



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
AUGUST 12, 2020 COUNCIL MEETING
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

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A G E N D A

DATE: Wednesday August 12, 2020

CLOSED MEETING: Immediately following Section
12 – By-laws

REGULAR MEETING: 2:00 P.M.

≠ Denotes resolution prepared

1. **Call the Meeting to Order**
2. **Roll Call**
3. **Moment of Reflection**
4. **Confirmation of the Agenda ≠**
5. **Disclosure of Pecuniary Interest & the General Nature Thereof**
6. **Consent Agenda ≠**
 - 6.1 Adoption and Receipt of the Minutes of the Previous Council and Committee Meetings:
 - 6.1.1 Planning and Development Advisory Committee Minutes dated March 10 2020
 - 6.1.2 Committee of Adjustment Meeting Minutes dated March 10 2020
 - 6.1.3 July 15, 2020 Electronic Participation Council Meeting Minutes
 - 6.2 Owen Sound Resolution - Support for Private Member's Bill M-36 Emancipation Day



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- 6.3 Chatham-Kent Motion of Support for Private Member's Bill M-36 Emancipation Day
- 6.4 Town of Marathon Resolution - Motion of Support for Equitable Aggregate Assessment
- 6.5 Township of Harley Motion of Support for Equitable Aggregate Assessment
- 6.6 District of Parry Sound Motion of Support for Equitable Aggregate Assessment
- 6.7 Township of Chatsworth Motion of Support for Equitable Aggregate Assessment
- 6.8 Municipality of South Bruce Motion of Support for Equitable Aggregate Assessment
- 6.9 Township of Mattice - Val Cote Motion of Support for Equitable Aggregate Assessment
- 6.10 North Algona Wilberforce Township - Letter to Premier regarding review of Farm Class Tax Rebate Program
- 6.11 Township of Warwick Motion of Support Regarding Farm Property Class Tax Rebate Program
- 6.12 Township of Perth South Letter to Agricorp regarding Farm Property Class Tax Program
- 6.13 Notice of Passing of a Zoning By-law Amendment - City of Hamilton
- 6.14 Town of Mono Support for Diversity training program for municipal police services
- 6.15 City of Oshawa Letter to Premier regarding COVID 19 Funding
- 6.16 Town of Amherstburg Resolution Long Term Care Home Improvements
- 6.17 Township of South Glengarry Resolution - Long Term Care
- 6.18 Dufferin Aggregates Monthly Monitoring Report - Mill Creek Pit Licence #5738
- 6.19 Puslinch Historical Society - Report to Puslinch Council July 2020
- 6.20 Ontario Barn Preservation Advocacy letter to Municipalities
- 6.21 City of Guelph Notice of Complete Application and Public Meeting

7. **Delegations**

- 7.1 Written delegation from Oliver Van Gerwen with respect to safety concerns on Boreham Drive #

8. **Public Meetings**

- 8.1 August 12, 2020 Public Meeting held by electronic participation at 7:00pm
 - Course – Garden Suite Application - 7677 Wellington Rd. #36**
 - THE PURPOSE AND EFFECT of the application is to amend Township of Puslinch New Comprehensive Zoning By-law 23/2018 to rezone the lands to permit a Garden Suite.
 - Gallo – Zoning Amendment Application - 4010 Concession 7**
 - THE PURPOSE AND EFFECT of the application is to amend Township of Puslinch New Comprehensive Zoning By-law 023-2018 to rezone the lands from Agricultural



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(A) to Agricultural Site Specific (A-) Zone to permit an agricultural service and supply establishment.

9. **Reports**

9.1 **Puslinch Fire and Rescue Services**

9.1.1 None

9.2 **Finance Department**

9.2.1 Report FIN-2020-032 - Municipal Asset Management Program Grant ≠

9.2.2 Report FIN-2020-033 - Council Compensation, Benefits and Expense Policy Amendments ≠

9.2.3 Report FIN-2020-034 - 2021 Proposed User Fees and Charges ≠

9.3 **Administration Department**

9.3.1 Report ADM-2020-027 Bill 197, The COVID-19 Economic Recovery Act≠

9.3.2 Report ADM-2020-028 Proposed Property Standards By-law ≠

9.3.3 Report ADM-2020-029 Proposed Parking By-law ≠

9.3.4 Report ADM-2020-030 - NSERC Agreement ≠

9.3.5 Report ADM-2020-031 - Amend 2020 Council Meeting Schedule 3 ≠

9.4 **Planning and Building Department**

9.4.1 Report PD-2020-004 - Preliminary Acceptance & Security Deduction - DRS Subdivision ≠

9.5 **Roads and Parks Department**

9.5.1 PW-2020-006 - Capital Project Update ≠

9.6 **Recreation Department**

9.6.1 None

10. **Correspondence**

10.1 Watson & Associates Economists Ltd. Letter to Clients regarding COVID-19 Economic Recovery Act, 2020 – Changes to the Development Charges Act and the Planning Act (as per the Community Benefits Charge) ≠

11. **Council reports**

11.1 Mayor' Updates

11.2 Council Member Reports (verbal or written updates from members who sit on boards/committees)

12. **By-laws ≠**



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- 12.1 BL2020-010 Being a By-law prescribing standards for the maintenance and occupancy of property.
- 12.2 BL2020-036 Being a by-law to Regulate and Control the Parking, Stopping and Standing of Motor Vehicles within the Township of Puslinch and to Repeal By-law 5000-05
- 13. **Closed Session – Pursuant to Section 239 of the Municipal Act, 2001 ≠**
 - 13.1 Adoption and receipt of Minutes of the Previous Closed Meeting:
 - 13.1.1 June 17, 2020 Closed Meeting
 - 13.1.2 July 15, 2020 Closed Meeting
 - 13.2 Confidential Report PW-2020-005 from Lynne Banks, Development and Legislative Coordinator, regarding a proposed or pending acquisition or disposition of land by the municipality or local board – Disposition of Road Allowance.
 - 13.3 Confidential Report PW-2020-007 from Glenn Schwendinger, CAO/Clerk, regarding the security of the property of the municipality or local board – Puslinch Lake Road Allowance.
 - 13.4 Confidential Verbal report from Glenn Schwendinger, CAO/Clerk, regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
 - 13.5 Confidential Verbal report from Glenn Schwendinger, CAO/Clerk, regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Seasonal Trailer Parks.
 - 13.6 Confidential Report ADM-2020-032 from Glenn Schwendinger, CAO/Clerk, regarding personal matters about an identifiable individual, including municipal or local board employees – Organization Review.
- 14. **Business Arising from Closed Session**
- 15. **Notice of Motion ≠**
- 16. **New Business**
- 17. **Announcements**
- 18. **Confirmatory By-law ≠**
 - 6.1 BL2020-037 Confirm By-law – August 12, 2020
- 19. **Adjournment ≠**



MINUTES

MEMBERS PRESENT

Councillor John Sepulis, Chair
Deep Basi
Dan Kennedy
Paul Sadhra
Dennis O'Connor

MEMBERS ABSENT

None

OTHERS IN ATTENDANCE

Lynne Banks, Development and Legislative Coordinator
Zachary Prince, Planner, County of Wellington
Matthieu Daoust, Junior Planner, County of Wellington
Jeff Buisman, Van Harten Surveying Inc.

1 - 6. COMMITTEE OF ADJUSTMENT

- See March 10, 2020 Committee of Adjustment minutes.

7. OPENING REMARKS

The meeting was called to order at 7:04 p.m. The Chair advised that the following portion of the Committee meeting will be reviewing and commenting on development planning applications.

8. DISCLOSURE OF PECUNIARY INTEREST

- None

9. APPROVAL OF MINUTES

Moved by: Paul Sadhra

Seconded by: Dan Kennedy

That the Minutes of the Planning & Development Advisory Committee Meeting held Tuesday, February 11, 2020, be adopted.

CARRIED

10. APPLICATION FOR SITE PLAN URBAN DESIGN REVIEW

- None

11. ZONING BY-LAW AMENDMENT

11(a) Zoning By-law Application D14/GAL – Joseph Gallo – Part Lot 30, Rear Concession Gore, 4010 Concession 7.

The purpose and effect of the application is to amend the Township of Puslinch New Comprehensive Zoning By-law 23-2018 to rezone the lands from Agricultural (A) to an Agricultural Site Specific (A-) Zone to permit an agricultural service and supply establishment.

- Neal DeRuyter, planner for the applicant, provided an overview of the application and advised of the following:

- That the property is a rehabilitated gravel pit and that the application was submitted to legalize an existing use and as a result of an Order issued by the Township's CBO.
 - The business has been in operation for 25 years on the site and is located at the floor of the gravel pit.
 - The by-law amendment will also recognize the wetlands and will maintain the 30 metre buffer
 - There is no agricultural use on the property and it conforms to the secondary agricultural zone in the County of Wellington Official Plan and the by-law amendment will designate the property as a site specific zone.
- Dan Kennedy asked how the buffer will be set up.
 - Neal DeRuyter advised that it will be zoned Environmental Protection and that the owner will rehabilitate the buffer lands that the business has encroached onto.
 - Dan Kennedy further inquired if the property is used strictly for storage.
 - Neal DeRuyter advised that is the only use.
 - There were no further questions or comments.

The Committee has no concerns and supports the proposed rezoning.

12. LAND DIVISION

12(a) Severance Application B12-20 (D10/BRE) – David Brewer, Part Lot 27, Concession 1, 7204 Concession 1, Puslinch.

Proposed severance is 22 acres (approx. 8.9 hectares) with 10 feet (approx. 3.04 metres) frontage. Note: Severed land is to be donated to Hamilton Naturalist's Club.

Retained parcel is 10.9 acres (approx. 4.4 hectares) with 92.91 feet (approx. 28.31 metres) frontage, existing and proposed rural residential use with existing dwelling and shed.

- Jeff Busiman, agent for the applicant, provided an overview of the application.
- Dan Kennedy asked if there were any concerns regarding the parking of vehicles on the road allowance.
- John Sepulis noted that there may be some concern.
-
- There were no further questions or comments from the Committee.

Moved by: Dan Kennedy

Seconded by: Paul Sadhra

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That the Township's roads department are satisfied that there is a safe entrance to the property and that the Owner obtain an approved Entrance Permit verifying safe access and site lines on the severed parcel from the Township of Puslinch; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
3. That the owner apply for, and receive, zoning compliance for the severed lands to Natural Environment or as appropriate, to the satisfaction of the Township.

4. The Applicant may wish to reduce the retained parcel from 4.4 hectares to less than 4 hectares so that it complies with Township zoning requirements for a reduced lot parcel to eliminate the need for the owner to be required to apply for, and receive approval, for a minor variance for the retained parcel.
5. That the owner ensure that parking is within the lands to be severed and not on the road allowance.

CARRIED

12(b) Lot Line Adjustment Application B13-20 (D10/NIC) – Brian Nichols, Part Lot 3, Concession 4, 6637 Roszell Road, Puslinch.

Proposed lot line adjustment is 8.1 hectares with 111 metres frontage, existing agricultural use to be added to abutting agricultural parcel – Martin & Paula Deter.

Retained parcel is 3.6 hectares with 108 metres frontage, existing and proposed rural residential use with existing dwelling, barn & ponds.

- Jeff Buisman, agent for the applicant, provided an overview of the application and noted that there is a haul route located across the lands to be added to which is located at the south of the retained lands.
- He further noted that the severance is to add more area to the field of the abutting property to the south, and also noted that the retained lands will less than 4 hectares to a minor variance will not be required.
- There were no questions from the Committee.

Moved by: Dan Kennedy

Seconded by: Paul Sadhra

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That the Owner obtain an approved Entrance Permit verifying safe access and site lines on the severed parcel from the Township of Puslinch; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

CARRIED

12(c) Severance Application B14/20 (D10/LEO) – Paul and Maria Leombruni, Part Lot 18, Concession 4, 6945 Forestell Road, RR#6, Guelph.

Proposed severance is 0.4 hectares with 51 metres frontage, vacant land for proposed rural residential use.

Retained parcel is 3.6 hectares with 31 metres frontage, existing and proposed rural residential use with existing dwelling and two garages.

- Jeff Buisman, agent for the applicant, provided an overview of the application and noted that the shape of the property is to keep the rear lot line away from the existing dwelling on the retained parcel.
- Dennis O'Connor asked if the strip of land showing on the severance sketch part of the severance
- Jeff Buisman advised that there will be a condition in the County's decision that the strip will be conveyed to the City of Guelph for a road widening.
- There were no further questions from the Committee.

Moved by: Dennis O'Connor

Seconded by: Deep Basi

The committee supports the application with the **following conditions** imposed:

1. That the Owner satisfy all the requirements of the Township of Puslinch, financial and otherwise (including taxes paid in full and Consent Review/Condition Clearance fee) which the Township may deem to be necessary at the time of issuance of the Certificate of Consent for the property and orderly development of the subject lands; and further that the Township of Puslinch file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
2. That the Owner obtain an approved Entrance Permit verifying safe access and site lines on the severed parcel from the Township of Puslinch; and further that the Township file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

13. OTHER MATTERS

- None

14. CLOSED MEETING

- None

15. NEXT MEETING

- Next Regular Meeting Tuesday, April 14, 2020 @ 7:00 p.m.

16. ADJOURNMENT

Moved by: Dennis O'Connor

Seconded by: Deep Basi

That the Planning & Development Advisory Committee is adjourned at 7:25 p.m.

CARRIED



MINUTES

MEMBERS PRESENT

Councillor John Sepulis, Chair
Deep Basi
Dan Kennedy
Paul Sadhra
Dennis O'Connor

MEMBERS ABSENT

None

OTHERS IN ATTENDANCE

Lynne Banks, Development and Legislative Coordinator
Zachary Prince, Planner, County of Wellington
Matthieu Daoust, Junior Planner, County of Wellington
Neal DeRuyter, MHBC Planning
Joseph Gallo
Jeff Buisman, Van Harten Surveying Inc.

1. OPENING REMARKS

The meeting was called to order at 7:00 pm. The Chair welcomed the gallery to the Committee of Adjustment and informed the gallery that Township Staff would present the application, then the applicant would have the opportunity to present the purpose and details of the application and provide any further relevant information. Following this, the public can obtain clarification, ask questions and express their views on the proposal. The members of the Committee can then obtain clarification, ask questions and express their views on the proposal. All application decisions are subject to a 20 day appeal period.

2. DISCLOSURE OF PECUNIARY INTEREST

- None

3. APPROVAL OF MINUTES

Moved by: Deep Basi

Seconded by: Dan Kennedy

That the Minutes of the Committee of Adjustment meetings held Tuesday, January 14, 2019 and February 11, 2020 be adopted.

CARRIED

4. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION under section 45 of the Planning Act to be heard by the Committee this date:

4(a) Minor Variance Application D13/WAL – Roman Walizad - Property described as Part Lot 6, Concession 5, municipally known as 4781 Wellington Road 32, Township of Puslinch.

Requesting relief of New Comprehensive Zoning By-law #023-2018, as amended, to permit a maximum floor area of 52 percent instead of a maximum of 40 percent, as required.

- John Sepulis asked if there was anyone in attendance to present the application and to answer questions, and received no response.
- Since there was no response, the application will be deferred to the April 14, 2020 PDAC meeting.



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
COMMITTEE OF ADJUSTMENT
MARCH 10, 2020
7:00 PM
COUNCIL CHAMBERS

That Application D13/WAL requesting relief from provisions of Zoning By-Law #19/85, as amended, permit a maximum floor area of 52 percent instead of a maximum of 40 percent required.

The Committee voted to defer the application to the April 14, 2020 meeting as no one was in attendance to present the application, with all in favour.

The request is hereby **Deferred**.

5. OTHER MATTERS

None

6. ADJOURNMENT

Moved by: Dan Kennedy

Seconded by: Dennis O'Connor

The Committee of Adjustment meeting adjourned at 7:04 p.m.

CARRIED

MINUTES

DATE: July 15, 2020

REGULAR MEETING: 2:00 P.M.

The July 15, 2020 Regular Council Meeting was held on the above date and called to order at 2:00 p.m. via electronic participation.

1. **CALL THE MEETING TO ORDER**

2. **ROLL CALL**

ATTENDANCE:

Councillor Sara Bailey
Councillor Matthew Bulmer
Councillor Jessica Goyda
Councillor John Sepulis
Mayor James Seeley

STAFF IN ATTENDANCE:

1. Glenn Schwendinger, CAO/Clerk
2. Mary Hasan, Director of Finance/Treasurer
3. Mike Fowler, Director of Public Works, Parks and Facilities
4. Courtenay Hoytfox, Deputy Clerk
5. Luis Gomes, Fire Chief

3. **MOMENT OF REFLECTION**

4. **CONFIRMATION OF THE AGENDA**

Resolution No. 2020-182:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That Council approves the July 15, 2020 Agenda and Addendum 3 items as circulated, and additionally to include the following item:

Announcement item 17.1 Highway 6 Announcement dated July 15, 2020 by Mayor Seeley

CARRIED

5. **DISCLOSURE OF PECUNIARY INTEREST & THE GENERAL NATURE THEREOF:**

Councillor Goyda declared a potential pecuniary interest related to item 6.8 Letter from the Honourable Steve Clark Minister of Municipal Affairs and Housing only as it relates to aggregate; item 6.18 Letter from Ted Arnott MPP regarding Puslinch Council Resolution 2020-166 - TAPMO Executive Meeting Minutes dated May 28, 2020; item 7.2 Written delegation from Stephen May, Lands Manager – West, CBM Aggregates regarding item No. 15. Notice of Motion; and item 15 Councillor Sepulis's Notice of Motion; Councillor Goyda declared she does not have a pecuniary interest in receiving information or reports however, a pecuniary interest is being declared in relation to any discussions or decisions about what position the Township will take including what comments the Township will provide as a family member operates an aggregate in the Township.

6. **CONSENT AGENDA**

6.1 Adoption and Receipt of the Minutes of the Previous Council and Committee Meetings:

- 6.1.1 June 17, 2020 Electronic Participation Council Meeting Minutes
- 6.1.2 January 20, 2020 Heritage Committee Meeting Minutes
- 6.2 Monthly Monitoring Report Mill Creek Pit, License #5738
- 6.3 Town of Bracebridge Resolution - Establish Municipal Financial Assistance Program
- 6.4 Township of Eanturel Resolution Request to review the Farm Property Class Tax Rate Program
- 6.5 Ministry of Transportation correspondence - North Halton Commercial Vehicle Inspection Facility
- 6.6 Wellington - Waterloo Community Futures Fact Sheet 2019-2020
- 6.7 2020 MNRF Rabies Control Operations Notification- addition of Proposed Rabies Control Operations 2020 Map

Councillor Goyda declared a potential pecuniary interest related to item 6.8 Letter from the Honourable Steve Clark Minister of Municipal Affairs and Housing only as it relates to aggregate as a family member operates an Aggregate company in the Township and refrained from discussions and voting on that item.

- 6.8 Letter from the Honourable Steve Clark Minister of Municipal Affairs and Housing
- 6.9 Grey County Resolution - Letter to Premier Ford - Broadband Access
- 6.10 Chatham-Kent Resolution - Long term Care Letter of support for funding and commission June 11 2020
- 6.11 Town of Renfrew Resolution - Employment and Small Business impacted by COVID-19
- 6.12 West Elgin Resolution - Broadband Infrastructure Improvements
- 6.13 West Elgin Resolution - Universal Basic Income
- 6.14 Chatham-Kent Resolution - Support Letter for Alzheimer Society et al June 11 2020
- 6.15 Town of Kingsville Resolution - Rent Assistance Program
- 6.16 City of Belleville Resolution - Farm Property Class Tax Rate
- 6.17 Ministry of Municipal Affairs and Housing - COVID-19 Economic Recovery Act - 8 July 2020

Councillor Goyda declared a potential pecuniary interest related to item 6.18 Letter from Ted Arnott MPP regarding Puslinch Council Resolution 2020-166 - TAPMO Executive Meeting Minutes dated May 28, 2020 as a family member operates an Aggregate company in the Township and refrained from discussions and voting on that item.

- 6.18 Letter from Ted Arnott MPP regarding Puslinch Council Resolution 2020-166 -
(a) TAPMO Executive Meeting Minutes dated May 28, 2020.

Resolution No. 2020-183:

Moved by Councillor Sepulis and
Seconded by Councillor Bailey

That the Consent Agenda items with the exception of items 6.5, 6.8, 6.17, and 6.18 listed for JULY 15, 2020 Council meeting be received for information

CARRIED

Resolution No. 2020-184:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That the Consent Agenda items 6.5 listed for JULY 15, 2020 Council meeting be received for information.

CARRIED

Resolution No. 2020-185:

Moved by Councillor Bulmer and
Seconded by Councillor Sepulis

That the Consent Agenda items 6.8 listed for JULY 15, 2020 Council meeting be received; and

That Staff prepare correspondence to the Minister of Municipal Affairs and Housing and to MPP Ted Arnott conveying Council's concern and objection with respect to Section 4.2.8 "Protecting what is Valuable" of Proposed Amendment 1.

CARRIED

Resolution No. 2020-186:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That the Consent Agenda items 6.17 listed for JULY 15, 2020 Council meeting be received for information.

CARRIED

Resolution No. 2020-187:

Moved by Councillor Bulmer and
Seconded by Councillor Bailey

That the Consent Agenda items 6.18 listed for JULY 15, 2020 Council meeting be received for information.

CARRIED

7. DELEGATIONS:

7.1 Written delegation from Ashley McPhee with respect to safety concerns on Lake Road

Resolution No. 2020-188:

Moved by Councillor Sepulis and
Seconded by Councillor Bulmer

That the Written delegation from Ashley McPhee with respect to safety concerns on Lake Road be received; and

That the written delegation be sent to the County of Wellington Roads Committee and the OPP inspector with the request that they advise on measures that can be implemented to:

- a) minimize truck traffic;
- b) Control speed such as stop signs, speed bumps, additional signage;
- c) Allow for increased traffic during Hwy 401 construction such as increasing shoulder width
- d) Increase police enforcement on speeding, truck traffic, and parking
- e) Possibility to considered specific parts of the road as a community safety zones to facilitate electronic speed enforcement
- f) County consider redirecting traffic to County Rd 34 during 401 construction to reduce the amount of traffic on Lake RD

CARRIED

Councillor Goyda declared a potential pecuniary interest related to item 7.2 Written delegation from Stephen May, Lands Manager – West, CBM Aggregates regarding item No. 15. Notice of Motion as a family member operates an Aggregate company in the Township and refrained from discussions and voting on that item.

7.2 Written delegation from Stephen May, Lands Manager – West, CBM Aggregates regarding item No. 15. Notice of Motion

Resolution No. 2020-189:

Moved by Councillor Sepulis and
Seconded by Councillor Bulmer

That the Written delegation from Stephen May, Lands Manager – West, CBM Aggregates regarding item No. 15. Notice of Motion be received.

