

**City of Port Colborne
Council Meeting Agenda**

Date: Tuesday, July 8, 2025
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

The Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hatiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The City of Port Colborne stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

4. Adoption of Agenda

5. Disclosures of Interest

6. Public Meeting

6.1 Elmvale Crescent Stop Up and Close – Public Meeting, 2025-118

1

Public Meeting pursuant to section 27 of the *Municipal Act, 2001*.
Requests to delegate will be accepted until 12:00 p.m. on the day of the meeting by contacting deputyclerk@portcolborne.ca. Requests are appreciated, but not mandatory.

7. Proclamations

7.1 World Hepatitis Day - July 28, 2025

8

8. Presentations

8.1	Update on Brock University's new Strategic Plan - Transforming People, Reimagining the Future	11
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9. 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 905-228-8118.

10. Mayor's Report

11. Regional Councillor's Report

12. Consent Agenda

All items listed in the Consent Agenda are subject to a single motion that is not debatable. A Member may make a brief comment or ask a question regarding a Consent Item prior to the consideration of the motion, however, if an item requires further discussion, debate, or an amendment it must be removed from the Consent Agenda and dealt with under Items Requiring Separate Discussion.

12.1 Approval of Minutes

a.	Regular Council Meeting - June 24, 2025	23
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12.2 Receipt of Minutes of Boards & Committees

12.3 Staff Reports

a.	Future of Healthcare in Port Colborne: Complete Public Engagement Results, 2025-148	35
b.	Declaration of City Property Surplus – Elgin Street, 2025-149	101
c.	2025 Watermain Rehabilitation Program Extension, 2025-147	105

12.4 Receipt of Correspondence Items

a.	Niagara Region - 2024 Niagara Employment Inventory Results	108
b.	Niagara Region - Woodland Conservation By-law Update	127
c.	City of Pickering - Raising Ontario Works (OW) and Ontario Disability Support Program (ODSP)	198

d.	Town of Bracebridge - Road Salt Usage	201
13.	Items Requiring Separate Discussion	
13.1	Formal response to Niagara Health regarding the future of the Port Colborne Site, 2025-150	202
13.2	Community Engagement on Proposed Short-Term Rental Accommodations By-law, 2025-152	213
13.3	Recommendation Report Official Plan and Zoning Amendment 242 and 246 West Side Road, 2025-133	278
14.	Staff Remarks	
15.	Councillors' Remarks	
16.	Motions	
16.1	Councillor Bodner - Open Air Burning By-law and Public Nuisance By-law	315
17.	Notice of Motions	
18.	By-laws	
18.1	By-law No. 7366/57/25 Being a By-law to Provide for the Alteration of the Ward Boundaries for the City of Port Colborne and to repeal By-law No. 6948/94/21	316
18.2	By-law No. 7367/58/25 Being a By-law to Establish a Permitting System for the Parking of Vehicles on Designated highways and Parking Lots in the City of Port Colborne (Special Events)	322
18.3	By-law No. 7368/59/25 Being a by-law to Adopt Amendment No. 19 to the Official Plan for the City of Port Colborne	330

18.4	By-law No. 7369/60/25	336
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Being a by-law to amend Zoning By-law 6575/30/18, as amended, respecting lands legally described as Lots 36 to 40, Registered Plan 826 and known as 242 to 246 West Side Road, City of Port Colborne, Regional Municipality of Niagara

18.5	By-law No. 7370/61/25	339
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Being a By-law to exempt the lands known as Lot 41 of Registered Plan 59M-195 from Part Lot Control provisions of the *Planning Act*

19. Closed Session

19.1 Staff Reports

a. Confidential HR Update, 2025-146

Confidential HR Update Report 2025-146 pursuant to the *Municipal Act, 2001*, subsection 239 (b) personal matters about an identifiable individual, including municipal or local board employees and subsection 239 (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

19.2 Verbal Updates

a. Confidential Verbal Update from the Chief Administrative Officer

Confidential verbal update pursuant to the *Municipal Act, 2001*, subsection 239 (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization.

b. Confidential Verbal Update from the Chief Administrative Officer

Confidential verbal update pursuant to the *Municipal Act, 2001*, subsection 239 (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

20. Back to Open Session

21. Procedural Motions

22. Confirmatory By-law

22.1 By-law No. 7371/62/25

340

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

23. Adjournment



Subject: Elmvale Crescent Stop Up and Close – Public Meeting

To: Council - Public Meeting

From: Development and Government Relations Department

Report Number: 2025-118

Meeting Date: July 8, 2025

Recommendation:

That Development and Government Relations Report 2025-118 be received;

That the Economic Development Officer be directed to bring forward a Stop Up and Close By-law for the Unnamed ST PL 888 Port Colborne Lying N of Elmvale Cr; Port Colborne and Reserve Lt 90 PL 888 Port Colborne; as shown in Appendix A and Appendix B, to a future meeting of Council for consideration.

Purpose:

City staff are requesting Council approval to bring forward a Stop up and Close By-law for a public highway legally described as Unnamed ST PL 888 Port Colborne Lying N of Elmvale Cr; Port Colborne and Reserve Lt 90 PL 888 Port Colborne; shown in Appendix A and Appendix B.

Background:

City staff are continually reviewing City-owned property to identify potential surplus lands that could be made available to support development opportunities and expand the City's tax base. Development attracts new residents, creates additional assessment on the City's tax roll, and adds users to the water and wastewater system to help improve efficiency and financial sustainability.

Staff have applied this rationale when analyzing properties for potential disposition. City staff believe that the two subject parcels shown in Appendix A and B, meet these objectives.

The subject properties are currently considered a City road allowance. Therefore, before the City property can be divested, a Stop Up and Close process must be initiated, a By-law must be approved by Council, and the properties need to be declared surplus. The Public Meeting and Public Notice are the first steps in the Stop up and Close process.

Discussion:

The subject parcels are not generating any tax revenue for the City and is not required for operational or maintenance reasons. The properties are in the First Density Residential (R1) zone and would facilitate and increase the residential development on the street.

Staff believe that a better use of these properties would be achieved through private ownership. Closing the unopened road allowance, declaring the two parcels and selling to the private sector would fulfill the goals of the surplus land review to support development opportunities and expand the City's tax base and water users.

Proceeding with the Stop Up and Close By-law is one step in the future disbursement of this property which would be governed by the Surplus Land Sale Policy.

Internal Consultations:

Economic Development staff reviewed the request and circulated it to other departments for comments. Economic Development, Public Works, and Planning staff collaborated on the boundaries of the Stop Up and Close area requested in Appendix A. City departments have no plans for the property, and do not foresee any future use for the portion of the road network that is proposed to be closed in this report.

Financial Implications:

Costs associated with the Stop Up and Close process of this property, namely the public notice and survey, will be recovered through the future land sale.

Public Engagement:

The Public Meeting notice was posted on the City's website starting on May 23, 2025. The notice was also advertised for four consecutive weeks including June 5th, 12th, 19th, and 26th, 2025. in the Welland Tribune as per the Public Notice Policy.

Any comments received are included as Appendix C.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

Economic Development staff, during the course of the ongoing review of surplus lands, have identified an unopened road allowance and 1-foot reserve on Elmvale Crescent, as shown in Appendix A and Appendix B, as a candidate for residential development.

Staff have no concerns with this and are supportive of increasing residential development expanding the tax base and adding new water users.

Staff are seeking Council approval to take the Stop Up and Close By-law report to the next session of Council.

Appendices:

- a. Unnamed ST PL 888 Port Colborne Lying N of Elmvale CR; Port Colborne - Stop Up and Close – Portion of Road Network public highway
- b. Reserve Lt 90 PL 888 Port Colborne;
- c. Submitted Comments

Respectfully submitted,

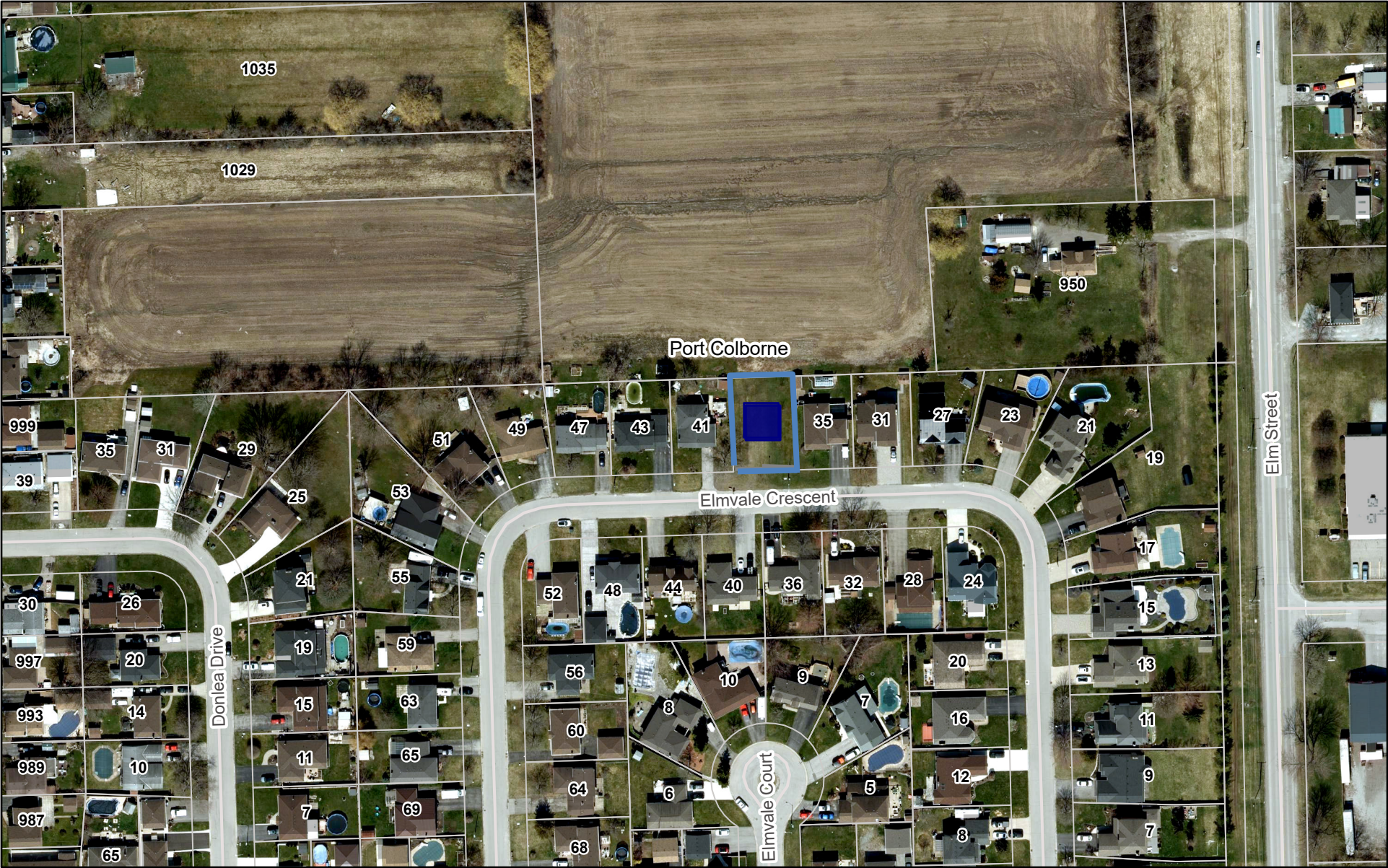
Bram Cotton
Economic Development Officer
(905) 228-8063
Bram.Cotton@portcolborne.ca

Erik Acs
Chief Planner
(905) 228-8117
Erik.Acs@portcolborne.ca

Gary Long
Director of Development and Government Relations
(905) 228-8062
Gary.Long@portcolborne.ca

Report Approval:

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



2025-05-13, 7:54:12 p.m.

- Port Colborne Boundary
- Building Footprints
- Assessment Parcel

Roads

MUN

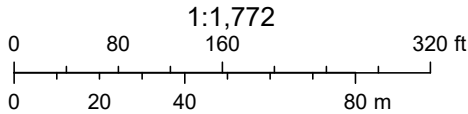
2023 Aerial Imagery

Red: Red

- Green: Green
- Blue: Blue
- 2020 Aerial Imagery
- Red: Red

- Green: Green
- Blue: Blue

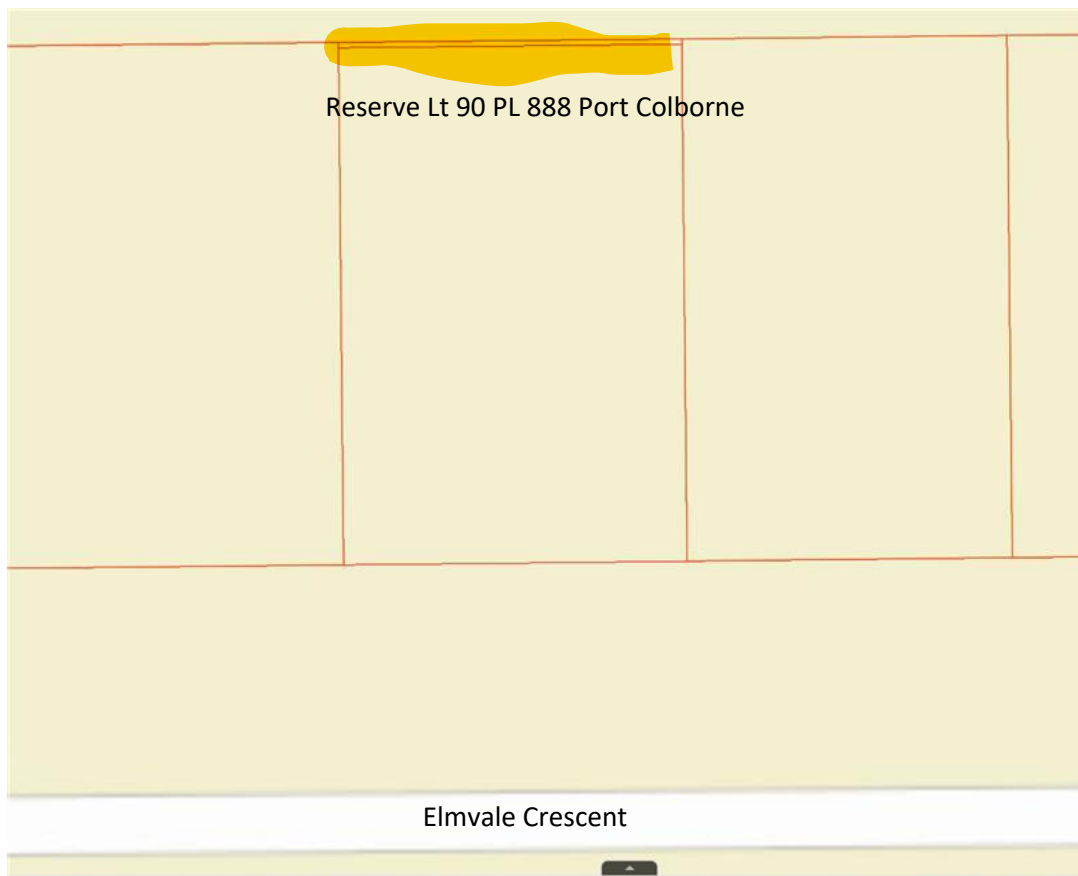
World_Hillshade



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS,

1 -foot Reserve Parcel

Reserve Lt 90 PL 888 Port Colborne



Report 2025 – 118 Public Meeting

Submitted Comments

No comments as of June 20th, 2025

From: Usick, Karen <Karen.Usick@niagarahealth.on.ca>

Sent: Tuesday, June 3, 2025 3:08 PM

To: jim.bradley@niagararegion.ca <jim.bradley@niagararegion.ca>; wayne.redekop@niagararegion.ca <wayne.redekop@niagararegion.ca>; marvin.junkin@niagararegion.ca <marvin.junkin@niagararegion.ca>; Brian.Grant@niagararegion.ca <Brian.Grant@niagararegion.ca>; frank.campion@niagararegion.ca <frank.campion@niagararegion.ca>; bill.steele@niagararegion.ca <bill.steele@niagararegion.ca>; Jdiodati@niagarafall.ca <Jdiodati@niagarafall.ca>; jeff.jordan@niagararegion.ca <jeff.jordan@niagararegion.ca>; sandra.easton@niagararegion.ca <sandra.easton@niagararegion.ca>; Cheryl.Ganann@niagararegion.ca <Cheryl.Ganann@niagararegion.ca>; terry.ugulini@niagararegion.ca <terry.ugulini@niagararegion.ca>; Mathew.Siscoe@niagararegion.ca <Mathew.Siscoe@niagararegion.ca>; Gary.Zalepa@niagararegion.ca <Gary.Zalepa@niagararegion.ca>

Subject: Niagara Health System - Request For Proclamation - World Hepatitis Day and Community Event

Greetings everyone!

I am contacting you on behalf of the Niagara Health System's-Hepatitis C Care Clinic. Our program will be hosting our 10th World Hepatitis Day event on Friday July 25, 2025 from 11:00 am to 3:00 pm.

The street-based health and social services fair will be held at Montebello Park in St. Catharines. Our goals are to raise awareness of World Hepatitis Day, liver health, hepatitis testing, treatment and care!

We want to ensure that everyone has access to hepatitis testing, care and treatment from wherever they live in Niagara Region.

Your yearly support with proclaiming both Canadian Viral Hepatitis Elimination Day and the current World Hepatitis Day event awareness campaign is so truly valued and appreciated.

The support you provide through the proclamations help us to help the residents of Niagara! Thank you so very much! I realize that some of the 12 municipalities of Niagara do not do proclamations, and I understand. I am wondering though if you could please consider sending us a letter of support for our awareness day and event's promotion.

The World Hepatitis Day event will showcase the programs of our community partners from throughout Niagara! In addition, we are once again able to bring our programs care and services to the community event so individuals can come and access the care and services they may be looking for.

Please do not hesitate to contact me if you have any questions, or require further information!



Take care and have a lovely day!

Karen Usick – Reg. N

Hepatitis C Care Clinic | Community Coordinator

Niagara Health System | Addiction Services

Karen.Usick@NiagaraHealth.on.ca

W: 905-378-4647 x32555 | C: 289-696-2523

260 Sugarloaf Street, Port Colborne, ON L3K 2N7

HCCC Website Address - www.niagarahealth.on.ca/site/hepatitis-c-care

NHS Addiction Services - www.niagarahealth.on.ca/services/addiction-recovery

#WorldHepatitisDay | #NoHep | #GetTested | #LearnYourOptions



WORLD HEPATITIS DAY

July 28th, 2025

WHEREAS, approximately 204,000 Canadians are living with hepatitis C and over 250,000 people are living with hepatitis B;

WHEREAS, people living with hepatitis B and C have an increased risk of developing cirrhosis, liver failure and related illnesses;

WHEREAS, Ontario has over 110,000 people living with hepatitis B or C, both of which are slow and progressive diseases; and

WHEREAS, there are vaccines available for Hepatitis A and B; effective Hepatitis C treatment therapies can cure over 95% of cases; and

WHEREAS, World Hepatitis Day provides an opportunity to reach out to millions of Canadians and encourage hepatitis testing, provide treatment and care for those affected while paving the way towards elimination of hepatitis as a public health concern in Canada by 2030;

THEREFORE, I, Bill Steele, Mayor of the City of Port Colborne, do hereby proclaim **July 28th, 2025 World Hepatitis Day** in Port Colborne.

JOURNÉE MONDIALE CONTRE L'HÉPATITE

Le 28 juillet 2025

ATTENDU QUE, au Canada, quelque 204 000 personnes vivent avec l'hépatite C et environ 250 000 avec l'hépatite B;

ATTENDU QUE le risque de cirrhose, d'insuffisance hépatique et de maladies connexes est plus élevé chez les personnes qui vivent avec l'hépatite B ou C;

ATTENDU QUE l'Ontario compte plus de 110 000 personnes vivant avec l'hépatite B ou C, deux maladies lentes et progressives; et

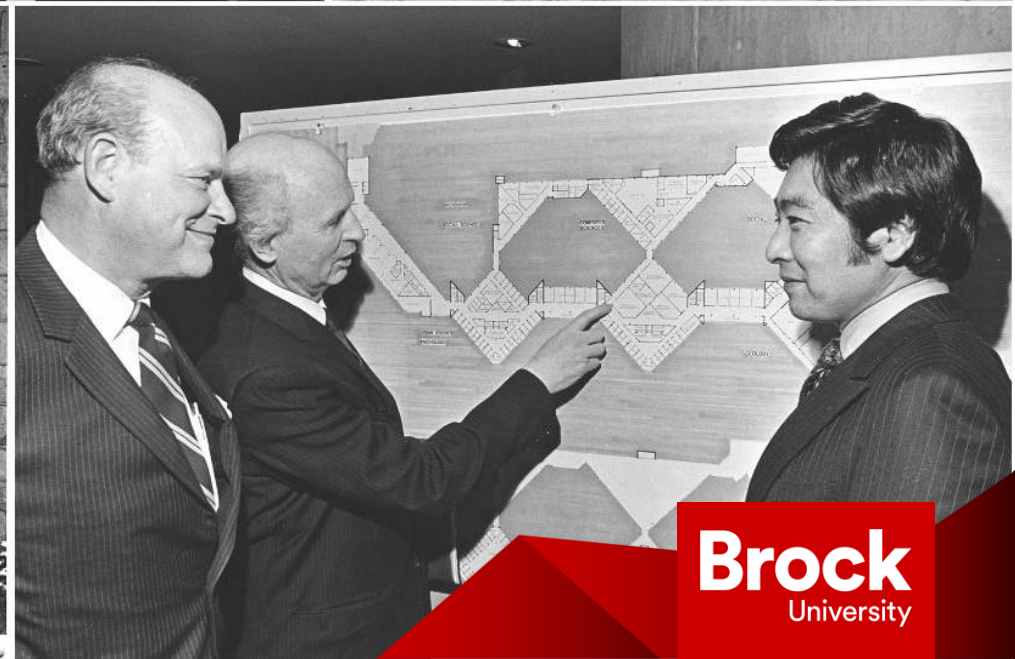
ATTENDU QU'il existe des vaccins pour protéger contre l'hépatite A et B ainsi que des traitements efficaces pouvant guérir plus de 95 % des personnes atteintes d'hépatite C; et

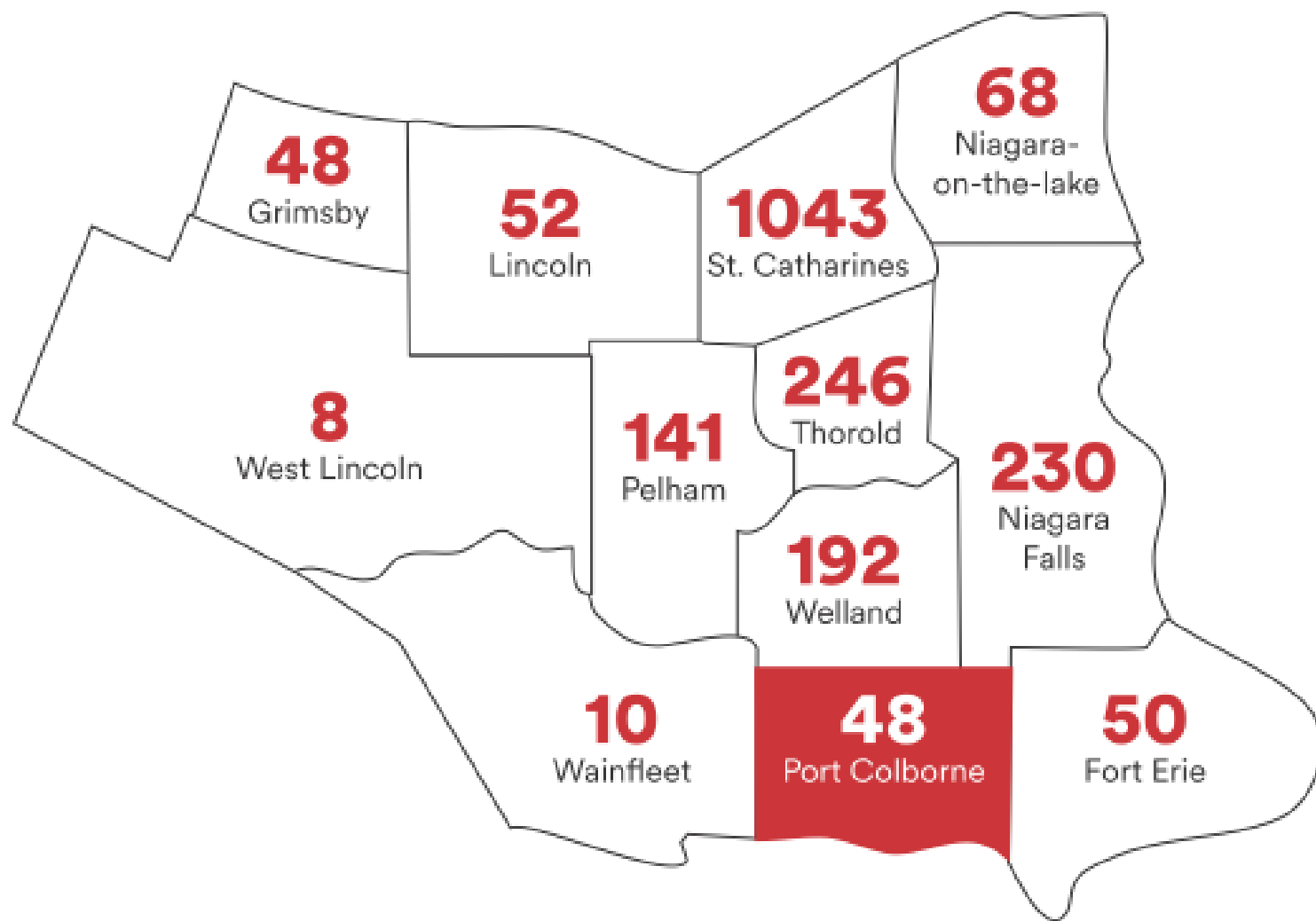
ATTENDU QUE la Journée mondiale contre l'hépatite est une occasion de joindre des millions de Canadiennes et de Canadiens, d'encourager le dépistage de l'hépatite et de fournir traitements et soins aux personnes touchées tout en ouvrant la voie vers l'élimination de l'hépatite en tant que problème de santé publique au Canada d'ici 2030;

PAR CONSÉQUENT, je, Bill Steele, maire de la Ville de Port Colborne, proclame par la présente le **28 juillet 2025 Journée mondiale contre l'hépatite** à Port Colborne.

Bill Steele Mayor / Maire



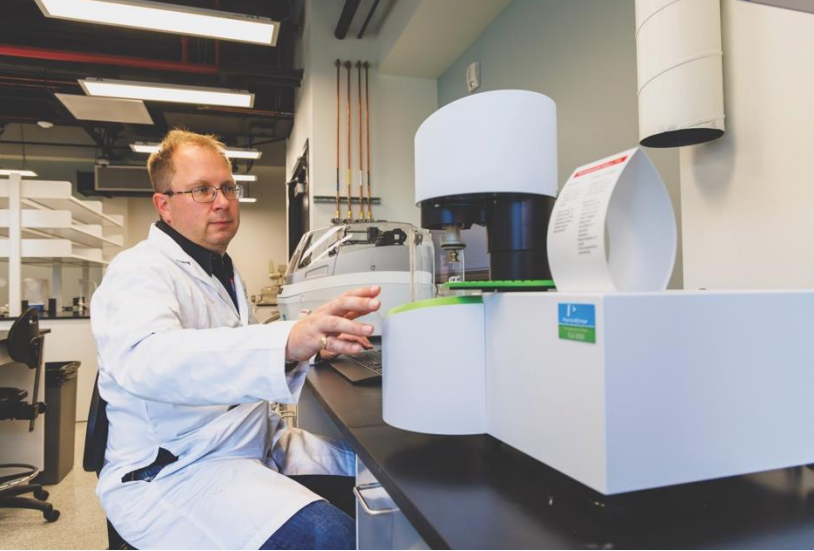




2,806
Total number of
full time
Brock employees

2,136
Total number of
Brock employees
who live in the
Niagara region

48
Total number of
Brock employees
who live in
Port Colborne



\$1.3 billion
economic impact in Niagara

— AND —

\$2.4 billion
Contributed to Ontario's
economic landscape*

*BASED ON THE 2019-20 ACADEMIC YEAR



More than
120,000
Brock alumni

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22

co-op placements
in Port Colborne

2023-25

- City of Port Colborne
- Grant Thornton LLP
- Jungbunzlauer Canada Inc
- Niagara Health
- Clarence Street Veterinary Clinic

“The work I’ve done here isn’t just paperwork. It affects real projects that improve the city and the lives of its residents. It’s rewarding to know that what I do matters on a larger scale.”

Ross Horsley, a third-year Accounting student
City of Port Colborne intern



Transforming people, reimagining the future

Institutional Strategic Plan • 2025-2030



24 focus groups



19 one-on-one interviews



2 surveys internal & external

2,000+ total consultations

80+

Board Members & Senators

370+

students

500+

participated in the alumni survey

150+

community partners

450+

staff & admin

150+

faculty, instructors & librarians

PURPOSE STATEMENT

Why we exist

Transforming people, reimagining the future.
Through curiosity, creativity, and courage.

GUIDING PRINCIPLES

**+ Champion
one
another**

We are stronger together.

**+ Break
down
barriers**

Access unlocks potential.

**+ Lead
by
example**

Our actions matter.

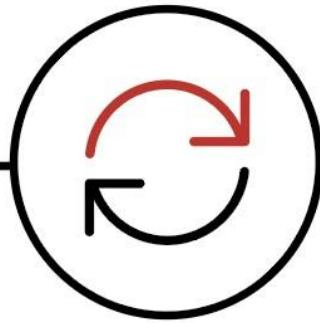
**+ Learn
through
curiosity**

We quest for knowledge.

Strategic directions



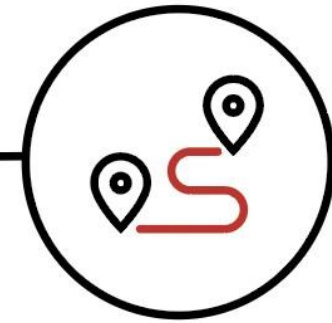
Shape tomorrow
through research,
discovery
and knowledge



Build
sustainable
futures



Realize
you
matter



Bring the world
to Brock, and
Brock to the
world





Thank you

City of Port Colborne

Council Meeting Minutes

Date: Tuesday, June 24, 2025
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: E. Acs, Chief Planner
J. Beaupre, Deputy Clerk
J. Colasurdo, Manager of Strategic Projects
S. Double, Fire Chief
G. Long, Director of Development and Government Relations
C. Madden, City Clerk
S. Shypowskyj, Director of Public Works

1. Call to Order

Mayor Steele called the meeting to order at 6:00 p.m.

2. Adoption of Agenda

Item 2, National Anthem, and item 3, Land Acknowledgement, were moved to later in the agenda after item 7, Back to Open Session.

C-25- 137

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

That the Council agenda dated June 24, 2025, be confirmed, as amended.

Carried

3. Disclosures of Interest

3.1 Councillor E. Beauregard - Confidential Development and Government Relations Report - 2025-138

I, Eric Beauregard, declare an indirect pecuniary interest as my employer is an agent of the Applicant.

3.2 Councillor E. Beauregard - Heritage Permit Application Recommendation Report - 293 King Street (Shickluna Garage), 2025-86

I, Eric Beauregard, declare an indirect pecuniary interest as my employer is an agent of the Applicant.

4. Closed Session

C-25- 138

Moved by Councillor D. Elliott

Seconded by Councillor M. Bagu

That Council do now proceed to meet in Closed Session at 6:00 p.m. under the *Municipal Act, 2001*, section 239 (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

Carried

4.1 Approval of Closed Session Minutes

- a. **Regular Council Meeting (Closed Session) - May 13, 2025**
- b. **Regular Council Meeting (Closed Session) - May 27, 2025**
- c. **Special Council Meeting (Closed Session) - June 17, 2025**

4.2 Staff Reports

- a. **Confidential Development and Government Relations Report - 2025-138**

5. Back to Open Session

C-25- 139

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

That Council does now rise and reconvene from Closed Session at 6:36 p.m.
without report.

Carried

6. National Anthem

Everyone stood for the national anthem.

7. Land Acknowledgement

The Land Acknowledgement was read:

The Niagara Region is situated on treaty land. This land is steeped in the rich history of the First Nations such as the Hattiwendaronk, the Haudenosaunee, and the Anishinaabe, including the Mississaugas of the Credit First Nation. There are many First Nations, Métis, and Inuit people from across Turtle Island that live and work in Niagara today. The City of Port Colborne stands with all Indigenous people, past and present, in promoting the wise stewardship of the lands on which we live.

8. Proclamations

8.1 June is Seniors Month 2025

C-25- 140

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

Whereas June is Seniors Month in Ontario. It's a time to acknowledge and honour the amazing seniors in our lives across the province; and

Whereas seniors have contributed and continue to contribute immensely to the life and vibrancy of this community; and

Whereas seniors continue to serve as leaders, mentors, volunteers and important and active members of this community; and

Whereas their contributions past and present warrant appreciation and recognition and their stories deserve to be told; and

Whereas the health and well-being of seniors is in the interest of all and further adds to the health and well-being of the community; and

Whereas the knowledge and experience seniors pass on to us continues to benefit all.

Now therefore I, Mayor William C. Steele, do hereby proclaim June 1st to June 30th, 2025 as Seniors Month in the City of Port Colborne.

Carried

9. Presentations

9.1 Fair Trade Committee

Kellen Spence from the Fair-Trade Committee presented to Council on fair trading practices.

10. Delegations

There were no delegations.

11. Mayor's Report

A copy of the Mayor's report is attached.

12. Regional Councillor's Report

There was no Regional Councillor's report.

13. Consent Agenda

Items 13.3 a, 13.3 b, 13.3 c, 13.4 b, and 13.4 h were removed from the Consent Agenda and considered under item 14, Items Requiring Separate Discussion.

C-25- 141

Moved by Councillor G. Bruno
Seconded by Councillor T. Hoyle

That Council hereby approves the listed consent items on the June 24, 2025, Council agenda; and

That the consent items be approved on the recommendations as contained therein.

Carried

13.1 Approval of Minutes

- a. Meeting to Consider - May 6, 2025**
- b. Regular Council Meeting - May 13, 2025**

- c. Regular Council Meeting - May 27, 2025
- d. Special Council Meeting - June 17, 2025

13.2 Receipt of Minutes of Boards & Committees

- a. Port Colborne Senior Advisory Committee Meeting Minutes - April 15, 2025
- b. Port Colborne Historical and Marine Museum Board Meeting Minutes - April 15, 2025
- c. Port Colborne Public Library Board Meeting Minutes - April 2, 2025
- d. Mayor's Youth Advisory Committee Meeting Minutes
 - a. January 8, 2025
 - b. February 12, 2025
 - c. March 5, 2025
 - d. April 9, 2025
 - e. May 14, 2025
- e. Social Determinants of Health Advisory Committee Meeting Minutes - April 3, 2025

13.3 Staff Reports

- d. 2026 Municipal Election - Voting Systems and Alternative Voting Methods, 2025-136

13.4 Receipt of Correspondence Items

- a. Karis Disability Services - Letter to Mayor Steele
- c. Niagara Region - Corporate Climate Change Action Plan
- d. Niagara Region - 2024 Reserve Water and Wastewater Treatment Capacities
- e. Niagara Region - Consolidated Housing Master Plan: Implementation Plan
- f. Ministry of Natural Resources - Reintroduction of the Geologic Carbon Storage Act

**g. Municipality of North Grenville and City of Woodstock - Bill 5:
Protecting Ontario By Unleashing Our Economy Act 2025**

14. Items Requiring Separate Discussion

**14.1 Recommendation for Official Plan and Zoning By-law Amendment for
242-246 Highway 58 / West Side Road**

C-25- 142

Moved by Councillor T. Hoyle

Seconded by Councillor F. Danch

That report 2025-133 be referred to staff to include a rendering of the site plan; and

That this report be brought back at the next regularly scheduled Council meeting on July 8, 2025.

Carried

**14.2 Council Composition and Ward Boundary Review – Final Report,
2025-137**

A 5-minute recess was called at 7:24 p.m.

C-25- 143

Moved by Councillor R. Bodner

Seconded by Councillor G. Bruno

That Legislative Services Department Report 2025-137 be received; and

That Council approve Option one, as amended from the 2024/2025 Council Composition and Ward Boundary Review - Final Report prepared by Watson & Associates Economists Ltd., attached as Appendix A, as the council composition and ward boundaries for the City of Port Colborne, to be in effect for the 2026 Municipal Election; and

That the City Clerk be directed to bring forward a by-law reflecting the approved ward boundary option to the next regularly scheduled meeting of Council, being a by-law to provide for the alteration of the ward boundaries for the City of Port Colborne.

Carried

14.3 East Side Employment Lands Servicing – Phase One Construction and Funding Approval, 2025-139

C-25- 144

Moved by Councillor D. Elliott

Seconded by Councillor E. Beauregard

That Development and Government Relations Department Report 2025-139 be received; and

That the Chief Administrative Officer and Director of Public Works be authorized to execute the required contracts and agreements, with an upset limit of \$4,300,000, for the construction of infrastructure to support the development of Phase One of the East Side Employment Lands; and

That the Chief Administrative Officer and Director of Development and Government Relations continue with Asahi Kasai to establish a water and wastewater purchase agreement to be brought to Council for approval; and

That the Mayor, Chief Administrative Officer and Director of Development and Government Relations impress upon the Province of Ontario that the project infrastructure timelines are in jeopardy absent the funding requests submitted.

Carried

14.4 Lease Agreement – ADM Agri-Industries Company, 2025-128

C-25- 145

Moved by Councillor M. Bagu

Seconded by Councillor D. Elliott

That Development and Government Relations report 2025-128 be received; and

That Council approve an agreement between ADM Agri-Industries Company and the City of Port Colborne regarding the leasing of the scales and truck weigh station at the Port Colborne Grain Terminal; and

That the Mayor and City Clerk be authorized to sign the lease agreement and by-law.

Carried

14.5 Noise Variance Request 250 Pleasant Beach Rd, Capri Restaurant, 2025-135

C-25- 146

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

That Community Safety & Enforcement Department Report 2025-135 be received; and

That Council approve a permit to exempt 250 Pleasant Beach Road, Capri Restaurant from Section 4(3) of By-law 4588/119/04 with the following terms and conditions:

That a noise variance with modifications be approved for the period starting from May 1, 2025, to October 31, 2025 from noon to 10:00 p.m. Sunday through Thursday and ending at 11:00 p.m. on Fridays and Saturdays for a variety of amplified noise, including Karaoke and live bands being able to amplify music.

The permit is applicable only to the production, reproduction, and amplification of sound in connection with events at this property with the modifications by the City of Port Colborne.

Carried

14.6 Heritage Permit Application Recommendation Report - 293 King Street (Shickluna Garage), 2025-86

Councillor Beauregard declared a conflict on this item and did not participate in the discussion or the voting on the motion.

C-25- 147

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

That Development and Government Relations Department Report 2025-86 be received; and

That the Heritage Permit Application for the alteration of 293 King Street be approved, subject to the following condition:

The alterations are completed in accordance with the Heritage Permit Application attached as Appendices A and B.

Carried

14.7 Niagara Region - Combined Sewer Overflow Control Program - 2025 Funding Recommendations

C-25- 148

Moved by Councillor E. Beauregard

Seconded by Councillor M. Bagu

That the correspondence from the Niagara Region regarding the Combined Sewer Overflow Control Program - 2025 Funding Recommendations be received for information.

Carried

14.8 Town of Bradford West Gwillimbury - Advocacy for Increased Income Support Thresholds for Canadian Veterans

C-25- 149

Moved by Councillor R. Bodner

Seconded by Councillor T. Hoyle

That Council support the correspondence from the Town of Bradford West Gwillimbury - Advocacy for Increased Income Support Thresholds for Canadian Veterans.

Carried

15. Staff Remarks

Charlotte Madden, City Clerk, noted she and the Deputy Clerk attended the Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO) annual conference in Windsor from June 8 - 11 where they participated in different educational sessions.

Steve Shypowskyj, Director of Public Works, explained there is a road closure at West Street and King Street. He also noted the hydro poles along West Street have been removed, and they are continuing asphalt and concrete restoration work. He also noted a new mural has been installed at Lions Field, and that they have received funding from the Region for a sewer overflow control program. The installation project for electrical vehicle chargers at the Vale Health and Wellness Centre is ahead of schedule, and Public Works Staff will be bringing several

pieces of large equipment to the Market on Fridays throughout the summer to show the public.

Erik Acs, Chief Planner, noted the Official Plan was put out for tender on June 18, 2025.

Gary Long, Director of Development and Government Relations and Acting CAO, recognized the City's Social Committee, who raised almost \$600 for United Way. He also explained the City's application to the Canada Housing Infrastructure Fund was successful, and they held a meeting relating to those funds. He noted staff are bringing forward a healthcare related report to the July 8, 2025, Council meeting. Lastly, he noted he would report back to Council on the local wharf rehabilitation.

16. Councillors' Remarks

Councillor Bodner inquired to Public Works staff about the condition of speed delineators on Empire Road. He also inquired about trail site lines and whether they have been cut back. He thanked the Italian Hall for the events it has held throughout its time in the City.

Councillor Hoyle congratulated the Italian Hall on their 90th anniversary. He also noted the Lockview Park ribbon-cutting ceremony will be held on June 26, 2025.

Councillor Danch thanked staff for bringing picnic tables to Lock 8 Park. He also inquired about the artist for the mural at Lions Field.

Councillor Elliott inquired about enforcement options for short term rentals. He also inquired to Steve Shypowskyj, Director of Public Works, about the progress of the construction project on Clarence Street. He also inquired about notice being given to local businesses prior to construction projects commence near their business.

Councillor Bruno noted there is an impact on local businesses due to the ongoing construction. He also recognized a Public Works student for their work. He inquired to staff about wrapping a canal days sign at a local school. Lastly, he inquired about the potential of a future update with residents about wastewater.

Councillor Bagu noted he participated in a recent fundraiser for United Way. He also inquired to about the speed delineators on local roads and about communication avenues for residents regarding short term rentals.

Councillor Aquilina noted June is Senior's month, and the Senior Citizens Advisory Committee members have been attending the Farmer's Market to share materials with the Community.

17. Motions

There were no motions.

18. Notice of Motions

Councillor Bodner brought forward a notice of motion regarding the open-air burning by-law and the nuisance by-law.

19. Procedural Motions

There were no procedural motions.

20. By-laws

By-law No. 7361/52/25 and By-law No. 7362/53/25 were removed from the motion as the corresponding report was referred back to staff.

C-25- 150

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

That the following by-law(s) be passed and enacted, as presented:

- By-law No. 7358/49/25
- By-law No. 7359/50/25
- By-law No. 7360/51/25
- By-law No. 7363/54/25

Carried

20.1 By-law No. 7358/49/25

20.2 By-law No. 7359/50/25

20.3 By-law No. 7360/51/25

20.4 By-law No. 7361/52/25

20.5 By-law No. 7362/53/25

20.6 By-law No. 7363/54/25

21. Adjournment

Mayor Steele adjourned the meeting at 9:50 p.m.

William C. Steele, Mayor

Charlotte Madden, City Clerk



Subject: Future of Healthcare in Port Colborne: Complete Public Engagement Results

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2025-148

Meeting Date: July 8, 2025

Recommendation:

That Chief Administrative Officer Report 2025-148 be received; and

That Council direct staff to provide the full public engagement and survey results related to the future of healthcare in Port Colborne to the Healthcare Advisory Committee for further analysis and consideration.

Purpose:

This report presents Council with a comprehensive summary of public engagement activities and feedback gathered between January 29 and April 30, 2025, regarding the future of healthcare in Port Colborne.

Background:

On December 3, 2024, Council considered Report 2024-255 regarding the future of the Niagara Health Port Colborne Site, including a request from Niagara Health for a \$6.2-million local share contribution to the South Niagara Hospital and a proposal from the Lockview Medical Group to expand primary care services in Port Colborne. At that meeting, Council requested that staff bring back a comprehensive public engagement plan to gather feedback from the community regarding the primary care proposal, the local share contribution, and the future of the Niagara Health site in Port Colborne.

On January 28, 2025, Council considered report 2025-19 regarding a proposed community engagement plan aimed at gathering this important feedback. With Council's approval, the following day staff launched the public engagement campaign, which

formally closed on April 30, 2025. On March 25, 2025, Council received a mid-point results review, which provided a view into the results that had been received through the survey and engagement activities up to March 10, 2025.

This report, 2025-148, provides a complete summary of the engagement activities and feedback received from the public regarding the future of healthcare in Port Colborne from January 29 through to April 30, 2025.

In that initial round ending March 10, 2025, 1,863 online and paper surveys were completed. Between March 10 and April 30, an additional 149 online and paper surveys were completed.

Overall, the engagement plan aimed to gather feedback from the community through various in-person and virtual channels. It sought input from the community about the future of healthcare in Port Colborne, focusing on key issues such as the expected closure of the Urgent Care Centre in 2028, the future use of Niagara Health's Port Colborne site after Niagara Health leaves, potentially providing funding to Niagara Health to support the build of the new South Niagara Hospital, and the proposal from Lockview Medical Group to expand primary care services in Port Colborne.

The engagement campaign included a variety of channels and mediums to ensure all key audiences were aware of the opportunity to provide feedback and could do so in a way that works best for them. The plan included:

1. Online survey
2. Paper survey
3. In-person open houses
4. In-person town hall
5. Virtual town hall
6. Pop-up engagement opportunities
7. Meetings with various City committees and working groups

The detailed results and findings from each of these activities are provided in Appendix A of this report. In the interest of transparency, a full list of open-ended responses received in both the online and paper surveys will also be posted on www.portcolborne.ca/healthcare.

Discussion:

Public engagement activities related to the future of healthcare in Port Colborne launched on January 29, 2025.

Quick stats about the engagement activities to date:

- 2,012 people completed the survey (1,669 online and 343 on paper)
 - +10,000 open-field comments to analyze and categorize
 - Average time to complete the survey: 13 minutes (online survey)
 - Estimated completion rate: 72.5% (online survey) – this is the number of people who started and finished the survey. Long surveys with more than 15 questions typically have a completion rate of 40-42%
- 87 people attended the in-person open houses
 - 58 people attended the in-person town hall, while 38 tuned into the livestream
 - 22 people joined the virtual town hall, while 4 watched the recording on YouTube

Additionally, staff held meetings with City committees and working groups, including the Seniors Advisory Committee, Mayor's Youth Advisory Committee, Social Determinants of Health Advisory Committee.

Detailed results from the surveys and a summary of feedback collected at the town halls and open houses is available in Appendix A of this report.

Overall, participants reported that the closure of the Urgent Care Centre is a major issue for them, with 83% of respondents believing a 24-hour facility is necessary. Many residents have used the centre in the past year and are concerned about travel difficulties, long wait times at other hospitals, and the impact on vulnerable populations.

Additionally, while the proposed \$6.2-million contribution to Niagara Health for the South Niagara Hospital is largely opposed, some respondents may support making the contribution if urgent care centres in Port Colborne and Fort Erie remain open. There is also a strong demand for more family doctors, as only half of respondents reported they have a family doctor in Port Colborne. Long wait times for appointments to see their family doctor further exacerbate frustrations.

The community strongly supports expanding healthcare services locally, including more walk-in clinics, and access to diagnostic imaging and urgent care. The Lockview Medical Group proposal is seen as a potential benefit by 46% of respondents, with supporters citing improved local healthcare access, job creation, and economic growth.

The results identified 28% of respondents were not sure about the proposal. However, concerns remain about the lack of clear information regarding the proposal.

The idea of pursuing a housing development with a medical centre at the Niagara Health Port Colborne site received 85% support, though respondents questioned infrastructure capacity and the affordability of housing. Meanwhile, 55% of respondents support the City pursuing a primary care facility at another location, provided it does not impact taxpayers.

Internal Consultations:

City staff from Corporate Communications, Corporate Services, Development and Government Relations, and the Office of the Mayor and CAO have been working collaboratively with external partners to gather feedback from the community regarding the future of healthcare in Port Colborne, develop a draft terms of reference for a new Healthcare Advisory Committee, and provide suggestions on the best way to move the issue of healthcare forward in the best interest of the community.

Financial Implications:

This report is focused primarily on reporting results from the public engagement activities related to expanding primary care in Port Colborne, the future of Niagara Health's Port Colborne site, and the local share contribution towards the new South Niagara Hospital. All costs related to the public engagement activities are captured in the 2025 operating budget.

Public Engagement:

This report provides a detailed summary of the public engagement campaign aimed at gathering feedback from residents about the future of healthcare in Port Colborne. It covers the period of January 29 through April 30, 2025.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community

- Economic Prosperity
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

The feedback gathered through the City's healthcare public engagement efforts to date underscores the community's concerns and priorities regarding the future of healthcare in Port Colborne.

Residents have expressed strong support for maintaining access to urgent care, expanding primary care services, and ensuring that healthcare facilities remain available within Port Colborne. The responses indicate a clear preference for a local healthcare strategy that prioritizes accessibility, sustainability, and transparency.

Appendices:

- a. Future of Healthcare Public Engagement Results Report

Respectfully submitted,

Bryan Boles, CPA, CA, MBA
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Report Approval:

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



Future of Healthcare in Port Colborne

Public Engagement Results

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Introduction

On January 29, 2025, the City of Port Colborne launched a comprehensive public engagement campaign to collect public feedback on the future of healthcare in Port Colborne.

The campaign included:

1. Online survey
2. Paper survey
3. In-person open houses
4. In-person town hall
5. Virtual town hall
6. Pop-up engagement opportunities
7. Meetings with various City committees and working groups

This document serves as a full summary of the engagement activities from January 29, 2025 to April 30, 2025.

Please note that personal information collected during this public engagement project was collected under the authority of the Municipal Act, 2001 and will be used to help Council make decisions related to the future of healthcare in Port Colborne. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act. Questions related to the collection of this information may be directed to the Deputy City Clerk at 905-228-8118 or

deputyclerk@portcolborne.ca

Survey

Overview

The survey was designed to gather input from residents about the future of healthcare in Port Colborne, including:

- Feedback about the future of urgent care services in Port Colborne
- What should happen with Niagara Health's Port Colborne site when Niagara Health leaves
- Potentially providing funding to Niagara Health to support the build of the new South Niagara Hospital
- A proposal from Lockview Medical Group to expand primary care services in Port Colborne

The survey was distributed online and in paper format.

The online survey was promoted through multiple channels to maximize reach and participation. These included the City's website, social media platforms, digital advertising, and media outreach. Additionally, postcards featuring a QR code were delivered to every home in Port Colborne, and QR codes were strategically posted throughout the community to encourage engagement.

Paper surveys were available at City Hall, Vale Health & Wellness Centre, Port Colborne Public Library, Lockview Medical Group, Niagara South Family Medicine, Bridges Community Health Centre, Port Cares, Port Colborne Lions Club, Friends Over 55, and Portal Village.

The survey was launched on January 29, 2025. The survey closed April 30, 2025. The results shown in this appendix capture the results from the duration of the survey.

Quick facts:

- 2,012 people completed the survey (1,669 online and 343 on paper). Boxes were placed in the following locations:
 - Vale Health & Wellness Centre
 - City Hall
 - Port Colborne Public Library
 - Portal Village
 - Bridges Community Health Centre
 - Open houses/town hall
 - Lockview Medical Group
 - Friends Over 55
 - Port Cares eastside
 - Port Cares westside
- 10,836 open-field comments to analyze and categorize
- Average time to complete the survey: 13minutes (online survey)
- Estimated completion rate: 72.5% (online and paper surveys) – this is the number of people who started and finished the survey. Long surveys with more than 15 questions typically have a completion rate of 40-42%

Overall Survey Observations

Closure of the Port Colborne Urgent Care Centre

- 83% of respondents reported they thought Port Colborne requires an Urgent Care Centre open 24 hours per day
- 62% of respondents reported that they had used health services at the Port Colborne Urgent Care within the last year.
- Respondents noted concerns about:

- Difficulties travelling to seek care outside of Port Colborne
- The time it takes to get to other hospitals and treatment centres in Niagara
- Increased wait times in Emergency Departments leading to long delays or a decline in the quality of care.
- Community growth not being properly accommodated
- Fear for those with chronic health conditions or young children

Local share contribution to Niagara Health

- Generally, residents did not support contributing \$6.2 million to Niagara Health in support of the South Niagara Hospital, because they felt Port Colborne residents will not benefit.
- Respondents noted concerns about:
 - The financial burden the request places on residents, especially seniors.
 - The distance from Port Colborne to the new hospital, noting it would not adequately serve their needs.
 - The per-capita approach used by Niagara Health uses outdated data, placing an undue hardship on communities who have not seen as much growth since the last census.
- Some respondents are willing to support the request if certain conditions are met, such as ensuring that the urgent care centres in Port Colborne and Fort Erie remain open.

Family Doctors in Port Colborne

- 90% of respondents reported they thought Port Colborne needed more family doctors.
- 50% of respondents reported they had a family doctor in Port Colborne.
- 46% of respondents reported their family doctor was located outside Port Colborne.
- 50% of respondents reported they see their family doctor two or three times per year.
- 41% of respondents reported that it takes them more than two weeks to get an appointment with their family doctor.

Healthcare services in Port Colborne

- Respondents supported a variety of healthcare options being available in Port Colborne, including more family physicians and family health teams, more walk-in clinics, more diagnostics, and a new Urgent Care Centre.
- Respondents highlighted the need for a variety of healthcare services, including walk-in clinics, diagnostic imaging (X-rays, MRIs, ultrasounds), and emergency care.

Proposal from Lockview Medical Group

- About 46% of respondents thought the proposal from Lockview Medical Group could benefit Port Colborne residents.
- Many respondents support the proposal because it would provide local healthcare services, reducing the need to travel out of town for medical appointments.
- Some respondents believe that the proposal would create jobs and stimulate the local economy. The development of the medical centre is also seen as a way to minimize costs and avoid tax increases.
- Supporters mention that the proposal would bring enhanced healthcare services, such as diagnostic services and treatments.

- Several respondents feel that there is not enough tangible information being shared about the proposal. They request more details about the terms of the sale, the involvement of developers, and the specific benefits for the community.

Development at the Niagara Health Port Colborne site

- 85% of question respondents supported pursuing a housing development with a medical centre.
- Many respondents expressed support for the project, considering it a good or great idea. Some believe it could generate income for the City and wanted the property back under City ownership.
- Many respondents were worried about the financial implications, including the cost of the project and the potential for increased taxes.
- Respondents questioned whether the City's current infrastructure could support the new development. Issues raised included the capacity of grocery stores, restaurants, parking, and other amenities.
- There were concerns about the affordability of the new housing, with some respondents emphasizing the need for affordable housing rather than luxury developments.

Primary care development in Port Colborne

- 55% of respondents support the idea of the City pursuing the construction of a primary care facility somewhere else in Port Colborne, with a funding strategy that does not impact the taxpayer.
- Respondents who supported a new facility in a different location often highlighted the need for better healthcare services and were willing to consider new construction if it meant improved access to care.
- Primary concerns were related to the financial implications, preferring to see existing facilities upgraded rather than new ones built.
- Many respondents were open to the idea but wanted assurances about funding and the inclusion of essential services like urgent care.

Establishing a Healthcare Advisory Committee

- 74% of respondents supported the establishment of a committee to advise on healthcare issues in Port Colborne
- Respondents thought a committee would provide a platform for diverse voices and would ensure residents' needs are considered.
- Respondents want a transparent committee that includes a diverse group of people, including residents, healthcare professionals, and local leaders. The committee should publish key points from meetings and avoid closed-door sessions.

In-Person Open Houses

Overview

Two in-person open houses were held at the Vale Health & Wellness Centre in the Golden Puck Room. The sessions were on:

- Wednesday, February 19 from 2 p.m. to 6 p.m.
- Thursday, February 20 from 3 p.m. to 7 p.m.
- A total of 87 people attended the open houses

A variety of information boards with photos and question prompts were displayed around the room, encouraging conversation and discussions with attendees.

One set of information boards outlined the proposal from Lockview Medical Group, the request for a \$6.2-million contribution from Niagara Health for fixtures and furniture at the new South Niagara Hospital, and the suggestion of considering development on the property to fund the \$6.2-million contribution to the new hospital.

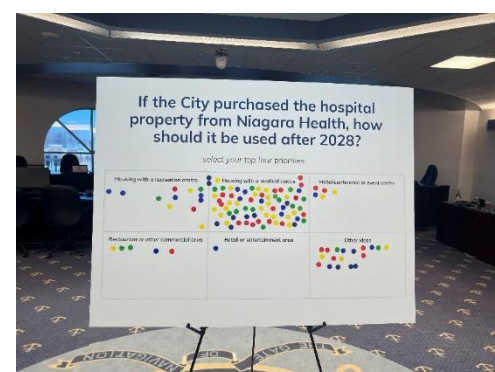
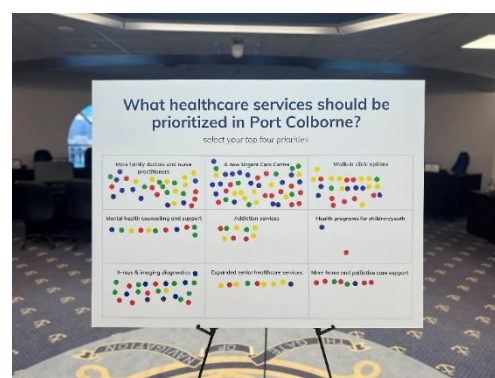
Two interactive stations asked residents to vote for their favourite options with sticky dots for two questions. Participants received four sticky dots and could vote for the options they preferred. The questions were:

1. What healthcare services should be prioritized in Port Colborne?

- As seen in the photo to the right, residents voted most frequently for a new Urgent Care Centre, more family physicians and nurse practitioners, more walk-in clinic options, and additional imaging and diagnostics.

2. If the City purchased the hospital property from Niagara Health, how should it be used after 2028?

- As seen in the photo to the right, residents voted most often for the option of housing with a medical centre.
- This board also asked residents for any other ideas, some ideas received included:
 - Do not redevelop the property, instead use the existing building for Lockview Medical Group family health team and Urgent Care.
 - Add a medical centre but no housing
 - Use the site for social/transitional housing
 - Add reduced cost senior's housing



- Do not support additional condos in Port Colborne
- Diagnostics in the medical centre are needed

Overall Open House Observations

During the open houses, a variety of comments and concerns were collected. These included, but were not limited to:

- The distance from Port Colborne to the site of the new South Niagara Hospital in Niagara Falls is too far. Many residents are fearful that the time it would take to travel to the hospital site would create additional risk during emergency situations.
- Port Colborne's aging population could experience challenges securing transportation to seek medical care outside of Port Colborne, specifically at night.
- Many residents brought forward concerns about how the Port Colborne General Hospital was originally funded, noting past fundraising and paycheque donations from residents, and confusion on how the site came to be owned and operated by Niagara Health.
- Some residents shared their concerns about the \$6.2-million local share requested by Niagara Health, noting the City should not have to contribute to the hospital since it is not local or easily accessible by residents.
- Many open house attendees wish to see the Port Colborne Urgent Care remain operational in some capacity, with no additional development, and prefer not to contribute the requested share.
- Most attendees noted they would like to see the land and building back under City ownership.
- Those who agreed with development overwhelmingly agreed that whatever facility is developed should include a medical centre.
- Support for the Lockview Medical Group proposal was split, with some agreeing that the proposal would be beneficial to the town and others concerned about the potential of privatization of healthcare and the required developments that accompany the proposal.

In-Person Town Hall

Overview

The in-person town hall was held on Monday, February 24, from 6:30 to 8:00 p.m. at the Lighthouse Theatre in Port Colborne. There were 58 attendees on site, and an additional 38 viewers on the livestream – with more than 7,400 views on Facebook and 62 views on YouTube as of March 10, 2025.

The livestream is still available to watch at: https://www.youtube.com/watch?v=g_WtNWkBMvY

The in-person town hall was hosted by an independent moderator from Enterprise Canada Inc., a national strategic communications firm.

It featured a panel of representatives, including:

- Deputy Mayor and City Councillor Ron Bodner
- Chief Administrative Officer Bryan Boles
- Director of Development and Government Relations Gary Long
- Dr. Matt Vandenberg from Lockview Medical Group



The in-person town hall was positioned as a listening exercise, with the panelists providing clarification when appropriate. The moderator explained that the town halls were intended as opportunities for residents to express their views, and not forums to debate outcomes or solutions, rehash previous decisions, or sell or promote particular proposals or options.

It began with a brief overview presentation by CAO Bryan Boles, providing context for the discussions, including historical background, the current situation, what has been proposed, the process and phases for next steps. The floor was then opened to comments from the participants, who offered their perspectives on the relevant issues and suggestions for moving forward.

Overall In-Person Town Hall Observations

The in-person town hall gathering saw residents focusing heavily on keeping the current Urgent Care Centre operational – although, it appeared many residents were unclear about the varying roles and responsibilities of Niagara Health, the City of Port Colborne and the provincial government.

The differences between emergent care, urgent care and primary care were spoken of at length. Many residents commented on the difficulties that surround travelling to the site of the new South Niagara Hospital, including the added risk the far distance from Port Colborne poses in an emergency situation. Some noted that without a personal vehicle, reaching the South Niagara Hospital site would be very challenging.

Hypothetical conversations surrounding an increase in property taxes to fund a healthcare facility had majority support; however, specifics were not discussed. Discussions surrounding the requested \$6.2-million local share, and the validity of that number were frequent, and attendees were concerned about where funding for the local share would come from.

Virtual Town Hall

Overview

The virtual town hall was held on Friday, February 21 from 11 a.m. to 12:15 p.m. A total of 22 attendees joined the town hall via Zoom. The session was recorded and posted on the City's YouTube channel and website. As of March 10, 2025, there were an additional 4 viewers.

The recorded version of the virtual town hall is still available to watch at:

https://www.youtube.com/watch?v=-8R_u75BQ2o

The virtual town hall was hosted by an independent moderator from Enterprise Canada Inc., a national strategic communications firm.

It featured a panel of representatives, including:

- Deputy Mayor and City Councillor Ron Bodner
- Chief Administrative Officer Bryan Boles
- Director of Development and Government Relations Gary Long



Similarly to the in-person town hall, the virtual town hall was positioned as a listening exercise, with the panelists to provide clarification when appropriate. The moderator explained that the town halls were intended as opportunities for residents to express their views, and not forums to debate outcomes or solutions, rehash previous decisions, or sell or promote particular proposals or options.

It began with a brief overview presentation by CAO Bryan Boles, providing context for the discussions, including historical background, the current situation, what has been proposed, the process and phases for next steps. The floor was then opened to comments from the participants, who offered their perspectives on the relevant issues and suggestions for moving forward.

