

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, February 27, 2024
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 Acknowledgement	
4. Proclamations	
5. Adoption of Agenda	
6. Disclosures of Interest	
7. Approval of Minutes	
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10. Presentations**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, email 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****16. Consideration of Items Requiring Separate Discussion****17. Motions****18. Notice of Motions****19. Minutes of Boards & Committees****20. By-laws**

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21. Procedural Motions

22. Information items

23. Adjournment

City of Port Colborne

Council Meeting Minutes

Date: Tuesday, February 13, 2024
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

Staff Present: B. Boles, Director of Corporate Services/Treasurer
S. Luey, Chief Administrative Officer
S. Shypowskyj, Director of Public Works
S. Tufail, Acting City Clerk
D. Vasu, Acting Deputy Clerk (minutes)
D. Landry, Chief Planner

1. Call to Order

Mayor Steele called the meeting to order at 6:30 p.m.

2. National Anthem

3. Land Acknowledgement

Councillor Bodner recited the land acknowledgement.

4. Proclamations

4.1 World Parkinson's Day - April 11, 2024

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

That April 11, 2024, do hereby be proclaimed "World Parkinson's Day" in the City of Port Colborne.

Carried

5. Adoption of Agenda

Moved by Councillor D. Elliott
Seconded by Councillor G. Bruno

That the agenda dated February 13, 2024, be confirmed, as amended.

Carried

6. Disclosures of Interest

6.1 Councillor E. Beauregard - Niagara Region - Approval of Regional OPA and Approval of Local OPA, Port Colborne Quarries Pit 3 Extension

Councillor Eric Beauregard declared an indirect pecuniary interest as he is employed by an agent of the Applicant.

7. Approval of Minutes

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

That items 7.1 to 7.3 be approved as presented.

Carried

7.1 Regular Meeting of Council Minutes - January 23, 2024

7.2 Public Meeting Minutes - September 5, 2023

7.3 Public Meeting Minutes - October 3, 2023

8. Staff Reports

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

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

Carried

8.1 Lions Field Streetscape and Upgrades, 2024-34

That Public Works Department Report 2024-34 be received.

8.2 Sale of Surplus City Land - Catharine Street, 2024-13

That Chief Administrative Office Report 2024-13 be received; and

That a by-law to authorize entering into an Agreement of Purchase and Sale with Meyeseyes Consulting Corporation, owned by Glenn and Ashleigh Skubbeltrang regarding the sale of a City-owned property on Catharine Street, be passed; and

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

8.3 Appeals and Property Standards Committee, 2024-39

That Corporate Services Department Report 2024-39 be received; and

That the by-law attached as Appendix A of Corporate Services Report 2024-39, being a by-law to establish a committee known as the Appeals and Property Standards Committee, to establish terms of reference, and to repeal By-law No. 7101/43/23, be enacted and passed as presented; and

That members currently appointed to the Property Standards/Notice to Muzzle Appeal Committee be appointed to the Appeals and Property Standards Committee upon the dissolution of the Property Standards/Notice to Muzzle Appeal Committee, for a term ending with the current term of Council.

9. Correspondence Items

Moved by Councillor T. Hoyle

Seconded by Councillor F. Danch

That items 9.2 to 9.5 be received for information.

Carried

9.1 Niagara Region - Approval of Regional OPA and Approval of Local OPA, Port Colborne Quarries Pit 3 Extension

Councillor E. Beauregard declared a conflict declare an indirect pecuniary interest as he is employed by an agent of the Applicant.

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

That the correspondence item from the Niagara Region regarding Approval of Regional OPA and Approval of Local OPA, Port Colborne Quarries Pit 3 Extension be received for information.

Carried

9.2 City of Sarnia - Carbon Tax

9.3 Municipality of Tweed - Licence Plate Renewal

9.4 Prince Edward County - Expand the Life Span of Fire Apparatus

9.5 City of Brantford - Reliable and Accessible Public Rail Transit - CN Rail

10. Presentations

11. Delegations

11.1 Derek Miller, St. Therese of Lisieux Catholic Church, Request for Exemption from Provisions of By-law 89-2000, on Bell Street and Fares Street

Moved by Councillor T. Hoyle
Seconded by Councillor E. Beauregard

That the consideration of Derek Miller's request for an exemption from the provisions of By-law 89-2000, be referred to the Director of Public Works to investigate and bring a report forward to Council with further details.

Carried

12. Mayor's Report

A copy of the Mayor's Report is attached.

13. Regional Councillor's Report

14. Staff Remarks

14.1 SERT for Solar Eclipse Event on April 8, 2024 (Luey)

The Chief Administrative Officer advised that the City of Port Colborne Special Events Response Team plans to meet frequently prior to the solar eclipse event on April 8, 2024, to ensure the safety and enjoyment of residents and visitors during all recreational events, such as those at Vale Health and Wellness Centre.

15. Councillors' Remarks

15.1 Third Reading of Drainage Works By-law (Bodner)

Councillor Bodner advised that the passing of item 21.5, being a By-law to Provide for a Section 4 and Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Port Colborne Municipal Drain (Third Reading) will allow the City to commence the Port Colborne municipal drain project after July 15, 2024.

15.2 Appreciation for Public Works Staff (Bruno)

Councillor Bruno expressed appreciation towards Public Works staff for hosting an open house on February 21, 2024, regarding updates and plans for the Bartok and Omer sewer shed and requested for a virtual participation option to accommodate those unable to attend the open house in person.

15.3 Library Board Update (Bagu)

Councillor Bagu informed that, following Susan Therrien's retirement from the role of Director of Library Services and CEO of the Library Board, Rachel Tkachuk has been designated as the Manager of Library Services and Acting CEO of the Library Board. This appointment will continue until June 1, 2024. Subsequently, the Library Board intends to appoint a permanent candidate to fulfill the position on a full-time basis.

15.4 Vale Health and Wellness Center Monitor Issues (Bagu)

Councillor Bagu inquired about the delay in repairing monitors at the Vale Health and Wellness Center. The Director of Corporate Services clarified that a software glitch, affecting monitor connectivity, is causing disruptions. The current software provider aims to resolve the issue by February 16,

2024. In case of persistence, the Director intends to engage a new software provider for a solution.

15.5 2024 SportsFest Staff Appreciation (Beauregard)

Councillor Beauregard expressed appreciation towards staff that were involved in planning and executing the 2024 SportsFest.

15.6 Appreciation for Clerk's Division Staff (Aquilina)

Councillor Aquilina expressed appreciation to the staff in the Clerk's Division for inviting her and fellow Councillors to witness a civil marriage solemnization ceremony conducted by the Acting City Clerk. Councillor Aquilina also extended her congratulations to the newly married couple.

16. Consideration of Items Requiring Separate Discussion

16.1 Traffic Calming Update - Various Locations, 2024-35

Moved by Councillor M. Bagu

Seconded by Councillor M. Aquilina

That Public Works Department Report 2024-35 be received.

Carried

16.2 Neff Street Storm Sewer Repair – Construction Funding, 2024-31

Moved by Councillor F. Danch

Seconded by Councillor G. Bruno

That Public Works Department Report 2024-31 be received; and

That Council approve \$425,000 from the storm sewer reserve to be added to the Neff Street Storm Sewer budget for the Neff Street Storm Sewer project to proceed.

Carried

16.3 Recommendation Report for Proposed Official Plan Amendment and Zoning By-law Amendment- 650 Main Street West, 2024-29

Moved by Councillor G. Bruno

Seconded by Councillor M. Bagu

That Planning and Legislative Services Department Report 2024-29 be received; and

That the By-law to adopt amendment no. 14 to the Official Plan for the City of Port attached as Appendix A be approved; and

That the by-law to amend Zoning By-law 6575/30/18 for the lands legally known as HUMBERSTONE CON 2 PT LOT 32 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 650 Main Street West, and Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures, be approved; and

That the City Clerk be directed to issue the Notices of Adoption and Passing in accordance with the *Planning Act*.

In Favour (2): Councillor E. Beauregard, and Councillor R. Bodner

Opposed (7): Councillor M. Aquilina, Councillor M. Bagu, Councillor G. Bruno, Councillor F. Danch, Councillor D. Elliott, Councillor T. Hoyle, and Mayor Steele

Lost (2 to 7)

- a. **Written Delegation Material from Ken and Maureen Anthes, residents**
- b. **Delegation from Tammy Morden, resident**
- c. **Written Delegation Material and Petition from Jim Calla, resident**
- d. **Delegation from Jim Calla, resident**
- e. **Delegation from Nancy Bodis, resident**
- f. **Delegation from Ken Anthes, resident**

16.4 Town of Grimsby - Advocacy of Mental Health and Addiction Support and correspondence from Steven Soos regarding Mental Health, Addiction and Homelessness in Niagara

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

That the correspondence items received from the Town of Grimsby regarding Advocacy of Mental Health and Addiction Support, and from Steven Soos regarding Mental Health, Addiction and Homelessness in Niagara, be received; and

That the Acting City Clerk be directed to draft a letter that declares the issue as a crisis as opposed to an emergency; and

That the letter outline statistics from Public Health, Niagara Housing, and Niagara Regional Police on the opioid crisis impacts on the City of Port Colborne.

Carried

17. Motions

18. Notice of Motions

19. Minutes of Boards & Committees

19.1 Heritage Advisory Subcommittee Minutes - October 16, 2023, and November 20, 2023

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

That the Heritage Advisory Subcommittee Minutes from October 16, 2023, and November 20, 2023, be approved as presented.

Carried

20. Recommendations Arising from Boards and Committees

20.1 Memorandum from Cassandra Banting - Manager of Environmental Compliance regarding Low-Flow Toilet Rebate Program- Environmental Advisory Committee

Moved by Councillor T. Hoyle
Seconded by Councillor M. Bagu

That the Port Colborne Environmental Advisory Committee recommendation regarding the removal of the City's Low Flow Toilet Rebate, be supported; and

That the funds from this program be redirected to City's 2024 rain barrel program.

Carried

21. By-laws

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

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

Carried

21.3 By-law to Authorize entering into an Agreement of Purchase and Sale of property with Meyeseyes Consulting Corporation for two City owned surplus parcels on Catharine Street

21.4 By-law to Establish a Committee known as the Appeals and Property Standards Committee, to Establish a Terms of Reference, and to Repeal By-law No. 7101/43/23, and all Amendments Thereto

21.5 By-law to Provide for a Section 4 and Section 78 Engineer's Report for a Drainage Works in the City of Port Colborne in the Regional Municipality of Niagara Known as the Port Colborne Municipal Drain (Third Reading)

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

21.1 By-law to adopt amendment no. 14 to the Official Plan for the City of Port Colborne

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

21.2 By-law to amend Zoning By-law 6575/30/18 for the lands municipally known as 650 Main Street West

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

22. Procedural Motions

23. Information items

24. Adjournment

Mayor Steele adjourned the meeting at approximately 8:47 p.m.

William C. Steele, Mayor

Saima Tufail, Acting City Clerk

Mayor's report to city council

Tuesday, Feb. 13, 2024

Sportsfest success

On behalf of council, I salute all who organized, coordinated, and participated in Sportsfest 2024.

What a great weekend!

Great to see businesses involved, because generating business for the city is one of the reasons we founded this February event 25 years ago.

Canalside Restaurant, Eh Amigos Cantina, Breakwall Brewery, and Steele and Clover all ran events to get people out and about and Porticipating. The Hut on Weaver Road joined Sportsfest for the first time to offer yoga and meditation. The YMCA was busy all weekend with free swimming, skating, and lots of activities for the kids.

Sixteen teams from across southern Ontario came to the Vale Centre, for some friendly competition on the ice in four divisions of the Mayor's Cup Hockey Tournament.

Port Colborne Old Timers won the A division. West Lincoln won the B division. Haldimand won the D division, and our local boys, our Port Colborne team, won the C division. Thanks to all the players, coaches and managers who made it an awesome tournament.

One of the highlights for me was Saturday afternoon, up in the Golden Puck Room of the Vale Centre, announcing four new inductees to our Wall of Fame.

We had about 100 people there, to celebrate and applaud our inductees.

First up was Special Olympic swimmer Diane Gannon, who earned 15 medals for Team Port Colborne provincially, nationally and internationally.

Ray Wills accepted the honour for his son Derek Wills, a Lakeshore grad, who is the NHL's Calgary Flames play-by-play radio announcer.

Local boy Kevin Alexander Keith, all-star American baseball player, award-winning gymnast, all-round excellent athlete with almost 40 years directing municipal sports and rec, said it was “good to come home to Port Colborne” from his home in Brantford to unveil his plaque for our wall of fame.

Our fourth and final induction was the Novice Girls' Softball Team which won the 1973 provincial championship. They only played together for a few months that summer of '73. Coach Bill Akey, now a retired history-geography teacher, shared the Cinderella story of the girls who came together when there was no novice team at the time, no coach, no field, and no experience. Everything came together like magic, and the team won the championship against defending champion Sarnia.

It's a challenge to get everyone together 51 years later, even to find some of the girls was a challenge—names change, people move across the country, and some have passed on. Joanne Garner, age 99, was with us Saturday, representing her late daughter Mary Ann, a team member who died too young, many years ago. That was a special moment for her, for all of us, when people rose to their feet to applaud.

It's a proud day for our city when we recognize our citizens for their achievements. You could feel the pride in the room Saturday afternoon.

Speaking of hometown pride, 104 people made us proud when they plunged into Gravelly Bay at the marina Sunday afternoon to raise money for Special Olympics. It was the biggest turnout ever for the annual Polar Plunge!

Donations are the highest ever, too – more than \$29,000 has been raised, beating the goal of \$20,000. Fantastic!

Thanks to those individuals and teams who dove into the freezing water, and thanks to all who donated to this great cause.

I have the Special Olympics 50th anniversary award here, from 2018, to remind everyone who participated: you're all champions.

The oath spoken by every Special Olympic athlete, including Diane Gannon, who has said it many times over the past 35 years. **“Let me win. But if I cannot win, let me be brave in the attempt.”**

Subject: Property Standards and Vacant Building Registry By-laws

To: Council

From: Community Safety & Enforcement Department

Report Number: 2024-24

Meeting Date: February 27, 2024

Recommendation:

That Community Safety and Enforcement Department Report 2024-24 be received; and

That the Property Standards By-law attached as Appendix A be approved; and

That the Vacant Building Registry By-law attached as Appendix B be approved; and

That the by-law attached as Appendix C, being a by-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Property Standards), be approved; and

That the by-law attached as Appendix D, being a by-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Vacant Building Registry), be approved.

Purpose:

The purpose of this report is to obtain the approval of Council for enacting the Property Standards By-law, attached as Appendix A; the Vacant Building Registry By-law, attached as Appendix B; the by-laws to amend the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (the "NPAMPS By-law"), attached as Appendices C and E, to establish new penalties for the Property Standards and Vacant Building Registry By-laws respectively; the by-laws to amend the current User Fees and Charges By-law in effect, attached as Appendices D and F, to establish new fees for the Property Standards and Vacant Building Registry By-laws respectively.

Background:

By-law Services introduced the Property Standards By-law in 1976, with updates approved in 1996 and 2002. In 2002, Report 2002-52 presented Council with a new by-law that recognized legislation which shifted jurisdiction from the *Planning Act* to the *Building Code Act*. The Property Standards By-law mirrors a model by-law endorsed by the Ontario Association of Property Standards Officers (OAPSO) and maintains compliance with the *Building Code Act* requirements.

Over the years, staff have been monitoring the Property Standards By-law to determine where the by-law can be improved. The updated Property Standards By-law includes new definitions and prohibitions, Special Standards for damaged and/or heritage buildings, and expands on the existing provisions for vacant buildings. The main building standards are still modeled after those established by the OAPSO, as these provide standard regulations and prohibitions throughout Ontario.

The Vacant Building Registry By-law will allow City staff to maintain a registry of all vacant buildings within the community, which will assist with enforcing the Property Standards By-law to ensure vacant buildings are secured and maintained.

The Vacant Building Registry By-law requires property owners to register vacant buildings and renew any vacant building registrations yearly at a cost of \$1,250 to \$3,000 depending on the zoning of the property. Property owners or their authorized agent(s) must monitor the condition of their vacant buildings a minimum of once every 2 weeks, or as ordered in writing by the Manager of By-law Services.

The Vacant Building Registry will benefit the City because vacant buildings are disproportionately more likely to be the site of a fire, can present safety issues when unsecured, and can negatively impact neighbourhood property values if not well maintained.

The City of Port Colborne has 20 to 25 vacant buildings at any one time and By-law Services performs monthly checks to review the status of each building. The proposed Vacant Building Registry By-law will put the onus to check buildings on the property owner. Failure to complete vacant building checks can result in the owner receiving a penalty under the City's Administrative (Non-Parking) Penalty By-law. Three tiers of penalties will apply, and an owner could be subject to continued penalties until the property is brought into compliance.

Discussion:

Vacant Building Registry By-law

What is a Vacant Building Under the Vacant Building Registry By-law, a "Vacant Building" is defined as follows:

- 2.1 In this By-law, subject to subsections 2.2 and 2.3, "Vacant Building", means a Building that does not appear to be in use and, without limiting this definition, shall include a building, that in the opinion of the Manager:
- 2.1.1 is not protected from the entry of unauthorized Persons;
 - 2.1.2 is not protected from the entry of rain, snow, vermin or birds into the interior of the Building;
 - 2.1.3 where the supply of any one or more of the electricity, gas or water utilities serving the Building is discontinued or disconnected;
 - 2.1.4 where one or more of the electricity, gas or water utilities serving the Building is not being used;
 - 2.1.5 if the Building contains 1, 2 or 3 dwellings, where one or more dwellings are not fit for an individual or individuals to live in in accordance with the *Building Code Act, 1992, S.O. 1992, c. 23* and its regulations (the "*Building Code Act*"), the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* and its regulations (the "*Fire Protection and Prevention Act*"), the City Property Standards By-law, or any other applicable statute, regulation or by-law;
 - 2.1.6 where 25% or more of the door and window openings to the Building are partially or completely boarded up (for example, if there are 8 door and window openings to a Building and 2 or more of the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening); or
 - 2.1.7 where an Application for Rebate of Property Taxes for the entire Building has been submitted to the City's Tax Section.
- 2.2 A Vacant Building does not include a Building where the Owner satisfies the Manager that:
- 2.2.1 a use permitted under the City's Zoning By-law is occurring;
 - 2.2.2 a permit has been issued by the City for construction or demolition of the Building and construction or demolition work has been actively undertaken for at least 40 hours during each 90-day period following the issuance of the permit;
 - 2.2.3 the Building is not a dwelling and is on Property used as a Farm; or
 - 2.2.4 the Building is occupied by the Owner, or a Person authorized by the Owner, on a seasonal basis.

- 2.3 A Vacant Building does not include a building that is owned or controlled by the federal, provincial, regional or City government.

Vacant Buildings as per that definition are the types of buildings that staff earmark for review and inspections to reduce the likelihood of such buildings entering a dilapidated state. Staff encourage property owners to fill or develop unused buildings. The additional costs associated with the Vacant Building Registry will act as an impetus for owners to fill vacant buildings to help improve housing and commercial building supply in the City.

The Property Standards By-law

The Property Standards By-law will regulate and enforce the boarding and condition of vacant buildings. In the Property Standards By-law, a Vacant Building has the same meaning as defined in the City of Port Colborne Vacant Building Registry By-law.

Section 6 incorporates Special Standards which includes Vacant Buildings, Damaged Buildings, Fire Damaged Buildings, and Heritage Buildings. In this section of the by-law staff have created specific standards and requirements to prevent unauthorized entry, to curb neglect, and to rectify buildings in disrepair. The Special Standards will allow staff to garner faster results, reduce building damage, and prevent buildings from sitting in a state of disrepair for long periods of time.

Internal Consultations:

Both the Property Standards By-law and the Vacant Building Registry By-law have been reviewed by Fire Services and approved by the City Solicitor.

Financial Implications:

Owners with vacant properties will be required to pay an annual registration fee to cover the administration and staff resources of enhanced monitoring.

The current complement of staff in the By-law Services Division have the capacity to enforce and monitor the anticipated 20 to 25 buildings that will be the subject of the Vacant Building Registry By-law. Should the buildings listed on the Vacant Building Registry exceed approximately 50, more staff may be required to continue and expand enforcement efforts. Staff expect that the fees collected under this by-law will offset and provide cost recovery for the staff required.

Public Engagement:

Notice of the Vacant Building Registry By-law was mailed to the mailing address of the registered owners of all the known vacant buildings in the City of Port Colborne.

Strategic Plan Alignment:

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

- Welcome, Livable, Health Community
-

Conclusion:

The approval of the proposed Property Standards By-law and the Vacant Registry By-law will benefit and allow for a safer and cleaner community.

Appendices:

- a. Property Standards By-law
- b. Vacant Building Registry By-law
- c. By-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Property Standards)
- d. By-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne (Vacant Building Registry)

Respectfully submitted,

Sherry Hanson
Manager of By-law Services
905-835-2900 ext. 210
Sherry.Hanson@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law _____

Being a by-law for prescribing standards
for the maintenance and occupancy of all property
within the City of Port Colborne, to provide for the
enforcement of the standards, and to
repeal By-law 4299/135/02 and all amendments thereto

Whereas Section 15.1(3) of the *Building Code Act 1992*, S.O. 1992, c .23 as amended, provides that, where a municipality has an Official Plan in effect that includes provisions relating to property conditions, a by-law may be passed by Council prescribing standards for the maintenance of property within the municipality and for prohibiting the occupancy or use of property that does not conform with the standards and requiring property that does not conform with standards be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

And whereas such Official Plan provisions are in place in the City of Port Colborne;

And whereas Section 15.6(1) of the *Building Code Act 1992*, S.O. 1992, c .23 as amended, provides for the establishment of a Property Standards *Committee*;

And whereas Sections 35.3 and 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 as amended (the “OHA”) provide that where a by-law is passed under section 15.1 of the *Building Code Act 1992*, Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of properties that have been designate or properties situated within a heritage conservation district and require that designated properties or properties within a heritage conservation district to be *repaired* and maintained to conform with the standards;

And whereas Section 391 of the *Municipal Act, 2001*, S.O. 2001, c .25 as amended, provides a municipality may pass by-laws imposing fees or charges on any class of *Persons* for services or activities provided or done by or on behalf of it; and

And whereas it is deemed necessary to enact a by-law prescribing minimum standards for the maintenance and occupancy of Property, to adopt a set of administration procedures and to appoint a Property Standards Committee;

Now Therefore the Council of The Corporation of the City of Port Colborne enacts as

follows:

This by-law shall be comprised of EIGHT (8) parts containing various sections, namely:

PART 1	DEFINITIONS
PART 2	SHORT TITLE
PART 3	GENERAL STANDARDS FOR ALL PROPERTIES
PART 4	YARD STANDARDS
PART 5	BUILDING STANDARDS
PART 6	SPECIAL STANDARDS
PART 7	ADMINISTRATION AND ENFORCEMENT
PART 8	ENFORCEMENT AND ENACTMENT

PART 1 - DEFINITIONS

1. In this by-law:

"Accessory Building" means a detached building or structure not used for human habitation that is subordinate and ancillary to the lawful primary use of the main building or structure on a property;

"Act" means the *Building Code Act* 1992, S.O. 1992, c.23 as amended;

"Actively" when used in relation to restoration or repair means a continuous series of repairs or improvements occurring over a period of not more than 12 months;

"Approved" means acceptance by the Property Standards Officer;

"Basement" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average exterior finished grade;

"Bedroom" means a habitable room used by Persons for sleeping purposes;

"Building" means a building as defined in the *Building Code Act*, S.O. 1992, any structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy and shall include a tent, trailer, or carport;

"Cellar" means that space of a Building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the

average exterior finished grade;

"Chief Building Official" means the Chief Building Official of The Corporation of the City of Port Colborne:

"Committee" means the Property Standards Committee established by this By-law;

"Designated Property" means a property which has been designated as a property of significant cultural heritage value or interest under a by-law passed pursuant to the *Ontario Heritage Act R.S.O. 1990, c. O.18* as amended, or a property within a Heritage Conservation District as established pursuant to the *Ontario Heritage Act R.S.O. 1990, c. O.18*;

"Dwelling" means a Building or structure or part of a Building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation;

"Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more Persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities;

"Exit" means that part of a means of egress, including doorways, that leads from the Floor Area it serves to a separate Building, an open public thoroughfare or an exterior open space protected from fire exposure from the Building and having access to an open public thoroughfare;

"First Storey" means that part of a Building having a Floor Area closest to grade with a ceiling height of more than 1.8 metres (6 feet) above grade;

"Floor Area" means the space on any storey of a Building between exterior walls and required firewalls and includes the space occupied by interior walls and partitions, but does not include Exits and vertical spaces that penetrate the storey;

"Guard" means a protective barrier installed around openings in Floor Areas or on the open sides of a stairway, landing, balcony, mezzanine, gallery, raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it;

"Habitable Room" means any room in a Dwelling Unit that is designed, used or

intended to be used for living, cooking, sleeping or eating purposes;
“Heritage Attribute” is as defined by the *Ontario Heritage Act, R.S.O. 1990, c. O.18*;

“Infestation” means the presence of one rat or mouse, but does not include a domesticated mouse or rat, and in the case of insects, means the presence of one or more such insect, and in the case of wasps or hornets, includes the presence of any occupied nest interior or attached to the exterior of a structure;

“Kitchen” means a room equipped with a sink and equipped with electricity and necessary utilities suitable for the operation of a refrigerator and cooking stove;

“Manager” means the Manager of By-law Services appointed by by-law and assigned the responsibility for enforcing and administering this By-law and includes a building inspector and an Officer;

“Means of Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other Exit facility used for the escape of Persons from any point within a Building, a Floor Area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building;

"Multiple Dwelling" means a Building containing three or more Dwelling Units;

"Municipal Clerk" shall mean the Clerk of the Corporation of the City of Port Colborne;

"Non-Residential Property" means a Building or structure, or part of a Building or structure not occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant and all of outbuildings, fences or erections thereon or therein;

"Occupant" means any Person or Persons over the age of eighteen years in possession of the property.

"Officer" means a Municipal Law Enforcement Officer responsible for enforcing and administering this By-law and includes a building inspector

“*Ontario Building Code*” means the regulation established through the *Building Code Act, 1992, c.23* and any amendments and/or alterations made under that Act;

"Owner" includes:

- (a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person's own account or as agent or trustee of any other Person, or who would so receive the rent if such land and premises were let; and
- (b) a lessee or Occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

"Person" means a natural Person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators, or other legal representative of a Person to whom the context can apply according to the law;

"Pest" means any rodent, insect, flea, wasp, hornet, cockroach but does not include any domesticated mouse or rat;

"Property" means a Building or structure or part of a Building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile Buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

"Repair" includes the provisions of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a Property conforms with the standards established in this By-law;

"Residential Property" means any Property that is used or designed for use as a domestic establishment in which one or more Persons usually sleep and prepare and serve meals and includes any lands or Buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the Dwelling or its Yard;

"Sewage" means the liquid waste from residential or other Buildings, including industrial establishments;

"Sewage System" means the municipal sanitary sewer system, or a private Sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water;

"Standards" means the standards of the physical condition and of occupancy prescribed for Property by this By-law;

"Tenant" includes a person who is a lessee, Occupant, sub-tenant, under tenant, border, roomer or lodger and included their successor and assigns;

"Vacant Building", has the meaning defined in the City of Port Colborne Vacant Building Registry By-law, as amended;

"Vacant Land" shall mean lands with no Buildings and/or having no land uses established;

"Yard" means the privately owned land around or appurtenant to the whole or any part of a residential or Non-Residential Property and used or capable of being used in connection with the Property;

"Zoning By-law" shall mean the City's Comprehensive Zoning By-law.

PART 2 – SHORT TITLE

2. This by-law may be cited and known as the "Property Standards By-law".

PART 3 – GENERAL STANDARDS FOR ALL PROPERTIES

- 3.1 The property Standards set out in this By-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all properties within the City.
- 3.2 Every Owner of Property situated in the City shall maintain such Property to the applicable minimum Standards prescribed by this By-law.
- 3.3 All Repairs and maintenance as required by this By-law shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or Repairs shall conform to the *Ontario Building Code* or other such Codes or requirements where applicable.

PART 4 – YARD STANDARDS

TREES

4.1 Every person shall ensure that every Yard, including vacant Yards, be kept clean and free from:

4.1.1 Dead trees;

4.1.2 Damaged trees and their components;

4.1.3 Decayed trees; and

4.1.4 Diseased trees.

DEBRIS

4.2 Yards, parking lots, and Vacant Lands shall be kept clear and free from rubbish or other debris and from objects or conditions that might create a health, fire, accident hazard, or unsafe condition.

SEWAGE AND DRAINAGE

4.3 The water in any privately-owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odours and conditions likely to create a breeding environment for insects.

4.4 Sewage shall be discharged into the municipal sanitary sewer where such system exists, and where a municipal sanitary sewer system does not exist, Sewage shall be disposed of in a manner in accordance with the *Ontario Building Code* requirements for private on-site Sewage Systems.

4.5 Roof or sump drainage shall not be discharged onto sidewalks, stairs, or directly onto adjacent Property.

4.6 Where installed, eavestroughs and downspouts shall be maintained:

4.6.1 watertight and free from leaks;

4.6.2 in good working order, and free from any obstructions;

4.6.3 in a stable condition and shall be securely fashioned to the structure;
and

4.6.4 free from unsafe conditions.

- 4.7 All elements of the Sewage System, including but not limited to weeping tiles, septic beds, and septic tanks, shall be maintained in proper working order and drained, cleaned out, or replaced as required.

PARKING AREAS, WALKS AND DRIVEWAYS

- 4.8 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, compacted stone, or gravel and shall be kept in good Repair free of dirt and litter.
- 4.9 Notwithstanding the foregoing, for non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 4.10 All areas used for vehicular traffic, parking spaces, and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- 4.11 Steps, walks, driveways, parking spaces, and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions, day or night.

ACCESSORY BUILDINGS, AND OTHER STRUCTURES

- 4.12 Accessory buildings and other structures appurtenant to the Property shall be maintained in structurally sound condition and in good Repair.
- 4.13 Accessory buildings, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

PART 5- BUILDING STANDARDS

RESIDENTIAL BUILDINGS

- 5.1 Every Owner of a Building shall maintain every floor, wall, ceiling, and fixture under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary, and safe condition.

STRUCTURAL SOUNDNESS

- 5.2 Every part of a Building and every Accessory Building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the *Ontario Building Code*.
- 5.3 Walls, roofs, and other exterior parts of a Building shall be free from loose or improperly secured objects or materials.
- 5.4 All overhang extensions including but not limited to canopies, marques, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good Repair and be properly anchored so as to be kept in sound condition.

WEATHER PROOFING

- 5.5 Every exposed ceiling or exterior wall of a residential Building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the *Ontario Building Code*.

FOUNDATIONS

- 5.6 Foundation walls of all Buildings shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes but is not limited to the shoring of the walls to prevent settling, installing sub soil drains, grouting masonry cracks, waterproofing walls, joints, and floors.
- 5.7 Every Building, except for slab on grade construction, shall be supported by foundation walls or piers that extend below the frost line, or to solid rock.

EXTERIOR WALLS

- 5.8 Exterior walls of Buildings and their components, including eaves, soffits, and fascia, shall be maintained in good Repair free from cracked, broken, or loose masonry, stucco, and other defective cladding or trim. Paint or other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects, or other damage.
- 5.9 Exterior walls of all Buildings and their components shall be free of inappropriate signs, painted slogans, graffiti, and similar defacements.