CARRIED

8. PUBLIC MEETINGS:

8.1 August 12, 2020 Public Meeting held by electronic participation at 7:00pm

Course – Garden Suite Application - 7677 Wellington Rd. #36

THE PURPOSE AND EFFECT of the application is to amend Township of Puslinch New Comprehensive Zoning By-law 23/2018 to rezone the lands to permit a Garden Suite.

Gallo – Zoning Amendment Application - 4010 Concession 7

THE PURPOSE AND EFFECT of the application is to amend Township of Puslinch New Comprehensive Zoning By-law 023-2018 to rezone the lands from Agricultural (A) to Agricultural Site Specific (A-) Zone to permit an agricultural service and supply establishment.

9. REPORTS:

9.1 Puslinch Fire and Rescue Services

9.1.1 Report FIR-2020-001 Fire Department 2019 Annual Summary Report

Resolution No. 2020-190:

Moved by Councillor Goyda and
Seconded by Councillor Bailey

That Report FIR-2020-001 with respect to Puslinch Fire and Rescue Service's 2019 Annual Report be received for information.

CARRIED

9.2 Finance Department

9.2.1 Report FIN-2020-024 – Ontario Regulation 284/09 – 2020 Budget

Resolution No. 2020-191:

Moved by Councillor Bulmer and
Seconded by Councillor Sepulis

**That Report FIN-2020-024 regarding Ontario Regulation 284/09 – 2020 Budget be received;
and**

That Council adopts Report FIN-2020-024 which meets the requirements of Ontario Regulation 284/09 and outlines the preparation of the 2020 Operating and Capital Budgets to a Public Sector Accounting Board compliant format.

CARRIED

9.2.2 Report FIN-2020-025 Remuneration and Expense – Council and Others

Resolution No. 2020-192:

Moved by Councillor Goyda and
Seconded by Councillor Bailey

THAT Report FIN-2020-025 regarding the Remuneration and Expenses Paid to Members of Council and Others – 2019 be received; and

THAT the Remuneration and Expenses paid to Members of Council and Others during the year 2019 be posted on the Township's website.

CARRIED

9.2.3 Report FIN-2020-026 Treasurer's Investment Report for 2019

Resolution No. 2020-193:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That Report FIN-2020-026 regarding the Treasurer's Investment Report for 2019 be received; and

That Council accepts the Treasurer's statement that based on the information supplied by Canaccord Genuity Wealth Management, the cash and temporary investments held by the Township of Puslinch during the calendar year 2019 were all prescribed in accordance with Section 418 of the Municipal Act, 2001 and were all eligible as outlined in Ontario Regulation 438/97 and that all related transactions in 2019 comply with the investment policies and goals adopted by the Township on August 13, 2014; and

That no changes be made to the Policy at this time.

CARRIED

9.2.4 Report FIN-2020-027 - 2019 Annual Building Permit Report

Resolution No. 2020-194:

Moved by Councillor Bulmer and
Seconded by Councillor Sepulis

THAT Report FIN-2020-027 regarding the 2019 Annual Building Permit Report be received.

CARRIED

9.2.5 Report FIN-2020-028 – 2019 Lease Financing Agreement Summary Report

Resolution No. 2020-195:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That Report FIN-2020-028 regarding the 2019 Lease Financing Agreement Summary Report be received; and

That Council accepts the Treasurer's statement that all lease financing agreements are nonmaterial and have been made in accordance with the Township's Lease Financing Agreement Policy as outlined in Schedule B to Report FIN-2020-028.

CARRIED

9.2.6 Report FIN-2020-029 - 2019 Commodity Price Hedging Agreements

Resolution No. 2020-196:

Moved by Councillor Bailey and
Seconded by Councillor Sepulis

That Report FIN-2020-029 regarding 2019 Commodity Price Hedging Agreements be received; and

That Council accepts the Treasurer's statement that based on the information supplied by Local Authority Services (LAS), all commodity price hedging agreements are consistent with the Township's statement of policies and goals related to the use of financial agreements to address commodity pricing and costs as outlined in Schedule B to Report FIN-2020-029.

CARRIED

9.2.7 Report FIN-2020-030 - Cancellation, Reduction or Refund of Taxes

Resolution No. 2020-197:

Moved by Councillor Sepulis and
Seconded by Councillor Bailey

THAT Report FIN-2020-030 regarding the Cancellation, Reduction or Refund of Taxes through Sections 357/358 be received; and

That Council authorizes the Treasurer, through Sections 357/358 of the Municipal Act, to process the cancellation, reduction or refunds of property taxes for certain properties in the amount of \$4,721.74 for the years 2018 to 2020 inclusive as outlined in Schedule A.

CARRIED

9.2.8 Report FIN-2020-031 - 2020 Budget – Funding for Additional Project

Resolution No. 2020-198:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

THAT Report FIN-2020-031 regarding 2020 Budget – Funding for Additional Projects be received; and

That Council approve funding in the estimated amount of \$50,615 for the following additional projects to be funded from the operating surplus in the Township's insurance accounts:

- **Organization Review - \$10,000**
- **Broadband Strategy - \$25,000**
- **Fibre Internet - \$9,000**
- **Community Engagement Software - \$6,615; and**

That Council approve funding in the estimated amount of \$74,500 for the works associated with the Underground Fuel Tanks to be funded by the Asset Management Discretionary Reserve.

CARRIED

9.3 Administration Department

9.3.1 Report ADM-2020-023 By-law Enforcement Occurrence 2nd Quarter Update

Resolution No. 2020-199:

Moved by Councillor Bulmer and
Seconded by Councillor Sepulis

That Report ADM-2020-023 regarding the 2nd Quarter By-law Enforcement update be received for information.

CARRIED

9.3.2 Report ADM-2020-024 Draft Property Standards By-law

Resolution No. 2020-200:

Moved by Councillor Bulmer and
Seconded by Councillor Goyda

That Report ADM-2020-024 regarding the Proposed Property Standards By-law amendments be received; and

That the draft By-law be taken as read a first and second time and that a third and final reading take place at the August 12, 2020 Council meeting.

CARRIED

9.3.3 Report ADM-2020-026 - Covid 19 Update

Resolution No. 2020-201:

Moved by Councillor Bailey and
Seconded by Councillor Sepulis

THAT Report ADM-2020-026 entitled Covid-19 Update be received for information.

CARRIED

9.4 Planning and Building Department

9.4.1 Report BLDG-2020-007 Building Monthly Update June 2020

Resolution No. 2020-202:

Moved by Councillor Goyda and
Seconded by Councillor Sepulis

That Report BLDG-2020-007 with respect to the Building Department Monthly Update – June 2020 be received for information; and

That Council authorize that future building permit update reports be provided to Council on a quarterly basis.

CARRIED

9.5 Roads and Parks Department

9.5.1 None

9.6 Recreation Department

9.6.1 None

10. CORRESPONDENCE:

10.1 Wellington County Council Resolution - County Official Plan Review 2

Resolution No. 2020-203:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That the Wellington County Council Resolution - County Official Plan Review 2 be received for information.

CARRIED

10.2 Media Release - Hospice Wellington and Rural Community Programs

Resolution No. 2020-204:

Moved by Councillor Bulmer and
Seconded by Councillor Bailey

That the Media Release - Hospice Wellington and Rural Community Programs be received for information.

CARRIED

10.3 Proposed Amendment 1 to A Place to Grow White Paper

Resolution No. 2020-205:

Moved by Councillor Bailey and
Seconded by Councillor Sepulis

That the Proposed Amendment 1 to A Place to Grow White Paper be received for information.

CARRIED

10.4 Hamilton Conservation Authority Draft Management Plans for Fletcher Creek

Resolution No. 2020-206:

Moved by Councillor Goyda and
Seconded by Councillor Bailey

That the Hamilton Conservation Authority Draft Management Plans for Fletcher Creek be received for information.

CARRIED

10.5 Ontario's Water Quantity Management Framework (ERO number 019-1340)

Resolution No. 2020-207:

Moved by Councillor Sepulis and
Seconded by Councillor Bulmer

That the Ontario's Water Quantity Management Framework (ERO number 019-1340) be received; and

That the Ministry Proposal details regarding the Ontario's Water Quantity Management Framework be forwarded to the Township hydrogeologist for review and comment; and

That Council's formal comments be submitted to the Environmental Registry of Ontario and that comments also be circulated to the Ministry of the Environment, Conservation and Parks.

CARRIED

11. COUNCIL REPORTS:

11.1 Mayor' Updates

- CBM gave a donation of PPE to the Morriston Nursing home
- Mayor Seeley gave an update on the Guelph Transportation Master Plan and his meeting with City of Guelph Mayor Guthrie

11.2 Council Member Reports

- Councillor Sepulis asked for an update on the AMO conference
- Councillor Bulmer remarked on the Highway 6 by-pass construction
- Councillor Sepulis gave an update on the High Speed Internet Committee
- Councilor Sepulis asked the CAO for an update on the High Speed Internet expansion and the funding announcement from the Province
- Councillor Bailey gave an update on the Puslinch Lake Committee and their fundraising initiatives
- Councillor Bailey gave an update on the Climate Change Committee and the online and hard copy surveys they have initiated

- Mayor Seeley remarked on the first week of the green bin program with the County of Wellington

12. **BY-LAWS:**

12.1 BL2020-010 Being a By-law prescribing standards for the maintenance and occupancy of property.

Resolution No. 2020-208:

Moved by Councillor Bulmer and
Seconded by Councillor Goyda

That the following By-law BL2020-010 Being a By-law prescribing standards for the maintenance and occupancy of property be taken as read a first and second time.

CARRIED

Councillor Goyda declared a potential pecuniary interest related to item 15 Councillor Sepulis's Notice of Motion, as a family member operates an Aggregate company in the Township and refrained from discussions and voting on that item.

13. **NOTICE OF MOTION: (Moved ahead of Closed Session to better accommodate members of the Public viewing the meeting)**

Councillor Sepulis's motion for which notice was given June 17, 2020 and now for discussion:

Whereas noise from the operations of the Aberfoyle Pit has been noticed to be occurring on Sundays, and late at night over the past several months;
Whereas the noise has caused a noise complaint to be made to the MNRF by a resident of Aberfoyle Mills;

Whereas the MNRF has advised the Township that the licenses associated with this pit do not have any restrictions on hours of operation;

Be it resolved that staff be requested to obtain the hours of operation and noise level restrictions for the nearby gravel pits including those south of the 401; and

That the MNRF be requested to add hours of operations and noise levels restrictions, to the Aberfoyle Pit Site Plans similar to those of the other gravel pits.

Resolution No. 2020-212:

Moved by Councillor Sepulis and
Seconded by Councillor Bailey

That the Notice of Motion be tabled.

CARRIED

Resolution No. 2020-213:

Moved by Councillor Bulmer and
Seconded by Councillor Bailey

That Council direct the Glenn Schwendinger, CAO/Clerk and Mayor Seeley to meet with the Aggregate operators, CBM and Dufferin Aggregates, to attempt to understand and resolve the noise issues on Sundays and late evenings past 8:00pm.

CARRIED

14. **CLOSED SESSION:**

Council was in closed session from 5:07 p.m. to 6:07 p.m.

The Deputy Clerk stopped the recording and removed all public attendees from the webinar. The webinar was then 'locked' so no new participants are able to join.

Resolution No. 2020-209:

Moved by Councillor Sepulis and
Seconded by Councillor Goyda

That Council shall go into closed session under Section 239 of the Municipal Act for the purpose of:

13.1 Confidential Report ADM-2020-025 from Courtenay Hoytfox, Deputy Clerk, regarding personal matters about an identifiable individual, including municipal or local board employees – 2020 Volunteer of the Year Award Nominations.

13.2 Confidential Verbal Report from Glenn Schwendinger, CAO/Clerk, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

**13.3 Adoption and receipt of Minutes of the Previous Closed Meeting:
13.3.1 June 17, 2020 Closed Meeting**

CARRIED

Resolution No. 2020-210:

Moved by Councillor Bulmer and
Seconded by Councillor Bailey

THAT Council moves into open session.

CARRIED

Council resumed into open session at 6:07 p.m.

Resolution No. 2020-211:

Moved by Councillor Bulmer and
Seconded by Councillor Bailey

That Council receives the:

13.1 Confidential Report ADM-2020-025 from Courtenay Hoytfox, Deputy Clerk, regarding personal matters about an identifiable individual, including municipal or local board employees – 2020 Volunteer of the Year Award Nominations.

13.2 Confidential Verbal Report from Glenn Schwendinger, CAO/Clerk, litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

**13.3 Adoption and receipt of Minutes of the Previous Closed Meeting:
13.3.1 June 17, 2020 Closed Meeting; and**

That staff proceed as directed.

CARRIED

15. BUSINESS ARISING FROM CLOSED SESSION:

16. NEW BUSINESS:

17. ANNOUNCEMENTS:



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
July 15, 2020 COUNCIL MEETING
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

McClintock's Boat launch has been closed due to COVID 19 related issues with Social Distancing concerns.

18. CONFIRMATORY BY-LAW:

(a) By-Law to confirm the proceedings of Council for the Corporation of the Township of Puslinch

Resolution No. 2020-214:

Moved by Councillor Goyda and
Seconded by Councillor Sepulis

That the following By-law be taken as read three times and finally passed in open Council:

By-Law 2020-035 being a by-law to confirm the proceedings of Council for the Corporation of the Township of Puslinch at its meeting held on the 15 day of July 2020.

CARRIED

19. ADJOURNMENT:

Resolution No. 2020-215:

Moved by Councillor Bulmer and
Seconded by Councillor Goyda

That Council hereby adjourns at 6:09 p.m.

CARRIED

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk

July 31, 2020

Alex Ruff, Member of Parliament
Bruce – Grey – Owen Sound
1102 2nd Avenue East, Suite 208
Owen Sound, ON N4K 2J1

Dear Mr. Ruff:

Re: Support for Private Member's Bill M-36 – Emancipation Day

At its Regular meeting held on July 27, 2020, the Council of the Corporation of the City of Owen Sound considered the above noted matter and passed Resolution No. R-200727-023 as follows:

R-200727-023

"THAT Owen Sound City Council acknowledges and supports the following Private Members Bill put forward by Majid Jowhari: M-36, Emancipation Day, 43rd Parliament, 1st Session that reads as follows:

"THAT the House recognizes that:

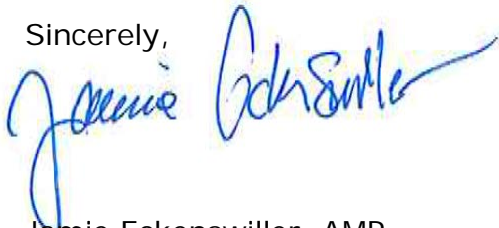
- a. The British Parliament abolished slavery in the British Empire as of August 1, 1834;**
- b. Slavery existed in the British North America prior to the abolition in 1834;**
- c. Abolitionists and others who struggled against slavery, including those who arrived in Upper and Lower Canada by the Underground Railroad, have historically celebrated August 1st as Emancipation;**
- d. The Government of Canada announced on January 30, 2018 that it would officially recognize the United Nations International Decade for people of African Descent to highlight the important contributions that people of African descent have made to Canadian society, and to provide a platform for confronting anti-Black racism;**
- e. The heritage of Canada's peoples of African descent and the contributions they have made and continue to make to Canada and in the opinion of the House, the Government should designate August 1 of every year as "Emancipation Day" in Canada."; and**

THAT support for this motion be sent to the Member of Parliament for Bruce-Grey-Owen Sound and all House of Commons representatives; and

THAT support for this motion be sent to all municipalities in Ontario."

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jamie Eckenswiller", with a stylized flourish extending from the end.

Jamie Eckenswiller, AMP
Deputy Clerk
City of Owen Sound

cc. All Members of the House of Commons
All Ontario Municipalities

July 21, 2020

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

Re: Emancipation Day Resolution

Please be advised the Council of the Municipality of Chatham-Kent at its regular meeting held on July 20, 2020 passed the following resolution:

That Chatham-Kent Council acknowledges and supports the following Private Members Bill put forward by Majid Jowhari; M-36, *Emancipation Day*, 43rd Parliament, 1st Session that reads as follows:

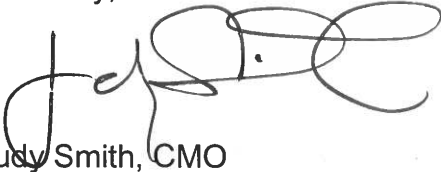
That the House recognizes that:

- a) The British Parliament abolished slavery in the British Empire as of August 1, 1834
- b) Slavery existed in the British North America prior to its abolition in 1834
- c) Abolitionists and others who struggled against slavery, including those who arrived in Upper and Lower Canada by the Underground Railroad, have historically celebrated August 1, as Emancipation Day
- d) The Government of Canada announced on January 30, 2018 that it would officially recognize the United Nations International Decade for People of African Descent to highlight the important contributions that people of African Descent have made to Canadian society, and to provide a platform for confronting anti-black racism; and
- e) The heritage of Canada's people of African descent and the contributions they have made and continue to make to Canada; and that in the opinion of the House, the government should designate August 1 of every year as "Emancipation Day" in Canada

That support for this motion is sent to our Member of Parliament and all House of Commons representatives. And that support for this motion be sent to all Municipalities.”

If you have any questions or comments, please contact Judy Smith at ckclerk@chatham-kent.ca

Sincerely,

A handwritten signature in black ink, appearing to read 'Judy Smith', with a stylized flourish at the end.

Judy Smith, CMO
Director Municipal Governance
Clerk /Freedom of Information Coordinator

C

All House of Commons Representatives
Ottawa, ON K1A 0A6

Majid Jowhari, MP

Hon Wanda Thomas Bernard
Senator- Nova Scotia (East Preston)

Lianne Rood, MP, Lambton-Kent-Middlesex

Dave Epp MP Chatham-Kent –Leamington

C Ontario Municipalities



The Corporation of the Town of Marathon
4 Hemlo Drive, P.O. Bag TM
Marathon, Ontario P0T 2E0
clerk@marathon.ca
Phone: (807) 229-1340 Ext. 2223
Fax: (807) 229-1999
www.marathon.ca

OFFICE OF THE DEPUTY CLERK
File 4-6

SENT VIA EMAIL ONLY

July 29, 2020

Courtenay Hoytfox,
Deputy Clerk
Township of Puslinch
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

Dear Ms. Hoytfox:

At the Regular Meeting of Council held on Monday, July 20, 2020, Council passed Motion No. 141/20 which supports your resolution pertaining to fair and equitable assessment system for all aggregate resource properties.

Accordingly, I have enclosed a copy of the motion as well as your original request.

I trust you will find this satisfactory, but should you have any questions please do not hesitate to contact my office at your convenience.

Sincerely,

TOWN OF MARATHON


Louise Lees
Deputy Clerk

LL:lc

Enclosure(s)

cc (via email)

M:\4-6 (Administration)\2020 Correspondence\let_0729.Township of Puslinch.doc



respect. works here.

THE CORPORATION OF THE TOWN OF MARATHON
MARATHON, Ontario

Motion No.: 141/20

Date: July 20, 2020

Moved by: Gingras

Seconded by: VALLANCE

THAT Council hereby supports the attached resolution received from the Township of Puslinch, pertaining to fair and equitable assessment system for all aggregate resource properties;

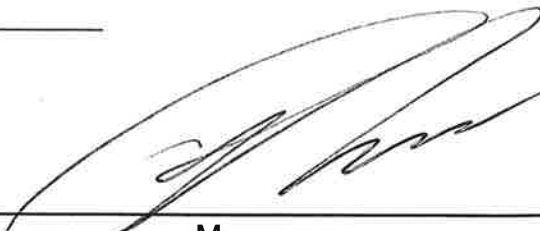
AND FURTHER THAT a copy of this motion be forwarded to the individuals listed on the original resolution.

RECORDED VOTE:	FOR	AGAINST	CONFLICT OF INTEREST
Mayor Dumas			
Councillor Gingras			
Lake			
Tsubouchi			
Vallance			

CARRIED ✓

DEFEATED _____

No. at Meeting: 3



Mayor

49



July 7, 2020

RE: TAPMO Executive Meeting Minutes dated May 28, 2020.

Please be advised that Township of Puslinch Council, at its meeting held on June 17, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2020-166: Moved by Councillor Bulmer and
Seconded by Councillor Sepulis

That the Intergovernmental Affairs correspondence item 4 listed for JUNE 17, 2020 Council meeting be received; and

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands;

WHEREAS the Council of Puslinch supports a fair and equitable assessment system for all aggregate resource properties;

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Sand, Stone and Gravel Association, revised criteria for assessing aggregate resource properties;

AND WHEREAS the Council of Puslinch has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties;

NOW THEREFORE BE IT RESOLVED:

(a) That the Council of Puslinch does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and

(b) The Council of Puslinch believes there is a need to review the current



assessment scheme for aggregate resource properties to address the inequity of property values;

(c) The Council of Puslinch hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

(d) The Council of Puslinch directs the Clerk to provide a copy of this motion to the Minister of Finance, Minister of Municipal Affairs and Housing, Minister of Natural Resources and Forestry, AMO, ROMA, and all Ontario municipalities and {the local MPP(s)}

CARRIED

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,
Courtenay Hoytfox
Deputy Clerk

CORPORATION OF THE
TOWNSHIP OF HARLEY

903303 Hanbury Rd.
New Liskeard, ON P0J 1P0
tel: 705-647-5439 fax: 705-647-6373

July 15th, 2020

The Township of Puslinch
Courtenay Hoytfox
Deputy Clerk
7404 Wellington Road,
Puslinch, ON N0B 2J0

Fax: 519-763-5846

Ms. Hoytfox:

Your letter dated July 7, 2020 was received by Harley Township Council at their meeting of July 14, 2020 and the following resolution was passed:

Resolution No. 2020-121

That we the Township of Harley do Hereby support the Townships of Puslinch's resolution No. 2020-166 requesting the Province work with the Municipal Property Assessment Corporation to address the assessment value of aggregate resource properties so that such properties are assessed for their industrial value; and,

That a letter of support be forwarded to the Township of Puslinch.
"CARRIED"

Yours truly,



Jordan Kemp
Clerk-Treasurer
Township of Harley

JMK/lp



DISTRICT OF PARRY SOUND

56 ONTARIO STREET
PO BOX 533
BURK'S FALLS, ON
POA 1C0

(705) 382-3332

(705) 382-2954

Fax: (705) 382-2068

Email: info@armourtownship.ca

Website: www.armourtownship.ca

July 15, 2020

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON
N0B 2J0

Re: Support Resolution

At its meeting held on July 14, 2020 the Township of Armour passed Resolution #5 approving the support in requesting that the Province work with MPAC to address the assessment issue so that aggregate resource properties are assessed for their industrial values.