Overall Virtual Town Hall Observations

Comments during the virtual town hall event were largely focused on the development and property of the hospital site in Port Colborne.

Several attendees questioned the value of the property and if it has been assessed. The conversation included questions surrounding the \$6.2-million local share and:

1. How the number was determined

2. If it was a necessary contribution
3. How the City would come up with the funds

Recurring comments about the fear of living in a city with a lack of healthcare options were threaded through the town hall from various commenters.

Pop-up Engagement Opportunities

During the week of February 10-14, 2025, City employees visited select pharmacies and grocery stores in Port Colborne to engage with residents and speak about the future of healthcare, particularly to promote the survey opportunity.

Paper copies of the survey were distributed, and staff also had an iPad available for residents who wanted to complete the survey digitally on-site. Many residents took paper copies with them, and several people expressed interest in attending the open houses and town hall events.

Overall, people were willing to speak to City employees about the future of healthcare and were interested in completing the survey to have their say.

Meetings with Various City Committees and Working Groups

City staff are still planning more in-depth engagement sessions with a select group of City committees and working groups, all scheduled for March and April (Seniors Advisory Committee, Mayor's Youth Advisory Committee, Social Determinants of Health Committee).

As noted in the survey results, not all age groups provided input on the survey to date, especially younger age cohorts. To engage younger generations, staff will work closely with the Mayor's Youth Advisory Committee to gather both their feedback and encourage additional participation in the survey between now and April 30, 2025.

Summary of Survey Results by Question

Responses to survey questions are outlined below. Open-ended questions include a detailed summary of responses received. A full list of open-ended responses received has been posted on www.portcolborne.ca/healthcare. Please note, staff used Microsoft CoPilot to help provide summaries and detect trends in the 10,836 open-ended responses received.

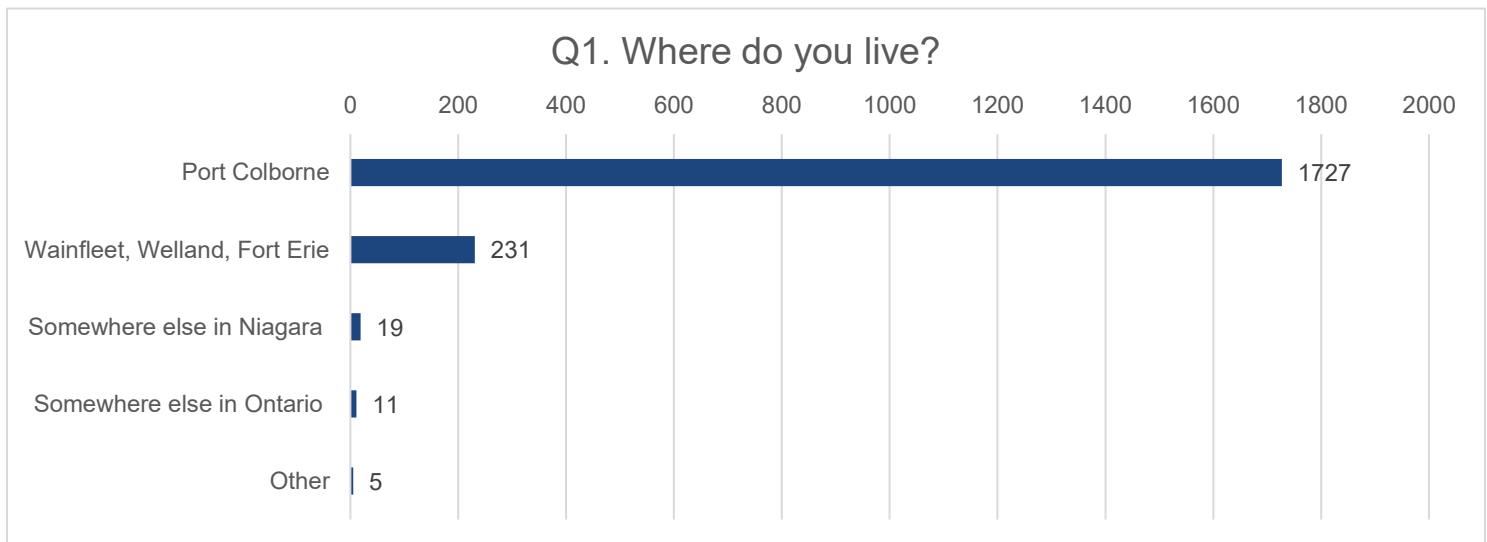
Additionally, please note, due to the uncontrolled nature of the paper survey environment, some paper responses included multiple answers to questions designed for a single response. Rather than excluding these surveys/questions from the final analysis, responses for nine survey questions have been recorded and presented separately to account for multiple selections on paper surveys. The affected questions are 4, 5, 7, 8, 11, 13, 16, 17, and 26.

Q1. Where do you live?

Answer Choices	Responses
Port Colborne	1727
Wainfleet, Welland, Fort Erie	231
Somewhere else in Niagara	19
Somewhere else in Ontario	11
Other	5

86.6% of respondents are from Port Colborne, with 11.6% coming from neighbouring communities.

Answered	1993
Skipped	19

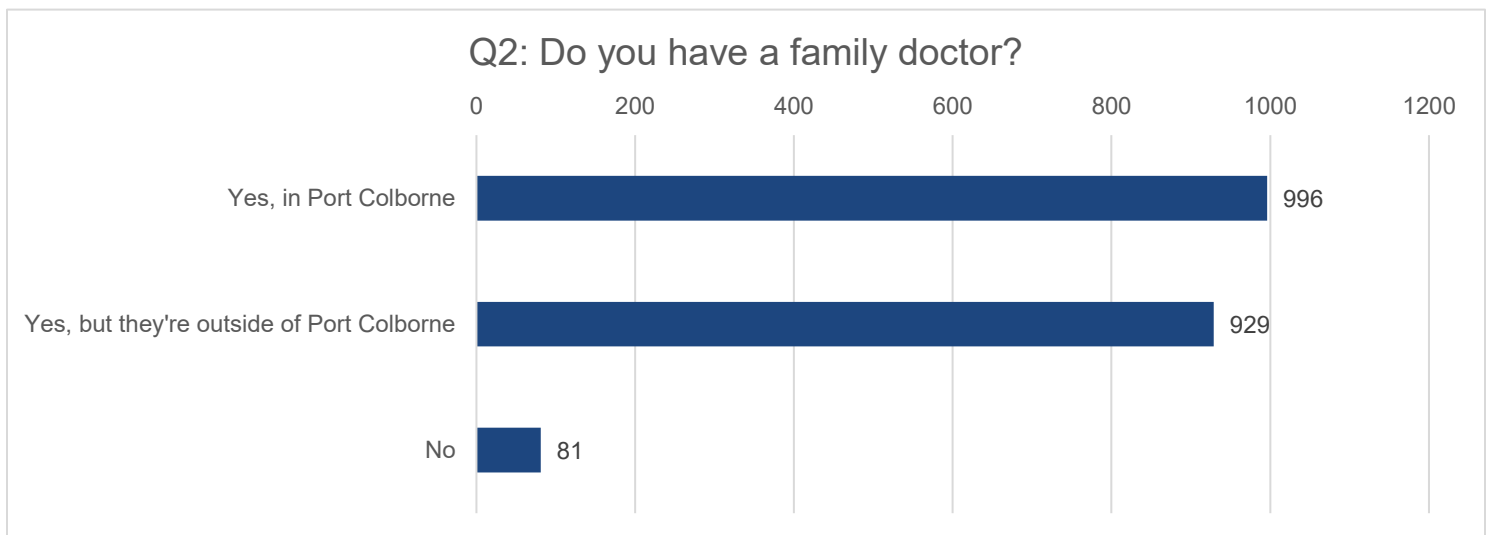


Q2. Do you have a family doctor?

Answer Choices	Responses
Yes, in Port Colborne	996
Yes, but they're outside of Port Colborne	929
No	81
Answered	2006
Skipped	6

50% of respondents reported they had a family doctor in Port Colborne.

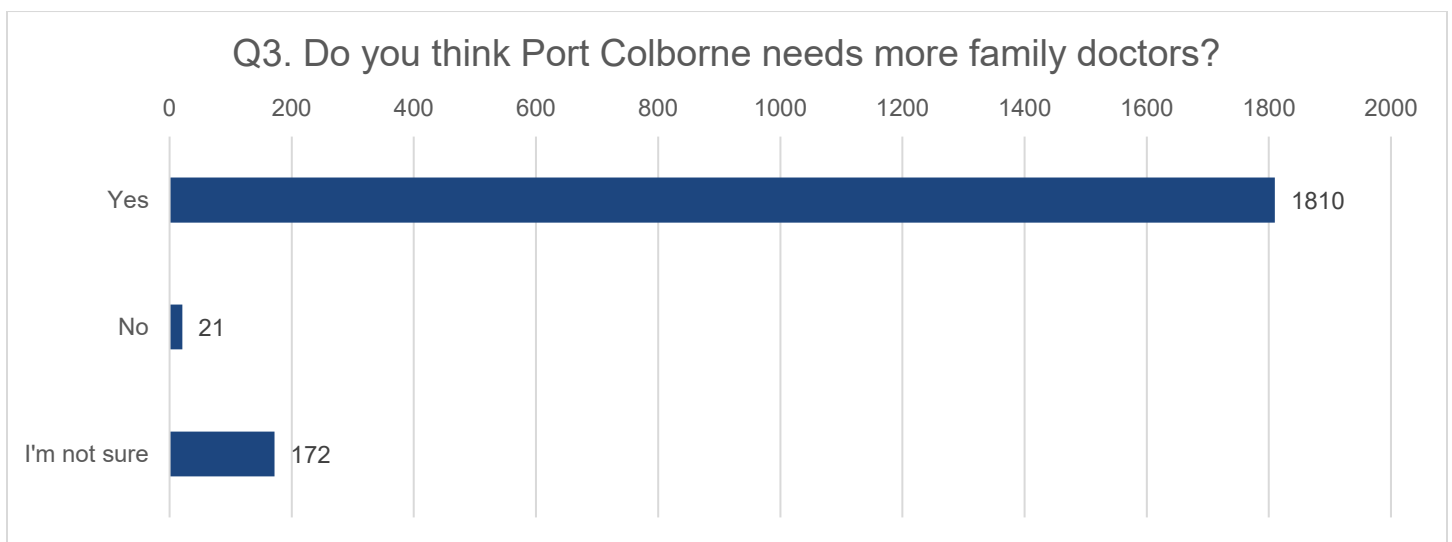
46% of respondents reported their family doctor was located outside Port Colborne.



Q3. Do you think Port Colborne needs more family doctors?

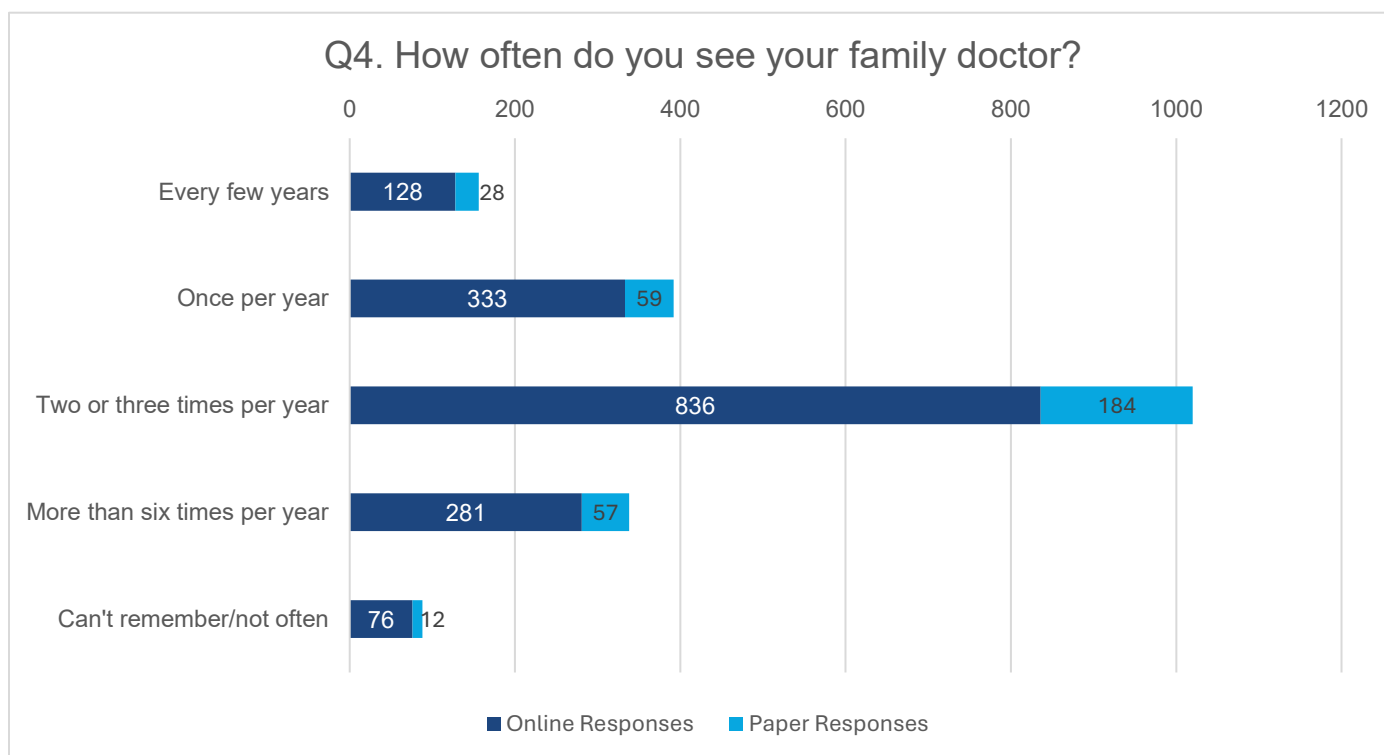
Answer Choices	Responses
Yes	1810
No	21
I'm not sure	172
Answered	2003
Skipped	9

90% of respondents reported they thought Port Colborne needed more family doctors.



Q4. How often do you see your family doctor?¹

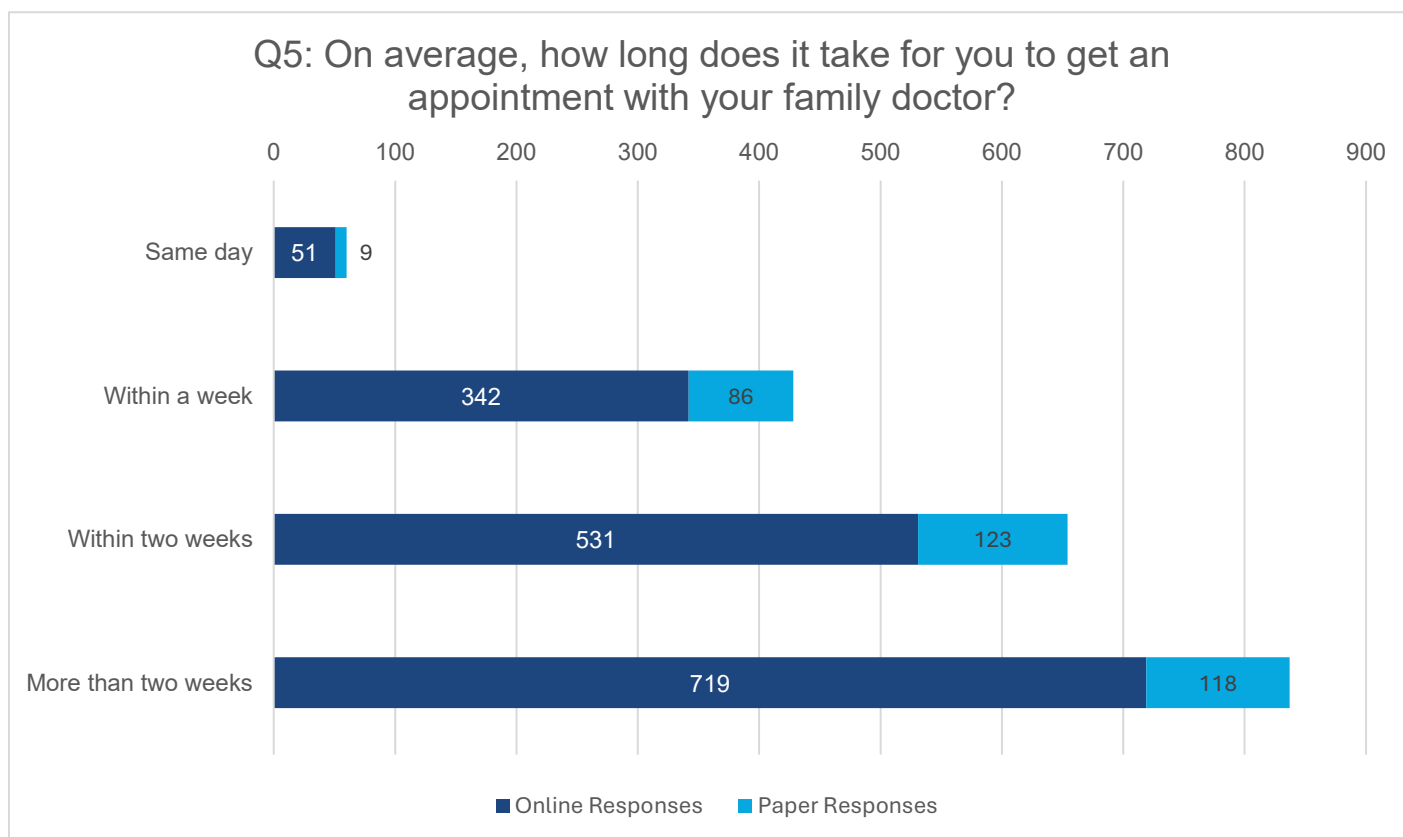
	ONLINE	PAPER	
Answer Choices	Responses		
Every few years	128	28	51% of respondents reported they see their family doctor two or three times per year.
Once per year	333	59	
Two or three times per year	836	184	
More than six times per year	281	57	
Can't remember/not often	76	12	
Answered	1654	336	
Skipped	15	7	



¹ Please note, due to the uncontrolled nature of the paper survey environment, some paper responses included multiple answers to questions designed for a single response. Rather than excluding these surveys/questions from the final analysis, responses for nine survey questions have been recorded and presented separately to account for multiple selections on paper surveys. The affected questions are 4, 5, 7, 8, 11, 13, 16, 17, and 26.

Q5: On average, how long does it take for you to get an appointment with your family doctor?²

	ONLINE	PAPER	
Answer Choices	Responses		
Same day	51	9	53% of respondents reported that it takes them more than two weeks to get an appointment with their family doctor.
Within a week	342	86	
Within two weeks	531	123	
More than two weeks	719	118	
Answered	1643	332	
Skipped	26	11	

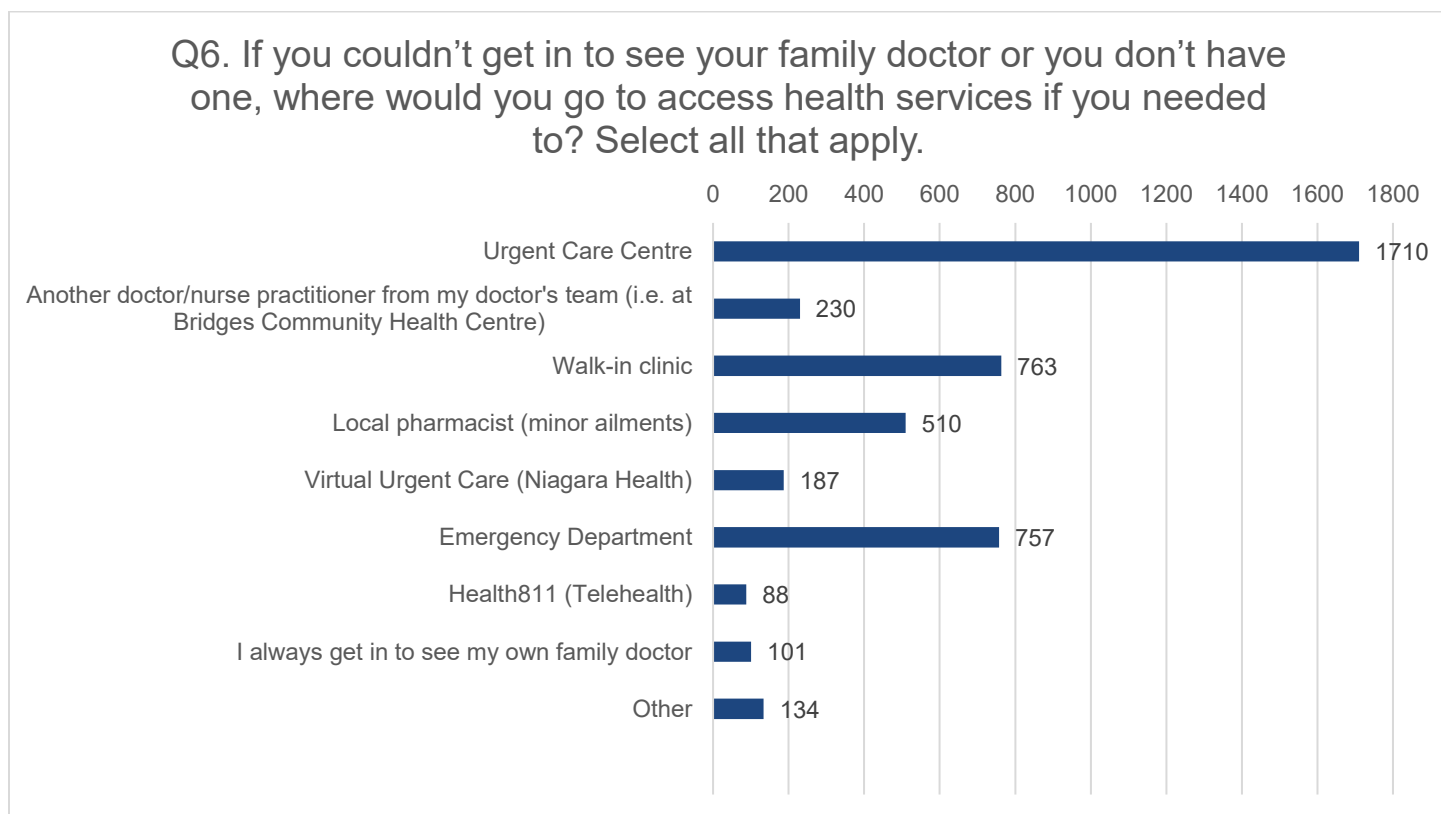


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Q6. If you couldn't get in to see your family doctor or you don't have one, where would you go to access health services if you needed to? Select all that apply.

Answer Choices	Responses
Urgent Care Centre	1710
Another doctor/nurse practitioner from my doctor's team (i.e. at Bridges Community Health Centre)	230
Walk-in clinic	763
Local pharmacist (minor ailments)	510
Virtual Urgent Care (Niagara Health)	187
Emergency Department	757
Health811 (Telehealth)	88
I always get in to see my own family doctor	101
Other (please specify)	134
Answered	2005
Skipped	7

Of those respondents who selected one of the available options, 85% reported they would seek healthcare at an Urgent Care Centre.



Question six also allowed respondents to offer “other” answers. 134 suggestions were provided.

Many answers received in the “other” field repeated options available in the list, requiring a more in-depth review of answers to determine the most accurate break-down of where residents would seek care if they did not have a family doctor.

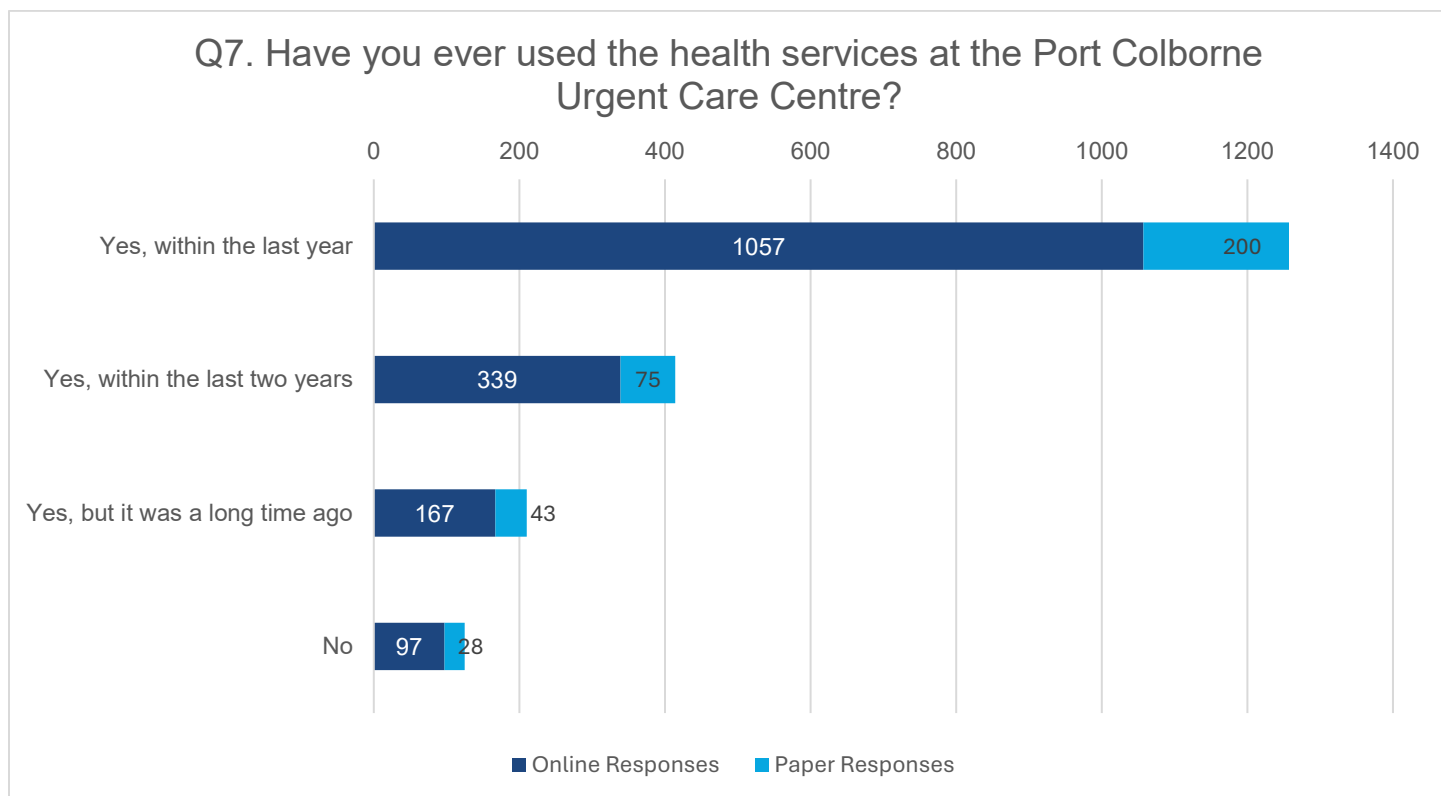
Other common answers received included:

- Call ambulance or paramedics – depending on severity.
- Online doctor services (e.g., Tia Health, Maple) – used by some respondents.
- Specialists in other communities (Hamilton, Toronto) – for specific needs.
- Self-care or internet for advice – when professional help is not accessible.
- Not seeking medical attention – due to long wait times or other reasons.
- To the USA – some respondents report seeking care in the US.

A list of open-ended responses received has been posted on www.portcolborne.ca/healthcare

Q7. Have you ever used the health services at the Port Colborne Urgent Care Centre?³

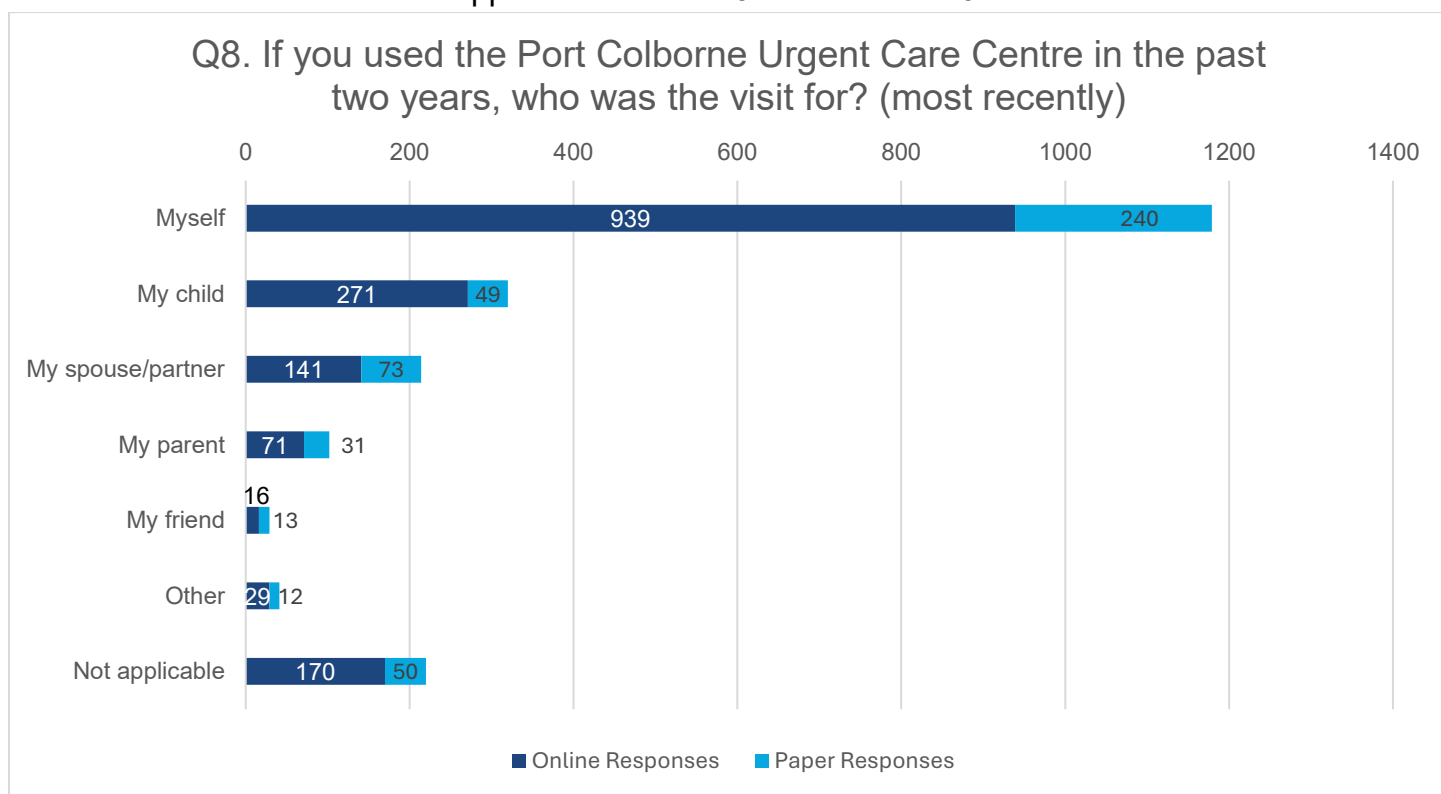
	ONLINE	PAPER	
Answer Choices	Responses		
Yes, within the last year	1057	200	63% of respondents reported that they had used health services at the Port Colborne Urgent Care within the last year.
Yes, within the last two years	339	75	
Yes, but it was a long time ago	167	43	
No	97	28	
	1660	341	
Answered			
Skipped	9	2	



³ Please note, due to the uncontrolled nature of the paper survey environment, some paper responses included multiple answers to questions designed for a single response. Rather than excluding these surveys/questions from the final analysis, responses for nine survey questions have been recorded and presented separately to account for multiple selections on paper surveys. The affected questions are 4, 5, 7, 8, 11, 13, 16, 17, and 26.

Q8. If you used the Port Colborne Urgent Care Centre in the past two years, who was the visit for? (most recently)⁴

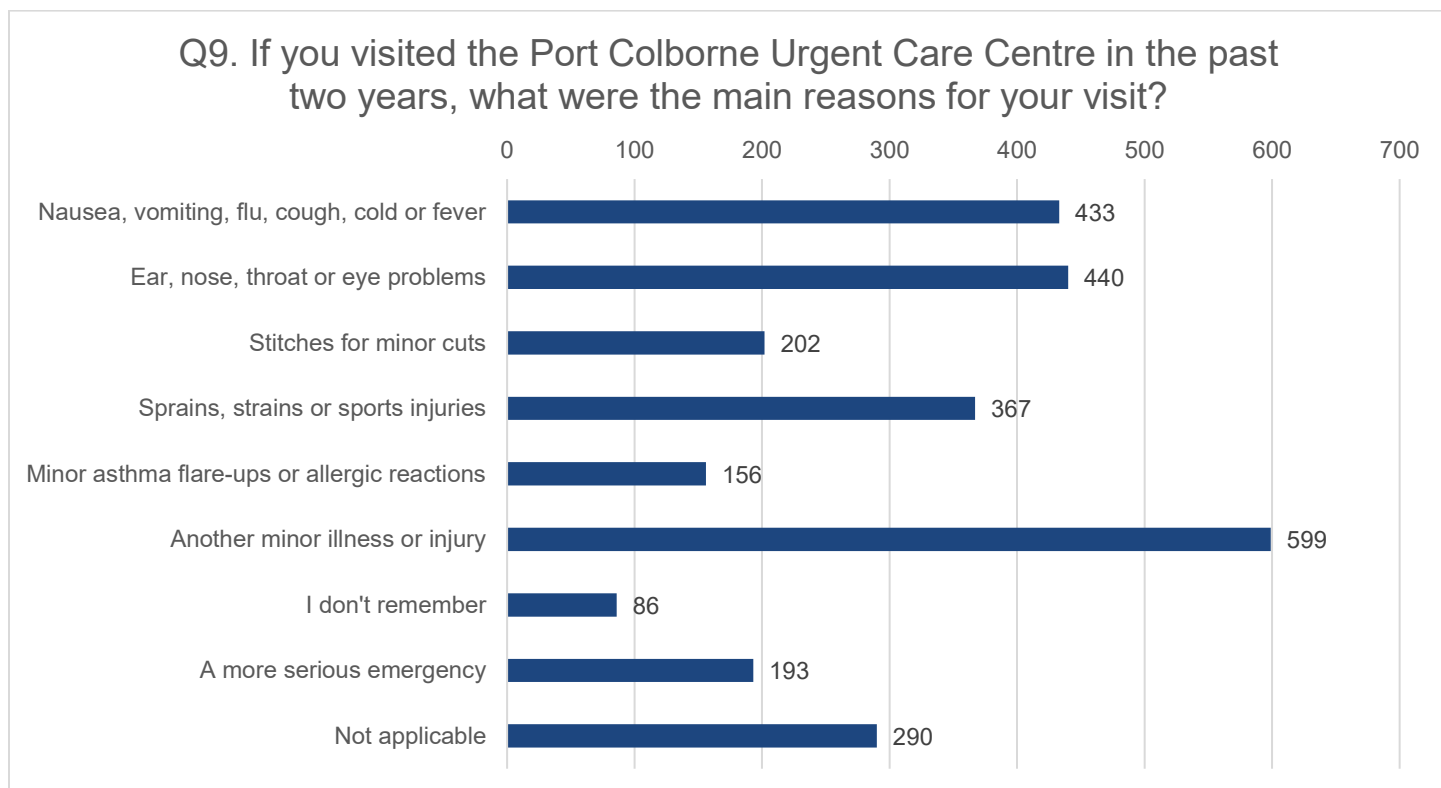
	ONLINE	PAPER	
Answer Choices	Responses		
Myself	939	240	59% of respondents who used the Port Colborne Urgent Care Centre in the past two years were seeking treatment for themselves.
My child	271	49	
My spouse/partner	141	73	
My parent	71	31	
My friend	16	13	
Other	29	12	
Not applicable	170	50	
Answered	1637	337	
Skipped	32	6	



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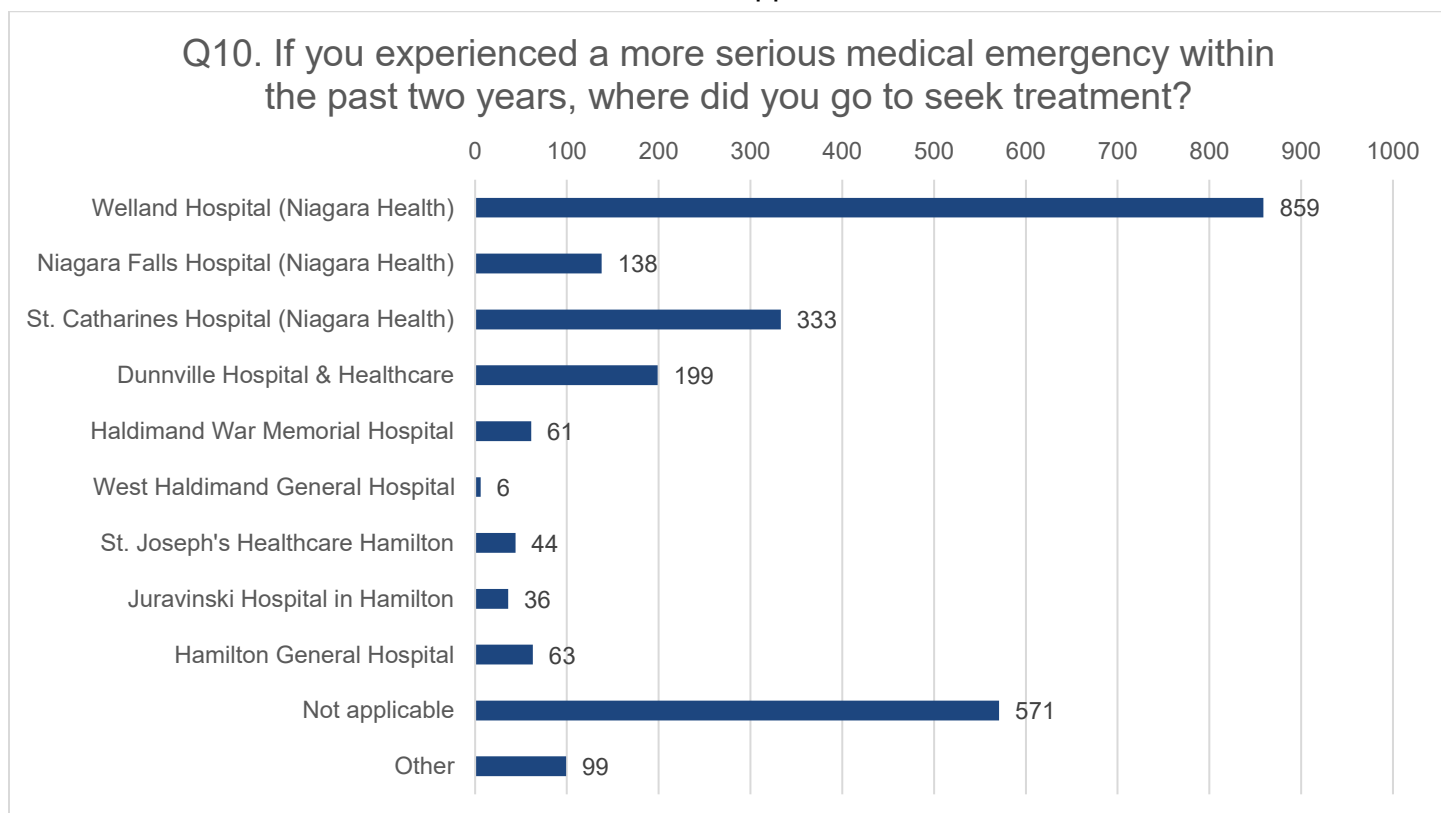
Q9. If you visited the Port Colborne Urgent Care Centre in the past two years, what were the main reasons for your visit? (select all that apply)

Answer Choices	Responses
Nausea, vomiting, flu, cough, cold or fever	433
Ear, nose, throat or eye problems	440
Stitches for minor cuts	202
Sprains, strains or sports injuries	367
Minor asthma flare-ups or allergic reactions	156
Another minor illness or injury	599
I don't remember	86
A more serious emergency (Niagara Health suggests people with medical emergencies should call 9-1-1 or go directly to an Emergency Department)	193
Not applicable	290
Answered	1952
Skipped	60



Q10. If you experienced a more serious medical emergency within the past two years, where did you go to seek treatment? (select all that apply)

Answer Choices	Responses	
Welland Hospital (Niagara Health)	859	Of those respondents who selected one of the available options, 45% reported they would seek care for a more serious emergency at the Welland Hospital.
Niagara Falls Hospital (Niagara Health)	138	
St. Catharines Hospital (Niagara Health)	333	
Dunnville Hospital & Healthcare	199	
Haldimand War Memorial Hospital	61	
West Haldimand General Hospital	6	
St. Joseph's Healthcare Hamilton	44	
Juravinski Hospital in Hamilton	36	
Hamilton General Hospital	63	
Not applicable	571	
Other (please specify)	99	
Answered	1902	
Skipped	110	



Question ten also allowed respondents to offer “other” answers. 99 suggestions were provided.

Many answers received in the “other” field repeated options available in the list, requiring a more in-depth review of answers to determine the most accurate break-down of where respondents are seeking care.

Other common answers received included:

- West Lincoln Memorial Hospital
- McMaster Children’s Hospital (Hamilton)
- St. Michael’s Hospital (Unity Health Network in Toronto, ON)
- Sunnybrook Hospital (Toronto, ON)
- St. Joseph’s Hospital (London, ON)
- Roswell Park Cancer Centre (Buffalo, NY)

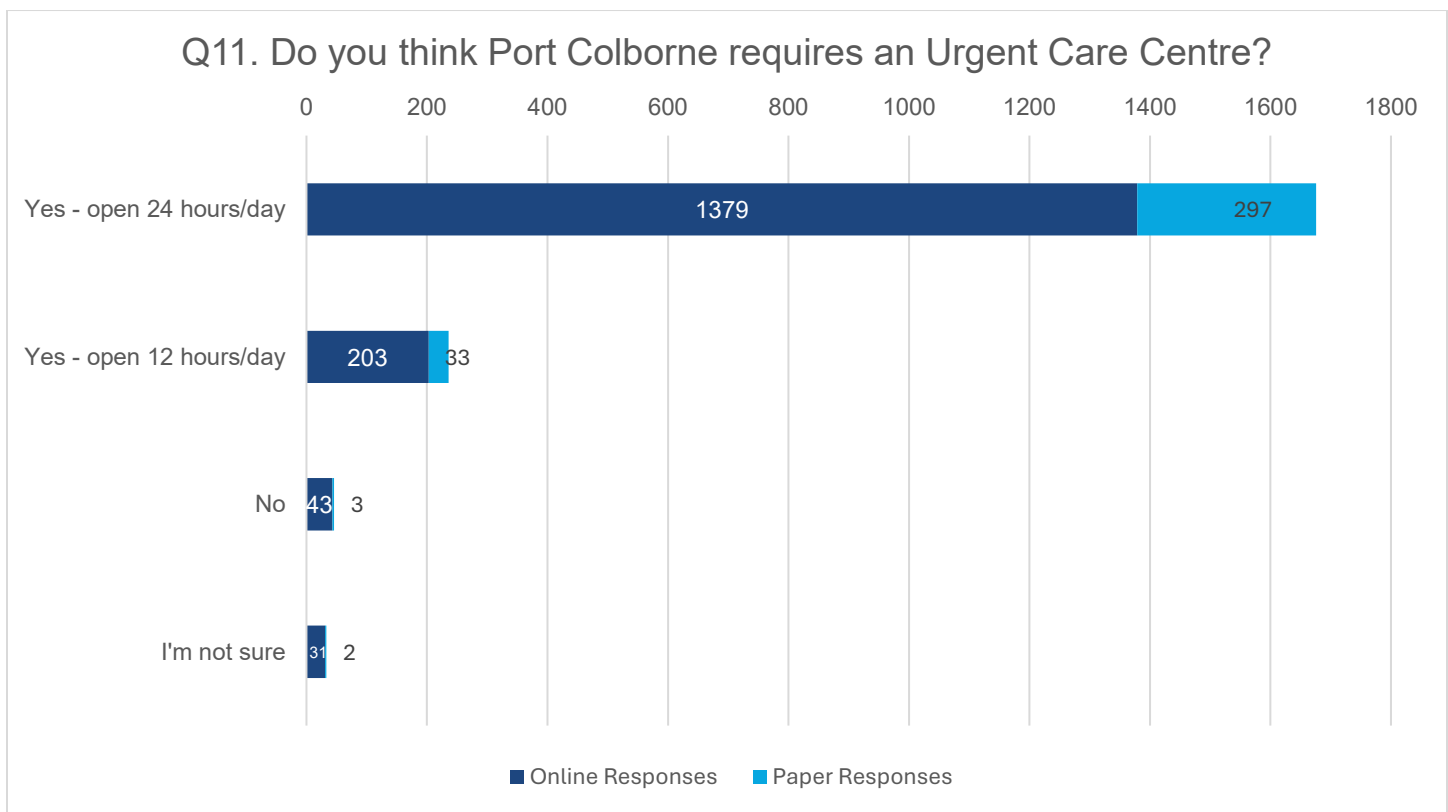
In open responses to this question, respondents also highlighted the following challenges:

- **Wait times and accessibility:** Long wait times at local hospitals led some respondents to seek treatment elsewhere.
- **Transfer and referral patterns:** Many started at Port Colborne Urgent Care and were transferred to larger hospitals for specialized care.
- **Specialized care needs:** Pediatric emergencies often required visits to McMaster Children's Hospital. Heart attacks and surgeries highlighted the need for immediate specialized care.
- **Patient experiences:** Positive experiences included life-saving interventions. Negative experiences involved delays and inadequate immediate care.
- **Cross-border healthcare:** Some respondents sought quicker access to services in the U.S. due to local delays.
- **Impact on seniors:** Concerns about the adequacy of local facilities for seniors were noted.

A list of open-ended responses received has been posted on www.portcolborne.ca/healthcare

Q11. Do you think Port Colborne requires an Urgent Care Centre?⁵

	ONLINE	PAPER	84% of respondents reported they thought Port Colborne requires an Urgent Care Centre open 24 hours per day.
Answer Choices	Responses		
Yes - open 24 hours/day	1379	297	
Yes - open 12 hours/day	203	33	
No	43	3	
I'm not sure	31	2	
Answered	1656	335	
Skipped	13	8	



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Q12. Niagara Health is planning to close the Port Colborne Urgent Care Centre in 2028. How will this impact you or your family?

Answered 1704

Skipped 308

This was an open-ended question which allowed respondents to fill in comments. 1704 suggestions were provided.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the reported impacts of the closure of the Port Colborne Urgent Care is shown below.

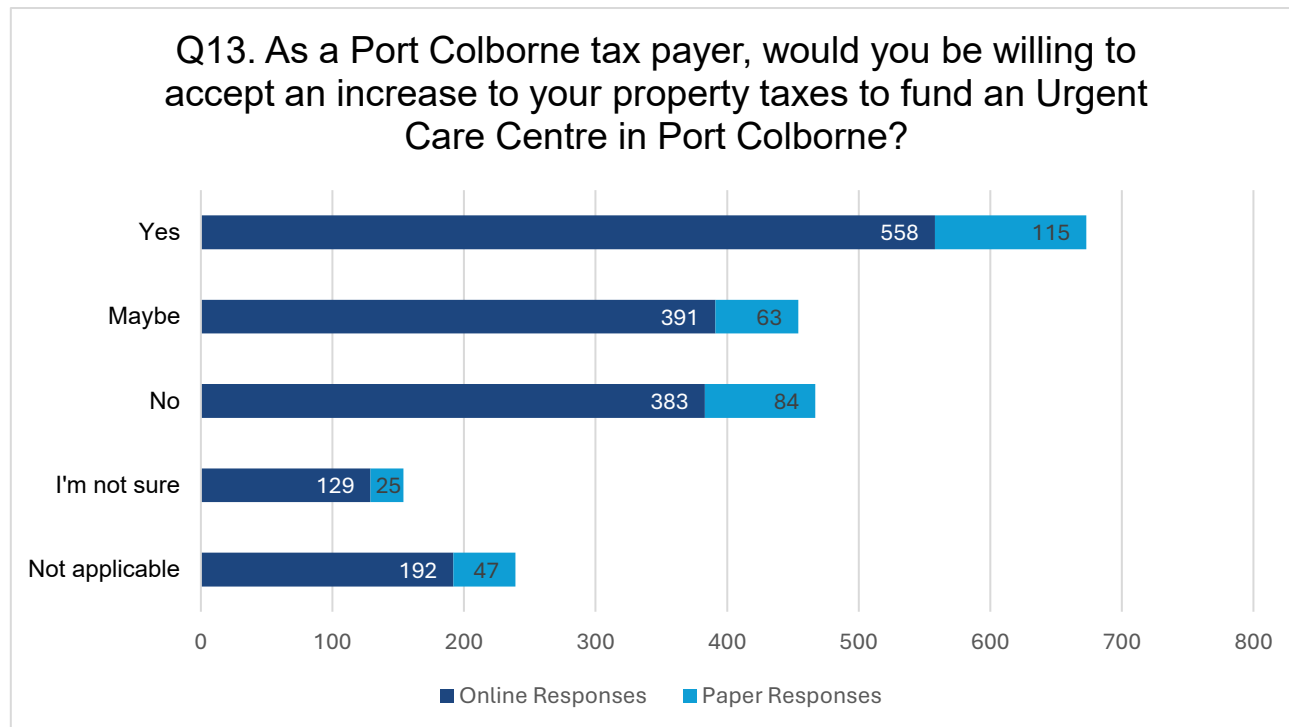
Overall, the community's response indicated a significant negative impact on families and individuals in Port Colborne, underscoring the critical need for accessible, local healthcare services, particularly given the aging population and ongoing community growth. The closure of the Port Colborne Urgent Care Centre is viewed as a detrimental decision that could have severe consequences for residents' health and well-being, with several respondents providing impact statements outlining how the Port Colborne Urgent Care has been instrumental in keeping loved ones healthy and in some cases, alive.

Q12 Open-Ended Response Summary	
Impact on Seniors	<ul style="list-style-type: none"> Many emphasize the importance for seniors to have local access to healthcare. Concerns include difficulty travelling to distant hospitals, especially in emergencies, and the potential for life-threatening delays.
Travel and Wait Times	<ul style="list-style-type: none"> Respondents highlight the inconvenience and extended wait times at the nearest alternatives, such as Welland emergency. Additional travel time to Welland, Niagara Falls, or St. Catharines is a major concern, particularly in emergencies. As Port Colborne is an area that frequently experiences extreme weather, this adds to travel concerns and the ability to easily access healthcare when significant weather events take place.
Community Growth	<ul style="list-style-type: none"> The area is experiencing growth with new families and new Canadians moving in. The closure of the Port Colborne Urgent Care is seen as illogical given the expected increase in population and healthcare needs.
Accessibility Issues	<ul style="list-style-type: none"> Many residents do not have access to reliable transportation, making it difficult to reach hospitals in other cities.

Q12 Open-Ended Response Summary	
	<ul style="list-style-type: none"> This is particularly concerning for those with urgent but non-emergency medical needs.
Emotional and Psychological Impact	<ul style="list-style-type: none"> The potential closure has caused significant anxiety and fear among residents, particularly those with chronic health conditions or young children. The lack of immediate local healthcare options is seen as a threat to their well-being.
Economic and Logistical Concerns	<ul style="list-style-type: none"> Worries about the financial burden of travelling to distant hospitals, including costs related to transportation and parking. Increased strain on other hospitals could lead to even longer wait times and reduced quality of care. Some respondents worry they will be forced to move to be closer to quality healthcare.
Suggestions for Improvement	<ul style="list-style-type: none"> Some respondents suggest alternative funding methods, such as monthly 50/50 draws, to keep the Urgent Care Centre open. Others propose the establishment of a 24-hour treatment centre or walk-in clinics to alleviate the pressure on emergency departments.
Government and Administrative Criticism	<ul style="list-style-type: none"> Strong sentiment that upper levels of government and health administration are not adequately addressing the healthcare needs of the community. Many believe that the closure is a result of poor management and misallocation of resources.

Q13. As a Port Colborne tax payer, would you be willing to accept an increase to your property taxes to fund an Urgent Care Centre in Port Colborne?⁶

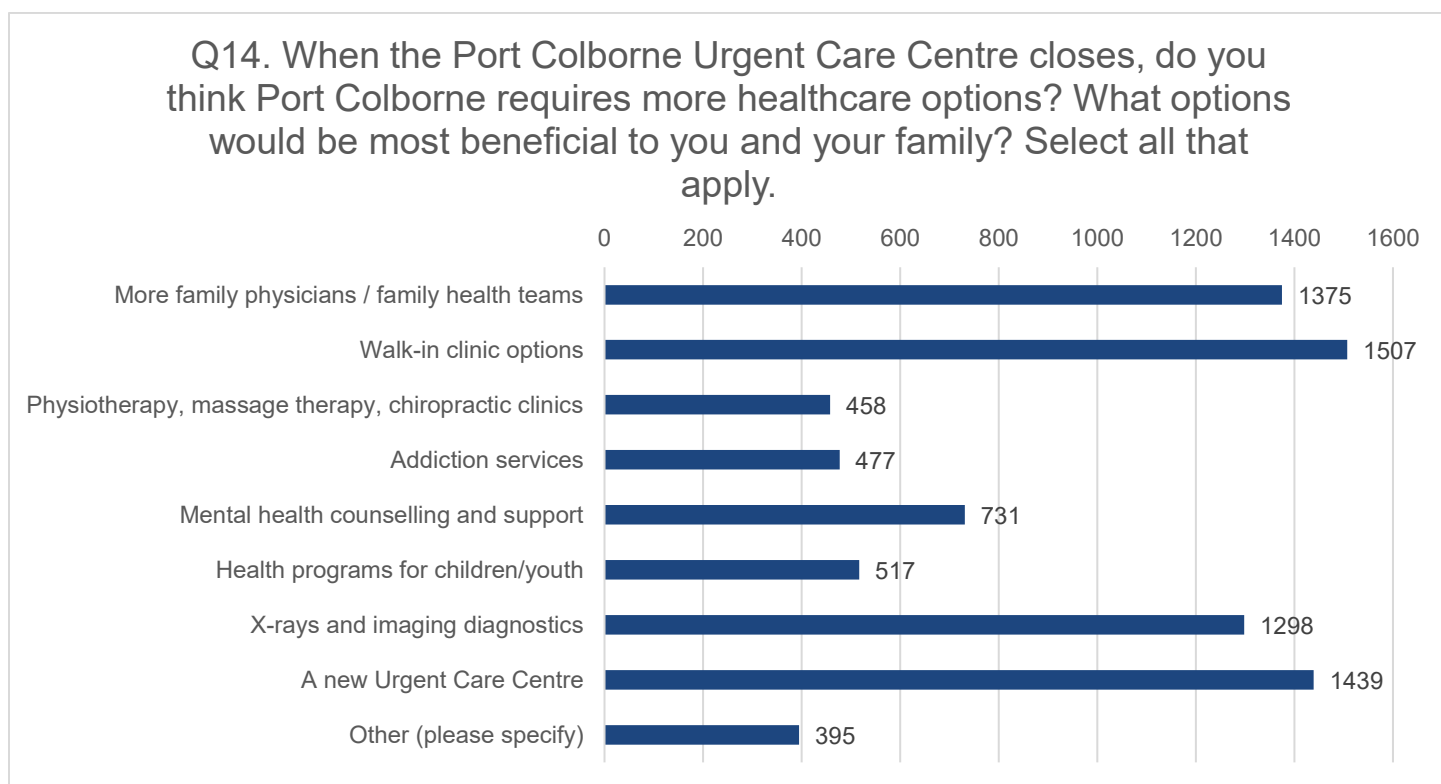
Answer Choices	ONLINE Responses	PAPER Responses	
Yes	558	115	34% of respondents reported they would support an increase to their property taxes to fund an Urgent Care Centre in Port Colborne.
Maybe	391	63	
No	383	84	
I'm not sure	129	25	23% reported they would maybe support a tax increase.
Not applicable	192	47	23% reported they would not support an increase.
Answered	1653	334	
Skipped	16	9	
			8% reported they were not sure.



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Q14. When the Port Colborne Urgent Care Centre closes, do you think Port Colborne requires more healthcare options? What options would be most beneficial to you and your family? Select all that apply.

Answer Choices	Responses	Respondents supported a variety of healthcare options being available in Port Colborne, including more family physicians and family health teams, more walk-in clinics, more diagnostics, and a new Urgent Care Centre.
More family physicians / family health teams	1375	
Walk-in clinic options	1507	
Physiotherapy, massage therapy, chiropractic clinics	458	
Addiction services	477	
Mental health counselling and support	731	
Health programs for children/youth	517	
X-rays and imaging diagnostics	1298	
A new Urgent Care Centre	1439	
Other (please specify)	395	
Answered	1994	
Skipped	18	



Question 14 also allowed respondents to offer “other” answers. 361 comments were received.

Overall, the community strongly opposes the closure of the Port Colborne Urgent Care Centre, emphasizing its critical role and expressing concerns about increased travel times and impacts on vulnerable populations. There was a clear need for comprehensive healthcare services, including 24/7 emergency care, and financial concerns about potential tax increases. Respondents support expanding existing services, incorporating more healthcare professionals, and improving community health programs and facilities.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the responses received is shown below.

Q14 Open-Ended Response Summary	
Strong Opposition to Closing Urgent Care	<ul style="list-style-type: none"> Many respondents expressed strong opposition to closing the Port Colborne Urgent Care Centre, emphasizing its importance to the community. Concerns about increased travel times to other healthcare facilities and the impact on seniors and vulnerable populations were frequently mentioned.
Need for Comprehensive Healthcare Services	<ul style="list-style-type: none"> Respondents highlighted the need for a variety of healthcare services, including walk-in clinics, diagnostic imaging (X-rays, MRIs, ultrasounds), and emergency care. There was a call for a full-service hospital or a 24/7 emergency room to cater to the growing population and aging community.
Financial Concerns	<ul style="list-style-type: none"> Many respondents expressed concerns about the financial implications of closing the Urgent Care Centre and the potential increase in property taxes. Suggestions were made to reallocate existing funds or find more efficient ways to manage healthcare costs.
Support for Expanded Services	<ul style="list-style-type: none"> There was support for expanding existing services like Bridges CHC, which offers various health and wellness programs. Respondents suggested incorporating more nurse practitioners, social workers, and mental health services to provide comprehensive care.
Specific Healthcare Services	<ul style="list-style-type: none"> Prenatal Care and Maternity Ward: Some respondents emphasized the need for prenatal care and a maternity ward. Psychiatric Services: There were mentions of the need for psychiatrists and concerns about the difficulty in finding one. Specialist Services: Suggestions included having areas for specialists to see patients, such as pediatricians and other specialists.

Q14 Open-Ended Response Summary	
Community Health Programs	<ul style="list-style-type: none"> • Respondents expressed a desire for more community health programs, including seniors care, palliative care, hospice, and home care support.
Infrastructure and Facility Improvements	<ul style="list-style-type: none"> • Suggestions to improve financial efficiency included leveraging existing buildings, reducing unnecessary spending, and reallocating funds from other projects.
Accessibility and Convenience	<ul style="list-style-type: none"> • Concerns about the distance to other hospitals, especially in emergencies, were frequently mentioned. • The importance of having local healthcare options to avoid long travel times was emphasized.

Q15. As part of the construction for the new hospital, Niagara Health has asked local municipalities to contribute money to support the purchase of furniture, fixtures and equipment. What do you think about this?

Answered 1321

Skipped 691

This was an open-ended question which allowed respondents to fill in comments. 1321 comments were received.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

Overall, the responses indicate opposition to the idea of Port Colborne contributing to the new South Niagara Hospital costs, with significant concerns about financial burden, geographical inconvenience, and the impact on local services.

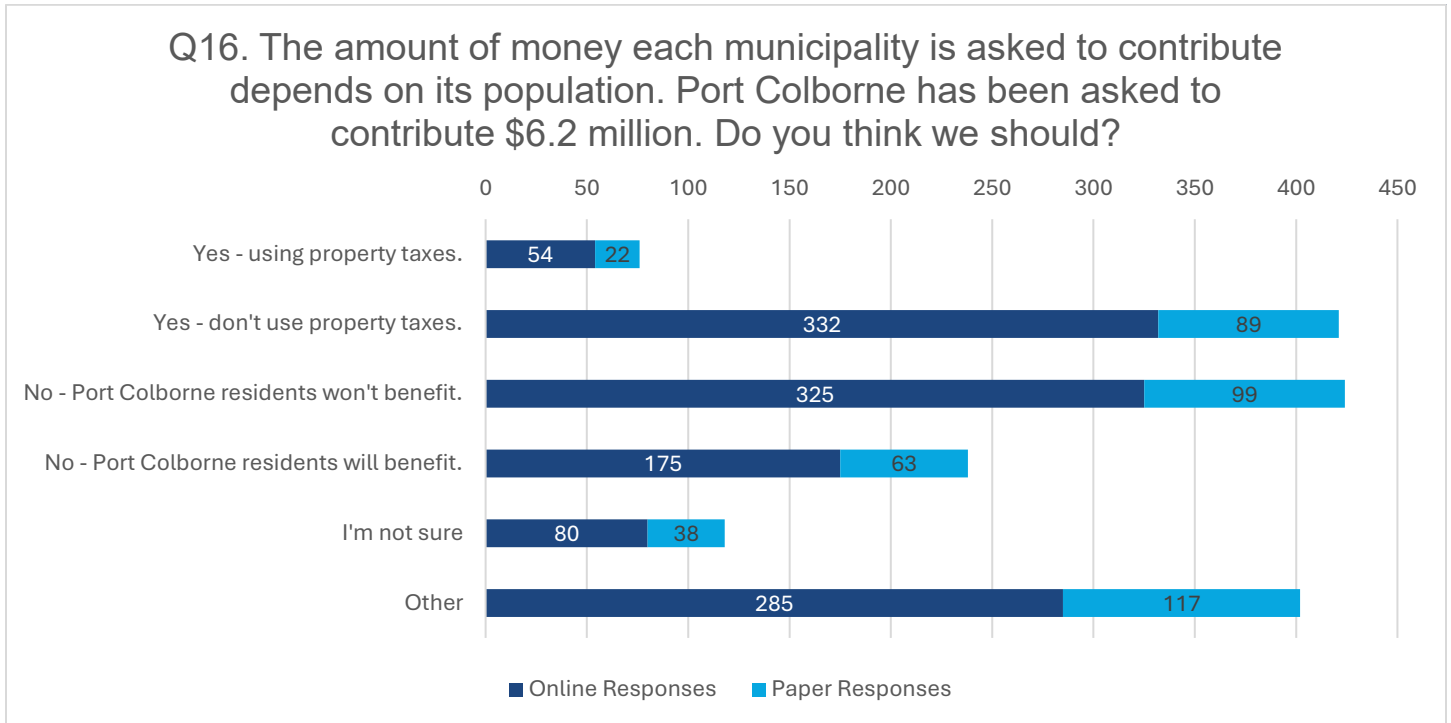
Q15 Open-Ended Response Summary	
Criticism of Niagara Health	<ul style="list-style-type: none"> Several respondents criticize Niagara Health for asking for contributions despite already receiving donations and funding. They feel that Niagara Health should have planned better and managed their existing resources more efficiently. There is a sentiment that Niagara Health has stripped equipment from local hospitals like Port Colborne and now expects residents to contribute to a new facility.
Financial Burden on Residents	<ul style="list-style-type: none"> Many respondents express concern about the financial burden this request places on residents, especially seniors and those on fixed incomes. They feel that they are already taxed heavily and cannot afford additional contributions. Some suggest cutting other non-essential services or finding alternative funding sources to avoid increasing taxes.
Geographical Concerns	<ul style="list-style-type: none"> Respondents highlight that the new hospital is not truly in South Niagara and is too far from communities like Port Colborne, Fort Erie, and Wainfleet. They feel that the location is inconvenient and will not adequately serve their needs.