WINDOWS AND DOORS

- 5.10 Windows, doors, skylights, and basement or Cellar hatchways shall be maintained in good Repair and good working order, weather tight, reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good Repair.
- 5.11 All windows, skylights, and basement or Cellar hatchways which are designed to be capable of opening and closing shall be maintained so that Occupants are capable of operating it without restriction.
- 5.12 Notwithstanding section 5.11, every window in a leased or rented Dwelling Unit that is located above the First Storey of a Multiple Dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 5.13 In a Dwelling Unit, all windows and skylights that are intended to be opened and all exterior doors and hatchways shall have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit. At least one entrance door to a Dwelling Unit shall have suitable hardware so as to permit locking or securing from either inside or outside the Dwelling Unit.
- 5.14 Solid core doors shall be provided for all entrances to Dwellings and Dwelling Units.
- 5.15 In residential Buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, the said system shall be maintained in good working order at all times.

ROOFS

- 5.16 Roofs of Buildings and their components shall be maintained in a weathertight condition, free from loose or unsecured objects or materials. Shingles or other coverings which exhibit excessive deterioration shall be replaced as required.
- 5.17 Accumulations of ice and/or snow shall be promptly removed from the roofs of Buildings and accessory Buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.

- 5.18 Where eaves troughing or roof gutters are provided, they shall be kept in good Repair, free from obstructions or blockages and properly secured to the Building and appropriately sloped to allow for proper water drainage.

WALLS, CEILINGS AND FLOORS

- 5.19 Every wall, ceiling and floor in a Building shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 5.20 Every floor in a Building shall be reasonably smooth and level and maintained so as to be free of loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 5.21 Every floor in a bathroom, Toilet Room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

STAIRS, PORCHES, AND BALCONIES

- 5.22 Inside and outside stairs, porches, balconies, and landings shall be maintained so as to be free of holes, cracks, and other defects that may constitute accident hazards.
- 5.23 Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be Repaired or replaced.

GUARDRAILS AND BALUSTRADES

- 5.24 All Guards, guardrails and balustrade shall be installed and maintained in good Repair. All landings, porches and balconies shall be constructed and maintained in accordance with the Ontario Building Code.

KITCHENS

- 5.25 Every Dwelling shall contain a Kitchen equipped with:
- 5.25.1 a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;

- 5.25.2 hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F) and not more than 46 degrees Celsius (120° F);
- 5.25.3 suitable storage area;
- 5.25.4 a counter or work area, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- 5.25.5 a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

- 5.26 Every Dwelling Unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F) and not more than 46 degrees Celsius (120 F). Every water closet shall have a suitable supply of running water.
- 5.27 Every required bathroom or toilet room shall be accessible from within the Dwelling Unit and shall be fully enclosed and provided with a door.
- 5.28 Where toilet or bathroom facilities are shared by Tenants of residential accommodation, other than self-contained Dwelling Units, an appropriate entrance shall be provided from a common passageway, hallway, corridor, or other common space to the room or rooms containing the said facilities.

PLUMBING

- 5.29 Every Dwelling Unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 5.30 All plumbing, including drains, water supply pipes, water closets, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.31 All plumbing fixtures shall be connected to the Sewage System through water seal traps.
- 5.32 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and

cold water, readily accessible for cleansing and free from blemishes, cracks, stains, extreme corrosion, or other defects that may harbor germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 5.33 Every Dwelling and Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 5.34 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in Dwellings, Dwelling Units, accessory buildings, and all non-residential Buildings shall be installed and maintained in good working Order so as not to cause fire or electrical shock hazards.
- 5.35 All electrical services shall conform to all applicable regulations of the *Electricity Act 1998, S.O. 1998 c. 15* and the *Ontario Electrical Safety Code, Ontario Regulation 164/99* or its successor legislation.
- 5.36 Every habitable room in a Dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of Floor Area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 5.37 Every bathroom, toilet room, Kitchen, laundry room, furnace room, basement, Cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 5.38 Lighting fixtures and appliances installed throughout a Dwelling Unit, including stairways, corridors, passageways, garages, and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 5.39 Every Dwelling Unit and Building containing a residential Dwelling Unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 20° Celsius (68° F.) in the occupied Dwelling Units. The heating system shall be maintained in good working condition and be capable of safely heating the individual Dwelling Units to the required standard on request of the Dwelling Unit's Tenant.
- 5.40 Where the temperature level cannot be controlled by the Tenant, the Owner

shall provide an approved secondary heat source under the Tenant's control, which is capable of producing and maintaining the ambient temperature of 20° Celsius (68°F) within the Dwelling Unit.

- 5.41 Every non-residential Building shall maintain suitable heating facilities to sustain an indoor ambient temperature in accordance with the requirements of the *Occupational Health and Safety Act R.S.O. 1990 c. O.1*.
- 5.42 All fuel burning appliances, equipment, and accessories in all Buildings shall be installed and maintained to the Standards provided by the applicable provincial legislation.
- 5.43 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
- 5.44 All fuel burning appliances, equipment, and accessories in all Buildings shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue, or other approved method.
- 5.45 Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good Repair so as to prevent the expelled smoke, fumes or gases from entering a Dwelling Unit. Maintenance includes the removal of all obstructions, sealing open joints, and the Repair of loose or broken masonry units.
- 5.46 Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 5.47 Every Dwelling shall be so constructed or separated to prevent the passage of smoke, fumes, and gases from that part of the Dwelling which is not used, designed, or intended to be used for human habitation into other parts of the Dwelling used for habitation. Such separations shall conform to the *Ontario Building Code*.

EGRESS

- 5.48 Every Dwelling and each Dwelling Unit contained therein shall have a safe, continuous, and unobstructed passage from the interior of the Dwelling and the Dwelling Unit to the outside at street or grade level.

NATURAL LIGHT

- 5.49 Every Habitable Room except a Kitchen or bathroom shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the Floor Area for living and dining rooms and five percent of the Floor Area for Bedrooms and other finished rooms.
- 5.50 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all Persons attending the premises or as may be required by the *Occupational Health and Safety Act R.S.O. 1990 c. O.1* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

VENTILATION

- 5.51 Every Habitable Room in a Dwelling Unit, as well as Kitchens or bathrooms shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 square feet), or an approved system of mechanical ventilation such that it provides hourly air exchanges.
- 5.52 All systems of mechanical ventilation shall be maintained in good working Order.
- 5.53 All enclosed areas including Basements, Cellars, crawl spaces, and attics or roof spaces shall be adequately ventilated so as to prevent the buildup of dampness and mould within the unit.
- 5.54 All structural elements of a Dwelling exhibiting signs of mould shall be properly cleaned and, where necessary, replaced to eliminate the presence of the mould.

ELEVATING DEVICES

- 5.55 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

DISCONNECTED UTILITIES

- 5.56 Owners of residential Buildings or any Person or Persons acting on behalf of such Owner shall not disconnect or cause to be disconnected any service or

utility supplying heat, electricity, gas, refrigeration or water to any residential unit or Building occupied by a Tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

- 5.57 The number of Occupants residing on a permanent basis in an individual Dwelling Unit shall not exceed one Person for every 9 square metres of habitable Floor Area. For the purpose of computing habitable Floor Area, any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.
- 5.58 No room shall be used for sleeping purposes unless it has a minimum width of 2 metres and a Floor Area of at least 7 square metres. A room used for sleeping purposes by two or more Persons shall have a Floor Area of at least 4 square metres per Person.
- 5.59 Any basement or portion thereof, used as a Dwelling Unit shall conform to the following requirements:
- 5.59.1 each Habitable Room shall comply with all the requirements set out in this by-law;
 - 5.59.2 floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - 5.59.3 each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the *Ontario Building Code*; and
 - 5.59.4 access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

PEST PREVENTION

- 5.60 Buildings shall be kept free of infestation by Pests.
- 5.61 Where a Pest Infestation is apparent, methods used for exterminating such

pests shall be in accordance with the provisions of the *Pesticides Act R. S.O. 1990, c. P.11* and the responsibility for such extermination shall rest with the Owner of the Property unless otherwise stipulated in the lease or rental agreement.

- 5.62 Openings, including windows, that might permit the entry of Pests shall be appropriately screened or sealed.

PART 6 - SPECIAL STANDARDS

VACANT BUILDINGS, DAMAGED BUILDINGS, FIRE DAMAGED BUILDINGS and HERITAGE BUILDINGS

- 6.1 Every person shall ensure that Vacant Buildings be kept cleared of all garbage, rubbish and debris.
- 6.2 Where a Vacant Building is unoccupied, or has been damaged by accident, storm, neglect or other causes, every Owner shall prevent entry by unauthorized persons to the satisfaction of the Officer to ensure that the Vacant Building and surrounding properties are protected against the risk of accidental or intentional damage, that may arise from the entry of unauthorized persons to the Vacant Building.
- 6.3 For the purpose of section 6.2, doors, windows, hatches and other openings through which entry to a Vacant Building may be gained shall be kept in good Repair and secured from unauthorized entry by closing and securing the openings any of the following ways:
- 6.3.1 boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building from the outside;
 - 6.3.2 rigid composite panels, securely fastened to the building exterior;
 - 6.3.3 sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
 - 6.3.4 brick and mortar securely fastened to the building;
 - 6.3.5 concrete blocking and mortar securely fastened to the Building; or
 - 6.3.6 any other security measures as prescribed by the Fire Chief.
- 6.4 The options listed in section 6.3 shall be considered progressively more secure.

- 6.5 It shall be the Officer's discretion to determine the minimum level of security required.
- 6.6 Where it has been shown that a proper level of security has not been achieved, or the Owner's control, attendance, or lack of security measures to protect the Vacant Building suggests a more secure option be used, the Officer may Order the Owner to supply more stringent security measures as may be necessary beyond the options listed in subsection. 6.3
- 6.7 Where a building remains vacant for a period of more than ninety (90) days, or in the opinion of the Officer further measures are required, the Officer shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent Property.
- 6.8 Where a Vacant Building is not maintained in accordance with these Standards it shall be demolished and removed from the Property and the land left in a graded and level condition.
- 6.9 All work under Part 6 of this by-law shall be done in compliance with the *Ontario Building Code*, other applicable codes, and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of Property.

DAMAGED BUILDINGS

- 6.10 Where a building is damaged by accident, storm, fire, neglect, or other causes including intentional damage, every Owner shall repair or demolish the building within 30 days or a reasonable time arranged with the City.
- 6.11 Where a building is damaged by accident, storm, fire, neglect, or other causes including intentional damage, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property, and the Building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
- 6.12 Where a building is damaged by accident, storm, fire, neglect, or other causes including intentional damage, every Owner shall protect the building against further risk or further damage, accident, or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the building in the progressive manner described in section 6.3.
- 6.13 In the event that the building or structure is beyond repair, the land shall be cleared of debris and remains and shall be left in a graded, level, and safe condition without

reasonable delay.

- 6.14 Every Owner shall ensure that the exterior walls and other parts of a building shall be free of objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired, or replaced so as to create a safe condition.
- 6.15 Any such work required under this By-law shall be done in compliance with the *Ontario Building Code*, other applicable Codes, and by-laws, including but not limited to the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

FIRE DAMAGED BUILDINGS

- 6.16 Fire damaged buildings shall be kept clear of all garbage, refuse, and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the Property.
- 6.17 Every Owner of a fire damaged building shall restore the building to meet the requirements of this by-law pertaining to damaged buildings and the *Ontario Building Code*.
- 6.18 When a fire-damaged building or part is occupied again for other than the purpose of Repair, the condition of the building and Property shall be brought into compliance with all applicable sections of this by-law and the *Ontario Building Code* prior to such occupancy.
- 6.19 Every person shall ensure that the exterior walls and other surfaces of the building have smoke damage or other defacement removed and the surfaces refinished.

HERITAGE PROPERTIES

- 6.20 Despite any other provision of this By-law or the *Building Code Act, 1992, S.O. 1992, c.23*, no heritage property shall be altered except pursuant to the approval requirements under the *Ontario Heritage Act, R.S.O. 1990, c. O.18*.
- 6.21 In addition to the minimum standards set out in this by-law, the Owner of a Heritage Property shall:
 - 6.21.1 maintain the Heritage Property and the components of the Heritage Property that hold up, support, or protect the Heritage Attributes in a manner that will ensure their conservation;
 - 6.21.2 repair a Heritage Attribute of a Heritage Property where it can be repaired, rather than replace the Heritage Attribute. All work

undertaken shall be:

- 6.21.2.1 in a manner that minimizes damage to heritage attributes; and
 - 6.21.2.2 in a manner that maintains the design, colour, texture, grain, or other distinctive features of the heritage property;
 - 6.21.2.3 where a Heritage Attribute is too severely deteriorated to repair, and where sufficient physical evidence exists, replace the heritage attribute using the same material as the original, where available, in keeping with the design, colour, texture, grain and any other distinctive features of the original to the satisfaction of the Heritage Committee, and the approval of City Council.
- 6.22 Where a heritage property remains vacant for a period of 90 days or is vacant as a result of any damage, the Owner shall protect the Heritage Attributes and elements supporting the Heritage Attributes against any existing risk, or further risks of fire, storm, neglect, intentional damage or damage by other causes.
- 6.23 If there is a conflict between this section and any other provisions of this By-law or any other by-law of the City, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail to the satisfaction of the Chief Building Official.

PART 7- ADMINISTRATION AND ENFORCEMENT

GENERAL

- 7.1 This By-law shall apply to all properties within the limits of the City.
- 7.2 The Manager of By-law Services is hereby assigned the responsibility of administering and enforcing this By-law.
- 7.3 Persons appointed or assigned for the purpose of enforcing or administering this By-law are property standards Officers and have the authority to carry out the duties assigned to Officers under this By-law and the *Building Code Act, 1992*, S.O. 1992, c.23, and may enforce the provisions of this By-law and the applicable

sections of the *Building Code Act, 1992, S.O. 1992, c.23*.

- 7.4 An Officer is hereby authorized to give immediate effect to any Order that is confirmed or modified as final or binding under Section 15.3(7) of the *Building Code Act, 1992, S.O. 1992, c.23*, so far as to provide for:
- 7.4.1 repair of the Property; or
 - 7.4.2 clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition.
- 7.5 Where approved by the Manager an Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 7.6 The alternative standards shall be in accordance with the general purpose and intent of this By-law.
- 7.7 Where alternative standards are permitted, they shall have the same effect and force as the standards required by any provision of this By-law.

RIGHT TO ENTER AND INSPECT

- 7.8 An Officer or any person acting under their instructions, may at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purposes of inspecting a property to determine:
- 7.8.1 whether the property conforms with the standards prescribed in this By-law; or
 - 7.8.2 whether an Order made under this By-law has been complied with.
- 7.9 Notwithstanding the above, an Officer shall not enter or remain in any room or place used as a dwelling unless:
- 7.9.1 the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused, and entry made only under the authority of a warrant issued under the *Building Code Act, 1992, S.O. 1992, c.23*;
 - 7.9.2 the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and

safety of any person;

7.9.3 a warrant issued under the *Building Code Act, 1992, S.O. 1992, c.23* is obtained; or

7.9.4 the entry is necessary to repair or demolish the property in accordance with an Order issued under this by-law and the Officer, within a reasonable time before entering the room or place, serves the occupier with the Notice of the Officer's intention to enter the room or place.

ORDER REQUIRING COMPLIANCE

7.10 If, after inspection, an Officer is satisfied that in some respect the Property does not conform with the Standards, they may issue an Order to the Owner and such other Persons affected by it as the property standards Officer determines and a copy of the Order may be posted on the Property.

7.11 An Order under this by-law shall:

7.11.1 state the municipal address or the legal description of the Property;

7.11.2 give reasonable particulars of the Repairs to be made or stating that the site is to be cleared of all Buildings, structures, debris, or refuse and left in a graded and leveled condition;

7.11.3 indicate the time for complying with the terms and conditions of the Order and give notice that, if the Repair or clearance is not carried out within that time, the municipality may carry out the Repair or clearance at the Owner's expense.

7.11.4 indicate the final date for giving notice of appeal from the Order; and

7.11.5 be served or caused to be served,

7.11.5.1 by Personal service; or

7.11.5.2 by prepaid registered mail sent to the last known address of the Person to whom notice is to be given or to that Person's agent for service.

7.12 If the Officer is unable to effect service under Section 7.11.5, they shall place a

placard containing the terms of the Order in a conspicuous place on the Property and the placing of the placard shall be deemed as sufficient service of the Order on the Owner or other Persons.

- 7.13 Despite any other provisions of this by-law, if upon inspection of a Property, the Officer is satisfied there is non-conformity with the Standards prescribed herein to such extent as to pose an immediate danger to the health or safety of any Person, the Officer may make an Order containing particulars of the non-conformity and requiring remedial Repairs or other necessary work to be carried out forthwith to terminate the danger in accordance with Section 15.7 of the *Building Code Act, 1992, S.O. 1992, c.23*.

APPEAL OF AN ORDER

- 7.14 An Owner who has been served with an Order made under this by-law, and who is not satisfied with the terms or conditions of the Order, may appeal to the Appeals and Property Standards Committee by sending a notice of appeal by registered mail to the staff liaison of the Committee within 14 days after being served with the Order.
- 7.15 An Order that is not appealed within the prescribed time is deemed to be confirmed.
- 7.16 If an appeal is taken, section 15.3 of the *Building Code Act, 1992, S.O. 1992, c.23*, the City of Port Colborne Procedural By-law, and the City of Port Colborne Appeals and Property Standards Committee Terms of Reference shall apply to all Appeal proceedings.

REGISTRATION OF AN ORDER

- 7.17 An Order that a Property does not conform with any standards of this by-law may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day, which the order was served.
- 7.18 Where the Manager of By-law Services or an Officer determines there is compliance under this by-law with an order issued, the Clerk of the Municipality shall forthwith cause the Order to be registered in the Land Registry or Land Titles Office, a certificate that such requirements have been satisfied, which shall operate

as a discharge of such order.

POWER OF THE MUNICIPALITY TO REPAIR OR DEMOLISH

7.19 If the Owner of a Property fails to Repair or to demolish the Property in accordance with an Order as confirmed or modified, the City, in addition to all other remedies:

7.19.1 may Repair or demolish the Property;

7.19.2 may clear the site of all Buildings, structures, debris or refuse and leave the site in a graded and leveled condition; or

7.19.3 may make the site safe or impede entry by erecting fences, barricades or barriers;

7.19.4 shall not be liable to compensate such Owners, Occupants or another Person having interest in the Property by reason of anything done by or on behalf of the City in a reasonable exercise of its power under the provisions of this Part;

7.19.5 may cause a prosecution to be brought against any Person who is in breach of such an Order and upon conviction, such Person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act, 1992, S.O. 1992, c.23*.

7.19.6 shall have a lien on the land for the amount spent on the Repairs or demolition; and

7.19.7 the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real Property taxes.

7.20 For the purposes of Section 7.19, Officers and agents employed by the City may from time to time enter in and upon the Property.

PART 8- ENFORCEMENT AND ENACTMENT

PROHIBITION

8.1 No Owner of a Property shall use, occupy, allow, permit, or acquire in the use or occupation of the Property unless such Property conforms to the standards prescribed in this By-law.

- 8.2 No Person, being the Owner of a Property, shall fail to maintain the *Property* in conformity with the standards required in this By-law.
- 8.3 The Owner of a Property which does not conform to the standards in this By-law shall repair and maintain the Property to conform to the standards or shall clear the Property of all buildings, structures, debris or refuse and shall leave the Property in a graded, level condition.

RESPONSIBILITIES AND COMPLIANCE WITH ORDERS

- 8.4 The Owner of a Property shall:

- 8.4.1 comply with all standards prescribed in this by-law;
- 8.4.2 comply with any final and binding Order of the Officer;
- 8.4.3 produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the property or part thereof, allow entry by the inspector or such persons as need to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the *Building Code Act, 1992, S.O. 1992, c.23*; and
- 8.4.4 ensure, that in complying under this by-law, and in carrying out work required under an order or other obligation under the by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons and giving adequate warning where such risks cannot be so avoided so as to allow such person to avoid the danger or risks.

PENALTIES

- 8.5 Every Person who contravenes any provision of this By-law is guilty of an offence

and is liable upon conviction to a penalty in accordance with the *Provincial Offences Act*.

- 8.6 Every Person who fails to comply with an Order issued under this By-law which is final and binding is guilty of an offence and is liable upon conviction to a penalty in accordance with section 36(3) of the *Building Code Act, 1992, S.O. 1992, c.23*.
- 8.7 Every corporation who fails to comply with an Order issued under this By-law which is final and binding is guilty of an offence and is liable upon conviction to a penalty in accordance with section 36(4) of the *Building Code Act, 1992, S.O. 1992, c.23*.
- 8.8 This By-law is designated as a by-law to which the Administrative (Non-Parking) Penalty By-Law applies. Any Person who contravenes any of the provisions of this By-law, when given a Penalty Notice in accordance with the City's Administrative (Non-Parking) Penalty By-Law, is liable to pay the City an administrative penalty in the amount specified in the City's Administrative (Non-Parking) Penalty By-Law, as amended from time-to-time.

FEES

- 8.9 The Fees related to the administration of this by-law are as set out in the Fees and Charges By-law, as amended from time to time.

VALIDITY

- 8.10 Should a Court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for the maintenance and occupancy of Property is maintained.
- 8.11 Where a provision of this By-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

TRANSITIONAL PROVISION

- 8.12 After the passing of this By-law, By-law 4299/135/02, as amended, shall apply only to those properties in respect of which an Order has been issued prior to the date of passing of this By-law, and then only to the said properties until such time as all matters relating to such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and Repair by the Municipality, have been concluded.

EFFECTIVE DATE OF BY-LAW

- 8.13 This By-law shall come into force and effect upon the date of its final passage.

REPEAL OF EXISTING BY-LAW

- 8.14 Subject to the provisions of Section 8.12, By-law 4299/135/02 and its amendments are hereby repealed.

Enacted and passed this _____ day of _____, 2024

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Require the Registration of Vacant Buildings

Whereas sections 8 and 10 of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended (the “Act”) authorize a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 10 of subsection 10(2) authorize By-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and structures;

And whereas the Act further authorizes a municipality to prohibit and regulate with respect to matters that, in the opinion of its Council, are or could become public nuisance; to delegate its authority; to impose fees or charges on persons for services or activities provided or done by or on behalf of it; to provide for inspections and inspection orders; and to make orders to discontinue activity or to do work;

And whereas Council deems it necessary and in the public interest to enact a by-law to identify and regulate vacant buildings within the municipality;

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

SHORT TITLE

- 1. This By-law may be referred to as the "Vacant Building Registry By-law."

DEFINITIONS

- 2. In this By-law:

"Building" means all or part of:

- (a) a structure occupying an area greater than 10 m² consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto; or
- (b) a structure occupying an area of 10 m² or less that contains plumbing, including the plumbing appurtenant thereto;

“City” means the corporate municipality of the City of Port Colborne or the geographic area of the City of Port Colborne as the context requires;

"Farm" means an agricultural, aquacultural, horticultural or silvicultural operation;

"Manager" means the City's Manager of By-law Services responsible for the administration and enforcement of building maintenance standards and their designate or successor;

"Officer" means an individual appointed by the City or assigned by the Manager to enforce this By-law;

"Owner" includes:

- (a) the registered Owner of the Property on which a Building is situated;
- (b) the Owner of a Building; the Person managing or receiving the rent of a Building or the Property on which a Building is situated; or

- (c) who would receive the rent if the Property or Building were let, whether on the Person's own account; or
- (d) as agent or trustee or receiver of any other Person;
- (e) a vendor of a Building under an agreement for sale who has paid any municipal taxes on the Building after the effective date of the agreement;
- (f) the Person for the time being receiving instalments of the purchase price if a Building were sold under an agreement for sale;
- (g) a lessee or occupant of the Property on which a Building is situated who, under the terms of a lease, is required to repair and maintain the Building; or
- (h) an Owner as defined by the *Condominium Act, 1998, S.O. 1998, c. 19*;

"Person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

"Property" means the land on which a Building is situated;

2.1 In this By-law, subject to subsections 2.2 and 2.3, "Vacant Building", means a Building that does not appear to be in use and, without limiting this definition, shall include a building, that in the opinion of the Manager:

- 2.1.1 is not protected from the entry of unauthorized Persons;
- 2.1.2 is not protected from the entry of rain, snow, vermin or birds into the interior of the Building;
- 2.1.3 where the supply of any one or more of the electricity, gas or water utilities serving the Building is discontinued or disconnected;
- 2.1.4 where one or more of the electricity, gas or water utilities serving the Building is not being used;
- 2.1.5 if the Building contains 1, 2 or 3 dwellings, where one or more dwellings are not fit for an individual or individuals to live in in accordance with the *Building Code Act, 1992, S.O. 1992, c. 23* and its regulations (the "*Building Code Act*"), the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* and its regulations (the "*Fire Protection and Prevention Act*"), the City Property Standards By-law, or any other applicable statute, regulation, or by-law;
- 2.1.6 where 25% or more of the door and window openings to the Building are partially or completely boarded up (for example, if there are 8 door and window openings to a Building and 2 or more of the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening); or
- 2.1.7 where an Application for Rebate of Property Taxes for the entire Building has been submitted to the City's Tax Section.

2.2 A Vacant Building does not include a Building where the Owner satisfies the Manager that:

- 2.2.1 a use permitted under the City's Zoning By-law is occurring;
- 2.2.2 a permit has been issued by the City for construction or demolition of the Building and construction or demolition work has been actively undertaken for at least 40 hours during each 90-day period following

the issuance of the permit;

2.2.3 the Building is not a dwelling and is on Property used as a Farm; or

2.2.4 the Building is occupied by the Owner, or a Person authorized by the Owner, on a seasonal basis.

2.3 A Vacant Building does not include a building that is owned or controlled by the federal, provincial, regional or City government.

REGISTRATION

3. Every Owner of a Vacant Building shall register the Vacant Building with the Director within 30 days of the date the Vacant Building becomes vacant.

4. Every registration expires:

4.1 on the one-year anniversary date of the date a Vacant Building is registered if the registration is not renewed before its expiry;

4.2 when the registration is revoked under this By-law;

4.3 when the Vacant Building is sold or otherwise transferred to a new Owner;

4.4 when the Manager is satisfied, as set out in a written notice from the Director to the Owner of the Vacant Building, that the building is no longer vacant.

5. To register or to renew a registration, every Owner of a Vacant Building shall:

5.1 complete and submit to the Manager an application containing such information as the Manager may require, and

5.2 submit the applicable fees and charges as required by City's Rates Fees and Charges By-law.

6. Every Owner of a Vacant Building shall notify the Manager of any change in circumstances in connection with information given to the Manager in relation to a registration within 10 business days after the change occurs.

7. The Manager shall refuse an application under section 6 when the application is, in the opinion of the Manager, incomplete or contains false or misleading information.

REGULATIONS

8. Every Owner of a Vacant Building shall:

8.1 ensure that the Vacant Building is registered in accordance with this By-law;

8.2 ensure that the Property complies with all applicable statutes, regulations and By-laws, including but not limited to the *Building Code Act*, the *Fire Protection and Prevention Act*, and any City By-law which regulate property or building maintenance standards;

8.3 satisfy the Manager that an individual retained by the Owner attends at the Property to monitor the building condition a minimum of once every 2 weeks or more frequently as required in writing by the Manager; and

8.4 where required by the Manager, provide a report from a qualified individual as to the condition of the building as required in writing by the Manager.

ADMINISTRATION AND ENFORCEMENT

9. The Manager is authorized to administer and enforce this By-law including but not

limited to prescribing the format and content of any forms or other documents required under this By-law.

10. An Officer acting under this By-law or any Person acting under the direction of an Officer may at any reasonable time, and upon producing proper identification, enter upon any Property without a warrant for the purpose of inspecting whether any building on the Property complies with the provisions of the by-law.
11. Any cost incurred by the City in exercising its authority to inspect a Property or building, vacant or otherwise, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the Owner of the Property where the inspection takes place.
12. If an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened the by-law, or who caused or permitted the contravention or the Owner of the Property on which the contravention occurred to discontinue the contravening activity.
13. An order under section 12 shall set out:
 - 13.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
 - 13.2 the date or dates by which there must be compliance with the order.
14. If an officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who committed the contravention or who caused or permitted the contravention or the owner of the property on which the contravention occurred to do work to correct the contravention.
15. An order under section 14 shall set out:
 - 15.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
 - 15.2 the work to be completed; and
 - 15.3 the date or dates by which the work must be completed.
16. An order to discontinue contravening activity made under Section 12 or an order to do work made under Section 14 may be served personally or by registered mail to the last known address of:
 - 16.1 the owner of the property where the contravention occurred; and
 - 16.2 such other persons affected by it as the officer making the order determines.
17. In addition to service given in accordance with section 16, an order to discontinue contravening activity made under section 12 or an order to do work made under section 14 may be served by an officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred.
18. Where service cannot be given in accordance with section 16, sufficient service is deemed to have taken place when given in accordance with section 17.
19. Where a person does not comply with a direction, or a requirement under this By-law to do a matter or thing, the Manager, with such assistance by others as may be required, may carry out such direction, order, or requirement at the person's expense.

- 20. The City may recover the costs of doing a matter or thing under section 19 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent per year commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 21. The Manager is authorized to give immediate effect to any direction, order, or requirement where the costs of carrying out the direction, order or requirement do not exceed \$10,000, and where the costs do exceed \$10,000, as the City’s Council may authorize.
- 22. Every Person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a fine, and such other penalties, as provided for in *the Provincial Offences Act, R.S.O. 1990, c. P.33* and the *Municipal Act, 2001, S.O. 2001, c. 25*.
- 23. A contravention of the requirements of this by-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.
- 24. An Officer who finds that a Person has contravened any provision of this By-law may issue a penalty notice pursuant to the City's Non-Parking AMPS By-law.
- 25. A director or Officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and, upon conviction, is subject to the fines as set out City’s Rates, Fees, and Charges by-law.
- 26. Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

GENERAL PROVISIONS

- 27. If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

ENACTMENT

- 28. This By-law comes into force on the date of its passing.

Enacted and passed this _____ day of _____, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a 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

Whereas the City of Port Colborne has adopted 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; and

Whereas at its meeting of February 27, 2024, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Community Safety and Enforcement Department, By-law Services Report 2024-24 Subject: Draft Property Standards and Vacant Building Registry By-laws; and

Whereas The City of Port Colborne considers it desirable to add the standards for the maintenance and occupancy of all property within the City of Port Colborne to the Administrative Monetary Penalty, tier penalty system; and

Whereas the City of Port Colborne considers it desirable and necessary 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;

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

1. That Schedule "B" to 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, is hereby amended by removing administrative penalties for Property Standards By-law No. 4299/135/02; and
2. That Schedule "B" to 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, is hereby amended to include administrative penalties for the by-law prescribing standards for the maintenance and occupancy of all property within the City of Port Colborne, to provide for the enforcement of the standards.

Enacted and passed this 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -
PROPERTY STANDARDS BY-LAW NO. _____**

- 1.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the administrative penalty amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same Person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same Person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 1.