A copy of Council's Resolution #5 dated July 14, 2020 is attached for your consideration.

Sincerely,

Danika Hammond
Administrative Assistant



CORPORATION OF THE TOWNSHIP OF ARMOUR

RESOLUTION

Date: July 14, 2020

Motion # 5

That the Council of the Township of Armour supports the Township of Puslinch in requesting that the Province work with MPAC to address the assessment issue so that aggregate resource properties are assessed for their industrial values.

Moved by: Blakelock, Rod ☒
Brandt, Jerry ☐
MacPhail, Bob ☐
Ward, Rod ☐
Whitwell, Wendy ☐

Seconded by: Blakelock, Rod ☐
Brandt, Jerry ☐
MacPhail, Bob ☐
Ward, Rod ☒
Whitwell, Wendy ☐

Carried / Defeated

Declaration of Pecuniary Interest by:

Recorded vote requested by:

Recorded Vote:

Blakelock, Rod
Brandt, Jerry
MacPhail, Bob
Ward, Rod
Whitwell, Wendy

For

☐
☐
☐
☐
☐

Opposed

☐
☐
☐
☐
☐



316837 Highway 6, RR 1
Chatsworth, Ontario N0H 1G0
Telephone 519-794-3232 - Fax 519-794-4499

July 15, 2020

Township of Puslinch
7404 Wellington Road 34
Puslinch Ontario
N0B 2J0
Attention: Courtenay Hoytfox, Deputy Clerk

RECEIVED
JUL 23 2020
Township of Puslinch

Dear Ms. Hoytfox

The Council of the Township of Chatsworth passed the following resolution at the July 15, 2020 regular Council Meeting;

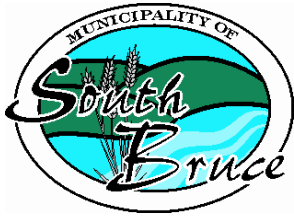
Resolution 2020-19-19

That Township of Chatsworth Council support the Township of Puslinch resolution for MPAC to address the inequity of the property values of aggregate resource properties to ensure that aggregate resource properties are assessed for their industrial value.

We are pleased to lend our support.

Best Regards,

Carolyn Vlieland-Marx, Dipl.M.A.
Deputy Clerk



Municipality of South Bruce

MUNICIPAL OFFICE

P.O. Box 540, 21 GORDON ST E. TEESWATER, ONTARIO NOG 2S0
Phone (519) 392-6623 Fax (519) 392-6266
e-mail tgrubb@southbruce.ca

July 16, 2020

The Honourable
Minister of Finance, Rod Phillips
Frost Bldg S, 7th Flr
7 Queens Park Crescent
Toronto, ON M7A 1Y7

Re: Township of Puslinch's Resolution regarding aggregate resource properties

Please be advised that the Municipality of South Bruce Council met at their regular session of Council on July 14, 2020 at which time the following resolution in support of the Township of Puslinch was passed:

Moved by: Mark Goetz

Seconded by: Wayne Huber

THAT the Council of the Municipality of South Bruce support the Township of Puslinch's resolution requesting the Province of Ontario work with the Municipal Property Assessment Corporation to review the current assessment scheme for aggregate resource properties to address the inequity of property values so that aggregate resource properties are assessed for their industrial value;

AND FURTHER that this resolution be forwarded to the Minister of Finance, Minister of Municipal Affairs and Housing, Minister of Natural Resources and Forestry, MP Ben Lobb and MPP Lisa Thompson.

Motion: Carried

Should you have any questions in regards to the above resolution please contact our office.

Sincerely,

Tracy Grubb

Tracy Grubb
Deputy Clerk, Municipality of South Bruce

cc: Hon Steve Clark, Minister of Municipal Affairs and Housing
Hon. John Yakabuski, Minister of Natural Resources and Forestry
MP Ben Lobb
MPP Lisa Thompson
The Township of Puslinch



CORPORATION OF THE TOWNSHIP OF MATTICE – VAL CÔTÉ

RESOLUTION NO. 20-116

Moved by: Steve Brousseau

Seconded by: Richard Lemay

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands and;

WHEREAS the Municipal Property Assessment Corporation (MPAC), with the participation of the Ontario Sand, Stone and Gravel Association, revised the criteria for assessing aggregate resource properties;

NOW THEREFORE BE IT RESOLVED THAT Council for the Municipality of Mattice – Val Côté hereby supports Resolution No. 2020-166 of the Township of Puslinch in believing that there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values and calling upon the Province to work with MPAC to address the assessment issue so that aggregate resource properties are assessed for their industrial value, and;

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to the Township of Puslinch, to the Minister of Municipal Affairs and Housing and to our federal and provincial Parliament representatives, MP Carol Hughes and MPP Guy Bourgouin.

- CARRIED -

I, Guylaine Coulombe, CAO/Clerk of the Municipality of Mattice – Val Côté, do hereby certify this to be a true and complete copy of Resolution 20-116, passed by the Council of the Municipality of Mattice – Val Côté at its meeting held the 13th day of July 2020.

DATED at Mattice, Ontario
This 21st day of July 2020


Guylaine Coulombe



North Algonia Wilberforce Township

1091 Shaw Woods Road
RR #1 Eganville, Ontario K0J 1T0

Tel: 613-628-2080

Fax: 613-628-3341 clerk@nalgonaawil.com

June 19, 2020

Hon. Doug Ford, Premier
Province of Ontario
Premier's Office
Legislative Building, Room 281
Queen's Park,
Toronto, Ontario M7A 1A1

RECEIVED
JUL 14 2020
Township of Puslinch

Dear Premier Ford:

RE: Review of Farm Class Tax Rebate Program

The Council of North Algonia Wilberforce Township has supported a resolution from the Township of Puslinch and the Township of Mapleton which request the Province review the Farm Class Tax Rate Program. This request is based on the economic competitiveness concerns between rural and urban municipalities.

This program, in its original form of a tax rebate, to its current form of a separate tax class for farmland, has been in effect since the early 1970's. Our Council believes that it is time this program should be reviewed to ensure it is meeting the needs of the agricultural and rural communities. Council appreciates your Government's review of this program.

Yours truly,

James Brose,
Mayor

Encl.

Cc Hon Steve Clark, Minister of Municipal Affairs and Housing
Hon Rod Phillips, Minister of Finance
Hon Ernie Hardeman, Minister of Agricultural, Food and Rural Affairs
Hon John Yakabuski, Minister of Natural Resources and Forester, and
MPP, Renfrew Nipissing Pembroke
Ms. Cheryl Gallant, MP, Renfrew Nipissing Pembroke
Rural Ontario Municipal Association (ROMA)
Association of Municipalities of Ontario (AMO)
Township of Puslinch ✓

NORTH ALGONA WILBERFORCE TOWNSHIP

JUNE 16, 2020

MOVED BY

- ☐ Mayor Brose
- ☒ Councillor Buckwald,
- ☒ Councillor Berndt
- ☐ Councillor Reiche-Schoenfeldt
- ☐ Councillor Robinson

SECONDED BY

- ☐ Mayor Brose
- ☒ Councillor Buckwald,
- ☐ Councillor Berndt
- ☐ Councillor Reiche-Schoenfeldt
- ☐ Councillor Robinson

10.2.1


Whereas the Township of North Algona Wilberforce received correspondence from the Township of Puslinch with respect to requesting the Province of Ontario to review the Farm Class Tax Rate Program in light of economic competitiveness concerns between rural and urban municipalities.

BE IT RESOLVED that the Township of North Algona Wilberforce hereby supports their resolution 2020-151 passed on June 3, 2020; and

BE IT FURTHER RESOLVED THAT this motion be sent to Hon. Doug Ford, Premier of Ontario, Hon. Steve Clark, Minister of Municipal Affairs and Housing, Hon. Rod Phillips, Minister of Finance, Hon. Ernie Hardman, Minister of Agriculture, Food and Rural Affairs, MPP John Yakabuski, MPP Cheryl Gallant, all Ontario Municipalities, Rural Ontario Municipal Association(ROMA) and Association of Municipalities of Ontario (AMO).

Carried: <input checked="" type="checkbox"/>	Defeated: <input type="checkbox"/>	Withdrawn: <input type="checkbox"/>
Declaration of Interest: <input type="checkbox"/>	Recorded Vote: <input type="checkbox"/>	

YES	Voting	NO
<input checked="" type="checkbox"/>	Councillor Doug Buckwald	
<input checked="" type="checkbox"/>	Councillor Melvin Berndt	
<input checked="" type="checkbox"/>	Councillor Janet Reiche-Schoenfeldt	
<input checked="" type="checkbox"/>	Councillor Maria Robinson	
<input checked="" type="checkbox"/>	Mayor James Brose	

Mayor: 
Clerk: _____

**CERTIFIED TRUE COPY
OF AN ORIGINAL DOCUMENT**
SIGNED M. H. Clark
DATE June 19, 2020
North Algona Wilberforce Township



TOWNSHIP OF WARWICK

"A Community in Action"

6332 Nauvoo Road, R.R. #8, Watford, ON N0M 2S0

Township Office: (519) 849-3926 / 1-877-849-3926
Watford Arena: (519) 876-2808
Website: www.warwicktownship.ca

Works Department: (519) 849-3923
Fax: (519) 849-6136
E-mail: info@warwicktownship.ca

RECEIVED

JUL 17 2020

Township of Puslinch

July 13, 2020

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0

Dear Township of Puslinch:

RE: Support of Resolution Regarding Farm Property Class Tax Rate Programme

Please be advised that at their regular meeting of June 22, 2020, Warwick Township Council passed the following motion:

THAT Warwick Township Council supports and endorses the resolution from the Township of Puslinch requesting the Province of Ontario review the Farm Property Class Tax Rate Programme in light of economic competitiveness concerns between rural and urban municipalities.

- Carried.

If you have any questions or concerns, please do not hesitate to contact me.

Kindest Regards,

Amanda Gubbels
CAO/Clerk
Township of Warwick



TOWNSHIP OF WARWICK

"A Community in Action"

6332 Nauvoo Road, R.R. #8, Watford, ON N0M 2S0

Township Office: (519) 849-3926 / 1-877-849-3926

Watford Arena: (519) 876-2808

Website: www.warwicktownship.ca

Works Department: (519) 849-3923

Fax: (519) 849-6136

E-mail: info@warwicktownship.ca

July 13, 2020

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0

Dear Township of Puslinch:

RE: Support of Resolution Regarding Support for Conservation Authorities

Please be advised that at their regular meeting of June 22, 2020, Warwick Township Council passed the following motion:

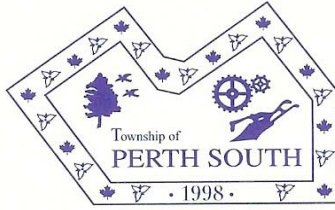
THAT Warwick Township Council supports and endorses the resolution from the Township of Puslinch regarding support for Conservation Authorities.

- Carried.

If you have any questions or concerns, please do not hesitate to contact me.

Kindest Regards,

Amanda Gubbels
CAO/Clerk
Township of Warwick



Corporation of the Township of Perth South
3191 Road 122
St. Pauls, ON N0K 1V0
Telephone 519-271-0619
Fax 519-271-0647

July 9, 2020

Agricorp
Attn: Board of Directors
1 Stone Road West
Box 360 Stn Central
Guelph, ON N1H 8M4

Re: Farm Property Class Tax Rate Program

Dear Board of Directors

The Farm Property Class Tax Rate program was developed by the province to support agriculture in Ontario. Through this program, farmland owners receive a reduced property tax rate. Eligible farmland is taxed at no more than 25% of the municipal residential tax rate. This program is administered by Agricorp, the Municipal Property Assessment Corporation (MPAC), and municipalities with farmland assessment within their municipality.

The Assessment Roll is returned by MPAC in December of each year for the following year. It is important that the assessment roll values on the returned roll received from MPAC are accurate as these values are used as the basis for the calculation and distribution of taxes. However, we have found that the 2020 Assessment Roll as returned

by MPAC requires many adjustments in the form of Tax Incentive Adjustments (TIA) for the Farm Property Class Tax Rate Program, each of which result in taxation write-offs for the Township.

The TIAs are required to transfer properties which have become eligible for the Farm Property Class Tax Rate Program from the Residential Class back to the Farmland Class. It is our understanding that the large number of TIAs that are processed by MPAC are necessary due to the number of farm properties that have sold their property, made a change to the ownership of the property, or failed to submit paperwork to Agricorp by the required deadline.

The result is that the Assessment Roll is returned with an overstated Residential Class assessment and an understated Farmland Class assessment and when used in the determination of the Residential Tax Rate at budget time results in a rate that is less than it would otherwise be. In addition, taxation write-offs of 75% of the residential amount must be refunded. These refunds are required for the current year, and in some instances, in the prior year as well, placing a financial burden on municipalities.

While these adjustments are not new, they certainly seem to be increasing in volume in more recent years and we anticipate that they will continue to increase as baby-boomer farmers continue to retire and sell their farmland.

In 2020 Perth South had \$34,606,000 of Farmland Class assessment transferred to Residential Class assessment. As a result of this transfer the total write-off is \$213,550.86 of which \$107,041.20 is Perth South's portion, \$66,799.27 is Perth County's portion and \$39,710.39 is the School Board's portion. While a tax write-off of \$107,041 may not seem like a large amount for many municipalities, in Perth South is it significant and would require a 3% levy increase to offset this amount.

Perth South is also concerned with the impact that these "misclassified" properties may be having on information used by other provincial departments. For example, the classification of Farmland assessment as Residential assessment negatively impacts the

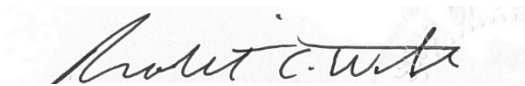
Ontario Municipal Partnership Fund (OMPF) calculation, specifically the Farm Area Measure, which could result in a financial loss in the form of reduced grant funding for the year. Despite the fact that there has been no development on farmland, Perth South's Farm Area Measure decreased from 91.7% to 90.8% in 2020, a decrease attributed to the transferring of property from the Farmland Class to the Residential Class. If the Farm Area Measure were to fall below 90% Perth South would incur a loss in grant funding, a loss we simply cannot afford. And should such a loss occur there does not appear to be a mechanism to allow for the correction of the OMPF allocation following the transfer of assessment back from Residential Class to Farmland Class.

It should also be recognized that the levy costs imposed on municipalities for maintenance and administration costs of conservation authorities is also impacted by this transfer of land from the Farmland Class to the Residential Class. The apportionment of costs is determined by multiplying Current Value Assessment (CVA) in the Residential Property Class by a Factor of 1 and multiplying the CVA in the Farmlands Property Class by a factor of .25. The inclusion of assessment from the Farmland Property Class in the Residential Property Class artificially increases our proportionate share of maintenance and administrative costs and represents another unreconcilable calculation for which we are financially penalized.

The current process places an administrative burden on municipalities and diverts staff time from other administrative work that we simply do not have to spare. In recent years the provincial government has been working with municipalities and other partners to improve service delivery and efficiencies. As part of their review, Managing Transformations: A Modernization Action Plan, there was a focus on strong leadership by the government to work with ministries and various partners to strengthen horizontal coordination and establish a renewed focus on improving the efficiency, productivity and outcomes of the Broader Public Sector, while at the same time delivering the most efficient Ontario Public Services possible. A similar review of the delivery of this program may be very beneficial.

Perth South understands that the province and MPAC need to ensure that each farm operation meets the requirements of the Farm Property Class Tax Rate Program, but we feel that there must be a more efficient and effective way for this to be achieved. Perth South would like to be part of the solution and suggests that all stakeholders to the Farm Property Class Tax Rate Program review the current program in an effort to find efficiencies and ultimately, a less disruptive classification process.

Yours Truly,

A handwritten signature in black ink, appearing to read "Robert C. Wilhelm", is centered on the page. The signature is fluid and cursive.

Mayor Robert Wilhelm
Township of Perth South

Cc: Hon. Vic Fedeli, Minister of Finance
Hon. Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
Randy Pettapiece, MPP Perth Wellington
Board of Directors, Municipal Property Assessment Corporation (MPAC)
Board of Directors, Rural Ontario Municipalities Association (ROMA)
County of Perth
Ontario Municipalities

**NOTICE OF THE PASSING OF ZONING BY-LAW AMENDMENT
BY THE CITY OF HAMILTON IN THE MATTER OF:
AN AMENDMENT TO THE CITY OF HAMILTON ZONING BY-LAW NO. 05-200**

TAKE NOTICE that the City of Hamilton Council passed Zoning By-law No. 20-144 on the 17th of July, 2020 under Section 34 of the Planning Act, R.S.O. 1990, c. P.13, under Section 34 of the Planning Act, R.S.O. 1990, c. P. 13 to amend the City of Hamilton Zoning By-law No. 05-200 to rezone the lands to the Residential Character (C1) Zone and to include special provisions to prevent flooding, for lands at 328, 336 and 344 Beach Boulevard.

AND TAKE NOTICE THAT any person or agency who objects to Zoning By-law Nos. 20-144 may appeal the decision of Council to the Local Planning Appeal Tribunal, by filing with the City Clerk, not later than the 13th of August, 2020 a certified cheque or money order in the amount of \$1,100.00, payable to the Minister of Finance, Province of Ontario. A completed Notice of Appeal form setting out the reasons for the appeal of the Zoning By-laws is required to be accompanied with the Local Planning Appeal Tribunal fee. Appeal forms are available on the Tribunal website www.elto.gov.on.ca/lpat.

PLEASE NOTE: IF YOU HAVE NO OBJECTION TO THE BY-LAW, YOU DO NOT NEED TO TAKE ANY ACTION, AND YOU DO NOT NEED TO SEND ANY CHEQUE.

AND TAKE NOTICE THAT the decision by Council on the Zoning By-law is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Only Individuals, Corporations and Public Bodies may appeal a Zoning By-Law to the Local Planning Appeal Tribunal. A Notice of Appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

An explanation of the purpose and effect of the Zoning By-law is below. The complete By-laws are available for inspection during regular office hours. If you have any questions, please call Lisa Kelsey at 905 546 2424 extension 4605. Appeals should be submitted to: City Clerk, City of Hamilton, 71 Main Street West, 1st floor, Hamilton, Ontario, L8P 4Y5.

RECEIVED

JUL 27 2020

Township of Puslinch

**EXPLANATION OF THE PURPOSE AND EFFECT OF CITY OF HAMILTON OF
ZONING BY-LAW AMENDMENT NO. 20-144**

The purpose and the effect of the By-law amendment is:

Zoning By-law No. 05-200 (By-law No. 20-144)

- to rezone 328, 336, and 344(south part) Beach Boulevard from Neighbourhood Commercial (C2) Zone to Residential Character (C1) Zone to reinstate the previous Residential Character (C1) Zone which was inadvertently deleted as part of By-law 19-278;
- to add 344(north part) Beach Boulevard to Zoning By-law No. 05-200 and zone the lands Residential Character (C1) Zone and include special regulations (minimum ground floor elevation of 76.5 metres above mean sea level, prohibition on basements or cellars, accessory structure regulations); and,
- to add two new regulations: a minimum of 0.75 metres between the ground and the bottom of any visual or noise barrier and a minimum front yard setback of 3 metres instead of a maximum front yard setback of 3 metres.

The effect of these changes would allow for the construction of a single detached dwelling.

The lands affected by the amendment are shown on the map.

DATED at the City of Hamilton
this 24th day of July, 2020

A. Holland, City Clerk
City Hall, Hamilton, Ontario

CI 19 H



July 24, 2020

Honourable Sylvia Jones, Solicitor General
George Drew Bldg 18th Flr
25 Grosvenor St
Toronto, ON M7A 1Y6

Dear Honourable Sylvia Jones:

On behalf of Council of the Town of Mono, I wish to add my support to the resolution passed by the Council of the Town of Orangeville on June 8, 2020 regarding the necessity to develop a comprehensive diversity training program for municipal police services, including the Ontario Provincial Police. It is important that we acknowledge the reality that individuals within communities, and communities within larger populations, differ in many ways. Police services must have a broad understanding of what constitutes these differences so they can recognize them and strive to ensure equitable treatment of people. This can include differences in gender, race, age, culture, disability, religion, sexual orientation, or any other characteristic that helps to shape a person's perspective.

The unique role of law enforcement officials in our community makes cross-cultural understanding imperative. In addition to the need to ensure officer-to-officer sensitivity, and to accurately represent our constituents, law enforcement officials need understanding, respect, and a willingness to communicate in a culturally sensitive manner with all segments of our society. We need to critically examine stereotypes and cultural assumptions that are often held by the community and by the law enforcement professionals who serve the community.

I encourage you to ensure that a comprehensive diversity training program is developed to ensure that our police services are in a position to recognize and respond appropriately to the lived experience of members of all communities within our society. The training program should examine how people perceive the police and how this impacts officer effectiveness and, ultimately, the safety of both officers and the members of all of our communities.

Regards,

TOWN OF MONO

Laura Ryan
Mayor

Enclosure: Town of Orangeville Resolution regarding Police Diversity Training

Copies:

Mayor Sandy Brown, Town of Orangeville
All Dufferin County Municipalities

Diversity Training Program

Town of Orangeville Resolution 2020-194, passed June 8, 2020

Moved by Mayor Brown, Seconded by Deputy Mayor Macintosh

WHEREAS The Town of Orangeville recognizes there have been questions in the public related to both diversity training and use of force training and protocols for Police Services, including in Ontario;

WHEREAS the Town recognizes that police officers join this profession out of a desire to do good, to serve and to protect the communities they serve;

AND WHEREAS an understanding of community diversity can foster authentic inclusion;

AND WHEREAS empathy training, and de-escalation training, can support understanding other people's perspectives;

AND WHEREAS the Town recognizes that policing can be a dangerous profession, and officer as well as community safety are critical considerations in law enforcement;

AND WHEREAS the Ontario Provincial Police have indicated they have a comprehensive diversity training program, however there may not be the same resources available across the entire province for smaller Police Services;

AND WHEREAS there is concern in the public about the boundaries of use of force, such as neck restraints, and oversight;

AND WHEREAS there isn't clarity on a common bar on diversity and empathy training or on use of force and oversight;

THEREFORE BE IT RESOLVED that the Mayor write to the Solicitor General to encourage common training requirements for all members of Police Services in Ontario as it relates to diversity, empathy and use of force;

AND THAT the Solicitor General provide clarity on police oversight going forward given the anticipated changes to legislation to ensure effective accountability continues;

AND THAT annual updates or refresher courses be mandatory to ensure our Police Services have the best and current information available to them;

AND THAT THE TOWN request that the use of force protocols be reviewed to ensure they are safe and would meet current standards, and then shared across the province;

AND THAT THE TOWN circulate this resolution to all Ontario municipalities seeking their support.