Q15 Open-Ended Response Summary	
	<ul style="list-style-type: none"> • There is a strong preference for maintaining and improving local healthcare facilities rather than contributing to a distant hospital.
Suggestions for Funding	<ul style="list-style-type: none"> • Several respondents suggest using funds from casinos, provincial and federal government grants, or fundraising efforts by Niagara Health Foundation instead of asking local municipalities to contribute. • Some propose reusing existing equipment and furniture from hospitals that are being closed to save costs.
Conditional Support	<ul style="list-style-type: none"> • Some respondents are willing to support the new hospital if certain conditions are met, such as ensuring that local urgent care centres remain open or that contributions are proportional to the population and financial capacity of each municipality. • There is a call for transparency and accountability in how the funds are used and managed.

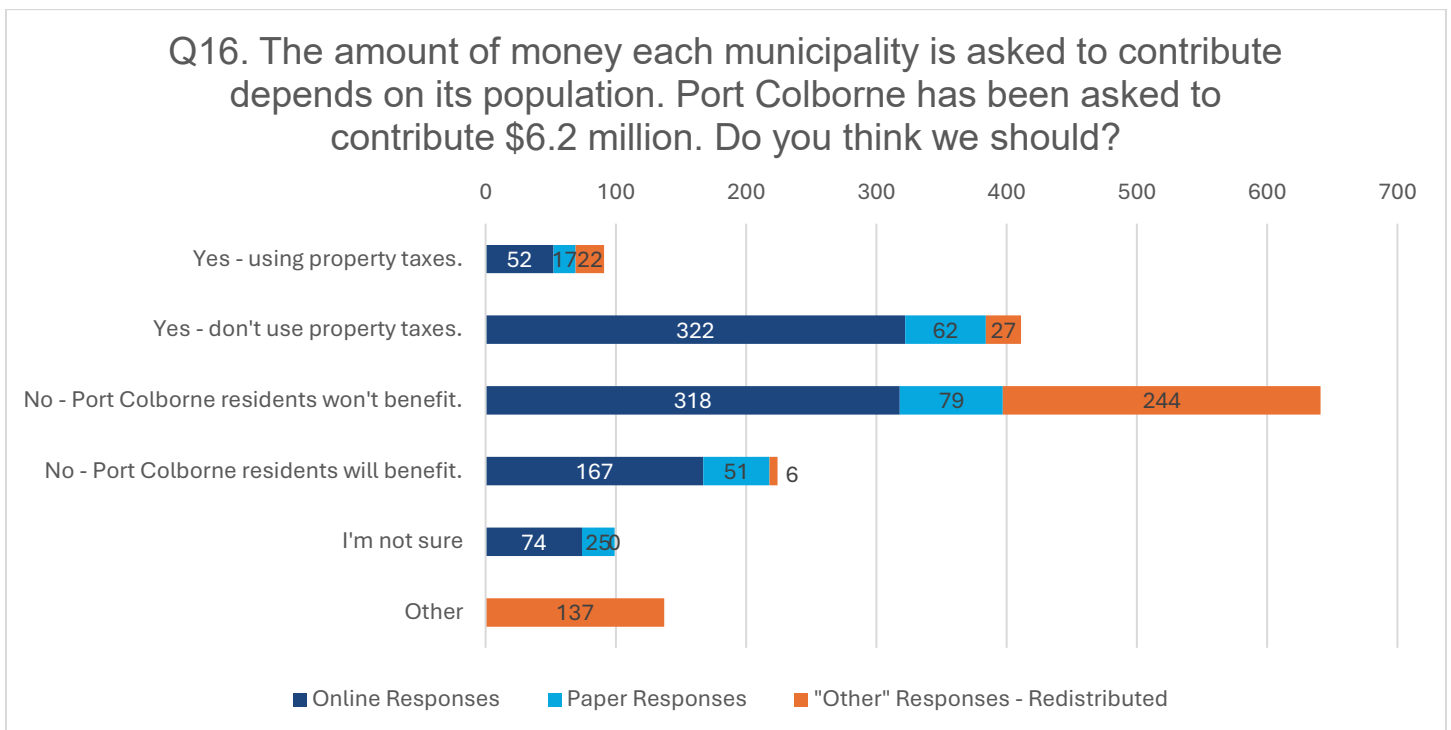
Q16. The amount of money each municipality is asked to contribute depends on its population. Port Colborne has been asked to contribute \$6.2 million. Do you think we should?⁷

	ONLINE	PAPER
Answer Choices	Responses	
Yes. Port Colborne residents will benefit from the new hospital and our property taxes should increase to pay for the local share contribution.	54	22
Yes. Port Colborne residents will benefit from the new hospital, but our taxes are already high so there needs to be a plan for how to pay for it without impacting the taxpayer.	332	89
No. Port Colborne should not contribute anything toward the local share. Port Colborne residents won't benefit from the new hospital	325	99
No. Port Colborne should not contribute anything toward the local share. Port Colborne residents will benefit from the new hospital, but I don't think we should need to contribute money this way.	175	63
I'm not sure	80	38
Other (please explain your rationale)	285	117
	Answered	1251
	Skipped	418
		28

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This question allowed respondents to offer “other” answers. 402 suggestions were provided. Upon reviewing the comments, of the 402 comments received, 287 actually supported one of the options available in the question. The graph below shows the “other” responses redistributed, if they fit into one of the first four options in the question.



Overall, the remaining 115 comments reflect a mix of concerns about funding, accessibility, healthcare services, population-based contributions, and government decisions.

Residents are seeking transparency, fairness, and better planning to ensure that their healthcare needs are met without undue financial burden.

A full list of comments is available at www.portcolborne.ca/healthcare

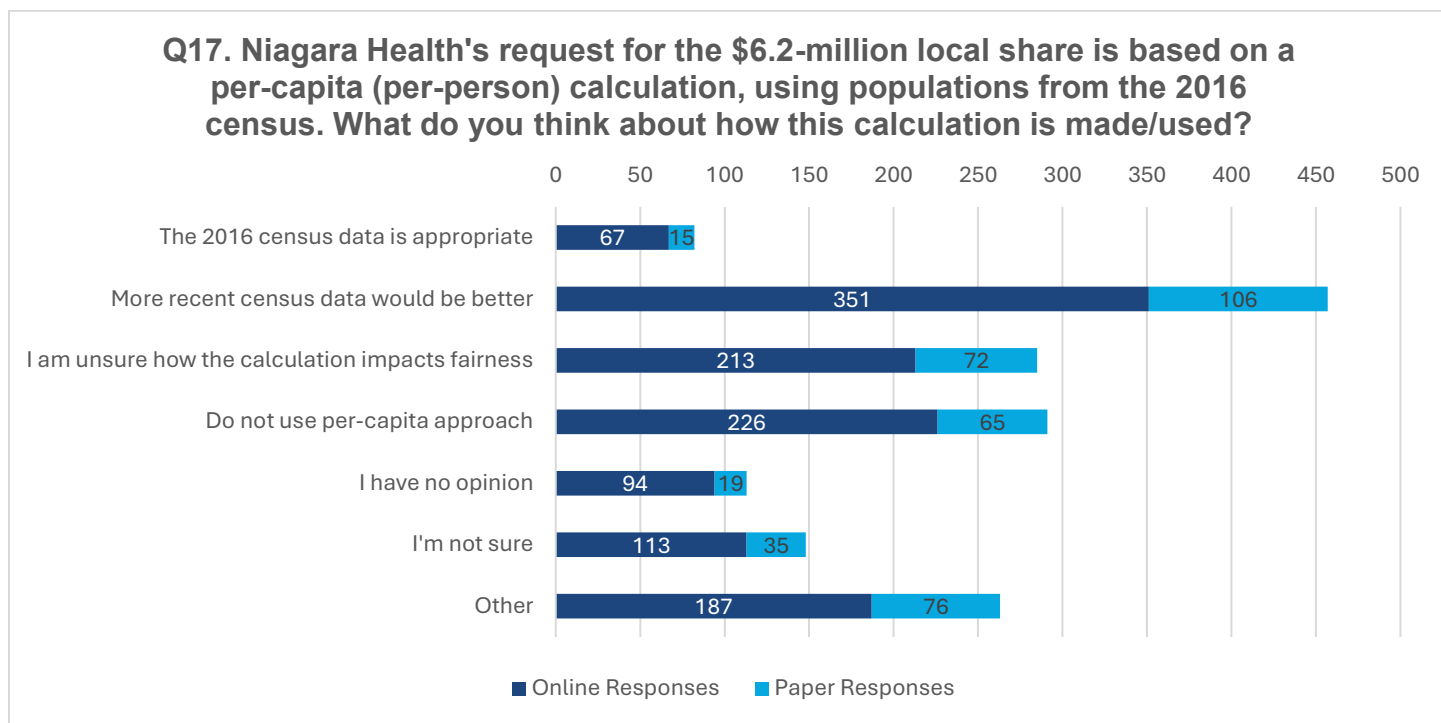
With the redistribution of responses in the “other” category, the responses indicate opposition to the idea of Port Colborne contributing \$6.2 million to the new hospital, with significant concerns about financial burden, geographical inconvenience, and the impact on local services.

Q17. Niagara Health's request for the \$6.2-million local share is based on a per-capita (per-person) calculation, using populations from the 2016 census. What do you think about how this calculation is made/used?⁸

	ONLINE	PAPER
Answer Choices	Responses	
I believe using the 2016 census data is an appropriate method for this calculation	67	15
I think the calculation should be updated to use more recent population data	351	106
I am unsure how the calculation impacts fairness or accuracy	213	72
I do not agree with using a per-capita approach for determining the local share	226	65
I have no opinion on this matter	94	19
I'm not sure	113	35
Other (please specify)	187	76
Answered	1251	306
Skipped	418	37

Most respondents suggested it would be better for Niagara Health to use more recent census data to determine the local share calculation.

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This question allowed respondents to offer “other” answers. 240 suggestions were provided.

Overall, the responses indicate strong opposition to the idea of Port Colborne contributing \$6.2 million to the new hospital, with significant concerns about outdated data, financial burden, geographical inconvenience, and the impact on local services. Respondents call for a more equitable and transparent approach to funding.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the responses received is shown below.

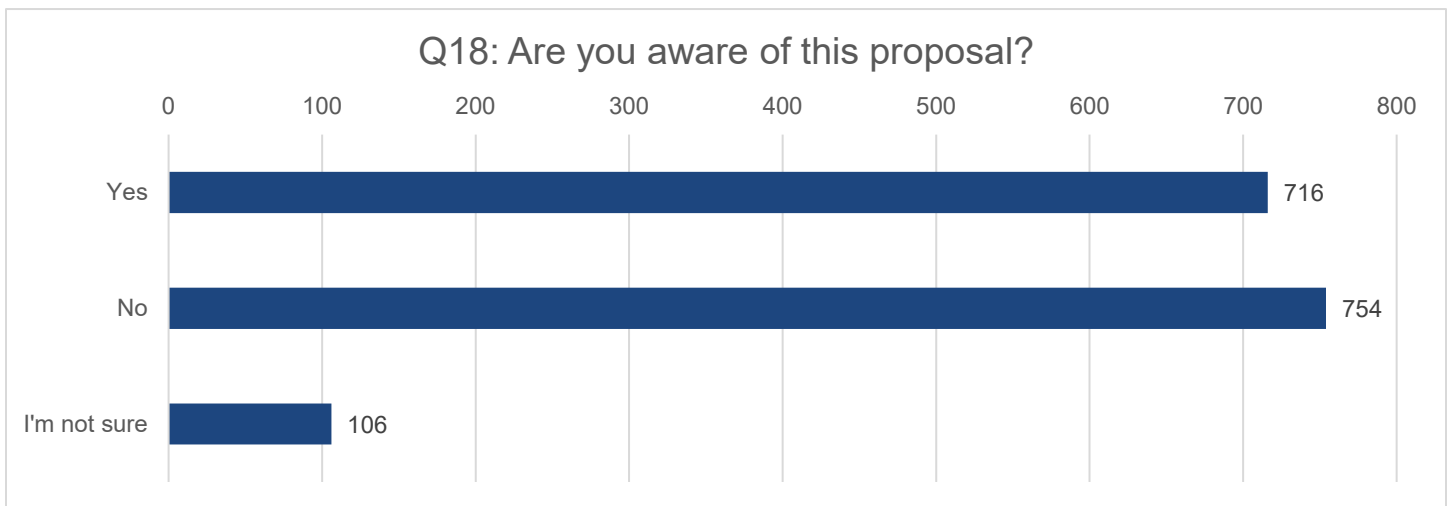
Q17 Open-Ended Response Summary	
Outdated Data Concerns	<ul style="list-style-type: none"> Many respondents feel that using 2016 census data is outdated and does not reflect the current population growth and changes in the area. Some suggest updating the calculation with more recent data to ensure fairness.
Economic Impact	<ul style="list-style-type: none"> Several respondents are concerned about the financial burden on residents, especially seniors and those on fixed incomes. There is a sentiment that the local share should not be imposed on taxpayers who are already struggling economically.

Q17 Open-Ended Response Summary	
Equity and Fairness	<ul style="list-style-type: none"> • Many believe the per-capita approach is unfair, particularly for communities that may not benefit directly from the new hospital. • Suggestions include basing contributions on proximity to the hospital or expected usage.
Alternative Funding Suggestions	<ul style="list-style-type: none"> • Some respondents propose alternative funding sources, such as provincial or federal grants, or contributions from businesses. • There is a call for more transparency and better financial management from Niagara Health.

Q18. At their meeting on December 3, 2024, Port Colborne City Council considered a proposal that would increase access to primary care services (including family doctors) in the community, while also providing a solution to fund the \$6.2-million local share contribution toward the new hospital, through a partnership between Niagara Health, Lockview Medical Group and the City. Are you aware of this proposal?

Answer Choices	Responses
Yes	716
No	754
I'm not sure	106
Answered	1576
Skipped	436

Just under half of the respondents were aware of the proposal from Lockview Medical Group. The remaining respondents were either unaware or weren't sure.

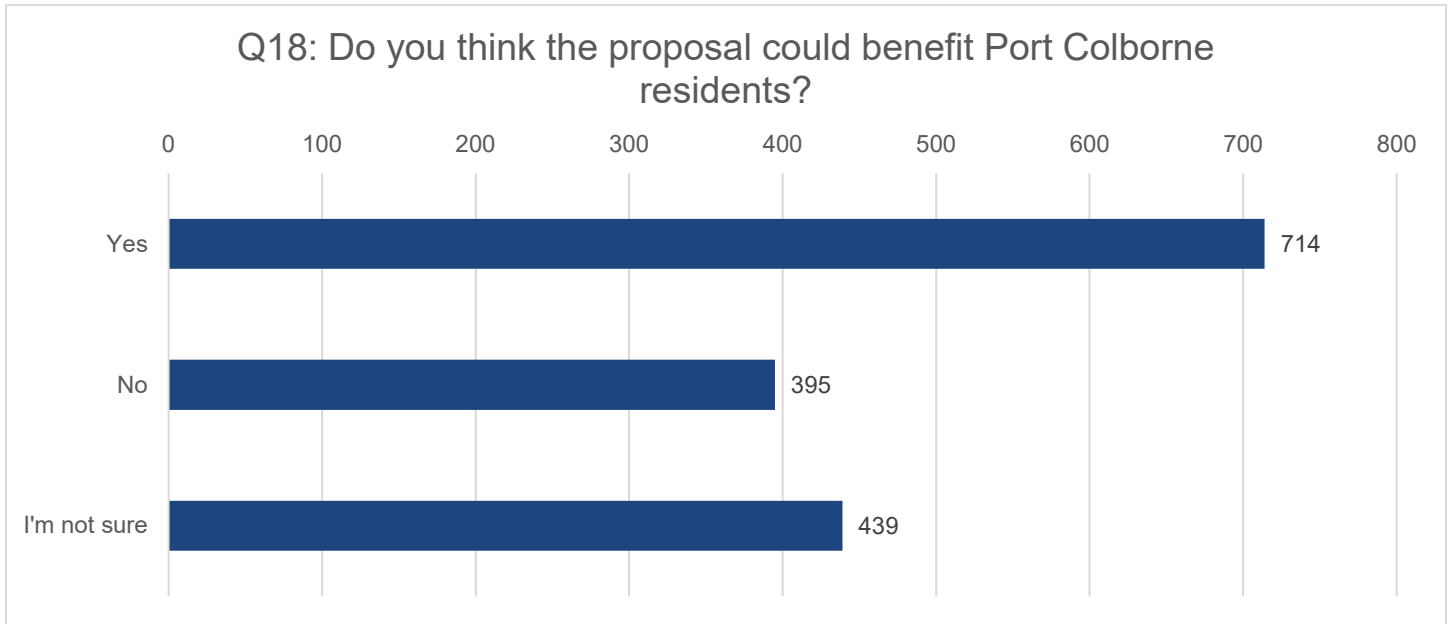


Q19. The proposal is multi-phased and each piece is dependent on the next. It is not designed to be broken apart, and must remain whole to function effectively. At a high level, the proposal includes:

- The first phase would see the City of Port Colborne temporarily lease vacant space within the west wing of the Port Colborne site from Niagara Health and then sub-lease it to the Lockview Medical Group.
- The Lockview Medical Group would complete a small renovation and then build out a comprehensive primary care clinic, attracting new family physicians to Port Colborne, and offering expanded primary care services, as soon as this year.
- Once Niagara Health transitions out of the Port Colborne site in 2028, Niagara Health has agreed to transfer ownership of the site to the City for a nominal fee of \$2, in return for the \$6.2-million local share request supporting the South Niagara Hospital (if the final phase can be achieved).
- Finally, in order to fund the \$6.2-million local share without a heavy burden on Port Colborne taxpayers, staff proposed that a developer be sought through a public process to develop the Niagara Health site in Port Colborne. This could include new multi-residential units, an all-new expanded medical clinic, and/or additional health and wellness offerings for the community.

Do you think the proposal could benefit Port Colborne residents?

Answer Choices	Responses
Yes	714
No	395
I'm not sure	439
Answered	1548
Skipped	464



About 46% of question respondents thought the proposal from Lockview Medical Group could benefit Port Colborne residents.

About 28% of question respondents said they weren't sure if the proposal could benefit Port Colborne residents.

Q20. Why or why not?

Answered 962
Skipped 1050

This was an open-ended question which allowed respondents to fill in comments. 962 comments were received.

Overall, supporters of the proposal appreciate the potential for improved local healthcare services, increased accessibility, job creation, and economic benefits, while emphasizing the importance of using existing spaces efficiently.

Opponents of the proposal express concerns about the financial burden on taxpayers, the loss of urgent care services, and the involvement of private health companies, fearing increased costs and reduced accessibility.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

Q20 Open-Ended Response Summary	
Supportive Comments	
Accessibility to Healthcare	<ul style="list-style-type: none"> Many respondents support the proposal because it would provide local healthcare services, reducing the need to travel out of town for medical appointments. Respondents appreciate the idea of having more family doctors and medical services available locally.
Economic Benefits	<ul style="list-style-type: none"> Some respondents believe that the proposal would create jobs and stimulate the local economy. The development of the medical centre is seen as a way to minimize costs and avoid tax increases.
Improved Services	<ul style="list-style-type: none"> Supporters mention that the proposal would bring enhanced healthcare services, such as diagnostic services and treatments. The proposal is seen as a way to utilize and adapt existing spaces efficiently.

Q20 Open-Ended Response Summary	
Opposing Comments	
Concerns about Privatization	<ul style="list-style-type: none"> • Many respondents are worried about the involvement of private health companies and the potential for increased costs. • There is a strong sentiment against privatizing healthcare services, with concerns about accessibility and affordability.
Financial Burden	<ul style="list-style-type: none"> • Respondents expressed concerns about the high costs associated with the proposal, including the \$6.2-million contribution to the new hospital. • There are worries about the financial impact on taxpayers and the City's budget.
Loss of Urgent Care	<ul style="list-style-type: none"> • A significant number of respondents oppose the proposal because it would result in the closure of the existing urgent care facility. • The loss of 24/7 emergency services is a major concern, especially for the aging population and those without transportation.
Need for More Information	<ul style="list-style-type: none"> • Several respondents feel that there is not enough tangible information being shared about the proposal. • They request more details about the terms of the sale, the involvement of developers, and the specific benefits for the community.

Q21. What do you think about the proposed approach to the City temporarily leasing space within Niagara Health's Port Colborne site to Lockview Medical Group in order to increase primary care services and attract new family physicians to Port Colborne?

Answered 1183
Skipped 829

This was an open-ended question which allowed respondents to fill in comments. 1183 comments were received.

Overall, the survey responses show mixed opinions on the proposal to lease space to Lockview Medical Group. Many support the idea as a way to attract new family physicians and improve primary care. However, there are significant concerns about losing urgent care services, potential tax increases, and the overall cost. Some respondents are skeptical and need more information. Overall, there is support, but also notable concerns and questions.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

Q21 Open-Ended Response Summary	
Support for Leasing the Space to the Lockview Medical Group	<ul style="list-style-type: none"> Many respondents expressed support for the idea, considering it a good or great solution to attract new family physicians and improve primary care services in Port Colborne. Examples: "Good idea", "Great idea", "Fantastic idea".
Concerns About Urgent Care	<ul style="list-style-type: none"> A significant number of respondents emphasized the importance of maintaining urgent care services. They expressed concerns that the proposed approach may not adequately replace the Urgent Care Centre.
Cost and Tax Concerns	<ul style="list-style-type: none"> Several respondents were worried about the financial implications of the proposal, including potential increases in taxes and the overall cost of leasing the space.
Questions About Lockview Medical Group:	<ul style="list-style-type: none"> A few respondents raised questions about Lockview Medical Group, seeking more information about the organization and its role in the proposal.

Q22. What do you think about the City purchasing the Port Colborne site from Niagara Health for \$2, in exchange for the \$6.2-million local share for the South Niagara Hospital?

Answered 1130
Skipped 882

This was an open-ended question which allowed respondents to fill in comments. 1130 comments were received.

Overall, the survey responses show a mix of skepticism and cautious optimism about the proposal. Many respondents are concerned about financial implications, fairness, and the potential loss of local healthcare services. However, some support the deal as a necessary step to secure healthcare services and avoid tax increases. Overall, the community is worried about the financial impact but sees potential benefits in securing the site for future use.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

Q22 Open-Ended Response Summary	
Financial Concerns	<ul style="list-style-type: none"> Many respondents expressed worries about the financial implications of the deal, particularly the \$6.2-million local share. Concerns included potential increases in property taxes and the overall cost of maintaining the aging facility. Some respondents felt that the deal was unfair and likened it to a form of ransom or extortion.
Fairness and Equity	<ul style="list-style-type: none"> A significant number of respondents felt that the deal was not fair, especially considering that the hospital was originally funded by the residents of Port Colborne. There were sentiments that Niagara Health should donate the site back to the city without any conditions.
Healthcare Services	<ul style="list-style-type: none"> Respondents emphasized the importance of maintaining healthcare services locally. Many were concerned about losing urgent care and

Q22 Open-Ended Response Summary	
	<p>other medical services.</p> <ul style="list-style-type: none"> • There were suggestions to use the site for medical purposes, such as walk-in clinics, urgent care centres, and specialist clinics.
Skepticism and Distrust	<ul style="list-style-type: none"> • Several respondents expressed distrust towards Niagara Health and the proposed deal, fearing hidden costs and potential negative impacts on the community. • Some felt that the deal was a way for Niagara Health to offload an old, costly building onto the City.
Support for the Deal	<ul style="list-style-type: none"> • Despite the concerns, there were respondents who supported the deal, seeing it as a necessary step to secure healthcare services and avoid tax increases. • Some felt that the deal was reasonable and a good investment for the City.

Q23. Do you have any concerns about the City pursuing some type of housing/medical development project that would ultimately help fund the \$6.2-million contribution to the South Niagara Hospital project, and generate additional income for the City?

Answered 1058
Skipped 954

This was an open-ended question which allowed respondents to fill in comments. 1058 comments were received.

Overall, while some respondents support the project, viewing it as a beneficial initiative for generating income and development, others express concerns such as the potential financial burden on taxpayers, doubts about the City's infrastructure capacity to support the new development, and worries about the affordability of the proposed housing.

A full list of comments is available at www.portcolborne.ca/healthcare

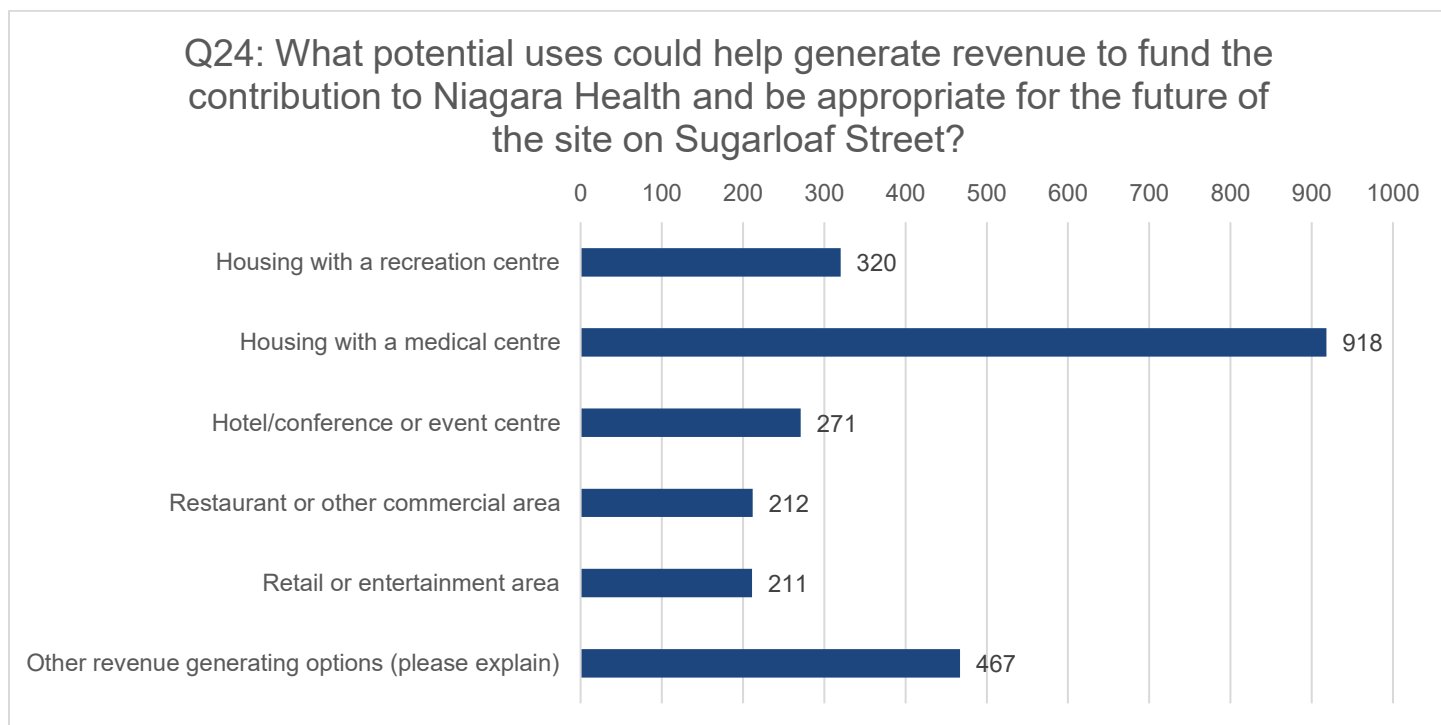
A summary of the comments is shown below.

Q23 Open-Ended Response Summary	
Support for Some Type of Housing/ Medical Development Project	<ul style="list-style-type: none"> Some respondents expressed support for the project, considering it a good or great idea. A few mentioned that they believe it could generate necessary income for the City.
Concerns About Funding	<ul style="list-style-type: none"> Concerns about the project not generating the expected income and the potential burden on taxpayers. Many respondents were worried about the financial implications, including the cost of the project and the potential for increased taxes.
Concerns About Infrastructure	<ul style="list-style-type: none"> Respondents questioned whether the City's current infrastructure could support the new development. Issues raised included the capacity of grocery stores, restaurants, parking, and other amenities.
Concerns About Affordability	<ul style="list-style-type: none"> There were concerns about the affordability of the new housing, with some respondents emphasizing the need for affordable housing rather than luxury developments.

Q23 Open-Ended Response Summary	
	<ul style="list-style-type: none"> • Worries about the project benefiting developers more than the local community.
Concerns About Transparency	<ul style="list-style-type: none"> • Respondents expressed a lack of trust in the City's handling of the project and called for more transparency and accountability. • Some mentioned the need for clear communication about the project's costs and benefits.
Alternative Suggestions	<ul style="list-style-type: none"> • Suggestions included involving local investors, ensuring the project does not burden taxpayers, and prioritizing affordable housing. • Some respondents recommended exploring other funding options, such as federal grants or partnerships.

Q24. Niagara Health will only sell its Port Colborne site to the City if there is a funding strategy in place for the \$6.2-million local share in return. With this in mind, what potential uses could help generate revenue to fund the contribution and be appropriate for the future of the site on Sugarloaf Street? Select all that apply.

Answer Choices	Responses	
Housing with a recreation centre	320	86% of question respondents supported pursuing a housing development with a medical centre.
Housing with a medical centre	918	
Hotel/conference or event centre	271	
Restaurant or other commercial area	212	
Retail or entertainment area	211	
Other revenue generating options (please explain)	467	47% of total survey respondents skipped this question.
Answered	1070	
Skipped	942	



Question 24 also allowed respondents to offer “other” answers. 467 suggestions were provided.

Some of the suggestions of other potential uses of the property:

- Childcare
- Long-term care facility, retirement home, or some other senior's facility
- Affordable housing
- Casino
- Movie theatre
- Film lot to be rented to filmmakers
- Big box store (Walmart, Giant Tiger, etc.)
- Pool (indoor/outdoor)
- Expand H.H. Knoll Lakeview Park

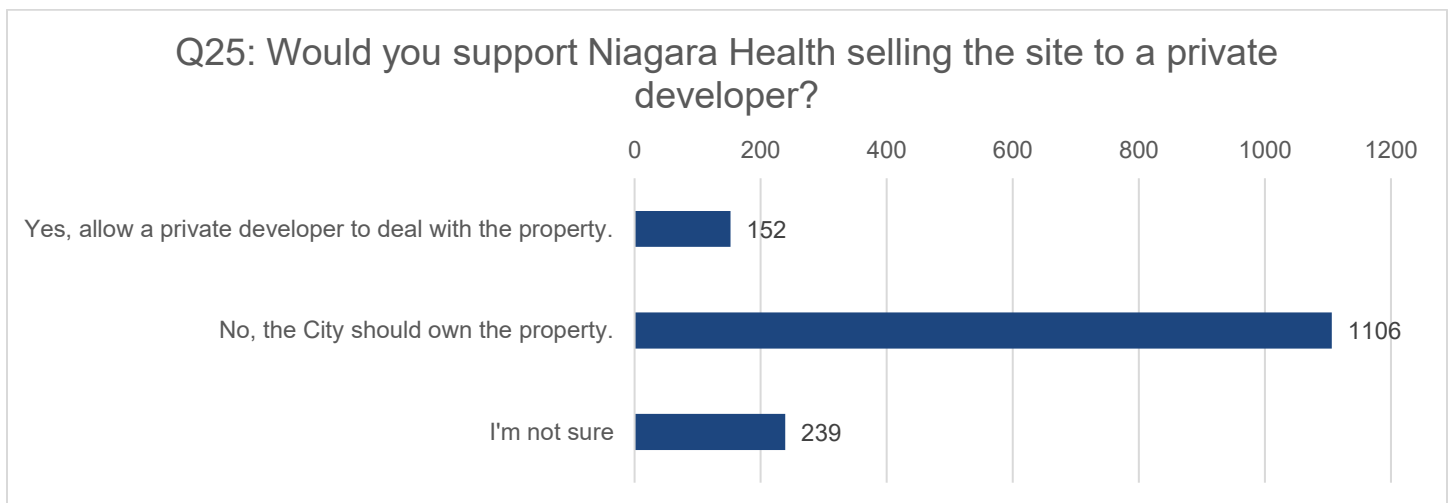
Some respondents provided alternate fundraising ideas, including:

- Hold lottery/fundraising to generate revenue for medical centre
- Sell the land to a developer and build a medical centre somewhere else
- Charge for Canal Days to generate revenue for medical centre
- Sell the Marina to generate revenue for medical centre

A full list of comments is available at www.portcolborne.ca/healthcare

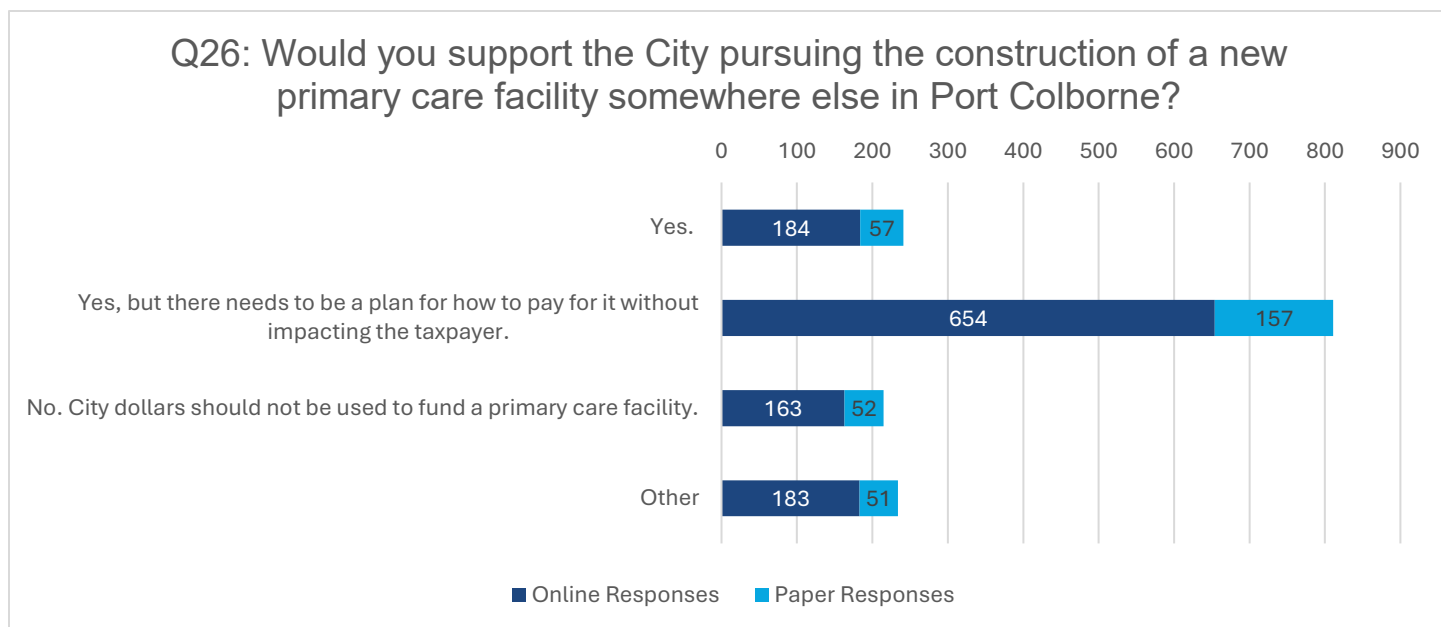
Q25. If the City is unable to come up with a funding strategy for the \$6.2 million, Niagara Health could consider selling its Port Colborne site to a private developer, meaning the City and its residents would have less control over the future of the property (i.e. less control over height restrictions, setbacks, type of building, number of units, etc.) Would you support this option?

Answer Choices	Responses	
Yes, allow a private developer to deal with the property.	152	74% of respondents thought the City should own the property, instead of selling it to a private developer.
No, the City should own the property.	1106	
I'm not sure	239	
Answered	1497	
Skipped	515	



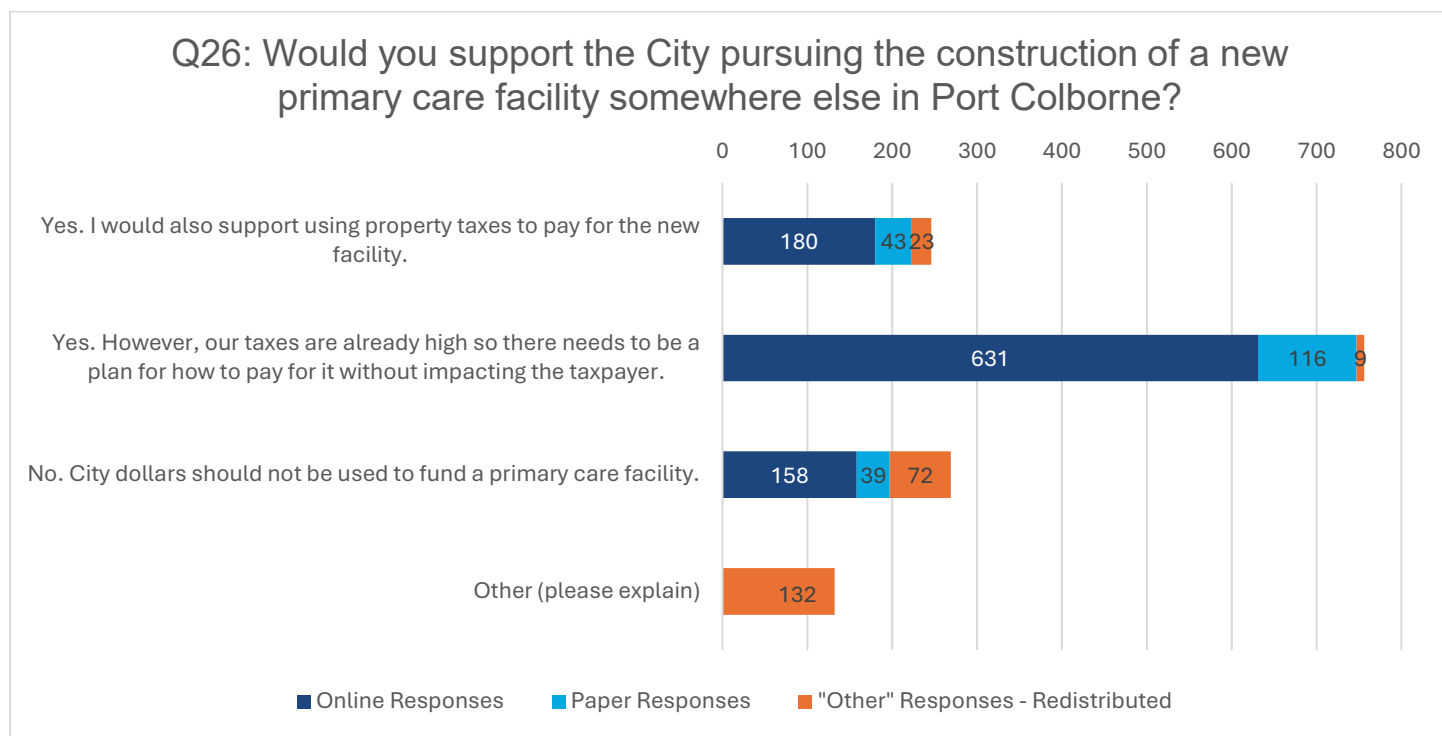
Q26. If the partnership between the City, Niagara Health, and Lockview Medical Group does not proceed, would you support the City pursuing the construction of a new primary care facility somewhere else in Port Colborne?⁹

	ONLINE	PAPER
Answer Choices	Responses	
Yes. I would also support using property taxes to pay for the new facility.	184	57
Yes. However, our taxes are already high so there needs to be a plan for how to pay for it without impacting the taxpayer.	654	157
No. City dollars should not be used to fund a primary care facility.	163	52
Other (please explain)	183	51
	Answered	1184
	Skipped	485
		59



⁹ Please note, due to the uncontrolled nature of the paper survey environment, some paper responses included multiple answers to questions designed for a single response. Rather than excluding these surveys/questions from the final analysis, responses for nine survey questions have been recorded and presented separately to account for multiple selections on paper surveys. The affected questions are 4, 5, 7, 8, 11, 13, 16, 17, and 26.

This question allowed respondents to offer “other” answers. 234 suggestions were provided. Upon reviewing the comments, of the 234 comments received, 102 actually supported one of the options available in the question. The graph below shows the “other” responses redistributed, if they fit into one of the first three options in the question.



Overall, the remaining comments reflect a mix of concern about healthcare access and funding, with a preference for practical and financially responsible solutions.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the responses received is shown below.

56% of respondents supported the idea of the City pursuing the construction of a primary care facility somewhere else in Port Colborne, with a funding strategy that does not impact the taxpayer.

18% of respondents supported the idea of the City pursuing the construction of a primary care facility somewhere else in Port Colborne using funds from property taxes.

Q26 Open-Ended Response Summary	
Support for a New Facility	<ul style="list-style-type: none"> • Respondents who supported a new facility in a different location often highlighted the need for better healthcare services and were willing to consider new construction if it meant improved access to care.
Opposition to New Facility	<ul style="list-style-type: none"> • Those opposed to the idea of a new facility in a different location were primarily concerned about the financial implications, preferring to see existing facilities upgraded rather than new ones built.
Conditional Support	<ul style="list-style-type: none"> • Many respondents were open to the idea but wanted assurances about funding and the inclusion of essential services like urgent care.
Concerns About Funding	<ul style="list-style-type: none"> • Funding was a major concern, with many respondents insisting that the province or federal government should bear the cost rather than local taxpayers.
Suggestions for Existing Facility	<ul style="list-style-type: none"> • There was a strong preference for renovating existing facilities, with respondents suggesting that this would be a more cost-effective and practical solution.

Q27. Do you think Council should formally establish a committee to advise on healthcare issues in Port Colborne?

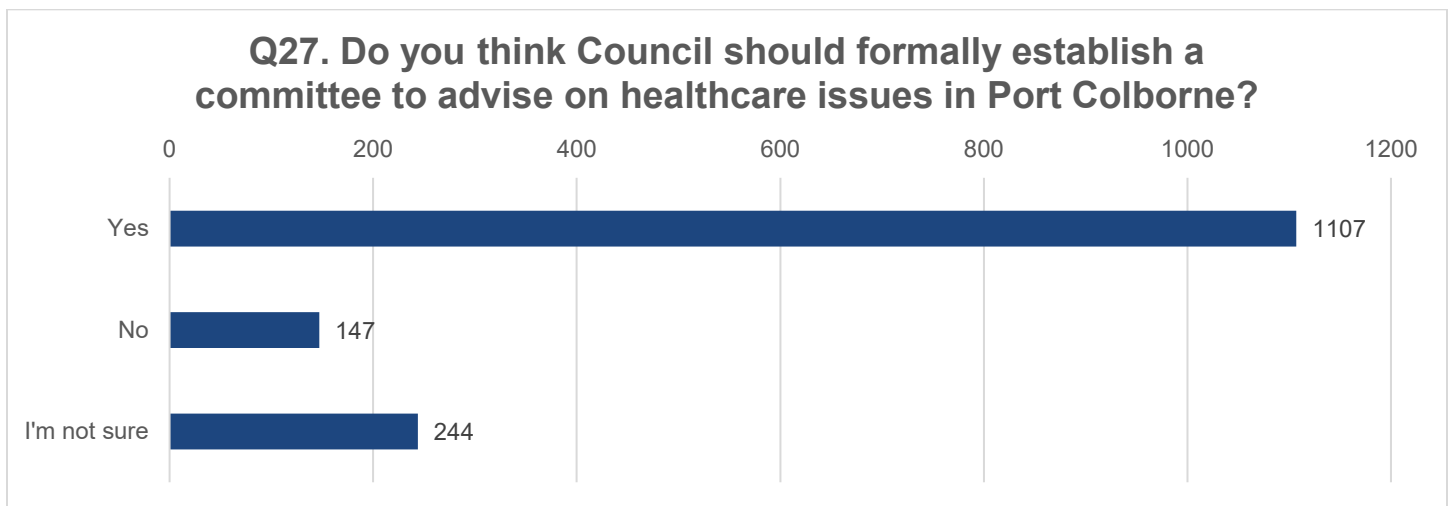
Answer Choices

Yes
No
I'm not sure

Responses

	1107
	147
	244
Answered	1498
Skipped	514

74% of respondents supported the establishment of a committee to advise on healthcare issues in Port Colborne



Q28. Could you explain why or why not?

Answered 829
Skipped 1183

This was an open-ended question which allowed respondents to fill in comments. 829 comments were received.

Overall, the survey responses reveal strong support for forming a healthcare committee in Port Colborne, emphasizing the need for diverse representation, transparency, and community involvement. While some are skeptical about the effectiveness of a committee, fearing it might be influenced by political or financial interests, there is a clear call for public input and a collaborative approach to address healthcare issues in the community.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

Q28 Open-Ended Response Summary	
Support for a Committee	<ul style="list-style-type: none"> Many respondents support the idea of forming a committee to address healthcare issues in Port Colborne. They believe it would provide a platform for diverse voices and ensure that residents' needs are considered. Some respondents emphasized the importance of including residents, healthcare professionals, and other stakeholders in the committee to ensure a well-rounded perspective.
Representation and Transparency	<ul style="list-style-type: none"> A recurring theme is the need for transparency and representation. Respondents want the committee to be transparent in its operations and include a diverse group of people, including residents, healthcare professionals, and local leaders. There is a strong desire for the committee to publish key points from meetings and avoid closed-door sessions.
Healthcare Accessibility and Quality	<ul style="list-style-type: none"> Many respondents expressed concerns about the accessibility and quality of healthcare in Port Colborne. They highlighted issues such as the lack of 24-hour healthcare services, the need for urgent care, and the importance of having local healthcare facilities.

Q28 Open-Ended Response Summary	
	<ul style="list-style-type: none"> Some respondents shared personal experiences and frustrations with the current healthcare system, emphasizing the need for improvements.
Skepticism and Concerns	<ul style="list-style-type: none"> A significant number of respondents are skeptical about the effectiveness of forming a committee. They worry that it might be a waste of time and resources, and that it may not lead to meaningful changes. Concerns were also raised about potential biases and conflicts of interest within the committee, with some respondents fearing that it might be influenced by political or financial interests.
Community Involvement and Input	<ul style="list-style-type: none"> Respondents emphasized the importance of involving the community in decision-making processes. They believe that residents should have a say in healthcare-related decisions and that their input should be valued. There is a call for more public consultations, surveys, and opportunities for residents to voice their opinions.

Q29. If you have any other thoughts you'd like to share about healthcare in Port Colborne, the future use of Niagara Health's Port Colborne site, or the contributions to the new South Niagara Hospital, please let us know in the comment box.

Answered 443
Skipped 1569

This was an open-ended question which allowed respondents to fill in comments. 443 comments were received.

Overall, the responses reflect a strong community concern for maintaining accessible and comprehensive healthcare services in Port Colborne. There is a desire for more involvement in decision-making processes and for development plans that align with the community's needs.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

Q29 Open-Ended Response Summary	
Urgent Care and Hospital Services	<ul style="list-style-type: none"> Many respondents emphasized the importance of maintaining urgent care services in Port Colborne. They expressed concerns about the potential closure of the Urgent Care Centre and the impact it would have on the community, especially seniors and those without transportation. There is a strong sentiment that the new South Niagara Hospital is too far for many residents, and the closure of local services would lead to longer wait times and increased pressure on other hospitals.
Accessibility and Transportation	<ul style="list-style-type: none"> Accessibility to healthcare services is a major concern. Respondents highlighted the difficulties faced by those who do not drive or have limited mobility, particularly seniors. There were suggestions to improve transportation options to ensure residents can access healthcare facilities in other cities.
Community Involvement and Transparency	<ul style="list-style-type: none"> Several respondents called for more transparency and community involvement in decision-making processes related to healthcare services. They want detailed information about plans, property boundaries, and the rationale behind decisions.

Q29 Open-Ended Response Summary	
	<ul style="list-style-type: none"> There is a desire for the City to have more control over the future use of Niagara Health's Port Colborne site and to ensure that any development aligns with the community's needs
Healthcare Infrastructure and Funding	<ul style="list-style-type: none"> Concerns were raised about the funding and management of healthcare services. Respondents questioned the allocation of funds and the impact on local taxes. There were suggestions to explore alternative funding options, such as government grants, fundraising, and partnerships with other municipalities.
Mental Health and Addictions Support	<ul style="list-style-type: none"> The need for more mental health and addictions support was highlighted. Respondents believe that improving these services would reduce pressure on the healthcare system and provide better care for residents.
Future Development and Use of the Port Colborne Site	<ul style="list-style-type: none"> Opinions varied on the future use of the Port Colborne site. Some respondents suggested maintaining it as a healthcare facility, while others proposed using it for affordable housing or commercial purposes. There is a strong preference for any development to benefit the community and address local needs, rather than being driven by profit.

Q30. Is there anything else you'd like to share with us about this topic that we didn't already ask? If you don't have enough space, please email us at communityengagement@portcolborne.ca

Answered 207
Skipped 1805

This was an open-ended question which allowed respondents to fill in comments. 207 comments were received.

A full list of comments is available at www.portcolborne.ca/healthcare

A summary of the comments is shown below.

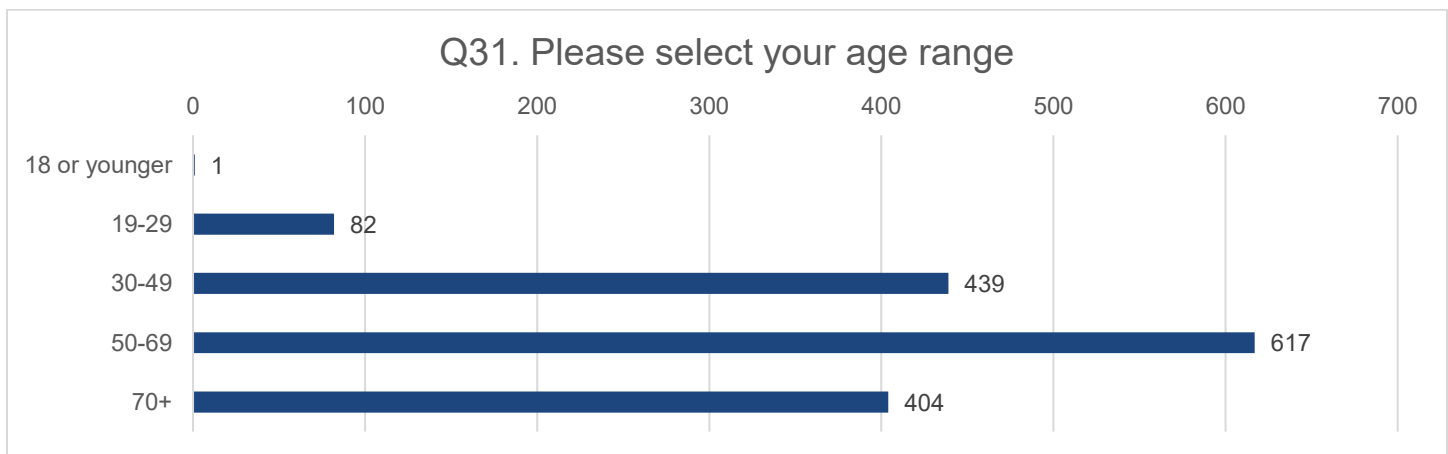
Q30 Open-Ended Response Summary	
Urgent Care and Hospital Service	<ul style="list-style-type: none"> Many respondents expressed concerns about the potential closure of urgent care services in Port Colborne. There were numerous mentions of the need for a fully functioning hospital in the area, especially given the aging population and the increasing number of residents.
Healthcare System and Services	<ul style="list-style-type: none"> Respondents highlighted issues with the current healthcare system, including long wait times in emergency rooms and the need for more doctors and nurses. Some suggested upgrading existing facilities or building new ones to better serve the community.
Funding and Taxes	<ul style="list-style-type: none"> Several responses mentioned the need for better funding for healthcare services and questioned the allocation of tax dollars. There were concerns about property taxes and the financial burden on residents.
Quality of Service	<ul style="list-style-type: none"> Comments were made about the quality of healthcare services, including the need for more empathetic care and better working conditions for healthcare professionals. Some respondents mentioned the importance of maintaining high standards in healthcare facilities.
Community Involvement and Governance	<ul style="list-style-type: none"> There were calls for more community involvement in decision-making processes related to healthcare. Some respondents criticized local governance and expressed a desire for

Q30 Open-Ended Response Summary	
	more transparency and accountability.
Mental Health	<ul style="list-style-type: none"> • Mental health services and support were mentioned as important aspects of the healthcare system that need improvement.
Care for Seniors	<ul style="list-style-type: none"> • The need for better care and services for seniors was highlighted, given the aging demographic of Port Colborne.
Transportation	<ul style="list-style-type: none"> • Concerns about transportation routes and accessibility to healthcare facilities were raised, especially for those who may not have easy access to transportation.

Q31. Please select your age range

Answer Choices	Responses
18 or younger	1
19-29	82
30-49	439
50-69	617
70+	404
Answered	1425
Skipped	438

Of those respondents who provided their age, only one respondent was under the age of 18. The distribution of ages did not change with the additional surveys submitted between March 10 and April 30, now and April 30, 2025.



	Survey Respondents Ages	Ages in Port Colborne (StatsCan)
18 or younger	0%	18%
19-29	5%	10%
30-49	29%	21%
50-69	40%	32%
70+	26%	19%

This chart shows the age distribution of those who provided their age while answering the survey and the reported ages of residents in Port Colborne in the 2021 census.



Subject: Declaration of City Property Surplus – Elgin Street

To: Council

From: Development and Government Relations Department

Report Number: 2025-149

Meeting Date: July 8, 2025

Recommendation:

That Development and Government Relations Department Report 2025-149 be received; and

That the property with the unaddressed municipal address on Elgin Street legally described as Plan 59M 282 Blk 12, as shown in Appendix A attached hereto, be declared as surplus.

Purpose:

The purpose of this report is to seek Council support to have the City-owned property, shown in Appendix A, declared as surplus.

Background:

City staff are always reviewing City-owned property to identify potential surplus lands that could be made available to support development opportunities and expand the City's tax base. Development attracts new residents, creates additional assessment on the City's tax roll, and adds users to the water and wastewater system to help improve efficiency and financial sustainability.

Staff have applied this rationale when analyzing properties for potential disposition. City staff believe that the subject parcel located on Elgin Street and legally described as Plan 59M 282 Blk 12, meet some of these objectives.

It is located north of Elgin on the west side of Maple Street residents' backyards running north. The properties surrounding it are zoned R4 and R3. The residents of #2 – 50

even numbers have expressed interest in the property along with the property owner on the east side of the parcel.

Discussion:

The subject parcel is not generating tax revenue for the City. Staff believe a better use of the parcel would be achieved through private ownership. Selling this parcel to the private sector would fulfill the goals of the surplus land review. Any future sale would be conducted in accordance with the Sale of Land Policy.

Internal Consultations:

The parcel is not required by the City based on an internal review by City departments. Staff are recommending that this parcel be declared surplus and divested to increase the City's tax base.

Financial Implications:

There are no financial implications associated with this report and recommendation. If the parcel is declared surplus and sold, there will be future legal and survey costs. These costs can be funded by the Economic Development Land Reserve and would be recovered from any sales of the subject parcel.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

The City property shown on Appendix A with the municipal address of Elgin Street and is legally described as Plan 59M 282 Blk 12. It has been identified by staff as surplus to City needs. Declaring this property as surplus is the first step in making it available for private ownership which will increase the tax base of the City. It is recommended that the property be declared surplus to City needs and divested in accordance with the Sale of Land Policy.

Appendices:

- a. Property Map Elgin Street–City parcel to be declared surplus

Respectfully submitted,

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Report Approval:

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

Port Colborne Mapping Application

2025-149
Appendix A



2025-06-27, 10:14:17 a.m.

- Port Colborne Boundary
- Building Footprints
- Assessment Parcel

Roads

MUN

2023 Aerial Imagery

Red: Red

Green: Green

Blue: Blue

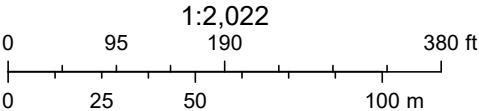
2020 Aerial Imagery

Red: Red

Green: Green

Blue: Blue

World_Hillshade



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Sources: Esri, Maxar, Airbus DS,



Subject: 2025 Watermain Rehabilitation Program Extension

To: Council

From: Public Works Department

Report Number: 2025-147

Meeting Date: July 8, 2025

Recommendation:

That Public Works Department Report 2025-147 be received; and

That Council direct the Chief Administrative Officer and Director of Public Works to execute the agreements to complete the 2026 watermain lining program on Hampton Avenue and Schofield Avenue with a budget of \$1.8 million; and

That Council pre-approve the inclusion of this project and the related financing costs into the 2026 water budget.

Purpose:

This report seeks Council's approval to accelerate the planned 2026 watermain rehabilitation work on Hampton Avenue and Schofield Avenue in 2025. Advancing the project timeline will allow the City to take advantage of 2025 construction pricing and mitigate the impact of escalating capital costs. The work is estimated at \$1.8 million and would be funded through long-term debt. Advancing the project also supports the City's strategic goals for improving core infrastructure and reducing risks associated with aging water assets.

Background

Both the City's Water Financial Plan and Infrastructure Needs Study recommended a multi-year Watermain Rehabilitation Program, based on system condition assessments to meet the long-term Strategic Plan goal of eliminating 'very poor' condition water assets by 2040. Both Hampton Avenue and Schofield Avenue were identified in the City's Infrastructure Needs Study due to the presence of aging cast iron watermain, low fire flow performance, and a growing risk of asset failure.

Discussion:

The City piloted watermain lining trenchless technology with Fer-Pal Construction Ltd. this year and the 2025 lining program has been very successful at delivering improved value for money, reducing construction impacts to residents while rehabilitating aging water assets.

By advancing this work into the 2025 construction season, the City can avoid inflation-related cost escalations anticipated in 2026. Fer-Pal Construction Ltd., the contractor currently engaged in the 2025 program, has agreed to hold its pricing for these additional streets, resulting in estimated cost avoidance up to \$120 thousand if completed in 2025 instead of 2026.

Utilizing trenchless lining methodology minimizes surface disruption and also reduces construction timelines and impacts to residents. Work on Hampton and Schofield Avenues could begin as early as September 2025 and be completed by mid-November 2025, allowing for a timely and low-impact installation compared to traditional open-cut methods.

Internal Consultations:

City staff have consulted with the Finance Department regarding the proposed extension of the Watermain Rehabilitation Program and the associated funding strategy. Discussions focused on ensuring alignment with the City's Water Financial Plan and maintaining continuity with projected investment levels, so that anticipated costs and financial targets remain on track.

Financial Implications:

The recommended funding source for this project is long-term debt financing. The financial cost to the water budget, if the whole amount is debt financed is estimated at \$128 thousand annually based on a budget of \$1.8 million, 20 years at 4%.

The financing cost for this project will be incorporated into the 2026 water budget.

Public Engagement:

Public engagement is critical to all construction projects. The general feedback from the City's ongoing watermain lining projects has been positive as there is less disruption and impact to residents. Staff leading future watermain lining projects will continue to prioritize communication to impacted residents.

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
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Proceeding with advancing the 2026 rehabilitation work to 2025 ensures the City can maintain momentum on its watermain renewal program, deliver value for money, and uphold its long-term infrastructure goals while prioritizing cost savings.

Respectfully submitted,

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Report Approval:

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

Subject: 2024 Niagara Employment Inventory Results

Report To: Planning and Economic Development Committee

Report date: Wednesday, February 5, 2025

Recommendations

1. That Report PDS 2-2025 **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to highlight the key results of the data collected during the 2024 Niagara Employment Inventory (NEI).
- The NEI is an annual direct data collection exercise (inventory and questionnaire) where a team of post-secondary students inventory publicly accessible businesses across Niagara.
- The Region began conducting the NEI in 2016, other than a two year pause during the COVID-19 pandemic, the survey has been carried out consistently each year, with 2025 survey preparations underway.
- The 2024 NEI team inventoried a total of 13,335 businesses throughout Niagara and received 11,529 completed responses, which captured the location of 141,674 full and part-time jobs and the associated data about the jobs reported by businesses who chose to participate in the questionnaire.
- Data captured through the NEI is shared with and is a key asset for internal regional departments, local area municipalities and other organizations. A subset of the data collected is also published to Open Data to make it available to the public.

Financial Considerations

The NEI was funded through the Council-approved 2024 operating budget within Growth Strategy and Economic Development's base budget.

Analysis

Niagara Region is among several municipalities in Ontario that collect workplace and employment data. Since 2016, the Region has collected primary data on the types and sizes of businesses operating in Niagara.

The NEI is conducted annually by a small team of post-secondary students between the months of May and September. The primary data collection method is through door-to-door, in-person interviews with local business owners, with additional follow-up engagement conducted through email and telephone communication.

The data collected has become vital for monitoring the Region's business and employment composition, as well as aiding decision-making and policy development. The information collected over the years has culminated into a comprehensive dataset of business information that provides the ability to research and analyze regional economic characteristics that otherwise would not be possible. The inventory is a geo-coded, spatially enabled dataset that facilitates analysis at a street-address level.

The business questionnaire was developed based on best practices from other municipalities in the Greater Toronto and Hamilton area, as well as through consultation with the following interested parties and experience gained over the years from administering the project:

- Internal Regional departments;
- Local area municipalities;
- Local economic development offices; and
- Brock University.

Each year, the NEI questionnaire features a core set of questions that are tailored to gain fundamental insight into the local business community. These questions remain unchanged each year to accurately compare results over time. The core questions are in alignment with employment questionnaires administered by our municipal counterparts in the Greater Toronto and Hamilton Area.