<u>ITEM</u>	<u>COLUMN 1</u> Designated Provision	<u>COLUMN 2</u> Short Form Wording	<u>COLUMN 3</u> Administrative Penalty Tier 1	<u>COLUMN 4</u> Administrative Penalty Tier 2	<u>COLUMN 5</u> Administrative Penalty Tier 3
1.	Section 4.1	Fail to keep yard free and clean from dead/ damaged/ /decayed/ diseased / tree (s)	\$750	\$1500	\$3000
2.	Section	Fail to keep	\$1000	\$2000	\$4000

	6.1	vacant building clear of garbage, rubbish, and debris			
3.	Section 6.2	Fail to prevent unauthorized entrance to vacant building	\$1000	\$2000	\$4000
4.	Section 6.10	Fail to repair or demolish damaged building within the time frame	\$1000	\$2000	\$4000
5.	Section 6.12	Fail to prevent unauthorized entrance to damaged building			
6.	Section 6.14	Fail to keep building exterior walls free from of unsafe objects	\$1000	\$2000	\$4000
7.	Section 6.19	Fail to remove building of smoke damage/ other defacement and ensure surfaces refinished	\$1000	\$2000	\$4000
8.	Section 8.4.1	Fail to comply with by-law standards prescribed	\$1250	\$2500	\$5000
9.	Section 8.4.2	Fail to comply with final and	\$1250	\$2500	\$5000

		binding order			
10.	Section 8.4.3	Fail to produce any documents or things required by an Officer	\$350	\$700	\$1400

The Corporation of the City of Port Colborne

By-law No. _____

Being a 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

Whereas the Council of The Corporation of the City of Port Colborne has adopted 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; and

Whereas at its meeting of February 27, 2024, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Community Safety and Enforcement Department, By-law Services Report 2024-24 Subject: Draft Property Standards and Vacant Building Registry By-laws; and

Whereas the Council of The Corporation of the City of Port Colborne considers it desirable to add the regulation of vacant building registration within the City of Port Colborne to the Administrative Monetary Penalty tier penalty system; and

Whereas the Council of The Corporation of the City of Port Colborne considers it desirable and necessary 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;

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

1. That Schedule “B” to 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, is hereby amended to include administrative penalties for the by-law to require the registration of vacant buildings within the City of Port Colborne, to provide for the enforcement of the regulations.

Enacted and passed this 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -
VACANT BUILDING REGISTRY BY-LAW NO. _____**

- 1.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the administrative penalty amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same Person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same Person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 1.

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>	<u>COLUMN 5</u>
	Designated Provision	Short Form Wording	Administrative Penalty Tier 1	Administrative Penalty Tier 2	Administrative Penalty Tier 3
1.	Section 8.1	Fail to Register Vacant Building	\$750	\$1500	\$3000
2.	Section 8.3	Fail to conduct and provide required inspections	\$750	\$1500	\$3000



Subject: Lot Maintenance By-law

To: Council

From: Community Safety & Enforcement Department

Report Number: 2024-28

Meeting Date: February 27, 2024

Recommendation:

That Community Safety and Enforcement Department Report 2024-28 be received;

That the Lot Maintenance By-law attached as Appendix A be approved; and

That the by-law attached as Appendix B, being a by-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne, be approved.

Purpose:

The purpose of this report is to obtain the approval of Council for enacting the new Lot Maintenance By-law, attached as Appendix A to this report, to provide greater clarity regarding lot maintenance requirements and introduce new prohibitions to help keep the community clean.

Background:

By-law Services introduced the Lot Maintenance By-law in 2016, which staff have since amended to remove ambiguous language, improve clarity, and add new definitions and prohibitions to assist By-law Service in keeping the City of Port Colborne safe and clean.

In 2018, a new Lot Maintenance By-law was enacted, which is the one currently in effect. Staff continually review and revise standards, and as a result, staff have prepared the new Lot Maintenance By-law for Council approval.

Discussion:

As part of the staff review of the Lot Maintenance By-law, staff have noted where the current by-law could be improved. These improvements have informed the new Lot Maintenance By-law being proposed. The requirements under the current Lot Maintenance By-law and the proposed improvements are listed below:

- The current by-law is restrictive in the methods that Work Orders must be delivered. The proposed by-law introduces the ability to deliver a Work Order with service via email.
- The current by-law allows homeowners to store items in a partially enclosed structure, such as carports or a lean-to, to permit the storage of items that are capable of handling indirect weather elements. The proposed by-law prohibits storing items in partially enclosed structures if those items are only intended for indoor storage, such as couches or boxes of clothing, to prevent pests, vermin, and rodents from gathering.
- The current by-law states that “unlicensed” vehicles are those without a valid license plate sticker. The proposed by-law removes that requirement because of the change to provincial legislation which no longer requires vehicle owners to update their license plate sticker.
- The proposed by-law includes provisions which prohibit parking vehicles on lawns or other unimproved surfaces.
- The proposed by-law includes more provisions that distinguish between wood debris and firewood, to ensure firewood is kept stacked in an orderly manner and to prevent wood debris from being strewn across a property.
- The current by-law only exempts pools from the definition of “standing water”. The proposed by-law also exempts other sources of standing water, as a water feature, pond, or hot tub.
- The proposed by-law provides for the clearing or spraying of poison ivy and poison oak when notice is given within the grasses and weed season.
- The proposed by-law prohibits the discharging of effluent on City or private property by adding the word “effluent” to the new definitions of Domestic and Industrial Waste and Refuse.

Financial Implications:

There is no financial implication as costs are recharged back to the customer.

Strategic Plan Alignment:

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

- Welcome, Livable, Health Community
-

Conclusion:

The approval of the proposed Lot Maintenance By-law will help make the City of Port Colborne a safer and cleaner community.

Appendices:

- a. Lot Maintenance By-law
- b. By-law to amend By-law 6902/50/21, the By-law to Establish a System for Administrative Penalties for Non-Parking Offences within the City of Port Colborne

Respectfully submitted,

Sherry Hanson
Manager of By-law Services
Sherry.Hanson@portcolborne.ca

Report Approval:

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

The Corporation of the City of Port Colborne

By-law _____

Being a By-law to provide for the maintenance
of property and land (Lot Maintenance By-law)
and to repeal By-law 6574/29/18

Whereas Section 11 of the *Municipal Act, S.O. 2001, C.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

Whereas Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides, inter alia, that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

Whereas Section 128 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance;

Whereas Section 446(1) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may direct or require a person to clear land of refuse, and the municipality may also provide that, in default of it being done by the person directed or required to do it, the clearing of land shall be done at the person’s expense; and

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

PART 1	DEFINITIONS
PART 2	INTERPRETATION AND GENERAL PROVISIONS
PART 3	PROHIBITIONS
PART 4	EXEMPTIONS
PART 5	ORDERS AND ENFORCEMENT
PART 6	OFFENCES AND PENALTIES
PART 7	ENACTMENT

PART 1 – DEFINITIONS

1. In this by-law:

“Agricultural Purposes” shall mean Land used for cultivating soil, producing crops and for the raising of livestock as an “agricultural operation” as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1999, c. 1*, but does not include any portion of Land used as a woodlot.

“Approved Structure” shall mean a Fully Enclosed Structure, or a Partially Enclosed Structure as defined in this By-law.

“Border” shall mean the Cleared Land between the side and/or rear property line and a naturalized area or Wildflower meadow.

“Buffer Strip” shall mean a Border of a minimum of 0.9 m w that delineates a Wildflower meadow or naturalized area.

“Building Material” shall mean material stacked in good condition, which is used, or intended to be used, for construction purposes.

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

“Cleared” includes the removal of weeds or grass more than 15 centimetres (6 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

“Domestic Waste” shall mean any article, thing, matter, or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composting container;
- (d) can, glass, plastic container, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) Unlicensed Motor Vehicle, Inoperative Motor Vehicle, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) Rubble, inert fill, fencing materials;
- (j) Indoor Furniture;
- (k) inoperative - machinery, trailers, or boats;
- (l) Dog, cat and domestic animal excrement;
- (m) Liquids (including motor oil and gaseous waste).

“Enforcement Officer” shall mean a Municipal Law Enforcement Officer of the City of Port Colborne, Building Inspector, Fire Prevention Officer, Health Inspector, or Weed Inspector appointed under the *Weed Act* R.S.O. c.W.5. or other person appointed or employed by the City of Port Colborne for the enforcement of by-laws.

“Fully Enclosed Structure” means a structure with a roof and four (4) walls and is capable of enclosing and securing items within.

“Hobby Vehicle” means a vehicle that is actively being repaired or restored as a hobby of the owner/occupant of the property, a stock/race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion but does not include vehicles used for parts.

“Improved Parking Surface” means a ground surface covered or paved with stone, concrete, asphalt, brick, interlocking pavers, or similar material.

“Indoor Furniture” means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include, but not limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses.

“Industrial Waste” shall mean any article, thing, matter, or effluent belonging to or

associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) container of any size, type or composition;
- (c) Rubble, insert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of:
- (f) agricultural, animal, vegetable, paper, lumber or wood products; or
- (i) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (ii) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects.
- (i) Unlicensed Motor Vehicle, Inoperative Motor Vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (j) Inoperative - machinery, trailers, or boats.

“Inoperative Motor Vehicle” shall mean a licensed or Unlicensed vehicle, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“Invasive” means an Invasive plant designated by or under the *Invasive Species Act*, S.O. 2001, c. 22, including any weed designated as a local or noxious weed under a By-law.

“Land” includes yards, vacant lots or any part of a lot, which is not beneath a building and for the purpose of this By-law, includes an area within an unapproved Structure.

“Last Known Municipal Address” means the address which appears on the last revised assessment roll of the Corporation of The City of Port Colborne.

“Last Known Email Address” means the email address which has been provided to Corporation of the City of Port Colborne.

“Manager” means the City’s Manager of By-law Services

“Naturalized Area” means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of native species or other species to emulate a natural area.

“Owner” means a registered owner, but also includes lessee, occupant or tenant of the Land, or any other person in charge of or in control of the premises.

“Partially Enclosed Structure” means a structure with a roof and a minimum of two (2) walls and is capable of sheltering items under the structure and such shelter will deter the items from deteriorating from the elements of the weather.

“Penalty Notice” means a notice issued pursuant to the provisions of the Administrative (Non-Parking) Penalty By-law, as amended.

“Perennial Gardens” means an area deliberately implemented to produce ground cover, including Wildflowers, shrubs, perennials, ornamental grasses, or combinations of them, but does not include a Wildflower meadow or a Naturalized Area.

“Person” means an Owner who may be a natural person, firm, corporation, partnership, or association.

“Pests” means rodents, vermin, or insects.

“Remedial Work” means all work necessary for the correction or elimination of a contravention of this By-law as cited in any order issued under this By-law, including any such condition or health hazard, actual or potential, that the contravention may pose.

“Refuse” means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include Domestic Waste and Industrial Waste; and that Domestic Waste and/or Industrial Waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“Rubble” includes broken concrete, bricks, broken asphalt, patio, or Sidewalk slabs.

“Standing Water” means any water, other than a natural body of water that exists on a permanent basis, that is found either on the ground or in or on Refuse or debris as defined in this by-law, but shall not include any of the following maintained in good repair:

- (a) Swimming pool;
- (b) Hot tub;
- (c) Water feature; or
- (d) Artificial pond

“Unlicensed” shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*.

“Wildflower” meadow means a specialized habitat within a Naturalized Area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) to prevent the growth and establishment of woody shrubs and trees.

PART 2 – INTERPRETATION AND GENERAL PROVISIONS

- 2.1 This by-law shall be administered and enforced by the Manager or their designate.
- 2.2 This by-law applies to all lands within the City of Port Colborne.
- 2.3 Every Owner shall keep their Land filled up and drained.
- 2.4 Every Owner shall fill in any excavation on the Land unless it is enclosed

completely by a temporary barrier at least 122 centimetres (48 inches) in height.

- 2.5 Every Owner shall drain Land of Standing Water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the City.
- 2.6 Every Owner shall keep their Land cleaned, Cleared and free of Refuse.
- 2.7 No Person shall throw, place, dump, or deposit domestic or Industrial Waste on private property or City property without lawful authority.
- 2.8 Every Owner shall keep or maintain the water in a swimming pool in a condition which is not:
 - 2.8.1 a health or safety hazard;
 - 2.8.2 malodorous; or
 - 2.8.3 a breeding place for mosquitoes.
- 2.9 Every Owner shall keep or maintain the water in a hot tub, water feature or artificial pond in in a condition which is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.
- 2.10 Every Owner shall remove Refuse from their Land, when ordered to do so.
- 2.11 Every Owner shall ensure that all Refuse which accumulated on their property and when not placed out for collection is:
 - 2.11.1 in containers:
 - 2.11.1.1 made of rigid, watertight construction;
 - 2.11.1.2 provided with a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded;
 - 2.11.1.3 maintained in good condition without holes or spillage;
 - 2.11.1.4 closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
 - 2.11.1.5 located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner; and
 - 2.11.2 Not permitted to accumulate longer than 14 days.
- 2.12 The grasses and weeds season shall commence May 1st until October 31st or first frost, whichever shall occur first, inclusive, annually. Noxious Weeds and Invasive Species shall commence June 1 until October 31st or first frost, whichever shall occur first, inclusive, annually.
- 2.13 Every Owner shall ensure that no more than two (2) Hobby Vehicles are kept, stored, or placed on Land, outside of a Building.
- 2.14 Firewood on Land must only be used for wood burning on same such Land.
- 2.15 Firewood shall be kept, stored, or placed in a rear or side yard provided the following provisions are met:
 - 2.15.1 The firewood is used for wood burning on the Land or in the Dwelling;
 - 2.15.2 The firewood shall be neatly piled in the side yard or rear yard, does not exceed more than 6ft in height and shall have a minimum setback back of

0.6 meter (2 ft); and

2.15.3 The firewood shall not be piled along a fence which might facilitate climbing where a Pool is located on an adjacent Property.

PART 3 – PROHIBITIONS

- 3.1 No Person shall have or permit Refuse on their Land in contravention to this by-law.
- 3.2 No Person shall fail to enclose an excavation with a temporary barrier at least 122 centimetres (48 inches) in height.
- 3.3 No Person shall fail to drain Standing Water exceeding 30 centimetres (12 inches) in depth.
- 3.4 No Person shall deposit Refuse on private property without lawful authority.
- 3.5 No Person shall deposit Refuse on the City's property without lawful authority.
- 3.6 No Person shall fail to contain Refuse or locate Refuse containers in accordance with the provisions of this by-law.
- 3.7 No Person shall fail to keep or maintain the water in a swimming pool in accordance with the provisions of this by-law.
- 3.8 No Person shall fail to keep or maintain the water in a hot tub, water feature or artificial pond in accordance with the provisions of this by-law.
- 3.9 No Person shall fail to remove Refuse from their Land, when required to do so by the City.
- 3.10 No Person shall fail to clear a Buffer Strip.
- 3.11 No Person shall fail to clear the grasses and weeds from Land in excess of 15cm (6 inches) when notice given within the grasses and weed season.
- 3.12 No Person shall fail to clear/spray for poison ivy, poison oak when notice given within the grasses and weed season.
- 3.13 In the event that the circumstances described in section 2.4, 2.5, 2.8 or 2.9 are deemed to be unsafe by an Enforcement Officer, section 3.14 applies.
- 3.14 In circumstances of section 3.13, an Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be taken, to eliminate the danger associated with an unsafe open excavation and the unsafe Standing Water.
- 3.15 The authorization provided by section 3.14 of this by-law is limited only to such steps as are required to remove the danger.
- 3.16 No Person shall obstruct, hinder or in any way interfere with any Enforcement Officer in the enforcement of the provisions of this by-law.
- 3.17 No Person shall contravene a Work Order or a requirement to discontinue any activity.
- 3.18 No Person shall park, store, or house a vehicle, boat trailer, recreation vehicle or other conveyance on an area which has not been properly surfaced with an Improved Parking Surface.
- 3.19 No Person shall store any items in a Partially Enclosed Structure that may deteriorate due to the elements of the weather or may create an environment for

Pests to gather or nest.

- 3.20 The removal of Refuse pursuant to this By-law shall not create or cause pest issues, hoarding or any other condition that may create life safety concerns as determined by the Enforcement Officer.
- 3.21 Removal of Refuse shall either be stored in an Approved Structure or taken to an approved landfill.
- 3.22 No Person shall fail to comply with the Firewood provisions as stated in this By-law.
- 3.23 No Person shall fail to comply with the grasses and weed provisions as stated in this By-law.

PART 4 – EXEMPTIONS

- 4.1 Section 2.3 of this by-law does not apply to Land on which construction is lawfully proceeding.
- 4.2 Section 2.5 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.
- 4.3 Sections 2.5, 2.6 and 2.9 of this by-law shall not apply to Land which is lawfully used for outdoor storage of materials in compliance with the applicable Zoning and Licensing By-laws and regulations.
- 4.4 Sections 2.5 and 2.6 of this by-law shall not apply to Land or structures designated by or operated by the Region of Niagara for the purpose of dumping or disposing domestic or Industrial Waste.
- 4.5 Sections 2.6 of this by-law shall not apply to Hobby Vehicles, provided that the Owner is actively engaged in repair or operations which shall last no longer than 2 (two) years.
- 4.6 This by-law does not apply to any Lands zoned as Environmental Protection or Lands used for Agricultural Purposes as defined in the City's Zoning By-law.
- 4.7 This by-law does not apply to any Lands owned by the following corporations:
 - 4.7.1 The Corporation of the City of Port Colborne
 - 4.7.2 The Region of Niagara
 - 4.7.3 The Saint Lawrence Management Corporation
- 4.8 This by-law does not apply to Perennial Gardens, provided that the Perennial Gardens are managed in accordance with the *Weed Control Act* and provided that there is no waste.
- 4.9 This by-law does not apply to a Wildflower meadow or a Naturalized Area provided that those areas are managed in accordance with the *Weed Control Act*, provided that there is no waste and provided that they do not encroach within the Buffer Strip,
- 4.10 Section 2.11 of this by-law does not apply to Land undergoing active construction under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control By-law has been obtained that includes containment and location of garbage.
- 4.11 Notwithstanding any other provision of this By-law, no Person shall store Building Materials on Land for more than six (6) months without an active building permit.

PART 5 – ORDERS AND ENFORCEMENT

- 5.1 An Enforcement Officer may at all reasonable times, enter onto and inspect Land for the purposes of determining whether or not there is compliance or non-compliance with any provision of this By-law or an Order issued hereunder.
- 5.2 If the Enforcement Officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the Land on which the contravention occurred to do the Remedial Work to correct the contravention.
- 5.3 The Work Order shall set out:
 - 5.3.1 the municipal address or the legal description of the Land;
 - 5.3.2 reasonable particulars of the contravention and of the work to be done;
 - 5.3.3 a deadline, being a specific date for compliance with the Work Order; and
 - 5.3.4 a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the Owner and the cost of the work may be recovered by adding the amount to the Owner's tax roll.
- 5.4 The Work Order may be delivered by any one or more of the following methods:
 - 5.4.1 Personal delivery to the Person to whom it is addressed;
 - 5.4.2 personal or couriered delivery to either an adult Person, or to the mailbox, of the residential address of the addressee;
 - 5.4.3 delivery by registered or certified mail;
 - 5.4.4 delivery by facsimile transmission; or electronic mail (e-mail)
 - 5.4.5 posted as a placard in a conspicuous location at the site which is the subject matter of the notice;
 - 5.4.6 posted as a door hanger at the site which is the subject matter of the notice;
or
 - 5.4.7 delivery by Xpresspost of prepaid mail.
- 5.5 Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- 5.6 Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- 5.7 Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth business day after the day of mailing.
- 5.8 Where a notice is delivered by facsimile, or e-mail it is considered to have been delivered on the date showing proof of transmission document.
- 5.9 Where a notice is posted on occupied property in accordance with section 5.4.5 and 5.4.6, it is considered to have been delivered the next business day following the date it is posted.
- 5.10 Where a notice is posted on unoccupied property in accordance with Section 5.4.5, it is considered to have been delivered five (5) days after the date it is posted.

- 5.11 Where a notice is delivered by Xpresspost, it is deemed to have been delivered on the next business day following the day of mailing.
- 5.12 Where a Work Order is not complied with or any other thing required or directed to be done in accordance with this by-law is not done within the required time frame, the Enforcement Officer or Persons designated by the Enforcement Officer may upon reasonable notice, do such thing at the expense of the Person required to do it and, in so doing, may charge administration fee of 25% of such expense, subject also to any minimum fee as set out in the Fees and Charges By-law as amended from time to time, and both the expense(s) and fee may be recovered by action or in like manner as municipal taxes.
- 5.13 Where it becomes necessary to proceed pursuant to section 5.12 of this By-law, an Enforcement Officer may enter onto the Lands with any Person and bring the appropriate equipment required to bring the property into compliance with this by-law.
- 5.14 Where any of the matters or things are removed in accordance with section 5.12 of this By-law the matters or things may be immediately disposed of by the Enforcement Officer.

PART 6 – OFFENCES AND PENALTIES

- 6.1 Any Person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
- 6.2 The court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted and such order shall be in addition to any other penalty imposed on the Person convicted.
- 6.3 This By-law is designated as a by-law to which the Administrative (Non-Parking) Penalty By-Law applies.
- 6.4 Any Person who contravenes any of the provisions of this By- law, when given a Penalty Notice in accordance with the City's Administrative (Non-Parking) Penalty By-Law, is liable to pay the City an administrative penalty in the amount specified in the City's Administrative (Non-Parking) Penalty By-Law, as amended from time-to-time.

PART 7 – ENACTMENT

- 7.1 By-law 6574/29/18, Being a By-law to Provide for the Maintenance of Property of Land (Lot Maintenance By-law), is hereby repealed in its entirety.
- 7.2 This by-law comes into force on the day it is passed.
- 7.3 The short title of this by-law shall be the "Lot Maintenance By-law".

Enacted and passed this _____ day of _____, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

City of Port Colborne

Schedule “A” to By-law _____

Time Frame for Work to be Completed

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	7 days
Remove open household garbage	7 days
Clear Noxious or Invasive Species	7 days
Clear grass over 15cm	3 days
Remove water 30 cm	2 days
Maintain swimming pool water/hot tub water feature or artificial pond	5 days
Enclose excavation	2 days
Relocate/stack or remove firewood	5 days
Relocate/remove vehicle to improved surface	2 days
Miscellaneous	5 days

Time Frame for Work to be Completed by Repeat Offenders

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	3 days
Remove open household garbage	3 days
Clear Noxious or Invasive Species	7 days
Clear grass over 15cm	2 days
Remove water 30 cm	2 days
Maintain swimming pool water/hot tub water feature or artificial pond	2 days
Enclose excavation	2 days
Relocate/stack or remove firewood	2 days
Relocate/remove vehicle to improved surface	2 days
Miscellaneous	2 days

The Corporation of the City of Port Colborne

By-law No. _____

Being a 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

Whereas the City of Port Colborne has adopted 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; and

Whereas at its meeting of February 27, 2024, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Community Safety and Enforcement Department, By-law Services Report 2024-28 Subject: Proposed Amendments Lot Maintenance By-law; and

Whereas The City of Port Colborne considers it desirable to add the requirements for the maintenance of property and land to the Administrative Monetary Penalty, tier penalty system; and

Whereas the City of Port Colborne considers it desirable and necessary 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;

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

1. That Schedule "B" to 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, is hereby amended by removing administrative penalties for Lot Maintenance By-law No. 6574/29/18; and
2. That Schedule "B" to 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, is hereby amended to include administrative penalties for the by-law prescribing requirements for the maintenance of all property and within the City of Port Colborne.

Enacted and passed this 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -
LOT MAINTENANCE BY-LAW NO. _____**

- 1.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the administrative penalty amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 1.

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>	<u>COLUMN 5</u>
	Designated Provision	Short Form Wording	Administrative Penalty Tier 1	Administrative Penalty Tier 2	Administrative Penalty Tier 3
1.	Section 3.1	Permit/have refuse on land	\$400.00	\$800.00	\$1600.00
2.	Section 3.2	Fail to enclose excavation with temporary barrier (122cm / 48 inches) high	\$400.00	\$800.00	\$1600.00

3.	Section 3.3	Fail to drain accumulated water over (30 cm / 12 inches) deep	\$400.00	\$800.00	\$1600.00
4.	Section 3.4	Deposit refuse on private property	\$400.00	\$800.00	\$1600.00
5.	Section 3.5	Deposit refuse on City property	\$400.00	\$800.00	\$1600.00
6.	Section 3.6	Fail to locate refuse containers in accordance with by-law	\$400.00	\$800.00	\$1600.00
7.	Section 3.7	Fail to maintain water in swimming pool in accordance with by-law	\$400.00	\$800.00	\$1600.00
8.	Section 3.8	Fail to maintain water in hot tub/water feature/artificial pond in accordance with by-law	\$400.00	\$800.00	\$1600.00
9.	Section 3.9	Fail to clear land of refuse when required by City	\$400.00	\$800.00	\$1600.00
10.	Section 3.10	Fail to clear buffer strip	\$400.00	\$800.00	\$1600.00
11.	Section 3.11	Fail to clear grass in excess of 15cm	\$400.00	\$800.00	\$1600.00

12.	Section 3.12	Fail to clear/spray for poison ivy/poison oak	\$400.00	\$800.00	\$1600.00
13.	Section 3.17	Fail to comply with Work Order	\$400.00	\$800.00	\$1600.00
14.	Section 3.18	Fail to park/store/house a vehicle/boat trailer/recreation vehicle/conveyance on an improved surface	\$400.00	\$800.00	\$1600.00
15.	Section 3.19	Store items in Partially Enclosed Structure may deteriorate due to weather	\$400.00	\$800.00	\$1600.00
16.	Section 3.19	Store items in Partially Enclosed Structure may create environment for pests to gather/nest	\$400.00	\$800.00	\$1600.00
17.	Section 3.22	Fail to comply with firewood provisions	\$400.00	\$800.00	\$1600.00
18.	Section 3.23	Permit/allow grasses and weeds in contravention of By-law	\$400.00	\$800.00	\$1600.00

Subject: East Side Employment Lands - Design Procurement

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2024-47

Meeting Date: February 27, 2024

Recommendation:

That Chief Administrative Office Report 2024-47 be received; and

That Associated Engineering be awarded the contract to design the servicing infrastructure of the East Side Employment Lands (ESEL); and,

That this project be funded from the Ministry of Economic Development, Job Creation, and Trade's (MEDJCT) Southwestern Ontario Development Fund (SWODF) grant.

Purpose:

The purpose of this report is to obtain approval to hire Associated Engineering to design the servicing infrastructure of the ESEL and to fund the project from the MEDJCT SWODF grant.

Background:

The ESEL, shown in Appendix A, are located at the north end of Port Colborne, east of the Welland Canal, north of Second Concession Road, south of Third Concession Road, and west of Highway 140. These lands are not serviced, permit industrial use, and are primarily owned by the City of Port Colborne and Transport Canada. However, some lands are owned privately.

In 2014, AECOM Engineering were retained to develop a master plan for servicing the ESEL and completing improvements to Progress Drive (formerly Ramey Road) and the Third Concession Road. The rationale for undertaking this master plan was to help the City better respond to development inquiries for industrial land, meet economic growth objectives, and to allow for coordination with the Niagara Region to extend services under the canal to Second Concession Road.

Discussion:

Over the past three years, there has been a significant increase in the number of inquiries from site selectors, investors, and developers interested in serviced industrial land.

Niagara Region has a project within their existing capital works plan to bring municipal services and utilities on the west side of the City from Barrick Road, under the canal, to the east side to service the ESEL and future industrial development. In recent discussions with senior leadership and Public Works officials at the Niagara Region, City staff have been advised that the canal crossing servicing project will be completed in the third quarter of 2027.

In a previous Council report (number: 2023-109), City staff brought forward a proposal to design and construct specific portions of the ESEL in conjunction with a private partner to service and construct a new industrial site. Since then, the private partner chose an alternative serviced site outside of the City.

Given the continued interest from developers, staff would like to proceed with obtaining engineering and design services to have construction drawings completed to service the subject lands. Public Works staff initiated a Request for Proposal (RFP) process (reference # 2023-52) to invite qualified engineering firms to submit proposals. After the RFPs were received and evaluated, Associated Engineering were selected as the preferred proponent.

Upon approval of this report, staff will work closely with Associated Engineering to complete the design work including geotechnical work, a species at risk study, a topographical survey, and other necessary studies and assessments. The estimated cost of this work is \$550,000, which are eligible expenses under the MEDJCT's SWODF grant received by the City.

While design is underway, staff are finalizing cost estimates, funding strategies, and potential public-private partnerships for the completion of the servicing infrastructure.

Internal Consultations:

Discussions regarding the servicing and redevelopment of the City's ESELs have involved Corporate Services, Economic Development, Planning, Building, Public Works, and the Office of the Mayor and CAO.

Financial Implications

Staff have are recommending awarding the RFP for the design of the ESEL and have determined that \$550,000 is required to complete the design and related work.

The City's application to the MEDJCT and SWODF was approved for the maximum grant contribution of \$1.5 million. The ESEL servicing project was the project that was proposed in the SWODF application, which resulted in the granting of the funds to the City. Staff are recommending that SWODF be the funding source for this component of the project as it is an eligible expense.

Public Engagement:

Not Applicable

Strategic Plan Alignment:

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

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

Conclusion:

The City of Port Colborne, along with Niagara Region, has a shortage of serviced industrial land and this deficiency hinders investment attraction efforts. The Niagara Region's capital project to bring municipal services and utilities under the canal in 2027 will support the City's efforts to service the ESEL. City staff are recommending that Associated Engineering be selected as the firm to complete the design of the ESEL servicing to ensure the success of future phases and the overall construction project. Staff are recommending that MEDJCT SWODF be the funding source for the \$550,000 estimated cost.

Appendices:

- a. East Side Employment Lands - Map

Respectfully submitted,

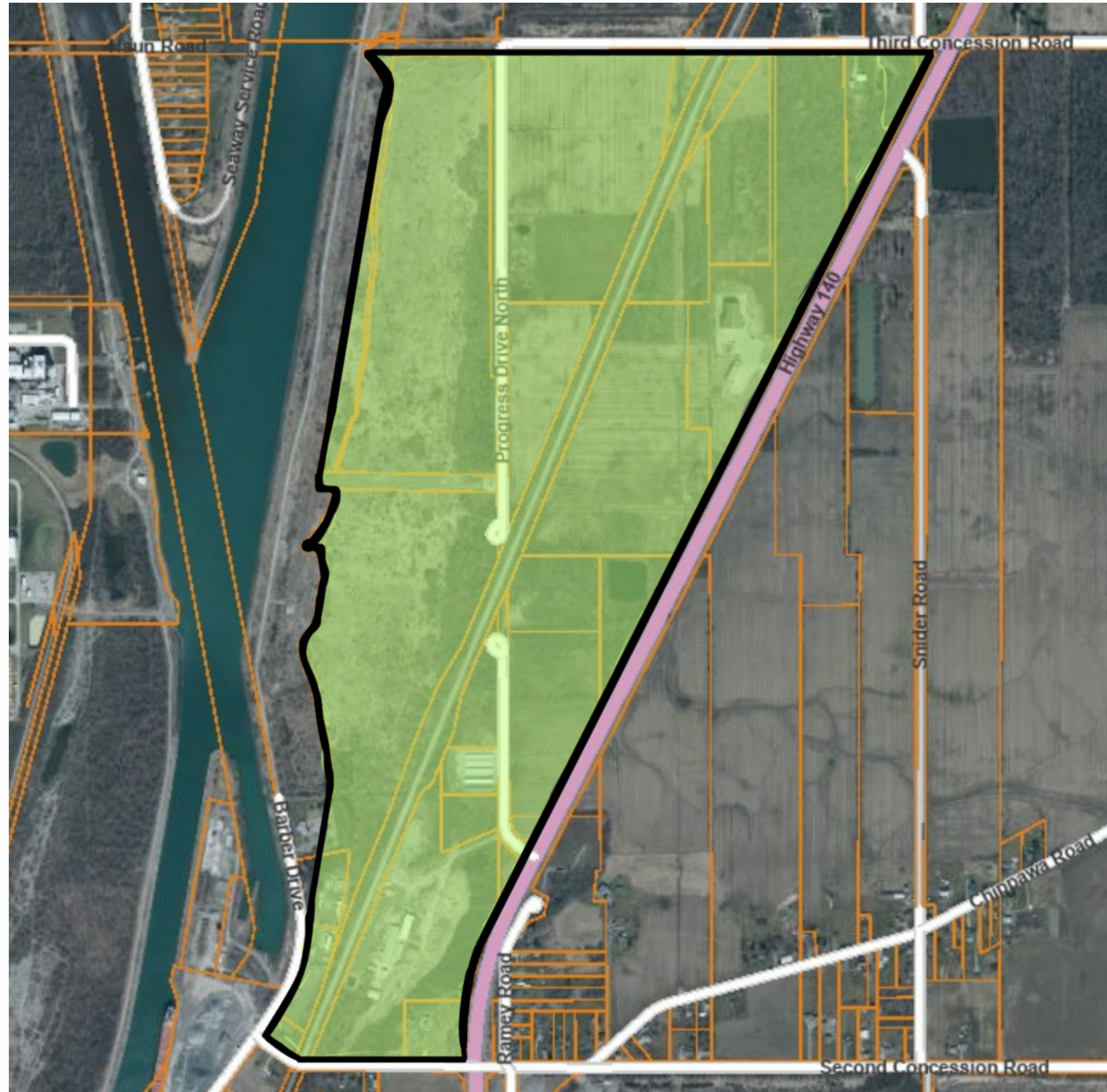
Mat Pilon
Project Manager
Mathew.Pilon@portcolborne.ca

Gary Long
Manager of Strategic Initiatives
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Joe Colasurdo
Manager of Infrastructure
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.