"Carried"

File: A-2100

June 26, 2020

DELIVERED BY EMAIL

The Right Honourable Justin Trudeau,
Prime Minister of Canada
Email: justin.trudeau@parl.gc.ca

The Honourable Doug Ford,
Premier of Ontario
Email: premier@ontario.ca

Re: COVID-19 Funding

Oshawa City Council considered the above matter at its meeting of June 22, 2020 and adopted the following recommendation:

“Whereas on March 11, 2020, the World Health Organization and the Canadian Government declared COVID-19 a global pandemic; and,

Whereas on March 12, Ontario ordered schools closed and by March 17, began a more extensive shut down; and,

Whereas the pandemic has led to the closure of public spaces and the cancellation of events around the world throughout the country our province and right here within our own community, causing great stress on the arts sector; and,

Whereas local cultural organizations such as the Oshawa Folk Arts Council representing over 13 member clubs and organizations, as well as the many local service groups such as the Oshawa Rotary Club, have all been forced to cancel major events (i.e. Fiesta Week; Rib Fest; etc.) which historically contribute in large part to the fundraising and operational financing efforts of these sociocultural entities; and,

Whereas the Government of Canada and the Province of Ontario have committed they through the Canada Council for the Arts will continue to work with the Government of Canada, as well as provincial, territorial, and municipal partners, to ensure the strength of the sector; and,

Whereas at present, the Canada Council's for the arts priorities as are our collective governing priorities are to ensure the health and safety of people across Canada and around the world and to work towards the sustainability and recoverability of the arts sector; and,

Whereas a significant period has past without further indication as to what tools, funding measures, or financial support our local social cultural, service clubs, and children/youth minor sporting originations can readily access to help support their operating costs and programming,

Therefore be it resolved:

1. That the Federal, Provincial, and Regional Government help local municipalities assist their local social cultural, service clubs, and children/youth minor sporting originations with clear and definitive relief funding programs directed to help sustain the afore mention groups through these trying times inflected on them by the affects of COVID-19; and,
2. That a copy of this resolution be sent to the Prime Minister of Canada, the Premier of Ontario, all Ontario Municipalities, all Members of Provincial Parliament, all Members of Parliament and Association of Municipalities of Ontario and Federation of Canadian Municipalities."

Oshawa City Council respectfully requests your consideration of the above noted matters.

If you need further assistance concerning this matter, please contact Ron Diskey, Commissioner, Community Services Department at the address listed on Page 1 or by telephone at 905-436-3311.



Mary Medeiros
City Clerk

/fb

- c. Association of Municipalities of Ontario
Federation of Canadian Municipalities
Members of Parliament and Members of Provincial Parliament
Ontario Municipalities



The Corporation of The Town of Amherstburg

VIA EMAIL

To: All Ontario Municipalities

RE: Long Term Care Home Improvements

At its meeting of July 13th, 2020, Council passed the following resolution for your consideration:

That Administration BE DIRECTED to send correspondence in support of the City of Sarnia's resolution regarding their request for long term care home improvements.

Enclosed is a copy of the City of Sarnia's resolution for convenience and reference purposes.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

cc:

Doug Ford, Premier of Ontario
Email: premier@ontario.ca

Taras Natyshak, MPP
Email: tnayshak-qp@ndp.on.ca

Chris Lewis, MP
Email: chris.lewis@parl.gc.ca

Dianne Gould-Brown
City Clerk, City of Sarnia
Email: clerks@sarnia.ca

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Town of Essex
Email: rauger@essex.ca

Jennifer Astrologo, Director of Corporate Services/Clerk - Town of Kingsville
Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk - Town of LaSalle
Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk - Town of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services - Municipality of Leamington
Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk - Town of Tecumseh
Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk -County of Essex
Email: mbirch@countyofessex.ca

Valerie Critchley, City Clerk – City of Windsor
Email: clerks@citywindsor.ca

Association of Municipalities of Ontario (AMO)
Email: amo@amo.on.ca



**THE CORPORATION OF THE CITY OF SARNIA
City Clerk's Office**

255 Christina Street N. PO Box 3018
Sarnia ON Canada N7T 7N2
519 332-0330 519 332-3995 (fax)
519 332-2664 (TTY)
www.sarnia.ca clerks@sarnia.ca

June 24, 2020

To: All Ontario Municipalities

Re: Long Term Care Home Improvements

At its meeting held on June 22, 2020, Sarnia City Council adopted the following resolution submitted by Councillor Margaret Bird with respect to the conditions in Long Term Care homes exposed by the pandemic:

That due to the deplorable conditions exposed by the pandemic in LTC homes in the province, and because this is a time for action, not just continuous streams of investigations, commissions and committees, and because the problems have been clearly identified, that Sarnia City Council direct staff to send this motion to the 444 Ontario Municipalities, asking them to urge Premier Ford to start implementing the required resolutions immediately, as follows:

- 1. increasing hours for all part-time and casual labour***
- 2. since the government provides funding for privately-operated homes, they have an obligation to inspect these homes and see that they are being properly run, and that funds are being used for the benefit of the residents and not the huge profitability of the operators, and***
- 3. to end the neglect and unacceptable conditions being experienced, each day, by our vulnerable seniors.***

Sarnia City Council respectfully seeks your endorsement of this resolution. If your municipal council endorses this resolution, we would request that a copy of the resolution be forwarded to the following:

Doug Ford, Premier of Ontario; and

City of Sarnia, City Clerk's Office
clerks@sarnia.ca

Sincerely,

A handwritten signature in blue ink that reads "Dianne Gould-Brown". The signature is written in a cursive, flowing style.

Dianne Gould-Brown
City Clerk

cc: AMO



CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY

MOVED BY Stephanie Jaworski

RESOLUTION NO 229-2020

SECONDED BY Lyle Warden **DATE** July 20, 2020

WHEREAS the COVID-19 pandemic has disproportionately affected the vulnerable elderly population in Canada's long-term care (LTC) homes and some of Ontario's LTC homes are among those with the highest fatality rates in the country as the pandemic has exposed deplorable conditions in many LTC homes across Canada; and

WHEREAS it is the mandate of the Ministry of Long-Term Care to inspect long term care homes on an annual basis and these inspections have consistently dropped in number since 2017 with only nine completed out of 626 long term care homes in 2019; and

WHEREAS residents have been endangered by personnel moving between infection zones without adequate equipment; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of South Glengarry urges the Ontario government to provide funding to increase full-time positions in place of casual and part-time labour in long term care homes and requests that the Ministry of Long-term Care acts to regularly inspect all long term care homes, and sound infection control measures are put in place at all Ontario long term care homes, and that this resolution be forwarded to Premier Ford, the Minister of Long-term Care Merrilee Fullerton and all Ontario municipalities for consideration.

☒ CARRIED

☐ DEFEATED

☐ POSTPONED


Mayor Frank Prevost

Recorded Vote:	Yes	No
Mayor Prevost	—	—
Deputy Mayor Warden	—	—
Councillor Lang	—	—
Councillor Jaworski	—	—
Councillor McDonell	—	—



Dufferin Aggregates
2300 Steeles Ave W, 4th Floor
Concord, ON L4K 5X6
Canada

July 13, 2020

Seana Richardson
Aggregates Technical Specialist
Ministry of Natural Resources and Forestry
Guelph District
1 Stone Road West
Guelph, Ontario
N1G 4Y2

Attention: Ms. Richardson

**Re: Monthly Monitoring Report
Mill Creek Pit, License #5738
Township of Puslinch, Wellington County**

Please find enclosed the required monitoring data for the month of June 2020 for those monitoring wells that could be measured.

Exceedances of the threshold value occurred at the OW5-84 to DP5CR pair on June 2, 11, 18, and 26, and are interpreted to be caused by a combination of the observed hydrogeological variability at this location and a beaver dam observed downstream of DP5CR.

The existing OW5-84 to DP5C early warning and threshold values do not appear to be representative of the actual conditions at replacement drive point DP5CR, and proposed revised values will be provided to the MNRF.

If you have any questions, please do not hesitate to call.

Sincerely,

Ron Van Ooteghem
Site Manager
C.c.

Township of Puslinch
Sonja Strynatka (GRCA)
Kevin Mitchell (Dufferin Aggregates)
University of Guelph

Monthly Reporting
Mill Creek Aggregates Pit
June 2020

Date	DP21 (mASL)	Threshold Value (mASL)	Exceedance
2-Jun-20	305.90	305.60	NO
11-Jun-20	306.02	305.60	NO
18-Jun-20	305.88	305.60	NO
26-Jun-20	305.89	305.60	NO

Date	DP17 (mASL)	Threshold Value (mASL)	Exceedance
2-Jun-20	305.21	305.17	NO
11-Jun-20	305.30	305.17	NO
18-Jun-20	305.18	305.17	NO
26-Jun-20	305.20	305.17	NO

Date	DP3 (mASL)	Threshold Value (mASL)	Exceedance
2-Jun-20	304.86	304.54	NO
11-Jun-20	304.98	304.54	NO
18-Jun-20	304.95	304.54	NO
26-Jun-20	304.97	304.54	NO

Date	DP2 (mASL)	Threshold Value (mASL)	Exceedance
2-Jun-20	304.17	303.69	NO
11-Jun-20	304.22	303.69	NO
18-Jun-20	304.15	303.69	NO
26-Jun-20	304.16	303.69	NO

Date	DP1 (mASL)	Threshold Value (mASL)	Exceedance
2-Jun-20	304.24	303.97	NO
11-Jun-20	304.31	303.97	NO
18-Jun-20	304.21	303.97	NO
26-Jun-20	304.24	303.97	NO

Date	DP5CR (mASL)	Threshold Value (mASL)	Exceedance
2-Jun-20	303.32	302.86	NO
11-Jun-20	303.46	302.86	NO
18-Jun-20	303.29	302.86	NO
26-Jun-20	303.31	302.86	NO

Date	BH13 (mASL)	DP21 (mASL)	Head Difference (m)	Threshold Value (m)	Exceedance
2-Jun-20	306.47	305.90	0.57	0.11	NO
11-Jun-20	306.57	306.02	0.55	0.11	NO
18-Jun-20	306.44	305.88	0.56	0.11	NO
26-Jun-20	306.45	305.89	0.56	0.11	NO

Date	BH92-12 (mASL)	DP17 (mASL)	Head Difference (m)	Threshold Value (m)	Exceedance
2-Jun-20	305.61	305.21	0.40	0.14	NO
11-Jun-20	305.70	305.30	0.40	0.14	NO
18-Jun-20	305.58	305.18	0.40	0.14	NO
26-Jun-20	305.59	305.20	0.39	0.14	NO

Date	DP6 (mASL)	DP3 (mASL)	Head Difference (m)	Threshold Value (m)	Exceedance
2-Jun-20	306.04	304.86	1.18	0.73	NO
11-Jun-20	306.15	304.98	1.17	0.73	NO
18-Jun-20	306.00	304.95	1.05	0.73	NO
26-Jun-20	306.07	304.97	1.10	0.73	NO

Date	BH92-27 (mASL)	DP2 (mASL)	Head Difference (m)	Threshold Value (m)	Exceedance
2-Jun-20	304.71	304.17	0.54	0.34	NO
11-Jun-20	304.71	304.22	0.49	0.34	NO
18-Jun-20	304.63	304.15	0.48	0.34	NO
26-Jun-20	304.66	304.16	0.50	0.34	NO

Date	BH92-29 (mASL)	DP1 (mASL)	Head Difference (m)	Threshold Value (m)	Exceedance
2-Jun-20	304.82	304.24	0.58	0.17	NO
11-Jun-20	304.83	304.31	0.52	0.17	NO
18-Jun-20	304.77	304.21	0.56	0.17	NO
26-Jun-20	304.81	304.24	0.57	0.17	NO

Date	OW5-84 (mASL)	DP5CR (mASL)	Head Difference (m)	Threshold Value (m)	Exceedance
2-Jun-20	303.57	303.32	0.25	0.30	YES
11-Jun-20	303.67	303.46	0.21	0.30	YES
18-Jun-20	303.53	303.29	0.24	0.30	YES
26-Jun-20	303.56	303.31	0.25	0.30	YES

Note: Exceedances of the threshold value occurred at the OW5-84 to DP5CR pair on June 2, 11, 18 and 26, and are interpreted to be caused by a combination of the observed hydrogeological variability at this location and a beaver dam observed downstream of DP5CR. The existing OW5-84 to DP5C early warning and threshold values do not appear to be representative of the actual conditions at replacement drive point DP5CR, and proposed revised values will be provided to the MNRF.

Monthly Reporting
Mill Creek Aggregates Pit
June 2020

Max. Allowable as per PTTW- Main Pond		
(Imperial Gallons)		(Litres)
2,500	per minute	11,365
1,800,000	per day	8,183,000

Max. Allowable as per PTTW- Silt Pond		
(Imperial Gallons)		(Litres)
2,597	per minute	11,806
3,739,477	per day	17,000,000

Total Monthly Precipitation (mm):	36.4	Kitchener/Waterloo (Actual)
Total Monthly Normal Precipitation (mm):	82.4	Waterloo-Wellington A (30-year Normal)

Date	Below Water Table Extraction Phase 5	Below Water Table Extraction Phase 6	Water Pumped from Main Pond (gals)	Water Pumped from Active Silt Pond (gals)	Main Pond Level (mASL)	Exceedance Y/N (BELOW 305.5 mASL)	Phase 2 Pond Level (mASL)	Exceedance Y/N (BELOW 305.0 mASL)	Phase 3 Pond Level (mASL)	Exceedance Y/N (BELOW 303.85 mASL)	Phase 4 Pond Level (mASL)	Exceedance Y/N (BELOW 304.5 mASL)
1-Jun-20	0	0	1,684,305	0	306.83	N	306.38	N	304.91	N	306.54	N
2-Jun-20	0	0	1,661,428	0	306.83	N	306.37	N	304.91	N	306.53	N
3-Jun-20	0	0	1,525,707	0	306.84	N	306.38	N	304.91	N	306.54	N
4-Jun-20	0	0	1,061,352	0	306.82	N	306.37	N	304.90	N	306.54	N
5-Jun-20	0	0	1,664,287	83,368	306.82	N	306.37	N	304.90	N	306.53	N
6-Jun-20	0	0	557,842	0	306.83	N	306.37	N	304.90	N	306.53	N
7-Jun-20	-	-	0	-	-	-	-	-	-	-	-	-
8-Jun-20	0	0	1,672,206	0	306.83	N	306.38	N	304.89	N	306.53	N
9-Jun-20	0	0	1,668,027	45,974	306.83	N	306.37	N	304.89	N	306.52	N
10-Jun-20	0	0	1,459,496	0	306.83	N	306.35	N	304.89	N	306.53	N
11-Jun-20	0	0	1,654,829	34,535	306.85	N	306.39	N	304.90	N	306.54	N
12-Jun-20	0	0	1,676,606	0	306.85	N	306.39	N	304.89	N	306.54	N
13-Jun-20	0	0	680,145	0	306.83	N	306.38	N	304.88	N	306.54	N
14-Jun-20	-	-	0	-	-	-	-	-	-	-	-	-
15-Jun-20	0	0	1,680,345	96,127	306.82	N	306.37	N	304.87	N	306.53	N
16-Jun-20	0	0	1,678,365	0	306.81	N	306.36	N	304.87	N	306.52	N
17-Jun-20	0	0	1,652,189	42,454	306.81	N	306.35	N	304.86	N	306.51	N
18-Jun-20	0	0	1,664,067	131,542	306.80	N	306.35	N	304.86	N	306.50	N
19-Jun-20	0	0	1,662,528	0	306.80	N	306.34	N	304.86	N	306.50	N
20-Jun-20	0	0	648,469	0	306.80	N	306.34	N	304.86	N	306.50	N
21-Jun-20	-	-	0	-	-	-	-	-	-	-	-	-
22-Jun-20	0	0	1,648,670	0	306.80	N	306.33	N	304.84	N	306.49	N
23-Jun-20	0	0	1,650,209	0	306.79	N	306.33	N	304.84	N	306.49	N
24-Jun-20	0	0	1,551,223	47,513	306.79	N	306.33	N	304.83	N	306.48	N
25-Jun-20	0	0	1,659,448	0	306.78	N	306.32	N	304.82	N	306.47	N
26-Jun-20	0	0	1,659,008	0	306.77	N	306.32	N	304.82	N	306.47	N
27-Jun-20	-	-	0	-	-	-	-	-	-	-	-	-
28-Jun-20	-	-	0	-	-	-	-	-	-	-	-	-
29-Jun-20	0	0	1,597,637	108,225	306.77	N	306.31	N	304.82	N	306.47	N
30-Jun-20	0	0	1,655,489	0	306.77	N	306.31	N	304.81	N	306.47	N
Total	0	0	37,373,875	589,738	-	-	-	-	-	-	-	-

Note: No exceedances to report.

Puslinch Historical Society

REPORT TO COUNCIL

Mayor Seeley and Council:

While under COVID-19 restrictions this year, PHS has delayed in-person meetings. However, the PHS executive remains active and has been answering queries that have come in during this time when we could not access the archives. Fortunately, the executive members have many files on their home computers so have been able to respond where possible.

In mid-July we received word that PHS executive members can make appointments to work in the archives, so the files and photos are accessible once again. We remain closed to the public, though.

In order to keep the public informed about materials available in our collection, two articles have been sent to the Puslinch Pioneer. The first outlined the history of our group and its facilities and the second is a virtual tour of the archives. The first article was published in the June 2020 Pioneer. Unfortunately the paper accidentally omitted the final paragraph which outlined our move to our new facility in the Puslinch Library. While they did publish the photo we submitted showing the ground breaking for the new building, the following concluding paragraph was omitted:

Another decade passed and once again PHS was pressed for space. The first Puslinch Library building was replaced in 2011, due to moisture problems. In 2009 Mayor Whitcombe invited PHS executive members to attend planning meetings with Wellington County staff and the architects for a new library building that would include a room to house the Puslinch Historical Society archives. It would triple the space and include a large window allowing in natural light. PHS then approached Council about acquiring the original Puslinch Council table from the entry hall in the Township Offices to become a much needed work table for researchers. It had been saved from the Council Chambers at the back of the 1867 Puslinch Township Hall when the building was moved to the Agricultural Museum in Milton.

Hopefully this will be corrected when they run the second article this fall!

At this time, we would like to report the activities PHS organized in 2019.

1. On January 29th, the executive met at the archives to plan the spring meetings.
2. On April 3rd the new Puslinch Council was invited to an Open House where the archives' collection was introduced to Councillors.
3. On April 16th PHS held its AGM where a presentation, "Historical Houses of Morriston" was presented by Cheryl McLean. Attendance was standing room only in the Brad Whitcombe Room.
4. On Sunday, May 5th the public was invited to a walking tour of Crieff which was to tie in with "Janes Walks" being held in other municipalities. These were named after internationally-known urban planner/professor Jane Jacobs. Attendance was over 30. PHS members and some site owners commented.
5. In August, the executive met once again. This time planning for fall meetings took place.
6. On October 15th the public was invited to tour PHS member Wayne Fischer's steam museum on the Gore.
7. On November 19th the executive presented a video, "Lost Over Borneo" to tie in with Remembrance activities. This was organized by PHS member Lois McLean. One of the three Canadian airmen who went down in the jungles of Borneo during W.W.2 was a grandson of the Puslinch McLaren family. The library has a new wide-screen T.V. in the Brad Whitcombe room which accommodates video viewing.

Throughout 2019, PHS volunteers opened the archives to the public on Saturdays. In the past two years, we have found that far more people are using the Internet to do their family history and they find out about our group that way. Taking advantage of the contact names on our website (puslinchhistorical.ca), queries are sent our way, and PHS members continue to answer these. People are encouraged to visit the archives, either on Saturdays or by appointment, so that they can take advantage of the large collection available.

Once again, the Historical Society would like to thank Council for your continued support of our work.



PRESERVING ONTARIO'S HISTORY, ONE BARN AT A TIME

info@ontariobarnpreservation.com

May 28, 2020

Addressed to: Planning Department

To whom it may concern

Our not-for-profit organization was formed in 2019 with the goal of conserving barns of cultural heritage significance in Ontario. In order to fulfill this goal, we have been conducting research and analysis on a variety of topics, including Planning Policy frameworks which either help or hinder the conservation of barns.

It has come to our attention that many municipalities are demolishing heritage barns during the process of severance of surplus farm dwellings. The purpose of this letter is to provide you with a brief summary of our findings regarding how existing Planning Policies at the Municipal and Provincial levels impact these cultural heritage resources. We hope that this will help to provide insight on how these policies may be managed in the future so that the conservation of significant cultural heritage resources can work in cooperation with planning for new development.

Barns have potential to be identified as significant cultural heritage resources and may be worthy of long-term conservation. According to PPS, significant cultural heritage resources shall be conserved:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Under *Ontario Regulation 9/06*, cultural heritage resources demonstrate significance related to legislated criteria including design/physical value, historical/associative value and contextual value

Although they may not have the same functionality they once did, we believe our heritage barns are an important part of Ontario's cultural history and rural landscape.

- They serve as landmarks in the countryside
- They have the potential to be reused and repurposed, sometimes into agriculture-related uses as municipalities search for value-added opportunities for farmers
- They have historic value for research of vernacular architecture and cultural history of areas and communities in Ontario
- They are a testament to the early farmers and pioneers in our province
- They convey an important sentiment and image to our urban counterparts about the hardworking farm community
- They contribute to agritourism in both a functional and an aesthetic way. Some European countries fund maintenance of rural landscape features such as buildings, hedge rows and fences for the very purpose of world-wide tourism and cultural heritage protection
- They are useful for small livestock or other small farm operations

We have recognized a growing trend in Ontario, where barns are seen as good candidates for conservation and adaptive re-use. Barns can be made new again and communicate their history while serving a new purposes. Barns can be made into single detached residences, Craft breweries, agro-tourism related destinations, and more.

In an effort to recognize the significance, historic and cultural value of these buildings, Ontario Barn Preservation was formed March 30, 2019. This not-for-profit organization is reaching out to barn owners, local and county historical societies, authorities, and the general public, to recognize the value of these amazing buildings. Often these barns are close to their original condition when they were built between the early 1800s and the early 1900s.

We understand the planning and building code regulations that municipalities enforce. There are often conflicting priorities, resources required for enforcement, and provincial goals and protection to uphold. The following provides a review of key policies of Provincial Policy Statement (PPS 2014), OMAFRA and Ontario Building Code regulations which creates difficulties in the conservation of barns. We hope these solutions from other municipalities have implemented might be considered in your municipality.