In 2022, two new categories were added to the questionnaire focused on (1) diversity, equity and inclusion (DEI) and (2) work from home. These questions were added to gain an understanding of the demographic characteristics of the business community, and to provide insight into the number of businesses with employees working from home. In response to challenges in the past two years with consistent collection of the DEI data, a different approach was implemented in 2024. The questions were asked in a separate survey following the end of the data collection period for NEI.

Participation in the NEI is voluntary. Despite best efforts, the project team is unable to make direct contact with all business owners or, occasionally, a business declines to participate.

Results

Table 1 in Appendix 1 illustrates the proportion of complete and partially complete inventory records from 2016-2019, and 2022-2024. A complete inventory record indicates that a business provided responses to the inventory questionnaire from beginning to end (“complete questionnaire”), or the business was confirmed to be permanently closed or vacant.

Partially complete records indicate the inventory team was not able to make direct contact with a business representative. In these cases, the project team still captures several key attributes, such as verifying the physical location of the data point and associated sector and industry codes. The NEI continues to see a low rate (less than 2%) of businesses, who when contacted, declined to participate.

In 2024, a completion rate of 86% was achieved. The 2024 completion rate is strong with a 6% increase since 2023. A steady increase in the completion rate year-over-year can be attributed to greater familiarity with the survey and project team, a streamlined data entry methodology, and joint communication outreach conducted by our local Chambers of Commerce and other interest groups.

The NEI team inventoried 13,335 businesses and received 11,529 completed questionnaires in 2024. Compared to 2023 there is an increase of 475 businesses inventoried which captured the physical location of 141,674 full and part time jobs. There was a decrease of 5,162 part time jobs; however, an increase of 706 full time jobs were captured in the inventory.

Job Type Results

Table 2 in Appendix 1 illustrates the number of businesses inventoried and jobs captured within complete questionnaires in the 2024 NEI by sector based on the 2-digit North American Industry Classification System (NAICS). The NAICS was established by statistical agencies of Canada, Mexico and the United States. It is a standardized industry classification system used to categorize business establishments based on the type of economic activity of the business.

Based on the number of businesses inventoried, the top three sectors observed in 2024 were: retail trade (22.0%), accommodation and food services (15.0%) and other

services (except public administration) ¹(13.3%). When combined, these sectors make up 50% of all the businesses captured in the inventory.

Based on the number of jobs captured in complete questionnaires, the top three sectors observed in 2024 were: retail trade (16.3%), accommodation and food services (15.1%), and health care and social assistance (13.1%). Together, these sectors make up 44% of the total jobs captured in complete questionnaires.

Business Closures and Openings

In 2024, approximately 810 businesses inventoried were identified as no longer being in operation or vacant. The top three sectors that experienced business closures were retail trade; accommodation and food services; and other services (except public administration).

Over the same period, approximately 629 new businesses were identified and added to the inventory in 2024; 158 of those businesses are net new in 2024. The top three sectors that new businesses were observed in are: retail trade; accommodation and food services; and other services (except public administration).

Table 3 in Appendix 1 illustrates business closures and openings from 2022-2024, highlighting the changing economic landscape in Niagara Region.

Distribution of Inventoried Businesses and Number of Jobs by Municipality

Table 4 in Appendix 1 illustrates the municipal breakdown of the number of businesses and jobs reported over the last six inventory periods. As mentioned above, the total businesses inventoried includes businesses observed to no longer be in operation or vacant, and total jobs reported are only for complete questionnaires.

Table 5 in Appendix 1 illustrates the completion rate by municipality. The completion rate includes businesses that provided responses to the inventory questionnaire from beginning to end (“complete questionnaire”), and businesses that were confirmed to be permanently closed or vacant. The top three municipalities with the highest completion rate in 2024 were: Thorold (90.0%), West Lincoln (88.6%), and Welland (88.5%).

¹ Other Services includes repair shops, personal care facilities and laundry services, among other industries.

Work from Home

In total, 1,155 businesses reported having staff working from home, representing approximately 9,127 employees. This is an increase from approximately 1,021 businesses and 7,023 employees reported in 2023. The majority of employees working from home were in the professional, scientific, and technical services (29.6%), manufacturing (14.1%), and education (13.4%).

Diversity, Equity and Inclusion

2024 marks the third year Niagara Region has asked diversity, equity and inclusion questions to understand the demographic characteristics of the leadership teams in the Niagara business community.

Table 6 in Appendix 1 provides the responses to the questions in the DEI section. Businesses were asked whether the majority of the business (+50%) are owned or led by:

- Person who identifies as a woman
- Person who identifies as a member of the 2SLGBTQIA+² community
- Person who identifies as being disabled
- First Nations, Inuit or Métis person
- Person who identifies as a visible minority
- Youth (Less than 18 years old)
- Person who is a new immigrant (in Canada less than 5 years)

Women led businesses (37%) has consistently been identified in the top demographics followed by visible minority (9.4%) and 2SLGBTQIA+ (3.7%).

Respondents were given the opportunity to complete the DEI section online for a period of 3 weeks if they consented to receiving additional communications from Niagara Region. In total, 1,120 businesses responded to the questions in the DEI section. The top three sectors that completed the DEI section were retail trade (19.0%), health care and social assistance (16.6%), and accommodation and food services (12.2%).

Table 7 in Appendix 1 shows the municipal breakdown of businesses that consented to the DEI section and businesses that completed it. All municipalities across the Region

² Two spirit, lesbian, gay, bisexual, transgendered, queer, questioning, intersex, asexual, and all other sexual orientations and genders.

achieved a consistent completion rate averaging 20.9% overall. The top three municipalities with the highest DEI completion rate were West Lincoln (27.5%), Port Colborne (26.4%), and Fort Erie (25.2%).

Staff in the DEI and Indigenous Relations team are reviewing the responses to develop strategies to continue to increase response rates in the future. This data will also be used to inform ongoing DEI initiatives at the Region.

Utilizing NEI Data

The data collected each year through the NEI provides detailed local business information that is not available through Statistics Canada data. In most cases, Statistics Canada data is updated once every five years providing high level data. Whereas the NEI is updated on a yearly basis to capture the current locational information, excluding the two-year data gap prompted by the COVID-19 pandemic.

Statistics Canada data remains the authoritative data source for performing analysis at regional and municipal level geographies; but lacks the ability to analyze raw business data at the street address level. Collecting annual business data at the street address level allows for detailed analysis to be carried out at custom geographies and time series.

The NEI results are used in conjunction with Statistics Canada data and other data sources to accurately monitor the regional economy. This allows for a better understanding of where the Region can take action to help facilitate economic growth and understand the changes that have taken place since the two-year reporting gap.

Reliable business data is an integral resource to better understand the region's employment context. This dataset plays a significant role in supporting decisions related to population and employment growth, infrastructure investment (including public transit), economic development inquiries, and the ongoing monitoring of economic conditions and trends.

In addition to supporting decision making, the data collected over the years has been used by the Region to facilitate analysis to support and add value to various projects. Projects that the NEI data has been used for include:

- South Niagara Hospital Project Business Directory;
- Niagara Official Plan Land Needs Assessment;
- Niagara Region Waste Collection Contract Review; and,

- Brock University Active Economy and Sport Tourism Research.

Economic Development also uses the NEI data to connect businesses to supply chain opportunities, support international promotion through the Niagara Canadian Business Directory, and to assist in analyzing the regional economy.

The NEI data along with the report will be circulated by the NEI team to Local Area Municipalities, Local Economic Development Offices, The Niagara Chambers of Commerce, Brock University and Niagara College.

Building Relationships

The NEI also provides key opportunities for the Region to directly connect with local businesses to further develop partnerships, foster an environment for innovation and development within the Niagara business community, and the ability to listen and address any comments or concerns. Staff turnover and changing business operations can become an obstacle when trying to engage businesses, largely because the contact information in the NEI database became outdated. Following the two year reporting gap, the project team continues to focus on building relationships with the business community. To do so, the project team sought to educate business representatives on the value of the data relative to how it is used by the Region and local municipalities.

Addressing concerns of business owners continues to be an important step in building and maintaining strong working relationships with the community. On occasion, concerns were expressed by business owners, which were addressed immediately by the project team. Where the project team could not address the concern, the business owner was referred to resources available at the Region, such as the Waste Management Info-Line or local business support services.

Table 8 in Appendix 1 highlights the responses received when business owners were asked, “Is there anything Niagara Region could do to help support your business?” For reporting purposes, the responses have been categorized into themes only. The top three themes for 2024 are business exposure (20.0%), incentives/grants/contracts (13.1%), and taxes and utilities (11.1%). The raw comments are shared with applicable internal departments, and with local municipal partners.

Open Data

Each year, a subset of the NEI results is released to the public through the Niagara Region Open Data Portal. Open Data places information in the hands of the public,

promoting innovation and fostering greater transparency and accountability. The following attributes from the Employment Inventory dataset are made available to the public including, business name, location information, 6-digit North American Industry Classification System (NAICS) code, and employee size categories.

Alternatives Reviewed

Council could opt not to receive and share this report. However, as the results of the NEI contribute to projects and initiatives which are actions of Council's Strategic Priorities, this option is not recommended.

Relationship to Council Strategic Priorities

The NEI is a key tool that the Niagara Region uses to strengthen its economic competitiveness by better understanding its current employment landscape and workforce composition.

The NEI project supports Council's strategic priorities of Prosperous Region, Equitable Region, and Effective Region. Data collected through engaging the business community is used to inform decision-making related to population and employment growth, infrastructure investment, public transit planning, economic development, and the ongoing monitoring of economic conditions.

The Niagara Region and local area municipalities rely on this dataset as a valuable asset when developing robust business cases designed to attract investment, innovation, and entrepreneurship to Niagara and strengthen the Region's position globally.

Other Pertinent Reports

- [PDS 1-2017 – Niagara Region Employment Inventory Preliminary Results](https://www.niagararegion.ca/council/Council%20Documents/2017/council-agenda-feb-09-2017.pdf) (https://www.niagararegion.ca/council/Council%20Documents/2017/council-agenda-feb-09-2017.pdf)
- [PDS 5-2018 – Niagara Region 2017 Employment Inventory Results](https://www.niagararegion.ca/council/Council%20Documents/2018/council-agenda-feb-08-2018.pdf) (https://www.niagararegion.ca/council/Council%20Documents/2018/council-agenda-feb-08-2018.pdf)
- [PDS 6-2019 – Niagara Region 2018 Employment Inventory Results](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=2512) (https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=2512)
- [PDS 5-2020 – Niagara Region 2019 Employment Inventory Results](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8594) (https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=8594)

- [PDS 12-2021 – 2021 Niagara Employment Inventory Status Update](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=15406) (https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=15406)
- [PDS 6–2023 – 2022 Niagara Employment Inventory Results](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=30515) (https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=30515)
- [PDS 13-2024 – 2023 Niagara Employment Inventory Results](https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=36722) (https://pub-niagararegion.escribemeetings.com/filestream.ashx?DocumentId=36722)

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Appendices

Appendix 1 Data Tables

APPENDIX 1

Data Tables

Table 1 – Inventory Completion Rate

Year	Complete Inventory Record	Partially Complete Record	Declined to Participate
2016	68%	30%	2%
2017	76%	22%	2%
2018	87%	12%	1%
2019	90%	9%	<1%
2022	75%	24%	<1%
2023	80%	19%	<1%
2024	86%	13%	<2%

Table 2 – Number of Businesses and Jobs by NAICS Sector

NAICS Industry Sector (2-Digit)	Number of Jobs 2024	Percentage of Jobs in Region	Number of Businesses 2024	Percentage of Businesses in Region
Accommodation and food services	21,445	15.1%	1990	15.0%
Retail Trade	23,043	16.3%	2928	22.0%
Health Care and Social Assistance	18,571	13.1%	1396	10.5%
Manufacturing	14,940	10.5%	886	6.6%
Educational Services	15,681	11.1%	262	2.0%
Public Administration	7,590	5.4%	242	1.8%
Other Services (except public administration)	6,902	4.9%	1785	13.3%
Construction	4,840	3.4%	448	3.3%
Professional, Scientific, Technical Services	3,969	2.8%	882	6.6%
Arts, Entertainment and Recreation	4,831	3.4%	466	3.5%
Administrative and Supportive, Waste Management and Remediation Services	3,708	2.6%	322	2.4%
Agriculture, Forestry, Fishing and Hunting	2,907	2.0%	172	1.3%
Wholesale Trade	3,678	2.6%	291	2.2%
Finance and Insurance	2,520	1.8%	484	3.6%
Transportation and Warehousing	3,269	2.3%	232	1.7%
Real Estate, Rental and Leasing	2,372	1.7%	347	2.6%
Information and Cultural Industries	745	0.5%	145	1.1%
Utilities	498	0.4%	40	0.3%
Mining, Quarrying, and Oil and Gas Extraction	122	0.1%	8	0.0%
Management of Companies and Enterprises	43	0.0%	9	0.0%
Total	141,674	100%	13,335	100%

Table 3 – Business Closures and Openings

Year	Permanently Closed Businesses	New Businesses Added to Database	New Businesses Opened Each Year
2023	797	1,269	145
2024	810	629	158

Table 4 – Distribution of Inventoried Businesses and Jobs by Municipality

	2017		2018		2019		2022		2023		2024	
Municipality	Total Businesses	Total Jobs	Total Businesses	Total Jobs	Total Businesses	Total Jobs	Total Businesses	Total Jobs	Total Businesses	Total Jobs	Total Businesses	Total Jobs
Fort Erie	719	6,867	763	8,414	775	8,301	844	5,547	786	5,689	825	6,437
Grimsby	455	4,750	465	5,204	479	6,682	512	4,210	526	6,509	573	4,882
Lincoln	543	6,650	564	6,964	571	8,108	604	6,772	627	8,249	647	7,737
Niagara Falls	2,553	32,982	2,642	32,687	2,715	33,473	2,982	24,415	2,973	33,828	3044	29,304
NOTL	513	9,707	560	11,238	596	10,926	636	7,999	669	10,072	710	10,117
Pelham	301	2,275	318	2,677	334	3,202	372	2,865	393	3,724	417	3,462
Port Colborne	465	3,917	468	4,176	478	4,682	518	3,405	484	4,076	506	3,895
St. Catharines	3,771	44,254	3,966	48,130	4,051	48,726	4,396	40,107	4,292	46,594	4404	46,466
Thorold	491	5,307	523	5,674	538	6,693	582	5,425	593	7,337	632	8,352
Wainfleet	58	402	60	507	61	479	72	497	83	576	82	509
Welland	1,158	12,122	1,188	14,149	1,214	14,010	1,299	9,274	1,212	16,519	1266	17,738
West Lincoln	175	1,911	203	2,364	204	2,677	216	1,985	222	2,955	229	2,775
Niagara Region	11,202	131,144	11,720	142,184	12,016	147,959	13,033	112,501	12,860	146,128	13,335	141,674

Table 5 – Municipality Completion Rate

Municipality	Completion Rate	
	Complete Businesses	Completion Rate Percentage
Fort Erie	702	85.1%
Grimsby	472	82.4%
Lincoln	555	85.8%
Niagara Falls	2,628	86.3%
NOTL	591	83.1%
Pelham	361	86.6%
Port Colborne	432	85.4%
St. Catharines	3,826	86.9%
Thorold	569	90.0%
Wainfleet	67	81.7%
Welland	1,120	88.5%
West Lincoln	203	88.6%
Niagara Region	11,526	86.4%

Table 6 – Diversity Equity and Inclusion Responses

Response	Women Led	2SLGBTQQIA+ Led	Disability Led	First Nations, Inuit, Metis Led	Visible Minority Led	Youth Led	New Immigrant Led
Yes	414	34	21	16	105	2	22
No	476	834	854	890	755	899	875
Decline	230	252	245	214	260	219	223

Table 7 – Municipality DEI Completion Rate

Municipality	Businesses that consented to emails	DEI Complete Surveys	DEI Completion Rate
Fort Erie	301	76	25.2%
Grimsby	250	59	23.6%
Lincoln	291	66	22.7%
Niagara Falls	1141	221	19.4%
NOTL	294	61	20.7%
Pelham	209	41	19.6%
Port Colborne	193	51	26.4%
St. Catharines	1776	341	19.2%
Thorold	286	68	23.8%
Wainfleet	37	7	18.9%
Welland	462	99	21.4%
West Lincoln	109	30	27.5%
Total	5349	1120	20.9%

Table 8 – “Is there anything Niagara Region could do to support your business?”

Response Themes	Responses Received 2024	Proportion 2023	Proportion 2024
Business Exposure	575	14.9%	20.0%
Incentives/Grants/Contracts	376	11.7%	13.1%
Taxes and Utilities	320	11.3%	11.1%
Infrastructure/Traffic Issues/Construction	311	12.4%	10.8%
Social Support Programs/Programs	198	7.0%	6.9%
Parking Issues	151	4.9%	5.3%
Governance	124	2.3%	4.3%
Waste Management	123	4.7%	4.3%
Development Process/Zoning/Land Use	124	4.1%	4.3%
Health and Safety	119	7.0%	4.1%
Skills and Labour Force	116	8.5%	4.0%
Awareness and Education	89	4.7%	3.1%
Transit	75	2.9%	2.6%
Beautification	72	2.2%	2.5%
Other	68	0.2%	2.4%
Development Charges	18	0.6%	0.6%
Impact of COVID-19	11	0.6%	0.4%
Total	2,870	100%	100%

2024 Niagara Employment Inventory Data Dictionary:

Niagara Region Corporation/ Local Area Municipality Access

Field Name	Field Description
nei_id	Niagara Employment Inventory Unique ID
municipality	Municipality
businessname	Business Name
businessstreetnumber	Street Address Number
businessstreetname	Street Name
businessunit	Unit Number
businesspobox	PO Box
businesspostalcode	Postal Code
telephone	Public Telephone Number
businesswebsite	Business Website
corpcontactrequired	Is a Corporate Contact Required to respond for one or more locations?
primarynaics	6 Digit 2022 Stats Canada NAICS Code (Primary)
secondarynaics	6 Digit 2022 Stats Canada NAICS Code (Secondary)
primarysector	The first 2 digits of NAICS code - Sector Description
industry	The first 5 digits of NAICS code - Industry Description
businessdetails	Keywords related to business activity associated with individual NAICS codes
yearopen	Year business opened in Niagara
tourism	Is this business involved in the tourism sector?
automotive	Is this business involved in automotive supply chains or markets?
nonprofit	Is this business a non-for-profit organization?
homebased	Is this business home-based?
agriculture	Is this business involved with agriculture?
perfull	Permanent Full-time Count (work more than 30 hours per week)
permpart	Permanent Part-time Count (work less than 30 hours per week)
contractfull	Contract Full-time Count (work more than 30 hours per week)
contractpart	Contract Part-time Count (work less than 30 hours per week)
seasonfull	Seasonal (4-6 months) Full-time Count (work more than 30 hours per week)
seasonpart	Seasonal (4-6 months) Part-time Count (work less than 30 hours per week)
totalemployees	Total Employees Count
aggregatee	Do the employee counts include other locations?
sizerange	Total employee size range of the Organization
shiftwork	Do employees work shift work? (Work outside the hours of 7:00 am to 6:00 pm)
weekends	Do employees work weekends?
workfromhome	Are there currently staff that work from home?
workfromhomecount	Work From Home Count
howcanniaragasupport	Is there anything the Niagara Region can do to help support this business?
supporttheme1	Support Theme 1
supporttheme2	Support Theme 2

supporttheme3	Support Theme 3
supporttheme4	Support Theme 4
previousurveystatus	Previous Survey Status from 2023
surveystatus	Current Survey Status for 2024
emailconsent	Do you consent to receiving email communications from the Niagara Region or your Local Area Municipality on programs, services or news related to your business, and/or participating in future studies from the Niagara Workforce Planning Board for the purpose of workforce research? Personal information will be collected, used and disclosed in accordance with applicable legislation and you will have the opportunity to opt-out of communications at any time

June 19, 2025

CL 8-2025, May 22, 2025
PEDC 4-2025, May 7, 2025
PDS 4-2025, May 7, 2025

Distribution List

SENT ELECTRONICALLY

Woodland Conservation By-law Update

PDS 4-2025

Regional Council, at its meeting held on May 22, 2025, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 4-2025, dated May 7, 2025, respecting Woodland Conservation By-law Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That By-law No. 2020-79, being A By-Law to Prohibit or Regulate the Destruction or Injuring of Trees in Woodlands in The Regional Municipality of Niagara (short title being the "Woodland Conservation By-law"), **BE AMENDED** to reflect the changes set out in Appendix 2 to Report PDS 4-2025;
2. That the necessary amending By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That Report PDS 4-2025 and a final copy of the amended By-law, **BE CIRCULATED** to the Local Area Municipalities, NPCA, Niagara Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission.

A copy of Report PDS 4-2025 and By-law No. 2025-24 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

js

CLK-C 2025-055

cc: D. Root, Regional Forester
M. Sergi, Deputy Chief Administrative Officer
N. Oakes, Executive Assistant to Deputy Chief Administrative Officer

Distribution List:

Local Area Municipalities
Niagara Peninsula Conservation Authority
Niagara Federation of Agriculture
Niagara Woodlot Association
Niagara Home Builders Association
Niagara Construction Association
Niagara Parks Commission

Subject: Woodland Conservation By-law Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 7, 2025

Recommendations

1. That By-law No. 2020-79, being A By-Law to Prohibit or Regulate the Destruction or Injuring of Trees in Woodlands in The Regional Municipality of Niagara (short title being the “Woodland Conservation By-law”), **BE AMENDED** to reflect the changes set out in Appendix 2 to Report PDS 4-2025;
2. That the necessary amending By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That Report PDS 4-2025 and a final copy of the amended By-law, **BE CIRCULATED** to the Local Area Municipalities, NPCA, Niagara Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission.

Key Facts

- The purpose of this report is to present the updated Niagara Region Woodland Conservation By-law for Regional Council review and approval.
- Niagara Region’s Woodland Conservation By-law was last updated in 2020. Since then many significant changes have been made to Regional and Provincial planning policies and documents, including official plans.
- The goal of the updates is to ensure that the By-law can continue to be effectively interpreted and administered in response to changing natural heritage definitions and planning responsibilities in Niagara Region.
- The majority of changes relate to Agricultural Use exemptions. Further minor changes and modernizations are also recommended.

Financial Considerations

Financial costs of undertaking the Woodland Conservation Bylaw review internally have been accommodated within the approved 2024 and 2025 Infrastructure Planning operating budgets. The budget covers staffing and associated expenses for one full-time staff member, a Registered Professional Forester, to administer this By-law.

Analysis

Background: The Woodland Conservation By-law

Section 135(2) of the Municipal Act authorizes upper-tier municipalities to pass by-laws regulating activities that injure or destroy trees within woodlands greater than one hectare in size, as defined in the Forestry Act. Regional Council passed the Woodland Conservation By-law 2020-79 in October 2020. The current version of the Woodland By-law has been administered internally by Regional staff since January 31st, 2021.

Changing Official Plans and Planning Authority Requires By-law Update

The current iteration of the Woodland By-law contains language referring to environmental designations as provided for in the then current Regional Official Plan (2014), and the official plans of local municipalities. Regional Council adopted the most recent version of the Niagara Official Plan (NOP) in June 2022, two years after enacting the current Woodland Conservation By-law.

In 2022, the Provincial government passed Bill 23, the *More Homes Built Faster Act*, 2022, which has the effect of making Niagara Region an “upper-tier municipality without planning responsibilities” effective March 31st, 2025. As a result, the NOP will be downloaded to the lower tier municipalities until such time as it is replaced by updated local official plans.

Taken together, these changes create the need to update Niagara Region’s Woodland Conservation By-law to ensure viability and clear interpretation going forward.

Consultation

As a result of the changing planning responsibilities in Niagara Region, Niagara Staff conducted an internal analysis and consulted with the Regional Agriculture Policy and Action Committee and Local Area Municipalities.

The Woodland By-law was reviewed internally by Regional by-law and planning staff, and a first draft of proposed revisions was sent to members of the Agricultural Policy and Action Committee (APAC) and area municipalities in the Spring of 2024. Proposed updates to the By-law were modified based on feedback received by APAC members and area municipalities. Further modifications to the proposed changes were made following a review by internal legal staff. A second draft of proposed changes was sent to APAC members and area municipalities in February 2025. Comments and discussion with APAC members lead to further minor revisions.

Proposed Changes to the Woodland By-law

The proposed by-law modernizations are largely driven by the need to ensure alignment with the reality of planning policy in Niagara Region going forward – post Bill 23. In this way, the substantive updates are principally the result of: (i) ensuring alignment with the Niagara Official Plan (2022); (ii) the Region's Official Plan being transitioned to local area municipalities; and/or (iii) aligning the By-law to the 2024 Provincial Planning Statement, as set out below:

Section 1.1: The definition of “Agricultural Use” was updated to match language in the most recent Provincial Planning Statement (2024)

Section 1.26: The Sensitive Natural Area Definition was updated to refer to environmental features in the 2022 NOP that now receive a similar level of protection to Environmental Protection Area features in the 2014 NOP. The 2014 Official Plan divided all natural heritage features into one of two categories: Environmental Conservation Area (ECA) and Environmental Protection Area (EPA). Within ECAs, certain activities were permitted provided that a no net-negative impact threshold was maintained. In contrast, EPA designation represented a higher, “no touch” level of environmental protection. The 2022 version of the Niagara Official Plan eliminates ECA and EPA categories, instead assigning specific protection thresholds to individual environmental feature types. The updated Sensitive Natural Areas definition includes features afforded a “no touch” level of protection in the 2022 NOP, aligning the By-law with environmental protection levels in the current council-approved Official Plan.

Section 4.15: The agricultural exemption has been streamlined, and references to local official plans have been added. Specifically, clarification that Urban Area boundaries are determined by Local Official Plans, rather than the Regional Official Plan. The updates further clarify that for Local Area Municipalities that use zoning overlay systems, environmental overlays cannot be ignored when determining whether an area is designated for agricultural use in a Local Official Plan. This change recognizes the

increased role that area municipalities will play in determining the location and extent of environmental features in their updated official plans. Given the updates to the definition of “Sensitive Natural Areas” the reference to permit application for Sensitive Natural Areas has been removed. The By-law permitting system continues to be addressed in Sections 5 and 6 of the By-Law where, in accordance with the requirements of those sections, applications can be submitted for Good Forestry Practices Permits. Finally, the references to Normal Farm Practices have been removed, and a new separate exemption explicitly related to activities that are Normal Farm Practices has been created.

Section 4.16: A stand-alone exemption for Normal Farm Practices ensures that pre-existing and ongoing agricultural practices will not be impacted by the updated Sensitive Natural Areas definition.

An additional change is being recommended to Section 9 which removes a potential remedy that has not, as a practical matter, ever been used in the context of this By-law. Regional by-law staff will maintain the ability to issue Orders, charge a landowner with a By-law violation for failing to comply with an Order, and to register Orders on title following a legal process.

Redline and clean copies of the updated By-law are found in Appendix 1 and Appendix 2, respectively, which capture the above referenced edits together with some additional housekeeping items. Appendix 3 provides a summary of impacted sections.

Alternatives Reviewed

Alternate draft updates to the Woodland By-law were considered and circulated by Regional Staff to members of Agricultural Policy and Action Committee and local municipalities and were reviewed by internal Legal staff. Many proposed changes were either modified or removed based on feedback received by APAC members and area municipalities. The final version of proposed updates aims to maintain the By-law in its current structure while aligning environmental protection objectives with changing language and expectations in relevant municipal official plans.

Not updating the By-law will result in definitions that are misaligned with relevant planning language and objectives resulting in challenges to by-law interpretation and enforceability by staff and the public.

Relationship to Council Strategic Priorities

Effective Region - The proposed changes will ensure that the Woodland By-law remains enforceable and clearly understood in a changing municipal context.

Green and Resilient Region - The proposed updates align with expanded protection of Significant Woodlands enacted by council through the adoption of updated environmental policies in the 2022 Regional Official Plan.

Prosperous Region - The proposed updates expand and clarify the exemption for Normal Farm Practices, ensuring that preexisting agricultural uses can continue on existing farmland in Niagara Region.

Other Pertinent Reports

- DPD 49-2006 - Update on the Tree Conservation By-law
- CAO 4-2008 - Tree and Forest Conservation By-law Amendments
- DPD 133-2007 - Tree and Forest Conservation By-law Amendments
- Service Level Agreement Tree and Forest Conservation By-law August 2008
- [PDS 13-2019 - Initiation of a Woodland By-law Review](#)

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- CWCD 41-2020- Woodland By-law Review Update
- [PDS 16-2020 Woodland Conservation By-law Review](#)

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Appendices

Appendix 1 Revised Woodland Conservation By-law (2020-79) – mark-up copy

Appendix 2 Niagara Region Woodland Conservation By-law (2025-xx) – clean copy

Appendix 3 Table summarizing proposed Woodland by-law updates

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO PROHIBIT OR REGULATE THE
DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council ~~the Council for The Regional Municipality of Niagara (“Regional Council”)~~ deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara ~~(the “Region”)~~ through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- ~~helping to achieve the objectives of the Regional Official Plan to ensure~~ Ensuring the long-term health and productivity of Wwoodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;
- ~~supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and, supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity~~

~~of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and,~~

WHEREAS on ~~October 22, 2020 By-law No. 2020-79~~ April 10, 2008 ~~By-law No. 30-2008~~ was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal ~~By-law No. 2020-79 By-law No. 30-2008~~ and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE ~~the Council of The Regional Municipality of Niagara~~ Regional Council enacts as follows:

1. **DEFINITIONS**

In this By-law:

- 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. ~~the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;~~
- 1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

- 1.4 “Bumper Tree” means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 “Coppice growth” means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;
- 1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.7 “Diameter” means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;
- 1.10 “Good Forestry Practices” means:
 - 1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;

- 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
- 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
- 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;
- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;
- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
 - 1.13. a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13. c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13. d damage to the root structure of a Tree;but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.

~~1.14 “Normal Farm Practice” means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices;~~

1.15 "Officer" means an individual appointed by Regional Council for the administration and enforcement of this By-law;

1.16 "Owner" means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;

1.17 "Own Use" means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;

1.18 "Permit" means a permit to Injure or Destroy Trees issued under this By-law;

1.19 "Person" means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;

1.20 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;

1.21 "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;

1.22 "Qualified Tree Marker" means:

1.22.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or

- 1.22.b A Qualified OPFA Member qualified to do tree marking.
- 1.23 “Region” means The Regional Municipality of Niagara;
- 1.24 “Regional Council” means the Council of The Regional Municipality of Niagara;
- 1.25 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;
- 1.26 “Sensitive Natural Area” means lands that are in a Woodland and:
- 1.26.a within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or the Environmental Protection Area designation of the Natural Heritage System and adjacent lands, as defined in the Regional Official Plan; or
- 1.26.b within a Natural Area as designated in the Niagara Escarpment Plan.
- 1.27 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.28 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.29 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;

- 1.30 "Tree" or "Trees" means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.31 "Tree Preservation Plan" means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.32 "Wildlife Habitat" means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;
- 1.33 "Woodland" or "Woodlands" means land on one or more properties with a density of at least:
- 1.33.a 1,000 Trees, of any size, per hectare;
 - 1.33.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
 - 1.33.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
 - 1.33.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;
- but does not include:
- 1.33.f a cultivated fruit or nut orchard;
 - 1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or

1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;

1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

- 2.1 all Woodlands having an area of one (1) hectare or more;
- 2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
- 2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

- 3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:
 - 3.1.a Unless exempted under Section 4 of this By-law; or
 - 3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.
- 3.2 No Person through their own actions or through any other Person shall:
 - 3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
 - 3.2.b Fail to comply with an Order issued under this By-law; or
 - 3.2.c Remove or deface any Order that has been posted pursuant to this By-law.
- 3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that

the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

- 4.4.d in a development agreement between an Owner and an Area Municipality;
- 4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or
- 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*; R.S.O 1990, c. A.8, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the

construction or use of the building, structure or thing in respect of which a Building Permit has been issued;

- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;

- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;

- 4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

- 4.13 The Injuring or Destruction of Trees that:
 - 4.13.a are dead;

 - 4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or

 - 4.13.c pose a hazard to human safety or property.

- 4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:
 - 4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests"; and

 - 4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing, ~~and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.~~

~~— The clearing shall be carried out in accordance with Normal Farm Practices as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended, provided that:~~

4.15.a the land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing; that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.bc prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; ~~and~~

4.15.ed the land being cleared for Agricultural Use is

- (i) outside the Urban Area; and
- (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

~~outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned for Agricultural Use~~ in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan;

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

~~except where the Injuring or Destruction of Trees involves a Sensitive Natural Area, in which case a Permit is required pursuant to the provisions of this By-law, but no fee shall be required.~~

~~4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;~~

4.1~~7~~⁶ The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.

4.1~~8~~⁷ The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

- 5.2.a a complete signed application form as provided by the Region;
- 5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
- 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

- 5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
- 5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;
- 5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and
- 5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.

5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* [c.18, as amended](#), applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. **PERMIT APPLICATION PROCESS**

6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

6.2 Applications for Permits will be processed only if:

- 6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;
- 6.2.b the requirements that must be submitted with an application have been included; and

- 6.2.c applications are in keeping with the general purpose and intent of this By-law.
- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
 - 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
 - 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;
 - 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
 - 6.5.g a follow-up fuelwood (firewood) harvest.
- 6.7 When denying a Permit, the Officer will notify the applicant in writing by

registered mail. The Officer shall provide written reasons for their decision to the applicant.

- 6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

- 7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

- 7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

- 7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

- 7.4 Regional Council may:

7.3.a Uphold the decision of the Officer;

7.3.b Vary any condition on a Permit; or

7.3.c Issue a Permit with conditions as Regional Council considers appropriate.

- 7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

- 8.1 Where 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 Injuring or Destruction of Trees in contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:
- 8.1.a the municipal address or the legal description of the land;
 - 8.1.b reasonable particulars of the contravention; and
 - 8.1.c the period within which there must be compliance with the Order.
- 8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:
- 8.2.a the Owner of the Woodland; and
 - 8.2.b the person identified as Injuring or Destroying Trees.
- 8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.
- 8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

- 9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.
- 9.2 The Order shall set out:

- 9.2.a the name and the Owner and the municipal address or the legal description of the land;
 - 9.2.b reasonable particulars of the contravention;
 - 9.2.c the work to be done and the date by which the work must be done;
 - 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
 - 9.2.e contact information of the Officer.
- 9.3 The Order may be served in accordance with the service provisions contained in section 8.

~~9.4 If a Person fails to comply with an Order issued pursuant to this section, the Region may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the Person's expense.~~

~~9.5 If the Region enters onto the lands and completes the work, the Region may recover its costs to complete the work for the Person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.~~

10. PENALTY

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

- 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater;
- ~~10.1.b~~ on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
- 10.1.~~b~~e on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.

- 10.2 Despite subsection 10.1, where the Person convicted is a corporation:
- 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and
- 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000 per Tree.
- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.
- 10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.
- 11. ENFORCEMENT**
- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.

11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. **ADMINISTRATION**

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

12.2 The short title of this By-law is the "Woodland Conservation By-law".

12.3 By-law 30-2008 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.

12.4 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.4.a proceedings in respect of offences that occurred before its repeal;
and,

12.4.b permits in compliance with Bylaw 30-2008, which were approved prior to its repeal.

12.5 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. *draft*

A BY-LAW TO PROHIBIT OR REGULATE THE
DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by by-law prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

AND WHEREAS on October 22, 2020 By-law No. 2020-79 was passed by Regional Council and this By-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 2020-79 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE Regional Council enacts as follows:

1. DEFINITIONS

In this By-law:

- 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- 1.2 "Area Municipality" means any one of the municipalities of the Town of FortErie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 1.4 "Bumper Tree" means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 "Coppice growth" means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;
- 1.6 "DBH" or "Diameter at Breast Height" means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;

- 1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;
- 1.10 “Good Forestry Practices” means:
 - 1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;
 - 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
 - 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
 - 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;
- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;

- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
- 1.13. a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13. c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13. d damage to the root structure of a Tree;
- but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.
- 1.14 “Officer” means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.15 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;
- 1.16 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.17 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;
- 1.18 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;
- 1.19 “Point of Measurement” means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.20 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of

- certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.21 “Qualified Tree Marker” means:
- 1.21.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
- 1.21.b A Qualified OPFA Member qualified to do tree marking.
- 1.22 “Region” means The Regional Municipality of Niagara;
- 1.23 “Regional Council” means the Council of The Regional Municipality of Niagara;
- 1.24 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;
- 1.25 “Sensitive Natural Area” means lands that are in a Woodland and:
- 1.25.a Within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or
- 1.25.b within a Natural Area as designated in the Niagara Escarpment Plan.
- 1.26 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.27 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.28 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the

methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;

- 1.29 “Tree” or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.30 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.31 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;
- 1.32 “Woodland” or “Woodlands” means land on one or more properties with a density of at least:
 - 1.32.a 1,000 Trees, of any size, per hectare;
 - 1.32.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
 - 1.32.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
 - 1.32.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;but does not include:
 - 1.32.e a cultivated fruit or nut orchard;
 - 1.32.f a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their

intended purpose for a period of 15 years or more;

1.32.g a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted; or

1.32.h a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

2.1 all Woodlands having an area of one (1) hectare or more;

2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and

2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:

3.1.a Unless exempted under Section 4 of this By-law; or

3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.

3.2 No Person through their own actions or through any other Person shall:

3.2.a Contravene the terms or conditions of a Permit issued under this By-law;

3.2.b Fail to comply with an Order issued under this By-law; or

3.2.c Remove or deface any Order that has been posted pursuant to this By-law.

3.3 No Person through their own actions or through any other Person shall Injure or

Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. **EXEMPTIONS**

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - 4.4.d in a development agreement between an Owner and an Area Municipality;
 - 4.4.e as a condition to a development permit authorized by regulation made

under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or

- 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O 1990, c. A.8, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where

applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;

4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

4.13 The Injuring or Destruction of Trees that:

4.13.a are dead;

4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or

4.13.c pose a hazard to human safety or property.

4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and

4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing, provided that:

4.15.a The land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;

4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a

Permit are not required;

4.15.d the land being cleared for Agricultural Use is:

- (i) outside the Urban Area; and
- (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan; and

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;

4.17 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription; or

4.18 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

5.2.a a complete signed application form as provided by the Region;

5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA

Member; and,

- 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.
- 5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:
 - 5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
 - 5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;
 - 5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and
 - 5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* 2000, c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

- 6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

- 6.2 Applications for Permits will be processed only if:
- 6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;
 - 6.2.b the requirements that must be submitted with an application have been included; and
 - 6.2.c applications are in keeping with the general purpose and intent of this By-law.
- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
- 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
- 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;

- 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
- 6.5.g a follow-up fuelwood (firewood) harvest.
- 6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.
- 6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.
- 7. **APPEALS TO REGIONAL COUNCIL**
- 7.1 An application for a Permit under this By-law may be appealed to Regional Council if:
 - 7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or
 - 7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.
- 7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.
- 7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.
- 7.4 Regional Council may:
 - 7.4.a Uphold the decision of the Officer;
 - 7.4.b Vary any condition on a Permit; or
 - 7.4.c Issue a Permit with conditions as Regional Council considers appropriate.
- 7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 Where 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 Injuring or Destruction of Trees in contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:

- 8.1.a the municipal address or the legal description of the land;
- 8.1.b reasonable particulars of the contravention; and
- 8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

- 8.2.a the Owner of the Woodland; and
- 8.2.b the person identified as Injuring or Destroying Trees.

8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:

- 9.2.a the name and the Owner and the municipal address or the legal description of the land;

- 9.2.b reasonable particulars of the contravention;
 - 9.2.c the work to be done and the date by which the work must be done;
 - 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and
 - 9.2.e contact information of the Officer.
- 9.3 The Order may be served in accordance with the service provisions contained in section 8.
- 10. PENALTY**
- 10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:
- 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater; on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
 - 10.1.b on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.
- 10.2 Despite subsection 10.1, where the Person convicted is a corporation:
- 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and
 - 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000 per Tree.
- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner

and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.

- 10.4 If an Order has been issued under this By-law or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.
- 11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.
- 11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. ADMINISTRATION

- 12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

- 12.2 The short title of this By-law is the “Woodland Conservation By-law”.
- 12.3 By-law 2020-79 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.
- 12.4 Despite subsection 12.3, By-law 2020-79, as amended, shall continue to apply to:
- 12.4.a proceedings in respect of offences that occurred before its repeal;
and,
 - 12.4.b permits in compliance with By-law 2020-79, which were
approved prior to its repeal.
- 12.5 That this By-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

Appendix 3. Table summarizing proposed Woodland by-law updates and the reason for their consideration. The primary reason for updates is driven by changes in the updated Regional Official Plan and/or changes to municipal planning responsibilities due to Planning Act changes, with further minor refinements to other areas recommended by Regional staff.

By-law Section	Description of Update	Reason for Update			
		Official Plan Transition	PPS (2024) Conformity	Niagara Official Plan (2022) Conformity	Other Staff Recommended Changes
Preamble	WHEREAS Statement Updates	Yes	No	No	No
1.1	Agricultural Use Definition Update	No	Yes	No	No
1.14	Move Normal Farm Practice Definition to Section 4	No	No	No	Yes
1.26.a	Sensitive Natural Area Definition Update	Yes	No	Yes	No
4.15	Agricultural Exemptions Update	Yes	No	No	Yes
4.16	Standalone Normal Farm Practice Exemption addition	No	No	No	Yes
9.4, 9.5	Removal of Failure to Comply with Work Order and Cost Recovery Clause	No	No	No	Yes

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2025-24

A BY-LAW TO AMEND BY-LAW 2020-79 BEING A BY-LAW TO PROHIBIT AND REGULATE DESTRUCTION OR INJURING OF TREES IN THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 135(2) of the Municipal Act, 2001, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

WHEREAS Section 135(7) of the Municipal Act provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

WHEREAS Regional Council deems it desirable to enact a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

WHEREAS on October 22, 2020 By-law No. 2020-79 was passed by Regional Council and this By-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region; and

WHEREAS Regional Council deems it desirable to amend By-law 2020-79 being a By-law to Prohibit or Regulate the Destruction or Injuring of Trees in The Regional Municipality of Niagara.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Section 1.1 of By-Law No. 2020-79 be deleted and be replaced with the following:
 - 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
2. That Section 1.14 of By-Law No. 2020-79 be deleted.
3. That Section 1.26a of By-Law No. 2020-79 be deleted and be replaced with the following:
 - 1.26a Within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or
4. That Section 4.15 of By-Law No 2020-79 be deleted and be replaced with the following:

The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing, provided that:

 - 4.15.a The land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;
 - 4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

- 4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required;
- 4.15.d the land being cleared for Agricultural Use is:
- (i) outside the Urban Area; and
 - (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,
- in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan; and
- 4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.
5. That the following wording be added to Section 4 of By-Law No. 2020-79 following Section 4.15 as a new section.
- 4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;
6. That Section 5.4 of By-Law No. 2020-79 be deleted and be replaced with the following:
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* 2000, c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.
7. That Section 9.4 of By-Law No. 2020-79 be deleted.

8. That Section 9.5 of By-Law No. 2020-79 be deleted.
9. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: May 22, 2025

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-79

A BY-LAW TO PROHIBIT OR REGULATE THE
DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE Regional Council enacts as follows:

1. **DEFINITIONS**

In this By-law:

- 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- 1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 1.4 "Bumper Tree" means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 "Coppice growth" means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;
- 1.6 "DBH" or "Diameter at Breast Height" means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;

- 1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.8 "Farmer" means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 "Forest Management Plan" means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests", as amended from time to time;
- 1.10 "Good Forestry Practices" means:
 - 1.10.a the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values, including: significant ecosystems; important fish and Wildlife Habitat; soil and water quality and quantity; forest productivity and health; and the aesthetic and recreational opportunities of the landscape;
 - 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
 - 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
 - 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests";

- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;
- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
 - 1.13.a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13.c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13.d damage to the root structure of a Tree;but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.
- 1.14 “Officer” means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.15 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;
- 1.16 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.17 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;
- 1.18 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;

- 1.19 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.20 "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.21 "Qualified Tree Marker" means:
- 1.21.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
- 1.21.b A Qualified OPFA Member qualified to do tree marking.
- 1.22 "Region" means The Regional Municipality of Niagara;
- 1.23 "Regional Council" means the Council of The Regional Municipality of Niagara;
- 1.24 "Regional Official Plan" means the Official Plan of The Regional Municipality of Niagara;
- 1.25 "Sensitive Natural Area" means lands that are in a Woodland and:
- 1.25.a within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or
- 1.25.b within a Natural Area as designated in the Niagara Escarpment Plan.

- 1.26 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.27 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.28 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for Harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free-growing stand in a manner that accommodates other resource values as identified;
- 1.29 “Tree” or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.30 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.31 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;
- 1.32 “Woodland” or “Woodlands” means land on one or more properties with a density of at least:
- 1.32.a 1,000 Trees, of any size, per hectare;
- 1.32.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
- 1.32.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or

- 1.32.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

but does not include:

- 1.33.f a cultivated fruit or nut orchard;
- 1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
- 1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;
- 1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

- 2.1 all Woodlands having an area of one (1) hectare or more;
- 2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
- 2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

- 3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:
 - 3.1.a Unless exempted under Section 4 of this By-law; or

- 3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.
- 3.2 No Person through their own actions or through any other Person shall:
 - 3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
 - 3.2.b Fail to comply with an Order issued under this By-law; or
 - 3.2.c Remove or deface any Order that has been posted pursuant to this By-law.
- 3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.
- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;

- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - 4.4.d in a development agreement between an Owner and an Area Municipality;
 - 4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or
 - 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 The Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act*, 1998, S.O. 1998, c.15, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 4.6 The Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O 1990, c. A.8, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and

- 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;
- 4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;
- 4.13 The Injuring or Destruction of Trees that:
- 4.13.a are dead;
 - 4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or
 - 4.13.c pose a hazard to human safety or property.

4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and

4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing provided that:

4.15.a the land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;

4.15.b the land that is cleared is put into Agricultural Use within three(3) years of the date on which such clearing commences;

4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required;

4.15.d the land being cleared for Agricultural Use is

- (i) outside the Urban Area; and
- (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan;

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

- 4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;
- 4.17 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.
- 4.18 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

- 5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.
- 5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:
 - 5.2.a a complete signed application form as provided by the Region;
 - 5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
 - 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;

5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;

5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and

5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.

5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

6.2 Applications for Permits will be processed only if:

6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;

6.2.b the requirements that must be submitted with an application have been included; and

- 6.2.c applications are in keeping with the general purpose and intent of this By-law.
- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
 - 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
 - 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;
 - 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
 - 6.5.g a follow-up fuelwood (firewood) harvest.

6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

7.4 Regional Council may:

7.3.a Uphold the decision of the Officer;

7.3.b Vary any condition on a Permit; or

7.3.c Issue a Permit with conditions as Regional Council considers appropriate.

7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 Where 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 Injuring or Destruction of Trees in contravention of the By-law to stop the Injuring or Destruction of Trees. The Order shall set out:

8.1.a the municipal address or the legal description of the land;

8.1.b reasonable particulars of the contravention; and

8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

8.2.a the Owner of the Woodland; and

8.2.b the person identified as Injuring or Destroying Trees.

8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:

- 9.2.a the name and the Owner and the municipal address or the legal description of the land;
- 9.2.b reasonable particulars of the contravention;
- 9.2.c the work to be done and the date by which the work must be done;
- 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
- 9.2.e contact information of the Officer.

9.3 The Order may be served in accordance with the service provisions contained in section 8.

10. PENALTY

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

- 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater; on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
- 10.1.b on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.

10.2 Despite subsection 10.1, where the Person convicted is a corporation:

- 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and
- 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000

per Tree.

- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.
- 10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.
- 11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.
- 11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. **ADMINISTRATION**

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

12.2 The short title of this By-law is the “Woodland Conservation By-law”.

12.3 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.3.a proceedings in respect of offences that occurred before its repeal;
and,

12.4 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: October 22, 2020

Sent by Email

June 6, 2025

The Honourable Peter Bethlenfalvy
MPP Pickering-Uxbridge
1550 Kingston Rd., Suite 213
Pickering, ON L1V 1C3
peter.bethlenfalvy@pc.ola.org

Subject: Raising Ontario Works (OW) and Ontario Disability Support Program (ODSP)

The Council of The Corporation of the City of Pickering considered the above matter at a Meeting held on May 26, 2025 and adopted the following resolution:

WHEREAS individuals and families receiving income support through Ontario Works (OW) and the Ontario Disability Support Program (ODSP) are facing increasing challenges in meeting basic needs due to rising costs of living;

And Whereas Statistics Canada notes that people with disabilities have a higher poverty rate and a lower rate of employment than the overall population;

And Whereas the annual income support for Ontario Works is currently \$8,796.00 and \$16,416.00 for Ontario Disability Support Program. These supports have not increased sufficiently to keep up with inflation and the cost of living. Such costs are anticipated to continue increasing;

And Whereas the low income measure for a single person in Greater Toronto Area is estimated to be approximately \$27,343 annually, and the deep income poverty threshold is determined to be \$20,508;

And Whereas Food Banks, including our local Food Banks, provide a necessary service with increasing demands in our communities;

And Whereas the Pickering Food Bank served 1,722 adults, and 1,054 children in February 2025;

And Whereas food banks are already reducing their distribution capacity; and it is anticipated that due to developing economic circumstances, such as the current tariff war, there will be increased unemployment, increased food prices, and a heightened demand for food distribution, while donations continue to decline;

And Whereas these economic trends will continue to erode the purchasing power of OW and ODSP recipients, increasing reliance on food banks and placing additional pressure on municipalities and community organizations;

Now therefore it be resolved that the Council of The Corporation of the City of Pickering directs through the Office of the Chief Administrative Officer:

1. That staff send a letter to the Premier of Ontario, Minister of Finance, Minister of Children, Community and Social Services, and the Minister for Seniors and Accessibility, to strongly urge that the Ontario Provincial Government significantly raise the payments of Ontario Works and Ontario Disability Support Program and the increases be reflected in the upcoming Provincial Budget and that the increased amount aligns with inflationary costs and thereby decrease the pressure on food banks and the reliance on municipalities and taxpayers to supplement the gap in financial need; and,
2. That a copy of this resolution be forwarded to all Members of Provincial Parliament (MPPs), the Regional Municipality of Durham, all Municipalities in the Province of Ontario, the Federation of Canadian Municipalities (FCM), and the Association of Municipalities of Ontario (AMO) for their endorsement and advocacy.

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

Yours truly



Susan Cassel
City Clerk

SC:am

Copy: Robert Cerjanec, MPP Ajax
Lorne Coe, MPP Whitby
Jennifer French, MPP Oshawa
Todd McCarthy, MPP Durham
Laurie Scott, MPP Haliburton—Kawartha Lakes—Brock
Alexander Harras, Regional Clerk, Region of Durham
Federation of Canadian Municipalities (FCM)
Association of Municipalities of Ontario (AMO)

All Ontario Municipalities

Chief Administrative Officer



June 16, 2025

Re: Item for Discussion – Road Salt Usage

At its meeting of June 11, 2025, the Council of the Corporation of the Town of Bracebridge ratified motion #24-GC-068, regarding Road Salt Usage, as follows:

“WHEREAS chloride concentrations have increased by at least 0.5 mg/L in 80 of 274 (29%) of the lakes sampled by the District of Muskoka between 2018 and 2022, and by 15-fold in Lake Muskoka since 1970;

AND WHEREAS Queen’s University scientist, Dr. Shelley Arnott, a leader in global research on the effects of road salt on lakes, has demonstrated that in Muskoka lakes, some important aquatic organisms are negatively affected at chloride exposure levels as low as 10 mg/L, far below the 120 mg/L long term or chronic exposure guideline;

AND WHEREAS roughly one quarter of lakes sampled by the District Municipality of Muskoka now have chloride levels above 10 mg/L;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Town of Bracebridge:

1. Commits to ongoing efforts toward the reduction of road salt as much as possible, while maintaining safety on roads, including public reporting on annual use, supporting local efforts to research the ongoing impacts of road salt, and assisting education efforts.
2. Urges the Province of Ontario to work urgently with key stakeholders to develop limited liability legislation, including enforceable contractor training and a single set of provincially-endorsed standard Best Management Practices for snow and ice management on private lands; and to create and fund an expert stakeholder advisory committee to advise the Province and municipalities on the best courses of action to protect freshwater ecosystems, drinking water and infrastructure from the impacts of salt pollution.

AND FURTHER THAT a copy of this resolution be sent to the Premier of Ontario; the Ontario Minister of the Environment, Conservation and Parks; the Attorney General of Ontario; the Muskoka-Parry Sound MPP; Conservation Ontario; the Association of Municipalities of Ontario; the Association of Municipal Managers, Clerks and Treasurers of Ontario, the District Municipality of Muskoka; and other lower-tier municipalities in Muskoka.”

In accordance with Council’s direction, I am forwarding you a copy of the resolution for your reference.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly

Lori McDonald
Director of Corporate Services/Clerk

Subject: Formal response to Niagara Health regarding the future of the Port Colborne Site

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2025-150

Meeting Date: July 8, 2025

Recommendation:

That Chief Administrative Officer Report 2025-150 be received; and

That the letter addressed to Niagara Health regarding the City's response to Letter Dated June 2, 2025 – *Decision Requested: Partnering for the Future of Healthcare in South Niagara (December 3, 2024)*, attached hereto as Appendix B, be approved; and

That the Chief Administrative Officer and Mayor be directed to send the letter, attached hereto as Appendix B, to Niagara Health.

Purpose:

On June 2, 2025, President and CEO of Niagara Health, Lynn Guerriero sent a letter to Mayor Steele and Council (Appendix A) formally requesting that the City of Port Colborne make a decision by September 12, 2025, regarding two key matters: the \$6.2-million contribution toward the local share commitment for the new South Niagara Hospital, and the City's potential interest in purchasing Niagara Health's Port Colborne Site for municipal use once the property is vacated.

Appendix B of this report is a proposed response to Niagara Health's letter from early June.

Background:

Niagara Health is working toward a three-hospital system, which will ultimately include facilities in St. Catharines, Niagara Falls, and Welland. A new hospital, known as the

South Niagara Hospital, is under construction in Niagara Falls and is expected to open in 2028.

When the South Niagara Hospital opens, Niagara Health will vacate its site in Port Colborne and will stop delivering healthcare services at the Port Colborne Urgent Care Centre currently located within the facility – expected in 2028. It could take Niagara Health up to a year to fully vacate the Port Colborne Site.

To prepare for this shift, on December 3, 2024, Council considered a proposal regarding a partnership between the City of Port Colborne, Niagara Health and Lockview Medical Group that would strengthen access to primary care in Port Colborne, while also contributing a \$6.2-million local share to support the purchase of furniture, fixtures, and equipment at the South Niagara Hospital.

The proposal was multi-phased and interconnected:

The first phase would see the City of Port Colborne temporarily lease vacant space within the west wing of the Port Colborne Site from Niagara Health and then sub-lease it to the Lockview Medical Group.

The Lockview Medical Group would complete a small renovation and then build out a comprehensive primary care clinic, attracting new family physicians to Port Colborne, and offering expanded primary care services, as soon as this year.

Once Niagara Health transitions out of the Port Colborne Site in 2028, Niagara Health has agreed to transfer ownership of the site to the City for a nominal fee of \$2, in return for the \$6.2-million local share request supporting the South Niagara Hospital (if the final phase can be achieved).

Finally, in order to fund the \$6.2-million local share without a heavy burden on Port Colborne taxpayers, staff proposed that a developer be sought through a public process to develop the Niagara Health site in Port Colborne. This could include new multi-residential units, an all-new expanded medical clinic, and/or additional health and wellness offerings for the community.

From the beginning, the proposal was built on these four interdependent components that were always intended to function together as a package. A key part of the proposal was ensuring the property would serve a revenue-generating purpose to help fulfil the City's \$6.2-million local share commitment to Niagara Health, without requiring long-term municipal ownership.

At the December 3, 2024 meeting, Council requested staff undertake a public engagement campaign to gather feedback from the community regarding the proposal, the local share contribution, and the future of Niagara Health's Port Colborne Site. The

initial phase of this public engagement took place between January 29 and April 30, 2025.

On March 25, 2025, Council received a mid-point results review, which provided a view into the results that had been received through the survey and engagement activities up to March 10, 2025. Also at that meeting, Council approved the establishment of a Healthcare Advisory Committee. Residents were invited to apply to the committee and applications were considered by Council in early May. Residents Sydney McDowell, Dr. Philip McGarry, Carmen Tamas, Matt Lallouet, and Tina Triano were appointed to the Committee, which held its first meeting on June 12, 2025.

The Committee's mandate is to develop a clear path forward to address local health needs and ensure access to quality services are timely and equitable. The group brings together a mix of residents to ensure a broad range of voices and perspectives are included.

In the meantime, on June 2, 2025, President and CEO of Niagara Health Lynn Guerriero sent a letter to Mayor Steele and Council (Appendix A) formally requesting that the City of Port Colborne make a decision by September 12, 2025, regarding two key matters brought forward at the December 3 meeting. Specifically, Niagara Health has requested a decision regarding the \$6.2-million contribution toward the local share commitment for the new South Niagara Hospital, and the City's potential interest in purchasing Niagara Health's Port Colborne Site for municipal use once the property is vacated in 2028.

Discussion:

Appendix B of this report includes a proposed response to the June 2, 2025 letter from Niagara Health President and CEO Lynn Guerriero. The draft response notes that while the City understands Niagara Health's need for clarity as the new hospital prepares to open, we consider the proposed timeline unrealistic and overly aggressive. The letter urges Niagara Health to reflect on the long-standing community investment in local healthcare, particularly the citizen-donated land and funds that built the original hospital, and to respect Council's formally stated position to keep the Urgent Care Centre open.

The draft letter highlights broader concerns around healthcare system complexity and local service gaps, especially for vulnerable populations. Public engagement has shown that residents feel underserved, and the potential closure of the Urgent Care Centre would exacerbate the issue. While Niagara Health appears focused on a regional model with centres of excellence, local healthcare providers and the province have both signaled the need to bolster primary care. With the province expected to seek

applications for primary care funding this fall, the draft letter argues that now is not the time to rush decisions that could impact essential services.

The draft letter calls for a more collaborative, respectful process, noting that the current land at the Port Colborne Site is already considered part of the local share. A new, community-informed healthcare services strategy is underway and will be presented to Council later this year, with Niagara Health participating in upcoming discussions. In light of this, Port Colborne's draft response suggests deferring any final decisions until there is more clarity around primary care funding and local service planning. It also notes that the City remains open to continued dialogue and partnership in the months ahead.

With that said, results from the City's recent public engagement campaign showed that many residents supported the City purchasing the Port Colborne Site from Niagara Health for \$2, in exchange for the \$6.2-million local share for the South Niagara Hospital. Many respondents supported the idea of pursuing some type of development on the property in order to fund the \$6.2-million local share, including 86% of respondents supporting the idea of a housing development with a medical centre. However, almost half of survey respondents did not engage in this question at all, indicating more information and engagement is needed in this area.

The original proposal never contemplated the City owning the property for a long period of time. It had always included a caveat that the property would need to have some type of revenue generating function in order to fund the \$6.2-million local share to Niagara Health. That said, the City would not be in a position to be able to transparently determine a potential developer within the next three months – this process would take 18 to 24 months, if not years, and would include additional phases of public engagement as well.

Council could consider purchasing the property without a developer in place; however, this approach carries several risks. These include potential unknowns related to the site, such as environmental contamination, the possible presence of Indigenous artifacts given the nature of neighbouring lands, high future operating costs, and uncertainties related to zoning, timing, and site design. Proceeding without a development partner may limit the City's ability to fully assess or mitigate these challenges in advance.

Port Colborne Council is also aware that the Town of Fort Erie is facing a similar situation as it considers its path forward on the South Niagara Hospital file. While Fort Erie was one of the first municipalities to commit to the local share – pledging \$3 million toward the project in 2013 – its Council recently reconsidered that position. On June 23, 2025, Fort Erie Town Council voted to temporarily withhold its previously committed funding and to explore alternative options for reallocating those funds toward other local healthcare initiatives.

This report highlights that, at this time, the City of Port Colborne has not committed to any local share contribution. The City remains firmly committed to advocating to keep the Urgent Care Centre open and continues to advocate for sustainable, long-term healthcare solutions. It also looks forward to upcoming developments in provincial primary care funding and the potential improvements such investments could bring to local health services.

Internal Consultations:

City staff from Corporate Communications, Corporate Services, Development and Government Relations, and the Office of the Mayor and CAO have been working collaboratively on this file.

Financial Implications:

This report does not create any contractual financial obligations.

However, the \$6.2-million local share remains an ask of Niagara Health, as does the opportunity to purchase the Niagara Health Port Colborne Site back from the hospital network for a nominal amount of \$2.

These asks/options may or may not remain available to the City of Port Colborne going forward.

Public Engagement:

The public engagement that has recently concluded has served as a strong base for continuing the conversation on healthcare in Port Colborne. This report serves as a summary of Council's position to respond back to the most recent ask from Niagara Health.

Strategic Plan Alignment:

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

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

Conclusion:

In summary, this report recommends a formal response to Niagara Health that reflects Council's current position: the City of Port Colborne has not committed to the \$6.2-million local share at this time and remains firmly committed to keeping the Urgent Care Centre open.

The City continues to take a thoughtful, community-informed approach to healthcare planning, including the work now underway by the newly established Healthcare Advisory Committee. Given the complexity of this file and the evolving landscape of provincial primary care funding, the City believes it would be premature to make a final decision. Port Colborne remains open to continued dialogue and partnership with Niagara Health to ensure any path forward is collaborative, transparent, and in the best interest of local residents.

Appendices:

- a. Letter from Lynn Guerriero, President and CEO of Niagara Health dated June 2, 2025 – *Decision Requested: Partnering for the Future of Healthcare in South Niagara (December 3, 2024)*
- b. Proposed response from Mayor Steele and Council to Niagara Health regarding their letter dated June 2, 2025 *Decision Requested: Partnering for the Future of Healthcare in South Niagara (December 3, 2024)*

Respectfully submitted,

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Report Approval:

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

June 2, 2025

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

RE: Decision Requested - Partnering for the future of healthcare in South Niagara, Dec. 3, 2024

Dear Mayor Steele and Council,

Thank you once again for the opportunity to present a potential unique partnership between the City of Port Colborne, local primary care providers and Niagara Health, as well as our request for a local share commitment to the South Niagara Hospital.