Report 2024-47
Appendix A



THE CITY OF PORT COLBORNE EAST SIDE EMPLOYMENT LANDS

DATE	2023-06-02
SCALE	1:500
REF. No.	
DWG No.	D-01

Subject: 2023 Audit Plan

To: Council

From: Corporate Services Department

Report Number: 2024-56

Meeting Date: February 27, 2024

Recommendation:

That Corporate Services Department Report 2024-56 be received for information.

Purpose:

This report provides Council with the Auditors' Audit Strategy for the financial statement year ending December 31, 2023. The Auditors' Audit Strategy document is attached as Appendix A.

Background:

The audit of the financial statements for the year ending December 31, 2023, will follow a similar timeline to that of the prior year. Presently, the closing of the year end is on schedule with staff expecting to complete and present to Council:

- The audited financial statements in May 2024 with the Financial Information Return (FIR) being filed at the same time. Staff identify the auditors are scheduled to begin the audit at the beginning of March 2024.

The Auditors' Audit Strategy document, outlines the following roles and responsibilities of Council with respect to the audit:

- Help set the tone for the organization by emphasizing honest, ethical behaviour and fraud prevention.
- Oversee management, including ensuring that management establishes and maintains internal controls to provide reasonable assurance regarding reliability of financial reporting.
- Recommend the nomination and compensation of external auditors.

- Oversee the work of the external auditors including reviewing and discussing the audit plan.

Discussion:

Content	Management Comments
Audit plan and risk assessment (accompanied by auditors' Appendix A to City report Appendix A)	This section highlights the concept of materiality and the Auditors' approach to risk and how they will approach the audit.
Audit fees (accompanied by auditors' Appendix B to City report Appendix A)	On June 14, 2021, through report 2021-76, Council approved the recommendation to extend the City's engagement agreement with Grant Thornton. The new engagement agreement covers the 2022 to 2024 audits.
Team, timing, and communications	Staff appreciates Grant Thornton's commitment to the City and their ability to accommodate the City's request for the audit to be performed in March 2024.
Technical updates – highlights (accompanied by auditors' Appendix C to City report Appendix A)	Staff continue to monitor. There is no impact for 2023.

Internal Consultations:

Financial Services has worked with departments throughout the fiscal year to ensure that City transactions are accounted for correctly. As part of preparing for the closing of the year, Financial Services communicated key dates and deliverables with each department.

Financial Implications:

The audit has been budgeted in accordance with the engagement letter on page 13 of Appendix A.

Public Engagement:

None.

Strategic Plan Alignment:

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

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

Conclusion:

That Corporate Services Department Report 2024-56, be received for information.

Appendices:

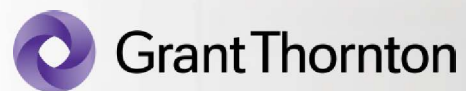
- a. City of Port Colborne 2023 Audit Strategy Communication

Respectfully submitted,

Adam Pigeau, CPA, CA
Manager, Financial Services/Deputy Treasurer
adam.pigeau@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.



City of Port Colborne

For the year ended December 31, 2023

Report to Members of Council
Audit strategy

January 15, 2024

James D. Brennan
Principal
T 905-834-6622
E James.Brennan@ca.gt.com

Contents

Executive summary	1
Audit plan and risk assessment	2
Audit fees	5
Team, timing and communications	6
Technical updates – highlights	7

Appendices

Appendix A – Overview and approach
Appendix B – Engagement letter
Appendix C – PSAS Accounting developments
Appendix D – Auditing developments

Executive summary

Purpose of report and scope

The purpose of this report is to engage in an open dialogue with you regarding our audit of the consolidated financial statements of the City of Port Colborne (the "municipality") for the year ended December 31, 2023. This communication will assist Members of Council in understanding the terms of the audit engagement, our proposed audit strategy and the level of responsibility assumed by us.

The information in this document is intended solely for the information and use of the Members of Council. It is not intended to be distributed to or used by anyone other than these specified parties.

We have obtained our engagement letter dated June 14, 2021, which outlines our responsibilities and the responsibilities of management.

Status of our audit plan

We have substantially completed our initial planning of the audit of the consolidated financial statements of the municipality.

Approach

Our audit approach requires that we establish an overall strategy that focuses on risk areas. We identify and assess risks of material misstatement of the consolidated financial statements, whether due to fraud or error. The greater the risk of material misstatement associated with an area of the consolidated financial statements, including disclosures, the greater the audit emphasis placed on it in

terms of audit verification and analysis. Where the nature of a risk of material misstatement is such that it requires special audit consideration, it is classified as a significant risk.

Our approach is discussed further in **Appendix A**

Independence

We have a rigorous process where we continually monitor and maintain our independence. The process of maintaining our independence includes, but is not limited to:

- Identification of threats to our independence and putting into place safeguards to mitigate those threats. For example, we evaluate the independence threat of any non-audit services provided to the municipality
- Confirming the independence of our engagement team members

We have identified no information regarding our independence that in our judgment should be brought to your attention.

Audit plan and risk assessment

We have planned our audit in accordance with our approach summarized in Appendix A.

Materiality

The purpose of our audit is to provide an opinion as to whether the consolidated financial statements are prepared, in all material respects, in accordance with Public Sector Accounting Standards as at December 31, 2023. Therefore, materiality is a critical auditing concept and as such we apply it in all stages of our engagement.

The concept of materiality recognizes that an auditor cannot verify every balance, transaction or judgment made in the financial reporting process. During audit planning, we made a preliminary assessment of materiality for the purpose of developing our audit strategy, including the determination of the extent of our audit procedures.

During execution of the audit, we will consider whether materiality should be re-assessed due to changes or events identified. At completion, we will consider not only the quantitative assessment of materiality, but also qualitative factors, in assessing the impact on the consolidated financial statements, our audit opinion and whether matters should be brought to your attention.

Considerations

The following is a summary of matters that relate to changes to the municipality and its environment that were considered in preparing our audit plan.

Matter	Discussion and impact
Laws and regulations	During the course of the audit, we will perform specified audit procedures to help identify instances of non-compliance with laws and regulations that may have a material effect on the consolidated financial statements. An audit of financial statements is not designed to detect all instances of non-compliance with laws and regulations and does not represent an audit of the municipality's compliance with applicable laws and regulations.

Matter	Discussion and impact
Fraud	<p>We are responsible for obtaining reasonable assurance that the consolidated financial statements taken as a whole are free from material misstatement, whether caused by fraud or error. However, owing to the inherent limitations of an audit, there is an unavoidable risk that some material misstatements may not be detected and this is particularly true in relation to fraud. The primary responsibility for the prevention and detection of fraud rests with those charged with governance</p> <p>During our audit planning, we enquired of management as to their views on the risks of fraud and their processes for identifying and assessing fraud risks. We are not aware of any fraud-related matters that could affect our audit approach.</p>
Accounting and auditing standards	<p>In addition to the information in the Technical Highlights section, we have highlighted certain new standards and interpretations that are likely to have a significant impact on the financial reporting for the City of Port Colborne in the current year. An overview of these particular standards and interpretations is included below.</p> <ul style="list-style-type: none"> PS 3450 <i>Financial Instruments</i> and PS 1201 <i>Financial Statement Presentation</i>. There will likely be additional disclosures in the financial statements as a result of the new financial instruments standards PS 3280 <i>Asset Retirement Obligations</i>. There will be an adjustment in the financial statements this year to recognize a liability for asset retirement obligations, and a corresponding increase in tangible capital assets.

Significant risks

We identified the following significant risks on which we plan to focus our attention:

Area of risk	Why there is a risk	Planned audit response
Fraud risk from revenue recognition	<p>There is a presumed risk of fraud in revenue.</p> <p>The risk primarily relates to revenue recognized under water and sewer and other revenue</p>	<ul style="list-style-type: none"> Analytical assessment of revenues based on budgeted expectations Subsequent receipts testing of receivables as at December 31, 2023 (statistical sample) Assessing the adequacy of allowances for doubtful accounts by testing subsequent receipts, reviewing management estimates and examining supporting documentation
Fraud risk from management override / segregation of duties	<p>This is a presumed fraud risk.</p> <p>The risk primarily relates to the limited segregations of duties. Administrative access to accounting system and the senior finance management's ability to post journal entries</p>	<ul style="list-style-type: none"> Test the appropriateness of journal entries recorded in the general ledger and other adjustments made in the preparation of the financial statements Review accounting estimates for biases Evaluate the business rationale for significant transactions that are or appear to be outside the normal course of business

Other audit risks

Other areas we have identified where we plan to focus our attention are as follows:

Area of risk	Why there is a risk	Planned audit response
Taxation revenue and receivables	The taxes receivable balances may be invalid and the allowance for uncollectible taxes understated.	<ul style="list-style-type: none"> Recalculation of the net tax revenues based on verified assessment rolls and approved tax rates Subsequent receipts testing of taxes receivable as at December 31, 2023 (statistical sample) Assessing the adequacy of the allowance for doubtful accounts by testing subsequent receipts, reviewing management estimates and examining support for the value of underlying property
Purchases and payables	Payables may be understated or not recorded in the correct period.	<ul style="list-style-type: none"> Analytical assessment of expenses based on budgeted expectations Reviewing supporting documentation and management estimates with respect to the completeness and accuracy of significant year end accruals Perform a search for unrecorded liabilities
Provisions for employee benefits	Provision and related expenses may be understated.	<ul style="list-style-type: none"> Reviewing actuarial reports, method and assumptions used Testing supporting calculations relating to the various amounts and disclosures
Provision for contaminated sites	Provision and related expenses may be understated.	<ul style="list-style-type: none"> Reviewing assumptions used by management Testing supporting calculations relating to the various amounts and disclosures
Provision for asset retirement obligation	Provision and tangible capital assets and/or related expenses may be understated.	<ul style="list-style-type: none"> Reviewing process and assumptions used by management to develop the estimate Testing supporting calculations relating to the various amounts and disclosures
Commitments and contingencies	There is uncertainty regarding contingent liabilities.	<ul style="list-style-type: none"> Verifying the accuracy and reasonableness of amounts and disclosures, with reference to correspondence with lawyers, examination of supporting documentation, and discussions with management
Financial instruments	The financial statement disclosure relating to financial instruments are not complete and accurate	<ul style="list-style-type: none"> Verifying the accuracy and reasonableness of disclosures, with reference to PS3856 financial instruments

Audit fees

Proposed fees

Service	Current year fees	Prior year fees
Annual audit and assistance in the preparation of the consolidated financial statements	\$ 50,000	\$ 45,200
Trust funds audit	1,725	1,625
CAS 315 additional planning procedures fee	-	2,300
Total*	\$ 51,725	\$ 49,125

*before administrative costs, disbursements and applicable taxes

Deliverables

Deliverable
Communication of audit strategy
Report on the December 31, 2023 consolidated financial statements
Communication of audit results
Preparation of the internal controls deficiencies letter

Fee considerations

Upfront and periodic discussions are central to our approach in dealing with fees. Our goal is to avoid surprises by having early and frank communication. We wish to provide you with a competitive price and fair value, while also allowing sufficient audit hours to conduct an effective audit and deliver quality service.

We have established the fees for the audits for the year ended December 31, 2023 that are based on the level of activity and the anticipated complexity of the audit of the municipality's consolidated financial statements. If there are any variances to the above plan, we will discuss them with you and agree on any additional fees before costs are incurred, wherever possible. Any unforeseen work outside the scope of this proposal will be billed separately after discussion with the finance committee.

The fee is based on receiving the following from management:

- All working papers and schedules as outlined in our requirements letter
- Trial balance together with reconciled control accounts
- All books and records when requested
- Use of municipality staff to help us locate information and provide explanations

Team, timing and communications

Timing and communications

We are committed to delivering exceptional client service and executing our audit in the most effective, efficient and timely manner. The planned timing of our audit work and the deliverables we will provide to Members of Council are as follows:

Stage or deliverable	Timing/Status
Planning and interim procedures	December, 2023
Communication of audit planning	January, 2024
Performance of fieldwork	March, 2024
Communication of audit results	May, 2024

In our communication of audit results, we will report on the following matters:

- Our views on significant accounting practices
- Significant difficulties, if any, encountered during the audit
- Misstatements, other than trivial errors
- Actual or suspected fraud or illegal acts
- Significant deficiencies in internal control
- Other significant audit matters, as applicable

Team

Engagement team member	Contact information
James D. Brennan CPA, CA Principal	P +1 905-834-6622 E James.Brennan@ca.gt.com
Chris Guglielmi CPA, CA Senior Manager	P +1 905-834-2970 E Chris.Guglielmi@ca.gt.com
Brandon Mollison CPA Manager	P +1 905-834-2975 E Brandon.Mollison@ca.gt.com

Technical updates – highlights

Accounting

Accounting standards issued by the Accounting Standards Board that may affect the municipality in the current year and future years include:

- **2022-2023 Annual Improvements to PSAS**
- **Section PS 1202 Financial Statement Presentation**
- **Conceptual Framework for Financial Reporting in the Public Sector**

Further details of the changes to accounting standards are included in **Appendix C**. If you have any questions about these changes we will be pleased to address your concerns.

Assurance

In addition, assurance standards issued by the AASB that may change the nature, timing and extent of our audit procedures on the municipality and our communication with Members of Council include:

- **Potential revisions to CAS 500 Audit Evidence**
- **Potential revisions to CAS 570 Going Concern**

Further details of the changes to assurance standards are included in **Appendix D**. If you have any questions about these changes we will be pleased to address your concerns.

Appendix A – Overview and approach

Our audit is planned with the objective of obtaining reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, so that we are able to express an opinion on whether the consolidated financial statements are prepared, in all material respects, in accordance with Public Sector Accounting Standards. The following outlines key concepts that are applicable to the audit, including the responsibilities of parties involved, our general audit approach and other considerations.

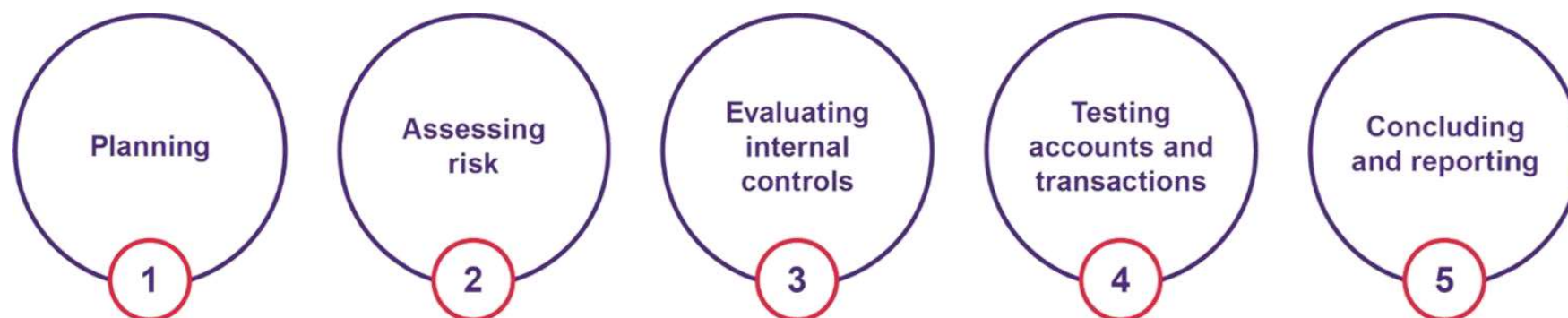
Roles and responsibilities

Role of the members of council	<ul style="list-style-type: none">• Help set the tone for the organization by emphasizing honesty, ethical behaviour and fraud prevention• Oversee management, including ensuring that management establishes and maintains internal controls to provide reasonable assurance regarding reliability of financial reporting• Oversee the work of the external auditors including reviewing and discussing the audit plan
Role of management	<ul style="list-style-type: none">• Prepare financial statements in accordance with Public Sector Accounting Standards• Design, implement and maintain effective internal controls over financial reporting processes, including controls to prevent and detect fraud• Exercise sound judgment in selecting and applying accounting policies• Prevent, detect and correct errors, including those caused by fraud• Provide representations to external auditors• Assess quantitative and qualitative impact of misstatements discovered during the audit on fair presentation of the financial statements
Role of Grant Thornton LLP	<ul style="list-style-type: none">• Provide an audit opinion that the financial statements are in accordance with Public Sector Accounting Standards• Conduct our audit in accordance with Canadian Generally Accepted Auditing Standards (GAAS)• Maintain independence and objectivity• Be a resource to management and to those charged with governance• Communicate matters of interest to those charged with governance• Establish an effective two-way communication with those charged with governance, to report matters of interest to them and obtain their comments on audit risk matters

Audit approach

Our understanding of the municipality and its operations drives our audit approach, which is risk based and specifically tailored to the City of Port Colborne .

The five key phases of our audit approach



Phase	Our approach
1. Planning	<ul style="list-style-type: none">• We obtain our understanding of your operations, internal controls and information systems• We plan the audit timetable together
2. Assessing risk	<ul style="list-style-type: none">• We use our knowledge gained from the planning phase to assess financial reporting risks• We customize our audit approach to focus our efforts on key areas
3. Evaluating internal controls	<ul style="list-style-type: none">• We evaluate the design of controls you have implemented over financial reporting risks• We identify areas where our audit could be more effective or efficient by taking an approach that includes testing the controls• We provide you with information about the areas where you could potentially improve your controls
4. Testing accounts and transactions	<ul style="list-style-type: none">• We perform tests of balances and transactions• We use technology and tools, including data interrogation tools, to perform this process in a way that enhances effectiveness and efficiency
5. Concluding and reporting	<ul style="list-style-type: none">• We conclude on the sufficiency and appropriateness of our testing• We finalize our report and provide you with our observations and recommendations

Our tailored audit approach results in procedures designed to respond to an identified risk. The greater the risk of material misstatement associated with the account, class of transactions or balance, the greater the audit emphasis placed on it in terms of audit verification and analysis.

Throughout the execution of our audit approach, we will maintain our professional skepticism, recognizing the possibility that a material misstatement due to fraud could exist notwithstanding our past experiences with the municipality and our beliefs about management’s honesty and integrity.

Internal control

Our audit will include gaining an understanding of the municipality's internal control over financial reporting. Our understanding will focus on processes associated with the identified risk areas, as described in this report. We use this understanding to determine the nature, extent and timing of our audit procedures.

Our understanding may also result in valuable internal control findings for your consideration. Note that the auditor's objectives with regards to internal control are different from those of management and those charged with governance. For example, we primarily target controls that relate to financial reporting and not those that relate to the municipality's operations or compliance which may also be relevant to its objectives. Therefore, management and those charged with governance cannot solely rely on our findings to discharge their responsibilities in this area.

Quality management

We have a robust quality management program that forms a core part of our client service. We combine internationally developed audit methodology, advanced audit technology, rigorous review procedures, mandatory professional development requirements, and the use of specialists to consistently deliver high quality audit services to our clients. In addition to our internal processes, we are subject to inspection and oversight by standard setting and regulatory bodies. We are proud of our firm's approach to quality management and would be pleased to discuss any aspect with you at your convenience.

IDEA Data Analysis Software

We apply our audit methodology using advanced software tools. IDEA Data Analysis Software is a powerful analysis tool that allows audit teams to read, display, analyze, manipulate, sample and extract data from almost any electronic source. The tool has the advantages of enabling the audit team to perform data analytics on very large data sets in a very short space of time, while providing the checks, balances and audit trail necessary to ensure that the data is not corrupted and that the work can be easily reviewed. SmartAnalyzer, an add-on to IDEA, further improves the efficiency and effectiveness of the audit by providing automated routines for certain common analytical tasks, such as identifying unusual and potentially fraudulent journal entries. Grant Thornton continues to invest in developing industry-leading audit data analytical tools.

Appendix B – Engagement Letter

June 14, 2021

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

Attention: Mr. Bryan Boles, CPA, CA, MBA
Director of Corporate Services

Dear Mr. Boles:

Thank you for reappointing Grant Thornton LLP (“Grant Thornton”, “we”, “us”, or “our”) to perform the audit of the consolidated financial statements and other related services for City of Port Colborne (the “Municipality”, “you” or “your”) for the years ending December 31, 2021, 2022 and 2023 (collectively, the “Services”). The purpose of this letter and the attached [Schedule A](#) (the “Engagement”) is to outline the nature of the Services and the terms under which you are engaging us to perform those Services.

Objective, scope and limitations

You have requested that we audit the consolidated financial statements of City of Port Colborne, which comprise the consolidated statement of financial position as at December 31, 2021, 2022 and 2023 and the consolidated statements of operations, changes in net financial assets and cash flows for the years then ended, and a summary of significant accounting policies. We are pleased to confirm our acceptance and our understanding of this Engagement by means of this letter agreement.

Our audit will be conducted with the objectives of obtaining reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to error or fraud, and to issue an auditor’s report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

The sole purpose of the Engagement is for us to conduct an audit of the Municipality pursuant to the requirements of the statute pursuant to which the Municipality is formed.

The audit will not be planned or conducted in contemplation of reliance by any third party or with respect to any specific transaction. Therefore, items of possible interest to a third party will not be specifically addressed and matters may exist that would be assessed differently by a third party, possibly in connection with a specific transaction.

Requests for additional services may arise while we are performing the Services that are specifically identified in this Engagement, including general business advice. The provision of additional services by us does not relieve management of their responsibility for determining what actions the Municipality should take and performing adequate research and/or due diligence in relation to their decisions, including obtaining separate formal written advice from us in relation to complex or significant matters. Unless covered under a separate engagement letter, this Engagement will cover any such additional services we provide you, which will be billed at our standard hourly rates for the type of services requested. Notwithstanding anything to the contrary herein, we shall bear no responsibility in the event that management makes significant decisions on the basis of advice provided by us that is not formal written advice (for greater certainty, e-mail does not constitute formal written advice for the purposes of this section).

Our responsibilities

We will conduct our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements. As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate for our audit opinion. The risk of not detecting a material misstatement resulting from fraud is higher than one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the auditor in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies in internal control relevant to the audit of the consolidated financial statements that we have identified during the audit.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, there is an unavoidable risk that some material misstatements may not be detected, even though the audit is properly planned and performed in accordance with Canadian generally accepted auditing standards.

Management's responsibilities

Our audit will be conducted on the basis that the Municipality's management and, where appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a) for the preparation and fair presentation of the consolidated financial statements in accordance with Canadian Public Sector Accounting Standards;
- b) for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error; and
- c) to provide us with:
 - i. Access to all information of which the Municipality's management is aware, that is relevant to the preparation of the consolidated financial statements such as records, documentation and other matters;
 - ii. Additional information that we may request from the Municipality's management for the purpose of the audit; and
 - iii. Unrestricted access to persons within the Municipality from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from the Municipality's management and, where appropriate, those charged with governance written confirmation concerning representations made to us in connection with the audit. Those representations will include:

Consolidated Financial statements

- a) communicating that all responsibilities, as set out in the terms of this Engagement, for the preparation of the consolidated financial statements in accordance with Canadian Public Sector Accounting Standards in particular the consolidated financial statements are fairly presented;
- b) communicating its belief that significant assumptions used in making accounting estimates, including those measured at fair value are reasonable;
- c) acknowledging that all events subsequent to the date of the consolidated financial statements and for which Canadian Public Sector Accounting Standards require adjustment or disclosure have been adjusted or disclosed;

Completeness of information

- d) providing us with and making available complete financial records and related data, and copies of all minutes of meetings of Members of Council and committees;
- e) acknowledging that all transactions have been recorded and are reflected in the consolidated financial statements;
- f) providing us with information relating to any known or probable instances of non-compliance with legislative or regulatory requirements, including financial reporting requirements;
- g) providing us with information relating to any illegal or possibly illegal acts, and all facts related thereto;
- h) acknowledging that all related party relationships and related party transactions have been appropriately accounted for and disclosed in accordance with the requirements of Canadian Public Sector Accounting Standards;

Fraud and error

- i) the design and implementation of internal controls to prevent and detect fraud and error;
- j) an assessment of the risk that the consolidated financial statements may be materially misstated as a result of fraud;
- k) providing us with information relating to fraud or suspected fraud affecting the Municipality involving:
 - i. management;
 - ii. employees who have significant roles in internal control; or
 - iii. others, where the fraud could have a material effect on the consolidated financial statements;

- l) providing us with information relating to any allegations of fraud or suspected fraud affecting the Municipality's consolidated financial statements communicated by employees, former employees, analysts, regulators, or others;
- m) communicating its belief that the effects of any uncorrected financial statement misstatements aggregated during the audit are immaterial, both individually and in the aggregate, to the consolidated financial statements taken as a whole. A list of the uncorrected misstatements will be attached to the representation letter;

Recognition, measurement and disclosure

- n) providing us with its assessment of the reasonableness of significant assumptions underlying fair value measurements and disclosures in the consolidated financial statements;
- o) providing us with any plans or intentions that may affect the carrying value or classification of assets or liabilities;
- p) providing us with an assessment of all areas of measurement uncertainty known to management that are required to be disclosed in accordance with MEASUREMENT UNCERTAINTY, PSA HANDBOOK – ACCOUNTING Section 2130;
- q) acknowledging that no subsequent events occurred that require adjustment to the accounting estimates and disclosures included in the consolidated financial statements.
- r) providing us with information relating to claims and possible claims, whether or not they have been discussed with the Municipality's legal counsel;
- s) providing us with information relating to other liabilities and contingent gains or losses, including those associated with guarantees, whether written or oral, under which the Municipality is contingently liable;
- t) providing us with information on whether or not the Municipality has satisfactory title to assets, liens or encumbrances on assets, and assets pledged as collateral;
- u) providing us with information relating to compliance with aspects of contractual agreements that may affect the consolidated financial statements;
- v) providing us with information concerning subsequent events; and

Written confirmation of significant representations

- w) providing us with written confirmation of significant representations provided to us during the Engagement on matters that are:
 - i. directly related to items that are material, either individually or in the aggregate, to the consolidated financial statements; and
 - ii. not directly related to items that are material to the consolidated financial statements but are significant, either individually or in the aggregate, to the Engagement.

The Municipality's management agrees to make available draft consolidated financial statements, including appropriate note disclosures and any accompanying other information in time to allow for the audit to be completed within the proposed timeframe. In addition, the Municipality's management agrees to inform us of any factors or circumstances that come to their attention during the period from the date of the auditor's report to the date consolidated financial statements are issued that may impact the consolidated financial statements; including their disclosures.

It is agreed that for any electronic distribution of your consolidated financial statements and our report thereon, the Municipality's management is solely responsible for the accurate and complete reproduction of the consolidated financial statements and our report thereon.

While the report may be sent to the Municipality electronically by us for your convenience, only the signed (electronically or manually) report constitutes the Municipality's record copy.

If the Municipality's management intends to publish or otherwise reproduce our report (or otherwise make reference to Grant Thornton LLP) in a document(s) that contains other information (including in a document(s) that will be used in connection with a public offering of securities), the Municipality's management agrees to (a) provide Grant Thornton with a draft of such document(s) to read, and (b) obtain our approval for inclusion of our report in such document(s), before the document(s) are finalized and distributed. The Municipality's management also agrees that if our name is to be used in connection with the consolidated financial statements, it will attach our auditors' report when distributing the consolidated financial statements to any third parties. The Municipality's management agrees to provide us with adequate notice of the preparation of such document(s).

Non-audit services directly related to the audit

We will assist the Municipality's management in preparation of the consolidated financial statements. However, the Municipality's management remains at all times responsible for the preparation and fair presentation of the Municipality's consolidated financial statements in accordance with Canadian Public Sector Accounting Standards.

Reporting

Unless unanticipated difficulties are encountered, our report will be substantially in the following form:

INDEPENDENT AUDITOR'S REPORT

To the Members of Council, Inhabitants and Taxpayers of the Corporation of the City of Port Colborne

Opinion

We have audited the consolidated financial statements of the Corporation of the City of Port Colborne ("the Municipality"), which comprise the consolidated statement of financial position as at December 31, 2021, and the consolidated statements of operations, changes in net debt and cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies. In our opinion, the accompanying consolidated financial statements present fairly in all material respects, the financial position of the Corporation of the City of Port Colborne as at December 31, 2021, and its results of operations, its changes in its net financial assets, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Consolidated Financial Statements* section of our report. We are independent of the Municipality in accordance with the ethical requirements that are relevant to our audit of the consolidated financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Consolidated Financial Statements

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the consolidated financial statements, management is responsible for assessing the Municipality's ability to continue as a going concern, disclosing, as applicable, matters related to a going concern and using the going concern basis of accounting unless management either intends to liquidate the Municipality or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Municipality's financial reporting process.

Auditor's Responsibilities for the Audit of the Consolidated Financial Statements

Our objectives are to obtain reasonable assurance about whether the consolidated financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the consolidated financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Municipality's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Municipality's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the consolidated financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Municipality to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the consolidated financial statements, including the disclosures, and whether the consolidated financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Municipality and the organizations it controls to express an opinion on the consolidated financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

[Auditor's signature]

[Date of the auditor's report]

[Auditor's address]

The form and content of our report may need to be amended in the light of our audit findings.

Fees

Fees are based on the time required by the individuals assigned to perform the Services defined herein. Individual hourly rates vary according to the degree of responsibility involved and experience and skill required.