POLICY ITEM 1: “New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the minimum distance separation formulae.” –Provincial Policy Statement (PPS) 2.3.3.3

POLICY ANALYSIS

Barns that remain with a dwelling on a smaller severed residential lot are already in compliance with MDS setbacks since there would be no new odour conflict. If this landowner wants to house animals a Nutrient Management Plan/Strategy is required for anything over 5 Nutrient Units (NU, this is equivalent to 15+ beef feeders, OR 5+ medium-framed horses, 40+ meat goats, or 5+ beef cows), and are required to have a plan for manure removal either on their own property or in agreement with another land owner as per the OMAFRA Nutrient Management Plan/Strategy Guidelines. Any livestock count under 5NU does not require a Nutrient Management Plan. Although the capacity of these heritage barns is generally above 5 NU, in practice it is unlikely an owner would exceed this number because heritage barns are not usually that large and owners of this type of property are likely to only have a hobby-size operation.

On the other hand, barns that do not remain with a dwelling on a smaller severed residential lot, but remain on the larger retained agriculture lot often immediately become a violation of the MDS setbacks should that barn house livestock, or potentially house livestock. However unlikely this may be due to the nature and condition of the barn for livestock housing, it is a possibility. Many barns could house up to 30 Nutrient Units, or more, depending on the size of the barn. This capacity would require a separation distance from the house on the new severed lot much larger than existing to allow the barn to remain standing. Thus barns on the larger retained agriculture lot have limited options to avoid demolition.

POSSIBLE RESOLUTION:

The MDS guidelines state that a building must be “reasonable capable of housing animals” in order for MDS to be triggered. Therefore, a barn that is in a decrepit state is automatically exempted from MDS as it cannot house livestock. Thus the barn can be severed off from the dwelling without MDS implications.

However, some barns are not in a decrepit state and are the ones that are worth saving. If the barn is to remain on the retained agriculture lot, it needs to be prevented from being used as a livestock facility to be exempt from MDS. This can be done by removing water, stalls, electricity to the barn and make it “incapable of housing animals”.

Some municipalities have had the livestock restriction written into the special conditions of the zoning amendment exception. Two examples are

1. that the barn not be permitted to hold livestock. For example *“A livestock use shall be prohibited in any farm buildings existing on the date of passage of this by-law.”*
2. The amendment can also be used to only restrict the quantity of livestock in the barn as such as 1.2NU (animal nutrient units) per hectare *“Notwithstanding their General Rural (RU1) or Restricted Rural (RU2) zoning, those lots 4.0 hectares (9.9 ac.) in size or less shall be limited to no more than 1.25 nutrient units per hectare (0.5 nutrient units per acre). Minimum Distance Separation Guidelines shall apply.”*

The Ontario Building Code does not differentiate between agricultural buildings for livestock vs. implements storage, therefore a change of use of this type is not clearly defined as a possibility through the building code. A change of use permit could also be undertaken to change the occupancy of the building from agriculture to part 9. However, this solution is costly and prohibitive for most Owners.

We feel that the best case of survival for the barn is to include it with the severed residential lot. If the barn is to be severed with the residential lot we feel that the barn best use is for animals within compliance with the MDS requirements. Some municipalities use a minimum lot size required for livestock (but you have to be willing to sever that lot size where appropriate). We recommend that these smaller lots be permitted to house animals. These lots are ideal for starting farmers, CSA's, and value-added farm operations. The owners of these smaller lots are often in a position to invest in restoration of our heritage barns.

POLICY ITEM 2: A residence surplus to a farming operation as a result of farm consolidation, provided that:

“1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;” - PPS 2.3.4.1c

POLICY ANALYSIS

Provincial policy has limited the lot creation size to only accommodate the water and sewage to maintain large lots and maximum land remaining for agriculture uses.

POSSIBLE RESOLUTION

Many municipalities use a minimum and maximum lot size rather than the above strict guideline to determine the lot line and review each severance on a case by case basis.

The Ministry of Environment provides “reasonable use guidelines” on lot size for sewage systems. These guidelines recommend that a lot should have a “Reasonable Use Assessment” be done to ensure that the lot is adequately sized for septic systems. A rule of thumb that has been used is clay soil lots should be a minimum of 2 acres, and a lot with sandy soil be 1 acre.

However, we would recommend that this statement be reviewed at a provincial level and we would encourage you to contact the provincial policy department to review this statement.

POLICY ITEM 3: Designation of severed lot to be zoned “non-farm” and permitted uses as “non-farm” dwelling

POLICY ANALYSIS

Provincial policy does not dictate the residential lot be “non-farm”. In fact, the PPS states that

"Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations."

We would argue that the “non-farm” designation does create an incompatible use, encouraging non-farming residents, but it also limits the possible use of the small land for small scale farm operations within Prime Agriculture Zones.

POSSIBLE RESOLUTION:

Provide a zoning category for small lots that are sized to permit limited livestock, alternative and value-added agriculture operations. These can also be separate provisions within your existing rural or agricultural designations. For example Provisions for lots larger than 10 acres, and lots less than 10 acres.

POLICY ITEM 4: Change of Use for the building to not permit livestock.

POLICY ANALYSIS

A change of use to non-livestock building is a challenging proposition. The building code does not differentiate between livestock agriculture building and implement agriculture building. This change of use permit is quite simple and would not require any investment or structural upgrade by the owner.

If a change of use to a non-agriculture building is required, it would fall into part 9 of the building code (unless other uses are proposed). This upgrade would often require significant structural reinforcement and investment by the owner. Most owners would not be willing or in a position to invest this type of capital on a building that does not have function in a farm operation, nor for a residential property owner, also without a major purpose for the building other than storage, garage, or workshop.

This Change of Use requirement will most likely end with the demolition of the barn when required.

POSSIBLE RESOLUTION:

Change of use is only required to limit the use of the barn for livestock. This can be achieved by removing water and stalls from the building. The barn remains an existing agriculture building but unable to “reasonably house animals” (see issue 1 above for further details or options).

CONCLUSION

We hope that you will consider our review of Provincial and Municipal Planning Policy as it relates to any future Reviews of Official Plans, Comprehensive Zoning By-laws, and approaches to the conservation of built heritage resources related to agricultural use.

Too often we see these community raised historic structures in poor condition with loose boards flapping in the wind, roofs caved in, or just a mass of timbers and roofing decaying into the ground. On behalf of Ontario Barn Preservation, we encourage you to help find ways to prevent the further unnecessary demolition of our heritage barns especially in relation to surplus farm dwelling severances. It is our hope that barns of significant cultural heritage value are conserved for future generations.

Please don't hesitate to contact us if you have any questions, and we hope to hear from you in the future.

Regards,

Krista Hulshof, Vice President, architect,

Questions can be directed to Krista at 519-301-8408 or krista@veldarchitect.com

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING

Subject Lands:

1159 Victoria Road South

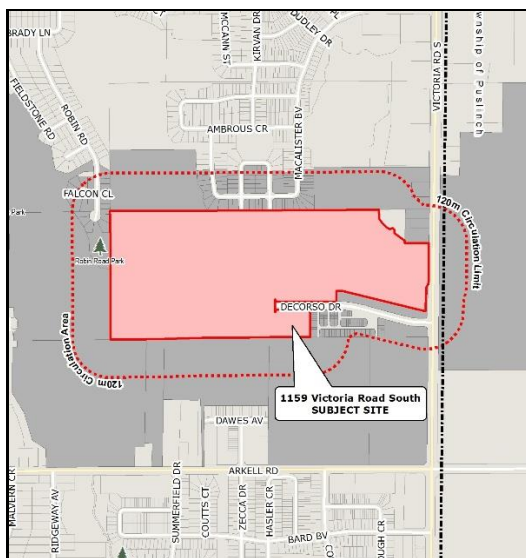
Legal Description: Part of Lot 5, Concession 8 (Geographic Township of Puslinch), City of Guelph

File No.: OZS20-007 and 23T-07506

Public Meeting:

Monday September 14, 2020, 6:30 p.m. This is a remote City Council meeting that can be watched online at guelph.ca/live

Key Map:



Application Details:

Applications for a red-line amendment to an approved Draft Plan of Subdivision and an associated Zoning By-law Amendment have been received for the lands municipally known as 1159 Victoria Road South from IBI Group on behalf of the owner, Victoria Park Village Inc.

The applicant is requesting to red-line approved Draft Plan of Subdivision 23T-07506 to permit an additional two residential lots. The applicant is requesting the Zoning By-law Amendment to reflect and implement the proposed modifications to the draft plan of subdivision.

The purpose of the Zoning By-law Amendment application is to change the zoning from the "Conservation Land" (P.1) Zone to a "Specialized Residential Single Detached" (R.1C-xx) Zone.

The area subject to the proposed red-line amendment and Zoning By-law Amendment is shown in Schedule 1. The proposed two additional lots are shown on the full version of the draft plan in Schedule 2.

Additional Information

Documents relating to this planning application are available online at guelph.ca/development. Alternate document formats are available upon request.

The Staff Report will be available **Friday September 4, 2020** after 12:00 p.m. online at guelph.ca/development.

For additional information please contact the planner managing the file:

Lindsay Sulatycki, Senior Development Planner
Planning and Building Services
Phone: 519-822-1260, ext. 3313
TTY: 519-826-9771
Email: lindsay.sulatycki@guelph.ca

August 6, 2020

Other Applications

The subject lands are not subject to any other application under the Planning Act.

How to Get Involved:

The purpose of a Public Meeting is to share information and to hear and consider public comments regarding development applications which can be reviewed by Staff and applicants prior to Council consideration of applications. The public is invited to watch the remote meeting on guelph.ca/live and participate by submitting written comments and/or speaking to the application.

To submit written comments:

You can submit written comments any time via email to clerks@guelph.ca and lindsay.sulatycki@guelph.ca or by mail to Guelph City Clerk, 1 Carden Street, Guelph ON N1H 3A1 or place them in the mail slot beside the main entrance to City Hall.

If you submit comments by 10:00 a.m. on Friday, September 11, 2020, your comments will be included in the City Council Agenda (attachments must not exceed 20 MB).

To speak to the application:

If you wish to speak to the application, please contact the Clerk's Department no later than 10:00 a.m. on Friday, September 11, 2020 by any of the following ways:

- Register online at guelph.ca/delegation
- By phone at 519-837-5603 or TTY 519-826-9771
- By email to clerks@guelph.ca

When we receive your registration, we will send you a confirmation message and instructions for participating in the remote public meeting. Instructions will also be provided during the meeting to ensure that those watching the remote public meeting will be given the opportunity to speak.

How to Stay Informed:

If you wish to be notified of the Council decision on this application you must make a written request to the City Clerk by way of email, or regular mail as listed above. Please note Council will not make a decision at the Public Meeting.

Appeals Information:

If a person or public body would otherwise have an ability to appeal the decision of the Council of the City of Guelph to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Guelph before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Guelph before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Requirement for Owners of Multi-tenant Buildings

Upon receiving this Notice, owners of multi-tenant buildings with seven (7) or more residential units are asked to post this Notice of Complete Application and Public Meeting in a location that is clearly visible to all tenants (i.e. building or community notice board).

Notice of Collection of Personal Information:

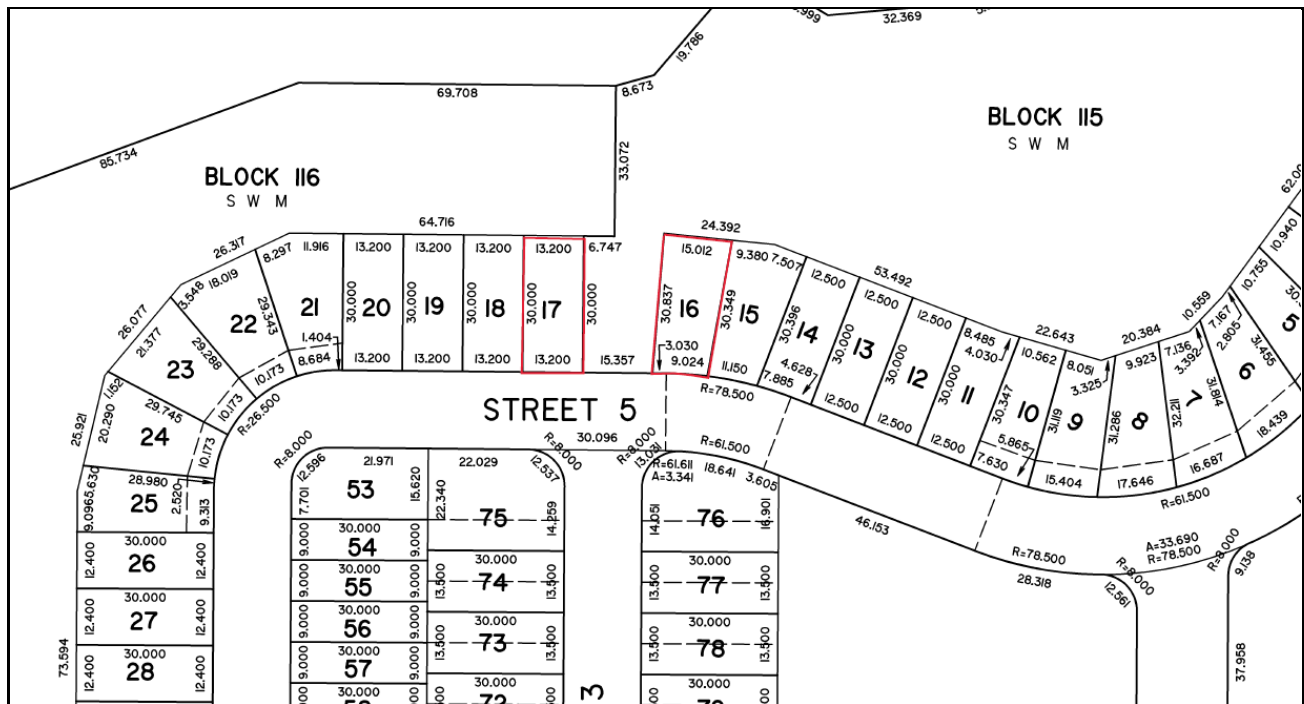
Personal information is being collected in order to gather feedback and communicate with interested parties regarding this development proposal. Information provided or presented at a public meeting is considered a public record and may be posted on the City's website or made public upon request.

This information is collected under the authority of the Planning Act, R.S.O. 1990, cP.13. Questions about this collection should be directed to the Information and Access Coordinator at 519-822-1260 extension 2349 or privacy@guelph.ca.

Accessibility:

Alternative accessible formats are available by contacting planning@guelph.ca or TTY 519-826-9771.

Schedule 1 – Area subject to proposed red-line amendment – shown as Lots 16 and 17



August 6, 2020

**Notice of Complete Application and Public Meeting
File: OZS20-007 and 23T-07506**



To: Agencies and Departments

The City of Guelph is currently reviewing the applications for a red-line amendment to an approved Draft Plan of Subdivision and an associated Zoning By-law Amendment for the lands municipally known as 1159 Victoria Road South from IBI Group on behalf of the owner, Victoria Park Village Inc.

Please submit your comments by September 30, 2020. If you have any questions or require further information, please email Lindsay Sulatycki at lindsay.sulatycki@guelph.ca

If you have no comments or concerns regarding this File OZS20-007, please sign and submit this form to:

Lindsay Sulatycki, Senior Development Planner
Planning Services
Infrastructure, Development and Enterprise
City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
Email: lindsay.sulatycki@guelph.ca

Agency:

Representative (Please Print):

Representative (Signature):

Date:

August 6, 2020

2
Dear Mayor Seeley,

We have a problem on our street, people with fancy cars want to show off them by going really fast and they are wizzing around the corner and there could be little kids playing and people can get hit. All I am asking is for you to put a couple of speed bumps on our road and if you don't want to then at least put down a sign. Other than that would you rather put down a side walk? I got the entire street to sign that is... 12 people. I am trying to save lots of lives and not only the people on the street but people in the car. our street is Boreham Dr Arkell

Sincerely, Oliver Van Gerwen

P.S.

Removable ones would be nice. ☺

Address:

E SEELEY

SPEED BUMP PETITION

Josie Hood

Name

49 BOREHAM DRIVE

Address or Phone Number

Pat Mason

Name

48 Boreham Drive

Address or Phone Number

BRUCE TAYLOR

Name

38 Boreham Dr.

Address or Phone Number

Mary Ann VanGerwen

Name

34 Boreham Dr.

Address or Phone Number

Melanie Slatt

Name

30 Boreham Dr.

Address or Phone Number

Mei Shi

Name

22 Boreham Dr.

Address or Phone Number

Debbie Brown

Name

19 BOREHAM

Address or Phone Number

LAURA BROWN

Name

19 BOREHAM

Address or Phone Number

Barb Anselmin

Name

18 Boreham

Address or Phone Number

Leah Pulleyblank

Name

15 Boreham

Address or Phone Number

Kevin Pollock

Name

53 Boreham Drive.

Address or Phone Number

Graham Williams

Name

57 boreham drive

Address or Phone Number

Name

Address or Phone Number



REPORT FIN-2020-032

TO: Mayor and Members of Council

FROM: Mary Hasan, Director of Finance/Treasurer

MEETING DATE: August 12, 2020

SUBJECT: Municipal Asset Management Program Grant
File No. F11 FED

RECOMMENDATIONS

THAT Report FIN-2020-032 regarding the Municipal Asset Management Program Grant be received; and

That Council directs staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for the Reporting of Conditions and Traffic Volumes of the Township's Road Network; and

That the Township of Puslinch commits to conducting the following activities in its proposed project submitted to the Federation of Canadian Municipalities' Municipal Asset Management Program to advance the Township's asset management program:

- **Completion of a Roads Traffic Volume Study**
- **Completion of a Roads Condition Index Study; and**

That Council approves funding of \$62,500 funded as \$12,500 Development Charges and \$50,000 Municipal Asset Management Grant Program funded toward the costs of this initiative; and

That Council's approval of the funding be conditional upon receipt of the Municipal Asset Management Grant Program funding.

DISCUSSION

Purpose

The purpose of this report is to obtain a Council resolution for the seeking of federal funding from the Federation of Canadian Municipalities' (FCM) for the Municipal Asset Management Program (MAMP). Proposed projects must be adopted by Council Resolution as part of the grant application submission.

Background

The MAMP is a eight-year, \$110-million program funded by Infrastructure Canada to support Canadian municipalities and communities in making informed infrastructure investment decisions based on stronger asset management practices.

The funding offer is open to all municipal governments in Canada and it focuses on building strong asset management foundations by supporting activities that incorporate asset management into daily practices. Subject to funding availability, applications are accepted on a continuous basis until October 31, 2022.

Eligible Projects

The types of projects that are funded under the MAMP are outlined below:

- Asset management assessments
- Development of asset management plans, policies and strategies
- Asset-related data collection and reporting
- Asset management training and organizational development
- Knowledge transfer around asset management

Township staff recommend that a grant application for the MAMP be submitted to address the following recommendations in the 2019 Asset Management Plan:

- Completion of a Condition Index Study for hard road surfaces and gravel roads by a qualified engineer every 5 years. For gravel roads, the Condition Index Study should determine the following (at a minimum):
 - Granular thickness
 - Adequacy of drainage
 - Presence of contaminants in the granular
 - Presence of organic material
 - Adequacy of underlying soil

- Completion of a Traffic Volume Study for hard road surfaces and gravel roads to better manage the lifecycle of each road segment and optimize the lifecycle model for roads by increasing or decreasing the deterioration rate of two PCI points per year based on the expected traffic on the road surface over time.

Please note, the Township's previous Pavement Condition Index Study was completed in 2016 and only included the condition of hard road surfaces. Township staff are not aware of the completion of a Traffic Volume Study in previous years.

Financial Implications

The project must be completed within 12 months from the date that FCM approves the project for funding.

The following costs are eligible:

- Fees for professional or technical consultants and contractors, incurred in support of eligible activities.
- Direct salaries and benefits paid to employees for time worked on the project.

The maximum MAMP contribution to a project is \$50,000 (80% of the total eligible project costs). The table below outlines the proposed funding:

Development Charges – Administration Studies – 20% of total costs	\$12,500
FCM Grant – 80% of total costs	\$50,000
Total Estimated Costs	\$62,500

Applicable Legislation and Requirements

Municipal Act, 2001

Attachments

None



REPORT FIN-2020-033

TO: Mayor and Members of Council

FROM: Mary Hasan, Director of Finance/Treasurer

MEETING DATE: August 12, 2020

SUBJECT: Council Compensation, Benefits and Expense Policy Amendments
File No. A09 EXP
File No. C01 REM

RECOMMENDATIONS

THAT Report FIN-2020-033 regarding Council Compensation, Benefits and Expense Policy be received; and

That Council enact a By-law attached as Schedule A to Report FIN-2020-033 to adopt the Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy and to repeal By-law No. 012-2018; and

That Council directs staff to change the termination age associated with the Manulife coverages outlined in Report FIN-2020-033 from 70 to ____ for Members of Council and 65 to ____ for eligible Township employees (excluding Long-Term Disability); or

That Council directs staff to change the termination age associated with the Manulife coverages outlined in Report FIN-2020-033 for Members of Council and eligible Township Employees (excluding Long-Term Disability) to ____.

DISCUSSION

Purpose

The purpose of Report FIN-2020-033 is to:

- provide Council with comparator municipality information as it relates to the Township's Group Benefit Program including termination ages associated with those benefits.

- provide Council with the proposed amendments to the Council, Committees and Other Appointments - Compensation, Benefits and Expense Policy attached as Schedule A to this Report in accordance with the changes made under the Municipal Act effective January 1, 2019.

Background

Council adopted the Council, Committees and Other Appointments- Compensation, Benefits and Expense Policy at its meeting held on February 21, 2018 through By-law No. 012-2018. The policy was amended on December 5, 2018 through By-law No. 066-2018.

Summary of Changes

- 1.) The compensation information in Section 1.1 and Section 1.4 of the policy have been removed as the one-third tax free exemption provided to Members of Council was eliminated effective January 1, 2019 in accordance with the 2017 Federal Budget. These changes had not been implemented in the policy attached as Schedule A to this Report and it is recommended that these changes be incorporated.
- 2.) Section 1.2 and Section 1.3 of the policy has been amended to include the compensation amounts effective January 1, 2020 as approved through the 2020 Operating Budget.
- 3.) The inclusion of Section 3.1 to provide Members of Council the opportunity to request the completion of a T2200 – Declaration of Conditions of Employment Form should the Member of Council utilize their home office space as their principal place of employment for greater than 50% of the time for the requirements of their role as a Member of Council for the Township.
 - a. The Township does not reimburse work space in the home expenses/supplies. Prior to January 1, 2019, one-third of the remuneration paid to Members of Council was considered expenses incidental to the discharge of their duties as members of Council in accordance with the Municipal Act, 2001. Therefore, all expenses not specifically stated in the policy attached as Schedule A to this Report were considered incidental to the Member of Council's duties and not reimbursable. As the one-third tax free exemption provided to Members of Council was eliminated effective January 1, 2019, the Canada Revenue Agency has provided guidance that allows a municipality to certify the conditions of an office by completing and signing Form T2200 for an elected municipal officer. The Township's process for the completion of a T2200 Declaration of Conditions of Employment is attached as Schedule B to this Report and was developed in coordination with Wellington County's Human Resources and Treasury departments. These changes had not been

implemented in the policy attached as Schedule A to this Report and it is recommended that these changes be incorporated.