Given recent discussions at Port Colborne City Council, we would respectfully ask for a decision on our proposed partnership by **September 12, 2025**, including:

1. Financial support for a South Niagara Hospital local share commitment of \$6.2 million; and
2. The purchase the Port Colborne Site for municipal use once the property is vacated by Niagara Health in 2028

Our local leaders have a unique opportunity to champion the new hospital. While construction is well underway, one critical piece remains - ensuring our community meets its local share commitment. Without it, we risk construction delays, and more importantly, we jeopardize Niagara's ability to secure future provincial healthcare funding. Municipalities that fail to step up now could be undermining their own future healthcare needs.

If Council decides not to purchase the Port Colborne Site in connection with a local share contribution, Niagara Health will sell the Port Colborne Site in order to fulfill its local share contribution.

Our goal remains to work together to achieve a solution that best serves the needs of Port Colborne residents, while ensuring the long-term sustainability of hospital services in our region as we transition to our three-site hospital system model. This is a moment for local leaders to step up and show their support and demonstrate to the province that healthcare is a priority for Niagara.

We look forward to hearing your decision on our request.

Sincerely,



Lynn Guerriero
President and CEO



Putting People First



Delivering Safe and Quality Care



Transforming How we Work



PORT COLBORNE

Mayor's Office

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 · www.portcolborne.ca

T 905.228.8059

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July 9, 2025

Lynn Guerriero
President and CEO
1200 Fourth Avenue
St. Catharines, ON, L4V 0A9
lynn.guerriero@niagarahealth.on.ca

RE: Response to Letter Dated June 2, 2025 – *Decision Requested: Partnering for the Future of Healthcare in South Niagara (December 3, 2024)*

Dear Ms. Guerriero,

Our letter is in response to your correspondence dated June 2, 2025, regarding Niagara Health's self-imposed deadline of September 12, 2025, for a decision on the proposed ownership transfer of the Niagara Health Port Colborne site and the \$6.2-million local share request toward the future South Niagara Hospital.

We appreciate the degree of planning involved and understand your desire for clarity as preparations continue for the opening of the new hospital in Niagara Falls. With that said, we hope you can appreciate that we find this deadline aggressive and unattainable at best.

We encourage you to take a moment to consider this situation from the perspective of a City Councillor or a long-time resident who has followed the evolution of healthcare in Port Colborne closely for many years. Two primary concerns merit attention and present an important moment to pause and reflect.

First, the land was generously donated by the citizens of Port Colborne, and in the 1940s, the community united to raise funds to support the construction of what was then the Port Colborne Hospital.

Secondly, as you know, the City of Port Colborne's official position is to keep the Port Colborne Urgent Care Centre open – a stance shaped by extensive public feedback gathered by the City earlier this year. This position was formally communicated in an April 2025 letter from the City, addressed to Premier Doug Ford and the Honourable Sylvia Jones, and copied to several other relevant officials and organizations.

These two issues underscore the complexity and significance of the decisions now before us. It is essential to consider the longstanding community investment and local perspectives that have shaped healthcare in Port Colborne. Thoughtful, collaborative dialogue – rather than pressure under an unnecessarily short timeline – is critical. A respectful process, not one driven by ultimatums, will lead to the most constructive outcome for all parties involved.

Since the Port Colborne hospital was amalgamated into the single organization now known as Niagara Health, the community has witnessed what can only be described as the gradual dismantling of the hospital's intended purpose. For some, it has felt like a slow bleed; for others, like death by a thousand cuts over the past two decades.

Port Colborne City Council has no oversight of the healthcare system, and the system is very complex with many independent organizations with independent objectives. Our recent public engagement revealed that our community feels their healthcare needs are not being adequately met. The potential permanent closure of the Port Colborne Urgent Care Centre in the coming years is expected to further exacerbate existing barriers to care in our community, particularly for vulnerable populations.

Based on our understanding, Niagara Health's position appears to be that the most effective way to improve healthcare in the region is through a three-hospital model with centres of excellence, while leaving the delivery of primary care to the broader primary care sector, outside of Niagara Health's direct mandate. Once again, if our understanding is accurate, local primary care providers appear to support this approach in principle; however, they have emphasized that additional resources are needed to strengthen primary care services in the community. The province has similarly indicated a desire to improve primary care. We understand that the province will be seeking applications for funding to expand primary care services across Ontario in the fall. We also understand these funding opportunities will allow local physicians to roster more local patients, service un-rostered patients, and support the expansion of interprofessional health professional services while maintaining and improving diagnostic services.

This highlights a fundamental issue with the timing and framing of your recent letter. We are essentially facing a 'chicken-and-egg' dilemma. Should we not first ensure that primary care and related health services are strengthened before removing an essential safety net? While we recognize that primary care may fall outside Niagara Health's direct mandate, we respectfully urge you to demonstrate leadership in this moment and advocate for the communities you serve.

Let us take a moment to acknowledge how different and more productive this conversation could be if, before drawing a line in the sand with a September 12 deadline, we all stepped back to consider the following:

- The build of the Niagara Falls hospital was awarded at \$3.6 billion. Port Colborne's local share only represents 0.17% of that budget.
- As your correspondence from June 2, 2025 indicates, Niagara Health already sees the community share of Port Colborne secured through the land associated with the current Port Colborne Site.
- Later this fall, Council will receive a comprehensive, evidence-based, and attainable healthcare services strategy, developed in consultation with healthcare partner agencies – including Niagara Health – subject matter experts, and the community from Council's newly established Healthcare Advisory Committee. We appreciate Niagara Health has already confirmed attendance for the Healthcare Advisory Committee meeting on July 23, 2025.

The City recognizes there may be a pathway to improved primary care services in Port Colborne in the near future, based on an anticipated funding application from the healthcare community to the province this fall.

In summary, we recommend revisiting this timeline discussion once there is greater clarity from the City's Healthcare Advisory Committee and a clearer understanding of potential provincial funding for primary care and related health services in the fall.

As always, we are happy to meet at your convenience to discuss this matter in more detail. We remain confident that we can improve healthcare together.

We ask for your continued collaboration and patience as this critical work progresses.

Sincerely,

Bill Steele
Mayor
City of Port Colborne

Bryan Boles
Chief Administrative Officer
City of Port Colborne

Subject: Community Engagement on Proposed Short-Term Rental Accommodations By-law

To: Council

From: Office of the Chief Administrative Officer

Report Number: 2025-152

Meeting Date: July 8, 2025

Recommendation:

That Chief Administrative Officer Report 2025-152 be received; and

That Council direct staff to revise the proposed By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne (Appendix A), with specific adjustments related to limitations on the number of renters and guests, garbage management requirements, and the number of required parking spaces; and

That Council direct staff to bring forward a finalized By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne at the September 9, 2025 Council meeting.

Purpose:

On May 13, 2025, Council approved report 2025-112, which included a proposed By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne (Appendix A), and a proposed comprehensive public engagement plan to gather feedback from the community about short-term rentals in Port Colborne.

This report, 2025-152, includes a summary of the feedback gathered during those public engagement activities, provides a high-level list of the suggestions received from residents, and recommends adjusting the proposed by-law in the areas related to limitations on the number of renters and guests, garbage management requirements, and the number of required parking spaces

Background:

Short-term rental accommodations have existed in most municipalities for a long time, particularly among cottage owners who rent or lend their seasonal homes to friends, family, or acquaintances for leisure. In recent years, residents have begun using internet-based sharing platforms, such as Airbnb and VRBO, to rent out entire homes or dwelling units to the public. This increased accessibility has driven higher demand for short-term rental accommodations and has led to a rise in complaints from nearby residents, regarding issues related to safety, noise, parking, zoning compliance, litter, property standards, and fire safety violations.

To support community demand for some type of oversight of these short-term rental accommodations, Council directed staff to pursue a by-law to govern the use of short-term rental accommodations in Port Colborne.

On April 9, 2024, Council received report 2024-25 from the Planning Division that outlined three options regarding a potential regulatory framework for short-term rental accommodations in Port Colborne. At that meeting, Council approved option 3, which included a combined approach involving amendments to the Official Plan and Zoning By-law, along with the implementation of a comprehensive Licencing By-law for short-term rental accommodations in Port Colborne. To supplement the new licensing by-law further, additional amendments to both the Official Plan and Zoning By-law will be required.

On October 8, 2024, Council approved report 2024-176, which included an initial round of amendments to the Official Plan and Zoning By-laws that would enable the future licensing by-law for short-term rental accommodations in Port Colborne.

On May 13, 2025, Council approved a proposed By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne (Appendix A), and a proposed comprehensive public engagement plan to gather feedback from the community about short-term rental accommodations.

This report, 2025-152, provides a summary of the engagement activities and feedback received from the public related to short-term rental accommodations between the dates of May 15, 2025, and June 9, 2025. Overall, the engagement activities aimed to gather feedback from the community through a brief online and paper-based survey, and two drop-in style open houses. It sought input from the community about the proposed by-law, including their thoughts on subjects such as:

- What type of concerns or disruptions residents have experienced related to short-term rental accommodations in Port Colborne
- The number of renters that should be permitted at each short-term rental accommodation property

- The number of guests that should be permitted at each short-term rental accommodation property
- The number of parking spaces that should be required at each short-term rental accommodation property
- Fire safety requirements and inspection conditions
- What other requirements should be in place for a property to be licensed as a short-term rental accommodation

To ensure Port Colborne residents and owners of short-term rental accommodations in Port Colborne were aware of the opportunity to provide feedback in a way that worked best for them, the plan included:

1. Online survey
2. Paper survey
3. In-person open houses

The detailed results and findings from each of these activities are provided in Appendix B of this report. In the interest of transparency, a full list of open-ended responses received in both the online and paper surveys will be posted on

www.portcolborne.ca/shorttermrentals

Discussion:

Public engagement activities related to the proposed By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne (Appendix A) began on May 15, 2025.

Quick stats about the engagement activities:

- 311 surveys were completed (284 online and 27 paper)
- 767 open-field comments to analyze and categorize
- Average time to complete the survey: 6:56 minutes (online survey)
- Estimated completion rate: 81% (online survey)
- A total of 21 people attended the open houses
 - Staff organized an impromptu booth at the Farmers' Market on June 6 and spoke to 46 people about short-term rental accommodations in Port Colborne
- A total of 19% of survey respondents reported they owned a short-term rental. Of those, 73% were located inside Sherkston Shores Sun Retreats.

Detailed results from the survey and a summary of feedback collected during the open houses is available in Appendix B of this report.

Overall, the feedback received indicated general support for the proposed By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne, with most of the comments being related to restrictions on the number of renters and guests, management of garbage, and parking space requirements. Appendix B of this report summarizes the feedback received from the public during the community engagement activities and includes a summary list of feedback which is intended to support transparency and help inform potential refinements to the by-law. The summary of feedback received begins on page 4 of Appendix B.

At this time, staff recommend pursuing changes to three areas in the by-law:

1. Number of renters and guests permitted to accommodate an additional two individuals under the age of 18
2. Management of garbage
3. Number of required parking spaces to be less restrictive than one per bedroom but still require all renters and guests with a vehicle to use only on-site parking

Should Council agree, by-law services staff, the new Chief Building Official and legal counsel will work together regarding the specific wording and clause amendments over the coming weeks. A revised by-law would come to Council for approval at the September 9, 2025 meeting.

It is proposed that a finalized version of the By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne would come into effect on November 1, 2025, in advance of the 2026 rental season.

Internal Consultations:

Staff from Planning, Legislative Services, By-Law Services, and Corporate Communications have worked collaboratively to develop the proposed by-law and to implement the related community engagement activities.

Additional input has been provided by staff from Finance, Tourism, and the Fire Department, as well as external legal counsel and planning consultants MHBC.

As the project transitions from development to implementation, the primary responsibility for administering and enforcing the by-law will shift to the City's new Chief Building Official, who will lead its ongoing coordination and oversight, and will bring a finalized version of the by-law back to Council on September 9, 2025.

Financial Implications:

This report is focused primarily on the public engagement activities related to the proposed licensing of short-term rental accommodations in Port Colborne. All expenses related to the public engagement activities are captured in the 2025 operating budget.

Additional staff resources will be required to implement the licensing and inspection process, though the fees collected through the program will cover the costs of the additional resources required for enforcement.

Licensing fees will be recommended at the September 9, 2025 Council meeting.

Public Engagement:

Public engagement on the proposed by-law has been completed. Residents and short-term rental owners were invited to provide feedback through a range of activities, including an online and paper survey and open houses. A detailed summary of the engagement process and the feedback received is included in Appendix B.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
-

Conclusion:

The public engagement process has provided valuable insights into community perspectives on short-term rental accommodations in Port Colborne. Based on this feedback, staff recommend specific refinements to the proposed by-law to address concerns related to renters and guests, garbage management, and parking.

Moving forward, the new Chief Building Official will assume primary responsibility for finalizing and implementing the by-law. A revised version will be brought back to Council for consideration at the September 9, 2025 meeting, with a proposed effective date of November 1, 2025.

Appendices:

- a. Proposed By-law to License, Regulate and Govern Short-Term Rental Accommodations in Port Colborne
- b. Short-term Rental Accommodations in Port Colborne Engagement and Survey Results

Respectfully submitted,

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Report Approval:

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

The Corporation of the City of Port Colborne

**PROPOSED By-Law to License, Regulate and Govern
Short-Term Rental Accommodations**

**THIS PROPOSED BY-LAW IS PROVIDED FOR PUBLIC REVIEW AND COMMENT
BETWEEN MAY 14 AND JUNE 9, 2025.**

VISIT www.portcolborne.ca/ShortTermRentals TO PROVIDE FEEDBACK.

Whereas the Council of The Corporation of the City of Port Colborne may, pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25. as amended, (the “Act”), enact by-laws for the licensing, regulating and governing of businesses in the City of Port Colborne; and

Whereas pursuant to Part II, Section 8(1) of the Act, a municipality under this or any other act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues; and

Whereas Part II, Section 8(3) of the Act authorizes a municipality to:

- (a) regulate or prohibit respecting the matter;
- (b) require persons to do things respecting the matter;
- (c) provide for a system of licences respecting the matter; and

And whereas pursuant to Part II, Section 9 of the Act, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act; and

Whereas Part II, Section 11(2), paragraph 6 of the Act authorizes a municipality to pass a By-law respecting the health, safety and well-being of persons; and

Whereas Part II, Section 23.1 of the Act authorizes a municipality to delegate its powers and duties subject to certain restrictions; and

Whereas Section 151(1) of the Act, provides that a municipality may provide for a system of licences with respect to a business and may:

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;

- (d) impose special conditions on a business in a class that have not been imposed on all the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it; and

Whereas Section 429(1) of the Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Act; and

Whereas Section 434.1 of the Act, authorizes a municipality to establish a system of administrative penalties to assist the municipality in promoting compliance with its by-laws; and

Whereas Section 436(1) of the Act authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether there is compliance with a by-law, a direction or order, or a condition of a licence issued under a by-law, of the municipality; and

Whereas Section 444 of the Act provides that a municipality may make an order requiring the person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity, and the by-law may provide that any person who contravenes an order is guilty of an offence; and

Whereas the Council of The Corporation of the City of Port Colborne deems it desirable that such licensing, regulation, and governing takes place with regard to Short-Term Rental Accommodations as defined in this By-law;

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

1. TITLE:

- 1.1 This By-law shall be known and may be cited as the “Short-Term Rental Accommodation Licensing By-law”.

2. DEFINITIONS:

For the purposes of this By-law:

- 2.1 **“Accessory Building or Structure”** means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use of the main building on the same lot.
- 2.2 **“Act”** means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended or replaced from time to time, and any regulations made under it.
- 2.3 **“Administrative Monetary Penalty”** means a monetary penalty payable pursuant to City By-law No. 6902/50/21, as amended or replaced from time to time.
- 2.4 **“Agent”** means a person authorized by an Owner or the City to act on their/its behalf.
- 2.5 **“Appeal By-law”** means the City’s By-law No. 7186/09/2024, as amended, or replaced, which governs the hearing of appeals under the City’s enforcement by-laws.
- 2.6 **“Applicant”** means the Owner(s) or Agent of the Premises applying for a Licence or renewal of a Licence under this By-law.
- 2.7 **“Bedroom”** means a room offered for Short-Term Rental Accommodation intended primarily for overnight occupation, which complies with the standards for a bedroom, as set forth by the Ontario Building Code, and/or a room with one or more beds, including but not limited to murphy beds, pullout beds, sofa beds, day beds, futons or similar apparatuses for sleeping.
- 2.8 **“Boat”** means any vessel, container on water, or floating accommodation, regardless of whether it is docked, affixed to land, or can be driven.
- 2.9 **“Building”** means a structure consisting of a roof, walls and a floor.
- 2.10 **“Chief Fire Official”** means the assistant to the Fire Marshal who is the Municipal Fire Chief or a member or members of the fire department appointed by the Municipal Fire Chief under Article 1.1.1.2. of Division C, or a person appointed by the Fire Marshal under Article 1.1.1.1. of Division C of the *Ontario Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4.
- 2.11 **“City”** means The Corporation of the City of Port Colborne.
- 2.12 **“Committee”** means the “Appeals Committee” established by By-law No. 7186/09/2024, as amended or replaced from time to time, the responsibility of which

includes hearing appeals regarding refusals, suspensions, and revocations of Licences under this By-law.

- 2.13 **“Council”** means the Council of The Corporation of the City of Port Colborne.
- 2.14 **“Dwelling Unit”** means a self-contained housekeeping unit of one or more rooms containing cooking facilities, living quarters and sanitary facilities for the exclusive use of those residing within the dwelling unit and which has an exclusive entrance. For the purpose of this By-law, and without limiting the generality of the foregoing, a Dwelling Unit includes a cottage, park model trailer, tourist trailer, mobile home, boat, a legal interior accessory dwelling unit and a legal detached accessory dwelling unit but does not include a room or suite of rooms in a boarding, lodging or rooming house, hotel, or motor home.
- 2.15 **“Fee”** means a Fee prescribed in the City’s Fees and Charges By-law, as amended or replaced from time to time.
- 2.16 **“Fees and Charges By-law”** means the City’s By-law prescribing Fees and Charges in accordance with the Act, as amended or replaced from time to time.
- 2.17 **“Guest”** means any person on the Premises who is not a Renter
- 2.18 **“Licence”** means the licence issued under this By-law as proof of licensing under this By-law.
- 2.19 **“Licensed”** means to have in one’s possession a valid Licence issued under this By-law and “Unlicensed” has the contrary meaning.
- 2.20 **“Licensee”** means the Owner of a Premises who holds a Licence or is required to hold a Licence under this By-law for that Premises.
- 2.21 **“Licensing Officer”** means any person authorized by the City to issue a Licence under this By-law.
- 2.22 **“Local Contact Person”** means an Owner or a Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any City by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence. If the Owner authorizes a Person to act on their behalf and to be responsible for ensuring the Short-Term Rental Accommodation is operated in

accordance with the provisions of this By-law, the Licence and all applicable laws, that Person must be eighteen (18) years of age or older

- 2.23 **“Officer”** means a Municipal Law Enforcement Officer, Building Inspector, Police Officer, or other person appointed by by-law to enforce the provisions of City by-laws.
- 2.24 **“Owner”** means the Person holding registered title to the Premises on which the Short-Term Rental Accommodation is located, and “Ownership” has a corresponding meaning.
- 2.25 **“Parking Area”** means an area on the Premises that provides for the parking of motor vehicles and may include aisles, parking spaces, maneuvering areas, entrances, exits and similar areas used for the purpose of gaining access to, or egress from the said parking spaces, but shall not include any part of a public street.
- 2.26 **“Park Model Trailer”** means a recreational Dwelling Unit that is built on a single chassis mounted on wheels, designed to facilitate relocation from time to time and for living accommodations for seasonal use, built in accordance with the CSA Z-241 park model code typically in a recreational vehicle park.
- 2.27 **“Person”** means any singular or plural human being, association, firm, partnership, corporation, agent or trustee, and the heirs, estate trustees or other legal representatives of a person to whom the context may apply according to law.
- 2.28 **“Plan for Fire Safety”** means the Plan setting out a layout of the interior of the Short-Term Rental Accommodation with the location of all smoke alarms, carbon monoxide alarms, fire extinguishers, and exits.
- 2.29 **“Premises”** means the Property upon which a Short-Term Rental Accommodation is operated, inclusive of buildings or structures or any part thereof used for such purpose.
- 2.30 **“Property”** means the land upon which a Short-Term Rental Accommodation is operated, exclusive of buildings or structures or any part thereof.
- 2.31 **“Renter”** means a Person responsible for the rental of a Short-Term Rental Accommodation but shall not include Guests to the Premises.
- 2.32 **“Short-Term Rental Accommodation”** means all or part of a Dwelling Unit that provides sleeping accommodation to someone other than the Owner for any period of twenty-eight (28) calendar days at a time or less, in exchange for payment.

- 2.33 **“Special Events”** means activities hosted at the Premises by the Renter that may or may not involve payment for services provided, including but not limited to weddings, receptions, retirement parties, musical events and entertainment.
- 2.34 **“Zoning By-law”** means the City’s Comprehensive Zoning By-law No. 6575/30/18, as amended, or replaced from time to time.

3. ADMINISTRATION:

- 3.1 The Licensing Officer shall be responsible for the administration of this By-law;
- 3.2 Officers shall be responsible for the enforcement of this By-law;
- 3.3 Every application for a new Licence or a renewal of an existing Licence shall be submitted to the Licensing Officer on the required form together with all the required documentation.
- 3.4 The Licensing Officer shall be responsible for developing and updating Short-Term Rental Accommodation application forms, licences, and all other procedures for the administration of this By-law.
- 3.5 Upon receipt of an application for a Licence, a Licensing Officer shall perform the following functions:
- a) receive and review the application in accordance with this By-law; and
 - b) ensure the relevant Officers have carried out the necessary inspections to satisfy the City that the Premises complies with the provisions of this By-law.
- 3.6 Applications for a Licence and issued Licences will be posted on the City’s website, including personal information such as the legal description of the Property, municipal address, and Owners’ and Local Contact Person’s name and contact information.

4. TERM OF LICENCE:

- 4.1 A Licence that has been issued pursuant to this By-law shall expire upon the earliest of the following events:

- a) December 31st of the year issued;
- b) Upon the sale or transfer of the Premises. For clarity, a Licence cannot be assigned or transferred to another Person; or
- c) The Licence has been suspended or revoked in accordance with the provisions of this By-law.

5. LICENSING REQUIREMENTS:

5.1 Every application for a new Licence, or the renewal of an existing Licence, shall include:

- a) a completed application in the form required by the City, which shall include but not be limited to each Owner's name, address, telephone number, and email address;
- b) proof of Ownership for the Premises;
- c) a statutory declaration signed by each and every Owner stating that the Premises is used primarily for residential purposes and that each and every Owner understands their responsibilities as a Licensee;
- d) a site diagram and floor plan, drawn to scale and fully dimensioned of the Premises identifying:
 - i. the location of all Buildings and structures on the Property;
 - ii. the location of wells, and all components of sewage systems;
 - iii. the use of each room;
 - iv. the location of smoke and carbon monoxide alarms, and early warning devices;
 - v. the location of fire extinguishers and exits;
 - vi. the location of records of tests and maintenance of smoke and carbon monoxide alarms, early warning devices and fire extinguishers;
 - vii. the location of all gas and electric appliances;
 - viii. the location of all fireplaces and fuel-burning appliances;
 - ix. all entrances/exits to and from the Buildings; and
 - x. the exterior decks and related site amenities including dimensioned parking spaces, and other Buildings or structures on the Property.
- e) a certificate of insurance which includes a liability limit of no less than two million dollars (\$2,000,000.00) per occurrence for property damage or bodily injury. Such insurance

policy must identify that a Short-Term Rental Accommodation is being operated on the Premises. The insurance coverage required herein shall be endorsed to the effect that the City will be given at least 10 days' notice in writing of any cancellation or material variation in policy.

- i. an electrical general inspection performed by an Electrical Safety Authority (ESA) Inspector dated less than five (5) years old;
- ii. where there are wood-burning appliances, a Wood Energy Technical Transfer (WETT) report dated less than five (5) years old issued by a certified WETT inspector;
- iii. an annual inspection report, provided with the annual application, indicating that the chimney, flue pipes etc. have been inspected by a WETT certified chimney sweep and are safe to be utilized;
- iv. a Heating, Ventilation, and Air Conditioning (HVAC) inspection report issued by an HVAC Technician. An updated report shall be required each year;
- v. the name and contact information of the Local Contact Person who can be readily contacted within thirty (30) minutes and respond to an emergency or contravention of any City by-law, including attendance on site of the Premises within sixty (60) minutes of being notified of the occurrence; and
- vi. at time of renewal: maintenance and record of tests for all smoke and carbon monoxide alarms along with the guest log/register.

- 5.2 An Applicant shall pay the Licensing Fee as prescribed in the City's Fees and Charges By-law.
- 5.3 An Applicant or Licensee shall be responsible for informing the City, in writing, of any changes to the information contained within the application or any deviation to the approved licence within seven (7) days of such change or deviation.
- 5.4 An Applicant shall confirm that an occupancy permit, also known as "permission to occupy" has been issued for the Premises if the building was constructed on or after October 26, 1986. Where this is not available, the City Building Division shall be consulted. A Licence shall not be issued until the City is satisfied that the necessary inspections and reports have been completed or that a safety site inspection was completed to ensure the safety of persons.
- 5.5 A Licensee must ensure that any listing, advertisement, etc. of the Premises includes the corresponding Licence number issued by the City.

- 5.6 A Licensee shall be an Owner who is an individual or group of individuals and not a corporation, partnership, or business, except where section 5.7 applies..
- 5.7 Corporate Owners may be permitted to become a Licensee at the discretion of the Licensing Officer, if the Licensing Officer is satisfied in its sole discretion that the property is used and held primarily for residential purposes.

6. SITE REQUIREMENTS:

- 6.1 The provision of parking on the required site diagram shall include the following:
- a) location of the Parking Area with a minimum number of parking spaces as set out in the Zoning By-law;
 - b) that Renters and Guests are permitted no more cars than there are designated parking spaces in the Parking Area; and
 - c) compliance with all other parking provisions as set out in the City Zoning By-law, as amended.
- 6.2 A Parking Area shall consist of a hard-surfaced driveway (gravel, paved, concrete, interlock or similar hard surface). Vehicles may only park in the Parking Area.
- 6.3 The following shall be made available to Renters:
- a) a copy of a valid Licence displayed on site of the Premises;
 - b) a copy of the site diagram showing the Parking Area and parking provisions for the Premises;
 - c) a copy of the approved floor plans identifying the rooms and also showing exits and fire escape routes;
 - d) a copy of the current City Noise By-law;
 - e) a copy of the Open Air Burning and Recreational Fires By-law;
 - f) a copy of the current City Lot Maintenance By-law;
 - g) a copy of the current Fireworks By-law;
 - h) the occupant load of the residence, posted in a conspicuous location;
 - i) Emergency “911” instructions with the address of the Property clearly printed and posted in a conspicuous location;
 - j) a copy of the smoke and carbon monoxide maintenance and use instructions;

- k) name and contact information of the Local Contact Person; and
- l) A Plan for Fire Safety, which shall be posted on the back of every door or visibly adjacent to every door where it can be seen when exiting.

6.4 All Short-Term Rental Accommodations shall provide a listed ABC portable fire extinguisher with the minimum rating of 2A10BC on each level of the Short-Term Rental Accommodation.

6.5 Portable extinguishers shall be:

- a) kept operable and fully charged;
- b) located so that they are easily seen and shall be accessible at all times;
- c) tested and maintained in conformance with NFPA 10, "Portable Fire Extinguishers"; and
- d) inspected monthly.

6.6 The Licensee shall maintain a Renters and Guests register showing the property address and licence number which indicates the following information for each rental: check-in and check-out dates, the number and names of Renters and Guests, and confirmation that the smoke and carbon monoxide alarms have been checked and are in working condition after a Renter leaves. This guest register must be provided to the City within 24 hours upon request.

7. INSPECTION:

7.1 It is the responsibility of an Applicant to contact the City for an inspection, which shall ensure compliance with the following, where applicable:

- a) the provisions of this By-law;
- b) the *Building Code Act, 1992*, S.O. 1992 c.23; including sewage System;
- c) the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4;
- d) the Zoning By-law; and
- e) any other municipal by-laws, provincial or federal legislation that may affect the safety and well-being of persons or eligibility of the application or Licence.

8. ISSUANCE OF LICENCE AND GROUNDS FOR REFUSAL:

- 8.1 The Licensing Officer shall have the authority to issue, refuse to issue, or renew a Licence; to revoke or suspend a Licence; or to impose terms and conditions on a Licence.
- 8.2 The Licensing Officer may refuse to issue or renew a Licence where:
- a) there are reasonable grounds for belief that the operation of the Short-Term Rental Accommodation may be adverse to the public interest;
 - b) a Licence has been previously revoked, suspended, or made subject to terms and conditions;
 - c) an Applicant has presented a history of contravention with this By-law;
 - d) the proposed use of the Premises is not permitted by the Zoning By-law;
 - e) the Owner is indebted to the City in respect of fines, penalties, judgements, or any other amounts owing, including awarding of legal costs, disbursements, outstanding property taxes, municipal accommodation taxes, and late payment charges, against an Owner's Property; or
 - f) the Premises does not conform with applicable federal and provincial law and regulations or municipal by-laws, including, but not limited to, the Zoning By-law, Property Standards By-law, Lot Maintenance By-law, Noise By-law, Parking and Traffic By-law, the *Building Code Act*, the *Fire Protection and Prevention Act*, and the *Electricity Act*.
- 8.3 The Licensing Officer, if satisfied that the continuation of a Licence poses a danger to the health or safety of any person, may suspend a Licence for not more than fourteen (14) days. If, after this period, the Licensing Officer is satisfied that the continuation of a Licence will continue to pose a danger to the health or safety of any person, the Licensing Officer may suspend a Licence for further terms of not more than fourteen (14) days or may revoke the Licence.
- 8.4 The Licensing Officer may revoke a Licence if it was issued in error or granted based on incorrect or false information.

9. PROHIBITIONS:

- 9.1 No Owner shall:

- a) operate a Short-Term Rental Accommodation without a Licence;
- b) operate a Short-Term Rental Accommodation for which a Licence has expired, been revoked, or is under suspension;
- c) advertise a Short-Term Rental Accommodation without a Licence or for which a Licence has expired, been revoked or is under suspension;
- d) advertise a Short-Term Rental Accommodation without including the Short-Term Rental Accommodation Licence number;
- e) fail to display the Short-Term Rental Accommodation Licence in a prominent, permanent place at the Short-Term Rental Accommodation Premises;
- f) operate a Short-Term Rental Accommodation if current and accurate information has not been provided to the Licensing Officer;
- g) assign a Short-Term Rental Accommodation Licence;
- h) fail to keep garbage contained in containers with lids;
- i) permit tents to be used for sleeping accommodations on the Short-Term Rental Accommodation Premises, except on property zoned Vacation Residential (VR);
- j) permit a Trailer to be used for sleeping accommodations on the Short-Term Rental Accommodation Premises, except on property zoned VR;
- k) fail to ensure that there is a Local Contact Person;
- l) fail to maintain the register required by section 6.6;
- m) fail to produce the register required by section 6.6 to the City upon request;
- n) hinder or obstruct an Officer from carrying out an inspection of lands to carry out work for the purposes of an investigation and/or making inquiries;
- o) operate a Short-Term Rental Accommodation contrary to the Plan for Fire Safety;
- p) permit a disturbance at a Short-Term Rental Accommodation Premises;
- q) operate a Short-Term Rental Accommodation contrary to any applicable Federal, Provincial or Regional laws, Regulations or Orders, or Municipal By-laws ("Law");
- r) operate a Short-Term Rental Accommodation with:

- i) an open building permit;
- ii) an outstanding Order issued by the City's Fire Department or Building Department;
or
- iii) a Property Standards Order or any other order issued by the City or other government agency;
- s) place or mount a fire extinguisher in any cupboard, cabinet, closet, or other enclosed compartment;
- t) permit parking contrary to the Parking Area;
- u) permit Guests, other than persons listed in the register in excess of the number of Guests permitted by the Licence, to remain at the Short-Term Rental Accommodation Premises beyond 11:00 p.m. each day;
- v) carry on a Special Event at the Premises which exceeds the number of Guests permitted by the Licence or is otherwise contrary to any municipal by-law or provincial or federal law;
- w) Allow more Bedrooms than permitted by the License. Bedrooms will be limited to, one (1) Bedroom per Parking Space, except where the Short-Term Rental Accommodation is a Dwelling Unit, including but not limited to a Park Model Trailer, mobile home, trailer, or tent on a property zoned Vacation Residential (VR) and the owner of the property zoned VR has set restrictions or limits on the number of Bedroom to Parking Spaces and the owner of the property zoned VR provides the City with the information in 10.2;
- x) Allow more Renters than permitted by the Licence. Renters will be limited to, two (2) Renters per Bedroom to a maximum of (10) renters in total, except where the Short-Term Rental Accommodation is a Dwelling Unit, included but not limited to a Park Model Trailer, mobile home, trailer, or tent on a property zoned VR and the owner of the property zoned VR has set restrictions or limits on the number of Renters and the owner of the property zoned VR provides the City with the information in 10.2;
- y) Allow more Guests than permitted by the Licence. Guests will be limited to, one (1) Guest per Bedroom to a maximum of ten (10) Guests in total, except where the Short-Term Rental Accommodation is a Dwelling Unit, included but not limited to a Park Model Trailer, mobile home, trailer, or tent on a property zoned VR and the owner of the property zoned VR has set restrictions or limits on the number of Guests and the owner of the property zoned VR provides the City with the information in 9.2;

- 9.2 A monthly register of Renters and Guests registered showing the Dwelling Unit's location and Licence number and the following information for each Short-Term Rental Accommodation: check-in and check-out dates, and the number and names of Renters and Guests.
- 9.3 Failure to comply with any provision of this Section constitutes a contravention of this By-law whereby an Administrative Monetary Penalty shall be issued to the Owner.
- 9.4 No Owner shall have or permit to have a Short-Term Rental Accommodation on any land in contravention of this by-law

10. APPEAL

- 10.1 Where the Licensing Officer has denied a Licence, a renewal of a Licence, or has suspended or revoked a Licence, the Licensing Officer shall inform the Applicant by way of written notice setting forth the grounds for the decision and shall advise of the right to appeal such decision to the Committee.
- 10.2 An Owner may appeal to the Committee in relation to a matter set forth in a notice delivered pursuant to Section 11.1. Appeals will not be permitted for any matters that have been previously heard and determined by the Committee.
- 10.3 A request for an appeal must be made within 14 business days of service of the written notice. An appeal shall be made in writing to the Licensing Officer, setting forth the reasons for the appeal, with payment of the required appeal fee as prescribed by the City's Fees and Charges By-law, as amended or replaced from time to time.
- 10.4 Where no request for an appeal is received in accordance with Section 11.3, the decision of the Licensing Officer shall be final and binding.
- 10.5 Where a request for an appeal is received, a hearing of the Committee shall be convened, and the Owner shall be provided notice thereof in accordance the Appeal By-law.
- 10.6 The Committee's decision concerning an appeal under this by-law is final and binding. No further Appeals shall be heard by the Committee or Council.

11. ORDERS:

11.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order verbally or in writing, requiring the Renter, and/or Person who contravened this By-law, and/or Person who caused and/or permitted the contravention, and/or the Licensee to take actions to correct the contravention, known as a “Discontinue Activity Order”.

11.2 The order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention; and
- b) the work to be done and the date by which the work must be done, if any.

11.3 An order may be served personally upon the Person to whom it is directed to or sent by regular mail or Xpresspost to the address shown on the last revised assessment roll or to the last known address.

11.4 An order under Section 11.1 may require action be taken notwithstanding that the contravention of this By-law was present before this By-law came into force.

11.5 No Person shall fail to comply with an order issued pursuant to Section 11.1.

11.6 The Discontinue Activity Order shall set out:

- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the contravention;
- b) the date by which there must be compliance with the Discontinue Activity Order.

11.7 A Discontinue Activity Order not given verbally may be served personally upon the Person to whom it is directed to or sent by regular mail or Xpresspost to the address shown on the last revised assessment roll or to the last known address.

11.8 No Person/Owner shall fail to comply with a Discontinue Activity Order.

11.9 In the event the Officer is unable to serve any order under the provisions of this By-law, the order shall be posted in a conspicuous place on the Premises, and the placing of the order shall be deemed to be sufficient service of the order on the Renter or Licensee/Owner.

11.10 Where an 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, the Officer may upon reasonable notice, do such thing at the expense of the Person required to do it, the costs of

which, including an Administration Fee as prescribed by the City's Fees & Charges by-law shall be payable and the costs added to the tax roll of the Premises and collected in the same manner as property taxes.

12. ENTRY AND INSPECTION:

12.1 An Officer, Chief Fire Official or Building Inspector may, at any time, enter onto any land to determine whether this By-law is being complied with.

12.2 Every Owner shall permit the Officer, Chief Fire Official or Building Inspector to inspect any part of the Premises for the purposes of determining compliance with this By-law.

12.3 Notwithstanding any provision of this By-law, an Officer or Building Inspector shall not enter or remain in any room or place actually being used as a Dwelling Unit, unless:

- a) the consent of the occupier is obtained after the occupier has been informed that the right of entry may be refused and, if refused, may only be made under the authority of a warrant issued under the *Provincial Offences Act*, R.S.O.1990, c.P.33, as amended; or
- b) a warrant is issued under the *Provincial Offences Act*, R.S.O.1990, c. P.33, as amended, is obtained.

12.4 A Fire Inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety pursuant to section 19(2) of the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c. 4, as amended.

13. OBSTRUCTION:

13.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer, Chief Fire Official or Building Inspector exercising a power or performing a duty under this By-law.

13.2 Any person who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer, Chief Fire Official or Building Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Officer, Fire Official or Building Inspector in the execution of their duties.

14. PENALTY:

14.1 Every Person who contravenes any of the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention by the Corporation is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.2 Every Person who contravenes the provisions of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contraventions by the corporation is guilty of an offence and liable:

- a) upon a first conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended; and
- b) upon a second, or subsequent conviction, to a fine of not less than \$500 and the maximum shall not exceed \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.3 For the purpose of continuous offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.4 Each day a contravention occurs constitutes a new offence.

14.5 Despite Section 14.3 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

14.6 For the purpose of multiple offences, every Person who contravenes any provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in the contravention of a by-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$100,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

14.7 Despite Section 14.6 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for an offence is not limited to \$100,000.

14.8 Where a person has been convicted of an offence under this by-law by a court of competent jurisdiction, the court may in addition to any other penalty imposed on the person convicted issue an order prohibiting the continuation or repetition of the offence or the doing or

any act of thing by the person convicted directed toward the continuation or repetition of the offence.

15. ADMINISTRATIVE PENALITIES

15.1 An Officer may issue an Administrative Monetary Penalty notice immediately upon evidence of a violation of this By-law to the Owner of a Property in accordance with City By-law No. 6902/50/21, as amended, or replaced from time to time.

15.2 The Administrative Monetary Penalties for failure to comply with this By-law are set out in Schedule "B" of By-law 6902/50/21, as amended or replaced from time to time.

15.3 An Owner who is in non-compliance of any provision of this by-law and has been issued a Tier 2 penalty or higher shall be required to obtain new inspections required for a licence prior to the licence being reinstated, and all costs related thereto shall be borne by the Owner. In the event the inspection fee(s) is not paid, it shall be added to the tax roll of the Premises and collected in the same manner as property taxes.

15.4 The City shall not be liable for economic or other losses claimed by a Licensee for any reason, so long as good faith efforts were made by the City or its representatives in exercising their judgment, or fulfilling their responsibilities, under this by-law.

16. SEVERABILITY:

16.1 If any court of competent jurisdiction declares any section or part of this By-law to be invalid, such section or part of a section thereof shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such and the remainder of this By-law shall be valid and shall remain in force.

17. CLERK'S CORRECTING CLAUSE

17.1 The Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

18. EFFECTIVE DATE

18.1 This By-law shall come into force and effect on the date of passage.

**THIS PROPOSED BY-LAW IS PROVIDED FOR PUBLIC REVIEW AND COMMENT
BETWEEN MAY 14 AND JUNE 9, 2025.**

VISIT www.portcolborne.ca/ShortTermRentals TO PROVIDE FEEDBACK.

Short-Term Rental Accommodations in Port Colborne

Engagement Results

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Introduction

On May 14, 2025, the City of Port Colborne launched a comprehensive public engagement campaign to collect public feedback on a proposed by-law that would license, regulate, and govern short-term rentals across the city.

The campaign included:

1. Online Survey
2. Paper Survey
3. Drop-in style open houses

This document serves as a summary of the results of the engagement activities.

Please note that personal information collected during this public engagement project was collected under the authority of the *Municipal Act, 2001* and will be used to help Council make decisions related to the licensing of short-term rental accommodations in Port Colborne. The disclosure of this information is governed by the Municipal Freedom of Information and Protection of Privacy Act. Questions related to the collection of this information may be directed to the Deputy City Clerk at 905-228-8118 or deputyclerk@portcolborne.ca

Survey

Overview

The draft by-law aimed to address community concerns such as noise, safety, parking, and neighbourhood impacts, while supporting tourism and economic activity. The goal of the draft by-law was to create a balanced approach that protects quality of life for residents and ensures responsible short-term rental operations.

The survey was designed to gather feedback from residents on the proposed by-law, including their thoughts on subjects such as:

- What type of concerns or disruptions residents have experienced related to short-term rental accommodations in Port Colborne
- The number of renters that should be permitted at each short-term rental accommodation property
- The number of guests that should be permitted at each short-term rental accommodation property
- The number of parking spaces that should be required at each short-term rental accommodation property

- Fire safety requirements and inspection conditions
- What other requirements should be in place for a property to be licensed as a short-term rental accommodation

The survey was distributed online and in paper format.

The survey was launched May 14, 2025, and closed June 9, 2025. The survey was promoted through multiple channels to maximize reach and participation. These included the City's website, social media platforms, digital advertising, and media outreach.

Paper surveys were available at City Hall, Vale Health & Wellness Centre and Port Colborne Public Library.

Residents were also invited to two drop-in style open houses, which took place June 4, 2025 from 2 to 6 p.m. and June 5, 2025 from 3 to 7 p.m.

This document summarizes results and feedback gathered from both the surveys and open houses.

Quick Facts

- 311 surveys were completed (284 online and 27 paper)
- 767 open-field comments to analyze and categorize
- Average time to complete the survey: 6:56 minutes (online survey)
- Estimated completion rate: 81% (online survey)

In-Person Open Houses

Overview

Two drop-in style in-person open houses were held at the Vale Health & Wellness Centre in the Golden Puck Room. The sessions were on:

- Wednesday, June 4 from 2 p.m. to 6 p.m.
- Thursday, June 5 from 3 p.m. to 7 p.m.
- A total of 21 people attended the open houses
 - Staff organized an impromptu booth at the Farmers' Market on June 6 and spoke to 46 people about short-term rental accommodations in Port Colborne

A variety of information boards with photos and question prompts were displayed around the room, encouraging conversation and discussion with attendees.

Staff were available to answer questions about the proposed by-law to regulate short-term rental accommodations in Port Colborne and welcomed feedback from residents and short-term rental operators on potential adjustments to the draft regulations.

Summary of Community Feedback & Suggested Changes to the By-law

The following section of this report aims to summarize the specific feedback received from residents and short-term rental accommodation operators regarding the draft by-law. It includes a chart outlining suggested changes, grouped by key topic areas. Each entry highlights the suggested modification, and any rationale or comments provided by respondents. This register of feedback is intended to support transparency and help inform potential refinements to the by-law based on community input.

Location of Short-Term Rental Accommodations

- Limit short-term rental accommodations to specific zones or neighbourhoods, especially exclude quiet residential areas or cul-de-sacs.
- Restrict short-term rental accommodations in areas where street parking is limited or infrastructure is insufficient.
- Consider allowing short-term rental accommodations only in owner-occupied or primary residences to reduce absentee management.

Number of Renters

- Consider maximum rental frequency per year to prevent commercial-scale operations.
- Add a requirement that only one unit per parcel can be rented at a time, even if there are multiple buildings/dwellings.
- Some suggest to specifically state that children are included in renter counts to prevent loopholes. Other suggest allowing additional renters if they are children under 12 years old.

Number of Guests

- Some survey respondents suggest not allowing guests at all.
- Some suggest to cap total occupancy to 6 to 8 guests per unit, regardless of bedroom count.
- Some suggest to specifically state that children are included in guest counts to prevent loopholes. Other suggest allowing additional guests if they are children under 12 years old.

- Some suggested allowing more leniency for family stays, as long as noise and parking rules are respected.

Parking Requirements

- Mixed views: while many support off-street parking, 1 space per bedroom was seen as too restrictive/excessive.
- Suggestions included:
 - 2 to 3 spaces per unit regardless of bedroom count.
 - Allow use of street parking if safe and permitted in the neighbourhood.
 - Consider lot size and driveway space instead of a fixed per-bedroom rule.

Licensing & Inspections

- Require annual licensing and inspections
- Create a public registry of licensed short-term rental accommodations, so neighbours can confirm legal operators.
- Tie renewal to compliance record (e.g., multiple complaints result in non-renewal).
- Fees should be tied to the number of bedrooms (e.g. a two-bedroom unit would have a lesser fee than a 5-bedroom unit)
- Licensing and inspection fees should be kept affordable so they are not a barrier to entry

Noise & Behaviour Management

- Require posting of guest rules inside the unit (e.g., no parties, quiet hours, garbage rules).
- short-term rental accommodations should have a local contact person available 24/7 to respond to complaints.
- Set and enforce quiet hours (e.g., 10 p.m. to 7 a.m.) in residential areas.
- Include a requirement for clear garbage disposal instructions to prevent litter.

Enforcement & Reporting

- There are a lot of comments voicing concerns about how the City will monitor or enforce this level of detail in the by-law, especially with many of the problems happening late at night or on weekends.
- Create a dedicated complaint line or online reporting system.
- Require short-term rental accommodation owners to post their licence number and contact info publicly (e.g., in listings and on-site).
- Consider working with by-law enforcement officers or security contractors for after-hours enforcement.

- Implement a progressive penalty system: first warning, then fines, then licence suspension.

Zoning & Taxation Fairness

- Limit short-term rental accommodations in zones designated for long-term residential use.
- Consider caps on the number of short-term rental accommodations per neighbourhood to protect housing balance.

Housing Availability Impact

- Prioritize short-term rental accommodation licensing for owner-occupied or accessory dwellings, not full homes.
- Consider a cap on the number of short-term rental accommodations city-wide or in key zones to protect long-term rental availability.

Miscellaneous

- The definition of “owner” should also somehow encompass people who are delegated to do this work/appointed by the owner to manage the short-term rental accommodation i.e. a property manager
- Councillor Bodner was concerned with allowing dumpster-style garbage containers at short-term rental accommodations – this could be hard for properties at restaurants or industrial areas.
- Allow long-term tenants to get a licence so they could run a short-term rental in their rented unit, similar to a sublet.
- Consider requiring owners to educate renters about trespassing or issues related to private beaches (i.e. property limits so renters are not inadvertently trespassing on neighbouring properties or private beaches that are not directly in front of the property)
- Suggestions to review the feasibility of an ESA inspection – a few respondents noted this isn’t realistic, can be onerous and very pricey. It could be more appropriate to rely on the Building Code and a licensed electrician, instead of ESA.
- Some note \$2-million liability insurance is onerous and could be challenging for owners to get.

Summary of Survey Results by Question

Responses to survey questions are outlined below. Open-ended questions include a summary of the responses received. A full list of open-ended responses received has been posted on www.portcolborne.ca/shorttermrentals

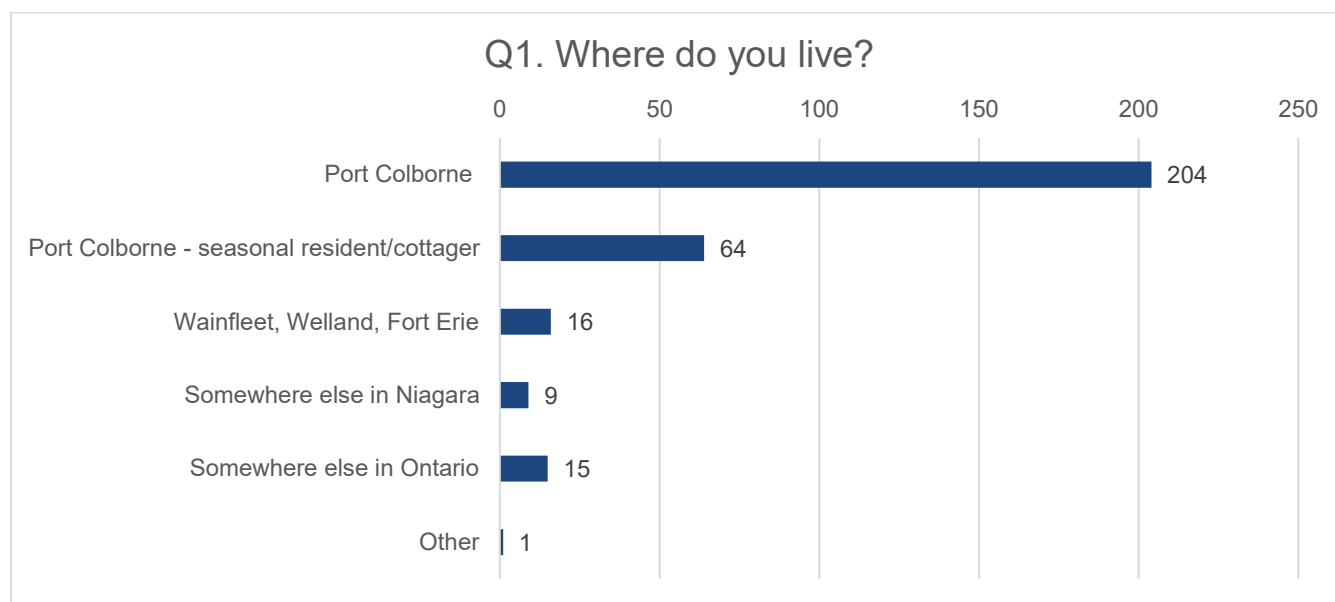
Please note, staff used Microsoft CoPilot to help provide summaries and detect trends in the 534 open-ended responses received

Q1. Where do you live?

Answer Choices	Responses
Port Colborne	204
Port Colborne - seasonal resident/cottager	64
Wainfleet, Welland, Fort Erie	16
Somewhere else in Niagara	9
Somewhere else in Ontario	15
Other	1
Answered	309
Skipped	2

66% of respondents were from Port Colborne.

21% were seasonal residents or cottagers in Port Colborne.

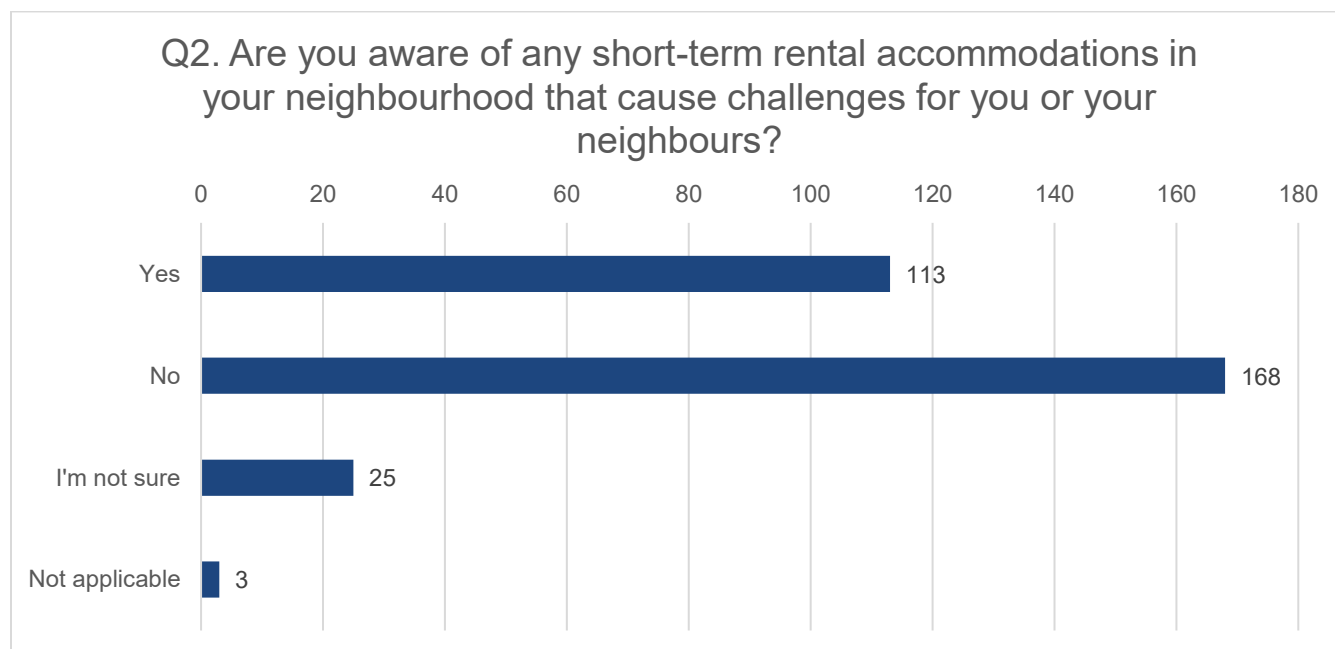


Q2. Are you aware of any short-term rental accommodations in your neighbourhood that cause challenges for you or your neighbours?

Answer Choices	Responses
Yes	113
No	168
I'm not sure	25
Not applicable	3
Answered	309
Skipped	2

54% of respondents were not aware of any short-term rental accommodations causing challenges in their neighbourhoods.

37% of respondents were aware of short-term rental accommodations causing challenges in their neighbourhoods.



Q3. Have you or your neighbours experienced any of the following impacts related to short-term rental accommodations in your area?

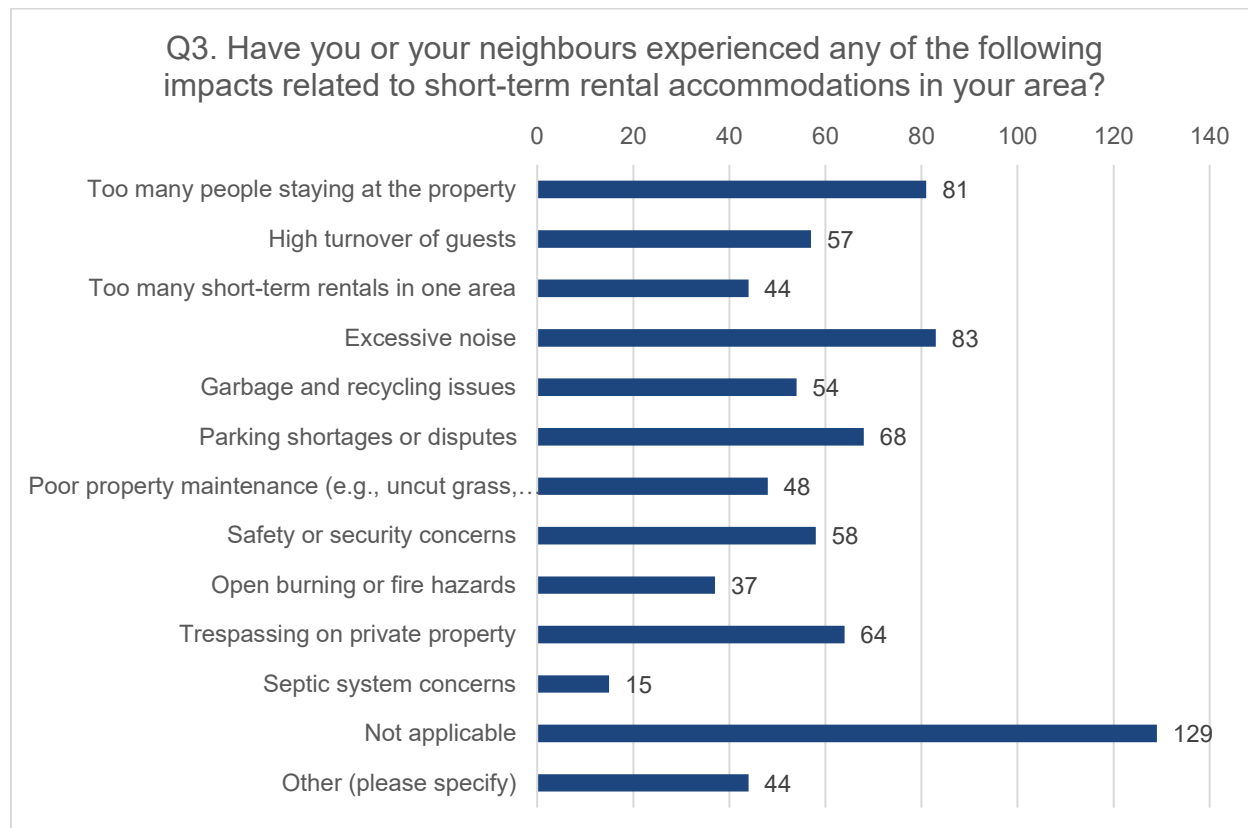
Answer Choices	Responses
Too many people staying at the property	81
High turnover of guests	57
Too many short-term rentals in one area	44
Excessive noise	83
Garbage and recycling issues	54
Parking shortages or disputes	68
Poor property maintenance (e.g., uncut grass, uncleared snow)	48
Safety or security concerns	58
Open burning or fire hazards	37
Trespassing on private property	64
Septic system concerns	15
Not applicable	129
Other (please specify)	44
Answered	283
Skipped	28

43 respondents selected “other” in response to Question 3.

Popular responses received included:

- 19 reinforced their opinion that short-term rental accommodations do not cause issues
- Others reinforced issues with noise and disruptive behaviour, traffic concerns
- Other comments brought up issues such as:
 - Strain on emergency services
 - Pet and animal control
 - Increased traffic in residential neighbourhoods
 - Long-term housing availability concerns
 - Lack of proper toilet facilities
 - Lake safety
 - Irresponsible boating

- Several comments noted issues at Sherkston Shores, including the need for better enforcement of existing rules and too many rentals inside the private resort community



50% of total survey respondents selected either “not applicable” or skipped this question.

30% of question respondents reported they had experienced impacts related to noise.

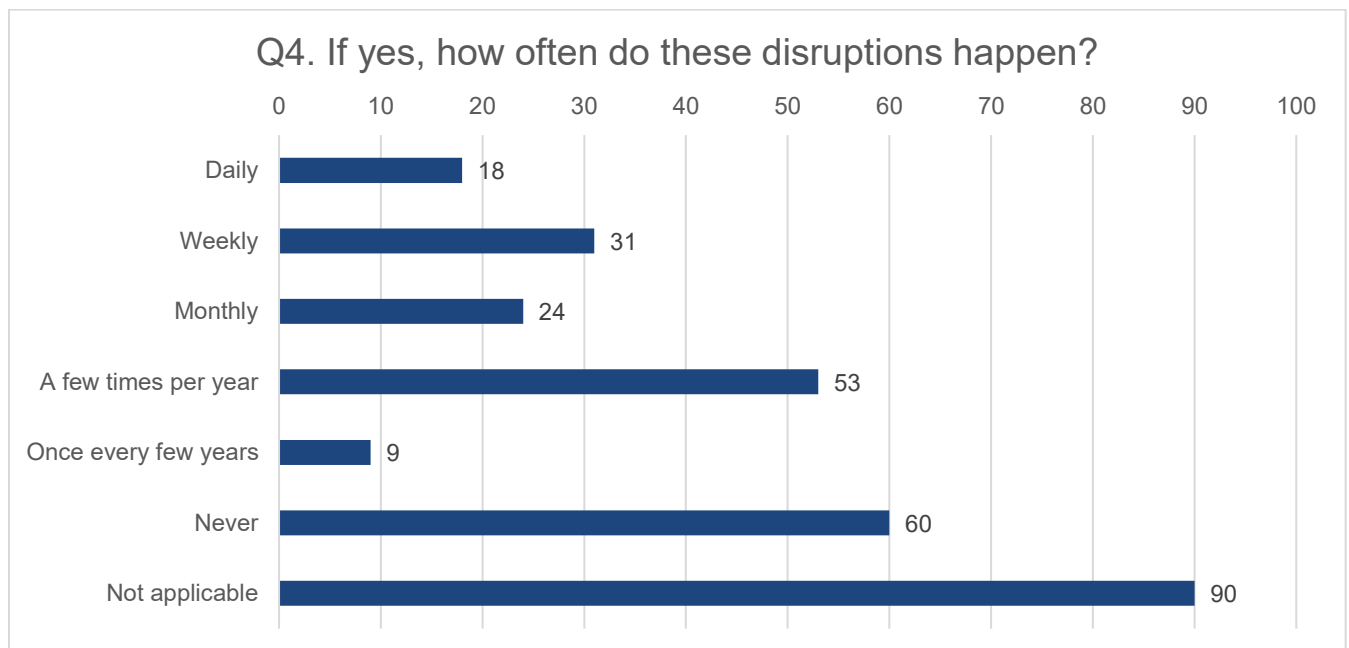
29% reported they had experienced impacts related to too many guests staying at a property.

Q4. If yes, how often do these disruptions happen?

Answer Choices	Responses
Daily	18
Weekly	31
Monthly	24
A few times per year	53
Once every few years	9
Never	60
Not applicable	90
Answered	285
Skipped	26

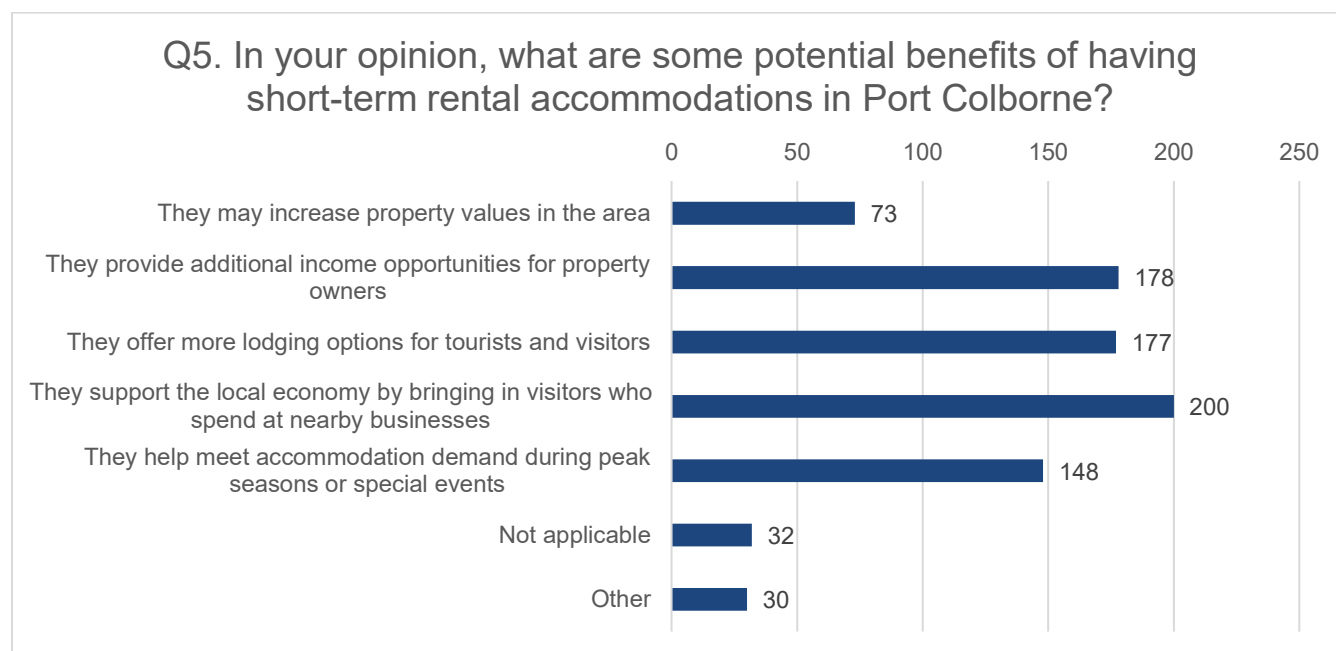
57% of total survey respondents reported either impacts never happened, weren't applicable or skipped they question.