Any fee estimates by Grant Thornton take into account i) the agreed-upon level of preparation and assistance from your personnel; and ii) the hourly rates for our professionals that will be providing the Services. Grant Thornton undertakes to advise the Municipality's management on a timely basis should this preparation and assistance not be provided, or should any other circumstances arise which cause actual time to exceed that estimate. We will provide the services outlined in this letter for fees not to exceed the following:

Report	2021 Fees	2022 Fees	2023 Fees
Audit of the City of Port Colborne consolidated financial statements including the preparation of the consolidated financial statements	\$ 41,300	\$ 42,200	\$ 43,100

Other services

Depending on the nature and significance of requests for additional services, we may issue a separate engagement letter to cover the additional services and/or provide a fee estimate before we invest significant professional time in providing the additional services. As noted above, in the absence of such a separate engagement letter, the provisions of this Engagement shall apply to the additional services, which will be billed at our standard hourly rates for the types of services requested unless otherwise specified in a fee estimate.

Municipality consent to production

The Municipality hereby acknowledges that we may from time to time receive requests or orders from professional (provincial institutes) or other regulatory or governmental authorities (including the Canada Revenue Agency) to provide them with information and copies of documents in our files including working papers and other work-product relating to the Municipality's affairs. The Municipality consents to us providing or producing, as applicable, these documents and information without further reference to, or authority from, you.

When a regulatory authority requests access to our working papers and other work-product relating to the Municipality's affairs, we will, on a reasonable efforts basis, refuse access to any document over which the Municipality has expressly informed us at the time of delivery that the Municipality asserts privilege, except where disclosure of documents is required by law or requested by a provincial Institute/Order of Canadian Chartered Professional Accountants pursuant to its statutory authority in which event the Municipality expressly consents to such disclosure. The Municipality must mark any document over which it asserts privilege as privileged and inform us of the grounds for the Municipality's assertion of privilege (such as whether it claims solicitor-client privilege or litigation privilege).

We may also be required to provide information relating to the fees that we collect from the Municipality for the provision of audit services, other accounting services and non-audit services, and the Municipality consents to the disclosure of that information as may be required by the regulatory authority.

The Municipality agrees to reimburse us, upon request, at our standard billing rates for our professional time and expenses, including reasonable legal fees, incurred in dealing with the matters described above.

Release and indemnification

You agree to release, indemnify and hold harmless Grant Thornton, its affiliates and their respective directors, officers, partners, principals, employees, consultants and contractors from any and all claims, liabilities, costs and expenses (including any and all legal expenses incurred by Grant Thornton) arising out of or based upon:

- a) any misstatement or omission in any material, information or representation supplied or approved by you;
- b) any third party claim relating to or arising out of this Engagement; or
- c) any other matter related to or arising out of this Engagement, except to the extent finally determined to have resulted from the negligence, wilful misconduct or fraudulent behaviour of Grant Thornton.

Limitation of liability

In any action, claim, loss or damage arising out of the Engagement, you agree that Grant Thornton's liability will be several, and not joint and several and you may only claim payment from Grant Thornton of its proportionate share of the total liability based on its degree of fault as finally determined. Any action against us must be commenced on or before the date which is the earlier of i) eighteen months from the completion of the Services; and ii) the date by which an action must be commenced under any applicable legislation other than limitation legislation.

The total liability assumed by Grant Thornton for any claim, loss or damage arising out of or in connection with the Engagement, regardless of the form of action, claim, loss or damage be it tort, contract or otherwise, shall in no event exceed the aggregate of the professional fees paid to Grant Thornton for that portion of the Services that has given rise to the claim. In addition, Grant Thornton shall not under any circumstances be liable for any special, indirect or consequential damages, including without limitation, lost profit or revenue, or similar damages.

Standard terms and conditions

This letter and our standard terms and conditions attached as [Schedule A](#), shall form the basis of the Engagement.

Survival of terms

This engagement letter will continue in force for subsequent audits unless terminated by either party by written notice prior to the commencement of the subsequent audit.

Acceptance of engagement letter

Please confirm your acceptance of this Engagement by signing below and returning this letter to us.

We are proud to serve you and we appreciate your confidence in our work. If you have any questions about the contents of this letter, please raise them with us.

Yours sincerely,

Grant Thornton LLP

James D. Brennan, CPA, CA
Principal

JDB/jf

The services and terms as set forth in this letter are agreed to.

City of Port Colborne

By:

Signed "Bryan Boles"

(Signature)

Bryan Boles, CPA, CA, MBA

(Name)

Director of Corporate Services

(Title)

"June 14, 2021"

(Date)

Schedule A

Terms and conditions

Except as otherwise specifically stated in the Engagement, the following general terms and conditions apply to and form part of the Engagement.

Responsibilities – Grant Thornton shall use all reasonable efforts to complete the Services within the time-frame, if any, stipulated in the Engagement. Grant Thornton shall not be liable for failures or delays in performance of the Services that arise from causes beyond its control, including the untimely performance by the Municipality of its obligations and responsibilities as set out in the Engagement.

In addition, Grant Thornton reserves the right, in whole or in part, to decline the performance of any Service(s) if, in the sole discretion of Grant Thornton, the performance of any of the Services may cause Grant Thornton to be in violation of any applicable law, regulations, professional standards or obligations or which may otherwise result in damage to Grant Thornton's reputation.

Information and announcements – The Municipality shall cause to be provided or provide Grant Thornton with all material information in its possession or control or to which it has access and such other information as Grant Thornton deems relevant for the purposes of the Engagement. The Municipality shall also provide where applicable, access to its directors, officers or professional advisers as required to complete the Services. The Municipality undertakes that if anything occurs after the supply of any such information or documents which would render same inaccurate, untrue, unfair or misleading it will promptly notify Grant Thornton and take all such steps as Grant Thornton may require to correct such information or documents.

Unless otherwise contemplated or permitted by the Engagement, any advice, reports (including the audit report), compiled or reviewed financial statements, discoveries, information or opinions, whether written or oral, rendered or provided by Grant Thornton to the Municipality (and/or its affiliates) ("Deliverables"), or any communications between Grant Thornton and the Municipality (and/or its affiliates) in connection with the Engagement may not be disclosed to any third party without the prior written consent of Grant Thornton with the exception of any applicable Canadian taxing authorities and the Municipality's financial institution. Any Deliverables shall be solely for the benefit of the Municipality and not for the benefit of any third party and may be relied upon only for the purpose for which the Deliverable is intended as contemplated or defined within the Engagement. Grant Thornton recognizes no responsibility whatsoever, other than that owed to the Municipality as at the date on which the Deliverable is given to the Municipality by Grant Thornton, for any unauthorized use of or reliance on any Deliverables. Unless otherwise expressly provided for within the Engagement or upon written consent of Grant Thornton, no Deliverables shall be used or relied on by the Municipality as expert evidence or included as evidence in any litigation or court proceeding. Notwithstanding any term within the Engagement and by way of an exception to this paragraph, nothing within the Engagement shall prohibit the disclosure by the Municipality or Grant Thornton to any person or to the Minister of National Revenue of the details or structure of any transaction or series of transactions contemplated by the Deliverables, if (i) the transactions or series of transactions would constitute an avoidance transaction, as defined by section 245(2) of the Income Tax Act (Canada) ("ITA"), or series of transactions including an avoidance transaction under which a tax benefit to the Municipality results or would result but for section 245 of the ITA; or (ii) the transaction or series of transactions would be considered to be a general tax avoidance transaction as defined by any other applicable legislation.

The Municipality acknowledges that the Services will involve analysis, judgement and other performance from time to time in a context where the participation of the Municipality or others is necessary, where answers often are not certain or verifiable in advance and where facts and available information change with time. Accordingly, the Municipality agrees that the evaluation of the Services provided by Grant Thornton shall be based solely on Grant Thornton's substantial conformance with any standards or specifications expressly set forth within this Engagement and applicable professional standards, and any claim of non-conformance (and applicability of such standards) must be clearly and convincingly shown. Unless the Municipality or Grant Thornton agree otherwise in writing, Grant Thornton shall have no responsibility to update any of the Services or Deliverables after their completion, and any such updates will be billed at Grant Thornton's then current hourly rates.

Independence – In the event, the Municipality is (i) an entity that is registered with the United States Securities and Exchange Commission; or (ii) an affiliate of a registrant, and a provision(s) contained within the Engagement would be prohibited by, or impair the independence of, any member firm of Grant Thornton International Ltd ("Grant Thornton International") under any law or regulation applying to the Municipality, such provision(s) shall not apply to the Engagement to the extent that is necessary to avoid the prohibition against or impairment of the referenced independence of the respective Grant Thornton International member firm.

Independent contractor – Grant Thornton shall provide all services as an independent contractor and nothing in this Engagement shall be construed as to create a partnership, joint venture or other similar relationship with the Municipality or any other party. Neither the Municipality nor Grant Thornton shall have the right, power or authority to obligate or bind the other in any manner.

Subcontracting – The Municipality agrees that Grant Thornton may authorize, allow or require its affiliates and contractors to assist in the performance of the Services and to share in Grant Thornton's rights under the Engagement, including any protections available thereunder, provided that such party(ies) shall commit (as applicable) to be bound by the obligations set forth in the Engagement.

Grant Thornton International Ltd – Grant Thornton is a Canadian member of Grant Thornton International Ltd., a global organization of member firms in over 100 countries. Member firms are not members of one international partnership or otherwise legal partners with each other. There is no common ownership, control, governance, or agency relationship between member firms.

Assisting Firms – Unless otherwise stipulated within the Engagement, this Engagement is with Grant Thornton. In the course of providing the Services, we may at our sole discretion, draw upon the resources of or subcontract a portion of the Services to another entity (including a partnership) which may carry on business under

the name which may include within its name “Grant Thornton” or be another member firm of the worldwide network of Grant Thornton International Ltd. member firms (hereinafter “GT Affiliates”).

Unless a GT Affiliate is directly contracted by you to provide any of the Services which are subject to this Engagement, the provision of those Services remain the responsibility of Grant Thornton and the Municipality agrees that it will not bring any claim, whether in contract, tort (including negligence) or otherwise against any GT Affiliate in respect of this Engagement or the Services defined herein. In these circumstances, any GT Affiliate that deals with you for the purpose of completing the Services does so on behalf of Grant Thornton. The provisions of this clause have been stipulated for the benefit of GT Affiliates. GT Affiliates will have the right to rely on this clause as if they were parties to the Engagement and will have the right (subject to the discretion of the courts) to a stay in proceedings if you bring any claim against any GT Affiliates in breach of this clause.

Non-solicitation – The Municipality agrees that it shall not solicit for employment or hire any of the partners, principals, employees or consultants of Grant Thornton who are involved in the performance of the Services during the term of the Engagement and for a period of twelve (12) months thereafter.

Confidentiality – All information which Grant Thornton receives from the Municipality or the Municipality’s directors, officers, agents, advisors or counsel in connection with the Engagement and which is for the time being confidential (“Confidential Information”), will be held in strict confidence, provided that Grant Thornton shall be free to, without the requirement to seek any further consent or authorization from the Municipality, make disclosures (a) as a result of any applicable law, court or other order binding upon it, under the laws of, or pursuant to any governmental action (including requests and orders), regulatory requirement, or professional standard obligations (including disclosure to a provincial institute of chartered professional accountants); (b) of such information to any professional advisers, consultants and contractors, including GT Affiliates it may consult in connection with the Engagement and the performance of the Services; and (c) as set out in the Engagement.

Grant Thornton may disclose Confidential Information to GT Affiliates for the purposes of fulfilling its professional obligations to manage conflicts of interest and to maintain auditor independence. Confidential Information may also be disclosed as part of compliance reviews or to implement standardized performance measurement, client relationship management and documentation systems within the global Grant Thornton network. The Confidential Information disclosed may include ownership information and information about related entities and such information may be stored, processed and accessed from locations outside of Canada.

Notwithstanding anything to the contrary contained within the Engagement, Grant Thornton shall not be obligated to treat as confidential, or otherwise be subject to any restrictions on use, disclosure or treatment as contained within the Engagement, of any information disclosed by the Municipality which, (i) is rightfully known by Grant Thornton on a non-confidential basis prior to its disclosure by the Municipality; (ii) is independently developed by Grant Thornton without reference to or use of the Municipality’s Confidential Information; (iii) is or later becomes publicly available without violation of the Engagement; or (iv) is lawfully obtained by Grant Thornton from another party.

Working papers/reports – The advice or opinions of Grant Thornton, including all materials, reports, information, data, and work created, developed or performed by Grant Thornton during the course of the Engagement (“the Grant Thornton Materials”) shall belong to Grant Thornton, with the exception of final tax returns, original contracts, other documents of title held to the Municipality’s order and any documents the return of which the Municipality has stipulated, on or prior to their release to Grant Thornton (the “Municipality Materials”). Notwithstanding the foregoing, (i) Grant Thornton may retain a copy of the Municipality Materials (including Confidential Information) as required by Grant Thornton, in its sole discretion, to meet any obligations imposed by professional standards; and (ii) nothing shall require the return, erasure or destruction of back-ups made in accordance with Grant Thornton’s document-retention procedures.

Conflict of interest – Grant Thornton, its associated entities and GT Affiliates are involved in a wide range of financial advisory activities out of which conflicting interests or duties may arise. Within Grant Thornton, its associated entities and GT Affiliates, practices and procedures are maintained to restrict the flow of information and thereby manage or assist in managing such conflicts in a proper manner. Nothing within this Engagement will be interpreted to preclude Grant Thornton, its associated entities and GT Affiliates from engaging in any transaction or representing any other party at any time or in any capacity, provided that Grant Thornton shall not, knowingly provide services to another party under circumstances which would place Grant Thornton in a direct conflict of interest during the term of the Engagement without the Municipality’s prior written consent. In the event Grant Thornton becomes conflicted, as determined in its discretion, Grant Thornton shall be permitted, but not obligated to, terminate this Engagement without any additional liability to the Municipality, upon fourteen (14) days prior written notice.

Access to and disclosure of information – Grant Thornton is committed to the protection of personal information. During the course of planning, performing and reporting the result of the Services, Grant Thornton, its employees, partners, contractors, consultants, and GT Affiliates may need to obtain, use and disclose Municipality information (including Confidential Information and personal information) in the possession of, or under the control of the Municipality. The Municipality acknowledges this potential use and/or disclosure and agrees that it is responsible for obtaining, where required under applicable law or regulation, a court order or consent from any third party in order to permit Grant Thornton, its employees, partners, contractors, consultants, and/or GT Affiliates, to access, obtain, use and/or disclose Municipality information (including Confidential Information and personal information) accessed by us or provided to us by the Municipality or a party authorized by the Municipality for the purposes of completing the Services, and/or other disclosure so defined within the Engagement or for those additional purposes as more fully explained within Grant Thornton’s privacy policy, as it may be amended from time to time and available at www.grantthornton.ca.

Electronic communication – Grant Thornton and the Municipality may need to electronically transmit confidential information to each other and to other entities engaged by either party during the Engagement. Electronic methods include, but are not limited to telephones, cellular telephones, electronic mail and facsimiles. These technologies provide for a fast and convenient way to communicate. However, all forms of communications have inherent security weaknesses and the risks of compromised confidentiality cannot be eliminated. Notwithstanding the inherent risks, the Municipality agrees to the use of such electronic methods to transmit and

receive information (including confidential information), between Grant Thornton and the Municipality and between Grant Thornton and outside specialists, contractors or other entities engaged by either Grant Thornton or the Municipality. The Municipality further agrees that Grant Thornton shall not be liable for any loss, damage, expense, inconvenience or harm resulting from the loss, delay, interception, corruption or alteration of any electronic communication due to any reason whatsoever.

The Municipality also agrees that Grant Thornton professionals shall be authorized to connect their computers to the Municipality's IT network, subject to any specific restrictions the Municipality provides to Grant Thornton. Connecting to the Municipality's IT network or the internet via this network, while at the Municipality's premises, will be primarily for the purpose of conducting normal business activities, and those relating to the completion of the Services.

Expenses – If applicable, the Municipality will reimburse Grant Thornton for all reasonable out-of-pocket expenses incurred by Grant Thornton in entering into and performing the Services, whether or not it is completed, including but not limited to, travel, telecommunications costs, fees and disbursements of other professional advisers, and other disbursements customary in engagements of this nature. All other out-of-pocket expenses will be charged at cost as incurred by Grant Thornton.

Taxes – All fees and other charges payable to Grant Thornton do not include any applicable federal, provincial, or other goods and services tax or sales tax, or any other taxes or duties whether presently in force or imposed in the future. All sums payable to Grant Thornton hereunder shall be paid in full without withholding or deduction.

Billing – All invoices issued by Grant Thornton hereunder are due within 30 days of the invoice date. Interest will be charged on all overdue accounts at a rate of 1.5% per month (18% per annum) until paid. Fees paid or payable to Grant Thornton under this Engagement are non-refundable and shall not be subject to set-off. Unless otherwise directed by Grant Thornton, all fees, expenses and other sums will be billed and payable in Canadian Dollars.

Termination – Either the Municipality or Grant Thornton may terminate the Engagement upon fourteen (14) days prior written notice to the other party. In addition to the foregoing, Grant Thornton may also terminate the Engagement in the event of a breach of any term of the Engagement by the Municipality which is not cured by the Municipality within ten (10) days of receipt of written notice as to the breach. Upon termination for any reason, the parties shall return each other's confidential information, except that Grant Thornton may retain one copy for its working papers and one copy of the Municipality **Data may also be retained by Grant Thornton** even if same may contain confidential information of the Municipality. In addition to its rights of termination provided herein and notwithstanding anything to the contrary in the Engagement, Grant Thornton shall also have the right (i) upon five (5) days prior written notice to the Municipality, to suspend or terminate its Services in the event the Municipality fails to pay Grant Thornton any amount due to it under the terms of the Engagement; or (ii) immediately upon written notice to the Municipality, terminate its Services in the event Grant Thornton discovers any information which Grant Thornton determines, in its sole discretion, may affect its reputation, integrity or independence. In the event of termination, the Municipality agrees to compensate Grant Thornton for all time expended and costs incurred up to and including the date of termination.

Severability – Each provision of this Engagement is severable and if any provision (in whole or in part) is or becomes invalid or unenforceable or contravenes any applicable regulations or laws, the remaining provisions and the remainder of the affected provision (if any) will not be affected.

Assignment – No assignment shall be made by either party of their respective obligations under this Engagement without the prior written consent of the other party.

Publication – Under no circumstances without the express prior written consent of Grant Thornton, shall the Municipality disclose, release, use, make reference to, or quote Grant Thornton's name, logo or any Deliverable (whether written or verbal) within any press release, press conference, website update, media release or any other form of public disclosure ("Disclosure Document") other than for litigation purposes, but only to the extent and in the manner that such use is contemplated by the Engagement. In the event the Municipality wishes to seek Grant Thornton's consent as required by the Engagement, the Municipality shall provide to Grant Thornton a copy of such Disclosure Document for prior approval, which approval may be unreasonably withheld. Notwithstanding the terms of this paragraph, the Municipality is not prohibited from disclosing details or structure of any avoidance transaction as defined by section 245(2) of the ITA or series of transactions, including an avoidance transaction relevant to this Engagement to the any person or the Minister of National Revenue.

Municipality representations, warranties and covenants – The Municipality represents, warrants and covenants to Grant Thornton that:

- a. the execution, delivery and performance of the Engagement has been duly authorized and does not, and with the passage of time, will not conflict with or violate any contractual, statutory, common law, legal, regulatory or other obligation by which the Municipality is bound; and
- b. the Engagement is the legal, valid and binding obligation of the Municipality, enforceable in accordance with its terms.

Grant Thornton representations, warranties and covenants – Grant Thornton represents, warrant and covenants to the Municipality that Grant Thornton will provide the Services described within the Engagement in a professional and competent manner. Grant Thornton makes no other representation or warranties and explicitly disclaims all other warranties and representations whether expressed or implied by law, usage of trade, course of dealing or otherwise.

Surviving provisions – The Municipality's obligations in respect of confidentiality, payment of fees and expenses, limitation of liability and Release and Indemnification as outlined within the Engagement and these terms and conditions shall survive termination of the Engagement.

Governing law and forum – The Engagement, including these terms and conditions shall be governed by and construed in accordance with the laws of the Province in which the Engagement was signed by Grant Thornton.

Other matters – The failure of either party to insist on strict performance of the Engagement, or to exercise any option herein, shall not act as a waiver of any right, promise or option, but the same shall be in full force and effect. No waiver of any term or provision or of any breach or default shall be valid unless in writing and signed by the party giving such waiver, and no such waiver shall be deemed a waiver of any other term or provision or any subsequent breach or default of the same or similar nature.

Complete agreement – This Engagement, including these terms and conditions and any schedules, sets forth the entire understanding of the parties relating to the subject matter hereof and supersedes and cancels any prior communications, understandings, and agreements between the parties. This Engagement may not be amended or modified except in writing between the parties and shall inure to the benefit of and be binding upon the parties and their respective successors and assigns.

Appendix C – PSAS

Accounting developments

Public Sector Accounting Standards [updated September 30, 2023]	Effective date
<p>2022-2023 Annual Improvements to PSAS</p> <p>The Public Sector Accounting Board (PSAB) has adopted an annual improvements process to make minor improvements to standards which include clarifying guidance or wording within the standards or correcting relatively minor unintended consequences, conflicts or oversights.</p> <p>The following standards were amended in the 2022-2023 process:</p> <ul style="list-style-type: none">• Section PS 3160 <i>Public Private Partnerships</i> The amendment updated the transitional provisions to explicitly state that early adoption is permitted.• Section PS 3420 <i>Inter-Entity Transactions</i> The amendment clarifies that PSG-8 <i>Purchased Intangibles</i> applies to inter-entity transactions	Effective April 1, 2023 (Immediately)

Section PS 1202 Financial Statement Presentation

New Section PS 1202 *Financial Statement Presentation* replaces Section PS 1201 *Financial Statement Presentation*.

The main features of the new Section include:

- Changes to the statement of financial position to present financial assets, non-financial assets, total assets, financial liabilities, non-financial liabilities total liabilities and net assets/net liabilities
- Separate statement of changes in net assets or net liabilities (formerly known as accumulated surplus) by required categories
- The addition of a statement of net financial assets or net financial liabilities that presents a revised net financial assets or net financial liabilities (formerly known as “net debt”) calculation
- The option to present the change in net financial assets or net financial liabilities on the statement of net financial assets or net financial liabilities
- Ability to present an amended budget when there is an election or the majority of the governing body of a government organization is newly elected or appointed
- The requirement to provide a subtotal prior to financing activities in the statement of cash flow
- Guidance on assessing the going concern assumption

As a result of the issuance of the new Section, various Sections and Guidelines of the Handbook have been amended to include references to the Section. The impacted Sections and Guidelines include:

- PS 1300 *Government Reporting Entity*
- PS 2120 *Accounting Changes*
- PS 2500 *Basic Principles of Consolidation*
- PS 2601 *Foreign Currency Translation*
- PS 3041 *Portfolio Investments*
- PS 3070 *Investments in Government Business Enterprises*
- PS 3060 *Interest in Partnerships*
- PS 3100 *Restricted Assets and Revenues*
- PS 3230 *Long-Term Debt*
- PS 3300 *Contingent Liabilities*
- PS 3400 *Revenue*
- PS 3430 *Restructuring Transactions*
- PS 3450 *Financial Instruments*
- PS 4200 *Financial Statement Presentation by Not-for-Profit Organizations*
- PSG-4 *Funds and Reserves*
- PSG-5 *Sale-Leaseback Transactions*

Fiscal years beginning on or after April 1, 2026.

Earlier adoption is permitted *only if* the Conceptual Framework is also adopted at the same time.

Prior period amounts would need to be restated to conform to the presentation requirements for comparative financial information in Section PS 1202.

Conceptual Framework for Financial Reporting in the Public Sector

PSAB's Conceptual Framework for Financial Reporting in the Public Sector replaces Sections PS 1000 *Financial Statement Concepts* and PS 1100 *Financial Statement Objectives*.

The new Conceptual Framework includes:

- Characteristics of public sector entities
- Objectives of financial reporting
- Primary users of financial reporting and their expectations
- Role of financial statements
- Foundations and objectives of financial statements
- Qualitative characteristics of information in financial statements
- Qualitative characteristics of information in financial statements and related considerations
- Definitions of elements
- Criteria of general recognition and derecognition; and,
- Concepts of general measurement and presentation

Fiscal years beginning on or after April 1, 2026.

Earlier adoption is permitted.

As a result of the issuance of the Conceptual Framework, various Sections and Guidelines of the Handbook have been amended to include references to the new Conceptual Framework, add/clarify key definitions that are consistent with the Conceptual Framework, and/or remove references to qualitative characteristics that are no longer qualitative characteristics in the new Conceptual Framework. These Sections include:

- Introduction to the Public Sector Accounting Handbook (formerly the Introduction to the Public Sector Accounting Standards)
- PS 1150 *Generally accepted Accounting Principles*
- PS 1201 *Financial Statement Presentation*
- PS 1300 *Government Reporting Entity*
- PS 2100 *Disclosure of Accounting Policies*
- PS 2120 *Accounting Changes*
- PS 2130 *Measurement Uncertainty*
- PS 2200 *Related Party Transactions*
- PS 3150 *Tangible Capital Assets*
- PS 3200 *Liabilities*
- PS 3210 *Assets*
- PS 3400 *Revenue*
- PS 3430 *Restructuring Transactions*
- PS 3450 *Financial Instruments; and*
- PS 4230 *Capital Assets Held by Not-for-Profit Organizations*

The Conceptual Framework will be applied prospectively.

Strategic plan for not-for-profit organizations in the public sector

Since 2012, government not-for-profit organizations (GNPOs) have been required to adopt PSAS but were given the option of applying the specific GNPO accounting standards (PS 4200 series) in PSAS. Some GNPOs have utilized those standards, while others have not. The PSAB recognized that a “one-size-fits-all” approach may not be appropriate for all stakeholders. In March 2022, having deliberated feedback from two Consultation Papers, the PSAB decided to incorporate the PS 4200 series, with potential customizations, into PSAS as its strategy for GNPOs. This solution was defined as reviewing and amending, as appropriate, the PS 4200 series guidance and incorporating it within the PSA Handbook available for all public sector entities to apply, if appropriate. That is, the existing standards in the PS 4200 series will be reviewed to determine if they should be retained and added to PSAS. This may involve amending standards to update them and ensuring consistency with PSAB’s conceptual framework. The PSAB believes this strategy will likely:

- improve the comparability and understandability of financial statements, as all public sector entities would be applying a common reporting model;
- provide the PSAB with a tool and some flexibility to address matters warranting a different presentation or accounting treatment for GNPOs when appropriate; and
- make some of the guidance currently found only in the PS 4200 series available to all public sector entities with similar transactions, improving comparability and consistent application of accounting standards.

The implementation plan for this strategy was approved at its June 2022 meeting, and an overview of the implementation plan was presented at its December 2022 meeting. The current ordering of standard level projects will start with tangible capital assets as well as contributions (including endowments), then controlled and related entities, finishing with the reporting model. The capital asset project will focus on proposing amendments to Section PS 3150 *Tangible Capital Assets*, as a result of reviewing Section PS 4230 *Capital Assets Held by Not-for-Profit Organizations* and Section PS 4240 *Collections Held by Not-for-Profit Organizations*. PSAB plans to consult stakeholders throughout the implementation phase and approve an Exposure Draft in the Fall of 2023.

Appendix D – Auditing developments

Canadian Exposure Drafts issued by the AASB	Effective date
<p>Potential revisions to CAS 500 <i>Audit Evidence</i></p> <p>The current audit evidence standard was issued many years ago. Since then, developments in technology have affected how entities operate and process information and how audits are performed. In December 2020, the IAASB initiated a project to revise the current standard to respond to changes in the business environment. The Exposure Draft proposes several key changes:</p> <ul style="list-style-type: none">• To respond to changes in the information auditors use, including the nature and source of the information, a set of attributes has been developed to enhance the auditor's principle-based judgments related to audit evidence in a wide variety of circumstances. Enhancements and clarifications have also been made regarding the auditor's role when using information prepared by management's expert• To modernise the standard and support a principles-based approach that recognises the evolution in technology, new application material has been added, including explanations of how automated tools may affect auditor bias and examples that recognise the use of technology by the entity or the auditor• To foster professional skepticism when making judgments about information to be used as audit evidence and sufficient appropriate audit evidence, language has been added to emphasise the importance of maintaining professional skepticism at various stages, such as when attempting to ensure that audit procedures are being designed and performed in an unbiased manner.	<p>The comment period for the Exposure Draft ended on March 15, 2023. It is expected that the effective date for the revised standard will be for periods beginning in 2025, but the exact effective date will depend on when the standard is approved.</p>

Potential revisions to CAS 570 *Going Concern*

Auditors are required to obtain sufficient appropriate audit evidence on the appropriateness of management's use of the going concern basis of accounting and conclude on whether a material uncertainty exists in relation to going concern. Financial statement users have raised questions about how much auditors should be able to detect from their audit procedures in this area, and what is communicated to users about the entity's ability to continue as a going concern. This led the IAASB to initiate a project to revise the standard. In April 2023, the IAASB issued its Exposure Draft and the AASB has issued a corresponding Exposure Draft. The Exposure Draft proposes several key changes, which include:

- Defining material uncertainty related to going concern
- Enhancing the risk identification and assessment requirements so they are consistent with those set out in CAS 315 (Revised) *Identifying and Assessing the Risks of Material Misstatement*
- Enhancing the auditor's evaluation of management's going concern assessment, including requirements to support the auditor's application of professional skepticism
- Adding a requirement for the auditor to request management to extend its going concern assessment of the entity to cover at least 12 months from the date of approval of the financial statements if management has not already done so
- Enhancing the auditor's consideration of information related to management's going concern assessment that becomes available to the auditor after the date of the auditor's report but before the date the financial statements are issued
- Adding requirements to enhance communications about going concern in the auditor's report.

The comment period for the Exposure Draft ended on July 31, 2023. It is expected that the effective date for the revised standard will be for periods beginning in 2026, but the exact effective date will depend on when the standard is approved.



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1
905-563-8205

February 7, 2024

SENT VIA EMAIL: Premier@ontario.ca

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

Dear Honourable Doug Ford:

RE: Town of Lincoln Council Resolution – Requesting Funding to Ensure Compliance with Accessibility for Ontarians with Disabilities (AODA)

Please be advised that the Council of the Corporation of the Town of Lincoln at its Council Meeting held on February 5, 2024, passed the following motion regarding Requesting Funding to Ensure Compliance with *Accessibility for Ontarians with Disabilities Act*:

Resolution No: RC-2024-13
Moved by Councillor Dianne Rintjema; Seconded by Mayor Easton

WHEREAS the *Accessibility for Ontarians with Disabilities Act* ("AODA") strives to create a more accessible Ontario for individuals with disabilities; and

WHEREAS businesses play a crucial role in fostering inclusivity and accessibility for all members of society; and

WHEREAS financial support is essential for businesses to meet the requirements outlined by the AODA and enhance accessibility measures and attract these potential customers by removing as many access barriers as possible; and

WHEREAS over 6.2 million Canadians live with a disability and an estimated \$25 billion in annual consumer buying in Canada; and

WHEREAS over 90,000 people with disabilities live in the Niagara area; and

WHEREAS the Joint Accessibility Advisory Committee advocates and represents persons with disabilities for Niagara area municipalities for the Town of Lincoln,

Township of West Lincoln, Town of Pelham, City of Thorold, Town of Niagara-on-the-Lake, Town of Grimsby and City of Port Colborne.