- 4.) Section 8.5 of the policy has been amended to replace “cheque” with “disbursement” based on current Township practises (ie. the Township issues cheques, electronic funds transfers, etc.).

Benefits (applicable to Members of Council, Excluding the Mayor)

A Member of Council requested that staff review the provisions surrounding the termination age associated with benefits applicable to Members of Council.

The Township’s current Manulife Group Benefits policy indicates that benefits terminate at the end of the month that a Councillor attains age 70 or termination of office. Similar benefit termination provisions apply to eligible staff (ie. most benefits for eligible staff terminate at 65 with the exception of Basic Life and Accidental Death & Dismemberment (AD&D) which terminate at 70).

Section 2 of the policy attached as Schedule A to this Report includes information regarding the Township benefits applicable to Members of Council, Excluding the Mayor as outlined below:

2. Benefits (applicable to Members of Council, Excluding the Mayor)

- 2.1. Township Councillors shall be entitled to receive the following benefits which shall be provided, subject to carrier limitations, upon the same terms which are made available to the staff of the Township, including Extended Health Care, Hospital Semi-Private, Dental, Drug, Vision Care, and Out of Province Coverage. These benefits are provided until the end of the month in which the Member of Council attains the age of 70 or upon the date of leaving office.
- 2.2. The Mayor is covered by the County of Wellington’s benefit program.
- 2.3. When a Member of Council (excluding the Mayor) attains the age of 70, the premium that would be paid by the Township for benefit coverage shall be paid directly to the member of Council for the purpose of obtaining coverage and shall be treated as a taxable benefit.

Mosey & Mosey requested a quote from Manulife to extend benefits for Councillors while they are serving their term to a maximum age of 75 and to extend benefits (excluding long-term disability) for Township eligible employees to a maximum age of 75. Based on the quote received from Manulife, any potential plan changes for increasing the termination age would not result in an increase in premium costs.

Outlined in the table below is information obtained from Wellington County and its lower tier municipalities regarding termination ages associated with group benefits:

Municipality	Members of Council	Eligible Employees
Centre Wellington	Health Care Spending Account of \$1,500 per calendar year – end of term (no age termination provisions)	Basic Life – 65 AD&D – 65 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 70
Erin	-Same benefits package as eligible employees – end of term (no age termination provisions)	Basic Life – 70 AD&D – 70 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 70
Guelph Eramosa	N/A - no group benefits provided to Members of Council	Basic Life – 65 AD&D – 65 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 70
Mapleton	N/A - no group benefits provided to Members of Council	Basic Life – 70 AD&D – 70 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 65
Minto	N/A - no group benefits provided to Members of Council	Basic Life – 65 AD&D – 65 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 65
Puslinch	Health – 70 Dental - 70	Basic Life – 70 AD&D – 70 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 65
Wellington County	Health - end of term (no age termination provisions) Dental - end of term (no age termination provisions)	Basic Life – 70 AD&D – 70 Short-Term Disability – 65 Long Term Disability - 65 Health & Dental – 70
Wellington North	N/A - no group benefits provided to Members of Council	Basic Life – 70 AD&D – 70 Short-Term Disability – 70

		Long Term Disability - 65 Health & Dental – 70
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Financial Implications

Based on the quote received from Manulife, any potential plan changes for increasing the termination age would not result in an increase in premium costs.

Applicable Legislation and Requirements

Municipal Act, 2001

Attachments

Schedule A – Draft By-law to adopt the Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy

Schedule B – Request for Completion of T2200 Declaration of Conditions of Employment

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER XXX-2020

Being a by-law to adopt the Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy and to Repeal By-law No. 012-2018 and By-law No. 066-2018.

WHEREAS the *Municipal Act, S.O. 2001, c. 25*, Section 270 (1) as amended, requires a municipality to adopt and maintain policies with respect to certain matters; and

WHEREAS Council passed By-law 012-2018 being the By-law to adopt the Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy and to Repeal By-law No. 020-2017 on February 21, 2018; and

WHEREAS Council passed By-law 066-2018 being the By-law to amend By-law No. 012-2018 on December 5, 2018; and

WHEREAS Council deems it expedient to adopt a comprehensive policy regarding the Compensation, Benefits and Expenses payable to Council, Committees and Other Appointments based on changes made in the Municipal Act, as amended.

NOW THEREFORE the Council of the Corporation of the Township of Puslinch hereby enacts as follows:

1. That the Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy attached as Schedule A to this By-law is hereby adopted.
2. That By-law No. 012-2018 and By-law No. 066-2018 are hereby repealed.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS XXst DAY OF SEPTEMBER, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk



Title: Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy

Date: February 21, 2018 through By-law No. 012-2018
Amendments: December 5, 2018 through By-law No. 066-2018

Subject: Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy

File No. A09 EXP and C01 REM

Policy Statement:

The Township of Puslinch ("Township") shall provide all Members of Council, Committee Members, and Other Appointments reasonable compensation, benefits (if applicable) and permitted expense reimbursement for carrying out their respective roles and responsibilities.

Scope:

This policy applies to all Members of Council, Committee Members, and other Appointments.

Purpose:

The policy outlined below addresses all financial provisions paid to Members of Council, Committee Members, and other Appointments for the carrying out of their respective roles and responsibilities.

1. Compensation

~~1.1. One third of the remuneration paid to elected Members of Council continue to be considered as expenses incidental to the discharge of their duties as Members of Council in accordance with the Municipal Act, 2001. All expenses not specifically stated in this policy are considered incidental to the Member of Council's duties and are not reimbursable. The 2017 Federal Budget indicates that effective January 1, 2019, the one third tax free exemption provided to Members of Council will be eliminated.~~

1.2. The following compensation amounts shall be adjusted annually by the cost of living increase approved through the budget process for staff for each year:

- Per meeting compensation of ~~\$108.28~~ ~~\$103.84~~ provided to Committee Chairs (excluding Members of Council) effective January 1, ~~2018~~ ~~2020~~.
- Per meeting compensation of ~~\$94.82~~ ~~\$90.93~~ provided to Committee Members (excluding Members of Council) effective January 1, ~~2018~~ ~~2020~~.
- Per call compensation of ~~\$104.92~~ ~~\$100.62~~ provided to Other Appointments ~~including Poundkeeper, Fence Viewer, Livestock Valuer, and Dog Control Officer~~ effective January 1, ~~2018~~ ~~2020~~.

1.3. The following annual compensation amounts to the Mayor and each Councillor are effective January 1, ~~2018~~ ~~2020~~ and shall be adjusted annually by the cost of living increase approved through the budget process for staff for each year:

- Annual compensation of ~~\$27,383~~ ~~\$23,673~~ provided to the Mayor
- Annual compensation of ~~\$18,450~~ ~~\$16,141~~ provided to each Councillor

~~1.4. The following annual compensation amounts to the Mayor and each Councillor shall be adjusted effective January 1, 2019 to reflect the same net pay as prior to the removal of the one-third tax free exemption in accordance with Council Resolution No. 2017-419. The annual compensation amounts effective January 1, 2019 shall be further adjusted annually by the cost of living increase approved through the budget process for staff for each year.~~

- ~~• Annual compensation of \$26,260 provided to the Mayor~~
- ~~• Annual compensation of \$17,694 provided to each Councillor~~

2. Benefits (applicable to Members of Council, Excluding the Mayor)

2.1. Township Councillors shall be entitled to receive the following benefits which shall be provided, subject to carrier limitations, upon the same terms which are made available to the staff of the Township, including Extended Health Care, Hospital Semi-Private, Dental, Drug, Vision Care, and Out of Province Coverage. These benefits are provided until the end of the month in which the Member of Council attains the age of 70 or upon the date of leaving office.

2.2. The Mayor is covered by the County of Wellington's benefit program.

2.3. When a Member of Council (excluding the Mayor) attains the age of 70, the premium that would be paid by the Township for benefit coverage shall be paid directly to the member of Council for the purpose of obtaining coverage and shall be treated as a taxable benefit.

3. Expenses

3.1. **Members of Council shall request the completion of a T2200 – Declaration of Conditions of Employment Form after providing a draft, completed T2200 form to the Director of Finance/Treasurer for approval and signature, together with a brief statement outlining the type of expenses incurred and the basis for requesting the form T2200 (Template form provided by Finance).**

3.2. The Township acknowledges and supports that all Members of Council, Committee Members, and Other Appointments incur various expenses when conducting Township business. The Township will reimburse the following permitted expenses:

4. Equipment, Services, and Supplies (applicable to Members of Council)

4.1. At the commencement of each Term of Council, each member of Council will be provided with the equipment, services, and supplies as outlined below:

- A laptop computer with a carrying case, one pointing device (mouse) and Township supported software
- Township email account
- Business cards that meet the Township's approved standards

4.2. Township equipment requiring replacement and/or service must be brought into the Township office.

4.3. The technology equipment/software provided to Council can be purchased by a Member of Council at the end of his or her term provided that the technology equipment/software is removed from all Township networks and shared drives.

5. Mileage

5.1. Members of Council will be reimbursed for mileage outside the Township boundaries at the Township's approved mileage rate when required to drive their personal vehicle for Township business purposes. A budget for mileage shall be included in the annual budget of Council.

5.2. Committee Members and Other Appointments will be reimbursed for mileage at the Township's approved mileage rate when required to drive their personal vehicle for Township business purposes. A budget for mileage shall be included in the annual budget of each Committee or the applicable cost centre.

5.3. The following mileage expenses will not be reimbursed:

- Meetings held within the Township's municipal facilities.
- Attendance at social events (ie. open house, barbeque, fundraiser, awards, ceremonial events, banquets, golf tournaments, etc.)
- Mileage for Township business conducted within the boundaries of the Township (applicable to Members of Council).

5.4. The rate per kilometre will be set as follows:

- An annual review of mileage rates shall be undertaken each year utilizing the Canada Revenue Agency (CRA) per kilometre rates that are set at the end of each year.
- The mileage reimbursement rate be set at \$0.50 per kilometer unless an adjustment to the rate is approved by Council through a report from the Director of Finance/Treasurer or designate.

5.5. Mileage reimbursement shall be calculated at the Township approved rate and the driving distance where possible shall be calculated utilizing an odometer reading, Google Maps or a similar service.

5.6. Mileage shall be calculated based on the kilometres from the individual's normal work site, home or alternative location and returning to their normal work site, home or alternative location. For multiple destinations on the same trip, mileage shall be calculated based on the kilometres from one destination to the next destination. Mileage is not reimbursable for the distance travelled from the individual's normal work site to home or vice versa.

5.7. When more than one individual is travelling to the same off-work site, it is encouraged that carpooling be utilized whenever possible.

6. Expenses Related to Conference/Seminar/Training Sessions

6.1. Conference, seminar, or training expenses for Members of Council and Committee Members are reimbursable and shall be itemized in the annual budget of Council and the Committee. Members of Council and Committee Members shall present at the time of budget the conference, seminar, or training session each member wishes to attend for the year. When a member attends a conference, seminar or training session, the member is required to provide a written or verbal report at a subsequent Council Meeting regarding the key takeaways from the session(s) attended.

6.2. The reimbursable costs are outlined below:

- Actual cost of registration fees.
- Use of a personal vehicle will be reimbursed at the Township approved mileage rate but should be compared to the cost of economy air fare to determine the most cost effective means of travel.
- Air travel costs will be reimbursed to a maximum of economy air fare. For the purpose of this policy, "economy air fare" shall mean the conference rate air fare (if available) or the economy air fare which was generally available at the time when travel arrangements were made.
- Ground transportation to and from the airport.
- Car rental use will only be reimbursed should there be no other alternative.
- Accommodation shall be paid at a single room rate or at the conference rate for the duration of the event, plus one-day travel when appropriate.
- Meals while attending a conference, seminar, or training session will be reimbursed only if they are not included in the registration fees.

6.3. Conference, seminar, or training attendance is limited to Ontario unless otherwise approved by Council.

6.4. Conference, seminar, or training attendance is limited to the following for Members of Council:

- Two (2) municipal conferences per year in Ontario or one (1) outside of Ontario.
- Two (2) municipal training sessions per year in Ontario or one (1) outside of Ontario.
- Conference, seminar, and training sessions must be itemized in the annual budget of Council.

6.5. Conference, seminar, or training attendance must be pre-approved through the budget process by Council for Committee Members.

6.6. Registration, accommodations and travel arrangements are to be made through the appropriate administrative support staff and paid with the Township credit card.

6.7. Third party billing is not permitted.

7. Other Expenses

7.1. The following are reimbursable expenses (must be supported by original receipts) and shall be included in the annual budget of Council and the Committee:

- Corporate Business Meal * (applicable to Council Members)
- Food or beverage items available to all invitees for Appreciation Night, Beef on a Bun Event, and the Staff Barbeque event.
- Gratuities (within reason and no greater than fifteen percent)
- Parking fees for your vehicle while engaged in Township business
- Taxi, bus and train fares
- 407 ETR trip toll charges. Reimbursement for 407 toll charges will be limited to the trip toll charges and will not include any amounts related to the acquisition of a transponder or related service fees.

* A Corporate Business Meal must be pre-approved by Council. A Corporate Business Meal must show the name of the guest(s) and state the business purpose or reason for the meeting/meal. The guest(s) does not include a Township employee(s) or a Member of Council. A Corporate Business Meal may include a luncheon or dinner event.

7.2. The Township is an inclusive employer and will reimburse accessibility related expenses required to carry out the responsibilities of the job.

8. Expense Approval – General

8.1. An Expense Report (Template form provided by Finance) and a receipt of the actual vendor/business providing the goods/services must be submitted in order for a claim to be processed, unless provided otherwise by this Policy. The receipt must include the date, description of goods/services and breakdown of all costs. A credit card slip for any expense will not be accepted in place of a vendor's receipt.

8.2. The following expenses will not be reimbursed:

- An expense for a spouse or companion
- Alcoholic beverages
- Cost of a fine
- Loss or damage to a vehicle
- Food or beverage items not identified as being permitted in this policy unless an overnight stay is involved
- Telephone calls from a hotel room
- Personal entertainment expenses
- Dry cleaning or alteration expenses for uniforms/clothing
- Community memberships
- Tickets for social events (ie. open house, barbeque, fundraiser, awards, ceremonial events, banquets, golf tournaments, etc.)

8.3. The above list is a guideline and may not cover all possibilities of non-reimbursable items.

8.4. Where a conference or other event is hosted out of the country, foreign exchange will be paid on actual costs and converted at the exchange rate prevailing at the time the costs were incurred.

8.5. The appropriate signing authority shall be responsible for the approval of requests for payment/reimbursement of eligible expenses subject to completion of the Expense Report and supporting documentation. All payment/reimbursement of eligible expenses are reviewed by the Director of Finance/Treasurer or designate prior to issuing **the disbursement a cheque**.

8.6. For the purpose of this policy, the signing authority shall be:

Individual Incurring Expense	Signing Authority
Member of Council	Director of Finance/Treasurer or CAO/Clerk
Committee Member	Deputy Clerk or Designate
Other Appointee	Deputy Clerk or Designate

8.7. An Expense Report is to be submitted to the appropriate signing authority by the 15th of the month following the month in which the expense was incurred. It will be at the

discretion of the Director of Finance/Treasurer or designate if expenses submitted after this date will be approved.

9. Accountability

9.1. The following steps set out the action(s) to be taken to resolve a dispute or extraordinary circumstance that may arise regarding reimbursement of expenses:

- The appropriate signing authority shall meet with the Member of Council, Committee Member or Other Appointee and make every reasonable effort to resolve the matter.
- Where a matter cannot be resolved, the Director of Finance/Treasurer or designate shall prepare a report to Council for its consideration.

9.2. The Director of Finance/Treasurer or designate shall report annually the Remuneration and Expenses paid to Members of Council. The Finance Department shall ensure that the annual Remuneration and Expense reports and monthly expense reports for Members of Council are posted on the Township website.

9.3. Upon submission of a signed Expense Report including all original receipts, Members of Council, Committee Members and Other Appointees warrant all claims are related to Township business and are eligible in accordance with this policy.

9.4. The Council, Committees and Other Appointments – Compensation, Benefits and Expense Policy will be reviewed every five (5) years in accordance with the Township's policy review schedule.



To: Mary Hasan, Director of Finance/Treasurer

Request for Completion of T2200 Declaration of Conditions of Employment

As a Member of Council of the Township of Puslinch (Township) I am requesting the completion of a Form T2200 – Declaration of Conditions of Employment for the tax year 2019.

As a local government elected official, I am expected to commit considerable time to the performance of my duties including attendance at Council and Committee meetings, board meetings, public hearings, engagements with residents, participating in civic events and handling a variety of other tasks. In order to accomplish these duties and be adequately prepared, considerable time is spent on reviewing comprehensive agendas, research, organization and documentation.

As the Township does not provide a designated office space with supplies, I need to complete these functions through the use of home office space. This home office space would be considered my principal place of employment as this space is used for greater than 50% of the time for the requirements of my role.

I have reviewed the attached reference documentation (Appendix A) and believe I am eligible to claim the following expenses against income:

- ☐ Work space in the home expenses at % of Township related duties performed in the home office.
- ☐ Supplies

By signing below, I acknowledge that these expenses relate directly to the duties required in my role as a Member of Council for the Township; that I have paid for these expenses; that I will not be reimbursed by the Township for these expenses; and that any supplies claimed have been consumed directly in the performance of these duties. I acknowledge that it is my responsibility to claim the expenses on my income tax return and keep records to support the claim.

Dated the day of 2020.

Member of Council Name

Member of Council Signature



Appendix A

A. Status as an Officer of the Corporation

Generally, where an officer or employee incurs expenses in the course of performing the duties of an office or employment, a deduction is available for certain expenses, provided that the particular expense is specifically identified in section 8 of the Income Tax Act (Act), and all conditions in that section have otherwise been met.

The term “office” is defined in subsection 248(1) of the Act to mean, “the position of an individual entitling the individual to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly or a member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director.”

Subsection 248(1) of the Act also establishes that:

- an officer is a person holding an office;
- an employer, in relation to an officer, means the person from whom the officer receives the officer’s remuneration; and
- a person includes a municipality in Canada, or a municipal or public body performing a function of government in Canada.

Subsection 8(10) of the Act further provides that an amount otherwise deductible by an individual under paragraphs 8(1)(h), (h.1) and subparagraph 8(1)(i)(ii) or (iii) of the Income Tax Act shall not be deducted unless a prescribed form (i.e., Form T2200, Declaration of Conditions of Employment) is signed by the individual’s employer certifying that the conditions set out in the applicable provision were met in the year.

Notwithstanding that Form T2200 refers exclusively to an employee, this term may be read as officer in situations where an individual earns income from an office, as an “employee” is defined in subsection 248(1) of the Act to include an officer (i.e., a person holding an office).

Based on the definitions of “employer” and “person” in subsection 248(1) of the Income Tax Act, an “employer,” in the context of an individual holding an office, is the person from whom



the officer receives his or her remuneration, and could include a municipality in Canada, or a municipal or public body performing a function of government in Canada.

Accordingly, a municipality may certify the conditions of an office by completing and signing Form T2200 for an elected municipal officer.

B. Employment Contract

Members of Council do not have signed employment contracts that specifically require them to pay their own expenses while carrying out the duties of employment and therefore in the absence of the existence of a written contract or agreement (or an express requirement therein), the Council Member would have to demonstrate that there was an implied requirement that he or she incur expenses (or provide supplies), and that it was necessary under the circumstances that they be incurred (or provided) in order to fulfill the duties of that office. Whether such an implied requirement exists, or whether a particular expense or supply must be incurred or provided by a Council Member to perform the duties of the office is a question of fact and will depend on the circumstances of each situation.

C. Expense Reimbursement

However, this requirement would not be met where a Council Member has the option of paying expenses related to the office, or in situations where a reasonable reimbursement or allowance is available to the officer for such expenses, and the Council Member chooses to forgo the reimbursement or allowance. In such cases, the officer would be precluded from deducting expenses under paragraphs 8(1)(h) and (h.1), subparagraphs 8(1)(i)(ii) and (iii), or subsection 8(13) of the Income Tax Act.

By-law No. 012-2018 outlines a list of expenses where the Township provides a reasonable reimbursement. As the Council Member can receive a reasonable reimbursement for the expenses noted in By-law No. 012-2018, these expenses would not meet the requirement that the employer requires the Council Member to incur these costs.

D. Eligible Expenses

Expense reimbursements are made available to support most expenditures. However, it is recognized that there can be circumstances where additional expenditures may be incurred by Council Members.



Work Space in the Home Expenses

All of the following conditions must be met for a Form T2200 to be answered in the affirmative in this area:

- The expenses claimed must relate directly to the duties of employment;
- The employee is required to pay for such expenditures;
- The employee is not entitled to reimbursement in respect of such expense.

The Canada Revenue Agency permits the deduction of home office expenses against employment income only where the home workplace is:

- The principal place of employment (i.e. work space is used more than 50% of the time), or
- Used exclusively for the purpose of earning employment income and “on a regular and continuous basis: for meeting customers or other persons in the course of employment duties.”

You can deduct the part of your costs that relates to your work space, such as the cost of electricity, heating, and maintenance. However, you cannot deduct mortgage interest, property taxes, home insurance, or capital cost allowance.

To calculate the percentage of work-space-in-the-home expenses you can deduct, use a reasonable basis, such as the area of the work space divided by the total finished area (including hallways, bathrooms, kitchens, etc.). For maintenance costs, it may not be appropriate to use a percentage of these costs. For example, if the expenses you paid (such as cleaning materials or paint) were to maintain a part of the house that was not used as a work space, then you cannot deduct any part of them. Alternatively, if the expenses you paid were to maintain the work space only, then you may be able to deduct all or most of them. If your office space is in a rented house or apartment where you live, deduct the percentage of the rent as well as any maintenance costs you paid that relate to the work space.

Supplies

All of the following conditions must be met for a Form T2200 to be answered in the affirmative in this area:

- The expenses claimed must relate directly to the duties of employment;
- The employee is required to pay for such expenditures;
- The supplies must be consumed directly in the performance of the employment duties;
- The employee is not entitled to reimbursement in respect of such expense.



Supplies are only those materials you use directly in your work, and for no other purpose. Supplies include items such as stationery items, stamps, toner, ink cartridges, street maps, and directories. Supplies do not include items such as briefcases or calculators.

If you buy or lease a cell phone, fax machine, computer, or other such equipment, you cannot deduct the cost. Also you cannot deduct capital cost allowance or interest you paid on money borrowed to buy this equipment.