26% of respondents reported challenges occurring either daily, weekly or monthly.



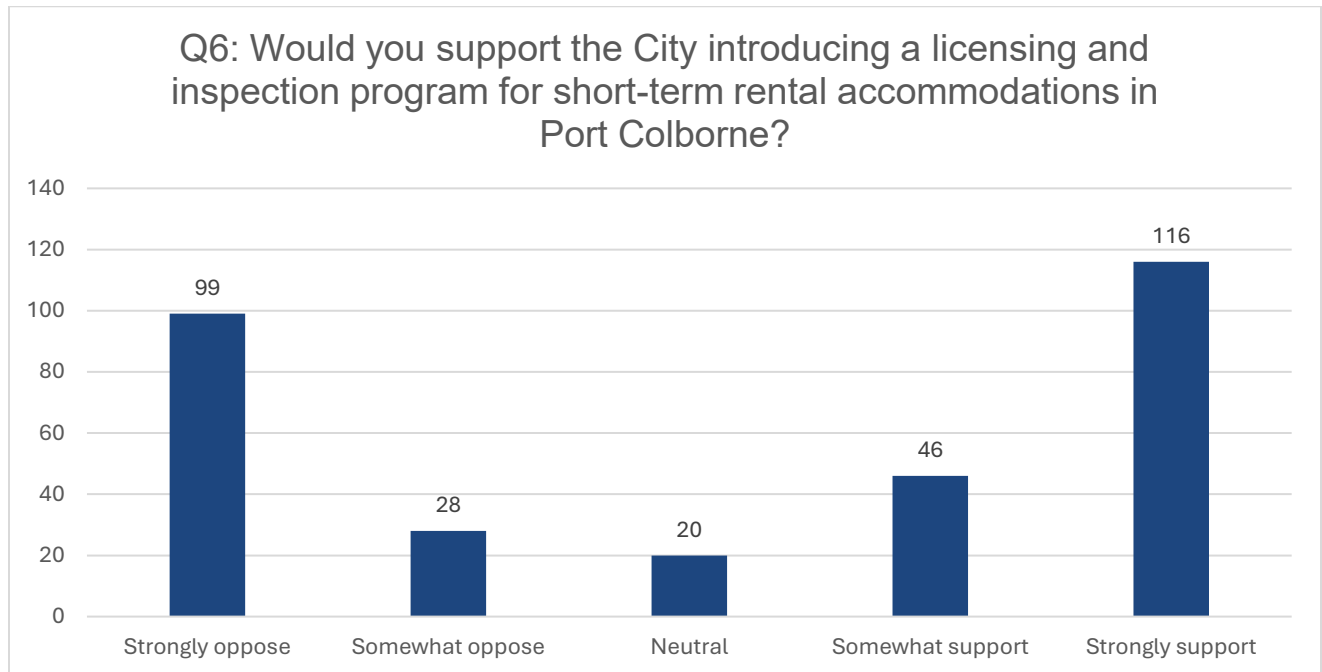
Q5. In your opinion, what are some potential benefits of having short-term rental accommodations in Port Colborne?

Answer Choices	Responses
They may increase property values in the area	73
They provide additional income opportunities for property owners	178
They offer more lodging options for tourists and visitors	177
They support the local economy by bringing in visitors who spend at nearby businesses	200
They help meet accommodation demand during peak seasons or special events	148
Not applicable	32
Other (please specify)	30
Answered	300
Skipped	11



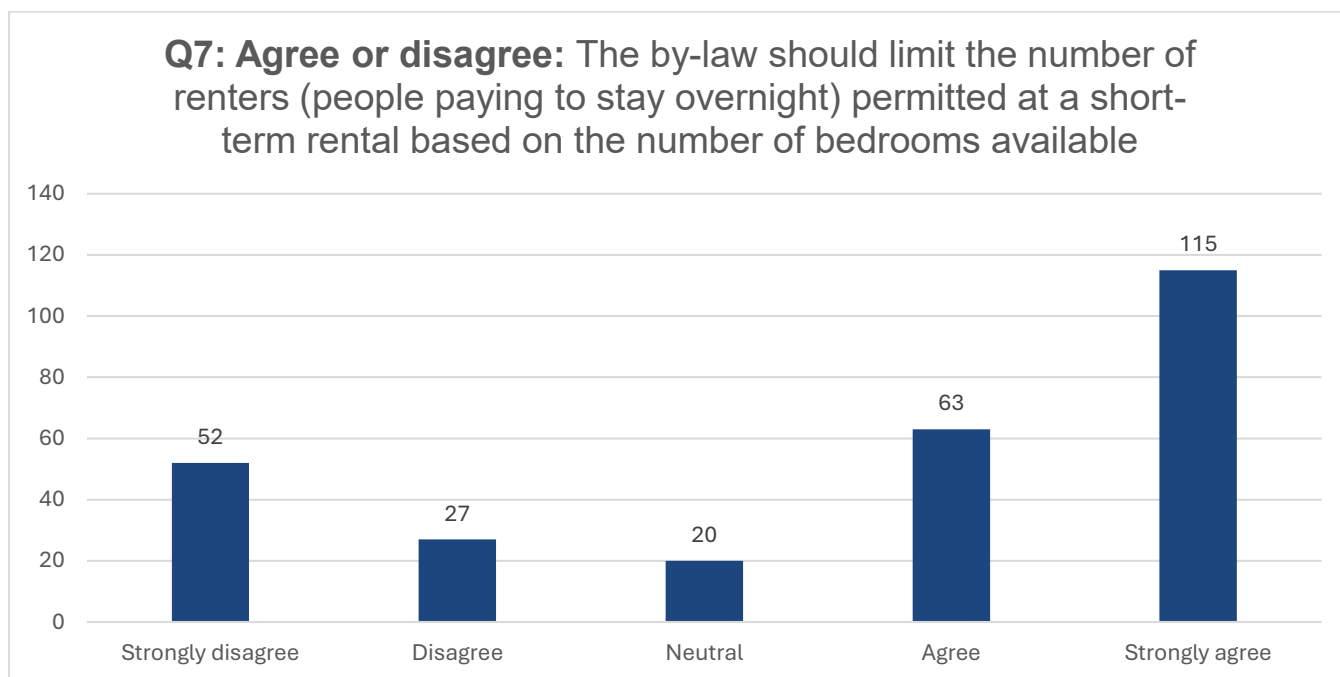
67% of respondents reported they felt short-term rental accommodations support the local economy by bringing in visitors who spend at nearby businesses

Q6. Would you support the City introducing a licensing and inspection program for short-term rental accommodations in Port Colborne?



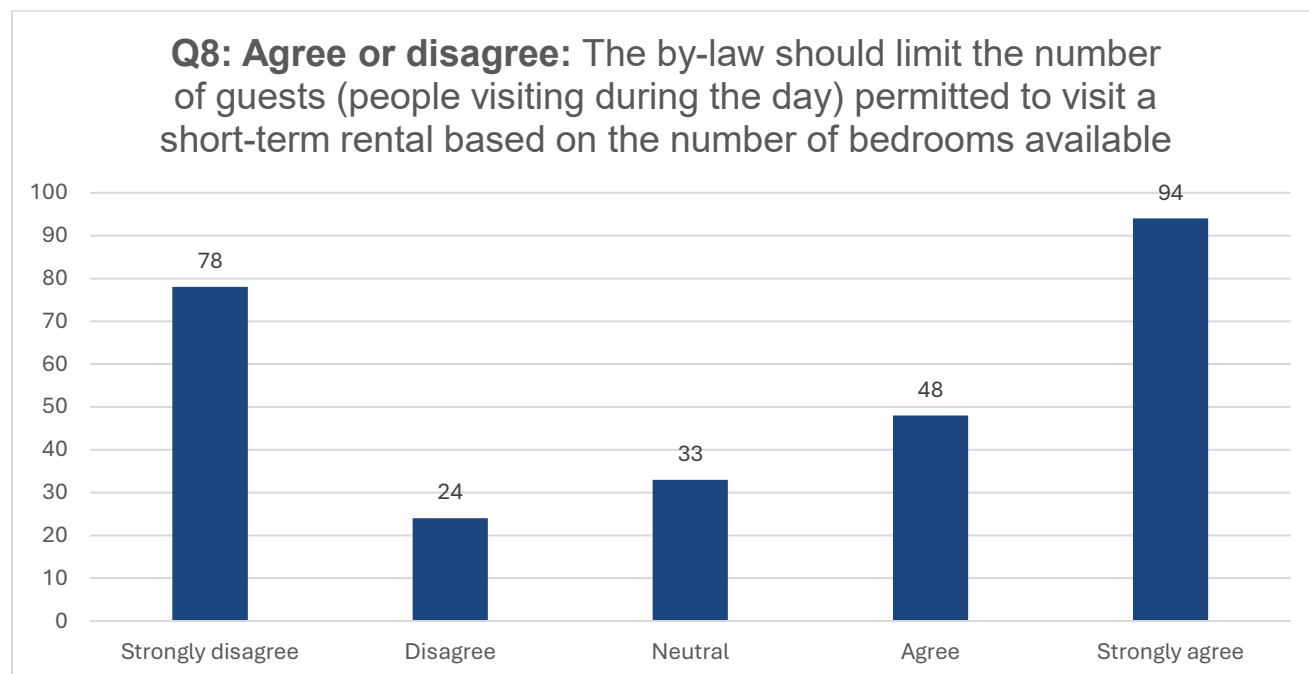
Feedback received in this question suggests a polarized response: many respondents either strongly oppose or strongly support the licensing program, with limited middle ground.

Q7. Agree or disagree: The by-law should limit the number of renters (people paying to stay overnight) permitted at a short-term rental based on the number of bedrooms available (i.e. if the unit has 3 bedrooms, 6 renters would be permitted). A maximum of 10 renters would be allowed.



42% of respondents said they strongly agreed that the by-law should limit the number of renters.

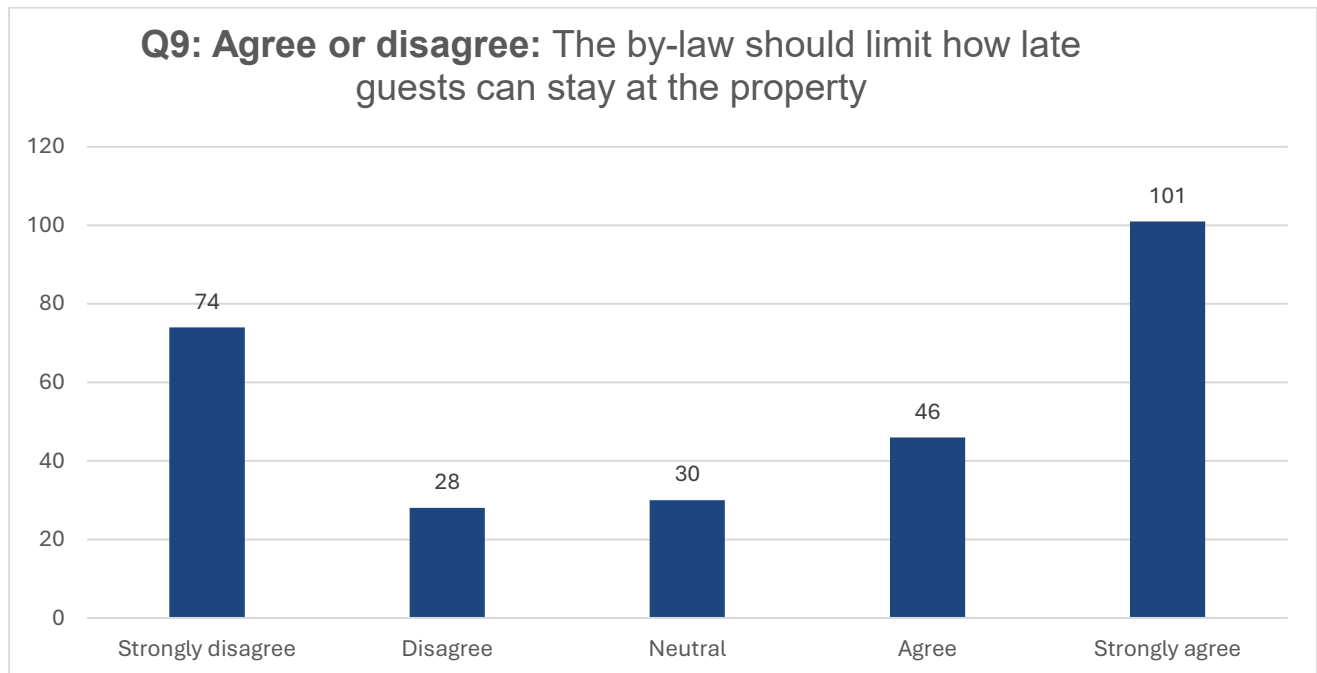
Q8. Agree or disagree: The by-law should limit the number guests (people visiting during the day) permitted to visit a short-term rental based on the number of bedrooms available (i.e. if the unit has 3 bedrooms, 3 guests may visit, but cannot stay overnight). A maximum of 10 guests would be allowed.



28% of respondents strongly disagreed that the number of guests should be limited based on the number of bedrooms available.

34% of respondents strongly agreed that the number of guests should be limited based on the number of bedrooms available.

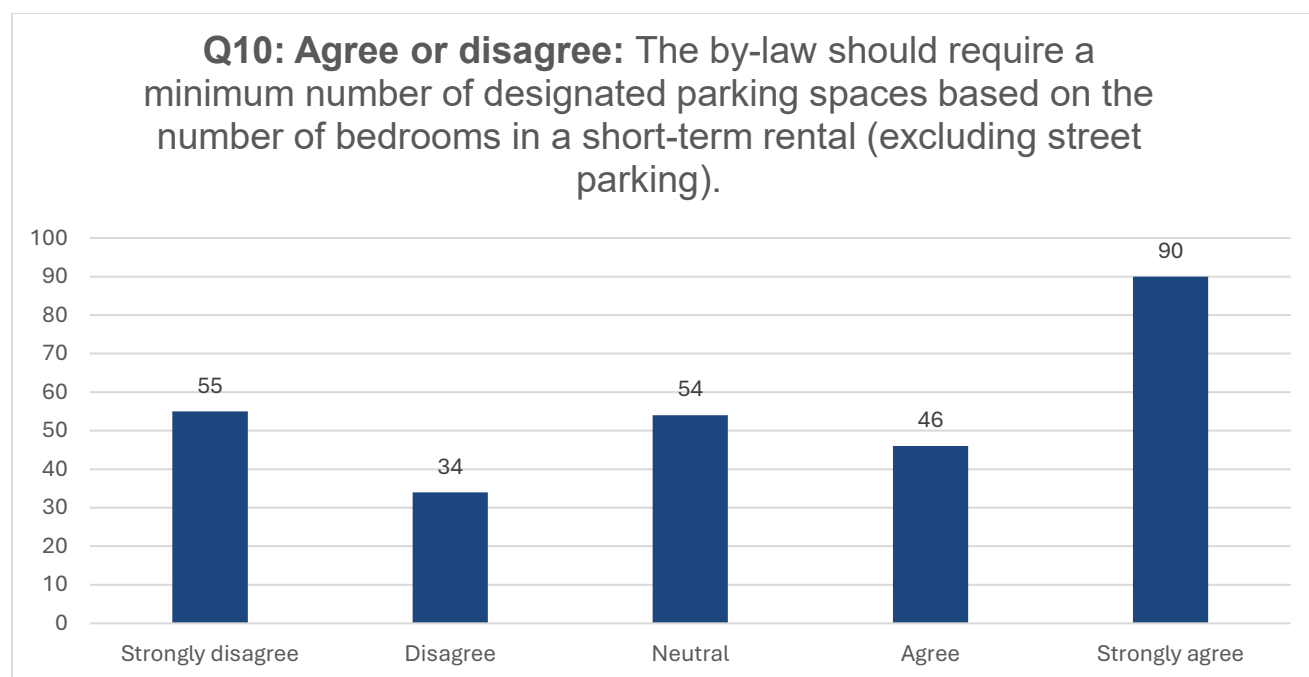
Q9. Agree or disagree: The by-law should limit how late guests can stay at the property (i.e. guests would not be permitted at the property after 11 p.m.)



27% of respondents strongly disagreed that the by-law should limit how late guests can stay at the property.

36% of respondents strongly agreed that the by-law should limit how late guests can stay at the property.

Q10. Agree or disagree: The by-law should require a minimum number of designated parking spaces based on the number of bedrooms in a short-term rental (excluding street parking). One designated parking space would be required for each bedroom available in the unit.

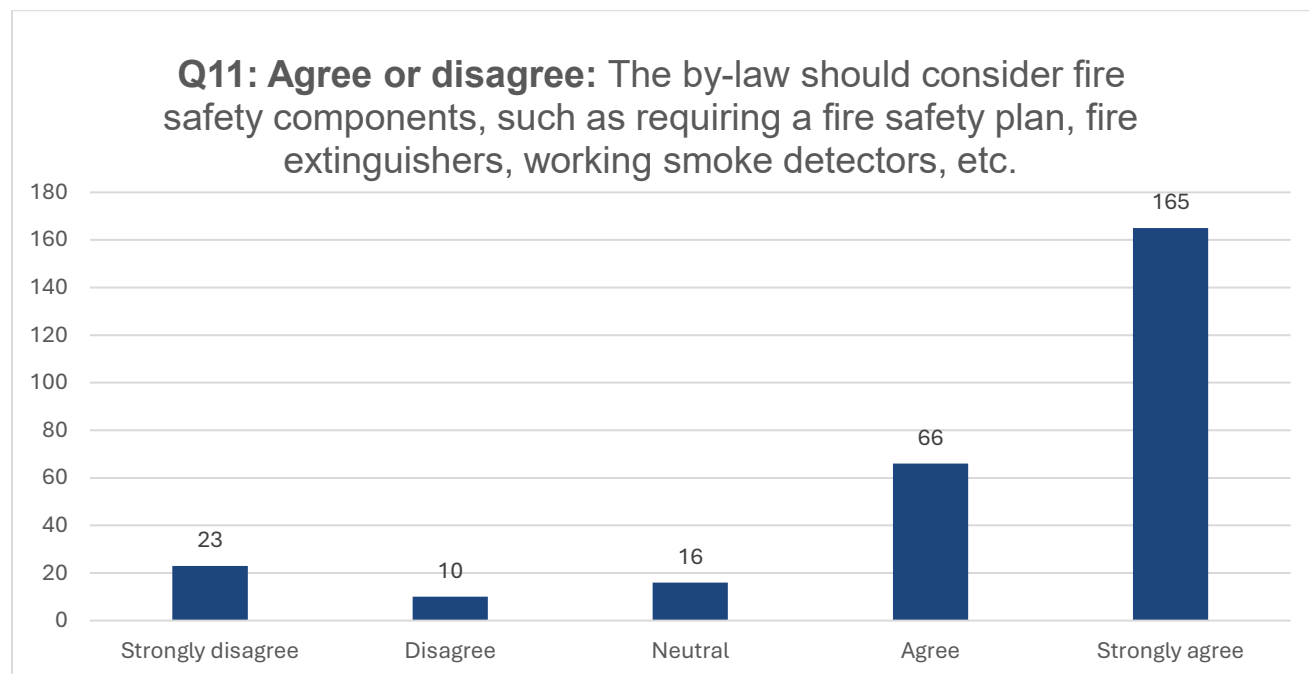


23% of respondents strongly disagreed that the by-law should require a minimum number of parking spaces based on the number of bedrooms.

19% of respondents were neutral or did not share an opinion about if the by-law should require a minimum number of parking spaces based on the number of bedrooms.

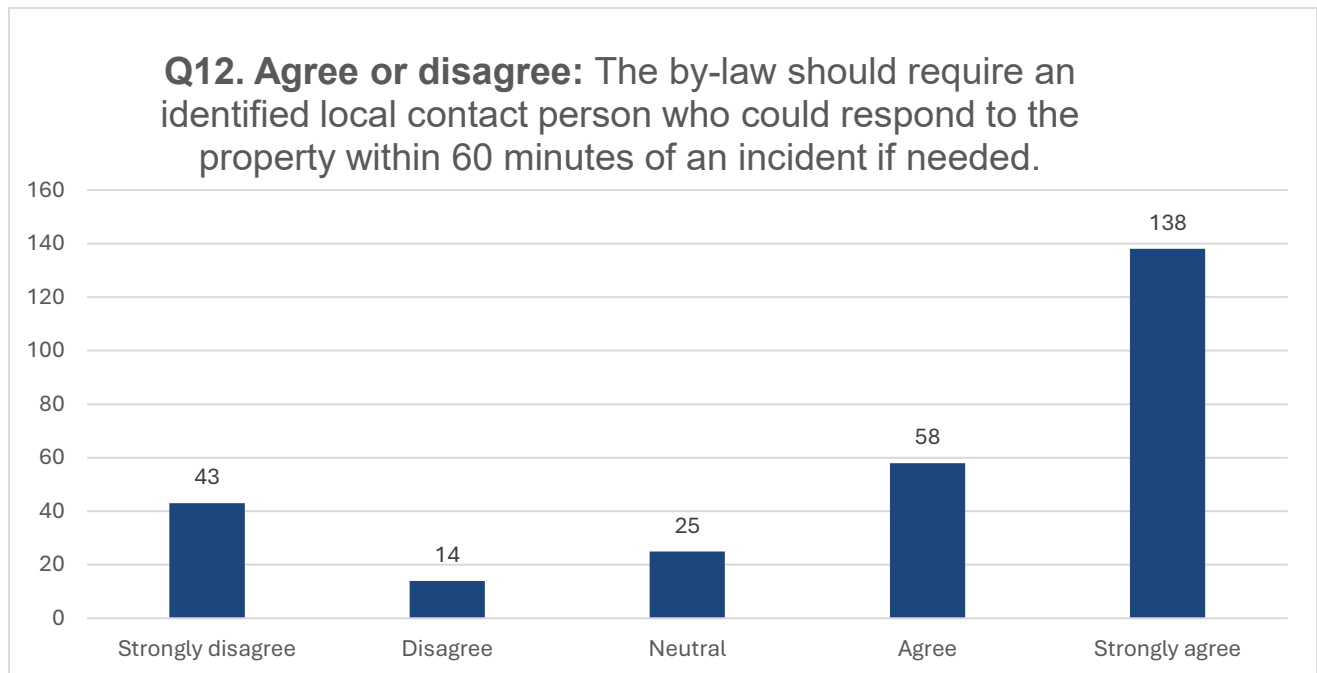
32% of respondents strongly agreed that the by-law should require a minimum number of parking spaces based on the number of bedrooms.

Q11. Agree or disagree: The by-law should consider fire safety components, such as requiring a fire safety plan, fire extinguishers, working smoke detectors, etc.



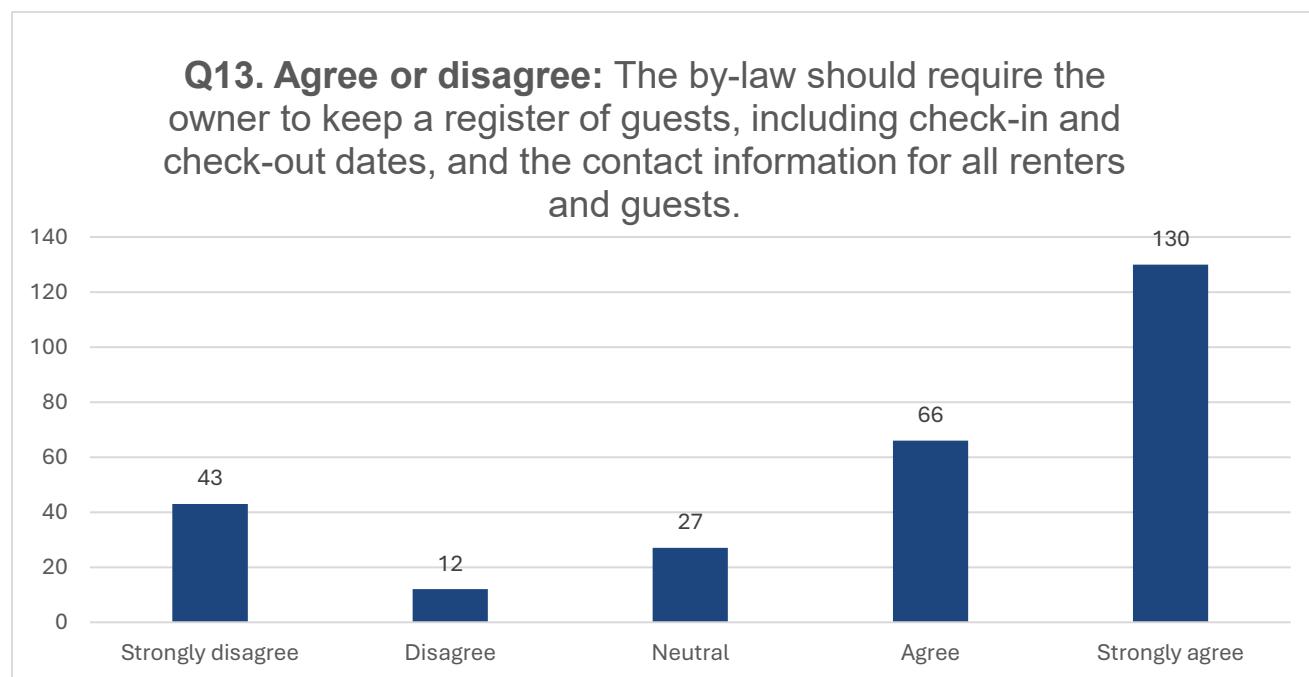
83% of respondents either agreed or strongly agreed that the by-law should consider fire safety requirements.

Q12. Agree or disagree: The by-law should require an identified local contact person who could respond to the property within 60 minutes of an incident if needed.



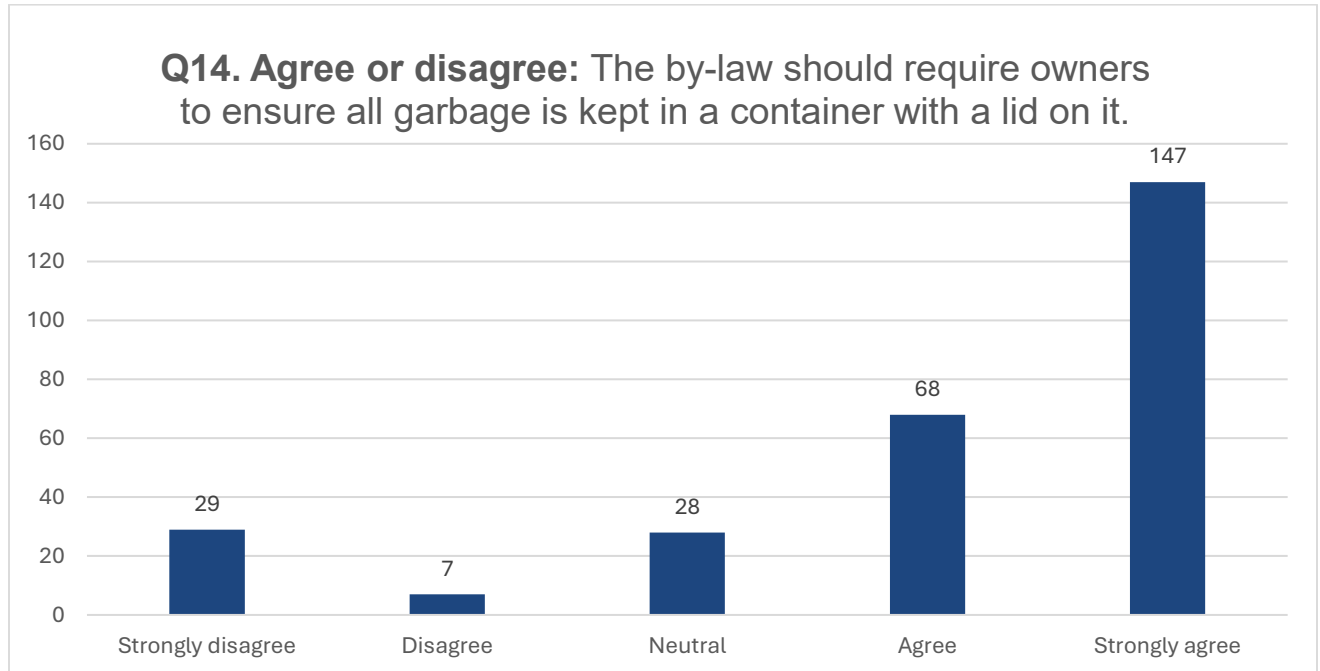
70% of respondents either agreed or strongly agreed that the by-law should require a local contact person who could respond to the property within 60 minutes of an incident.

Q13. Agree or disagree: The by-law should require the owner to keep a register of guests, including check-in and check-out dates, and the contact information for all renters and guests.



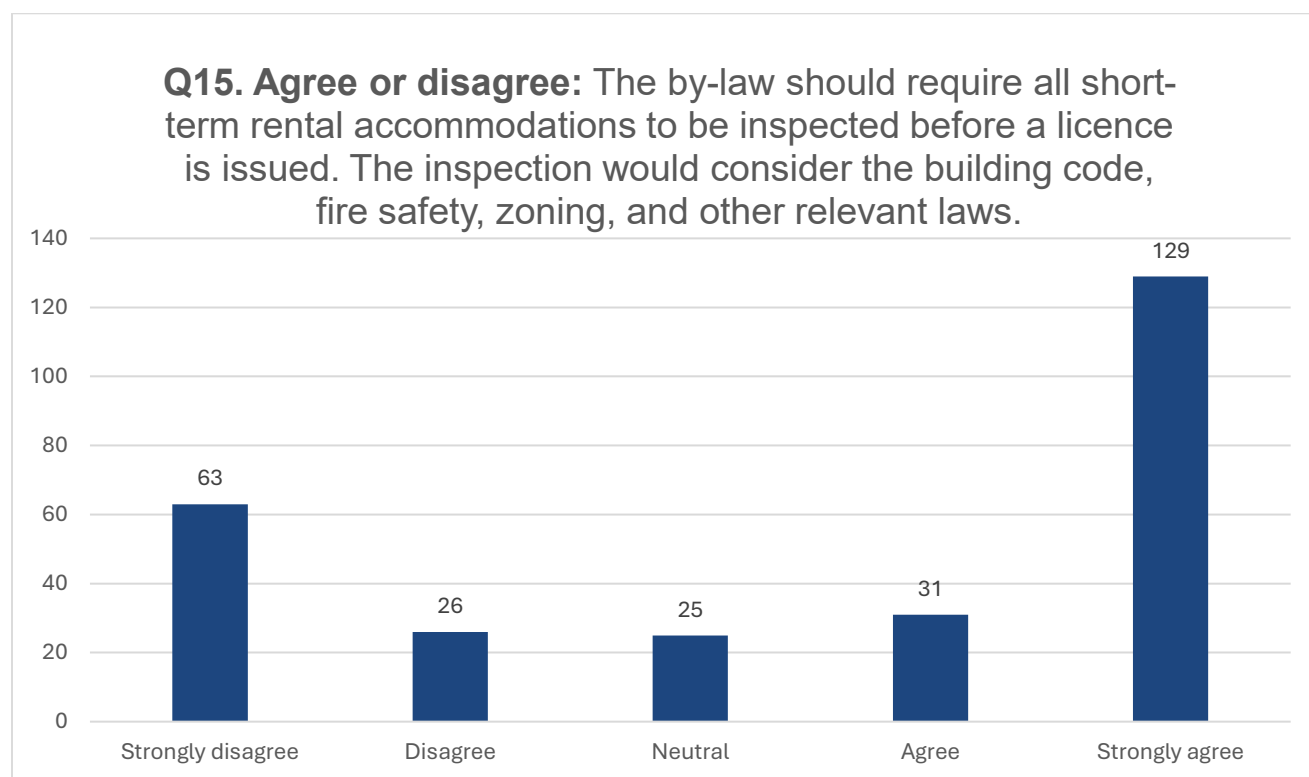
70% of respondents either agreed or strongly agreed that the by-law should require the owner to keep a register of guests, including check-in and check-out dates, and the contact information for all renters and guests.

Q14. Agree or disagree: The by-law should require owners to ensure all garbage is kept in a container with a lid on it.



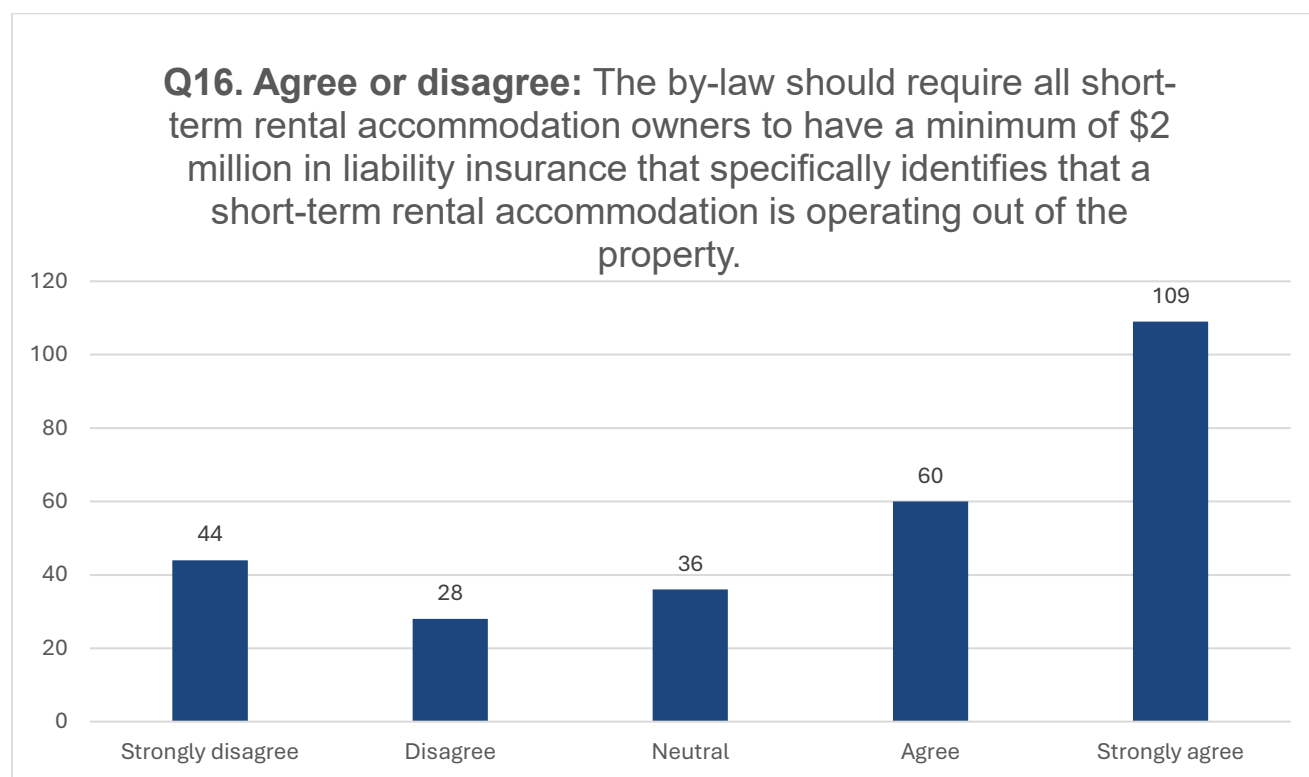
77% of respondents either agreed or strongly agreed that the by-law should require owners to ensure all garbage is kept in a container with a lid on it.

Q15. Agree or disagree: The by-law should require all short-term rental accommodations to be inspected before a licence is issued. The inspection would consider the building code, fire safety, zoning, and other relevant laws.



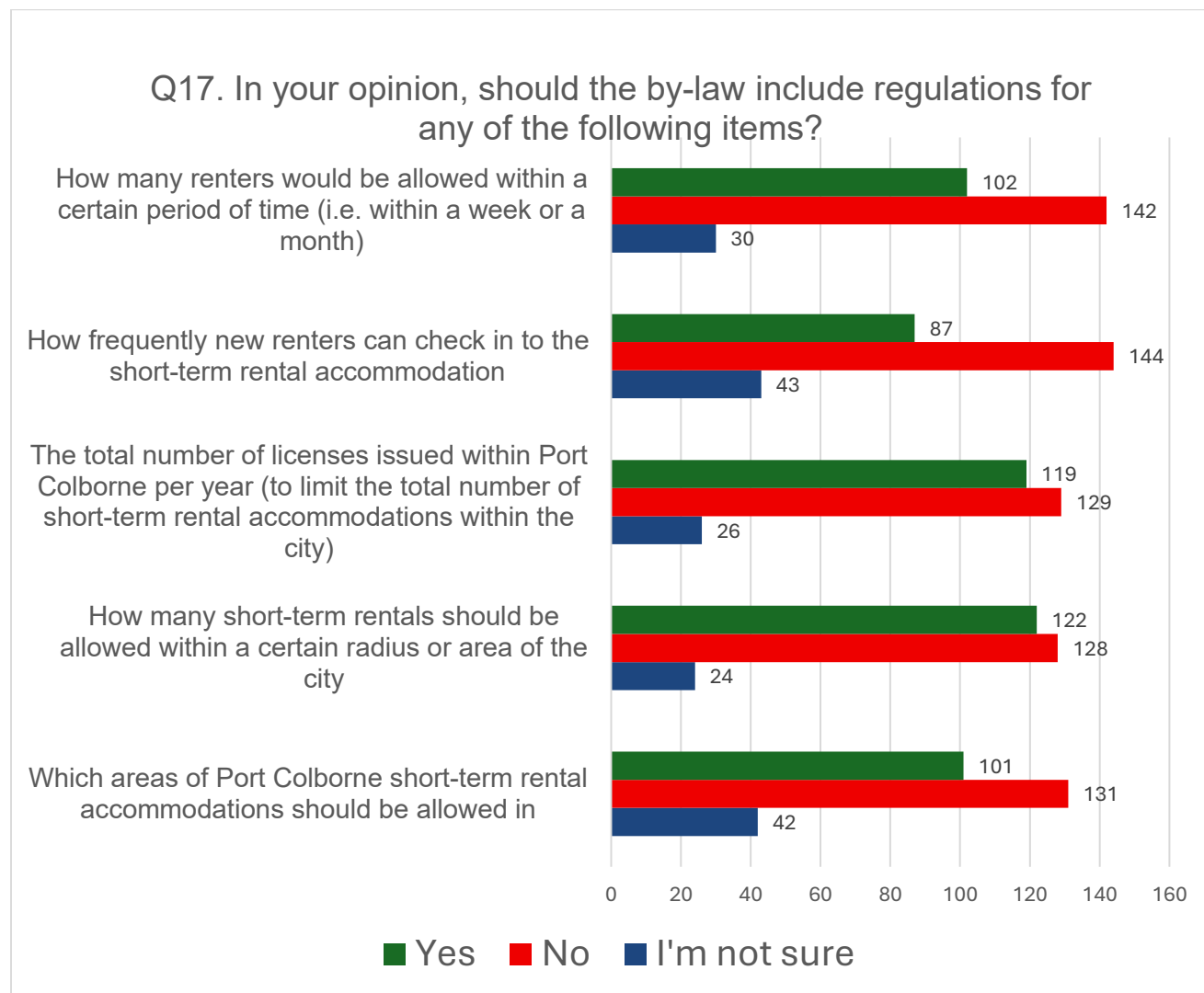
58% of respondents either agreed or strongly agreed that the by-law should require all short-term rental accommodations to be inspected before a licence is issued.

Q16. Agree or disagree: The by-law should require all short-term rental accommodation owners to have a minimum of \$2 million in liability insurance that specifically identifies that a short-term rental accommodation is operating out of the property.



61% of respondents either agreed or strongly agreed that the by-law should require all short-term rental accommodation owners to have a minimum of \$2 million in liability insurance that specifically identifies that a short-term rental accommodation is operating out of the property.

Q17. In your opinion, should the by-law include regulations for any of the following items? (Please note: These items are not currently part of the proposed by-law.)



Q18. While fees for licensing and inspections are not currently included in the proposed by-law, the City would introduce them to cover administration and enforcement costs. What do you think would be a fair and reasonable annual fee for a short-term rental accommodation licence?

Answer Choices	Responses
Less than \$250	36
\$250-\$500	36
\$500-\$750	21
\$750-\$1,000	23
\$1,000-\$1,200	50
I don't think there should be a licensing fee	102
I'm not sure	9
Answered	277
Skipped	34

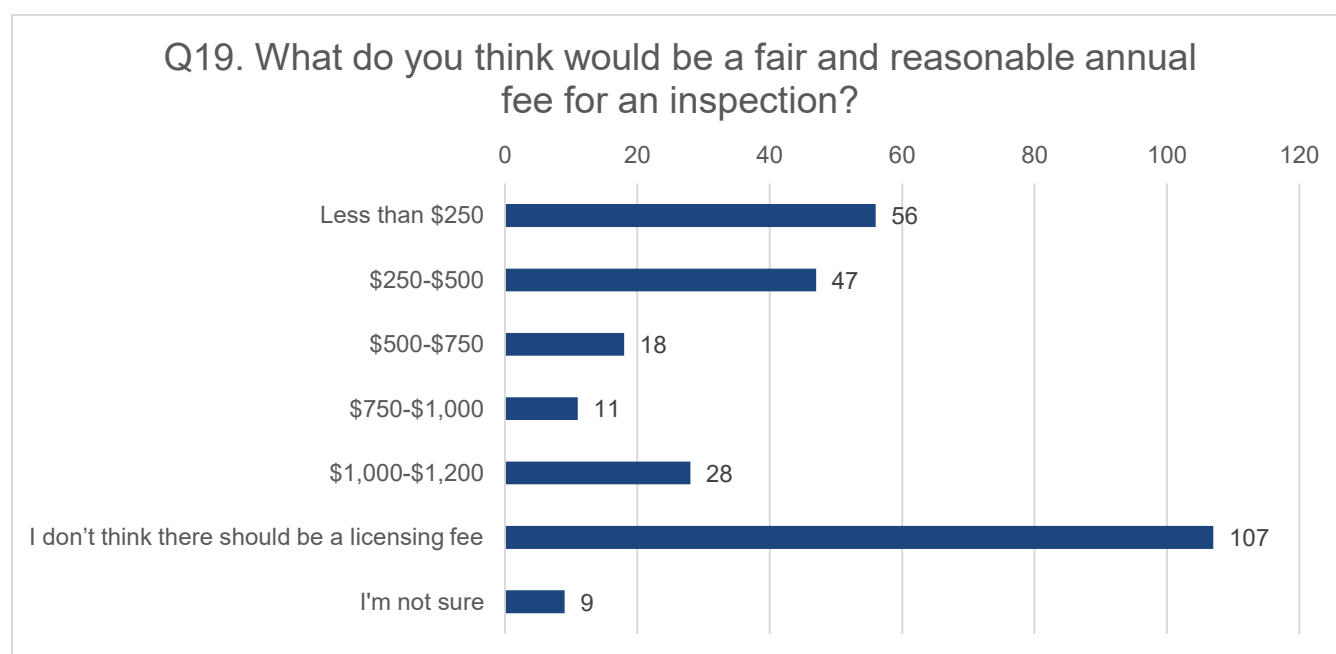


26% of respondents thought the licensing fee should be less than \$500.

37% of respondents did not think there should be a licensing fee.

Q19. What do you think would be a fair and reasonable annual fee for an inspection?

Answer Choices	Responses
Less than \$250	56
\$250-\$500	47
\$500-\$750	18
\$750-\$1,000	11
\$1,000-\$1,200	28
I don't think there should be an inspection fee	107
I'm not sure	9
Answered	276
Skipped	35



37% of respondents thought the inspection fee should be less than \$500.

39% of respondents did not think there should be an inspection fee.

Q20. If approved, the by-law would limit the number of renters and guests permitted at a short-term rental accommodation. The number of renters would be limited to two per bedroom (to a maximum of 10) and the number of guests would be limited to one per bedroom (to a maximum of 10). What do you think about these proposed parameters?

Answered: 227

Skipped: 84

This was an open-ended question which allowed respondents to fill in comments. 223 comments were provided.

A full list of comments is available at www.portcolborne.ca/shorttermrentals

A summary of the answers received is below.

Q20. Open-Ended Response Summary	
Support for Limits (Fair or Reasonable)	<ul style="list-style-type: none"> Many respondents agreed with the proposed limits, calling them “fair,” “reasonable,” “logical,” or a way to prevent overcrowding and party houses. Several noted it would help reduce noise, protect neighbourhood character, and maintain safety.
Opposition to Limits (Overreach or Too Strict)	<ul style="list-style-type: none"> A large portion of responses viewed the limits as government overreach or unnecessary micromanagement. Some compared the limits unfavourably to other municipalities. Many viewed it as punitive toward responsible hosts and small-scale operators, or as a “money grab.”
Flexibility Based on Property Size or Type	<ul style="list-style-type: none"> Numerous suggestions were made to consider: <ul style="list-style-type: none"> Lot size or square footage Rural vs. urban location Permanent structures vs. trailers or RVs\ Shared living spaces (pull-out couches, bunk beds, Murphy beds) Sherkston Shores as a separate, self-governing area

Q20. Open-Ended Response Summary	
Children and Family Accommodation	<ul style="list-style-type: none"> Many noted that the rules could unfairly restrict families, especially multi-generational groups. Suggested exemptions or separate counting for children under certain ages (e.g., under 10). Recommendations included counting children as “half a person” or excluding them altogether.
Renter vs. Guest Definitions Confusing	<ul style="list-style-type: none"> Multiple responses found the distinction between “renters” and “guests” unclear or illogical. Questions raised about: <ul style="list-style-type: none"> Day visitors vs. overnight guests Whether renters could also host guests during their stay How enforcement would be practical or respectful of privacy
Focus Should Be on Behaviour, Not Numbers	<ul style="list-style-type: none"> Many argued that issues stem from <i>behaviour</i> (noise, parking, garbage), not headcounts. Some recommended relying on existing bylaws to address problem rentals rather than creating new limits.
Need for Case-by-Case Flexibility	<ul style="list-style-type: none"> Calls for limits to be based on actual sleeping arrangements or bed count, not strict bedroom-based caps. Several referenced using AirBNB or VRBO standards, which are more flexible.
Sherkston Shores as an Exception	<ul style="list-style-type: none"> Many respondents from Sherkston Shores said the by-law should not apply there, citing existing internal rules (e.g., max 8 guests per unit). Noted that Sherkston was marketed for rental use and should remain self-regulated.

Q21. If approved, the by-law would require one designated parking space per bedroom (i.e. if the unit has 4 bedrooms, it requires 4 designated hard-surface parking spaces, not including street parking). What do you think about these proposed parameters?

Answered: 232

Skipped: 79

This was an open-ended question which allowed respondents to fill in comments. 233 comments were provided.

A full list of comments is available at www.portcolborne.ca/shorttermrentals

A summary of the answers received is below.

Q21. Open-Ended Response Summary	
General Support for Parking Requirements	<ul style="list-style-type: none"> Many respondents agreed that parking should be required and saw value in managing on-street congestion. Several supported the “1 space per bedroom” approach, citing fairness, consistency, and the need to prevent street crowding, especially during busy seasons. Some recommended an extra space for guests or flexibility around surface material (e.g., gravel or permeable pavers).
Concerns Over Practicality or Feasibility	<ul style="list-style-type: none"> A significant number of respondents argued that many properties—especially older homes, urban lots, or properties in Firelanes and Sherkston Shores—cannot physically accommodate that many parking spots. Some said the requirement could lead to the paving over of green space and front lawns, detracting from neighborhood aesthetics. Others noted it could unfairly penalize properties that had previously been approved or were built before such standards.
Alternative Suggestions	<ul style="list-style-type: none"> Lower Ratios: Several suggested 1 space per 2 bedrooms, or simply a minimum of 2 spaces per unit.

Q21. Open-Ended Response Summary	
	<ul style="list-style-type: none"> Consider Property Use: Some proposed setting parking requirements based on occupancy or guest vehicles rather than bedrooms. Seasonal or Site-Specific Rules: Sherkston Shores was frequently cited as having its own established rules (often 2 vehicles per site), with calls for it to be exempt from this by-law.
Equity and Family Travel Considerations	<ul style="list-style-type: none"> Many pointed out that families often travel in a single vehicle regardless of how many bedrooms they rent, making 1 space per room excessive. Comments emphasized that children and infants don't require cars, and multi-bedroom rentals shouldn't automatically mean multiple vehicles.
Opposition to the Proposal (Too Restrictive or Overreach)	<ul style="list-style-type: none"> Numerous respondents felt the proposal was unnecessarily rigid and burdensome. Strong opposition expressed concern about overregulation, municipal overreach, and added costs for owners who may need to reconfigure driveways. Some viewed it as a "money grab" or said it unfairly targets short-term rentals in ways traditional residential homes are not.
Enforcement and Fairness	<ul style="list-style-type: none"> Multiple people questioned how this would be enforced fairly and consistently. Some noted that permanent residents already park on the street without repercussions and asked why different rules should apply to rentals.

Q22. Do you own a short-term rental accommodation in Port Colborne?

Answer Choices

Yes

No

Responses

54

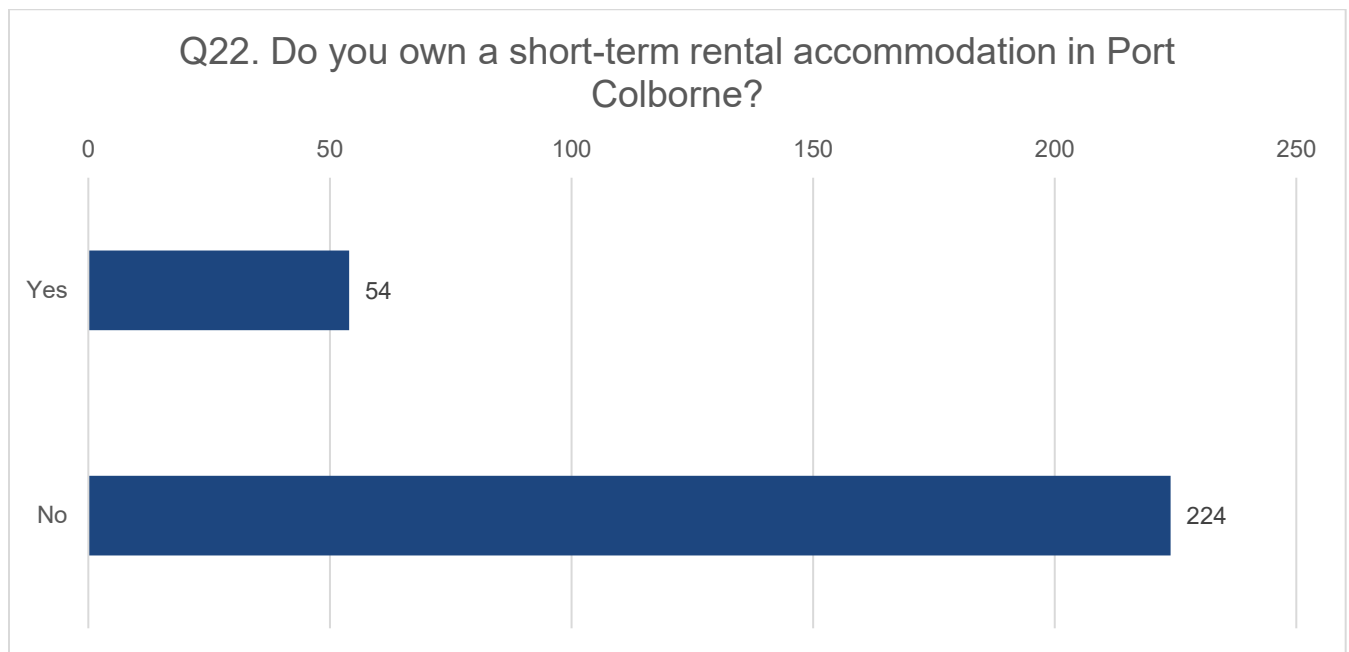
224

Answered

278

Skipped

33



81% of respondents did not own a short-term rental accommodation

Q23. How many short-term rental accommodations do you own?

Answered: 53

Skipped: 258

This was an open-ended question.

Of the 54 responses received

- 40 people said they owned one short-term rental accommodations
- 4 people said they owned 2 short-term rental accommodations

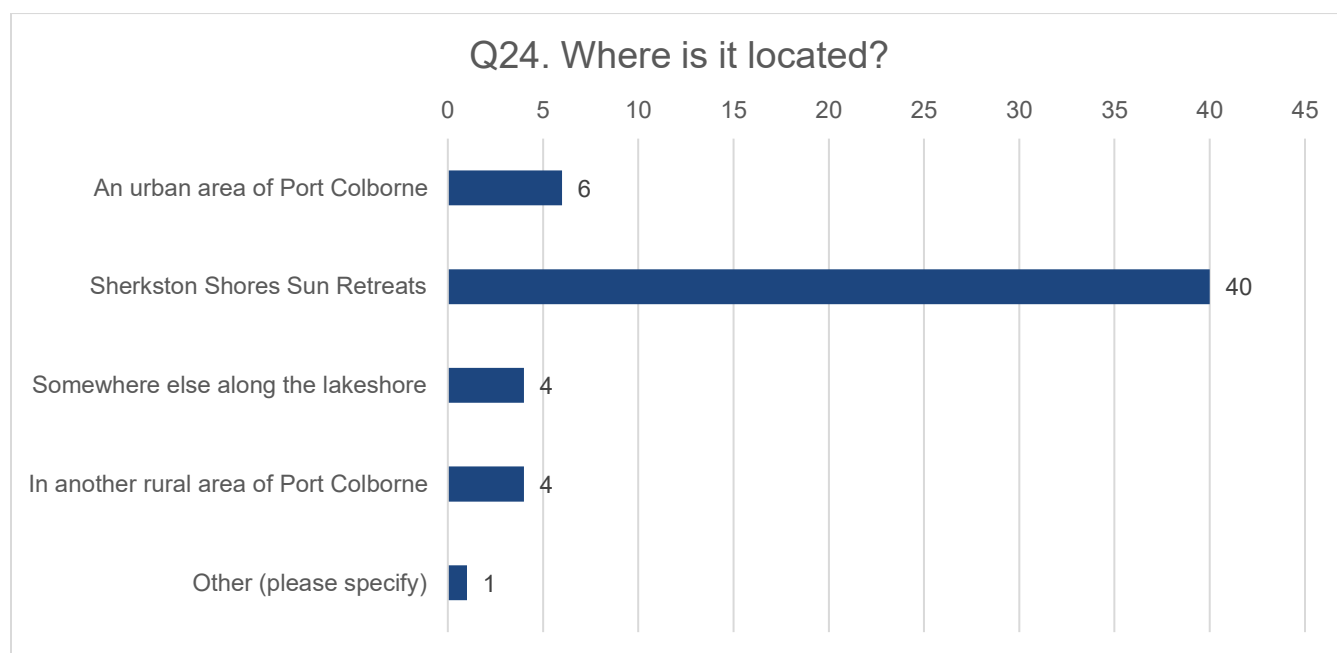
A full list of comments is available at www.portcolborne.ca/shorttermrentals

Q24. Where is it located?

Answer Choices

Responses

An urban area of Port Colborne	6
Sherkston Shores Sun Retreats	40
Somewhere else along the lakeshore	4
In another rural area of Port Colborne	4
Other (please specify)	1
Answered	55
Skipped	256



Of those respondents who reported they owned a short-term rental, 73% were located within Sherkston Shores Sun Retreats.

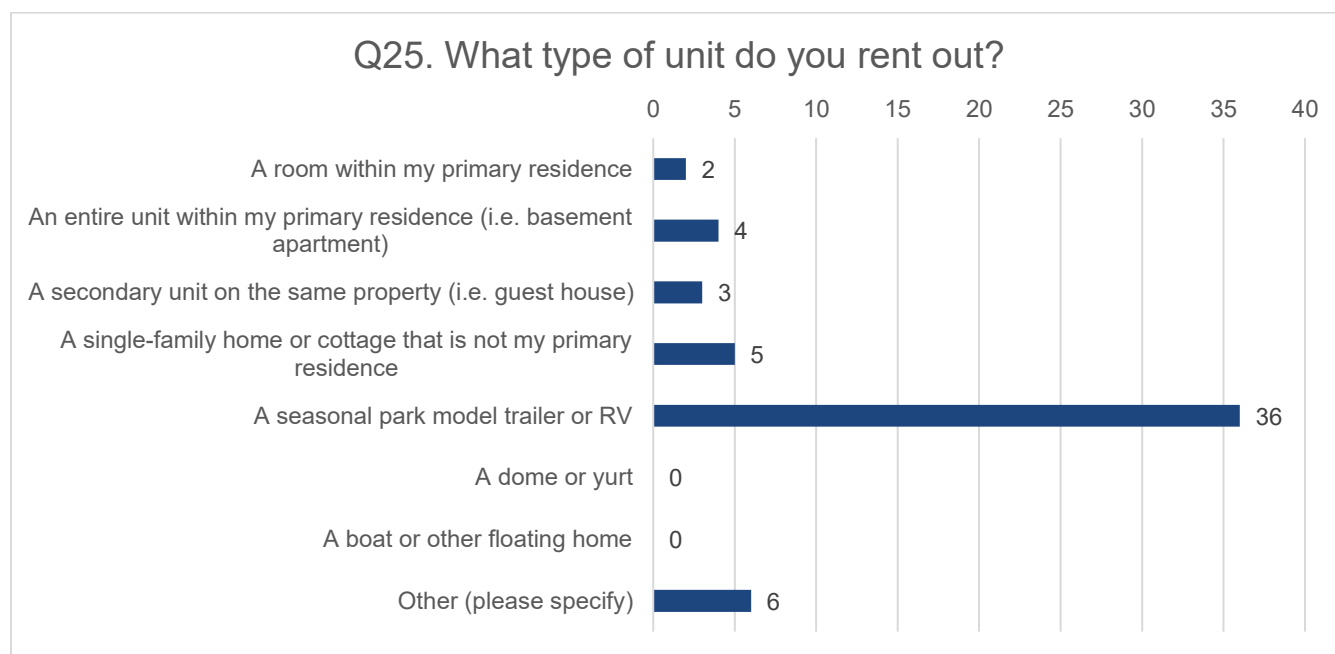
Q25. What type of unit do you rent out?

Answer Choices

Responses

A room within my primary residence	2
An entire unit within my primary residence (i.e. basement apartment)	4
A secondary unit on the same property (i.e. guest house)	3
A single-family home or cottage that is not my primary residence	5
A seasonal park model trailer or RV	36
A dome or yurt	0
A boat or other floating home	0
Other (please specify)	6

Answered 52
Skipped 259



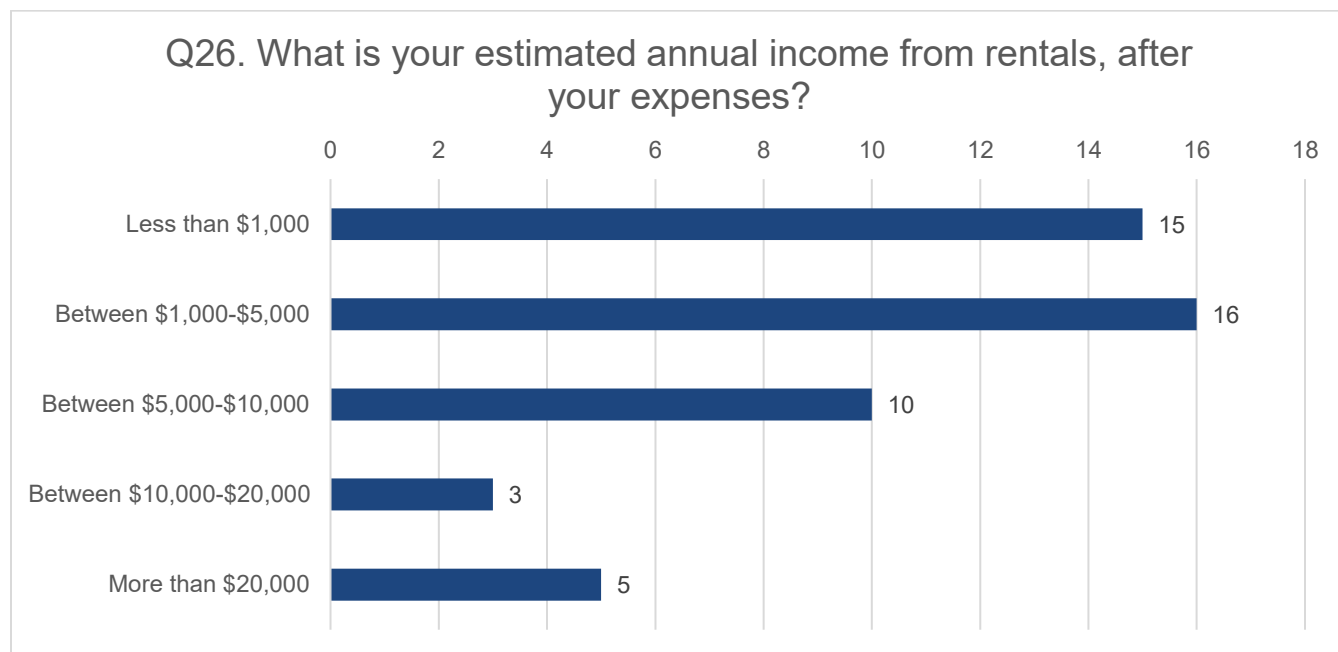
Of respondents who reported they had a short-term rental accommodation, 69% said they rented out a seasonal park model trailer or RV.