THEREFORE, BE IT RESOLVED THAT THE CORPORATION FOR THE TOWN OF LINCOLN COUNCIL URGES THAT THE PROVINCIAL GOVERNMENT:

1. Acknowledge the significance of businesses in fostering an inclusive environment as per the AODA.
2. Recognize the financial implications and challenges faced by businesses in implementing AODA compliance measures, as it is imperative to allocate funding to support these endeavors.
3. Allocate a specific fund dedicated to assisting businesses in Ontario to meet AODA standards, ensuring accessibility for individuals with disabilities.
4. Consider establishing funding for the diverse business size and sectors, providing financial aid, resources, and guidance necessary to comply with AODA regulations.
5. Ensure that regular evaluations and assessments of the fund's efficacy are conducted to ensure its optimal utilization and address any emerging needs or challenges.
6. Collaborate with municipalities, accessibility and disability experts and advocates, and local business associations should be fostered to develop comprehensive strategies for effective allocation and utilization of the fund.
7. Create public awareness campaigns to inform businesses about the availability of these funds and the importance of AODA compliance.
8. Commit to ongoing support and continuous improvement of accessibility measures, working in tandem with businesses and disability advocates.

This resolution emphasizes the importance of fostering an inclusive environment and ensuring that businesses have the necessary resources to comply with the AODA to contribute to a more accessible Ontario for all.

AND BE IT FURTHER RESOLVED THAT the Provincial government takes action to allocate funding that is dedicated to supporting businesses in achieving compliance with the *Accessibility for Ontarians with Disabilities Act*, enhancing accessibility and inclusivity across Ontario.

CARRIED

If you require any additional information, please do not hesitate to contact the undersigned.

Regards,



Julie Kirkelos
Town Clerk

jkirkelos@lincoln.ca

JK/dp

Cc: Joint Accessibility Advisory Committee
Township of West Lincoln
Town of Pelham
City of Thorold
Town of Niagara-on-the-Lake
Town of Grimsby
City of Port Colborne



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1

905-563-8205

February 7, 2024

SENT VIA EMAIL: ksullivan@stcatharines.ca

Kristen Sullivan
City Clerk
City of St. Catharines
50 Church St., P.O. Box 3012
St. Catharines, ON L2R 7C2

RE: Town of Lincoln Council Resolution – Growth Framework to Support Canadian Municipalities

Please be advised that the Council of the Corporation of the Town of Lincoln at its Council Meeting held on February 5, 2024, received and supported correspondence from the City of St. Catharines dated September 27, 2023, regarding Growth Framework to Support Canadian Municipalities with the following motion:

Resolution No: RC-2024-07

Moved by Councillor JD Pachereva; Seconded by Councillor Greg Reimer

THAT Council support and endorse the resolution within the correspondence received re: Growth Framework to Support Canadian Municipalities.

CARRIED

If you require any additional information, please do not hesitate to contact the undersigned.

Regards,

Julie Kirkelos
Town Clerk

jkirkelos@lincoln.ca

JK/dp

Cc: Ann-Marie Norio, Clerk, Niagara Region
Honourable Chrystia Freeland
Deputy Prime Minister and Minister of Finance
Chris Bittle, MP - St. Catharines
Dean Allison, MP - Niagara West
Tony Baldinelli, MP – Niagara Falls
Vance Badawey, MP – Niagara Centre
Jennifer Stevens, MPP - St. Catharines
Jeff Burch, MPP - Niagara Centre
Wayne Gates, MPP - Niagara Falls
Sam Oosterhoff, MPP - Niagara West-Glanbrook
Honourable Doug Ford, Premier
Honourable Peter Bethlenfalvy
Minister of Finance
Honourable Paul Calandra
Minister of Municipal Affairs and Housing
Federation of Canadian Municipalities
Association of Municipalities of Ontario
All local municipalities

September 27, 2023

The Honourable Justin Trudeau
Prime Minister of Canada
Office of the Prime Minister
80 Wellington Street
Ottawa, ON K1A 0A2

Sent via email: Justin.trudeau@parl.gc.ca

**Re: Growth Framework to Support Canadian Municipalities
Our File 10.12.1**

Dear Honourable Justin Trudeau,

At its meeting held on September 25, 2023, St. Catharines City Council approved the following motion:

WHEREAS Canada, now reaching 40 million in population, continues to experience record-breaking growth, and as St. Catharines has been told by the Provincial government that we must build 11,000 new residential units by 2030; and

WHEREAS our country's successful growth is intrinsically linked to our cities, towns and communities; and

WHEREAS St. Catharines residents are facing acute challenges, including housing shortages, homelessness, a lack of mental health support, extreme weather events, concern for public safety and a reliance on aging infrastructure; and

WHEREAS we want our kids to play in well-kept parks and enjoy lively community centres, our businesses to transport goods on maintained municipal roads and bridges, our senior citizens to be able to live affordably, our students to have a reliable transit system, our newcomers to find suitable housing, our families to be raised in a safe and healthy environment, and our most vulnerable to have access to much-needed support; and

WHEREAS as a city we have been forced to take on roles that are outside of our traditional jurisdictions, including public health, housing and emergency services which clearly exposed the vulnerability of our local services; and

WHEREAS emerging from the pandemic, we have seen federal and provincial sales and income taxes increase rapidly while overall municipal property tax revenue has remained flat— when accounting for inflation and population growth; and

WHEREAS municipalities are operating within a 19th century revenue system based mostly on property tax collection, to respond to 21st century responsibilities and evolving needs of Canadians; and

WHEREAS municipalities manage more than 60 percent of Canada's public infrastructure yet only receive between 8 and 10 cents for each tax dollar collected; and

WHEREAS municipalities, like St. Catharines are rising to meet these challenges with leadership and innovation but are constrained by an outdated framework that was not designed for the realities of 2023; and

WHEREAS the Federation of Canadian Municipalities (FCM), representing over 2,000 municipalities big and small across the country, is the national voice for Canada's local governments; and

WHEREAS in May 2023, at FCM's Annual Conference, and with full support from the Big City Mayor's Caucus, FCM members passed a resolution outlining the need for the development of a new growth framework to support Canadian municipalities and the people who call our communities home; and

WHEREAS FCM's resolution gives FCM a mandate to:

- Declare that Canada needs a modernized growth framework for municipalities;
- Lead the development of a Municipal Growth Framework that links municipal financial capacity to challenges such as population growth and economic growth; and
- Call on the federal government to engage with FCM in the development of this framework; and

WHEREAS FCM's call for a modernized growth framework is consistent with St. Catharines' needs for increased support to deliver important local services and infrastructure to keep up with exponential growth;

THEREFORE BE IT RESOLVED that Council officially endorse FCM and the Big City Mayor's Caucus' work calling on the Federal Government to develop a modernized growth framework; and

BE IT FURTHER RESOLVED that Council include FCM's call for a modernized municipal growth framework in future advocacy efforts and material to the federal and provincial governments; and

BE IT FURTHER RESOLVED that this resolution be circulated to the Region of Niagara; local municipalities; the Prime Minister; the Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance; MP Bittle; MP Badawey; the Premier; the Honourable Peter Bethlenfalvy, Minister of Finance; the Honourable Paul Calandra, Minister of Municipal Affairs and Housing; MPP

Stevens; MPP Burch; MPP Oosterhoff; the Federation of Canadian Municipalities; and the Association of Municipalities of Ontario

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



Kristen Sullivan, City Clerk
Legal and Clerks Services, Office of the City Clerk
:sm

cc: Ann-Marie Norio, Clerk, Niagara Region
Honourable Chrystia Freeland
Deputy Prime Minister and Minister of Finance
Chris Bittle, MP - St. Catharines
Dean Allison, MP - Niagara West
Tony Baldinelli, MP – Niagara Falls
Vance Badawey, MP – Niagara Centre
Jennifer Stevens, MPP - St. Catharines
Jeff Burch, MPP - Niagara Centre
Wayne Gates, MPP - Niagara Falls
Sam Oosterhoff, MPP - Niagara West-Glanbrook
Honourable Doug Ford, Premier
Honourable Peter Bethlenfalvy
Minister of Finance
Honourable Paul Calandra
Minister of Municipal Affairs and Housing
Federation of Canadian Municipalities
Association of Municipalities of Ontario
All local municipalities



Box 608, Little Current, Ontario, P0P 1K0
705-368-3500

Please find below a motion of support for the recent motion shared by Renfrew County. We would also like to bring to everyone's attention a motion that we recently passed and forwarded on.

This is an issue that seems to be affecting many small communities and in these tight economic times an important factor to keeping residents in their homes and our water systems safe.

Resolution No. 38-02-2024

Moved by: D. Orr

Seconded by: L. Cook

RESOLVED THAT the Council of the Corporation of the Town of Northeastern Manitoulin and the Islands supports the resolution put forth by the County of Renfrew to advocate to the provincial and federal levels of government to make them aware that rural and small urban water and wastewater systems are financially unsustainable; and advocate to the Association of Municipalities of Ontario (AMO), the Rural Ontario Municipalities Association (ROMA) and the Federation of Canadian Municipalities (FCM) to examine of the unaffordability of water and wastewater system operational costs is systemic provincially and nationally.

Carried

Resolution No. 29-02-2024

Moved by: D. Orr

Seconded by: M. Erskine

where they do not have sufficient financial resources to meet the ongoing demands of everyday living.

This has created a situation where residents who are struggling to pay their daily expenses lack the financial resources to maintain the critical infrastructure required to sustain the water and wastewater systems that service their homes. It is critically important that the other levels of government recognize this fact and provide funding assistance that can be accessed based on operational and financial need.

Whereas the current housing accelerator fund provides financial support for small communities and water and distribution systems are considered eligible under the program guidelines,

And whereas one of the primary criteria for this funding is the ability to prove that the funds will accelerate the development of housing stock on the water or distribution system,

And whereas many smaller communities are not experiencing the level of growth necessary to meet the requirements of the program for growth in housing stock,

And whereas the water and wastewater systems in those communities represents a higher cost to operate per capita than the systems in larger built-up areas,

And whereas the cost of maintaining those systems on a user-pay basis is creating undue financial hardship for the limited number of residents on those systems

Therefore be it resolved that the Council for the Town of Northeastern Manitoulin and the Islands requests that the Province of Ontario implement a funding stream for water and wastewater systems that primarily utilizes operational and financial need as a criteria.

And furthermore that a copy of this motion be forwarded to Premier Ford, the Ministry of Housing, the Ministry of the Environment and Michael Mantha, MPP

Carried

The Corporation of the City of Port Colborne

By-law _____

Being a by-law for prescribing standards
for the maintenance and occupancy of all property
within the City of Port Colborne, to provide for the
enforcement of the standards, and to
repeal By-law 4299/135/02 and all amendments thereto

Whereas Section 15.1(3) of the *Building Code Act 1992*, S.O. 1992, c .23 as amended, provides that, where a municipality has an Official Plan in effect that includes provisions relating to property conditions, a by-law may be passed by Council prescribing standards for the maintenance of property within the municipality and for prohibiting the occupancy or use of property that does not conform with the standards and requiring property that does not conform with standards be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse and left in a graded and leveled condition;

And whereas such Official Plan provisions are in place in the City of Port Colborne;

And whereas Section 15.6(1) of the *Building Code Act 1992*, S.O. 1992, c .23 as amended, provides for the establishment of a Property Standards *Committee*;

And whereas Sections 35.3 and 45.1 of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 as amended (the “OHA”) provide that where a by-law is passed under section 15.1 of the *Building Code Act 1992*, Council may, by by-law, prescribe minimum standards for the maintenance of the heritage attributes of properties that have been designate or properties situated within a heritage conservation district and require that designated properties or properties within a heritage conservation district to be *repaired* and maintained to conform with the standards;

And whereas Section 391 of the *Municipal Act, 2001*, S.O. 2001, c .25 as amended, provides a municipality may pass by-laws imposing fees or charges on any class of *Persons* for services or activities provided or done by or on behalf of it; and

And whereas it is deemed necessary to enact a by-law prescribing minimum standards for the maintenance and occupancy of Property, to adopt a set of administration procedures and to appoint a Property Standards Committee;

Now Therefore the Council of The Corporation of the City of Port Colborne enacts as

follows:

This by-law shall be comprised of EIGHT (8) parts containing various sections, namely:

PART 1	DEFINITIONS
PART 2	SHORT TITLE
PART 3	GENERAL STANDARDS FOR ALL PROPERTIES
PART 4	YARD STANDARDS
PART 5	BUILDING STANDARDS
PART 6	SPECIAL STANDARDS
PART 7	ADMINISTRATION AND ENFORCEMENT
PART 8	ENFORCEMENT AND ENACTMENT

PART 1 - DEFINITIONS

1. In this by-law:

"Accessory Building" means a detached building or structure not used for human habitation that is subordinate and ancillary to the lawful primary use of the main building or structure on a property;

"Act" means the *Building Code Act* 1992, S.O. 1992, c.23 as amended;

"Actively" when used in relation to restoration or repair means a continuous series of repairs or improvements occurring over a period of not more than 12 months;

"Approved" means acceptance by the Property Standards Officer;

"Basement" means that space of a building that is partly below grade, which has half or more of its height, measured from floor to ceiling, above the average exterior finished grade;

"Bedroom" means a habitable room used by Persons for sleeping purposes;

"Building" means a building as defined in the *Building Code Act*, S.O. 1992, any structure, whether temporary or permanent, used for or intended for supporting or sheltering any use or occupancy and shall include a tent, trailer, or carport;

"Cellar" means that space of a Building that is partly or entirely below grade, which has more than half of its height, measured from floor to ceiling, below the

average exterior finished grade;

"Chief Building Official" means the Chief Building Official of The Corporation of the City of Port Colborne:

"Committee" means the Property Standards Committee established by this By-law;

"Designated Property" means a property which has been designated as a property of significant cultural heritage value or interest under a by-law passed pursuant to the *Ontario Heritage Act R.S.O. 1990, c. O.18* as amended, or a property within a Heritage Conservation District as established pursuant to the *Ontario Heritage Act R.S.O. 1990, c. O.18*;

"Dwelling" means a Building or structure or part of a Building or structure, occupied or capable of being occupied, in whole or in part, for the purpose of human habitation;

"Dwelling Unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more Persons and supporting general living conditions usually including cooking, eating, sleeping, and sanitary facilities;

"Exit" means that part of a means of egress, including doorways, that leads from the Floor Area it serves to a separate Building, an open public thoroughfare or an exterior open space protected from fire exposure from the Building and having access to an open public thoroughfare;

"First Storey" means that part of a Building having a Floor Area closest to grade with a ceiling height of more than 1.8 metres (6 feet) above grade;

"Floor Area" means the space on any storey of a Building between exterior walls and required firewalls and includes the space occupied by interior walls and partitions, but does not include Exits and vertical spaces that penetrate the storey;

"Guard" means a protective barrier installed around openings in Floor Areas or on the open sides of a stairway, landing, balcony, mezzanine, gallery, raised walkway, and other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through it;

"Habitable Room" means any room in a Dwelling Unit that is designed, used or

intended to be used for living, cooking, sleeping or eating purposes;
“Heritage Attribute” is as defined by the *Ontario Heritage Act, R.S.O. 1990, c. O.18*;

“Infestation” means the presence of one rat or mouse, but does not include a domesticated mouse or rat, and in the case of insects, means the presence of one or more such insect, and in the case of wasps or hornets, includes the presence of any occupied nest interior or attached to the exterior of a structure;

“Kitchen” means a room equipped with a sink and equipped with electricity and necessary utilities suitable for the operation of a refrigerator and cooking stove;

“Manager” means the Manager of By-law Services appointed by by-law and assigned the responsibility for enforcing and administering this By-law and includes a building inspector and an Officer;

“Means of Egress” means a continuous, unobstructed path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp, or other Exit facility used for the escape of Persons from any point within a Building, a Floor Area, a room, or a contained open space to a public thoroughfare or an approved area of refuge usually located outside the building;

"Multiple Dwelling" means a Building containing three or more Dwelling Units;

"Municipal Clerk" shall mean the Clerk of the Corporation of the City of Port Colborne;

"Non-Residential Property" means a Building or structure, or part of a Building or structure not occupied in whole or in part for the purpose of human habitation and includes the lands and premises appurtenant and all of outbuildings, fences or erections thereon or therein;

"Occupant" means any Person or Persons over the age of eighteen years in possession of the property.

"Officer" means a Municipal Law Enforcement Officer responsible for enforcing and administering this By-law and includes a building inspector

“*Ontario Building Code*” means the regulation established through the *Building Code Act, 1992, c.23* and any amendments and/or alterations made under that Act;

"Owner" includes:

- (a) the Person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the Person's own account or as agent or trustee of any other Person, or who would so receive the rent if such land and premises were let; and
- (b) a lessee or Occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

"Person" means a natural Person, an individual, a firm, a corporation, an association or partnership and their heirs, executors, administrators, or other legal representative of a Person to whom the context can apply according to the law;

"Pest" means any rodent, insect, flea, wasp, hornet, cockroach but does not include any domesticated mouse or rat;

"Property" means a Building or structure or part of a Building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile Buildings, mobile structures, outbuildings, fences and erections thereon whether heretofore or hereafter erected, and includes vacant property;

"Repair" includes the provisions of facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a Property conforms with the standards established in this By-law;

"Residential Property" means any Property that is used or designed for use as a domestic establishment in which one or more Persons usually sleep and prepare and serve meals and includes any lands or Buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the Dwelling or its Yard;

"Sewage" means the liquid waste from residential or other Buildings, including industrial establishments;

"Sewage System" means the municipal sanitary sewer system, or a private Sewage disposal system approved by the Medical Officer of Health but shall not include a system designed or intended strictly to handle ground water;

"Standards" means the standards of the physical condition and of occupancy prescribed for Property by this By-law;

"Tenant" includes a person who is a lessee, Occupant, sub-tenant, under tenant, border, roomer or lodger and included their successor and assigns;

"Vacant Building", has the meaning defined in the City of Port Colborne Vacant Building Registry By-law, as amended;

"Vacant Land" shall mean lands with no Buildings and/or having no land uses established;

"Yard" means the privately owned land around or appurtenant to the whole or any part of a residential or Non-Residential Property and used or capable of being used in connection with the Property;

"Zoning By-law" shall mean the City's Comprehensive Zoning By-law.

PART 2 – SHORT TITLE

2. This by-law may be cited and known as the "Property Standards By-law".

PART 3 – GENERAL STANDARDS FOR ALL PROPERTIES

- 3.1 The property Standards set out in this By-law are hereby prescribed as minimum Standards for the maintenance and occupancy of all properties within the City.
- 3.2 Every Owner of Property situated in the City shall maintain such Property to the applicable minimum Standards prescribed by this By-law.
- 3.3 All Repairs and maintenance as required by this By-law shall be carried out with suitable and sufficient materials and in a manner accepted as good workmanship within the trades concerned. All new construction or Repairs shall conform to the *Ontario Building Code* or other such Codes or requirements where applicable.

PART 4 – YARD STANDARDS

TREES

4.1 Every person shall ensure that every Yard, including vacant Yards, be kept clean and free from:

4.1.1 Dead trees;

4.1.2 Damaged trees and their components;

4.1.3 Decayed trees; and

4.1.4 Diseased trees.

DEBRIS

4.2 Yards, parking lots, and Vacant Lands shall be kept clear and free from rubbish or other debris and from objects or conditions that might create a health, fire, accident hazard, or unsafe condition.

SEWAGE AND DRAINAGE

4.3 The water in any privately-owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odours and conditions likely to create a breeding environment for insects.

4.4 Sewage shall be discharged into the municipal sanitary sewer where such system exists, and where a municipal sanitary sewer system does not exist, Sewage shall be disposed of in a manner in accordance with the *Ontario Building Code* requirements for private on-site Sewage Systems.

4.5 Roof or sump drainage shall not be discharged onto sidewalks, stairs, or directly onto adjacent Property.

4.6 Where installed, eavestroughs and downspouts shall be maintained:

4.6.1 watertight and free from leaks;

4.6.2 in good working order, and free from any obstructions;

4.6.3 in a stable condition and shall be securely fashioned to the structure;
and

4.6.4 free from unsafe conditions.

- 4.7 All elements of the Sewage System, including but not limited to weeping tiles, septic beds, and septic tanks, shall be maintained in proper working order and drained, cleaned out, or replaced as required.

PARKING AREAS, WALKS AND DRIVEWAYS

- 4.8 All areas used for vehicular traffic and parking shall have a surface covering of asphalt, concrete, compacted stone, or gravel and shall be kept in good Repair free of dirt and litter.
- 4.9 Notwithstanding the foregoing, for non-residential properties which abut residential properties, all areas used for vehicular traffic and parking shall have a surface covering of asphalt, or similar hard surface.
- 4.10 All areas used for vehicular traffic, parking spaces, and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions.
- 4.11 Steps, walks, driveways, parking spaces, and other similar areas shall be maintained so as to afford safe passage under normal use and weather conditions, day or night.

ACCESSORY BUILDINGS, AND OTHER STRUCTURES

- 4.12 Accessory buildings and other structures appurtenant to the Property shall be maintained in structurally sound condition and in good Repair.
- 4.13 Accessory buildings, and other structures shall be protected from deterioration by the application of appropriate weather resistant materials including paint or other suitable preservative and shall be of uniform colour unless the aesthetic characteristics of said structure are enhanced by the lack of such material.

PART 5- BUILDING STANDARDS

RESIDENTIAL BUILDINGS

- 5.1 Every Owner of a Building shall maintain every floor, wall, ceiling, and fixture under their control, including hallways, entrances, laundry rooms, utility rooms, and other common areas, in a clean, sanitary, and safe condition.

STRUCTURAL SOUNDNESS

- 5.2 Every part of a Building and every Accessory Building shall be maintained in a structurally sound condition so as to be capable of safely sustaining its own weight load and any additional load to which it may be subjected through normal use, having a factor of safety required by the *Ontario Building Code*.
- 5.3 Walls, roofs, and other exterior parts of a Building shall be free from loose or improperly secured objects or materials.
- 5.4 All overhang extensions including but not limited to canopies, marques, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good Repair and be properly anchored so as to be kept in sound condition.

WEATHER PROOFING

- 5.5 Every exposed ceiling or exterior wall of a residential Building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the *Ontario Building Code*.

FOUNDATIONS

- 5.6 Foundation walls of all Buildings shall be maintained so as to prevent the entrance of insects, rodents and excessive moisture. Maintenance includes but is not limited to the shoring of the walls to prevent settling, installing sub soil drains, grouting masonry cracks, waterproofing walls, joints, and floors.
- 5.7 Every Building, except for slab on grade construction, shall be supported by foundation walls or piers that extend below the frost line, or to solid rock.

EXTERIOR WALLS

- 5.8 Exterior walls of Buildings and their components, including eaves, soffits, and fascia, shall be maintained in good Repair free from cracked, broken, or loose masonry, stucco, and other defective cladding or trim. Paint or other suitable preservative or coating must be applied and maintained so as to prevent deterioration due to weather conditions, insects, or other damage.
- 5.9 Exterior walls of all Buildings and their components shall be free of inappropriate signs, painted slogans, graffiti, and similar defacements.

WINDOWS AND DOORS

- 5.10 Windows, doors, skylights, and basement or Cellar hatchways shall be maintained in good Repair and good working order, weather tight, reasonably draught-free, to prevent heat loss and infiltration by the elements. Maintenance includes painting, replacing damaged doors, frames and other components, window frames, sashes and casings, replacement of non-serviceable hardware and reglazing where necessary. Where screening is provided on windows and doors it shall also be maintained in good Repair.
- 5.11 All windows, skylights, and basement or Cellar hatchways which are designed to be capable of opening and closing shall be maintained so that Occupants are capable of operating it without restriction.
- 5.12 Notwithstanding section 5.11, every window in a leased or rented Dwelling Unit that is located above the First Storey of a Multiple Dwelling shall be equipped with an approved safety device that would prevent any part of the window from opening greater than would permit the passage of a 100 mm diameter (3.9 inches) sphere. Such safety device shall not prevent the window from being fully opened during an emergency situation by an adult without the use of tools.
- 5.13 In a Dwelling Unit, all windows and skylights that are intended to be opened and all exterior doors and hatchways shall have suitable hardware so as to allow locking or otherwise securing from inside the Dwelling Unit. At least one entrance door to a Dwelling Unit shall have suitable hardware so as to permit locking or securing from either inside or outside the Dwelling Unit.
- 5.14 Solid core doors shall be provided for all entrances to Dwellings and Dwelling Units.
- 5.15 In residential Buildings where there is a voice communication unit working in conjunction with a security locking and release system controlling a particular entrance door, the said system shall be maintained in good working order at all times.

ROOFS

- 5.16 Roofs of Buildings and their components shall be maintained in a weathertight condition, free from loose or unsecured objects or materials. Shingles or other coverings which exhibit excessive deterioration shall be replaced as required.
- 5.17 Accumulations of ice and/or snow shall be promptly removed from the roofs of Buildings and accessory Buildings which slope toward a highway or sidewalk or where such conditions could hinder the safe passage of the public.

- 5.18 Where eaves troughing or roof gutters are provided, they shall be kept in good Repair, free from obstructions or blockages and properly secured to the Building and appropriately sloped to allow for proper water drainage.

WALLS, CEILINGS AND FLOORS

- 5.19 Every wall, ceiling and floor in a Building shall be maintained so as to provide a continuous surface free of holes, cracks, loose coverings or other defects. Walls surrounding showers and bathtubs shall be impervious to water.
- 5.20 Every floor in a Building shall be reasonably smooth and level and maintained so as to be free of loose, warped, protruding, broken, or rotted boards or other material that might cause an accident or allow the entrance of rodents and other vermin or insects.
- 5.21 Every floor in a bathroom, Toilet Room, shower room, laundry room and kitchen shall be maintained so as to be impervious to water and readily cleaned.

STAIRS, PORCHES, AND BALCONIES

- 5.22 Inside and outside stairs, porches, balconies, and landings shall be maintained so as to be free of holes, cracks, and other defects that may constitute accident hazards.
- 5.23 Existing stair treads or risers that show excessive wear or are broken, warped or loose and any supporting structural members that are rotted or deteriorated shall be Repaired or replaced.

GUARDRAILS AND BALUSTRADES

- 5.24 All Guards, guardrails and balustrade shall be installed and maintained in good Repair. All landings, porches and balconies shall be constructed and maintained in accordance with the Ontario Building Code.

KITCHENS

- 5.25 Every Dwelling shall contain a Kitchen equipped with:
- 5.25.1 a sink that is served with hot and cold running water and is surrounded by surfaces impervious to grease and water;

- 5.25.2 hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F) and not more than 46 degrees Celsius (120° F);
- 5.25.3 suitable storage area;
- 5.25.4 a counter or work area, exclusive of the sink, and covered with a material that is impervious to moisture and grease and is easily cleanable; and
- 5.25.5 a space provided for cooking and refrigeration appliances including the suitable electrical or gas connections.

TOILET AND BATHROOM FACILITIES

- 5.26 Every Dwelling Unit shall contain a bathroom consisting of at least one fully operational water closet, wash basin, and bathtub or suitable shower unit. Every wash basin and bathtub or shower shall have an adequate supply of hot and cold running water. Hot water shall be supplied at a temperature of not less than 43 degrees Celsius (110° F) and not more than 46 degrees Celsius (120 F). Every water closet shall have a suitable supply of running water.
- 5.27 Every required bathroom or toilet room shall be accessible from within the Dwelling Unit and shall be fully enclosed and provided with a door.
- 5.28 Where toilet or bathroom facilities are shared by Tenants of residential accommodation, other than self-contained Dwelling Units, an appropriate entrance shall be provided from a common passageway, hallway, corridor, or other common space to the room or rooms containing the said facilities.

PLUMBING

- 5.29 Every Dwelling Unit shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health.
- 5.30 All plumbing, including drains, water supply pipes, water closets, and other plumbing fixtures shall be maintained in good working condition free of leaks and defects, and all water pipes and appurtenances thereto shall be protected from freezing.
- 5.31 All plumbing fixtures shall be connected to the Sewage System through water seal traps.
- 5.32 Every fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and

cold water, readily accessible for cleansing and free from blemishes, cracks, stains, extreme corrosion, or other defects that may harbor germs or impede thorough cleansing.

ELECTRICAL SERVICE

- 5.33 Every Dwelling and Dwelling Unit shall be wired for electricity and shall be connected to an approved electrical supply system.
- 5.34 The electrical wiring, fixtures, switches, receptacles, and appliances located or used in Dwellings, Dwelling Units, accessory buildings, and all non-residential Buildings shall be installed and maintained in good working Order so as not to cause fire or electrical shock hazards.
- 5.35 All electrical services shall conform to all applicable regulations of the *Electricity Act 1998, S.O. 1998 c. 15* and the *Ontario Electrical Safety Code, Ontario Regulation 164/99* or its successor legislation.
- 5.36 Every habitable room in a Dwelling shall have at least one electrical duplex outlet for each 11.1 square metre (120 square feet) of floor space and for each additional 9.3 square metres (100 square feet) of Floor Area a second duplex outlet shall be provided. Extension cords shall not be used on a permanent basis.
- 5.37 Every bathroom, toilet room, Kitchen, laundry room, furnace room, basement, Cellar and non-habitable work or storage room shall be provided with a permanent light fixture.
- 5.38 Lighting fixtures and appliances installed throughout a Dwelling Unit, including stairways, corridors, passageways, garages, and basements shall provide sufficient illumination so as to avoid health or accident hazards in normal use.

HEATING, HEATING SYSTEMS, CHIMNEYS AND VENTS

- 5.39 Every Dwelling Unit and Building containing a residential Dwelling Unit shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 20° Celsius (68° F.) in the occupied Dwelling Units. The heating system shall be maintained in good working condition and be capable of safely heating the individual Dwelling Units to the required standard on request of the Dwelling Unit's Tenant.
- 5.40 Where the temperature level cannot be controlled by the Tenant, the Owner

shall provide an approved secondary heat source under the Tenant's control, which is capable of producing and maintaining the ambient temperature of 20° Celsius (68°F) within the Dwelling Unit.

- 5.41 Every non-residential Building shall maintain suitable heating facilities to sustain an indoor ambient temperature in accordance with the requirements of the *Occupational Health and Safety Act R.S.O. 1990 c. O.1*.
- 5.42 All fuel burning appliances, equipment, and accessories in all Buildings shall be installed and maintained to the Standards provided by the applicable provincial legislation.
- 5.43 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
- 5.44 All fuel burning appliances, equipment, and accessories in all Buildings shall be properly vented to the outside air by means of a smoke-pipe, vent pipe, chimney flue, or other approved method.
- 5.45 Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good Repair so as to prevent the expelled smoke, fumes or gases from entering a Dwelling Unit. Maintenance includes the removal of all obstructions, sealing open joints, and the Repair of loose or broken masonry units.
- 5.46 Every chimney, smoke-pipe, flue, and vent shall be installed and maintained in good condition so as to prevent the heating of adjacent combustible material or structural members to unsafe temperatures.
- 5.47 Every Dwelling shall be so constructed or separated to prevent the passage of smoke, fumes, and gases from that part of the Dwelling which is not used, designed, or intended to be used for human habitation into other parts of the Dwelling used for habitation. Such separations shall conform to the *Ontario Building Code*.

EGRESS

- 5.48 Every Dwelling and each Dwelling Unit contained therein shall have a safe, continuous, and unobstructed passage from the interior of the Dwelling and the Dwelling Unit to the outside at street or grade level.

NATURAL LIGHT

- 5.49 Every Habitable Room except a Kitchen or bathroom shall have a window or windows, skylights or translucent panels facing directly or indirectly to an outside space and admits as much natural light equal to not less than ten percent of the Floor Area for living and dining rooms and five percent of the Floor Area for Bedrooms and other finished rooms.
- 5.50 All non-residential establishments shall install and maintain sufficient windows, skylights, and lighting fixtures necessary for the safety of all Persons attending the premises or as may be required by the *Occupational Health and Safety Act R.S.O. 1990 c. O.1* for industrial and commercial properties. However, lighting shall not be positioned so as to cause any impairment of use or enjoyment of neighbouring properties.