E. T2200 Form Submission and Approval

1. The Council Member will provide a draft, completed T2200 form to the Director of Finance/Treasurer for approval and signature, together with a brief written statement outlining the type of expenses incurred and the basis for requesting the form T2200.
2. The Director of Finance/Treasurer will review the form carefully in the context of the responsibilities of the Council Member. The list of expenses will be reviewed against those eligible for reimbursement by the Township (See D above).
3. The Director of Finance/Treasurer is under no obligation to sign the form and is not required to determine the deductibility of the expenses. They are only required to certify that the employment arrangement requires the employee to incur the expenses without subsequent reimbursement.

**Declaration of Conditions
of Employment**

The **employer** must complete this form for the employee to deduct employment expenses from their income.

The **employee** does not have to file this form with their return, but must keep it in case we ask to see it. For details about claiming employment expenses, see Guide T4044, Employment Expenses, or interpretation bulletins IT-352, Employee's Expenses, Including Work Space in Home Expenses, and IT-522, Vehicle, Travel and Sales Expenses of Employees.

Part A – Employee information (please print)

Last name	First name	Tax year	Social insurance number
Home address		Business address	
Job title and brief description of duties			

Part B – Conditions of employment

- Did this employee's contract require them to pay their own expenses while carrying out the duties of employment? ☐ Yes ☐ No

Answer **"yes"** even if you provide an allowance or a reimbursement in respect of some or all such expenses.

If **no**, the employee is **not** entitled to claim employment expenses, and **you are not required to answer any of the other questions.**
- Did you normally require this employee to travel to locations that were not your place of business or between different locations of your places of business, during the course of performing their employment duties? ☐ Yes ☐ No

If **yes**, what was the employee's area of travel (be specific)? _____
- Did you require this employee to be away for at least 12 **consecutive** hours from the municipality and metropolitan area (if there is one) of your business where the employee normally reported for work? ☐ Yes ☐ No

If **yes**, how frequently? _____
- Indicate the period(s) of employment during the year: From

Year	Month	Day

 to

Year	Month	Day

If there was a break in employment, specify dates: _____
- Did this employee receive or were they entitled to receive a motor vehicle allowance? ☐ Yes ☐ No
If **yes**, indicate:
 - the amount received as a fixed allowance, such as a flat monthly allowance \$ _____
 - the per km rate used _____ (\$/km), and the amount received \$ _____
 - the amount of the allowance that was included on the employee's T4 slip \$ _____
Did this employee have the use of a company vehicle? ☐ Yes ☐ No
Was the employee responsible for any of the expenses incurred for the company vehicle? ☐ Yes ☐ No
If **yes**, indicate the amount and type of expenses:

Amount	Type of expense
\$ _____	_____
\$ _____	_____
\$ _____	_____

6. Did you require this employee to pay for expenses for which they **did** or **will** receive a reimbursement? ☐ Yes ☐ No

If **yes**, indicate the amount and type of expenses that were:

	Amount	Type of expense	Included on T4 slip
• received upon proof of payment	\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
• charged to the employer, such as credit card charges	\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

7. Did you require this employee to pay other expenses for which they **did not** receive any allowance or reimbursement? ☐ Yes ☐ No

If **yes**, indicate the type(s) of expenses: _____

8. Did you pay this employee wholly or partly by commission according to the volume of sales made or contracts negotiated? ☐ Yes ☐ No

If **yes**, indicate the commissions paid (\$ _____).

and the type of goods sold or contracts negotiated (_____).

Is there a business development account or other similar commission income account available from which the employee's employment expenses are paid or reimbursed? ☐ Yes ☐ No

If **yes**, is the commission income from this account included in box 14 of the T4 slip? ☐ Yes ☐ No

9. Did this employee's contract of employment require them to:

- rent an office away from your place of business? ☐ Yes ☐ No
- employ a substitute or assistant? ☐ Yes ☐ No
- pay for supplies that the employee used directly in their work? ☐ Yes ☐ No
- pay for the use of a cell phone? ☐ Yes ☐ No

Did you or will you reimburse this employee for any of these expenses? ☐ Yes ☐ No

If **yes**, indicate the type of expense and amount you did or will reimburse:

Amount	Type of expense	Included on T4 slip
\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

10. Did this employee's contract of employment require them to use a portion of their home for work? ☐ Yes ☐ No

If **yes**, approximately what percentage of the employee's duties of employment were performed at their home office? %

Did you or will you reimburse this employee for any of their home office expenses? ☐ Yes ☐ No

If **yes**, indicate the type of expense and amount you did or will reimburse:

Amount	Type of expense	Included on T4 slip
\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

<p>11. Did this employee work for you as a tradesperson?</p> <p>If yes, did you require this employee, as a condition of employment, to purchase and provide tools that were used directly in their work?</p> <p>If yes, do all of the tools itemized on the list provided to you by the employee satisfy this condition?</p> <p>Please sign and date the list.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>12. Did this employee work for you as an apprentice mechanic?</p> <p>If yes, was this employee registered in a program established under the laws of Canada or of a province or territory that leads to a designation under those laws as a mechanic licensed to repair self-propelled motorized vehicles?</p> <p>Did you require this apprentice mechanic, as a condition of employment, to purchase and provide tools that were used directly in their work?</p> <p>If yes, are all of the tools itemized on the list provided to you by the employee used in connection with the employee's work for you as an apprentice mechanic in the program described in this question?</p> <p>Please sign and date the list.</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>13. Did this employee work for you in forestry operations?</p> <p>Did this employee, as a condition of employment, have to provide a power saw (including a chain saw or tree trimmer)?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>

Employer declaration

<p>I certify that the information provided on this form is, to the best of my knowledge, correct and complete.</p>		
<p>_____ Name of employer (print)</p>		<p>_____ Name and title of authorized person (print)</p>
<p>_____ Date</p>	<p>ext. _____</p>	<p>_____ Signature of employer or authorized person</p>
<p>Note: Please clearly print the name and telephone number of the authorized person in case we need to call to verify information.</p>		

See the privacy notice on your return.



REPORT FIN-2020-034

TO: Mayor and Members of Council

FROM: Mary Hasan, Director of Finance/Treasurer

MEETING DATE: August 12, 2020

SUBJECT: 2021 Proposed User Fees and Charges
File No. C01 FEE

RECOMMENDATIONS

THAT Report FIN-2020-034 regarding the 2021 Proposed User Fees and Charges be received; and

That staff report back on the non-resident rental surcharge applicable for Puslinch Community Centre rentals and its impact on revenues as part of the 2022 User Fees and Charges review; and

That Council directs staff to proceed with holding an Electronic Public Meeting on September 16, 2020 at 7:00 p.m. to obtain public input on the proposed User Fees and Charges By-law as outlined in Schedule A to Report FIN-2020-034; and

That staff report back to Council with the results of the public meeting.

DISCUSSION

Purpose

The purpose of this report is to provide Council with the proposed changes to the User Fees and Charges By-law and to obtain direction from Council to proceed with holding a public meeting to solicit input on the proposed User Fees and Charges.

Staff will publish notice in the Puslinch Pioneer, Wellington Advertiser and Township website to advise of the Public Meeting.

Background

In addition to property tax revenues, municipalities may charge for goods and services, such as recreational rentals, development applications, building permits, etc. through authority which is set and approved by a By-law adopted by Council.

Changes to Fee Structure

The proposed fees outlined in Schedule A to Report FIN-2020-034 have been established or amended to better reflect cost recovery for the services provided taking into consideration the following:

- Costs for providing the service;
- fees charged by comparator municipalities; and
- 2021 projected Consumer Price Index (CPI) inflation rate of 1.7%¹

Outlined below are the proposed changes to the fees by department (excluding those fees that have been automatically increased by the CPI inflation rate of 1.7%).

Administration

Routine Disclosure

It is recommended that a fee be established in the amount of \$7.50 per routine disclosure request. The \$7.50 fee includes the first 15 minutes of search time and an additional \$7.50 charged for each additional 15 minutes spent by Township staff to search for such records (ie. building drawings, septic drawings, surveys, occupancy permits, Committee of Adjustment or PDAC records, environmental records, site plan records, and Council records that are not available in a digital format, etc.). The purpose of the proposed fee is to recover the costs associated with this service in lieu of addressing routine disclosures through a Freedom of Information (FOI) process.

Outlined below are the comparator municipality fees:

- Cambridge, Guelph Eramosa, Hamilton, Mapleton, Milton - \$5.00 per request plus \$7.50 per 15 minutes of search time and other costs as permitted in the FOI legislation.
- Centre Wellington and Erin - \$5.00 per request processed through an FOI request.
- Guelph - \$25.00 plus additional fees depending on search time.

¹ <http://budget.ontario.ca/2019/brief.html#section-1>

Third Party Cost Recovery - Administration

It is recommended that a fee be established as “actual costs incurred + \$100.00 administration fee” to enable the Township to retain specialists (ie. engineers, hydrogeological, environmental, etc.) to review the necessary materials and then invoice the actual costs incurred plus an administration fee of \$100.00. The purpose of the proposed fee is to recover the costs associated with this service. The fee recommended is similar to the fee in place in the Public Works department for similar matters.

Public Works

It is recommended that the Township incorporate the following two additional categories for entrance permit application fees for cost recovery purposes and based on the varying requirements for the various types of entrance permits (in accordance with By-law No. 2020-032):

- Entrance Permit – Farm - \$220
- Entrance Permit – Temporary - \$150

Outlined below are the comparator municipality fees for entrance permits:

- Centre Wellington - \$276.85
- Erin - \$100 + \$900 deposit
- Guelph Eramosa – Residential - \$150 + \$850 deposit; Commercial/Industrial - \$250 + \$1,750 deposit
- Mapleton - \$325 + \$1,000 deposit
- Milton - \$816
- Minto - \$150 + \$2,000 deposit
- Wellington North - \$100 + damage deposit that varies based on entrance type

Fire and Rescue Services*Standard Ministry of Transportation (MTO) Rate*

The Standard MTO rate has increased from \$477 to \$485 in 2020. It is recommended that the Fire & Rescue Services fees in Schedule A to this Report which are based on a per hour per truck rate be increased from \$477 per hour per truck to \$485 per hour per truck. The projected MTO rate for Fire and Rescue Services is not currently published for 2021. In the past, the Township has utilized the previous year's rate.

Building

The Building Code Act requires that the total amount of building permit fees meets the total costs for the municipality to administer and enforce the Building Code Act and Regulations. Building permit fees were established to fully recover the Township's cost of providing building permit services, including an allocation of administrative overhead/indirect costs. Any surplus revenue from building permit fees is transferred to a restricted reserve, to be drawn upon in years of declining building activity.

The Township's Building Surplus reserve balance from 2016 to 2019 is outlined below:

	2016	2017	2018	2019
Building Reserve	\$573,096	\$793,502	\$727,299	\$593,667

In 2019, Building expenses were higher than revenues (including overhead allocation), therefore, funds from the Building Surplus reserve were utilized to fund this deficit. Based on the above, it is recommended that the fees in the Building department appendices be increased by the CPI inflation rate of 1.7% for cost recovery purposes.

Third Party Cost Recovery - Building

It is recommended that a fee be established as "actual costs incurred + \$100.00 administration fee" to enable the Township to retain specialists (ie. engineers, hydrogeological, environmental, etc.) to review the necessary materials and then invoice the actual costs incurred plus an administration fee of \$100.00. The purpose of the proposed fee is to recover the costs associated with this service. The fee recommended is similar to the fee in place in the Public Works department for similar matters.

Planning and Development

Compliance Letter

Township staff recommend that a two tier fee structure be established for compliance letter requests in order to recover the costs associated with the service. The purpose of a two tier fee structure is to differentiate between the types of compliance letter requests as outlined below:

Compliance Letter – Type 1 - \$77.80

- Includes known building permit history and status as well as applicable zoning designation and permitted uses.

Compliance Letter – Type 2 (Type 1 fee plus 50%) - \$116.70

- Includes known building permit history and status as well as applicable zoning designation and permitted uses, the status of registered site plans and securities but does not include a title search.

Outlined below are the comparator municipality fees for compliance letters:

- Cambridge - \$200
- Centre Wellington - \$250
- Erin - \$75
- Guelph - \$100 (permitted use letter) and \$50 (zoning, building and/or general reports)
- Guelph Eramosa - \$100
- Mapleton - \$100 (building/zoning), \$75 (septic), \$220 (subdivision or site plan)
- Milton - \$61 (licensing/enforcement), \$379 (engineering)
- Wellington North - \$100

Third Party Cost Recovery – Planning and Development

It is recommended that a fee be established as “actual costs incurred + \$100.00 administration fee” to enable the Township to retain specialists (ie. engineers, hydrogeological, environmental, etc.) to review the necessary materials and then invoice the actual costs incurred plus an administration fee of \$100.00. The purpose of the proposed fee is to recover the costs associated with this service. The fee recommended is similar to the fee in place in the Public Works department for similar matters.

By-law

Municipal Addressing Sign/Post

The Township recently received notice from Wellington County that the sign posts are no longer available at the Wellington County roads yard. Each member municipality is now required to order their own posts from a supplier.

It is recommended that the Township increase each of its Municipal Addressing Sign and Municipal Addressing Post costs from \$20.40 (net of HST) to \$21 (net of HST) in order to recover the costs associated with the service.

Outlined below are the comparator municipality fees for Municipal Addressing Sign/Posts:

- Guelph Eramosa - \$35 (Sign); \$15 (Post)
- Mapleton - \$25 (Sign); \$25 (Post)
- Wellington North - \$25 (Sign); \$20 (Post)

Third Party Cost Recovery – By-law

It is recommended that a fee be established as “actual costs incurred + \$100.00 administration fee” to enable the Township to retain specialists (ie. engineers, hydrogeological, environmental, etc.) to review the necessary materials and then invoice the actual costs incurred plus an administration fee of \$100.00. The purpose of the proposed fee is to recover the costs associated with this service. The fee recommended is similar to the fee in place in the Public Works department for similar matters.

Puslinch Community Centre – Non-Resident Rentals

Council at its meeting held on October 16, 2019 through Council Resolution No. 2019-355 adopted the non-resident surcharge for Puslinch Community Centre rentals for a period of 12 months with staff being required to report back on the impacts of the new fee structure on revenues.

Due to the COVID-19 pandemic, the Township has had to issue several facility rental refunds/rebooking's due to the closure of the Township's facilities. It is recommended that staff report back on the impacts of the non-resident surcharge for the Puslinch Community Centre rentals as part of its 2022 User Fees and Charges By-law review.

FINANCIAL IMPLICATIONS

The fees approved as part of the User Fees and Charges By-law will be incorporated in the 2021 Operating Budget.

APPLICABLE LEGISLATION AND REQUIREMENTS

Section 391(1) of the Municipal Act

Section 7(1) of the Building Code Act

Section 69 of the Planning Act

ATTACHMENTS

Schedule A: Proposed User Fees and Charges By-law

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NO XXX-2020

A by-law to permit the Municipality to impose fees or charges with respect to services or activities provided, related costs payable, and for the use of its property, and to repeal By-law 069-2019.

WHEREAS Section 391(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, a municipality may pass By-laws imposing fees or charges for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board, and for the use of its property including property under its control; and

WHEREAS Section 7(1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended, provides that a municipality may pass By-laws imposing fees and charges; and

WHEREAS Section 69 of the Planning Act, R.S.O. 1990, c.P.13, as amended provides that the Council of a municipality may by By-law establish a tariff of fees for the processing of applications made in respect of planning matters; and

WHEREAS The Council of the Corporation of the Township of Puslinch deems it appropriate to update the Township's User Fees and Charges By-law.

NOW THEREFORE the Council of the Corporation of the Township of Puslinch enacts as follows:

1. For the purpose of this By-law:

- a.) **"Cost(s)"** means any and all disbursements incurred by the municipality, and includes, but is not restricted to, any registration costs, title search costs, corporate search costs, survey costs, reference plan costs, advertising costs, outside counsel fees, paralegal fees, site inspection costs and any applicable taxes;
- b.) **"Fire Department"** means a fire department established by the Township of Puslinch in accordance with the provisions of the Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4 as amended;
- c.) **"Fire Department Specific Response Fees"** means cost recovery fees for **fire department** attendance at a **property** for which the **property owner(s)** have **fire department** insurance coverage;
- d.) **Indemnification Technology®** shall mean **fire department** incident reporting, data collection and **property** insurance policy wording interpretation to maximize billing opportunities on behalf of fire departments by invoicing insurance companies for costs of fire department attendance with respect to insured perils;
- e.) **"Property"** means any real property located within the geographical boundaries of the Township of Puslinch. Real property includes buildings, contents and structures of any nature and kind in or upon such lands to which service is provided. Real property can also include **property** to which the **fire department** is under a service agreement to provide **fire department** response services, automatic aid or mutual aid.
- f.) **"Property Owner(s)"** means the registered owner of **property** or any person, firm, corporation, partnership or society and their heirs, executors, administrators or other legal representatives, including a property manager, tenant, occupant, mortgagee in possession, receiver, manager, trustee or trustee in bankruptcy having control over or possession of the **property** or any portion thereof;
- g.) **"Township"** means the Corporation of the Township of Puslinch.

2. The fees, **costs** and charges, as outlined in the schedules attached hereto and forming part of this By-law shall be automatically adjusted annually based on the Consumer Price Index inflation rate as outlined in the Ontario Budget in accordance with Council Resolution No. 2019-298.
3. Any person requesting, applying or utilizing the services, applications or approvals listed in the attached schedules and forming part of this By-law shall pay the fees listed for that service, application or approval as set out in the attached schedules.
4. These fees, **costs**, and charges are applicable to residents and non-residents at the rates noted unless there is a specified exemption in the attached schedules.
5. No request by any person for a service, application or approval listed in the attached schedules shall be acknowledged or performed by the **Township** unless and until the person requesting the service, application or approval has paid the fees, **costs** or charges as set out in the attached schedules, unless noted otherwise.
6. All **Township** accounts and invoices are due and payable when rendered.
7. All unpaid fees, **costs** or charges imposed by this By-law on a person constitute a debt of the person to the **Township**.
8. The Treasurer shall add the fees, **costs** and charges imposed pursuant to this By-law to the tax roll for any **property** in the **Township** for which all of the **property owners** are responsible for paying the fees, **costs** and charges under this By-law and collect them in the same manner as municipal taxes in accordance with Section 398 of the Municipal Act, 2001, S.O. 2001, c. 25 as amended.
9. If peer or legal review **costs** are incurred by the **Township** in the processing of an application or approval by the **Township**, the applicant is required to pay these **costs** to the **Township**. The following are the applications or approvals subject to peer or legal review **costs**:
 - a. Agreements – Major, Minor, Registered
 - b. Lifting of Holding Designation (Zoning)
 - c. Plan of Subdivision or Condominium Agreement or Pre-Servicing Agreement
 - d. Site Alteration
 - e. Zoning By-Law Amendment - Aggregate
10. The **Township** is not obligated to further process an application or approval until all outstanding third party **costs**, fees and other disbursements have been paid by the applicant.
11. The fees, **costs** and charges listed in the schedules to this By-law shall, where applicable, be subject to any applicable provincial and federal taxes.
12. Any fee, **cost** or charge:
 - a. authorized by a by-law that comes into effect on the same or a later date than this By-law; or
 - b. included in a valid agreement entered into by the **Township** and one or more other parties,

shall be the approved and imposed fee, **cost** or charge for the service, activity or use of **property** specified.
13. The payment of any fee, **cost** or charge in this By-law shall be in Canadian currency.
14. The following Schedules form part of this By-law:

Schedule	Department
A	Administration

B	Finance
C	Public Works
D	Fire and Rescue Services
E	Building
F	Planning and Development
G	By-law
H	Parks
I	Optimist Recreation Centre
J	Puslinch Community Centre

15. The fees, **costs** and charges, as outlined in the schedules attached hereto and forming part of this By-law, shall be implemented and take effect on January 1, 2021.

Fire Department Specific Response Fees

16. The **property owner** shall be responsible for the payment of **fire department specific response fees** imposed by this By-law in accordance with Schedule D attached to this By-law.

17. The **Township** may use **Indemnification Technology®** to assess applicable insurance coverage for **fire department specific response fees**.

18. Where the **Township** believes and/or **Indemnification Technology®** indicates **fire department specific response fees** are applicable but the **property owner** does not have, in part or in full, insurance coverage for **fire department** charges for the **property**, the **Township** may adjust the **fire department specific response fees** to the extent of insurance coverage upon provision by the **property owner** of evidence, to the satisfaction of the **Township**, that no such insurance coverage exists or to demonstrate the limits of such coverage.

Cancellation Terms – Parks, Optimist Recreation Centre, Puslinch Community Centre

19. A refund of 80 percent will be provided where 30 days' notice of cancellation is given for Puslinch Community Centre rentals.

20. A full refund will be provided where 72 hours or 3 days' notice of cancellation is given for Parks and Optimist Recreation Centre rentals.

Payment Terms – Parks, Optimist Recreation Centre, Puslinch Community Centre

21. One-Time Rentals - Payment is required within seven days of contract creation.

22. Recurring Rentals Throughout the Year - Payment is required on a quarterly basis. The first payment is required within seven days of contract creation. Future payments are required quarterly.

23. Recurring Seasonal Bookings - Payment is required in two instalments. The first payment is required within seven days of contract creation. The second payment is required halfway through the season.

Exemptions, Fee Waivers, Fee Reductions

24. Government organizations are exempt from the agreement fees imposed by this By-law.

25. The Optimist Club of Puslinch is exempt from the photocopy fees imposed by this By-law for **Township** Clean-up and Remembrance Day.

26. The following events are exempt from the rental fees imposed by this By-law:

- a. Fall Fair
- b. Santa Claus Parade
- c. Canada Day

- d. Family Day
- e. Remembrance Day

27. The Winter Classic Tournament held during the Family Day Long Weekend is exempt from the payment of rental fees with the exception of part-time staffing **costs** including bartenders.

28. The following requests are not eligible for a fee reduction or waiver:

- a. Religious services
- b. Licences, development charges, cash in lieu of parkland, building permits, inspections, insurance, personnel costs

29. Eligible organizations can obtain one complimentary two-hour room rental for one meeting during non-prime times in the Meeting Room.

30. Usage of **Township** property must comply with the **Township's** requirements including necessary insurance, permits and approvals within the required timelines.

31. Reduced rates are not offered during prime-time for facilities or parks that have a prime-time and non-prime time rate.

32. A 75% reduced rate shall apply to organizations that meet the eligibility criteria.

33. A 90% reduced rate shall apply to Seniors' Events or Programs.

34. A 90% reduced rate shall apply to Whistle Stop Co-operative Pre-school and Guelph Community Health Centre (Playgroup).