Q26. What is your estimated annual income from rentals, after your expenses?

Answer Choices

Responses

Less than \$1,000	15
Between \$1,000-\$5,000	16
Between \$5,000-\$10,000	10
Between \$10,000-\$20,000	3
More than \$20,000	5
Answered	49
Skipped	262



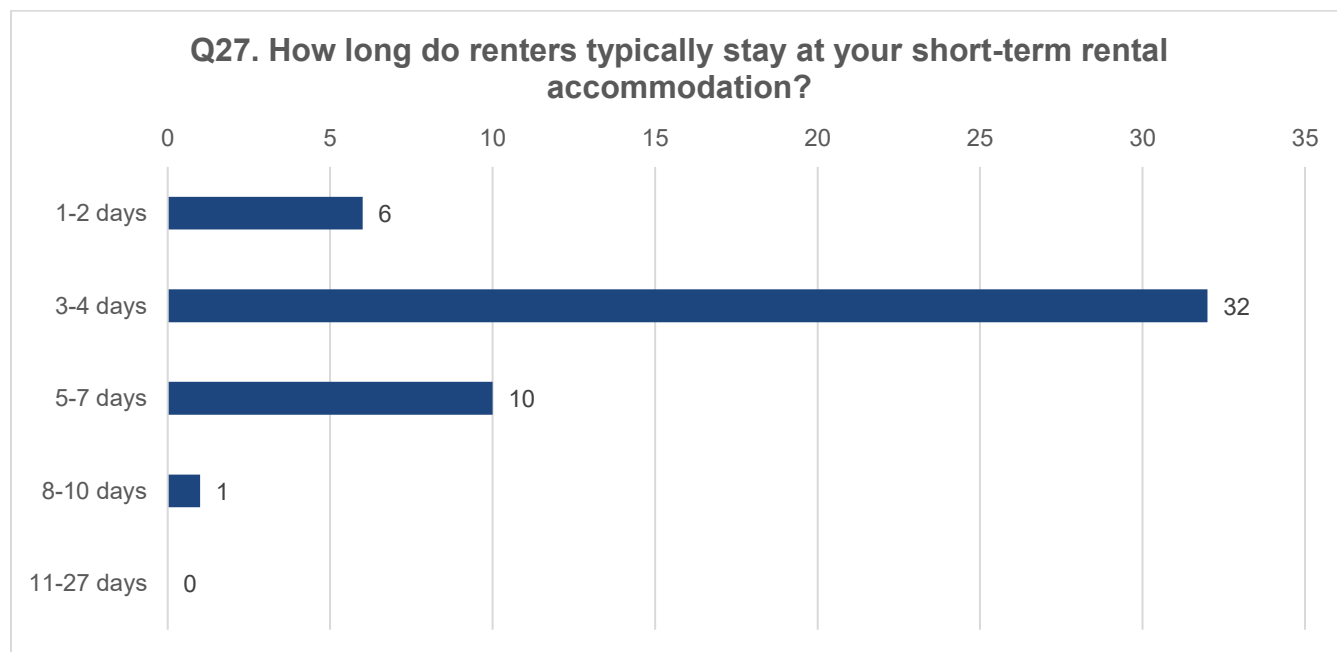
Of those who reported they owned a short-term rental accommodation, 63% reported they make less than \$5,000 per year after their expenses.

Q27. How long do renters typically stay at your short-term rental accommodation?

Answer Choices

Responses

1-2 days	6
3-4 days	32
5-7 days	10
8-10 days	1
11-27 days	0
Answered	49
Skipped	262



Of those who reported they owned a short-term rental accommodation, 65% reported their renters typically stay for between 3-4 days.

Q28. Is there anything else you want to share about the City's proposed by-law to license short-term rental accommodations in Port Colborne?

Answered: 183

Skipped: 128

This was an open-ended question which allowed respondents to fill in comments.
180 comments were provided.

A full list of comments is available at www.portcolborne.ca/shorttermrentals

A summary of the answers received is below.

Q28. Open-Ended Response Summary	
Support for Regulation (With Conditions)	<ul style="list-style-type: none"> Many residents support licensing short-term rental accommodations to address noise, safety, parking, and guest limits. Common recommendations included: <ul style="list-style-type: none"> Reasonable licensing fees that reflect cost-recovery, not profit. Clear enforcement mechanisms, including regular inspections and fines for repeat issues. Guest registration, limits on occupancy, and fire safety measures (e.g., banning fire pits). Notifying neighbours of applications and decisions.
Concerns About Overregulation or Financial Burden	<ul style="list-style-type: none"> A large number of respondents expressed strong opposition to the proposed by-law, viewing it as: Government overreach or unnecessary duplication of existing rules. A "money grab" that unfairly targets responsible property owners. Harmful to small-scale owners using rentals to cover rising costs, taxes, and fees. Excessively bureaucratic and potentially harmful to the local economy.
Sherkston Shores-Specific Concerns	<ul style="list-style-type: none"> Many residents and owners at Sherkston Shores requested that the proposed by-law not apply to their community, citing:

Q28. Open-Ended Response Summary	
	<ul style="list-style-type: none"> Existing park rules already in place for guests, parking, capacity, insurance, and conduct. Rising park fees, operating costs, and the new Municipal Accommodation Tax, all of which strain owners' finances. Fears that further regulation will force owners to sell, reduce tourism, and harm local small businesses. A sense that Sherkston is being unfairly blamed for isolated incidents
Tourism, Housing, and Economic Impacts	<ul style="list-style-type: none"> Respondents emphasized the importance of short-term rentals in: <ul style="list-style-type: none"> Supporting the tourism economy, especially during events like Canal Days. Filling the accommodation gap left by limited hotel or motel options. Providing income for residents trying to afford rising living costs. Others expressed concern that short-term rentals reduce the supply of long-term housing and drive up rents, calling for licensing caps or limits by area.
Property Rights and Fairness	<ul style="list-style-type: none"> Many expressed frustration that the by-law would: <ul style="list-style-type: none"> Infringe on property rights, especially for local homeowners. Create inequity between long-term and short-term rental regulations. Penalize local, responsible operators while doing little to address absentee or corporate-owned properties. Some suggested prioritizing licences for Port Colborne or Niagara residents and holding corporate or absentee owners to stricter standards.
Desire for Fair Implementation and Communication	<ul style="list-style-type: none"> Several respondents asked the City to: <ul style="list-style-type: none"> Share the survey results and consultation outcomes transparently. Notify adjacent property owners of licensing applications.

Q28. Open-Ended Response Summary	
	<ul style="list-style-type: none">• Apply consistent enforcement to all rental types and neighborhoods.• Avoid one-size-fits-all rules that don't reflect different property types or locations.

**Subject: Recommendation Report Official Plan and Zoning
Amendment 242 and 246 West Side Road**

To: Council

From: Development and Government Relations Department

Report Number: 2025-133

Meeting Date: July 8, 2025

Recommendation:

That Development and Government Relations Department Report 2025-133 be received; and

That the Official Plan Amendment attached as Appendix B of Report 2025-133 be approved; and

That the Zoning By-law Amendment attached as Appendix C of Report 2025-133 be approved; and

That matters related to servicing, stormwater, landscaping, lighting, fencing, waste management as well as the list of functional design revisions and considerations including amenity areas, access and connectivity, as provided within Appendix D, be addressed to the satisfaction of the City through the site plan approval process; and

That the City Clerk be directed to issue the Notices of Decisions regarding the By-laws in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding an Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) Applications submitted by Quartek Group Inc. on behalf of the Owner, Luigi LoFaso & Tirdad Gharachorloo, for the redevelopment of the lands known as Lots 36 to 40, Plan 826, known municipally as 242-246 Highway 58/West Side Road (the “Subject Lands”) with an 8-storey residential apartment (the “proposed development”).

Background:

A Pre-Consultation Meeting was held on July 27, 2023, to discuss and provide feedback on the initial proposed development for the Subject Lands which provided for a 7-storey apartment with 95 units. Applications for an OPA (File Number: D09-03-24) and ZBA (File Number: D13-04-29) were later submitted to the City on April 30, 2024, inclusive of required materials in support of the applications including, an Archaeological Assessment, Site Plan & Floor Plans, Functional Servicing Report, Planning Justification Brief, Shadow Analysis, and Transportation Impact Study.

A revised submission was made to the City on June 25, 2024. The revised submission was for an 8-storey apartment with 112 units and addressed the extension of Franklin Avenue, a City owned unopened road allowance, to the north of the Subject Lands. The revised OPA proposed to allow for a residential density of up to 198 units per net hectare. The revised ZBA proposed to rezone the Subject Lands from R1 and R3 to R4 with site-specific exceptions for setbacks, height, and parking.

The applications were deemed complete on October 15, 2024. A public meeting was held for the applications on November 5, 2024. At the public meeting staff presented a summary of the applications in Staff Report 2024-201. Several residents attended the public meeting and provided delegations. Key concerns raised at the meeting include traffic, parking, shadow impacts, the existing woodlot area, the construction of the Franklin Avenue extension and intersection improvements, as well as stormwater, servicing capacity, and compatibility with the neighbouring properties.

A supplementary submission was made to the City on January 20, 2025, which included an updated Planning Justification Report and a Noise Impact Study.

Proposal:

The current application provides for the development of a residential apartment building, 8 storeys (31 metres) in height. The building includes 112 apartment units in a range of sizes with one and two-bedroom units. There are 116 parking spaces provided including 8 accessible spaces. A total of 16 bicycle parking spaces are proposed. All parking is to be provided at grade in a surface parking lot located at the rear of the building and within the ground floor of the building. Three pedestrian accesses are provided to the building including, a main front entrance facing Franklin Avenue, an additional entrance at the northwest corner of the building, and a rear entrance at the south end of the building.

There are two vehicular entrances to the site from the future Franklin Avenue extension. Additional landscaping and a new sidewalk are identified along Franklin Avenue.

The current application being reviewed in support of the proposed development includes the following supporting materials:

- Supplementary Planning Policy Justification Report and Impact Analysis prepared by Quartek Group, dated January 20, 2025
- Noise Impact Study, prepared by GHD, dated January 13, 2025
- Site Plan, prepared by Quartek, dated September 4, 2024
- Conceptual Site Servicing Drawing, prepared by Quartek, dated May 2, 2024
- Draft R-Plan, prepared by Richard Larocque Ltd., dated January 11, 2024
- Functional Servicing Report, prepared by Quartek, dated February, 2024
- Shadow Study, prepared by Quartek, dated March, 2024
- Stage 1 & 2 Archaeological Assessments, prepared by Detritus Consulting Ltd., dated April 16, 2024
- Transportation Impact Study, prepared by Paradigm Limited, dated June, 2024

These materials are available on the City's Current Applications webpage: [Current Applications - City of Port Colborne.](#)

Site and Surrounding Area Description:

The Subject Lands are located at the southeast corner of West Side Road/Highway 58 and the future road allowance of Franklin Avenue, municipally addressed as 242–246 West Side Road/Highway 58 in the City of Port Colborne. The lands are legally described as Lots 36 to 40, Plan 826, Humberstone, being Part 1 on Draft Reference Plan 59R-18083.

The Subject Lands consist of an L-shaped lot with an approximate area of 5,682.08 m², and approximately 44.4 metres of frontage along West Side Road and 86 metres along the future extension of Franklin Avenue. The lands are currently accessible via two existing driveways from West Side Road. The Subject Lands contains two single-detached residential dwellings and scattered vegetation, including a number of trees located along the eastern property boundary.

The Subject Lands are serviced by the Region's on-demand Microtransit service as well as the Port Colborne Line transit service.

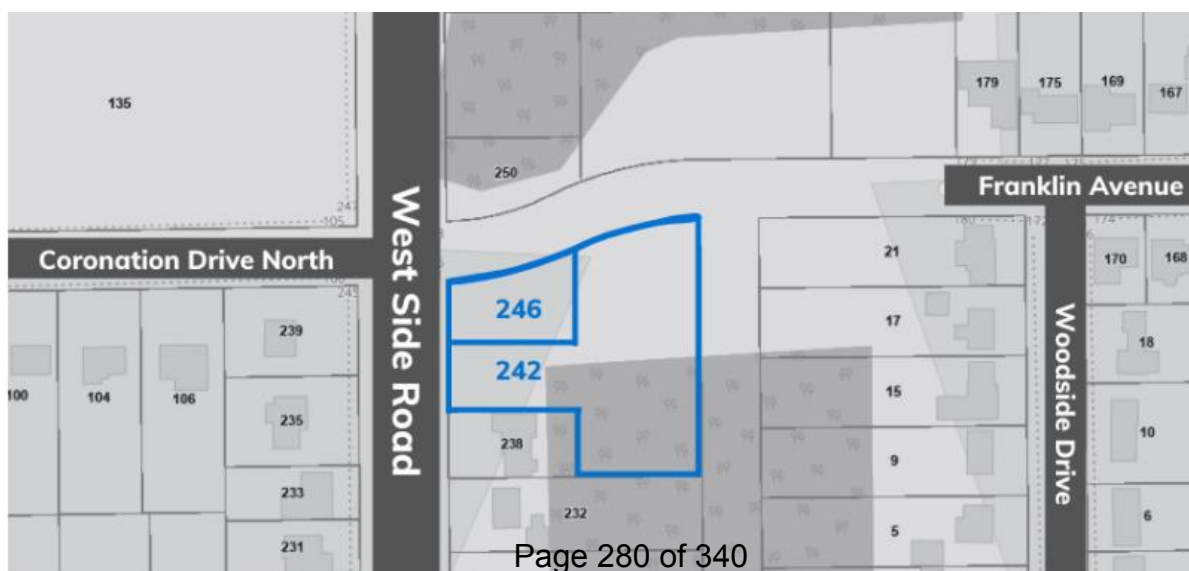


Figure 1: Location of Subject Lands (shown in blue).

Surrounding Land Uses and Zoning:

A description of the uses and zoning surrounding the Subject Lands is as follows:

Direction	Use	Zoning as per City of Port Colborne Zoning By-law
North	Franklin Avenue future extension, followed by future condominium development (5 storey, 75 unit building), single detached dwellings and scattered trees. Northwest of the Subject Lands lies a commercial plaza	First Density Residential (R1) and Fourth Density Residential (R4)
East	Road Allowance (Parkwood Street). Single detached dwellings followed by Reservoir Park, and industrial uses	Third Density Residential (R3), and First Density Residential (R1)
South	Single detached dwellings followed by Harry Dayboll Oakwood Park and Oakwood Public School	First Density Residential (R1), Third Density Residential (R3), Park (P), and Institutional (I)
West	Proposal for stacked townhome proposal. Single detached dwellings and future residential lands currently used for agriculture	Fourth Density Residential (R4), First Density Residential (R1), and Residential Development (RD)

Discussion:

Due to the size of the Discussion section, the analysis of the proposed Official Plan and Zoning By-law Amendments is located in Appendix A to this report.

Internal Consultations:

The application was circulated internally to applicable departments and agencies, and as of the date of this report the following comments have been received:

Fire: No objections to the proposed applications.

Drainage: No objections to the proposed applications.

External Consultations:

Mississaugas of the Credit First Nation: No objections to the proposed applications.

Enbridge: No objections to the proposed applications.

Financial Implications:

There are no financial implications directly related to the City.

Public Engagement:

A public meeting was held on November 5, 2024. Several issues were raised at the public meeting that have been addressed within this report including several technical matters to be addressed through the site plan approval process.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
 - Increased Housing Options
 - Sustainable and Resilient Infrastructure
-

Conclusion:

Based on the review of the application and applicable Provincial, Regional, and City planning policies, staff is of the opinion that the proposal is consistent with the Provincial Planning Statement, conforms with the Niagara Official Plan and the City of Port Colborne Official Plan, and represents good planning and is in the public interest. Staff recommend that the OPA and ZBA attached as Appendix B and C, respectively, be approved, and that the functional design elements outlined in Appendix D be addressed through the site plan approval process.

Appendices:

- a. Discussion and Analysis
- b. Official Plan Amendment
- c. Zoning By-law Amendment
- d. Site Plan Approval Considerations
- e. Concept Drawings

Respectfully Prepared By,

Dana Anderson, FCIP, RPP
Partner, MHBC Planning for the City of Port Colborne

Respectfully submitted,

Erik Acs, MCIP, RPP
Chief Planner
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Report Approval:

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

Appendix A: Discussion and Analysis

Discussion:

Planning Legislation

The applications and proposed development have been reviewed with consideration for the relevant planning documents including the *Planning Act*, R.S.O. 1990, as amended, the Provincial Planning Statement (2024), the Niagara Region Official Plan (2022), the City of Port Colborne Official Plan, and the City of Port Colborne Comprehensive Zoning By-law 6575/30/18.

Planning Act

The Planning Act, R.S.O. 1990 (the "*Planning Act*"), Section 2, sets out the matters of provincial interest which the Minister, the council of a municipality, and the Tribunal shall have regard to when carrying out their responsibilities under the Act.

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

The following analysis evaluates if, and how the proposed development has regard for the applicable matters of provincial interest under Section 2 of the Act.

- a) *the protection of ecological systems, including natural areas, features and functions;*

As per the Ministry of Natural Resources mapping system, the Subject Lands are located immediately north of a "wooded area", that connects to Harry Dayboll Oakwood Park. As stated in the Planning Justification Report for the applications, "*The subject properties are not located within any identified natural or environmentally significant areas. Initially the Pre-consultation required a Restoration Plan due to the project's location related to a potential significant woodland. The Region of Niagara, however, advised that based on the extent of clearing undertaken by the Municipality within the adjacent unopened road allowance, Regional staff confirmed that environmental planning requirements are no longer applicable.*" The Regional Official Plan does not identify the remaining wooded area as an "Other Woodland" in its mapping.

- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

As stated in the Stage 1-2 Archaeological Assessment prepared by Detritus, the Stage 2 Assessment on the Subject Lands did not identify any archaeological resources. Therefore, no additional archaeological assessment of the Subject Lands was recommended.

- e) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

City Development Engineering and Regional staff have confirmed that the proposed development can be efficiently serviced with water and wastewater. Stormwater management and waste disposal will need to be addressed in detail through the site plan process. The Ministry of Transportation will also require an updated Traffic Impact Study to address intersection improvements related to the extension of Franklin Avenue.

- h) the orderly development of safe and healthy communities;*

- h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*

The proposed development will facilitate the orderly redevelopment of lands located within the Urban Area Boundary of the City of Port Colborne, where existing municipal services and transportation infrastructure are available.

- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*

The Subject Lands are located near various community and recreational amenities, including parks, schools, and commercial plazas.

- j) the adequate provision of a full range of housing, including affordable housing;*

The proposed development includes 112 residential apartments, consisting of one- and two-bedroom units, that will diversify the housing options in the City of Port Colborne which, is predominantly characterized by low-rise residential dwellings.

- o) the protection of public health and safety;*

The proposed development incorporates the Ministry of Transportation's required 14.0 metre setback from Highway 58. As part of the ZBA, an amendment to the City's Zoning By-law is requested to reduce the setback from the Franklin Avenue road allowance from 7.5 m to 6.0 m.

p) the appropriate location of growth and development;

The Subject Lands are located within the Urban Area of the City of Port Colborne, which is intended to accommodate residential growth in the form of single-detached, townhouse, and apartment dwelling units. While the Subject Lands are not located within an intensification area, where intensification is specifically encouraged, the Subject Lands is underutilized and is positioned along a regional transit route and has access to a range of community amenities and services, making it well-suited to support the type of infill development being proposed.

q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The built form of the proposed development should incorporate several design changes through the site plan process to ensure it is well designed, provides for a strong public realm, and contains improved pedestrian access and resident amenities.

In summary, the proposed development, with the recommended additional considerations to be addressed through the site plan process, has regard for Section 2 of the *Planning Act*.

Provincial Planning Statement, 2024

The Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As per the PPS, the Subject Lands are within a "Settlement Area" of the City of Port Colborne.

Section 2.1 of the PPS includes policies which state that planning authorities should support the achievement of complete communities by accommodating a range and mix of land uses, housing options, transportation options, employment opportunities, parks and open space, and institutional uses to meet the long-term needs of residents.

Section 2.2.1 of the PPS states that planning authorities shall provide an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by permitting and facilitating all types of residential intensification, including the development and introduction of new housing options within previously developed areas.

Section 2.3.1.1 states that settlement areas shall be the focus of growth and development. Land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources and optimize existing and planned infrastructure. Planning authorities are to support general intensification and redevelopment that supports the creation of a complete community.

Section 3.1, General Policies for Infrastructure and Public Service Facilities, encourages new developments to utilize existing municipal infrastructure to ensure that sufficient services are in place to meet current and projected needs.

Section 3.2, Transportation Systems, states that transportation systems should be safe, energy efficient, and facilitate the movement of people and goods to address projected needs.

Section 3.6, Sewage, Water and Stormwater, provides planning policies for best practices for sewage and water services and stormwater management to accommodate the needs of forecasted growth.

Section 4.6, Cultural Heritage and Archaeology, states that Planning Authorities will not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.

The proposed development supports the efficient redevelopment of lands within the Settlement Area of the City of Port Colborne by introducing an 8-storey residential apartment that utilizes existing and planned municipal infrastructure. The proposed development will expand the range and mix of housing types in the existing neighbourhood that will contribute to the creation of a complete community. By offering a mix of one- and two-bedroom units, the apartment will support the City in meeting its housing and intensification targets for the urban area and diversify housing options in an area currently characterized by low-rise dwellings.

The applications are consistent with the PPS.

Niagara Official Plan (2022)

The Niagara Region Official Plan ("NOP") was adopted by Regional Council in June 2022 and was approved by the Province of Ontario with modifications, in November 2022. The NOP was subsequently amended by Bill 150, the *Planning Statute Law Amendment Act, 2023* and Bill 162, the *Get it Done Act, 2024*. The NOP serves as Niagara Region's long-term strategic planning framework for managing growth across the Region's twelve local municipalities including, the City of Port Colborne. The policies guide land use planning and development decisions until 2051 and beyond.

Bill 185, the *Cutting Red Tape to Build More Homes Act, 2024*, made changes to the *Planning Act* that removed planning responsibilities from select upper-tier municipalities including, Niagara Region. As of March 31, 2025, Niagara Region no longer has planning responsibilities, and as such, the NOP is considered a Local Plan for *Planning Act* applications, until such time that the City repeals the NOP.

The Subject Lands is designated as follows in the NOP:

- Schedule B, Regional Structure- Delineated Built-up Area
- Schedule C3, Key Hydrologic Areas Overlay- Highly Vulnerable Aquifer
- Schedule K, Areas of Archaeological Potential- Area of Archaeological Potential

Section 2.1.1 of the NOP provides population and employment forecasts that form the foundation of land use planning decisions to the year 2051. For the City of Port Colborne, the population is projected to increase to 23,230 residents, with employment reaching 7,550 jobs by 2031.

Section 2.2, Regional Structure, states that development in urban areas will integrate land use and infrastructure planning to manage forecasted growth. This approach supports the creation of a compact built form, a vibrant public realm, and a mix of land uses to foster complete communities. The Region promotes opportunities for gentle intensification and increased densities that diversify the range and mix of housing types, sizes, and densities, while respecting the character of established residential neighbourhoods. Specifically, the Region sets minimum residential intensification targets for each municipality. For the City of Port Colborne, this target is 690 new residential units by 2051, representing an intensification rate of 30%. While growth is encouraged throughout the built-up area, intensification efforts are to be focused within Strategic Growth Areas, local growth centres, and areas served by existing or planned public transit.

Policy 2.3.1 of the NOP states that a range and mix of densities, lot and unit sizes, and housing types should be planned throughout settlement areas to meet the housing needs of residents at all stages of life. New residential development and intensification are encouraged to be designed to mitigate and adapt to the impacts of climate change, through compact built form and low-impact development strategies.

Policy 3.1.10 states that development shall not be permitted in key hydrologic areas unless it can be demonstrated that there will be no negative impacts on these areas. This includes preserving the quality and quantity of water, the hydrologic function, and the interaction between hydrologic features. The detailed stormwater management report prepared as part of the site plan approval process should ensure the requirements for the vulnerable aquifer are addressed.

Section 6.2 of the NOP outlines Urban Design policies aimed at fostering excellence and

innovation in architecture, landscaping, streetscapes, and overall community design. Designated intensification areas including lands along existing transit corridors, shall be designed to be pedestrian-oriented, with vibrant mixed-use developments. The public realm shall be enhanced through urban design investments that create safe, attractive, and complete streets.

Policy 6.4.2 of the NOP states that development is not permitted on lands containing archaeological resources or areas of archaeological potential unless those resources have been conserved, or the lands have been assessed and cleared or mitigated, with appropriate clearance from the Province.

The proposed OPA and ZBA applications will facilitate the development of 112 residential apartment units, supporting the City of Port Colborne in achieving its regional residential intensification targets within the Built-Up Area. The development will provide a mix of one- and two-bedroom units, enhancing housing diversity by introducing higher-density residential options in a neighbourhood currently characterized by low-rise dwellings. As part of the OPA, a site-specific amendment is being requested to permit a residential density of 198 units per net hectare. Given the Subject Lands' location along a Regional Transit Route—an area where higher-density redevelopment is encouraged to support transit use—the proposed height and density are considered appropriate for the Subject Lands.

While the proposed density and height are generally supported and conform to the policies of the NOP, the design and transition of the building should further address compatibility with the surrounding residential uses through appropriate setbacks, fencing, and landscaping. The submitted shadow study identifies minimal shadow impacts to the surrounding properties.

Port Colborne Official Plan

The City of Port Colborne Official Plan ("OP") is a long-term, planning document designed to support the health, safety, convenience and welfare of the present and future residents of Port Colborne.

The Subject Lands are designated as follows in the OP:

- Schedule A, City-Wide Land Use- Urban Residential
- Schedule A1, Greenfields- Built Boundary, within the Urban Area Boundary
- Schedule B3, Vulnerable Aquifer Areas- Highly Vulnerable Aquifer
- Schedule C, Mineral Aggregate and Petroleum Resources- Petroleum Resource Areas
- Schedule D, Transportation- frontage along a Provincial Road

General Principles

The OP's general planning principles are as follows:

- *Providing for a mix of land uses;*
- *Taking advantage of compact building design, where appropriate;*
- *Providing guidance for the location and character of new development;*
- *Creating a range of housing opportunities and choices;*
- *Creating walkable neighbourhoods;*
- *Fostering distinctive, attractive communities with a strong sense of place;*
- *Identifying and preserving open space, farmland, natural beauty and critical environmental areas;*
- *Strengthening and directing development towards existing communities;*
- *Making development decisions predictable, fair and cost effective; and*
- *Encouraging community and stakeholder collaboration in development decisions.*

The proposed development aligns with the general planning principles of the Official Plan by promoting the efficient and cost-effective redevelopment of lands within the City's Urban Area that will broaden the range and mix of uses and the housing options in the City. As noted previously, some design modifications should be considered to support a compact built form that enhances walkability, fosters a strong sense of place, and appropriately transitions to the surrounding community.

Growth Management Strategy & Strategic Directions

Section 2.2, Growth Management Strategy of the Official Plan states that the City will direct growth to lands that fall within the designated urban area boundary, that are serviced by municipal water and sanitary services. The City will support infill and intensification in the Urban Residential designation that supports compact and transit-supportive development.

Section 2.3 of the OP builds on the above planning principles to provide a comprehensive growth and development strategy for Port Colborne. Generally, there are six strategic directions for the City including:

1. *Enhancing Quality of Life (2.3.1)*
2. *Developing and Economic Gateway Centre (2.3.2)*

3. *Strengthening and Integrating Nature, Cultural and Heritage Resources (2.3.3)*
4. *Enhancing Public Areas (2.3.4)*
5. *Protecting Hamlet, Rural and Agricultural Lands (2.3.5)*
6. *Taking Advantage of Underutilized lands. (2.3.6)*

The proposed development supports the City's Growth Management Strategy through providing a compact, transit-supportive development within the Urban Area boundary that will operate on existing municipal water and sanitary services.

The first of the City's Strategic Directions applies to the Subject Lands. The proposed development will support the quality of life of future residents through providing a compact 8-storey development that will expand the range and mix of housing types and units, in proximity to existing and planned transportation, servicing, and community infrastructure that support higher-density housing forms.

Housing & Intensification

Section 2.4.2, Housing of the OP states that the City will promote the development of an appropriate mix of housing types and densities to meet the diverse needs of Port Colborne's population. New housing development should be located within the Urban Area, in proximity to open spaces, parks, and recreational facilities. Housing forms and design features should also consider the needs of an aging population, including options such as at-grade housing and medium-density apartments.

Section 2.4.3, Intensification and Infill outlines policies to help the municipality achieve its intensification target of 15% through compact, mixed-use, and transit-supportive infill development. Intensification will be directed to the built-up area where development is compatible with surrounding land uses. Intensification is particularly encouraged within designated local intensification areas, including the Downtown and Main Street West areas. Infill and intensification projects should complement the established building character of adjacent properties.

According to the Official Plan, intensification is encouraged throughout the built-up area, with particular emphasis on designated intensification areas. Although the Subject Lands are not located within one of these designated areas, they are situated within the urban boundary, along an existing Regional Transit route, and in proximity to a range of community amenities, including schools, parks, and commercial plazas. As such, the Subject Lands are well-positioned to accommodate appropriate infill development that promotes transit usage, diversifies the housing stock, and supports the City in achieving its housing and intensification targets.

The Planning Justification Report submitted in support of the application identifies the proposed apartment building as a suitable housing option for seniors and empty nesters seeking to downsize while remaining within the community.

Land Use Policies- Urban Residential Designation

The City OP designates the Subject Lands as "Urban Residential". Land uses permitted in the Urban Residential designation include residential, neighborhood commercial, community facilities, and institutional uses.

Policy 3.2.1c states that High Density Residential development will:

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

The proposed development consists of an 8-storey residential apartment that is permitted in the Urban Residential designation. As part of the OPA, site-specific amendments have been requested to the Urban Residential designation to: (1) amend Policy 3.2.1 c)i) to increase the maximum permitted density for an apartment building from 100 units per hectare to 198 units per hectare. This increase in units is reasonable given the size and mix of the units which will provide for increased housing options for the area. The proposed development is located along a Provincial Road (Highway 58) that is an arterial road within the City but is defined as a Provincial Highway. To ensure the proposed development conforms to this policy, an additional exception is provided to Policy 3.2.1 c)ii to recognize the Subject Lands' location at Highway 58 and Franklin Avenue. The OPA also includes an exception to amend Policy 3.2.1 c)iii to allow for parking on the main floor of an apartment building whereas commercial and ground-oriented residential uses are required. The proposed development has been oriented to minimize shadows and is served by an existing transit route.

Land Use Policies- Urban Design

Policy 3.2.3.3 includes policies on different types of housing forms including, single-

detached, semi-detached, townhouses, and multi-unit housing. Multi-unit housing should:

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

As shown on the Site Plan, the proposed apartment building is oriented parallel to the Franklin Avenue road allowance and includes two pedestrian entrances along the north façade (facing Franklin Avenue) and one entrance on the south side of the building. As the ground floor consists solely of at-grade parking, additional design consideration should be given to how pedestrians will safely navigate the parking area, connect to the street, and access the building entrances. Revisions to the building design are recommended to address the building's orientation to the street for public access and to improve the transition from the building to the surrounding built form. Additional considerations related to functional design should be considered to ensure the ground floor waste areas are sufficient, and to address the provision of residential amenities for the building including a mail and delivery area, storage area(s) and additional indoor and outdoor amenity spaces.

The building is appropriately setback from Highway 58 to the west and the Franklin Avenue right-of-way.

As part of the ZBA included with this application, relief is requested to reduce the required setback along the eastern property line, as well as to decrease the landscape buffer adjacent to the residential uses to the south. Given the proximity of the existing single detached dwellings to the south and east of the Subject Lands, the development should be revised to ensure appropriate and compatible transition through an adequate setback and buffering including, landscaping. Landscaping and fencing to the south should be addressed through the site plan control process.

Archaeological Resources

Section 7.3 of the OP provides policies for the protection of Archaeological Resources. A minimum of a Stage 1 Archaeological Assessment is required to be submitted to the Ministry of Tourism, Culture, and Sport for approval where development is proposed on lands which have archaeological potential. A Stage 1-2 Archaeological Assessment was

submitted with the application to demonstrate the potential for archaeological discovery.

No archaeological resources were encountered through the assessment provided.

Servicing

Section 8.1 of the OP outlines servicing requirements for new developments within the urban area. New development in the urban area is required to be on full municipal water and sanitary services. The applicant has submitted a Functional Servicing Report prepared by Quartek Group Inc. to demonstrate the servicing strategy for the Subject Lands and to confirm that there is sufficient capacity for water and wastewater to service the proposed development.

The proposed servicing strategy has been reviewed by the Niagara Region and City Engineering staff and provides for sufficient servicing to accommodate the proposed development.

Transportation

Section 9.1 of the Official Plan outlines policies for the development of the transportation system in the City of Port Colborne. The City supports the development of complete streets that are designed to ensure the safety of drivers, cyclists, transit users, and pedestrians of all ages and abilities. The Plan also includes specific policies for roads under the City's jurisdiction.

The Subject Lands have frontage along, and propose two access driveways from, the future extension of Franklin Avenue, which is classified as a local road with a planned ROW width of 20.0 metres. Any required local road widening dedications will be completed in accordance with the City's Road Widening Dedication By-law and applicable policies. New roads are expected to align with the existing grid network and should incorporate features such as street trees, sidewalks, and potentially, street furniture to support a complete streets approach.

The Applicant submitted a detailed Transportation Impact Study which concluded that the anticipated traffic volumes would not cause capacity, delay or queuing concerns, and that the existing transportation system has sufficient capacity to accommodate the anticipated traffic generation from the proposed development. Additional review by the Ministry of Transportation will be required through the site plan process which will identify further intersection improvements, the construction of the extension of Franklin Avenue, and the potential requirement for daylight triangles at the intersections of Franklin Avenue with West Side Road and Parkwood Street.

Port Colborne Zoning By-law 6575/30/18

As per the City of Port Colborne Zoning By-Law 6575/30/18, the western portion of the Subject Lands is zoned as "First Density Residential (R1)" and the eastern portion of the Subject Lands is zoned as "Third Density Residential (R3)". The proposed ZBA proposes to re-zone the Subject Lands to a site-specific "Fourth Density Residential (R4-XX)" Zone.

The current ZBA proposes to change the specific requirements for the R4 Zone in accordance with the chart below:

Zoning By-law Section	Provision	Required	Proposed
8.7 b)	Minimum Lot Area per Unit	125 m ²	50.6 m ²
8.7 e)	Minimum Corner Side Yard	7.5 m	6.0 m
8.7 f)	Minimum Rear Yard	6.0 m	3.8 m
8.7 h)	Maximum Height	20.0 m	31.0 m
3.1.1	Minimum parking spaces for an apartment building	1.25 spaces per unit (140 spaces)	1.0 spaces per unit (116 spaces)
3.2	Standard Parking Space Obstructed on Two Sides	3.5 m x 5.2 m	3.0 m x 5.2 m
3.2	Two Accessible Spaces Side by Side	2.6 m x 5.2 m, with a 2.6 m common space between spaces	2.5 m x 5.2 m
3.7 b)	Width of a two-way driveway to a parking area	7.5 m	6.3 m
3.10 d)	Minimum dimensions of a loading space	3.5 m x 9 m, with a minimum clearance height of 4 metres	None provided.
3.11.1 a)	Minimum landscape buffer between a lot line abutting a public road, for a parking area of greater than 100 spaces	6.0 m	3.0 m
3.11.1 a)	Minimum landscape buffer between a lot line abutting a residential zone, for a parking	4.0 m	3.0 m

	area of greater than 100 spaces		
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Based on the design and site context, the proposed ZBA is appropriate to implement the redevelopment. The proposed height and massing are pushed to the front of the Subject Lands along the future Franklin Avenue and there is some transition to the south and east through setbacks and landscaping. Some additional landscaping and fencing should be addressed through the site plan process to further reduce impacts to the existing residential development to the south. Impacts from shadows from the buildings have also been addressed and there are no adverse impacts identified.

The Applicant has provided a parking analysis within the Planning Justification Report to justify the reduced parking proposed for the development and has identified that the reductions are in keeping with best practices from other municipalities, specifically with respect to development proposed for seniors.

Additional impacts from noise have been further addressed through a Detailed Noise Control Study submitted by the Applicant. Recommendations from the Study will be further implemented through the site plan process and site plan agreement.

A Holding Provision has been added to the Zoning By-law Amendment to ensure several matters are addressed through the site plan process (see recommendations on functional design considerations) and that an agreement is provided for the construction of Franklin Avenue.

City of Port Colborne Affordable Housing Strategy

The City's Affordable Housing Strategy was approved in August of 2022 and recognizes the importance of access to affordable housing across the entire housing spectrum. The Affordable Housing Strategy highlights municipal policies, planning tools, advocacy, and outreach activities the City can implement to support more affordable housing options for residents.

Four high level goals were established for the Affordable Housing Strategy:

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

The proposed development contains one- and two-bedroom units ranging in size from 51 to 80 square metres. Several of the units include outdoor amenity space in the form of balconies. The Applicant has identified that the one-bedroom units will likely be within the price range for market affordable units.

City of Port Colborne Housing Accelerator Fund

In March of 2025 the City entered into an agreement with the Federal Government to accelerate the construction of several new homes over the next three years. The City committed to updating the Official Plan and Zoning By-law to encourage the development of more medium and higher density housing and permitting four units as of right across the City. The City also agreed to update policies related to infill development to enhance density and diversity within the City's urban areas as well as looking at reduced parking for new residential development.

The proposed OPA and ZBA and development align with the directions from the recent Housing Accelerator Fund agreement.

APPENDIX B: OFFICIAL PLAN AMENDMENT

**The Corporation of the City of Port
Colborne By-law no. ____
Being a by-law to adopt Amendment No. 19 to the
Official Plan for the City of Port Colborne**

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

THEREFORE the Council of The Corporation of the City of Port Colborne under Section 17(22) and 21 of the Planning Act, hereby enacts as follows:

1. That Official Plan Amendment No. 19 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached schedules and explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this 24th day of June, 2024.

Mayor

Clerk

**AMENDMENT NO. 19
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

242 to 246 West Side Road

Date: June 24, 2025

**AMENDMENT NO. 19
TO THE
OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

242 to 246 West Side Road

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the *Planning Act* R.S.O. 1990, c. P.13, as Amendment No. 19 to the Official Plan for the City of Port Colborne.

Date: June 24, 2025

**AMENDMENT NO.19
TO THE
OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

242 to 246 West Side Road

INDEX

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 - Implementation & Interpretation
- Part C – The Schedules

PART A - THE PREAMBLE

Purpose

The purpose of Official Plan Amendment No. 19 is to amend Schedule A: City Wide Land Use Plan and create a site-specific policy to facilitate the development of the subject lands, shown on the attached Schedule A, for an 8-storey apartment building.

Location

The lands affected by this amendment are legally described as Lots 36 to 40, Registered Plan No. 826 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 242-246 West Side Road. A map of the subject properties is attached as Schedule "A" to this Official Plan Amendment No. 19.

Basis

Currently, the subject lands are designated Urban Residential on Schedule A (City-Wide Land Use) and are located within the delineated Urban Area and Built Boundary of the City as per Schedule A1 of the OP.

An application has been made to amend the City of Port Colborne's Official Plan and Zoning By-law for the subject properties to provide for and permit a 112 dwelling unit apartment building. The proposed density is 198 units per hectare. The development provides residential intensification at a location serviced by existing services and infrastructure. It is intended to also approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing First Density Residential (R1) Zone, in part abutting Highway 58 / West Side Road and Third Density Residential (R3) Zone to an "R4-XX Site-specific Fourth Density Residential Zone".

The proposal is:

- Consistent with the Provincial Planning Statement (2024) by promoting growth within a settlement area;
- Conforms to the Niagara Official Plan through the promotion of growth in urban areas; and,
- Conforms to the Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built Boundary.

PART B - THE AMENDMENT

All of this part of the document entitled PART "B" – "The Amendment" consisting of the following text and map designated Schedule "A", constitutes Amendment No. 19 to the Official Plan for the City of Port Colborne.

Introductory Statement

This part of the document entitled Details of the Amendment, consisting of the following text and map designated Schedule "A", constitutes Amendment No. 19 to the Official Plan for the City of Port Colborne.

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

Mapping Changes

1. Schedule A: City Wide Land Use is hereby amended by identifying the subject lands as "LANDS SUBJECT TO SPECIAL POLICY 3.2.5 on Schedule A".

Text Changes

2. New SPECIAL POLICY 3.2.5 to be added:

Notwithstanding Policy 3.2.1 c) of the Official Plan a high-density development may be permitted:

- i. With a maximum density of up to 198 units per net hectare;
- ii. With frontage on West Side Road and Franklin Avenue; and,
- iii. With ground floor parking and associated residential uses.

Implementation & Interpretation

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

PART C – THE APPENDICES

The following schedules constitute part of Amendment No. 19 and are included to support the Amendment.

Appendix 1 – Draft Minutes of the Public Meeting

Appendix 2 – Development and Government Relations Department Reports 2024-201 and 2025-133

APPENDIX C: ZONING BY-LAW AMENDMENT

By-law No. _____

The Corporation of the City of Port Colborne
By-law no.

Being a by-law to amend Zoning By-law 6575/30/18, as amended, respecting lands legally described as Lots 36 to 40, Registered Plan 826 and known as 242 to 246 West Side Road, City of Port Colborne, Regional Municipality of Niagara.

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

AND WHEREAS, the Council of The Corporation of the City of Port Colborne desires to amend the said By-law.

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

1. This amendment shall apply to those lands described on Schedule "A" attached to and forming part of this By-law.
2. That the Zoning Map referenced as Schedule "A8" forming part of By-law 6575/30/18, as amended, is hereby further amended by rezoning the subject lands from Residential Third Density (R3) Zone to Residential Fourth Density Zone (R4-89-H) - Holding and from Residential First Density (R1) Zone to Residential Fourth Density Zone (R4-89-H) - Holding.
3. That Section 37.2 entitled "List of Special Provisions" of Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:
 - a) Special Provision R4-89-H
 - i. Notwithstanding the provisions of Section 8.7 b), e), f) and h) of the Residential Fourth Density Zone (R4), the following Zone Requirements for Apartment Building shall apply:
 1. Minimum Lot Area Per Unit: 50 square metres per unit
 2. Minimum Corner Side Yard (Franklin Avenue): 6.0 metres
 3. Minimum Rear Yard: 3.8 metres
 4. Maximum Height: 31 metres (8 storeys)
 - ii. Notwithstanding the provisions of Section 3.1.1, 3.2, 3.7 b), 3.10 d) and 3.11.1 a), the following provisions for parking and loading shall apply:
 1. Minimum Parking Spaces for an Apartment Building: 116
 2. Standard Parking Space Obstructed on Two Sides: 3.0 metres by 5.2 metres
 3. Two Accessible Spaces Side by Side: 2.5 metres by 5.2 metres
 4. Minimum Width of a Two-way Driveway to a Parking Area: 6.3 m
 5. Minimum Loading Space: None required
 6. Minimum landscape buffer between a lot line abutting a public road for a

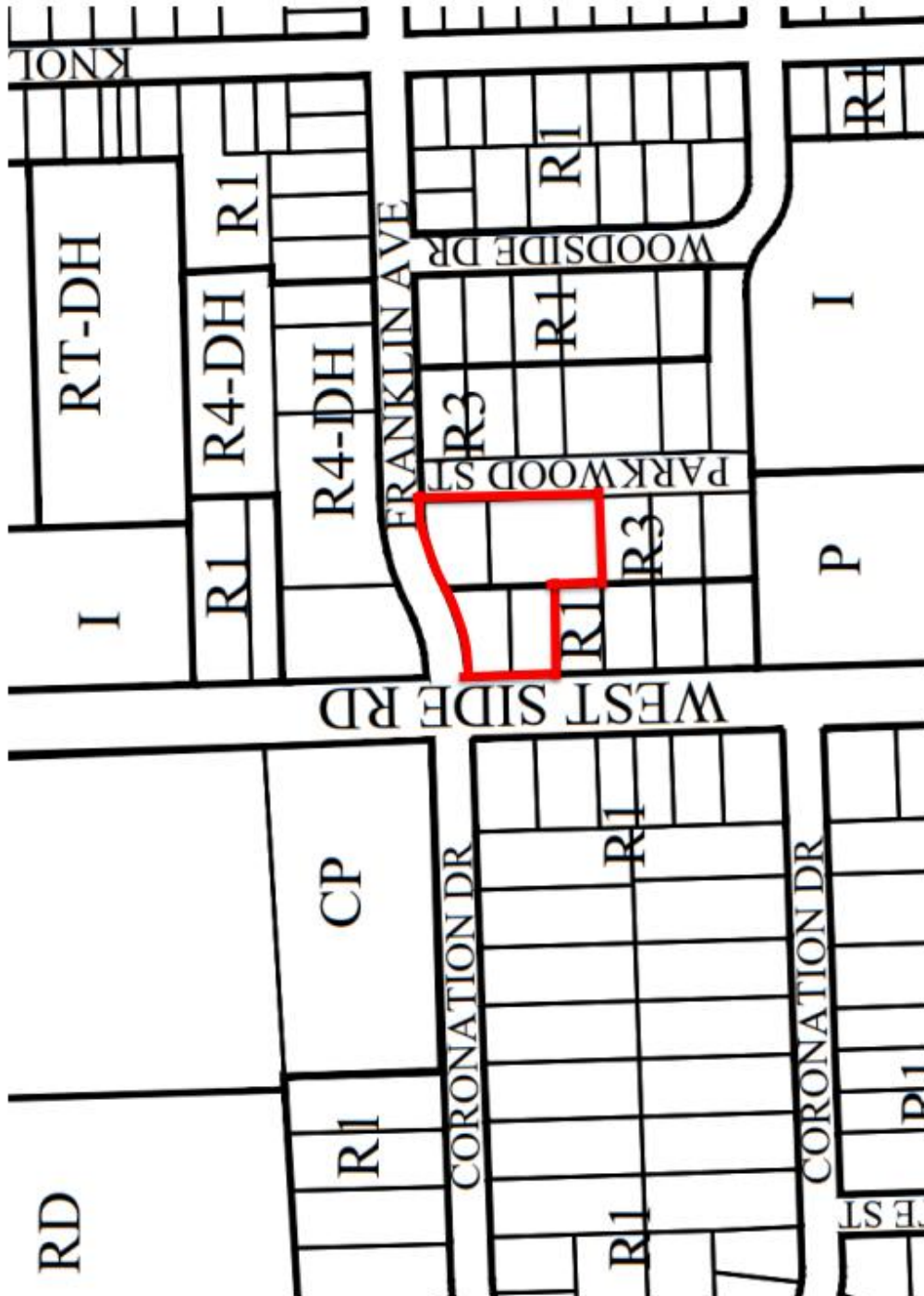
- parking area of greater than 100 spaces: 3 metres
7. Minimum landscape buffer between a lot line abutting a residential zone, for a parking area of greater than 100 spaces: 3 metres
- iii. Notwithstanding the provisions of the R4-89 Zone, the use of the property for an apartment building shall not occur until the Holding symbol (H) on the "R4-89-H" zone is removed. Removal of the Holding Symbol (H) may only occur when the following conditions have been met to the satisfaction of the City:
1. The owner enters into a Site Plan Agreement with the City that addresses access, pedestrian connections and circulation, noise mitigation, grading, stormwater management, daylighting triangle requirements, road widenings, snow storage, waste management, landscaping, screening of parking, fencing, entrance locations, lighting, easements and other functional design requirements.
 2. The owner enters into a Site Plan Agreement and/or Development Agreement for the construction of Franklin Avenue through to West Side Road subject to the Ministry of Transportation's review of a Traffic Impact Study, and the provision of required intersection improvements and/or signalization as well as water, wastewater and storm water services within the extended right-of-way, ensuring all are constructed or installed to municipal standards with proper securities in place.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, 2025.

Mayor

Clerk

Schedule A to Official Plan Amendment No. XX



APPENDIX D: SITE PLAN APPROVAL CONSIDERATIONS

The following considerations should be addressed to the satisfaction of City staff through the site plan process:

- Access – does the plan provide for adequate vehicular access and circulation? Are further road widenings or daylight triangles required or accommodate on the plans?
- Pedestrian connections and circulation – is there safe and adequate pedestrian connectivity to and from the site and within the site to and from the building?
- Noise mitigation – have the recommendations from the Noise Impact Study been implemented in the site plan drawings;
- Has grading and stormwater management been adequately addressed?
- Is there adequate landscaping?
- Are there adequate areas for snow storage?
- Is waste management adequately provided and addressed?
- Is there adequate screening and buffering of the ground level parking garage?
- Is there adequate fencing provided along the property boundaries to mitigate impacts to surrounding residential uses?
- Are there adequate open amenity areas for residents on site (dog relief areas)?
- Are the entrance and lobby areas of the building adequate for resident access, utility, mail and delivery functions?
- Is lighting adequately addressed?

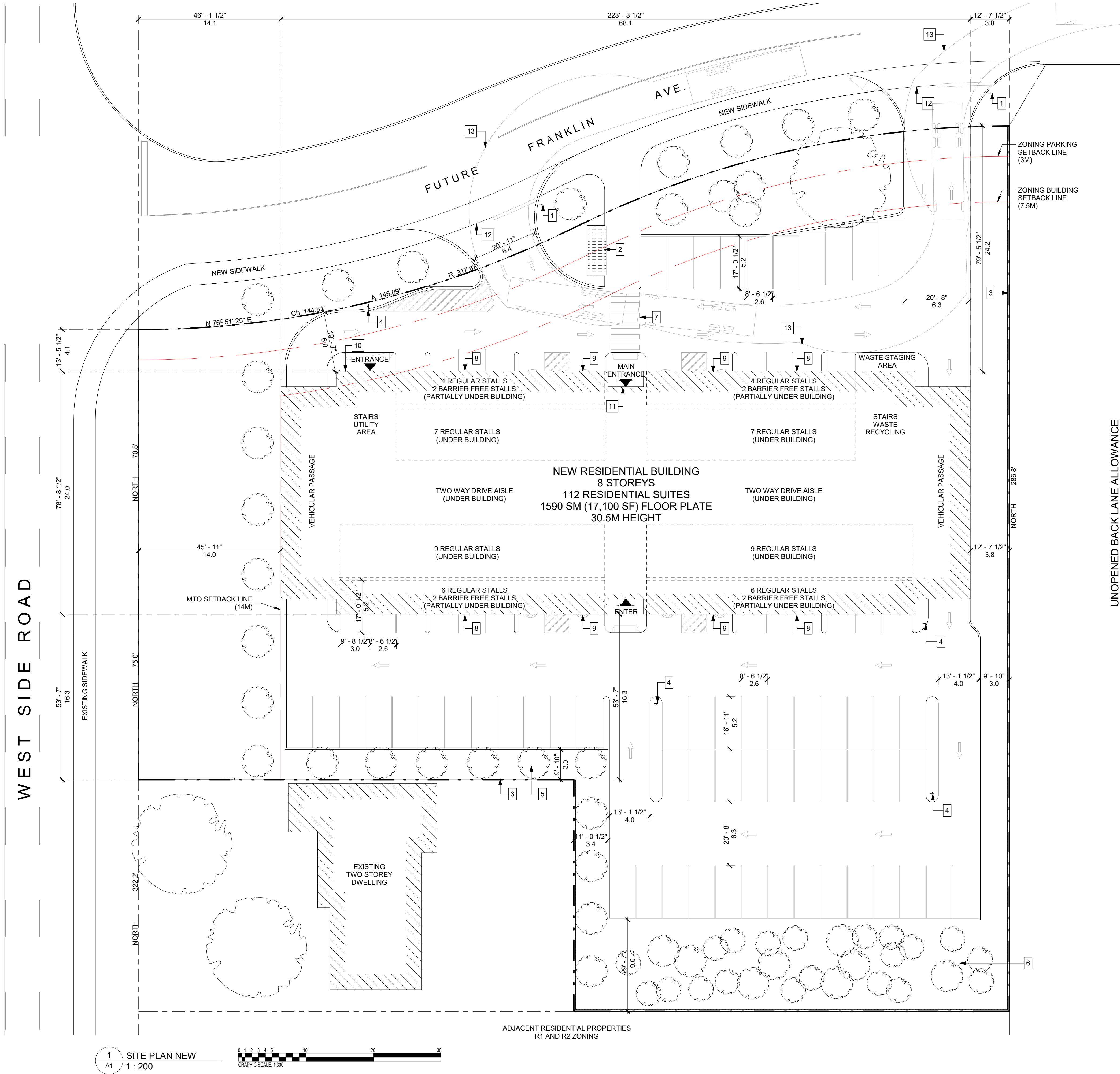


242 WEST SIDE ROAD - MULTI-FAMILY RESIDENTIAL MID-RISE

04 SEPTEMBER 2024 - ISSUED FOR ZONING BYLAW AND OFFICIAL PLAN AMENDMENT APPLICATION REV2

I:\192_168_02\Athena_Files\Projects\2022 Projects\22135 242 West Side Rd\Drawings\Architectural\Corner Lot Concept - 18MAY2023.rvt

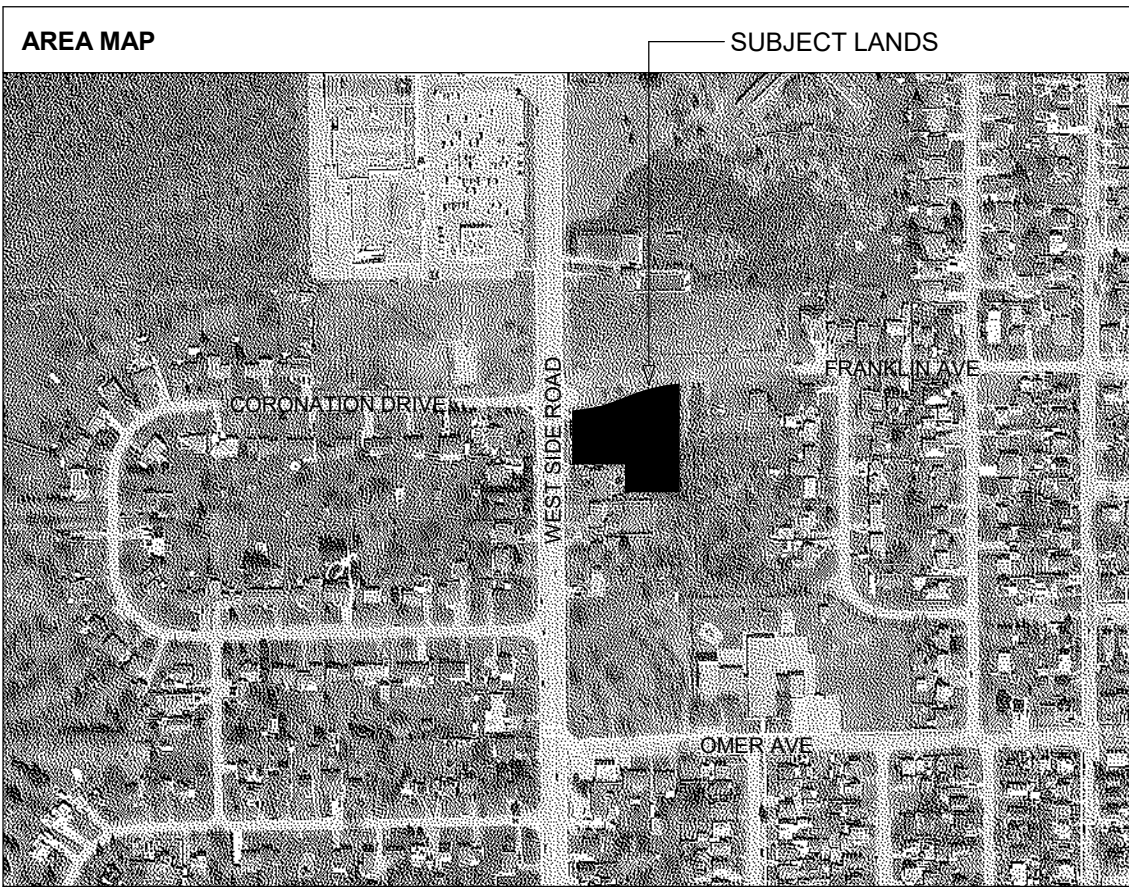
Plotted on 2024-09-04 11:13:02 AM



1 SITE PLAN NEW
1 : 200



CIVIC ADDRESS
242 WEST SIDE ROAD PORT COLBORNE, ONTARIO L3K 5K9



PARKING SUMMARY		
	REQUIRED	PROPOSED
RESIDENTIAL SUITES	112 X 1.25 = 140 STALLS	116 STALLS
BARRIER FREE	4 ACCESSIBLE PARKING STALLS	8 ACCESSIBLE PARKING STALLS
BICYCLE PARKING STALLS	10 STALLS	10 STALLS

ZONING MATRIX				
EXISTING ZONING	R1 AND R2			
	REQUIRED R1 (EXISTING)	REQUIRED R2 (EXISTING)	REQUIRED R4 APARTMENT (FOR REF)	PROPOSED (SITE SPECIFIC)
MIN LOT FRONTAGE	15 M	12 M	18 M	18 M
MIN LOT FRONTAGE - CORNER	17 M	15 M	N/A	14M
MIN LOT AREA	0.05 HA	0.04 HA	125 SM / UNIT	5667 SM (0.566 ^{HA}) 50.65M ² UNIT
MIN FRONT YARD	6.5 M	6.5 M	9 M	14 M
MIN INTERIOR SIDE YARD	1.5 M	1 M	3 M	16 M
MIN CORNER SIDE YARD	3.5 M	3.5 M	7.5 M	4.11 M
MIN REAR YARD	7 M	6 M	6 M	3.85 M
MAX LOT COVERAGE	40%	50 %	40%	28%
MAX HEIGHT	11 M	11 M	20 M	30.5 M
MIN LANDSCAPE AREA	25%	25%	25%	1885 SM 29%
MIN FLOOR AREA FOR UNIT	N/A	N/A	50 SM	51 SM (MIN UNIT)
3.11.1 MIN LANDSCAPE BUFFER FOR A PARKING AREA WITH 100 OR GREATER PARKING SPACES ABUTTING A PUBLIC ROAD	6M	6M	6M	3M
3. OBSTRUCTION PROJECTING INTO SIDE OF PARKING STALLS	NOT PERMITTED	NOT PERMITTED	NOT PERMITTED	PERMITTED UP TO 0.2M ON ONE OR BOTH SIDES OF STALL

- KEYNOTES**
- NEW STOP SIGN FOR VEHICULAR TRAFFIC
 - NEW BICYCLE RACK. 16 STALLS TOTAL. 0.3M X 1.8M STALL SIZE SHOWN.
 - NEW 6'-0" (1.83M) HIGH FENCE, TRANSITION TO 3'-3" (1M) HIGH AT FRONT YARD
 - NEW NO ENTRY SIGN FOR VEHICULAR TRAFFIC
 - NEW TALL INDIGENOUS TREES ADJAENT TO NEIGHBORING FOR PRIVACY
 - PORTION OF NATURAL FOLIAGE ADJACENT TO SOUTH PROPERTY LINE TO REMAIN UNDISTURBED
 - HATCHED AREA DELINEATING NEW PEDESTRIAN CROSSING
 - PARKING STALLS NEAR BUILDING PARTIALLY COVERED BY BY OVERHANGING BUILDING
 - BARRIER FREE PARKING STALLS PARTIALLY COVERED BY BY OVERHANGING BUILDING. BARRIER FREE PARKING SIGNAGE PER ZONING.
 - FIRE DEPARTMENT CONNECTION AND FIREFIGHTING ACCESS TO STAIRS
 - RESIDENTIAL FRONT ENTRANCE AND FIRE FIGHTER ANNUNCIATOR PANEL IN LOBBY
 - NEW/REHABILITATED SIDEWALK EXTENDS CONTINUOUSLY OVER DRIVEWAY
 - NIAGARA REGION WASTE COLLECTION TRUCK SWEEP PATH

2025-133
Appendix E

C	FOR ZBA/OPA R1	04SEP2024	MT
B	FOR ZBA/OPA	29APR2024	MT
A	FOR ZBA/OPA COORD	01APR2024	MT
Issue	Issued for	Date	Int.

Seal

FOR OFFICIAL PLAN AND
ZONING BY-LAW
AMENDMENT

Do not scale drawings. Report any discrepancies to Quartek Group Inc. before proceeding.
Drawings must be sealed by the Architect and / or Engineer prior to the use for any building permit applications and / or government approval. Seals must be signed by the Architect and / or Engineer before drawings are used for any construction.
All construction to be in accordance with the current Ontario Building Code and all applicable Ontario regulations.
All drawings and related documents remain the property of Quartek Group Inc., all drawings are protected under copyright and under contract.

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Architects • Planners
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89 - 91 St. Paul Street, Suite 100,
St. Catharines, ON, L2R 3M3
www.quartekgroup.com

Project Title
**WEST SIDE ROAD
INFILL LOFTS**
242 WEST SIDE ROAD
PORT COLBORNE, ON

Drawing Title
SITE PLAN
Drawn MT
Designed by MT
Scale As indicated
Date Created 29 MAR 2023
Job Number 22138
Issue C
Drawing Number

A1

C	FOR ZBA/OPA R1	04SEP2024	MT
B	FOR ZBA/OPA	29APR2024	MT
A	FOR ZBA/OPA COORD	01APR2024	MT
Issue	Issued for	Date	Int.