VENTILATION

- 5.51 Every Habitable Room in a Dwelling Unit, as well as Kitchens or bathrooms shall have openings for ventilation providing an unobstructed free flow of air of at least 0.28 square metres (3 square feet), or an approved system of mechanical ventilation such that it provides hourly air exchanges.
- 5.52 All systems of mechanical ventilation shall be maintained in good working Order.
- 5.53 All enclosed areas including Basements, Cellars, crawl spaces, and attics or roof spaces shall be adequately ventilated so as to prevent the buildup of dampness and mould within the unit.
- 5.54 All structural elements of a Dwelling exhibiting signs of mould shall be properly cleaned and, where necessary, replaced to eliminate the presence of the mould.

ELEVATING DEVICES

- 5.55 Elevators and other elevating devices including all mechanical and electrical equipment, lighting fixtures, lamps, control buttons, floor indicators, ventilation fans, and emergency communication systems shall be operational and maintained in good condition.

DISCONNECTED UTILITIES

- 5.56 Owners of residential Buildings or any Person or Persons acting on behalf of such Owner shall not disconnect or cause to be disconnected any service or

utility supplying heat, electricity, gas, refrigeration or water to any residential unit or Building occupied by a Tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of repairing, replacing, or otherwise altering said service or utility.

OCCUPANCY STANDARDS

- 5.57 The number of Occupants residing on a permanent basis in an individual Dwelling Unit shall not exceed one Person for every 9 square metres of habitable Floor Area. For the purpose of computing habitable Floor Area, any area with the minimum ceiling height less than 2.1 metres shall not be considered as habitable.
- 5.58 No room shall be used for sleeping purposes unless it has a minimum width of 2 metres and a Floor Area of at least 7 square metres. A room used for sleeping purposes by two or more Persons shall have a Floor Area of at least 4 square metres per Person.
- 5.59 Any basement or portion thereof, used as a Dwelling Unit shall conform to the following requirements:
- 5.59.1 each Habitable Room shall comply with all the requirements set out in this by-law;
 - 5.59.2 floors and walls shall be constructed so as to be damp proof and impervious to water leakage;
 - 5.59.3 each habitable room shall be separated from the fuel fired heating unit or other similarly hazardous equipment by a suitable fire separation and approved under the *Ontario Building Code*; and
 - 5.59.4 access to each habitable room shall be gained without passage through a furnace room, boiler room, or storage room.

PEST PREVENTION

- 5.60 Buildings shall be kept free of infestation by Pests.
- 5.61 Where a Pest Infestation is apparent, methods used for exterminating such

pests shall be in accordance with the provisions of the *Pesticides Act R. S.O. 1990, c. P.11* and the responsibility for such extermination shall rest with the Owner of the Property unless otherwise stipulated in the lease or rental agreement.

- 5.62 Openings, including windows, that might permit the entry of Pests shall be appropriately screened or sealed.

PART 6 - SPECIAL STANDARDS

VACANT BUILDINGS, DAMAGED BUILDINGS, FIRE DAMAGED BUILDINGS and HERITAGE BUILDINGS

- 6.1 Every person shall ensure that Vacant Buildings be kept cleared of all garbage, rubbish and debris.
- 6.2 Where a Vacant Building is unoccupied, or has been damaged by accident, storm, neglect or other causes, every Owner shall prevent entry by unauthorized persons to the satisfaction of the Officer to ensure that the Vacant Building and surrounding properties are protected against the risk of accidental or intentional damage, that may arise from the entry of unauthorized persons to the Vacant Building.
- 6.3 For the purpose of section 6.2, doors, windows, hatches and other openings through which entry to a Vacant Building may be gained shall be kept in good Repair and secured from unauthorized entry by closing and securing the openings any of the following ways:
- 6.3.1 boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building from the outside;
 - 6.3.2 rigid composite panels, securely fastened to the building exterior;
 - 6.3.3 sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
 - 6.3.4 brick and mortar securely fastened to the building;
 - 6.3.5 concrete blocking and mortar securely fastened to the Building; or
 - 6.3.6 any other security measures as prescribed by the Fire Chief.
- 6.4 The options listed in section 6.3 shall be considered progressively more secure.

- 6.5 It shall be the Officer's discretion to determine the minimum level of security required.
- 6.6 Where it has been shown that a proper level of security has not been achieved, or the Owner's control, attendance, or lack of security measures to protect the Vacant Building suggests a more secure option be used, the Officer may Order the Owner to supply more stringent security measures as may be necessary beyond the options listed in subsection. 6.3
- 6.7 Where a building remains vacant for a period of more than ninety (90) days, or in the opinion of the Officer further measures are required, the Officer shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent Property.
- 6.8 Where a Vacant Building is not maintained in accordance with these Standards it shall be demolished and removed from the Property and the land left in a graded and level condition.
- 6.9 All work under Part 6 of this by-law shall be done in compliance with the *Ontario Building Code*, other applicable codes, and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of Property.

DAMAGED BUILDINGS

- 6.10 Where a building is damaged by accident, storm, fire, neglect, or other causes including intentional damage, every Owner shall repair or demolish the building within 30 days or a reasonable time arranged with the City.
- 6.11 Where a building is damaged by accident, storm, fire, neglect, or other causes including intentional damage, immediate steps shall be taken to prevent or remove a condition which might endanger persons on or near the property, and the Building or structure shall be properly supported and barricaded until the necessary demolition or repair can be carried out.
- 6.12 Where a building is damaged by accident, storm, fire, neglect, or other causes including intentional damage, every Owner shall protect the building against further risk or further damage, accident, or other danger, and shall effectively prevent entrance thereto by all unauthorized persons by closing and securing each opening to the building in the progressive manner described in section 6.3.
- 6.13 In the event that the building or structure is beyond repair, the land shall be cleared of debris and remains and shall be left in a graded, level, and safe condition without

reasonable delay.

- 6.14 Every Owner shall ensure that the exterior walls and other parts of a building shall be free of objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired, or replaced so as to create a safe condition.
- 6.15 Any such work required under this By-law shall be done in compliance with the *Ontario Building Code*, other applicable Codes, and by-laws, including but not limited to the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

FIRE DAMAGED BUILDINGS

- 6.16 Fire damaged buildings shall be kept clear of all garbage, refuse, and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the Property.
- 6.17 Every Owner of a fire damaged building shall restore the building to meet the requirements of this by-law pertaining to damaged buildings and the *Ontario Building Code*.
- 6.18 When a fire-damaged building or part is occupied again for other than the purpose of Repair, the condition of the building and Property shall be brought into compliance with all applicable sections of this by-law and the *Ontario Building Code* prior to such occupancy.
- 6.19 Every person shall ensure that the exterior walls and other surfaces of the building have smoke damage or other defacement removed and the surfaces refinished.

HERITAGE PROPERTIES

- 6.20 Despite any other provision of this By-law or the *Building Code Act, 1992, S.O. 1992, c.23*, no heritage property shall be altered except pursuant to the approval requirements under the *Ontario Heritage Act, R.S.O. 1990, c. O.18*.
- 6.21 In addition to the minimum standards set out in this by-law, the Owner of a Heritage Property shall:
 - 6.21.1 maintain the Heritage Property and the components of the Heritage Property that hold up, support, or protect the Heritage Attributes in a manner that will ensure their conservation;
 - 6.21.2 repair a Heritage Attribute of a Heritage Property where it can be repaired, rather than replace the Heritage Attribute. All work

undertaken shall be:

- 6.21.2.1 in a manner that minimizes damage to heritage attributes; and
 - 6.21.2.2 in a manner that maintains the design, colour, texture, grain, or other distinctive features of the heritage property;
 - 6.21.2.3 where a Heritage Attribute is too severely deteriorated to repair, and where sufficient physical evidence exists, replace the heritage attribute using the same material as the original, where available, in keeping with the design, colour, texture, grain and any other distinctive features of the original to the satisfaction of the Heritage Committee, and the approval of City Council.
- 6.22 Where a heritage property remains vacant for a period of 90 days or is vacant as a result of any damage, the Owner shall protect the Heritage Attributes and elements supporting the Heritage Attributes against any existing risk, or further risks of fire, storm, neglect, intentional damage or damage by other causes.
- 6.23 If there is a conflict between this section and any other provisions of this By-law or any other by-law of the City, the provision that establishes the highest standard for the protection of Heritage Attributes shall prevail to the satisfaction of the Chief Building Official.

PART 7- ADMINISTRATION AND ENFORCEMENT

GENERAL

- 7.1 This By-law shall apply to all properties within the limits of the City.
- 7.2 The Manager of By-law Services is hereby assigned the responsibility of administering and enforcing this By-law.
- 7.3 Persons appointed or assigned for the purpose of enforcing or administering this By-law are property standards Officers and have the authority to carry out the duties assigned to Officers under this By-law and the *Building Code Act, 1992*, S.O. 1992, c.23, and may enforce the provisions of this By-law and the applicable

sections of the *Building Code Act, 1992, S.O. 1992, c.23*.

- 7.4 An Officer is hereby authorized to give immediate effect to any Order that is confirmed or modified as final or binding under Section 15.3(7) of the *Building Code Act, 1992, S.O. 1992, c.23*, so far as to provide for:
- 7.4.1 repair of the Property; or
 - 7.4.2 clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition.
- 7.5 Where approved by the Manager an Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 7.6 The alternative standards shall be in accordance with the general purpose and intent of this By-law.
- 7.7 Where alternative standards are permitted, they shall have the same effect and force as the standards required by any provision of this By-law.

RIGHT TO ENTER AND INSPECT

- 7.8 An Officer or any person acting under their instructions, may at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purposes of inspecting a property to determine:
- 7.8.1 whether the property conforms with the standards prescribed in this By-law; or
 - 7.8.2 whether an Order made under this By-law has been complied with.
- 7.9 Notwithstanding the above, an Officer shall not enter or remain in any room or place used as a dwelling unless:
- 7.9.1 the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused, and entry made only under the authority of a warrant issued under the *Building Code Act, 1992, S.O. 1992, c.23*;
 - 7.9.2 the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and

safety of any person;

7.9.3 a warrant issued under the *Building Code Act, 1992, S.O. 1992, c.23* is obtained; or

7.9.4 the entry is necessary to repair or demolish the property in accordance with an Order issued under this by-law and the Officer, within a reasonable time before entering the room or place, serves the occupier with the Notice of the Officer's intention to enter the room or place.

ORDER REQUIRING COMPLIANCE

7.10 If, after inspection, an Officer is satisfied that in some respect the Property does not conform with the Standards, they may issue an Order to the Owner and such other Persons affected by it as the property standards Officer determines and a copy of the Order may be posted on the Property.

7.11 An Order under this by-law shall:

7.11.1 state the municipal address or the legal description of the Property;

7.11.2 give reasonable particulars of the Repairs to be made or stating that the site is to be cleared of all Buildings, structures, debris, or refuse and left in a graded and leveled condition;

7.11.3 indicate the time for complying with the terms and conditions of the Order and give notice that, if the Repair or clearance is not carried out within that time, the municipality may carry out the Repair or clearance at the Owner's expense.

7.11.4 indicate the final date for giving notice of appeal from the Order; and

7.11.5 be served or caused to be served,

7.11.5.1 by Personal service; or

7.11.5.2 by prepaid registered mail sent to the last known address of the Person to whom notice is to be given or to that Person's agent for service.

7.12 If the Officer is unable to effect service under Section 7.11.5, they shall place a

placard containing the terms of the Order in a conspicuous place on the Property and the placing of the placard shall be deemed as sufficient service of the Order on the Owner or other Persons.

- 7.13 Despite any other provisions of this by-law, if upon inspection of a Property, the Officer is satisfied there is non-conformity with the Standards prescribed herein to such extent as to pose an immediate danger to the health or safety of any Person, the Officer may make an Order containing particulars of the non-conformity and requiring remedial Repairs or other necessary work to be carried out forthwith to terminate the danger in accordance with Section 15.7 of the *Building Code Act, 1992, S.O. 1992, c.23*.

APPEAL OF AN ORDER

- 7.14 An Owner who has been served with an Order made under this by-law, and who is not satisfied with the terms or conditions of the Order, may appeal to the Appeals and Property Standards Committee by sending a notice of appeal by registered mail to the staff liaison of the Committee within 14 days after being served with the Order.
- 7.15 An Order that is not appealed within the prescribed time is deemed to be confirmed.
- 7.16 If an appeal is taken, section 15.3 of the *Building Code Act, 1992, S.O. 1992, c.23*, the City of Port Colborne Procedural By-law, and the City of Port Colborne Appeals and Property Standards Committee Terms of Reference shall apply to all Appeal proceedings.

REGISTRATION OF AN ORDER

- 7.17 An Order that a Property does not conform with any standards of this by-law may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day, which the order was served.
- 7.18 Where the Manager of By-law Services or an Officer determines there is compliance under this by-law with an order issued, the Clerk of the Municipality shall forthwith cause the Order to be registered in the Land Registry or Land Titles Office, a certificate that such requirements have been satisfied, which shall operate

as a discharge of such order.

POWER OF THE MUNICIPALITY TO REPAIR OR DEMOLISH

7.19 If the Owner of a Property fails to Repair or to demolish the Property in accordance with an Order as confirmed or modified, the City, in addition to all other remedies:

7.19.1 may Repair or demolish the Property;

7.19.2 may clear the site of all Buildings, structures, debris or refuse and leave the site in a graded and leveled condition; or

7.19.3 may make the site safe or impede entry by erecting fences, barricades or barriers;

7.19.4 shall not be liable to compensate such Owners, Occupants or another Person having interest in the Property by reason of anything done by or on behalf of the City in a reasonable exercise of its power under the provisions of this Part;

7.19.5 may cause a prosecution to be brought against any Person who is in breach of such an Order and upon conviction, such Person shall forfeit and pay at the discretion of the convicting Provincial Judge or Justice of the Peace acting within their territorial jurisdiction, a penalty in accordance with the provision of Section 36 of the *Building Code Act, 1992, S.O. 1992, c.23*.

7.19.6 shall have a lien on the land for the amount spent on the Repairs or demolition; and

7.19.7 the amount shall be deemed to be municipal real taxes and shall be added to the collector's roll and collected in the same manner and with the same priorities as municipal real Property taxes.

7.20 For the purposes of Section 7.19, Officers and agents employed by the City may from time to time enter in and upon the Property.

PART 8- ENFORCEMENT AND ENACTMENT

PROHIBITION

8.1 No Owner of a Property shall use, occupy, allow, permit, or acquire in the use or occupation of the Property unless such Property conforms to the standards prescribed in this By-law.

- 8.2 No Person, being the Owner of a Property, shall fail to maintain the *Property* in conformity with the standards required in this By-law.
- 8.3 The Owner of a Property which does not conform to the standards in this By-law shall repair and maintain the Property to conform to the standards or shall clear the Property of all buildings, structures, debris or refuse and shall leave the Property in a graded, level condition.

RESPONSIBILITIES AND COMPLIANCE WITH ORDERS

- 8.4 The Owner of a Property shall:

- 8.4.1 comply with all standards prescribed in this by-law;
- 8.4.2 comply with any final and binding Order of the Officer;
- 8.4.3 produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning, a matter related to the property or part thereof, allow entry by the inspector or such persons as need to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the *Building Code Act, 1992, S.O. 1992, c.23*; and
- 8.4.4 ensure, that in complying under this by-law, and in carrying out work required under an order or other obligation under the by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons and giving adequate warning where such risks cannot be so avoided so as to allow such person to avoid the danger or risks.

PENALTIES

- 8.5 Every Person who contravenes any provision of this By-law is guilty of an offence

and is liable upon conviction to a penalty in accordance with the *Provincial Offences Act*.

- 8.6 Every Person who fails to comply with an Order issued under this By-law which is final and binding is guilty of an offence and is liable upon conviction to a penalty in accordance with section 36(3) of the *Building Code Act, 1992, S.O. 1992, c.23*.
- 8.7 Every corporation who fails to comply with an Order issued under this By-law which is final and binding is guilty of an offence and is liable upon conviction to a penalty in accordance with section 36(4) of the *Building Code Act, 1992, S.O. 1992, c.23*.
- 8.8 This By-law is designated as a by-law to which the Administrative (Non-Parking) Penalty By-Law applies. Any Person who contravenes any of the provisions of this By-law, when given a Penalty Notice in accordance with the City's Administrative (Non-Parking) Penalty By-Law, is liable to pay the City an administrative penalty in the amount specified in the City's Administrative (Non-Parking) Penalty By-Law, as amended from time-to-time.

FEES

- 8.9 The Fees related to the administration of this by-law are as set out in the Fees and Charges By-law, as amended from time to time.

VALIDITY

- 8.10 Should a Court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for the maintenance and occupancy of Property is maintained.
- 8.11 Where a provision of this By-law conflicts with the provision of another by-law in force within the municipality, the provisions that establish the higher standards to protect the health, safety and welfare of the general public shall prevail.

TRANSITIONAL PROVISION

- 8.12 After the passing of this By-law, By-law 4299/135/02, as amended, shall apply only to those properties in respect of which an Order has been issued prior to the date of passing of this By-law, and then only to the said properties until such time as all matters relating to such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and Repair by the Municipality, have been concluded.

EFFECTIVE DATE OF BY-LAW

- 8.13 This By-law shall come into force and effect upon the date of its final passage.

REPEAL OF EXISTING BY-LAW

- 8.14 Subject to the provisions of Section 8.12, By-law 4299/135/02 and its amendments are hereby repealed.

Enacted and passed this _____ day of _____, 2024

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a 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

Whereas the City of Port Colborne has adopted 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; and

Whereas at its meeting of February 27, 2024, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Community Safety and Enforcement Department, By-law Services Report 2024-24 Subject: Draft Property Standards and Vacant Building Registry By-laws; and

Whereas The City of Port Colborne considers it desirable to add the standards for the maintenance and occupancy of all property within the City of Port Colborne to the Administrative Monetary Penalty, tier penalty system; and

Whereas the City of Port Colborne considers it desirable and necessary 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;

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

1. That Schedule "B" to 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, is hereby amended by removing administrative penalties for Property Standards By-law No. 4299/135/02; and
2. That Schedule "B" to 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, is hereby amended to include administrative penalties for the by-law prescribing standards for the maintenance and occupancy of all property within the City of Port Colborne, to provide for the enforcement of the standards.

Enacted and passed this 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -
PROPERTY STANDARDS BY-LAW NO. _____**

- 1.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the administrative penalty amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same Person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same Person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 1.

<u>ITEM</u>	<u>COLUMN 1</u> Designated Provision	<u>COLUMN 2</u> Short Form Wording	<u>COLUMN 3</u> Administrative Penalty Tier 1	<u>COLUMN 4</u> Administrative Penalty Tier 2	<u>COLUMN 5</u> Administrative Penalty Tier 3
1.	Section 4.1	Fail to keep yard free and clean from dead/ damaged/ /decayed/ diseased / tree (s)	\$750	\$1500	\$3000
2.	Section	Fail to keep	\$1000	\$2000	\$4000

	6.1	vacant building clear of garbage, rubbish, and debris			
3.	Section 6.2	Fail to prevent unauthorized entrance to vacant building	\$1000	\$2000	\$4000
4.	Section 6.10	Fail to repair or demolish damaged building within the time frame	\$1000	\$2000	\$4000
5.	Section 6.12	Fail to prevent unauthorized entrance to damaged building			
6.	Section 6.14	Fail to keep building exterior walls free from of unsafe objects	\$1000	\$2000	\$4000
7.	Section 6.19	Fail to remove building of smoke damage/ other defacement and ensure surfaces refinished	\$1000	\$2000	\$4000
8.	Section 8.4.1	Fail to comply with by-law standards prescribed	\$1250	\$2500	\$5000
9.	Section 8.4.2	Fail to comply with final and	\$1250	\$2500	\$5000

		binding order			
10.	Section 8.4.3	Fail to produce any documents or things required by an Officer	\$350	\$700	\$1400

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Require the Registration of Vacant Buildings

Whereas sections 8 and 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended (the "Act") authorize a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6, 8 and 10 of subsection 10(2) authorize By-laws respecting the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; the protection of persons and property; and structures;

And whereas the Act further authorizes a municipality to prohibit and regulate with respect to matters that, in the opinion of its Council, are or could become public nuisance; to delegate its authority; to impose fees or charges on persons for services or activities provided or done by or on behalf of it; to provide for inspections and inspection orders; and to make orders to discontinue activity or to do work;

And whereas Council deems it necessary and in the public interest to enact a by-law to identify and regulate vacant buildings within the municipality;

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

SHORT TITLE

1. This By-law may be referred to as the "Vacant Building Registry By-law."

DEFINITIONS

2. In this By-law:

"Building" means all or part of:

- (a) a structure occupying an area greater than 10 m² consisting of a wall, roof, and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto; or
- (b) a structure occupying an area of 10 m² or less that contains plumbing, including the plumbing appurtenant thereto;

"City" means the corporate municipality of the City of Port Colborne or the geographic area of the City of Port Colborne as the context requires;

"Farm" means an agricultural, aquacultural, horticultural or silvicultural operation;

"Manager" means the City's Manager of By-law Services responsible for the administration and enforcement of building maintenance standards and their designate or successor;

"Officer" means an individual appointed by the City or assigned by the Manager to enforce this By-law;

"Owner" includes:

- (a) the registered Owner of the Property on which a Building is situated;
- (b) the Owner of a Building; the Person managing or receiving the rent of a Building or the Property on which a Building is situated; or

- (c) who would receive the rent if the Property or Building were let, whether on the Person's own account; or
- (d) as agent or trustee or receiver of any other Person;
- (e) a vendor of a Building under an agreement for sale who has paid any municipal taxes on the Building after the effective date of the agreement;
- (f) the Person for the time being receiving instalments of the purchase price if a Building were sold under an agreement for sale;
- (g) a lessee or occupant of the Property on which a Building is situated who, under the terms of a lease, is required to repair and maintain the Building; or
- (h) an Owner as defined by the *Condominium Act, 1998, S.O. 1998, c. 19*;

"Person" includes, but is not limited to, an individual, sole proprietorship, partnership, association or corporation;

"Property" means the land on which a Building is situated;

2.1 In this By-law, subject to subsections 2.2 and 2.3, "Vacant Building", means a Building that does not appear to be in use and, without limiting this definition, shall include a building, that in the opinion of the Manager:

- 2.1.1 is not protected from the entry of unauthorized Persons;
- 2.1.2 is not protected from the entry of rain, snow, vermin or birds into the interior of the Building;
- 2.1.3 where the supply of any one or more of the electricity, gas or water utilities serving the Building is discontinued or disconnected;
- 2.1.4 where one or more of the electricity, gas or water utilities serving the Building is not being used;
- 2.1.5 if the Building contains 1, 2 or 3 dwellings, where one or more dwellings are not fit for an individual or individuals to live in in accordance with the *Building Code Act, 1992, S.O. 1992, c. 23* and its regulations (the "*Building Code Act*"), the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4* and its regulations (the "*Fire Protection and Prevention Act*"), the City Property Standards By-law, or any other applicable statute, regulation, or by-law;
- 2.1.6 where 25% or more of the door and window openings to the Building are partially or completely boarded up (for example, if there are 8 door and window openings to a Building and 2 or more of the door and window openings are partially or completely boarded up, no matter what the size of each door or window opening); or
- 2.1.7 where an Application for Rebate of Property Taxes for the entire Building has been submitted to the City's Tax Section.

2.2 A Vacant Building does not include a Building where the Owner satisfies the Manager that:

- 2.2.1 a use permitted under the City's Zoning By-law is occurring;
- 2.2.2 a permit has been issued by the City for construction or demolition of the Building and construction or demolition work has been actively undertaken for at least 40 hours during each 90-day period following

the issuance of the permit;

2.2.3 the Building is not a dwelling and is on Property used as a Farm; or

2.2.4 the Building is occupied by the Owner, or a Person authorized by the Owner, on a seasonal basis.

2.3 A Vacant Building does not include a building that is owned or controlled by the federal, provincial, regional or City government.

REGISTRATION

3. Every Owner of a Vacant Building shall register the Vacant Building with the Director within 30 days of the date the Vacant Building becomes vacant.

4. Every registration expires:

4.1 on the one-year anniversary date of the date a Vacant Building is registered if the registration is not renewed before its expiry;

4.2 when the registration is revoked under this By-law;

4.3 when the Vacant Building is sold or otherwise transferred to a new Owner;

4.4 when the Manager is satisfied, as set out in a written notice from the Director to the Owner of the Vacant Building, that the building is no longer vacant.

5. To register or to renew a registration, every Owner of a Vacant Building shall:

5.1 complete and submit to the Manager an application containing such information as the Manager may require, and

5.2 submit the applicable fees and charges as required by City's Rates Fees and Charges By-law.

6. Every Owner of a Vacant Building shall notify the Manager of any change in circumstances in connection with information given to the Manager in relation to a registration within 10 business days after the change occurs.

7. The Manager shall refuse an application under section 6 when the application is, in the opinion of the Manager, incomplete or contains false or misleading information.

REGULATIONS

8. Every Owner of a Vacant Building shall:

8.1 ensure that the Vacant Building is registered in accordance with this By-law;

8.2 ensure that the Property complies with all applicable statutes, regulations and By-laws, including but not limited to the *Building Code Act*, the *Fire Protection and Prevention Act*, and any City By-law which regulate property or building maintenance standards;

8.3 satisfy the Manager that an individual retained by the Owner attends at the Property to monitor the building condition a minimum of once every 2 weeks or more frequently as required in writing by the Manager; and

8.4 where required by the Manager, provide a report from a qualified individual as to the condition of the building as required in writing by the Manager.

ADMINISTRATION AND ENFORCEMENT

9. The Manager is authorized to administer and enforce this By-law including but not

limited to prescribing the format and content of any forms or other documents required under this By-law.

10. An Officer acting under this By-law or any Person acting under the direction of an Officer may at any reasonable time, and upon producing proper identification, enter upon any Property without a warrant for the purpose of inspecting whether any building on the Property complies with the provisions of the by-law.
11. Any cost incurred by the City in exercising its authority to inspect a Property or building, vacant or otherwise, including but not limited to the cost of any examination, test, sample or photograph necessary for the purposes of the inspection, shall be paid by the Owner of the Property where the inspection takes place.
12. If an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an order requiring the person who contravened the by-law, or who caused or permitted the contravention or the Owner of the Property on which the contravention occurred to discontinue the contravening activity.
13. An order under section 12 shall set out:
 - 13.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred; and
 - 13.2 the date or dates by which there must be compliance with the order.
14. If an officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who committed the contravention or who caused or permitted the contravention or the owner of the property on which the contravention occurred to do work to correct the contravention.
15. An order under section 14 shall set out:
 - 15.1 reasonable particulars of the contravention adequate to identify the contravention and the location of the property on which the contravention occurred;
 - 15.2 the work to be completed; and
 - 15.3 the date or dates by which the work must be completed.
16. An order to discontinue contravening activity made under Section 12 or an order to do work made under Section 14 may be served personally or by registered mail to the last known address of:
 - 16.1 the owner of the property where the contravention occurred; and
 - 16.2 such other persons affected by it as the officer making the order determines.
17. In addition to service given in accordance with section 16, an order to discontinue contravening activity made under section 12 or an order to do work made under section 14 may be served by an officer placing a placard containing the order in a conspicuous place on the property where the contravention occurred.
18. Where service cannot be given in accordance with section 16, sufficient service is deemed to have taken place when given in accordance with section 17.
19. Where a person does not comply with a direction, or a requirement under this By-law to do a matter or thing, the Manager, with such assistance by others as may be required, may carry out such direction, order, or requirement at the person's expense.

- 20. The City may recover the costs of doing a matter or thing under section 19 by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes and such costs shall include an interest rate of 15 per cent per year commencing on the day the City incurs the costs and ending on the day the costs, including the interest, are paid in full.
- 21. The Manager is authorized to give immediate effect to any direction, order, or requirement where the costs of carrying out the direction, order or requirement do not exceed \$10,000, and where the costs do exceed \$10,000, as the City’s Council may authorize.
- 22. Every Person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to a fine, and such other penalties, as provided for in *the Provincial Offences Act, R.S.O. 1990, c. P.33* and the *Municipal Act, 2001, S.O. 2001, c. 25*.
- 23. A contravention of the requirements of this by-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.
- 24. An Officer who finds that a Person has contravened any provision of this By-law may issue a penalty notice pursuant to the City's Non-Parking AMPS By-law.
- 25. A director or Officer of a corporation who knowingly concurs in the contravention of this by-law by the corporation is guilty of an offence and, upon conviction, is subject to the fines as set out City’s Rates, Fees, and Charges by-law.
- 26. Where a Person has been convicted of an offence, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy and to any penalty imposed by this By-law, make an order prohibiting the continuation or repetition of the offence by the Person convicted.

GENERAL PROVISIONS

- 27. If a court of competent jurisdiction declares any provision or provisions of this By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

ENACTMENT

- 28. This By-law comes into force on the date of its passing.

Enacted and passed this _____ day of _____, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a 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

Whereas the Council of The Corporation of the City of Port Colborne has adopted 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; and

Whereas at its meeting of February 27, 2024, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Community Safety and Enforcement Department, By-law Services Report 2024-24 Subject: Draft Property Standards and Vacant Building Registry By-laws; and

Whereas the Council of The Corporation of the City of Port Colborne considers it desirable to add the regulation of vacant building registration within the City of Port Colborne to the Administrative Monetary Penalty tier penalty system; and

Whereas the Council of The Corporation of the City of Port Colborne considers it desirable and necessary 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;

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

1. That Schedule “B” to 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, is hereby amended to include administrative penalties for the by-law to require the registration of vacant buildings within the City of Port Colborne, to provide for the enforcement of the regulations.

Enacted and passed this 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -
VACANT BUILDING REGISTRY BY-LAW NO. _____**

- 1.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the administrative penalty amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same Person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same Person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 1.

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>	<u>COLUMN 5</u>
	Designated Provision	Short Form Wording	Administrative Penalty Tier 1	Administrative Penalty Tier 2	Administrative Penalty Tier 3
1.	Section 8.1	Fail to Register Vacant Building	\$750	\$1500	\$3000
2.	Section 8.3	Fail to conduct and provide required inspections	\$750	\$1500	\$3000

The Corporation of the City of Port Colborne

By-law _____

Being a By-law to provide for the maintenance
of property and land (Lot Maintenance By-law)
and to repeal By-law 6574/29/18

Whereas Section 11 of the *Municipal Act, S.O. 2001, C.25*, as amended, provides that a lower-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction set out therein;

Whereas Section 127 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides, inter alia, that a municipality may require the owner or occupant of land to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings;

Whereas Section 128 of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances, and it is the opinion of Council that the failure to clear refuse and debris from land is a public nuisance;

Whereas Section 446(1) of the *Municipal Act, 2001, S.O. 2001, C.25*, provides that a municipality may direct or require a person to clear land of refuse, and the municipality may also provide that, in default of it being done by the person directed or required to do it, the clearing of land shall be done at the person’s expense; and

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

PART 1	DEFINITIONS
PART 2	INTERPRETATION AND GENERAL PROVISIONS
PART 3	PROHIBITIONS
PART 4	EXEMPTIONS
PART 5	ORDERS AND ENFORCEMENT
PART 6	OFFENCES AND PENALTIES
PART 7	ENACTMENT

PART 1 – DEFINITIONS

1. In this by-law:
- “Agricultural Purposes” shall mean Land used for cultivating soil, producing crops and for the raising of livestock as an “agricultural operation” as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1999, c. 1*, but does not include any portion of Land used as a woodlot.
- “Approved Structure” shall mean a Fully Enclosed Structure, or a Partially Enclosed Structure as defined in this By-law.
- “Border” shall mean the Cleared Land between the side and/or rear property line and a naturalized area or Wildflower meadow.
- “Buffer Strip” shall mean a Border of a minimum of 0.9 m w that delineates a Wildflower meadow or naturalized area.
- “Building Material” shall mean material stacked in good condition, which is used, or intended to be used, for construction purposes.
- “City” means The Corporation of the City of Port Colborne.

