—will be necessary to coordinate requests and permit application review for any filming projects, whether on municipal or private property, involving road closures, traffic interruption, traffic sign and streetlight control, public infrastructure control, alteration or removal, as well as SPFX and dangerous filming.

<sup>4</sup> Security deposits may be adjusted lower or higher depending on the nature of the filming project and the number of filming days and/or locations.

The Corporation of the City of Port Colborne

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

Being a By-law to Establish a Board known as the Museum, Heritage and Culture Board, to Establish a Terms of Reference for the Museum, Heritage and Culture Board, to Repeal By-law No. 6718/82/19, Being A By-Law to Establish A Heritage Committee For The City Of Port Colborne, and all Amendments Thereto, and to Repeal By-law No. 410/74, Being A By-Law to Establish A Board Known as “The Port Colborne Historical and Marine Museum Board” and to Provide for the Appointment of Members Thereto, and all Amendments Thereto

Whereas at its meeting of November 12, 1974, Council enacted By-law No. 410/74, Being A By-Law to Establish A Board Known as “The Port Colborne Historical and Marine Museum Board” and to Provide for the Appointment of Members Thereto; and

Whereas at its meeting of September 09, 2019, the Council of The Corporation of the City of Port Colborne (Council) enacted By-law No. 6718/82/19, Being A By-Law To Establish A Heritage Committee For The City Of Port Colborne; and

Whereas Council is desirous of establishing a Terms of Reference for the Museum, Heritage and Culture Board;

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

1. That there is hereby established a Committee to be known as the “Museum, Heritage and Culture Board”.
2. That the Terms of Reference for the Museum, Heritage and Culture Board, attached hereto as Schedule “A”, be approved.
3. That By-law No. 6718/82/19, Being A By-Law to Establish A Heritage Committee For The City Of Port Colborne, and all amendments thereto, are hereby repealed.
4. That By-law No. 410/74, Being A By-Law to Establish A Board Known as “The Port Colborne Historical and Marine Museum Board” and to Provide for the Appointment of Members Thereto, and all amendments thereto, are hereby repealed.
5. That this by-law shall come into force and take effect on the date of passing.

Enacted and passed this 10<sup>th</sup> of October, 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. \_\_\_\_\_

A By-law to Appoint a Deputy Clerk  
(Diana Vasu)

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 Diana Vasu is hereby appointed Deputy Clerk for The Corporation of the City of Port Colborne, effective October 3, 2023.
2. That this by-law shall be repealed at the end of the determined term, as established in Section 2 of the Employment Agreement dated September 26, 2023, between The Corporation of the City of Port Colborne and Diana Vasu.
3. That this By-law shall come into force and take effect on the date of passing.

Enacted and passed this 10th day of October, 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 October 10, 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 October 10, 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 10<sup>th</sup> day of October, 2023.

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

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