Seal

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Project Title

WEST SIDE ROAD
INFILL LOFTS

242 WEST SIDE ROAD
PORT COLBORNE, ON

Drawing Title

SAMPLE FLOOR PLATE

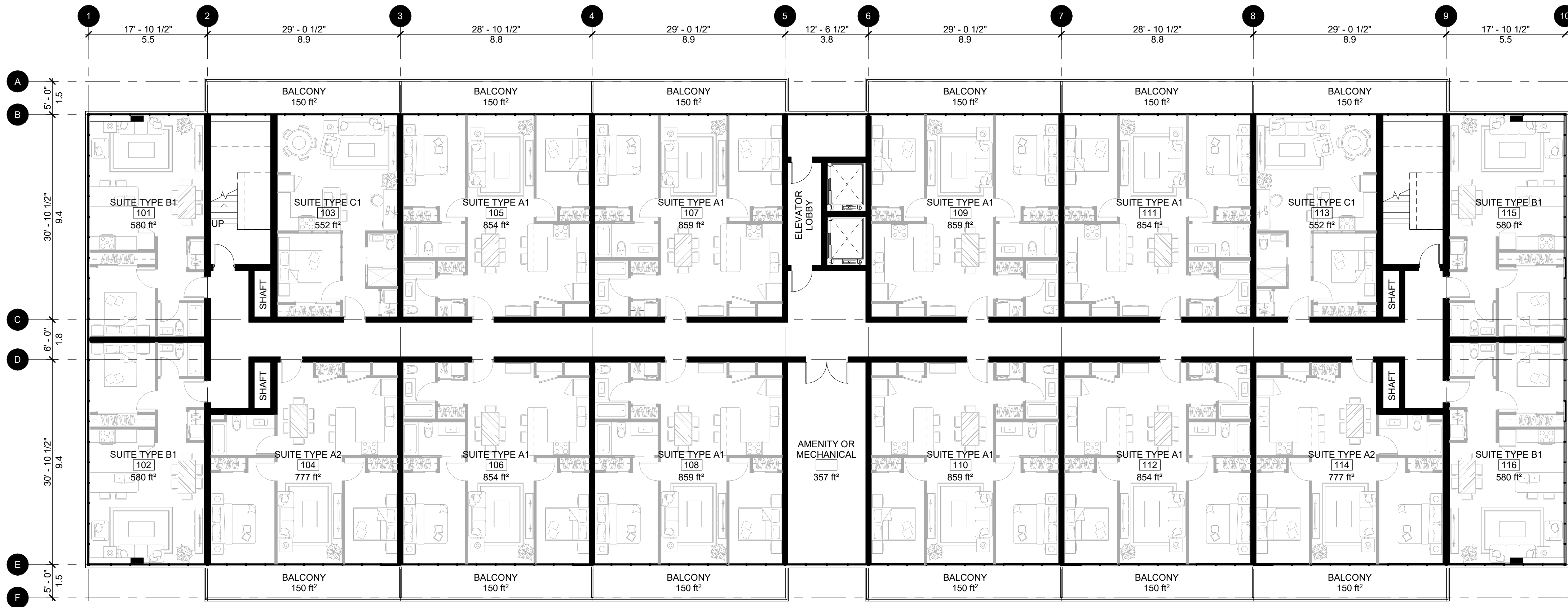
Drawn MT Designed by MT

Scale 1 : 125 Date Created 29 MAR 2023

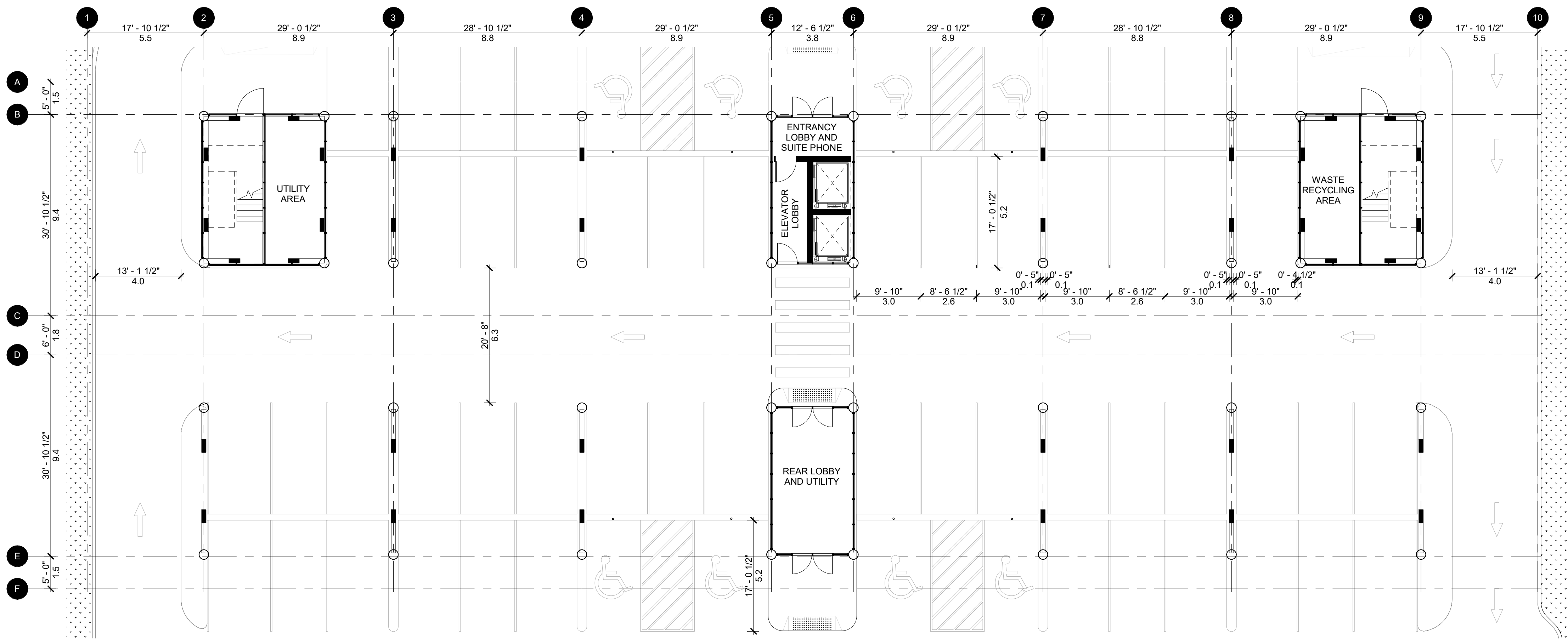
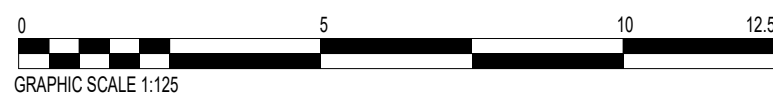
Job Number 22138 Issue C

Drawing Number

A2



1 LEVEL 02
A2 1 : 125



2 MAIN FLOOR PLAN
A2 1 : 125



C	FOR ZBA/OPA R1	04SEP2024	MT
B	FOR ZBA/OPA	29APR2024	MT
A	FOR ZBA/OPA COORD	01APR2024	MT
Issue		Issued for	Date

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ZONING BY-LAW
AMENDMENT

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Project Title

WEST SIDE ROAD
INFILL LOFTS

242 WEST SIDE ROAD
PORT COLBORNE, ON

Drawing Title

EXTERIOR ELEVATIONS

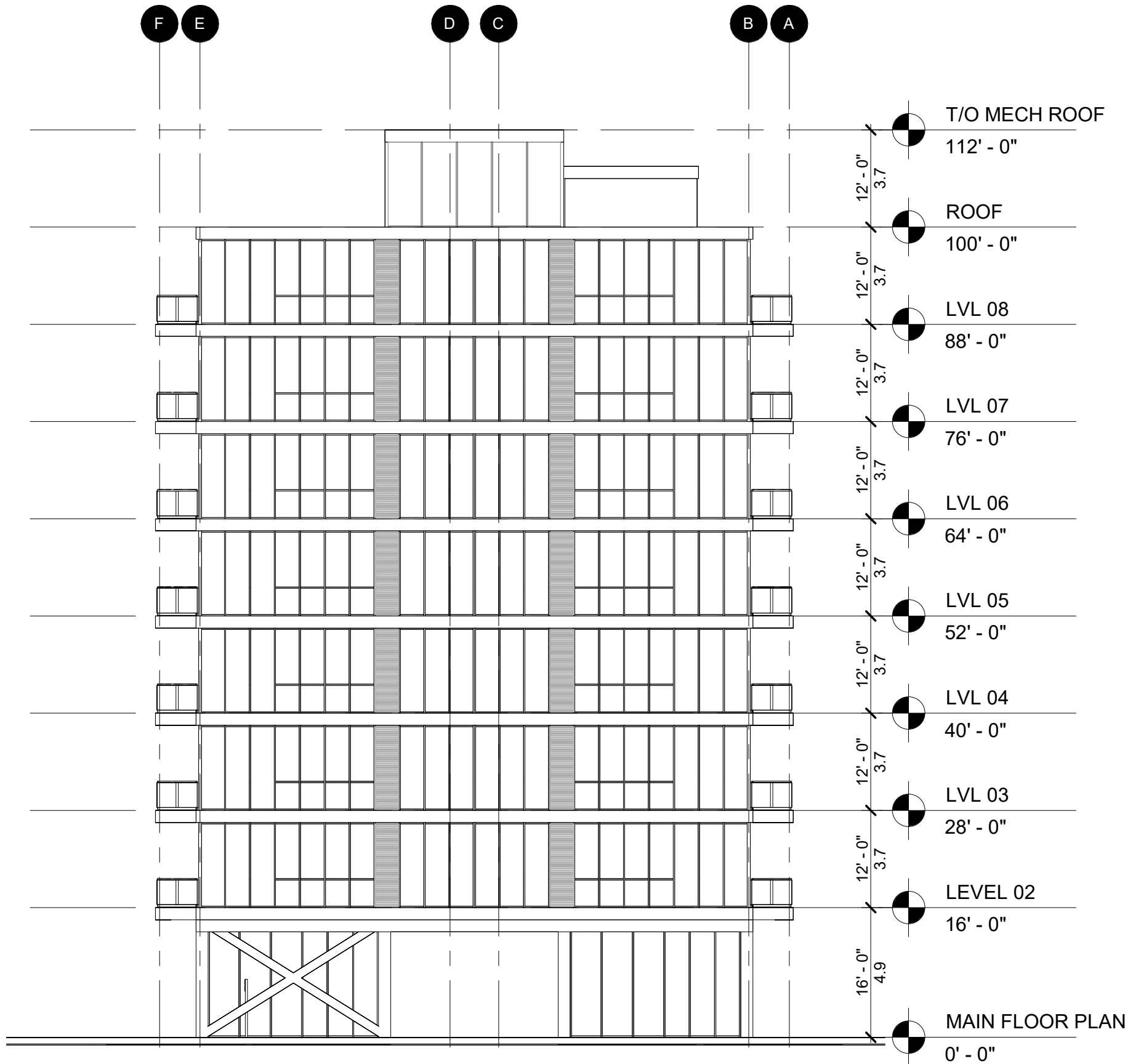
Drawn MT Designed by MT

Scale 1 : 175 Date Created 29 MAR 2023

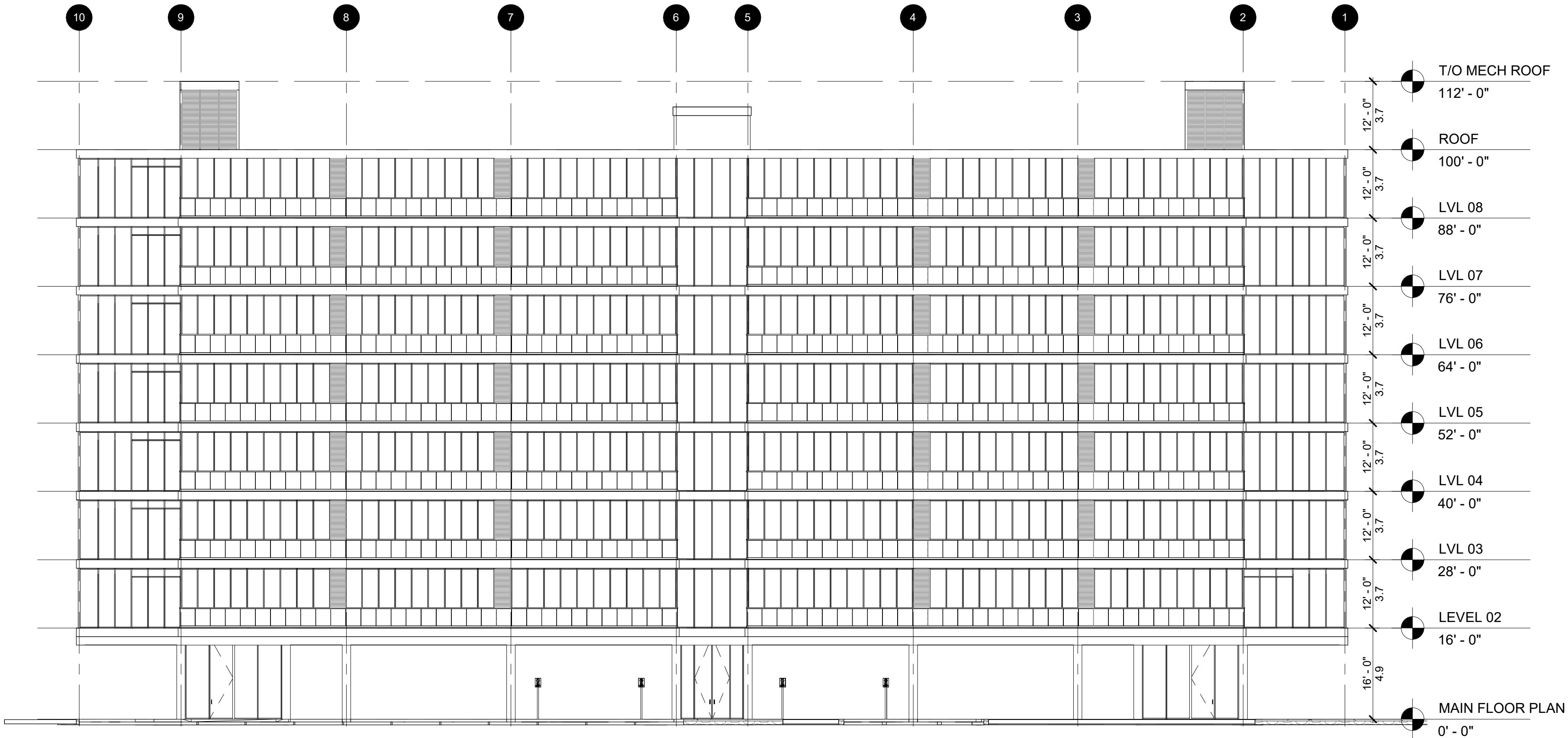
Job Number 22138 Issue C

Drawing Number

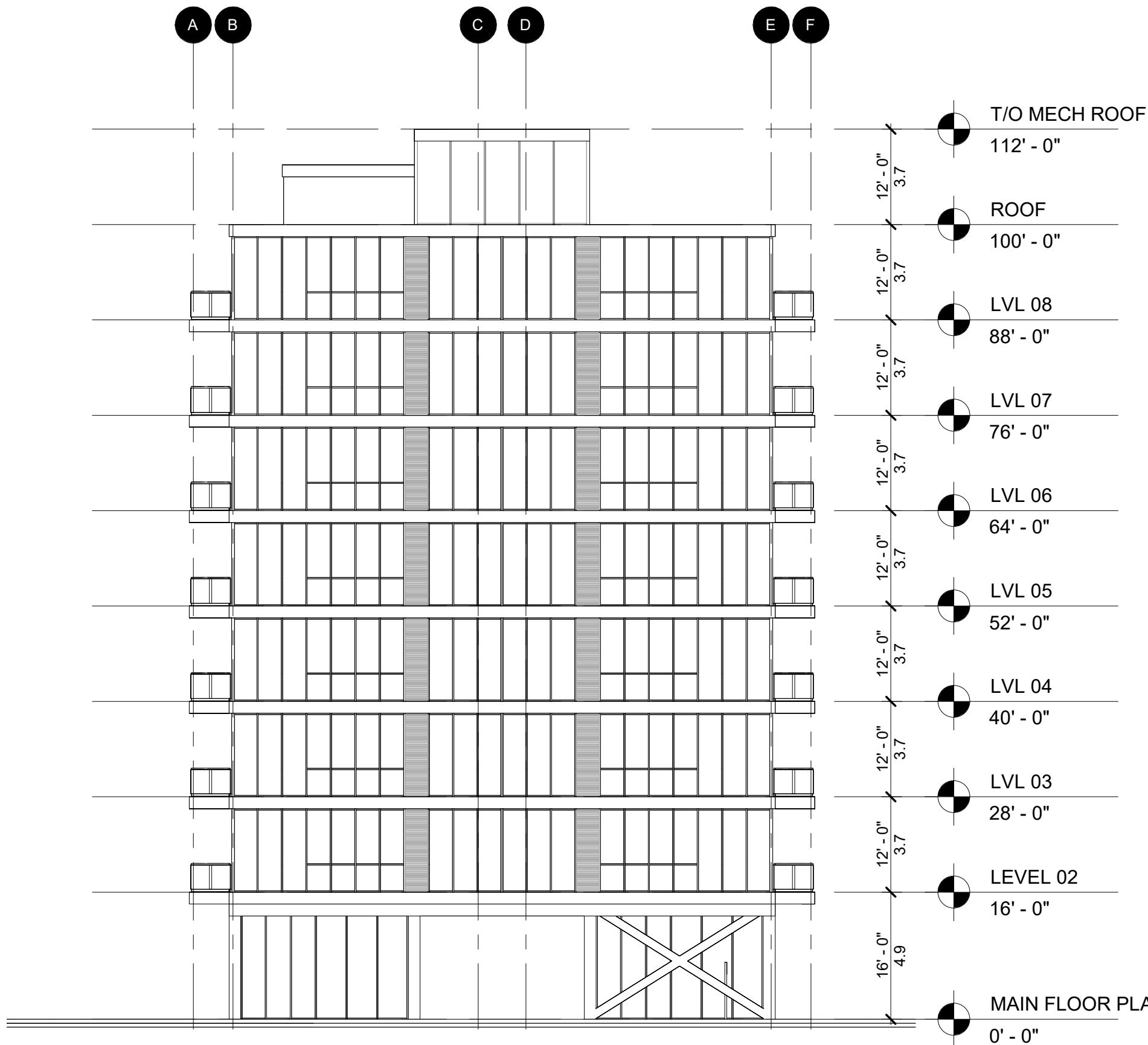
A3



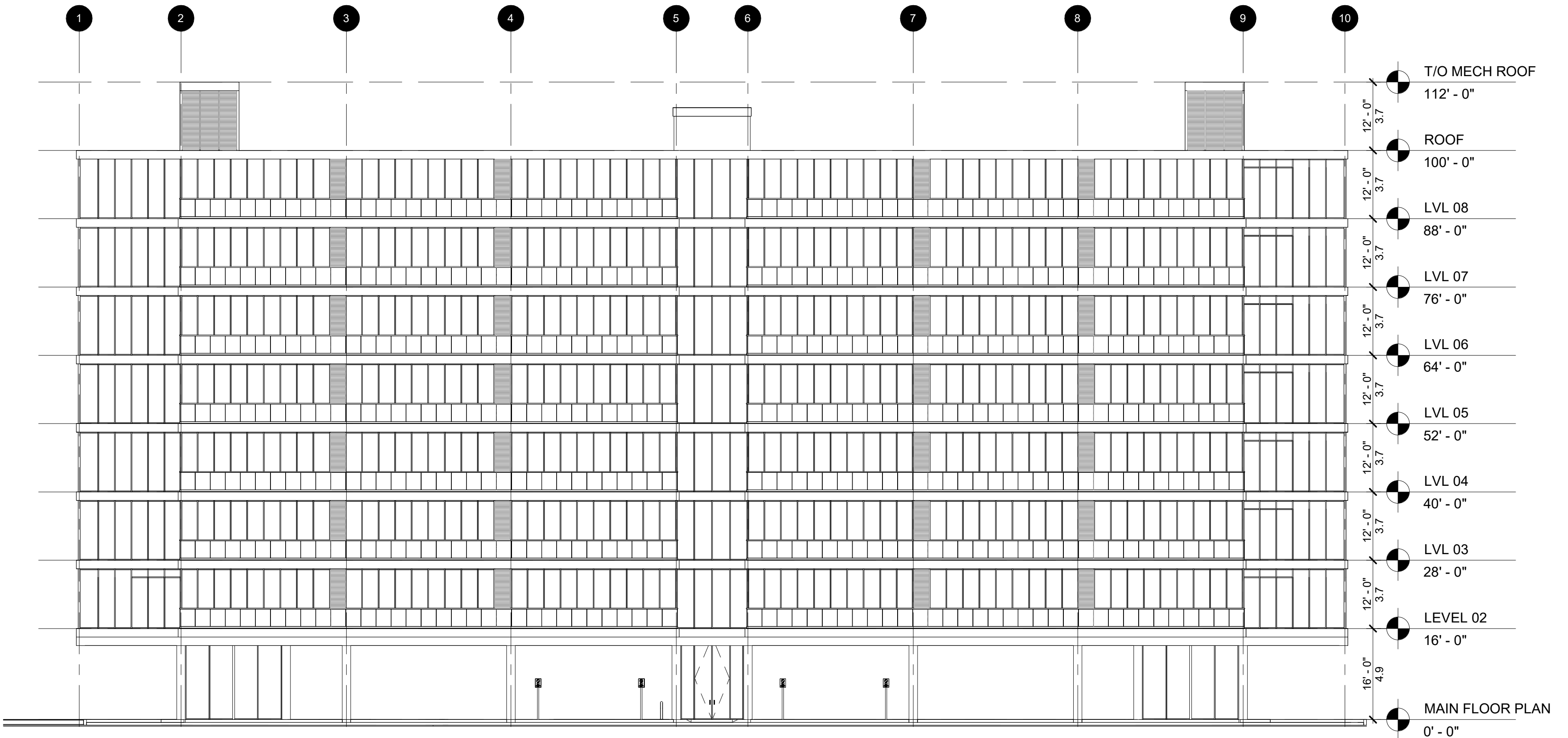
2 EAST ELEVATION
A3 1 : 175



1 NORTH ELEVATION
A3 1 : 175



4 WEST ELEVATION
A3 1 : 175



3 SOUTH ELEVATION
A3 1 : 175

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CONCEPT RENDERING - VIEW FROM CORNER OF WEST SIDE ROAD AND FRANKLIN AVE



CONCEPT RENDERING - VIEW FROM WEST SIDE ROAD LOOKING EAST



CONCEPT RENDERING - VIEW FROM FRANKLIN AVE LOOKING SOUTH

ALL CONCEPT RENDERINGS ARE PRELIMINARY AND MAY BE SUBJECT TO CHANGE IN FUTURE STAGES OF THE PROJECT.

C	FOR ZBA/OPA R1	04SEP2024	MT
B	FOR ZBA/OPA	29APR2024	MT
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Project Title

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INFILL LOFTS
242 WEST SIDE ROAD
PORT COLBORNE, ON

Drawing Title

RENDERINGS

Drawn	Designed by
MT	MT
Scale	Date Created
	29 MAR 2023
Job Number	Issue
22138	C
Drawing Number	

Memorandum

To: Mayor Steele and Members of Council
From: Councillor Ron Bodner
Date: July 8, 2025
Re: Open-Air Burning By-law and Public Nuisance By-law

I am requesting that the following motion be approved:

Whereas there have been recent reports of open-air burning at all hours of the day and night which have caused disturbance to residents;

Therefore, be it resolved that the Fire Chief and By-law staff be directed to investigate and bring forward a report for Council's consideration regarding possible amendments to the Open-Air Burning By-law as well as possible amendments and/or a complete review of the Public Nuisance By-law.

Thank you for your consideration,

Councillor Ron Bodner
Ward 4

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Provide for the Alteration of the Ward Boundaries for the City of Port Colborne and to repeal By-law No. 6948/94/21

Whereas Section 222(1) of the *Municipal Act*, S.O. 2001, c. 25, as amended ("Municipal Act"), provides that a municipality is authorized to divide or redivide the municipality into wards or to dissolve the existing wards; and

Whereas the Council of The Corporation of the City of Port Colborne deems it expedient to re-divide the existing wards to address growth and provide for more equitable and balanced voter representation; and

Whereas a full ward boundary review has been completed; and

Whereas at its meeting on June 24, 2025, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of Council Composition and Ward Boundary Review – Final Report No. 2025-137, to implement a new ward boundary structure for the City of Port Colborne, to take effect for the 2026 Municipal Election; and

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

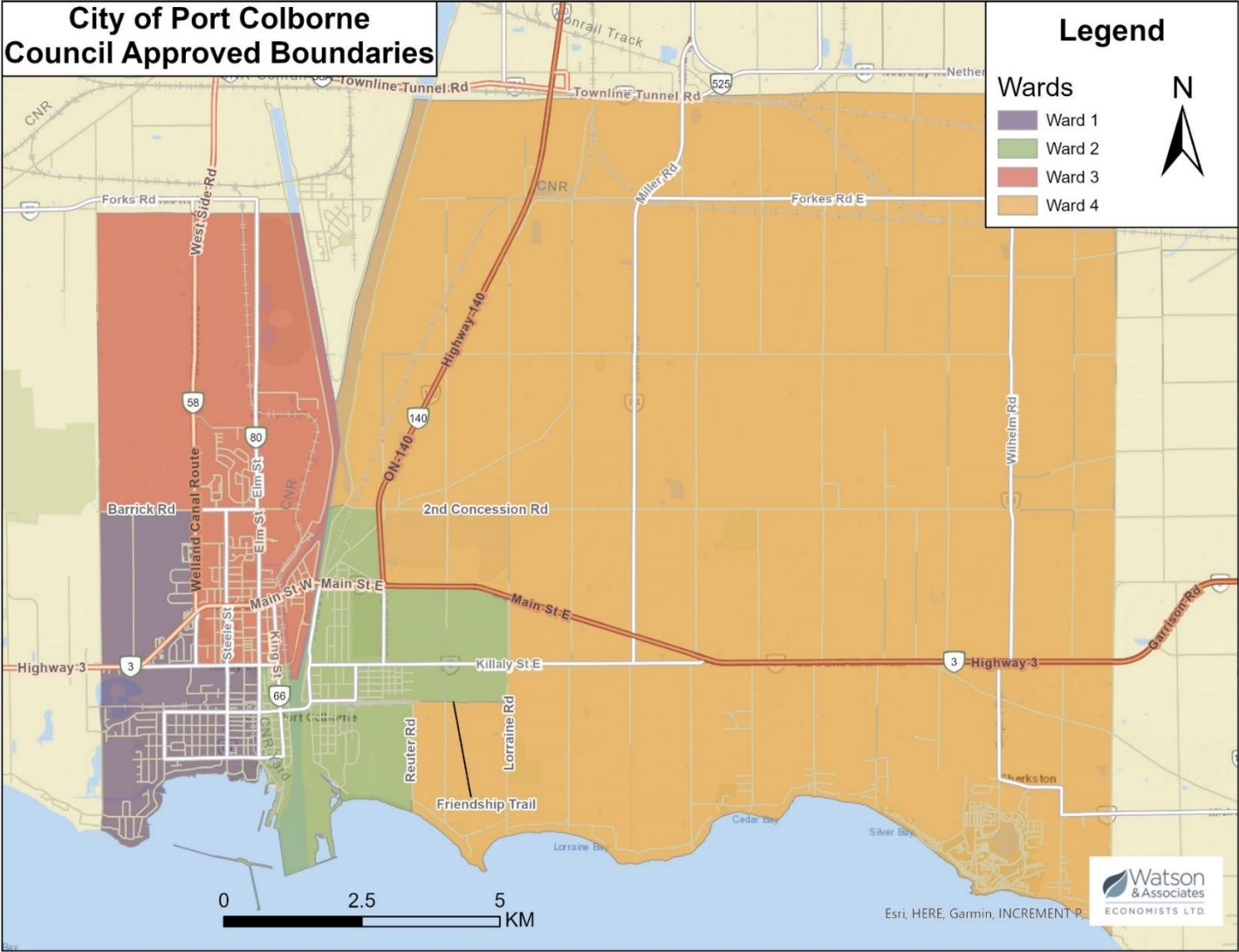
1. That the new ward boundaries as shown in Schedule A attached hereto forming part of this by-law for the City of Port Colborne are approved.
2. That pursuant to Section 222(8) of the *Municipal Act*, the new ward boundaries shall come into force on the day the new Council of The Corporation of the City of Port Colborne is organized following the 2026 Municipal Election and:
 - a. No notices are filed;
 - b. Notices of appeal are filed and are all withdrawn before January 1, 2026; or
 - c. Notices of appeal are filed and the Ontario Land Tribunal issues an order to affirm or amend the by-law before January 1, 2026.
3. That pursuant to section 222(9) of the *Municipal Act*, the 2026 Municipal Election shall be conducted as if this by-law was already in force.
4. The City Clerk is hereby authorized and directed to do all things necessary to give effect to his by-law, including giving required notice.
5. That By-law No. 6948/94/21 be repealed and replaced by this by-law as of the date this by-law comes into effect.

Enacted and passed this 8th day of July, 2025.

William C. Steele
Mayor

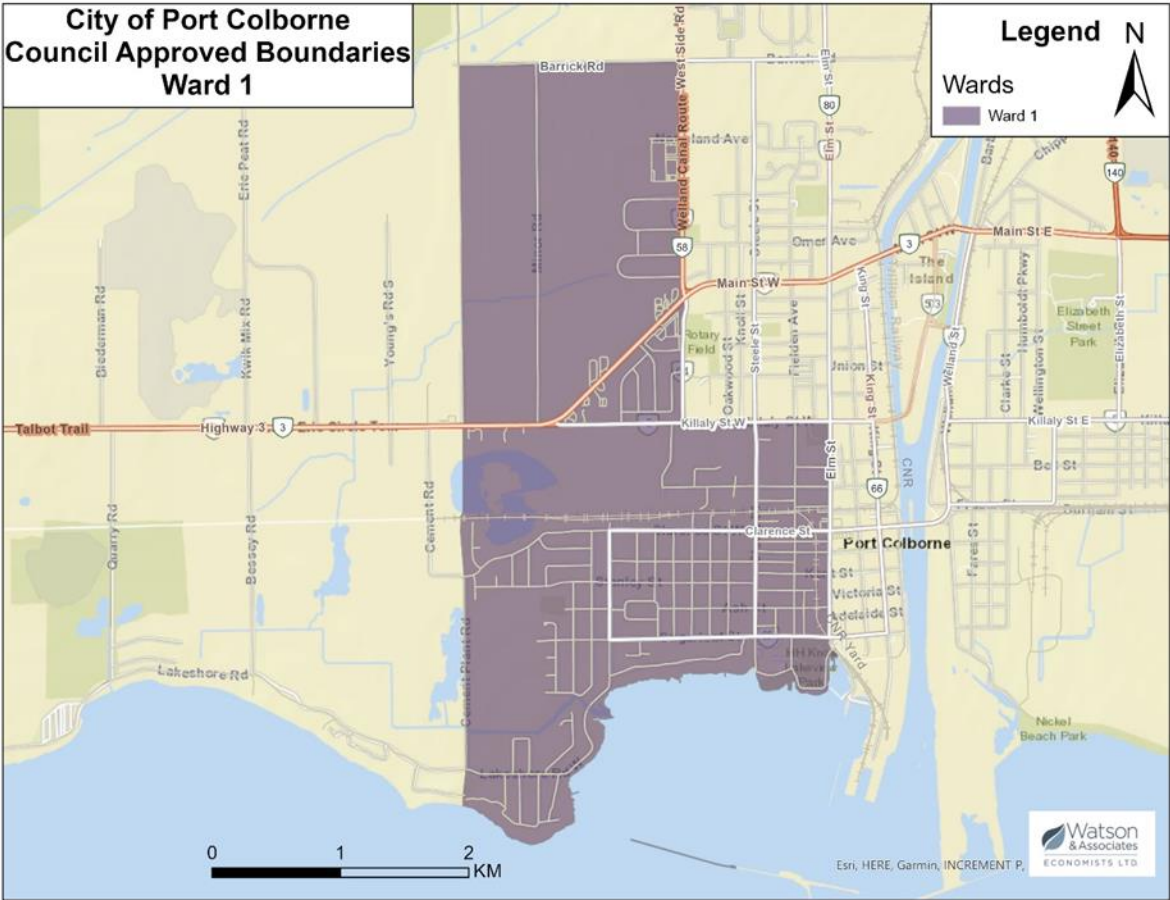
Charlotte Madden
City Clerk

Schedule A – Ward Boundaries for the City of Port Colborne to By-law No.



Ward 1:

Beginning at a point where the centre line of Barrick Road intersects with the municipal boundary of the City of Port Colborne and the Township of Wainfleet, then in an easterly direction along the centre line of Barrick Road to the centre line of West Side Road/Highway 58, then in a southerly direction along the centre line of West Side Road/Highway 58 to the centre line of Killaly Street West, then in an easterly direction along the centre line of Killaly Street West to the centre line of Elm Street, then in a southern direction along the centre line of Elm Street to Marina Drive, then in a southerly direction along the centre line of Marina Drive to a line drawn in a southerly direction from the centre line to Marina Drive around the east side of H. H. Knoll Lakeview Park (so as to locate the park in Ward 1) to Gravelly Bay, then in a westerly direction along the shoreline to the City of Port Colborne municipal boundary with the Township of Wainfleet (the centre line of Cement Road), then in a northerly direction along the municipal boundary with the Township of Wainfleet to the point of beginning.



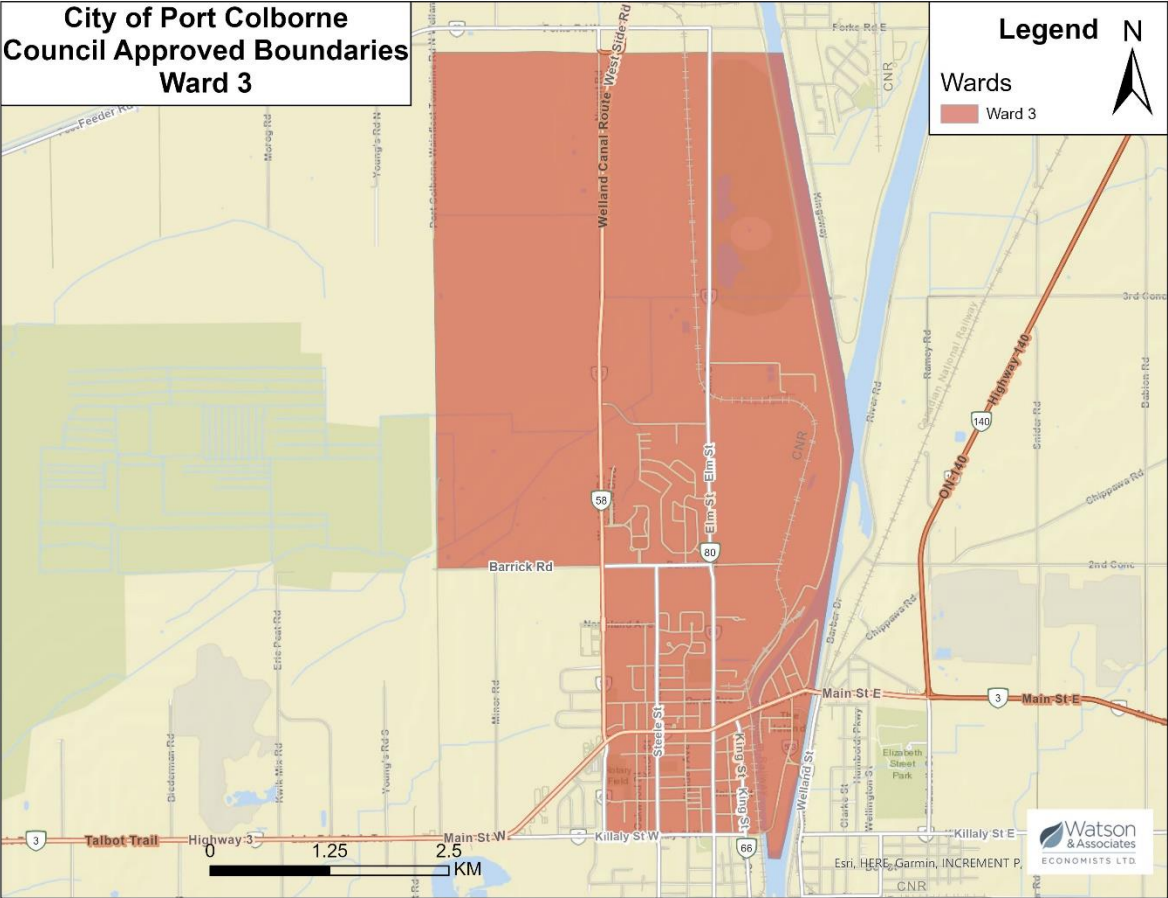
Ward 2:

Beginning at the point where the centre line of Elm Street intersects with the centre line of Killaly Street West, then in an easterly direction along the centre line of Killaly Street West to the centre of the Welland Canal west of “The Island”, then in a southerly direction along the centre of the Welland Canal to the end of “The Island,” then in a northerly direction along the centre of the Welland Canal east of “The island” to the centre line of Second Concession Road, then in an easterly direction along the centre line of Second Concession Road to the centre line of Highway 140, then following the centre line of Highway 140 in a southerly direction to the centre line of Main Street East, then along the centre line of Main Street East in an easterly direction to the centre line of Lorraine Road, then in a southerly direction along the centre line of Lorraine Road to the centre line of Friendship Trail, then in a westerly direction along the centre line of Friendship Trail to the centre line of Reuter Road, then in a southern direction following the centre line of Reuter Road to Gravelly Bay, then in a westerly direction along the shoreline across the Welland Canal to a line drawn in a southerly direction from the centre line to Marina Drive around H. H. Knoll Lakeview Park (so as to locate the park in Ward 1), then continuing in a northerly direction along that line to the centre line of Marina Drive to the point of intersection with the centre line of Elm Street, then in a northerly direction along the centre line of Elm Street to the point of beginning.



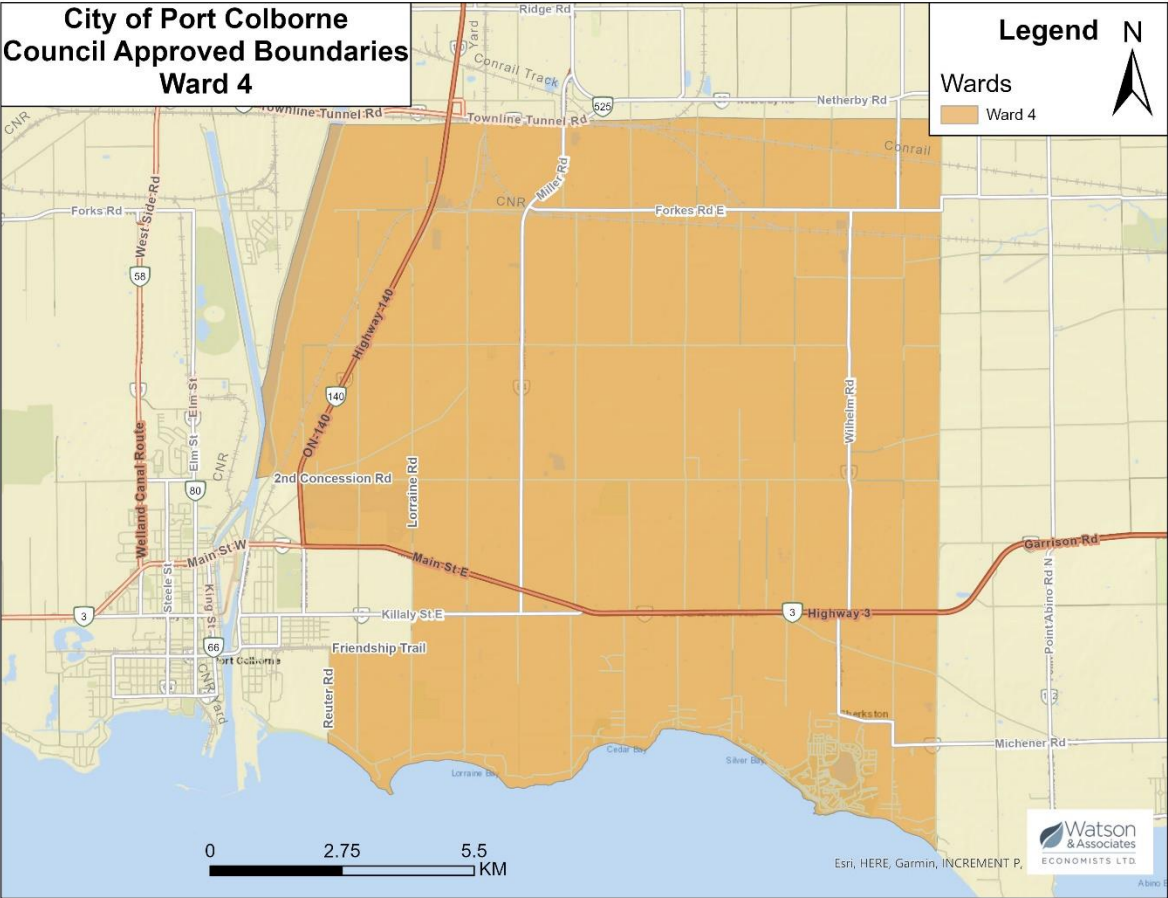
Ward 3:

Beginning in the northwest corner of the City at the point where the municipal boundary of the City of Port Colborne meets the municipal boundaries of the Township of Wainfleet and the City of Welland, then in an easterly direction along the municipal boundary between the City of Port Colborne, and the City of Welland to the centre of the Welland Canal, then in a southerly direction following the centre of the Welland Canal east of “The island” to the southern end of “The Island”, then in a northerly direction along the centre of the Welland Canal west of the “The Island “ to the centre line of Killaly Street West, then in a westerly direction along the centre line of Killaly Street West to the centre line of West Side Road/Highway 58, then in a northerly direction along the centre line of West Side Road/Highway 58 to the centre line of Barrick Road, then in a westerly direction along the centre line of Barrick Road to the municipal boundary between the City of Port Colborne and the Township of Wainfleet, then in a northerly direction to the point of beginning.



Ward 4:

Beginning at the point in the centre of the Welland Canal where the municipal boundary of the City of Port Colborne meets the municipal boundary of the City of Welland, then in an easterly direction along the municipal boundary between the City of Port Colborne, the City of Welland and the City of Niagara Falls to the municipal boundary between the City of Port Colborne and the Town of Fort Erie, then in a southerly direction along the between the City of Port Colborne and the Town of Fort Erie to Lake Erie, then in a westerly direction along the shoreline to a line extended in a southerly direction from the centre line of Reuter Road, then in a northern direction along that line and the centre line of Reuter Road, to the centre line of Friendship Trail, then in an easterly direction along the centre line of Friendship Trail to the centre line of Lorraine Road, then in a northerly direction along the centre line of Lorraine Road to the centre line of Main Street East, then in a westerly direction along the centre line of Main Street East to the centre line of Highway 140, then in a northerly direction along the centre line of Highway 140 to Second Concession Road, then west along the centre line of Second Concession Road to centre of the Welland Canal, then northerly along the centre of the Welland Canal to the point of beginning.



The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Establish a Permitting System for the Parking of Vehicles on Designated Highways and Parking Lots in the City of Port Colborne (Special Events)

Whereas Section 9 of the *Municipal Act, 2001* S.O. 2001, c.25 (the “*Act*”) provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 11 of the *Act* provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction; and

Whereas subsection 102.1(1) of the *Act* provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person failed to comply with any by-laws respecting the parking, standing or stopping of vehicles; and

Whereas at its meeting of June 28, 2022, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Corporate Services Department, Report No 2022-117, Canal Days Marine Heritage Festival - Paid Parking Model; and

Whereas the Council of The Corporation of the City of Port Colborne passed By-law No. 7006/44/22, as amended, to implement the said Paid Parking Model; and

Whereas By-law No. 7172/114/23 passed by the Council of The Corporation of the City of Port Colborne on November 8, 2023 delegated certain powers and duties under various Acts to certain Municipal Officers and Employees, including the power to approve temporary road closures for municipally run events or events of municipal significance including, but not limited to Canada Day, Canal Days, and the Santa Clause Parade to the Director of Public Works or Manager of Operations.

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

Part 1 - Title and Definitions

Short Title

1. This by-law shall be referred to as the Special Events Parking Permit By-law.

Definitions

2. For the purposes of this By-law, including in the Recitals and the Definitions,
 - a) "City" means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries.
 - b) "Council" means the Council of The Corporation of the City of Port Colborne.
 - c) "Director" means the Director of Community Safety and Enforcement for The Corporation of The City of Port Colborne, designate, or holder of the office from time to time;

- d) "Enforcement Officer" - means a Municipal Law Enforcement Officer of The City of Port Colborne, Chief Building Official or other person appointed or employed by The City of Port Colborne for the enforcement of by-laws. and shall include members of the Niagara Regional Police Service or the Ontario Provincial Police Service.
- e) "Event Parking Permit" means a parking pass that allows for parking in the "Event Parking Permit" Area as established in Schedule 'B';
- f) "Park" means the stopping or standing of a vehicle, whether occupied or not, and "Parking" or "Parked" shall bear a similar meaning as the tense allows;
- g) "Parking Lot" means a parking lot controlled by The City of Port Colborne for the purpose of parking vehicles as established in Schedule 'B';
- h) "PORTicipate Pass" means a free Event Parking Permit and pass provided to residents of Port Colborne;
- i) "Street" means any public highway or part of a public highway under the jurisdiction of The Corporation of The City of Port Colborne;

Part 2 - Application of the By-law

Interpretation

3. For the purposes of this by-law:

Word Usage

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

Application

- 4. Where a court of competent jurisdiction declares any provisions of this By-law invalid, the provisions shall be deemed conclusively to be severed from the By-law.
- 5. The provisions of this By-law shall apply to the Special Events set out in Schedule 'A' of this By-law.
- 6. The provisions of this By-law shall apply to the Streets and Parking Lots under the jurisdiction of the City listed in Schedule 'B' of this By-law.

7. The Fees related to the administration of this by-law are as set out in the Fees and Charges By-law, as amended or replaced from time to time.
8. Every person that parks in the areas listed in Schedule “A” must obtain an Event Permit Parking Pass, which is a virtual Honk Mobile Parking Pass.
9. Every person with a PORTicipate Pass must clearly display such pass to benefit from the free services offered in this By-law.
10. This By-law shall take precedence for the dates specified herein, over By-law No. 3475/56/97, A By-law to provide for establishing parking lots in the City of Port Colborne, and for regulating, supervising, and governing the parking of vehicles therein and thereon, and to prohibit the parking or leaving of motor vehicles on private property owned or occupied by The Corporation of the City of Port Colborne or any Local Board thereof.

Part 3 - General Provisions

Prohibitions

11. No Person shall park in a designated on-Street event parking space without obtaining an Event Parking Permit, or clearly displaying their PORTicipate Pass.
12. No Person shall park in a designated event space Parking Lot without obtaining an Event Parking Permit, or clearly displaying their PORTicipate Pass.

Part 4 – Enforcement, Offences and Penalties

13. The provisions of this By-law may be enforced by an Enforcement Officer.
14. This By-law is designated as a by-law to which the Administrative Penalty By-law, as amended or replaced from time to time, applies.
15. Any Person who contravenes any of the provisions of this By- law, when given a Penalty Notice in accordance with the City's Administrative Penalty By-law, is liable to pay the City an administrative penalty in the amount specified in the City's Administrative Penalty By-law, as amended or replaced from time to time.

Part 5 - Schedules

Schedules to this By-law

16. Schedules “A” and “B” inclusive attached hereto shall form part of this By-law.

Part 6 – Repeals

17. By-law No. 7253/75/24, Being a By-law to Establish a Permitting System for the Parking of Vehicles on Designated Highways and Parking Lots in the City of Port Colborne (Special Events) is hereby repealed.

Part 7 – Corrections

18. The Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

Part 8 – Enactment

19. That this by-law shall come into force and take effect on the date of passing, subject to the display of official signs.

Enacted and passed this 8 day of July, 2025.

William C. Steele
Mayor

Charlotte Madden
City Clerk

Schedule “A” Special Events

- 1. Canal Days Marine Heritage Festival
Civic Holiday Weekend - Friday to Monday inclusive

Schedule “B”

Page 1 of 2

Parking Lots

Market Square	N/A	Entire Parking Lot	Entire Parking Lot	Civic Holiday Weekend Friday to Monday inclusive
H.H. Knoll Lakeview Park Boat Launch Parking Lot	N/A	Entire Parking Lot	Entire Parking Lot	Civic Holiday Weekend Friday to Monday inclusive
H.H. Knoll Lakeview Park Parking Lot	N/A	All parking spaces surrounding the park	All parking spaces surrounding the park	Civic Holiday Weekend Friday to Monday inclusive

Streets

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times/Days
Clarence St.	N & S	Fielden Ave.	Linwood Ave.	Civic Holiday Weekend Friday to Monday inclusive
Linwood Ave.	E & W	Clarence St.	Sugarloaf St.	Civic Holiday Weekend Friday to Monday inclusive
Clare Ave.	E & W	Clarence St.	Sugarloaf St.	Civic Holiday Weekend Friday to Monday inclusive
Forest Ave.	E & W	Clarence St.	Sugarloaf St.	Civic Holiday Weekend Friday to Monday inclusive
Steele St	W	Division St.	Sugarloaf St.	Civic Holiday Weekend Friday to Monday inclusive
Division St.	N & S	Steele St.	Linwood Ave.	Civic Holiday Weekend Friday to Monday inclusive
Stanley St.	N & S	Steele St.	Linwood Ave.	Civic Holiday Weekend Friday to Monday inclusive
Ash St.	N & S	Elm St.	Linwood Ave.	Civic Holiday Weekend Friday to Monday inclusive

Sugarloaf St.	N & S	Steele St.	Linwood Ave.	Civic Holiday Weekend Friday to Monday inclusive
Sugarloaf St.	N	King St.	David St.	Civic Holiday Weekend Friday to Monday inclusive
David St.	E	Sugarloaf St.	Southern Limit	Civic Holiday Weekend Friday to Monday inclusive
Fielden Ave.	E & W	Sugarloaf St.	Park St.	Civic Holiday Weekend Friday to Monday inclusive
Elm St.	E & W	Charlotte St.	Kent St.	Civic Holiday Weekend Friday to Monday inclusive
Elm St	W	Kent St.	Sugarloaf St.	Civic Holiday Weekend Friday to Monday inclusive
Catharine St.	E & W	Charlotte St.	Southern Limit	Civic Holiday Weekend Friday to Monday inclusive
King St.	E	Kent St.	Victoria St.	Civic Holiday Weekend Friday to Monday inclusive
Alexandria St.	N & S	Steele St.	End	Civic Holiday Weekend Friday to Monday inclusive
Kent St.	S	King St.	Fielden Ave.	Civic Holiday Weekend Friday to Monday inclusive
Kent St.	N & S	Fielden Ave.	Steele St.	Civic Holiday Weekend Friday to Monday inclusive
Charlotte St.	N & S	Steele St.	Elm St.	Civic Holiday Weekend Friday to Monday inclusive
Victoria St.	N & S	King St.	Elm St.	Civic Holiday Weekend Friday to Monday inclusive
Adelaide St.	N & S	King St.	Elm St.	Civic Holiday Weekend Friday to Monday inclusive
Fraser St.	S	Canal Bank Rd.	Davis St.	Civic Holiday Weekend Friday to Monday inclusive

Durham St.	N	Welland St.	Mitchell St.	Civic Holiday Weekend Friday to Monday inclusive
Welland St.	E	Clarence St.	Louis St.	Civic Holiday Weekend Friday to Monday inclusive
Louis St.	N & S	Welland St.	Davis St.	Civic Holiday Weekend Friday to Monday inclusive
Fares St.	E & W	Durham St.	Louis St.	Civic Holiday Weekend Friday to Monday inclusive
Mitchell St.	E & W	Durham St.	Louis St.	Civic Holiday Weekend Friday to Monday inclusive
Davis St.	W	Durham St.	Louis St.	Civic Holiday Weekend Friday to Monday inclusive

The Corporation of the City of Port Colborne

By-law No. _____

Being a by-law to Adopt Amendment No. 19 to the Official Plan for the City of Port Colborne

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

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

1. That Official Plan Amendment No. 19 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached schedules and explanatory text is hereby adopted.
2. That this by-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this 8th day of July, 2025.

William C. Steele
Mayor

Charlotte Madden
City Clerk

**AMENDMENT NO. 19
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

242 to 246 West Side Road

Date: July 8, 2025

AMENDMENT NO. 19
TO THE
OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE

242 to 246 West Side Road

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the *Planning Act* R.S.O. 1990, c. P.13, as Amendment No. 19 to the Official Plan for the City of Port Colborne.

Date: July 8, 2025

AMENDMENT NO.19
TO THE
OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE

242 to 246 West Side Road

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PART A - THE PREAMBLE

Purpose

The purpose of Official Plan Amendment No. 19 is to amend Schedule A: City Wide Land Use Plan and create a site-specific policy to facilitate the development of the subject lands, shown on the attached Schedule A, for an 8-storey apartment building.

Location

The lands affected by this amendment are legally described as Lots 36 to 40, Registered Plan No. 826 in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 242-246 West Side Road. A map of the subject properties is attached as Schedule "A" to this Official Plan Amendment No. 19.

Basis

Currently, the subject lands are designated Urban Residential on Schedule A (City-Wide Land Use) and are located within the delineated Urban Area and Built Boundary of the City as per Schedule A1 of the OP.

An application has been made to amend the City of Port Colborne's Official Plan and Zoning By-law for the subject properties to provide for and permit a 112 dwelling unit apartment building. The proposed density is 198 units per hectare. The development provides residential intensification at a location serviced by existing services and infrastructure. It is intended to also approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing First Density Residential (R1) Zone, in part abutting Highway 58 / West Side Road and Third Density Residential (R3) Zone to an "R4-XX Site-specific Fourth Density Residential Zone".

The proposal is:

- Consistent with the Provincial Planning Statement (2024) by promoting growth within a settlement area;
- Conforms to the Niagara Official Plan through the promotion of growth in urban areas; and,
- Conforms to the Port Colborne Official Plan by introducing residential uses at an appropriate location, while meeting the City's intensification target and promoting growth within the Built Boundary.

PART B - THE AMENDMENT

All of this part of the document entitled PART “B” – “The Amendment” consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 19 to the Official Plan for the City of Port Colborne.

Introductory Statement

This part of the document entitled Details of the Amendment, consisting of the following text and map designated Schedule “A”, constitutes Amendment No. 19 to the Official Plan for the City of Port Colborne.

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

Mapping Changes

1. Schedule A: City Wide Land Use is hereby amended by identifying the subject lands as “LANDS SUBJECT TO SPECIAL POLICY 3.2.5 on Schedule A”.

Text Changes

2. New SPECIAL POLICY 3.2.5 to be added:

Notwithstanding Policy 3.2.1 c) of the Official Plan a high-density development may be permitted:

- I. With a maximum density of up to 198 units per net hectare;
- II. With frontage on West Side Road and Franklin Avenue; and,
- III. With ground floor parking and associated residential uses.

Implementation & Interpretation

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

PART C – THE APPENDICES

The following schedules constitute part of Amendment No. 19 and are included to support the Amendment.

Appendix 1 – Draft Minutes of the Public Meeting

Appendix 2 – Development and Government Relations Department Reports 2024-201 and 2025-133

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18, as amended, respecting lands legally described as Lots 36 to 40, Registered Plan 826 and known as 242 to 246 West Side Road, City of Port Colborne, Regional Municipality of Niagara

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

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

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

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this By-law.
2. That the Zoning Map referenced as Schedule “A8” forming part of By-law 6575/30/18, as amended, is hereby further amended by rezoning the subject lands from Residential Third Density (R3) Zone to Residential Fourth Density Zone (R4-89-H) - Holding and from Residential First Density (R1) Zone to Residential Fourth Density Zone (R4-89-H) - Holding.
3. That Section 37.2 entitled “List of Special Provisions” of Zoning By-law 6575/30/18, as amended, is hereby further amended by adding the following:
 - a) Special Provision R4-89-H
 - i. Notwithstanding the provisions of Section 8.7 b), e), f) and h) of the Residential Fourth Density Zone (R4), the following Zone Requirements for Apartment Building shall apply:
 1. Minimum Lot Area Per Unit: 50 square metres per unit
 2. Minimum Corner Side Yard (Franklin Avenue): 6.0 metres
 3. Minimum Rear Yard: 3.8 metres
 4. Maximum Height: 31 metres (8 storeys)
 - ii. Notwithstanding the provisions of Section 3.1.1, 3.2, 3.7 b), 3.10 d) and 3.11.1 a), the following provisions for parking and loading shall apply:
 1. Minimum Parking Spaces for an Apartment Building: 116
 2. Standard Parking Space Obstructed on Two Sides: 3.0 metres by 5.2 metres
 3. Two Accessible Spaces Side by Side: 2.5 metres by 5.2 metres
 4. Minimum Width of a Two-way Driveway to a Parking Area: 6.3 m
 5. Minimum Loading Space: None required
 6. Minimum landscape buffer between a lot line abutting a public road, for a parking area of greater than 100 spaces: 3 metres
 7. Minimum landscape buffer between a lot line abutting a residential zone, for a parking area of greater than 100 spaces: 3 metres
 - iii. Notwithstanding the provisions of the R4-89 Zone, the use of the property for an apartment building shall not occur until the Holding symbol (H) on the “R4-89-H” zone is removed. Removal of the Holding Symbol (H) may only occur when the following conditions have been met to the satisfaction of the City:

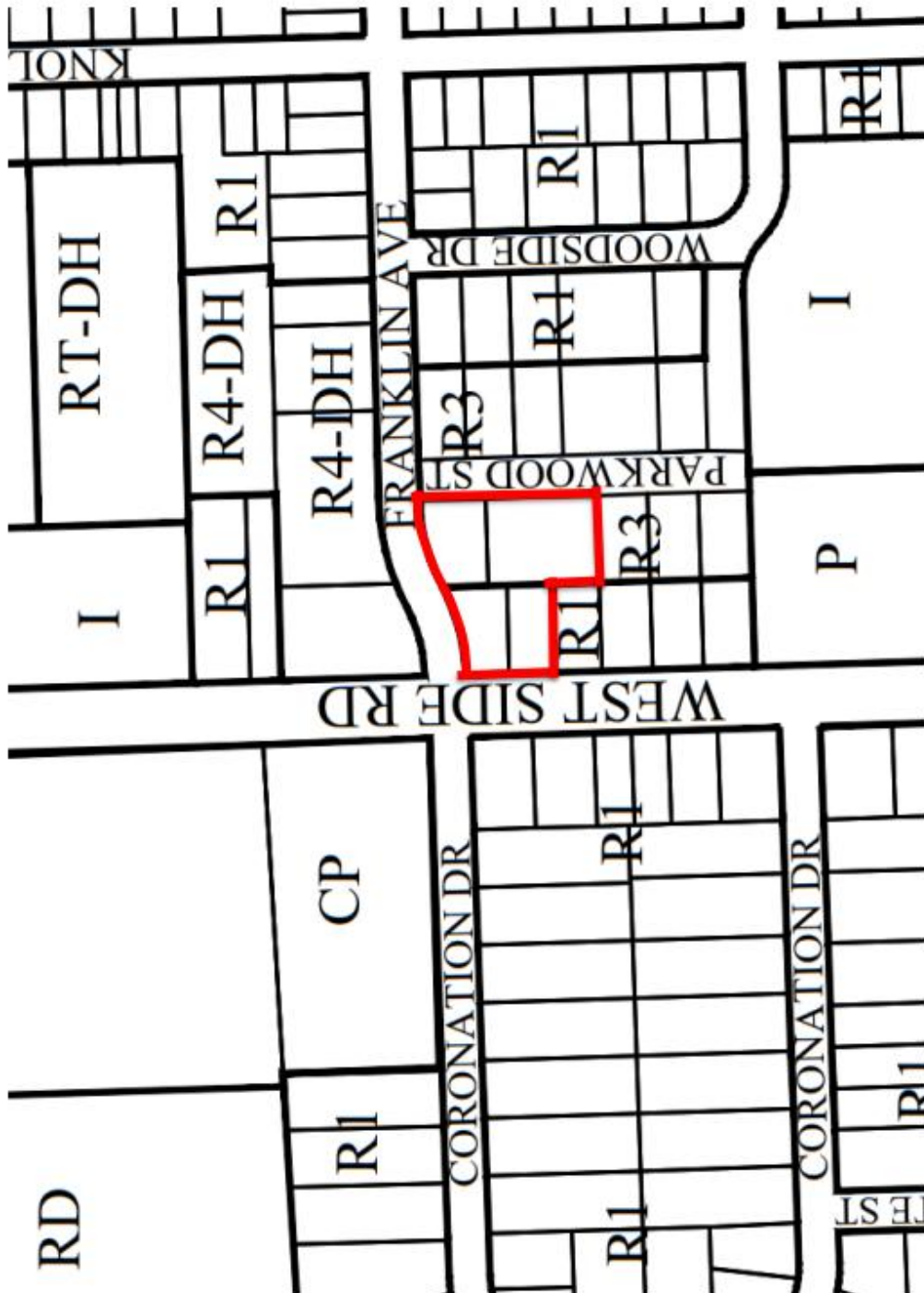
1. The owner enters into a Site Plan Agreement with the City that addresses access, pedestrian connections and circulation, noise mitigation, grading, stormwater management, daylighting triangle requirements, road widenings, snow storage, waste management, landscaping, screening of parking, fencing, entrance locations, lighting, easements and other functional design requirements.
2. The owner enters into a Site Plan Agreement and/or Development Agreement for the construction of Franklin Avenue through to West Side Road subject to the Ministry of Transportation's review of a Traffic Impact Study, and the provision of required intersection improvements and/or signalization as well as water, wastewater and storm water services within the extended right-of-way, ensuring all are constructed or installed to municipal standards with proper securities in place.
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
5. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this By-law, in accordance with the *Planning Act*.

Enacted and passed this 8th day of July, 2025.

William C. Steele
Mayor

Charlotte Madden
City Clerk

Schedule A



The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to exempt the lands known as Lot 41 of Registered Plan 59M-195 from Part Lot Control provisions of the *Planning Act*

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

Whereas subsection 50 (7) of the *Planning Act* allows the council of a local municipality to provide, by by-law, that part lot control does not apply to lands within a registered plan of subdivision or parts of them as are designated in the by-law; and

Whereas Dunsire Homes Inc. has requested that the Council of The Corporation of the City of Port Colborne enact a by-law to temporarily remove Lot 41 of Registered Plan 59M-195 from part lot control to register conveyable real estate entities therewith;

Whereas the request meets the criteria of the Council of The Corporation of the City of Port Colborne for the consideration of the enactment of a part lot control by-law;

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

1. Subsection 50 (5) of the *Planning Act* does not apply to Lot 41 of Registered Plan 59M-195.
2. Pursuant to subsection 50 (7.3) of the *Planning Act*, this By-law shall expire two (2) years from the date of enactment unless it shall have prior to that date been repealed or extended by the Council of the Corporation of the City of Port Colborne.
3. This By-law shall not become effective until a certified copy or duplicate of the By-law has been registered in the proper Land Registry Office.
4. The City Solicitor is hereby authorized and directed to proceed with the registration of this by-law with the local Land Registry Office, as applicable.

Enacted and passed this 8th day of July, 2025.

William C Steele
Mayor

Charlotte Madden
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 July 8, 2025

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 July 8, 2025, 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.
2. That where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.
3. 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.
4. That the Clerk is authorized to affect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical, or descriptive nature to this by-law or its schedules after the passage of this by-law.

Enacted and passed this 8th day of July 2025.

William C. Steele
Mayor

Charlotte Madden
City Clerk