“Cleared” includes the removal of weeds or grass more than 15 centimetres (6 inches) in height and the removal of stock piles of soil or other aggregate material not required to complete the grading of the lot on which the stock pile is located and includes where on any property there is a swimming pool which is a health or safety hazard, or is malodorous or is a breeding place for mosquitoes, the draining, the treatment and/or the disposing of the water.

“Domestic Waste” shall mean any article, thing, matter, or effluent belonging to or associated with a residence, household or dwelling unit and includes but is not limited to the following classes of waste material:

- (a) grass clippings, tree cuttings, brush, leaves and garden refuse;
- (b) paper, cardboard, clothing;
- (c) all kitchen and table waste, of animal or vegetable origin resulting from the preparation or consumption of food except any material of vegetable origin placed in a composing container;
- (d) can, glass, plastic container, dishes;
- (e) new or used material resulting from or for the purpose of construction, alteration, repair or demolition of any building or structure;
- (f) refrigerators, freezers, stoves or other appliances and furniture;
- (g) furnaces, furnace parts, pipes, fittings to pipes, water or fuel tanks;
- (h) Unlicensed Motor Vehicle, Inoperative Motor Vehicle, parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (i) Rubble, inert fill, fencing materials;
- (j) Indoor Furniture;
- (k) inoperative - machinery, trailers, or boats;
- (l) Dog, cat and domestic animal excrement;
- (m) Liquids (including motor oil and gaseous waste).

“Enforcement Officer” shall mean a Municipal Law Enforcement Officer of the City of Port Colborne, Building Inspector, Fire Prevention Officer, Health Inspector, or Weed Inspector appointed under the *Weed Act* R.S.O. c.W.5. or other person appointed or employed by the *City* of Port Colborne for the enforcement of by-laws.

“Fully Enclosed Structure” means a structure with a roof and four (4) walls and is capable of enclosing and securing items within.

“Hobby Vehicle” means a vehicle that is actively being repaired or restored as a hobby of the owner/occupant of the property, a stock/race car, or vehicle that by its special nature is not routinely used or licensed but is intended to show or display on occasion but does not include vehicles used for parts.

“Improved Parking Surface” means a ground surface covered or paved with stone, concrete, asphalt, brick, interlocking pavers, or similar material.

“Indoor Furniture” means and includes any furniture intended for and made of such material that would require the furniture be sheltered from the natural elements such as rain and snow and shall include, but not limited to items such as couches, sofas, love seats, fabric covered chairs and mattresses.

“Industrial Waste” shall mean any article, thing, matter, or effluent belonging to or

associated with industry or commerce or concerning or relating to manufacture or concerning or relating to any trade, business, calling or occupation that appears to be waste material and includes but is not limited to the following classes of waste material:

- (a) piping, tubing, conduits, cable, fittings or other accessories, or adjuncts to the piping, tubing, conduits or cable;
- (b) container of any size, type or composition;
- (c) Rubble, insert fill;
- (d) mechanical equipment, mechanical parts, accessories or adjuncts to mechanical equipment;
- (e) articles, things, matter, effluent which is whole or in part or fragments thereof are derived from or are constituted from or consist of:
- (f) agricultural, animal, vegetable, paper, lumber or wood products; or
- (i) mineral, metal or chemical products; whether or not the products are manufactured or otherwise processed;
- (ii) bones, feathers, hides;
- (g) paper or cardboard packaging or wrapping;
- (h) material resulting from, or as part of, construction or demolition projects.
- (i) Unlicensed Motor Vehicle, Inoperative Motor Vehicle, vehicle parts and accessories, vehicle tires mounted or unmounted on rims, mechanical equipment;
- (j) Inoperative - machinery, trailers, or boats.

“Inoperative Motor Vehicle” shall mean a licensed or Unlicensed vehicle, having missing, damaged, deteriorated or removed parts including, but not limited to: wheels, motor transmission, doors, glass or other parts or mechanical equipment necessary for its safe operation.

“Invasive” means an Invasive plant designated by or under the *Invasive Species Act*, S.O. 2001, c. 22, including any weed designated as a local or noxious weed under a By-law.

“Land” includes yards, vacant lots or any part of a lot, which is not beneath a building and for the purpose of this By-law, includes an area within an unapproved Structure.

“Last Known Municipal Address” means the address which appears on the last revised assessment roll of the Corporation of The City of Port Colborne.

“Last Known Email Address” means the email address which has been provided to Corporation of the City of Port Colborne.

“Manager” means the City’s Manager of By-law Services

“Naturalized Area” means a portion of a lot where a lawn or perennial garden previously maintained by the owner which has been allowed to re-establish a reproducing population of native species, through a combination of natural regeneration and deliberate plantings of native species or other species to emulate a natural area.

“Owner” means a registered owner, but also includes lessee, occupant or tenant of the Land, or any other person in charge of or in control of the premises.

“Partially Enclosed Structure” means a structure with a roof and a minimum of two (2) walls and is capable of sheltering items under the structure and such shelter will deter the items from deteriorating from the elements of the weather.

“Penalty Notice” means a notice issued pursuant to the provisions of the Administrative (Non-Parking) Penalty By-law, as amended.

“Perennial Gardens” means an area deliberately implemented to produce ground cover, including Wildflowers, shrubs, perennials, ornamental grasses, or combinations of them, but does not include a Wildflower meadow or a Naturalized Area.

“Person” means an Owner who may be a natural person, firm, corporation, partnership, or association.

“Pests” means rodents, vermin, or insects.

“Remedial Work” means all work necessary for the correction or elimination of a contravention of this By-law as cited in any order issued under this By-law, including any such condition or health hazard, actual or potential, that the contravention may pose.

“Refuse” means any article, thing, matter, substance or effluent that: has been cast aside, discharged or abandoned or; is discarded from its usual and intended use or; is used up, in whole or in part, or expended or worn out in whole or in part; and shall include Domestic Waste and Industrial Waste; and that Domestic Waste and/or Industrial Waste does not cease to be refuse by reason that it may be commercially saleable or recyclable.

“Rubble” includes broken concrete, bricks, broken asphalt, patio, or Sidewalk slabs.

“Standing Water” means any water, other than a natural body of water that exists on a permanent basis, that is found either on the ground or in or on Refuse or debris as defined in this by-law, but shall not include any of the following maintained in good repair:

- (a) Swimming pool;
- (b) Hot tub;
- (c) Water feature; or
- (d) Artificial pond

“Unlicensed” shall mean the lack of a currently validated permit for the motor vehicle within the meaning of the *Highway Traffic Act*.

“Wildflower” meadow means a specialized habitat within a Naturalized Area, which is dominated by native species of flowers and grasses. The area would require periodic mowing (once or twice per year) to prevent the growth and establishment of woody shrubs and trees.

PART 2 – INTERPRETATION AND GENERAL PROVISIONS

- 2.1 This by-law shall be administered and enforced by the Manager or their designate.
- 2.2 This by-law applies to all lands within the City of Port Colborne.
- 2.3 Every Owner shall keep their Land filled up and drained.
- 2.4 Every Owner shall fill in any excavation on the Land unless it is enclosed

completely by a temporary barrier at least 122 centimetres (48 inches) in height.

- 2.5 Every Owner shall drain Land of Standing Water that exceed 30 centimetres (12 inches) in depth unless it is completely enclosed by a temporary barrier of at least 122 centimetres (48 inches) in height or such water constitutes a storm water management pond approved by the City.
- 2.6 Every Owner shall keep their Land cleaned, Cleared and free of Refuse.
- 2.7 No Person shall throw, place, dump, or deposit domestic or Industrial Waste on private property or City property without lawful authority.
- 2.8 Every Owner shall keep or maintain the water in a swimming pool in a condition which is not:
 - 2.8.1 a health or safety hazard;
 - 2.8.2 malodorous; or
 - 2.8.3 a breeding place for mosquitoes.
- 2.9 Every Owner shall keep or maintain the water in a hot tub, water feature or artificial pond in in a condition which is not a health or safety hazard, or is malodorous, or is a breeding place for mosquitoes.
- 2.10 Every Owner shall remove Refuse from their Land, when ordered to do so.
- 2.11 Every Owner shall ensure that all Refuse which accumulated on their property and when not placed out for collection is:
 - 2.11.1 in containers:
 - 2.11.1.1 made of rigid, watertight construction;
 - 2.11.1.2 provided with a tight-fitting cover, which may be removed only when the container is empty or is being actively loaded;
 - 2.11.1.3 maintained in good condition without holes or spillage;
 - 2.11.1.4 closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or waste; and
 - 2.11.1.5 located in the side or rear yard against a building, structure, fence or retaining wall and arranged in an orderly manner; and
 - 2.11.2 Not permitted to accumulate longer than 14 days.
- 2.12 The grasses and weeds season shall commence May 1st until October 31st or first frost, whichever shall occur first, inclusive, annually. Noxious Weeds and Invasive Species shall commence June 1 until October 31st or first frost, whichever shall occur first, inclusive, annually.
- 2.13 Every Owner shall ensure that no more than two (2) Hobby Vehicles are kept, stored, or placed on Land, outside of a Building.
- 2.14 Firewood on Land must only be used for wood burning on same such Land.
- 2.15 Firewood shall be kept, stored, or placed in a rear or side yard provided the following provisions are met:
 - 2.15.1 The firewood is used for wood burning on the Land or in the Dwelling;
 - 2.15.2 The firewood shall be neatly piled in the side yard or rear yard, does not exceed more than 6ft in height and shall have a minimum setback back of

0.6 meter (2 ft); and

2.15.3 The firewood shall not be piled along a fence which might facilitate climbing where a Pool is located on an adjacent Property.

PART 3 – PROHIBITIONS

- 3.1 No Person shall have or permit Refuse on their Land in contravention to this by-law.
- 3.2 No Person shall fail to enclose an excavation with a temporary barrier at least 122 centimetres (48 inches) in height.
- 3.3 No Person shall fail to drain Standing Water exceeding 30 centimetres (12 inches) in depth.
- 3.4 No Person shall deposit Refuse on private property without lawful authority.
- 3.5 No Person shall deposit Refuse on the City's property without lawful authority.
- 3.6 No Person shall fail to contain Refuse or locate Refuse containers in accordance with the provisions of this by-law.
- 3.7 No Person shall fail to keep or maintain the water in a swimming pool in accordance with the provisions of this by-law.
- 3.8 No Person shall fail to keep or maintain the water in a hot tub, water feature or artificial pond in accordance with the provisions of this by-law.
- 3.9 No Person shall fail to remove Refuse from their Land, when required to do so by the City.
- 3.10 No Person shall fail to clear a Buffer Strip.
- 3.11 No Person shall fail to clear the grasses and weeds from Land in excess of 15cm (6 inches) when notice given within the grasses and weed season.
- 3.12 No Person shall fail to clear/spray for poison ivy, poison oak when notice given within the grasses and weed season.
- 3.13 In the event that the circumstances described in section 2.4, 2.5, 2.8 or 2.9 are deemed to be unsafe by an Enforcement Officer, section 3.14 applies.
- 3.14 In circumstances of section 3.13, an Enforcement Officer is specifically authorized to take immediate steps, or to cause immediate steps to be taken, to eliminate the danger associated with an unsafe open excavation and the unsafe Standing Water.
- 3.15 The authorization provided by section 3.14 of this by-law is limited only to such steps as are required to remove the danger.
- 3.16 No Person shall obstruct, hinder or in any way interfere with any Enforcement Officer in the enforcement of the provisions of this by-law.
- 3.17 No Person shall contravene a Work Order or a requirement to discontinue any activity.
- 3.18 No Person shall park, store, or house a vehicle, boat trailer, recreation vehicle or other conveyance on an area which has not been properly surfaced with an Improved Parking Surface.
- 3.19 No Person shall store any items in a Partially Enclosed Structure that may deteriorate due to the elements of the weather or may create an environment for

Pests to gather or nest.

- 3.20 The removal of Refuse pursuant to this By-law shall not create or cause pest issues, hoarding or any other condition that may create life safety concerns as determined by the Enforcement Officer.
- 3.21 Removal of Refuse shall either be stored in an Approved Structure or taken to an approved landfill.
- 3.22 No Person shall fail to comply with the Firewood provisions as stated in this By-law.
- 3.23 No Person shall fail to comply with the grasses and weed provisions as stated in this By-law.

PART 4 – EXEMPTIONS

- 4.1 Section 2.3 of this by-law does not apply to Land on which construction is lawfully proceeding.
- 4.2 Section 2.5 of this by-law does not apply to natural bodies of water or lawfully maintained swimming pools.
- 4.3 Sections 2.5, 2.6 and 2.9 of this by-law shall not apply to Land which is lawfully used for outdoor storage of materials in compliance with the applicable Zoning and Licensing By-laws and regulations.
- 4.4 Sections 2.5 and 2.6 of this by-law shall not apply to Land or structures designated by or operated by the Region of Niagara for the purpose of dumping or disposing domestic or Industrial Waste.
- 4.5 Sections 2.6 of this by-law shall not apply to Hobby Vehicles, provided that the Owner is actively engaged in repair or operations which shall last no longer than 2 (two) years.
- 4.6 This by-law does not apply to any Lands zoned as Environmental Protection or Lands used for Agricultural Purposes as defined in the City's Zoning By-law.
- 4.7 This by-law does not apply to any Lands owned by the following corporations:
 - 4.7.1 The Corporation of the City of Port Colborne
 - 4.7.2 The Region of Niagara
 - 4.7.3 The Saint Lawrence Management Corporation
- 4.8 This by-law does not apply to Perennial Gardens, provided that the Perennial Gardens are managed in accordance with the *Weed Control Act* and provided that there is no waste.
- 4.9 This by-law does not apply to a Wildflower meadow or a Naturalized Area provided that those areas are managed in accordance with the *Weed Control Act*, provided that there is no waste and provided that they do not encroach within the Buffer Strip,
- 4.10 Section 2.11 of this by-law does not apply to Land undergoing active construction under a valid building permit, or where a building is undergoing an active renovation, or where an approval under the Site Plan Control By-law has been obtained that includes containment and location of garbage.
- 4.11 Notwithstanding any other provision of this By-law, no Person shall store Building Materials on Land for more than six (6) months without an active building permit.

PART 5 – ORDERS AND ENFORCEMENT

- 5.1 An Enforcement Officer may at all reasonable times, enter onto and inspect Land for the purposes of determining whether or not there is compliance or non-compliance with any provision of this By-law or an Order issued hereunder.
- 5.2 If the Enforcement Officer is satisfied that a contravention of the by-law has occurred, the officer may make an order, known as a Work Order requiring the Person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the Land on which the contravention occurred to do the Remedial Work to correct the contravention.
- 5.3 The Work Order shall set out:
 - 5.3.1 the municipal address or the legal description of the Land;
 - 5.3.2 reasonable particulars of the contravention and of the work to be done;
 - 5.3.3 a deadline, being a specific date for compliance with the Work Order; and
 - 5.3.4 a notice that if the work is not done in compliance with the Work Order by the deadline, the municipality may have the work done at the expense of the Owner and the cost of the work may be recovered by adding the amount to the Owner's tax roll.
- 5.4 The Work Order may be delivered by any one or more of the following methods:
 - 5.4.1 Personal delivery to the Person to whom it is addressed;
 - 5.4.2 personal or couriered delivery to either an adult Person, or to the mailbox, of the residential address of the addressee;
 - 5.4.3 delivery by registered or certified mail;
 - 5.4.4 delivery by facsimile transmission; or electronic mail (e-mail)
 - 5.4.5 posted as a placard in a conspicuous location at the site which is the subject matter of the notice;
 - 5.4.6 posted as a door hanger at the site which is the subject matter of the notice;
or
 - 5.4.7 delivery by Xpresspost of prepaid mail.
- 5.5 Where a notice is personally delivered, it is considered to have been delivered at the date and time at which it was handed to the addressee.
- 5.6 Where a notice is personally delivered to the residential address of the addressee, it is considered to have been delivered on the next business day following the date of delivery.
- 5.7 Where a notice is delivered by registered or certified mail, it is deemed to have been delivered on the fifth business day after the day of mailing.
- 5.8 Where a notice is delivered by facsimile, or e-mail it is considered to have been delivered on the date showing proof of transmission document.
- 5.9 Where a notice is posted on occupied property in accordance with section 5.4.5 and 5.4.6, it is considered to have been delivered the next business day following the date it is posted.
- 5.10 Where a notice is posted on unoccupied property in accordance with Section 5.4.5, it is considered to have been delivered five (5) days after the date it is posted.

- 5.11 Where a notice is delivered by Xpresspost, it is deemed to have been delivered on the next business day following the day of mailing.
- 5.12 Where a Work Order is not complied with or any other thing required or directed to be done in accordance with this by-law is not done within the required time frame, the Enforcement Officer or Persons designated by the Enforcement Officer may upon reasonable notice, do such thing at the expense of the Person required to do it and, in so doing, may charge administration fee of 25% of such expense, subject also to any minimum fee as set out in the Fees and Charges By-law as amended from time to time, and both the expense(s) and fee may be recovered by action or in like manner as municipal taxes.
- 5.13 Where it becomes necessary to proceed pursuant to section 5.12 of this By-law, an Enforcement Officer may enter onto the Lands with any Person and bring the appropriate equipment required to bring the property into compliance with this by-law.
- 5.14 Where any of the matters or things are removed in accordance with section 5.12 of this By-law the matters or things may be immediately disposed of by the Enforcement Officer.

PART 6 – OFFENCES AND PENALTIES

- 6.1 Any Person who contravenes any provision of this by-law is, upon conviction, guilty of an offence and is liable to any penalty as provided in the *Provincial Offences Act*.
- 6.2 The court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may make an order prohibiting the continuation or repetition of the offence by the Person convicted and such order shall be in addition to any other penalty imposed on the Person convicted.
- 6.3 This By-law is designated as a by-law to which the Administrative (Non-Parking) Penalty By-Law applies.
- 6.4 Any Person who contravenes any of the provisions of this By- law, when given a Penalty Notice in accordance with the City's Administrative (Non-Parking) Penalty By-Law, is liable to pay the City an administrative penalty in the amount specified in the City's Administrative (Non-Parking) Penalty By-Law, as amended from time-to-time.

PART 7 – ENACTMENT

- 7.1 By-law 6574/29/18, Being a By-law to Provide for the Maintenance of Property of Land (Lot Maintenance By-law), is hereby repealed in its entirety.
- 7.2 This by-law comes into force on the day it is passed.
- 7.3 The short title of this by-law shall be the "Lot Maintenance By-law".

Enacted and passed this _____ day of _____, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

City of Port Colborne

Schedule “A” to By-law _____

Time Frame for Work to be Completed

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	7 days
Remove open household garbage	7 days
Clear Noxious or Invasive Species	7 days
Clear grass over 15cm	3 days
Remove water 30 cm	2 days
Maintain swimming pool water/hot tub water feature or artificial pond	5 days
Enclose excavation	2 days
Relocate/stack or remove firewood	5 days
Relocate/remove vehicle to improved surface	2 days
Miscellaneous	5 days

Time Frame for Work to be Completed by Repeat Offenders

Item	Time Frame for Work – Excluding Delivery Time
Remove refuse	3 days
Remove open household garbage	3 days
Clear Noxious or Invasive Species	7 days
Clear grass over 15cm	2 days
Remove water 30 cm	2 days
Maintain swimming pool water/hot tub water feature or artificial pond	2 days
Enclose excavation	2 days
Relocate/stack or remove firewood	2 days
Relocate/remove vehicle to improved surface	2 days
Miscellaneous	2 days

The Corporation of the City of Port Colborne

By-law No. _____

Being a 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

Whereas the City of Port Colborne has adopted 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; and

Whereas at its meeting of February 27, 2024, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Community Safety and Enforcement Department, By-law Services Report 2024-28 Subject: Proposed Amendments Lot Maintenance By-law; and

Whereas The City of Port Colborne considers it desirable to add the requirements for the maintenance of property and land to the Administrative Monetary Penalty, tier penalty system; and

Whereas the City of Port Colborne considers it desirable and necessary 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;

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

1. That Schedule "B" to 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, is hereby amended by removing administrative penalties for Lot Maintenance By-law No. 6574/29/18; and
2. That Schedule "B" to 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, is hereby amended to include administrative penalties for the by-law prescribing requirements for the maintenance of all property and within the City of Port Colborne.

Enacted and passed this 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

**CITY OF PORT COLBORNE ADMINISTRATIVE PENALTY
(NON-PARKING) BY-LAW – DESIGNATED BY-LAW PROVISIONS -
LOT MAINTENANCE BY-LAW NO. _____**

- 1.1 Column 1 in the following table lists the provisions in the corresponding by-law that are hereby designated for the purpose of establishing an administrative monetary penalties system.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the administrative penalty amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same person(s) within a six (6) month period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same person(s) within a one (1) year period since the previous penalty notice was issued for the second (2nd) or greater, contravention of the of the designated provision in Column 1.

<u>ITEM</u>	<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>	<u>COLUMN 4</u>	<u>COLUMN 5</u>
	Designated Provision	Short Form Wording	Administrative Penalty Tier 1	Administrative Penalty Tier 2	Administrative Penalty Tier 3
1.	Section 3.1	Permit/have refuse on land	\$400.00	\$800.00	\$1600.00
2.	Section 3.2	Fail to enclose excavation with temporary barrier (122cm / 48 inches) high	\$400.00	\$800.00	\$1600.00

3.	Section 3.3	Fail to drain accumulated water over (30 cm / 12 inches) deep	\$400.00	\$800.00	\$1600.00
4.	Section 3.4	Deposit refuse on private property	\$400.00	\$800.00	\$1600.00
5.	Section 3.5	Deposit refuse on City property	\$400.00	\$800.00	\$1600.00
6.	Section 3.6	Fail to locate refuse containers in accordance with by-law	\$400.00	\$800.00	\$1600.00
7.	Section 3.7	Fail to maintain water in swimming pool in accordance with by-law	\$400.00	\$800.00	\$1600.00
8.	Section 3.8	Fail to maintain water in hot tub/water feature/artificial pond in accordance with by-law	\$400.00	\$800.00	\$1600.00
9.	Section 3.9	Fail to clear land of refuse when required by City	\$400.00	\$800.00	\$1600.00
10.	Section 3.10	Fail to clear buffer strip	\$400.00	\$800.00	\$1600.00
11.	Section 3.11	Fail to clear grass in excess of 15cm	\$400.00	\$800.00	\$1600.00

12.	Section 3.12	Fail to clear/spray for poison ivy/poison oak	\$400.00	\$800.00	\$1600.00
13.	Section 3.17	Fail to comply with Work Order	\$400.00	\$800.00	\$1600.00
14.	Section 3.18	Fail to park/store/house a vehicle/boat trailer/recreation vehicle/conveyance on an improved surface	\$400.00	\$800.00	\$1600.00
15.	Section 3.19	Store items in Partially Enclosed Structure may deteriorate due to weather	\$400.00	\$800.00	\$1600.00
16.	Section 3.19	Store items in Partially Enclosed Structure may create environment for pests to gather/nest	\$400.00	\$800.00	\$1600.00
17.	Section 3.22	Fail to comply with firewood provisions	\$400.00	\$800.00	\$1600.00
18.	Section 3.23	Permit/allow grasses and weeds in contravention of By-law	\$400.00	\$800.00	\$1600.00

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Amend By-law No. 7155/97/23, Being a By-law
Being a by-law to establish fees and charges for various services

Whereas section 391 (1) of the *Municipal Act* S.O. 2001, c. 25, as amended authorizes a municipality to impose fees or charges on persons for services or activities, for costs payable for services or activities and for the use of property including property under its control;

And whereas the Council of the Corporation of the City of Port Colborne at its meeting of October 24, 2023, passed by-law to establish fees and charges for various services;

And whereas the Council of the Corporation of the City of Port Colborne considers it desirable to amend the By-law Enforcement Fee (Schedule N) and the Maintenance and Occupancy of Property (Schedule Q) of the Fees and Charges By-law 7155/97/23;

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

1. That By-law 7155/97/23 is hereby amended by repealing Schedule “N” in its entirety and substituting the replacement Schedule “N” attached hereto;
2. That By-law 7155/97/23 is hereby amended by repealing Schedule “Q” in its entirety and substituting the replacement Schedule “Q” attached hereto.

Enacted and passed this _____ day of _____, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk

APPENDIX N: Schedule N - By-Law Enforcement

Miscellaneous Fees		
Schedule of Fees	2023 Fee	2024 Proposed Fee
Fence By-Law		
Fence Variance (non-refundable)	\$521.00	\$573.00
Fence By-Law Order to Comply – application fee	\$235.00	\$259.00
Boulevard and of Snow Removal By-Law		
Snow clearing - per meter	\$12.00	\$13.00
Snow and Ice Removal By-Law Order to Comply – application fee	\$227.00	\$250.00
Regulate Noise By-Law		
Noise Variance – Private function taking place on private property	\$173.00	\$190.00
Noise Variance – Private function taking place on City	\$115.00	\$127.00
On Street Parking Permits		
Initial Fee (per vehicle)	\$31.00	\$34.00
Replacement Fee (per vehicle)	\$47.00	\$52.00
Fail to display permit prominently	\$31.00	\$34.00
Park without permit	\$58.00	\$64.00
Encroachment Agreements		
Application	\$397.00	\$437.00
Annual	\$113.00	\$124.00
Discharge of Firearm		
Discharge of Firearm Variance	\$107.00	\$118.00

Maintenance of Property and Land(Lot Maintenance By-law)		
Schedule of Fees	2023 Fee (plus HST as applicable)	2024 Proposed Fee (plus HST as applicable)
Re-inspection fee*	\$110.00	\$200.00
Minimum maintenance fee	\$198.00	\$250.00
Administration fee	Add 15%	Add 15%
Mailing fee	\$31.00	\$34.00
*Re-inspection fee is payable where violation still exists.		

APPENDIX N: Schedule N - By-Law Enforcement

Cutting Grasses and Weeds(Lot Maintenance By-law)		
Lot Size	2023 Fee	2024 Proposed Fee
1 to 7,500 square feet	Actual Costs	Actual Costs
7,501 to 15,000 square feet	Actual Costs	Actual Costs
15,001 to 30,000 square feet	Actual Costs	Actual Costs
30,000 square feet to 1 acre	Actual Costs	Actual Costs
> 1 acre to 1.5 acres	Actual Costs	Actual Costs
> 1.5 acres to 2 acres	Actual Costs	Actual Costs
Each additional acre	Actual Costs	Actual Costs

Erection and Maintenance of Signs and Other Advertising Devices (Sign By-law)				
Sign Type	Size	Term	2023 Fee	2024 Proposed Fee
Awning	Each		\$58.00	\$64.00
Banner	Not exceeding 6.7 square meters	Per 15 days	\$17.00	\$19.00
Banner	Exceeding 6.7 square meters	Per 15 days	\$36.00	\$40.00
Billboard	Maximum 50 square meters	Per square meter	\$6.00	\$7.00
Facia	Maximum 15 square meters	Per square meter	\$6.00	\$7.00
Ground	Maximum 10 square meters		\$58.00	\$64.00
Mall		Per square meter	\$6.00	\$7.00
Pole / Pylon	Maximum 20 square meters	Per square meter	\$6.00	\$7.00
Portable	Maximum 9 square meters	Per 15 days	\$17.00	\$19.00
Projecting	Maximum 10 square meters		\$58.00	\$64.00
Roof	Maximum 50 square meters	Per square meter	\$6.00	\$7.00

Sign Variance By-law		
Type	2023 Fee	2024 Proposed Fee
Sign Variance (non-refundable)	\$810.00	\$891.00
Order to Comply – administration fee	\$235.00	\$259.00

APPENDIX N: Schedule N - By-Law Enforcement

Pool Variance By-law		
Type	2023 Fee	2024 Proposed Fee
Pool Variance (non-refundable)	\$450.00	\$495.00
Order to Comply – administration fee	\$235.00	\$259.00

Respecting the Keeping of Animals (Exotic Animals By-law)		
Schedule of Fees	2023 Fee	2024 Proposed Fee
For the first animal of each species	\$22.00	\$24.00
For the second and third animal of each species	\$3.00	\$3.00
For each species the aggregate of which exceed three in	\$2.00	\$2.00
Maximum Licensing fee*	\$5,785.00	\$6,364.00
*regardless of the number of animals, animal species or sub-species held in a single location		

Note: Beach and Marina enforcement penalties are noted in their respective appendices

Vacant Building Registry		
Schedule of Annual Registration Fees	2023 Fee (plus HST as applicable)	2024 Proposed Fee (plus HST as applicable)
Residential (excluding R4 Zoned Properties)	New	\$1,250.00
Commercial and R4 Zoned Properties	New	\$2,000.00
Institutional and Industrial	New	\$3,000.00

APPENDIX Q: Schedule Q - Maintenance and Occupancy of Property (Property Standards By-law)

Schedule of Fees	Unit	2023 Fee	2024 Proposed Fee
Issuance of Certificate of Compliance			
Certificate of Compliance	Per Certificate	\$115.00	\$127.00
Inspection Fees			
Discharge an Order registered in the Land Registry Office (includes original registration of Order)	Per Order	\$115.00	\$325.00
Appeal Fees			
File a Notice of Appeal (non-refundable)	Per Appeal	\$289.00	\$500.00
Other Fees			
Order to Comply		\$235.00	\$300.00

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to amend By-law No. 6932/80/21, being a by-law to appoint a Deputy Clerk (Commissioner for Taking Affidavits)

Whereas Subsection 228(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 provides that a municipality shall appoint a Clerk; and

And whereas Subsection 228(1) of the *Municipal Act, 2001* provides that the municipality may appoint a Deputy Clerk who shall have all the powers and duties of the Clerk; and

And whereas Section 1 of the *Commissioners for Taking Affidavits Act* (the "Act") provides that the persons who hold an office or an office of a class that is prescribed by the regulations made under the Act are, by virtue of office, commissioners for taking affidavits in Ontario; and

And whereas Deputy clerks, treasurers, and deputy treasurers of municipalities are, by virtue of office, commissioners for taking affidavits in Ontario; and

And whereas it is desirable to ensure that public service is maintained at all times; and

And whereas the Council of The Corporation of the City of Port Colborne deems it expedient to appoint a Deputy Clerk for the above purpose;

And whereas it is necessary to amend By-law No. 6932/80/21 due to the marriage of Whitney Gilliland, Licensing Clerk, for the City of Port Colborne;

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

- 1. That By-law No. 6932/80/21 shall be amended by deleting "Whitney Gilliland" and replacing it with "Whitney Chin Yet"; and
- 2. That this amending by-law shall come into force and take effect on the day of passing;

Enacted and passed this _____ day of _____, 2024.

William C. Steele
Mayor

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 February 27, 2024

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 February 27, 2024, 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 27th day of February, 2024.

William C. Steele
Mayor

Saima Tufail
Acting City Clerk