Reduced Rate Eligibility Criteria

35. Organizations applying for a reduced rate must meet the following eligibility criteria:

- a. Be in existence for at least one year; and
- b. have its principal address in the **Township**; and
- c. be a not-for-profit organization or an unincorporated community group; and
- d. offer services that benefit the **Township** and its residents; and
- e. be in good financial standing with the **Township** and not in litigation with the **Township**; and
- f. be in compliance with any other **Township** by-laws and policies.

For the purposes of this By-law, Puslinch Minor Sports Organizations, Puslinch Religious Organizations, Guelph Community Health Centre (The Playgroup), YMCA/YWCA of Guelph, and the Aberfoyle Agricultural Society are deemed to meet the eligibility criteria.

36. For the purposes of this By-law, services that benefit the **Township** and its residents include:

- a. Charitable community services
- b. Artistic endeavours, including literature, dance, music, theatre, painting, sculpture, movies, photography and live performances
- c. Specific cultural and heritage activities
- d. Programs that improve the health and well-being of the community
- e. Programs that encourage participation in organized athletic activities
- f. Services or events directed for youth and older adults
- g. Public safety enhancement services

37. The following organizations are not eligible for a reduced rate:

- a. Adult sports organizations ie. Old Timers, Puslinch Kodiak's, Morriston Men's League, The Aberfoyle Dukes.

- b. County, Provincial and Federal organizations.
- c. Groups or organizations affiliated with any political party or event.
- d. Individuals, commercial organizations, and coalitions such as ratepayer associations.
- e. Hospitals, hospital foundations and hospital auxiliary groups or agencies.
- f. Educational institutions including universities, colleges, schools and associated auxiliary groups.

38. The following information will be required to review an organization's eligibility:

- a. A copy of the letters patent or articles of incorporation, if applicable.
- b. A copy of its Notification of Charitable Registration letter from the Canada Revenue Agency with any supporting documentation indicating the organization's status and terms of registration, if applicable.
- c. A copy of mandate, constitution and by-laws, as applicable.

39. Should any part of this By-law including any part of the schedules, be determined by a Court of competent jurisdiction to be invalid or of no force and effect, such invalid part of the By-law shall be severable and that the remainder of this By-law including the remainder of the Schedules, as applicable, shall continue to operate and to be in force and effect.

40. This By-law shall be known as the "User Fees and Charges By-law".

41. That By-law No. 069/19 is hereby repealed, effective January 1, 2021.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 7th DAY OF OCTOBER 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk

Schedule A to Report FIN-2020-034

SCHEDULE B: FINANCE REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
NSF Cheque	Per NSF	\$40.00	\$40.00	\$0.00	\$40.00	0.0%	E	
Photocopy	Per Page	\$0.26	\$0.27	\$0.04	\$0.31	3.8%	T	Photocopy fees are exempt for Township Clean-up and Remembrance Day in accordance with Council Resolution No. 2017-363.
Tax Certificate	Per Certificate	\$60.00	\$60.00	\$0.00	\$60.00	0.0%	E	
Tax Sale Charges	Actual costs incurred		Actual costs incurred			0.0%	T	Cost recovery of fees and disbursements as charged by consultants and solicitors.
Tender Fees	Per Package	\$40.80	\$41.50	\$0.00	\$41.50	1.7%	E	Tender fees applicable for projects administered by the Township's consultants.
Service Fee - Debit Card Transactions - Online	Total Transaction Amount	0.75 Percent	0.75 Percent			0.0%	E	In accordance with Visa and Mastercard merchant rules.
Service Fee - Credit Card Transactions - Online	Total Transaction Amount	1.75 Percent	1.75 Percent			0.0%	E	In accordance with Visa and Mastercard merchant rules.
Tile Drainage Loan Application and Inspection Fee	Flat Fee	\$204.00	\$207.00	\$0.00	\$207.00	1.5%	E	See Report FIN-2018-028

SCHEDULE C: PUBLIC WORKS REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Entrance Permit - Commercial/Industrial	Flat Fee	\$400.00	\$406.00	\$0.00	\$406.00	1.5%	E	See Report FIN-2019-027 and By-law No. 2020-032
Entrance Permit - Farm	Flat Fee	See below	\$220.00	\$0.00	\$220.00	10.0%	E	See By-law No. 2020-032
Entrance Permit - Field/Woodlot	Flat Fee	\$200.00	\$203.00	\$0.00	\$203.00	1.5%	E	See Report FIN-2019-027 and By-law No. 2020-032
Entrance Permit - Residential	Flat Fee	\$240.00	\$244.00	\$0.00	\$244.00	1.7%	E	See Report FIN-2019-027
Entrance Permit - Temporary	Flat Fee	N/A	\$150.00	\$0.00	\$150.00	100.0%	E	See By-law No. 2020-032
Oversize-Overweight Load Permits	Per Trip	\$102.00	\$103.00	\$0.00	\$103.00	1.0%	E	
Third Party Cost Recovery	Actual costs incurred + \$100.00 administration fee						T	Material, equipment, labour/benefits, administration costs, third party consultant/specialist costs

**SCHEDULE D: FIRE AND RESCUE SERVICES REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021**

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Boarding or Barricading Plus Materials	Per Hour Per Truck	\$477.00	\$485.00	\$0.00	\$485.00	1.7%	E	Fee is in accordance with the Standard MTO Rate.
Burning Permit Violations or Unauthorized Open Air Burning	Per Hour Per Truck	\$477.00	\$485.00	\$0.00	\$485.00	1.7%	E	Emergency responses to illegal burning or burning without a permit. Fee is in accordance with the Standard MTO Rate.
Carbon Monoxide Alarms	Per Alarm	\$19.75	\$20.00	\$2.60	\$22.60	1.3%	T	See Report FIN-2019-027
Daycare & Home Daycare Inspections	Per Inspection	\$102.00	\$103.00	\$13.39	\$116.39	1.0%	T	As mandated in the Fire Code.
Emergency Responses to Incidents such as Collisions/Fires/Hazardous Material Releases on Roadways	Per Hour Per Truck	\$477.00	\$485.00	\$0.00	\$485.00	1.7%	E	Township residents are exempt from payment of fee for emergency responses where emergency occurs on a Township of Puslinch or County of Wellington Road. Fee is in accordance with the Standard MTO Rate.
Fire Alarm False Alarm Calls	Per Hour Per Truck	\$477.00	\$485.00	\$0.00	\$485.00	1.7%	E	A false alarm call after the second false alarm in any calendar year. Fee is in accordance with the Standard MTO Rate.
Fire Extinguisher Training	Per Person	\$15.30	\$15.50	\$2.02	\$17.52	1.3%	T	
Fire Safety Plan Review	Per Plan	\$122.00	\$124.00	\$16.12	\$140.12	1.6%	T	
Industrial/Commercial/Institutional /Assembly/Apartment	Base Inspection	\$102.00	\$103.00	\$13.39	\$116.39	1.0%	T	Any inspections completed by the fire department that are new, complaint driven, requested or mandated.
Industrial/Commercial/Institutional /Assembly/Apartment	Plus each tenant/occupant/apartment unit	\$25.50	\$25.90	\$3.37	\$29.27	1.6%	T	Any inspections completed by the fire department that are new, complaint driven, requested or mandated.
Information or Fire Reports	Per Report	\$76.50	\$77.80	\$0.00	\$77.80	1.7%	E	Requested for emergency incidents.
Key Boxes	Per Box	\$102.00	\$103.00	\$13.39	\$116.39	1.0%	T	For rapid entry for firefighters.
Occupancy Load	Flat Fee	\$102.00	\$103.00	\$0.00	\$103.00	1.0%	E	
Open Air Burning Permit Inspection Fee	Per Inspection	\$40.80	\$41.50	\$5.40	\$46.90	1.7%	T	As a result of a request to modify the terms and conditions of the Open Air Burning Permit.
Open Air Burning Permit	Per Permit	\$20.40	\$20.70	\$0.00	\$20.70	1.5%	E	Permit must be renewed annually.
Post Fire Watch	Per Hour per Truck	\$477.00	\$485.00	\$0.00	\$485.00	1.7%	E	Fee is in accordance with the Standard MTO Rate.

SCHEDULE D: FIRE AND RESCUE SERVICES REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Replacement of Equipment and Resources Used	Actual costs incurred	Actual costs incurred	Actual costs incurred			0.0%	T	Materials used in emergency responses.
Fire Department Specific Response Fees		Note 1	Note 1			0.0%	T	FIR-2019-010
Sale of Fireworks Permit	Per Permit	\$102.00	\$103.00	\$0.00	\$103.00	1.0%	E	
Setting Off or Discharge of High Hazard Fireworks Permit	Per Permit	\$102.00	\$103.00	\$0.00	\$103.00	1.0%	E	
Smoke Alarms	Per Alarm	\$7.30	\$7.40	\$0.96	\$8.36	1.4%	T	See Report FIN-2019-027
Water Tank Locks	Per Lock	\$18.16	\$18.40	\$2.39	\$20.79	1.3%	T	For locking water tank lids closed.
Special Events	No fee at this time							Requests for Attendance.
Authorized Requester Agreement - Search Fee	No fee at this time							Standard information product per record search fee - See Report FIN-2017-024.

Note 1: Fire Department Specific Response Fees

Fire department specific response fees shall be the total of:

- a. Current MTO* rate per unit per hour or portion thereof for each unit
- b. rate per person per hour or portion thereof for each firefighter
- c. other costs including but not limited to: foam, metered water, and any other consumable supplies. Air tank re-filling, cleaning equipment, DSPA or similar type units, cost to replace damaged or destroyed equipment, specialized response costs from automatic/mutual aid agreements, fire protection agreements, water bomber drops, etc

* The MTO rate per unit per hour is set by the Ministry of Transportation. This rate is adjusted periodically in accordance with the consumer price index

Such fees shall be charged and calculated on the basis of each **fire department** vehicle attending, resources consumed in attendance to the **property** incident. The time shall be measured from the time of departure of each unit from the **fire department**'s facilities to the time the unit is cleared for the next call out.

SCHEDULE E: BUILDING REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Minimum Permit Fee	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	For all work unless otherwise noted
<u>NEW BUILDING, ADDITIONS, MEZZANINES</u>								
<u>Group A & B: Assembly & Care and Detention Buildings</u>								
Shell	Per Sq. Foot	\$2.45	\$2.50	\$0.00	\$2.50	2.0%	E	See Report FIN-2017-024
Finished	Per Sq. Foot	\$2.77	\$2.80	\$0.00	\$2.80	1.1%	E	See Report FIN-2017-024
<u>Group C: Residential Buildings</u>								
Houses, Townhouses, and Apartments	Per Sq. Foot	\$1.97	\$2.00	\$0.00	\$2.00	1.5%	E	
Manufactured Home	Per Sq. Foot	\$1.49	\$1.50	\$0.00	\$1.50	0.7%	E	
Garage/carport/shed/boathouse	Per Sq. Foot	\$0.79	\$0.80	\$0.00	\$0.80	1.3%	E	See Report FIN-2018-028
Deck, porch, dock	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	
<u>Group D & E: Business and Personal Service and Mercantile Buildings</u>								
Shell	Per Sq. Foot	\$1.89	\$1.90	\$0.00	\$1.90	0.5%	E	See Report FIN-2017-024
Finished	Per Sq. Foot	\$2.20	\$2.24	\$0.00	\$2.24	1.8%	E	See Report FIN-2017-024
<u>Group F: Industrial Buildings</u>								
Shell	Per Sq. Foot	\$0.76	\$0.77	\$0.00	\$0.77	1.3%	E	See Report FIN-2017-024
Finished	Per Sq. Foot	\$0.97	\$0.98	\$0.00	\$0.98	1.0%	E	See Report FIN-2017-024
<u>Farm Buildings</u>								
New Building	Per Sq. Foot	\$0.31	\$0.32	\$0.00	\$0.32	3.2%	E	See Report FIN-2017-024
<u>INTERIOR FINISHES AND ALTERATIONS - ALL CLASSIFICATIONS</u>								
Finishes to all areas	Per Sq. Foot	\$0.53	\$0.54	\$0.00	\$0.54	1.9%	E	
<u>SEWAGE SYSTEMS</u>								
New Installation	Flat Fee	\$636.00	\$646.00	\$0.00	\$646.00	1.6%	E	
Replacement or alteration	Flat Fee	\$477.00	\$485.00	\$0.00	\$485.00	1.7%	E	
<u>ALTERNATIVE SOLUTIONS</u>								
All buildings/systems within scope of Part 9	Flat Fee	\$510.00	\$518.00	\$0.00	\$518.00	1.6%	E	See Report FIN-2017-024
All buildings/systems within scope of Part 3	Flat Fee	\$1,020.00	\$1,037.00	\$0.00	\$1,037.00	1.7%	E	See Report FIN-2017-024
<u>SPECIAL CATEGORIES AND MISCELLANEOUS</u>								
Change of Use Permit (No Construction)	Flat Fee	\$204.00	\$207.00	\$0.00	\$207.00	1.5%	E	See Report FIN-2017-024
Construction prior to issuance of a permit	100% of permit fee	100% of permit fee	100% of permit fee			0.0%	E	Fee is in addition to all other required permit fees.
Conditional Permits	20% of permit fee	20% of permit fee	20% of permit fee			0.0%	E	Fee is in addition to all other required permit fees.
Demolition Permit	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	
Designated Structure Permit	Flat Fee	\$424.00	\$431.00	\$0.00	\$431.00	1.7%	E	Listed per Div.A, 1.3.1.1 Solar installation

**SCHEDULE E: BUILDING REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021**

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Fireplace/Woodstove	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	
Inspection of works not ready	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	At the discretion of the Chief Building Official. Includes code violations and deficiencies.
Occupancy Permit	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	
Occupancy without an Occupancy Permit	Flat Fee	\$255.00	\$259.00	\$0.00	\$259.00	1.6%	E	At the discretion of the Chief Building Official. This fee is not imposed as it relates to the current initiative of closing old open building permits as approved by Council in the 2018 Budget.
Portables	Flat Fee	\$204.00	\$207.00	\$0.00	\$207.00	1.5%	E	
Reproduction of Drawings	Flat Fee	\$51.00	\$52.00	\$6.76	\$58.76	2.0%	T	Current rate covers costs for the reproduction of black and white drawings.
Revision to Approved Plans	Flat Fee	\$318.00	\$323.00	\$0.00	\$323.00	1.6%	E	Before or after a permit is issued - significant changes to approved plans requiring further review. Minor revisions which result in no fee include eliminating a closet, finishing a three-piece bathroom, cosmetic changes, layout changes, removing non-load bearing walls, etc.
Sign Permits	Flat Fee	\$265.00	\$269.00	\$0.00	\$269.00	1.5%	E	With building permit
Storefront replacement	Flat Fee	\$204.00	\$207.00	\$0.00	\$207.00	1.5%	E	
Tents	Flat Fee	\$213.00	\$216.00	\$0.00	\$216.00	1.4%	E	Tents and air-supported structures shall be in conformance with the Building Code and Section 2.9 of the Fire Code. Report FIN-2019-031
Third Party Cost Recovery		N/A	Actual costs incurred + \$100.00 administration fee			100.0%	T	Third party consultant/specialist costs - See Report FIN-2020-034
Transfer of Permit	Flat Fee	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	

INTERPRETATION

- The following requirements are to be applied in the calculation of permit fees:
- Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls.
 - Unfinished loft space, habitable attics, mezzanines and interior balconies are to be included in all floor area calculations.
 - Unfinished basement space and attached residential garages are not included in floor area calculations.
 - The occupancy categories in this Schedule correspond with the major occupancy classifications in the Ontario Building Code. For multiple occupancy floor areas, the permit fees for each of the applicable occupancy categories may be used.
 - In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work, e.g. tenant suite.
 - Additional permit fees are not required for an attached deck to a residential dwelling, when the deck is shown on the approved residential building plans.
 - For classes of permits not described in this Schedule, a reasonable permit fee shall be determined by the Chief Building Official.

**SCHEDULE F: PLANNING AND DEVELOPMENT REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021**

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Dscr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Agreements - Minor - Not Registered *	Administration fee	\$255.00	\$259.00	\$0.00	\$259.00	1.6%	E	For recovery of the costs of facilitating and preparing agreements, ie. maintenance and operations agreement
Agreements - Registered *	Administration fee	\$780.00	\$793.00	\$0.00	\$793.00	1.7%	E	For recovery of the costs of facilitating and preparing agreements, ie. permission to have a second dwelling while another is being built, an amendment to a site plan or subdivision or condominium agreement. Excludes new site plan, subdivision or condominium agreements.
Compliance Letter - Type 1	Flat Fee	\$76.50	\$77.80	\$0.00	\$77.80	1.7%	E	Note 5
Compliance Letter - Type 2	Flat Fee	See above	\$116.70	\$0.00	\$116.70	52.5%	E	Note 6
Consent Review and Condition Clearance	Flat Fee	\$137.00	\$139.00	\$0.00	\$139.00	1.5%	E	
Garden Suites and Renewals (Zoning)	Flat Fee	\$1,200.00	\$1,220.00	\$0.00	\$1,220.00	1.7%	E	Report FIN-2019-034
Lifting of Holding Designation (Zoning) *	Administration fee	\$598.00	\$608.00	\$0.00	\$608.00	1.7%	E	
Minor Variance - Type 1	Flat Fee	\$721.00	\$733.00	\$0.00	\$733.00	1.7%	E	Note 3
Minor Variance - Type 2	Flat Fee	\$1,221.00	\$1,241.00	\$0.00	\$1,241.00	1.6%	E	Note 4
Ownership List Confirmation	Flat Fee	\$70.00	\$71.00	\$0.00	\$71.00	1.4%	E	See Report FIN-2019-027
Part Lot Control Exemption By-law	Flat Fee	\$597.00	\$607.00	\$0.00	\$607.00	1.7%	E	
Plan of Subdivision or Condominium Agreement or Pre-Servicing Agreement *	Administration fee	\$780.00	\$793.00	\$0.00	\$793.00	1.7%	E	For recovery of the costs of facilitating and preparing agreements.
Pre-Consultation Fee	Flat Fee	\$615.00	\$625.00	\$0.00	\$625.00	1.6%	E	This fee will be credited from the future application fee (ie. when a formal complete application is submitted) for a Zoning By-law Amendment, Site Plan, or Plan of Subdivision or Condominium.
Site Plan Application and Agreement - Minor	Flat Fee	\$11,067.00	\$11,255.00	\$0.00	\$11,255.00	1.7%	E	Note 1
Site Plan Application and Agreement - Standard	Flat Fee	\$21,012.00	\$21,369.00	\$0.00	\$21,369.00	1.7%	E	Note 2
Telecommunication Tower Proposals	Flat Fee	\$2,293.00	\$2,331.00	\$0.00	\$2,331.00	1.7%	E	Report FIN-2019-031 Township Administration Fee Canadian Radiocommunications Information and Notification Services Fee
Third Party Cost Recovery		N/A	Actual costs incurred + \$100.00 administration fee			100.0%	T	Third party consultant/specialist costs - See Report FIN-2020-034

SCHEDULE F: PLANNING AND DEVELOPMENT REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Zoning By-law - Copy	Flat Fee	\$40.80	\$41.00	\$5.33	\$46.33	0.5%	T	
Zoning By-Law Amendment - Aggregate *	Administration fee	\$15,300.00	\$15,560.00	\$0.00	\$15,560.00	1.7%	E	
Zoning By-Law Amendment	Flat Fee	\$14,842.00	\$15,094.00	\$0.00	\$15,094.00	1.7%	E	Report FIN-2019-034

INTERPRETATION

* the fees denoted with an asterisk are also subject to the Township's disbursements and third party consultant fees incurred for the processing of the application.

Note 1: Minor Site Plan

A Minor Site Plan may include, but is not limited, to the following:

- Site works associated with the change of use of an existing building;
- Parking lot modifications, outdoor patios, landscape works and the placement of accessory buildings and structures;
- Minor revisions or building additions to existing commercial, industrial or residential developments

Township staff have the discretion to determine whether a site plan application is classified as minor.

Note 2: Standard Site Plan

A Standard Site Plan may include, but is not limited, to the following:

- Requirement of technical studies (ie. storm water management, geotechnical, hydrological, environmental impact assessment, etc.)
- Relates to a new development or major additions/alterations to an existing development or site design

Note 3: Minor Variance - Type 1

Any minor variance application to permit any of the following on residential properties:

- Lot line setbacks for single family dwellings and accessory structures
- Height variances for single family dwellings and accessory structures
- Maximum size of accessory structure variances
- Maximum size of accessory unit variances

Note 4: Minor Variance - Type 2

All other minor variance applications not listed under Type 1.

Note 5: Compliance Letter - Type 1

Includes known building permit history and status as well as applicable zoning designation and permitted uses.

Note 6: Compliance Letter - Type 2 (Type 1 fee plus 50%)

Includes known building permit history and status as well as applicable zoning designation and permitted uses, the status of registered site plans and securities but does not include a title search.

SCHEDULE F: PLANNING AND DEVELOPMENT REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
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Refund of Application Fees

In the case of a withdrawal or abandonment of an application, staff shall determine the amount of paid fees that may be refunded to the applicant, if any, in accordance with the following:

- a.) 80 percent (80%) if administrative functions have only been performed;
- b.) 70 percent (70%) if administrative and zoning functions have only been performed;
- c.) 45 percent (45%) if administrative, zoning, and a completed application has been circulated with comments;
- d.) 35 percent (35%) if application has been sent for second submission and comments have been received;
- e.) no refund shall be made if the application has been approved by Committee and/or Council

SCHEDULE G: BY-LAW REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Dog Tags	Per Tag	\$25.50	\$26.00	\$0.00	\$26.00	2.0%	E	Maximum of 3 dogs
Fence Viewer's Application	Per Application	\$306.00	\$311.00	\$0.00	\$311.00	1.6%	E	
Filming Permit Fee	Flat Fee	\$510.00	\$518.00	\$0.00	\$518.00	1.6%	E	Filming of special events on Township lands/roads.
Kennel Licence	Per Licence	\$190.00	\$193.00	\$0.00	\$193.00	1.6%	E	More than 3 dogs
Liquor License Letter	Per Inspection	\$159.00	\$161.00	\$0.00	\$161.00	1.3%	E	Requested or required inspection of licensed sales establishments (as defined by the Liquor Licence Establishment Board of Ontario) that requires an inspection and/or a letter.
Lottery Licence	3% of prize value	3% of prize value	3% of prize value	\$0.00	3% of prize value	0.0%	E	Fee regulated by AGCO (Nevada, Raffle, Bazaar, etc.).
Municipal Addressing Sign	Flat Fee	\$20.40	\$21.00	\$2.73	\$23.73	2.9%	T	
Municipal Addressing Post	Flat Fee	\$20.40	\$21.00	\$2.73	\$23.73	2.9%	T	
Property Standards Appeal Fee	Flat Fee	\$260.00	\$264.00	\$0.00	\$264.00	1.5%	E	Report FIN-2019-031
Septic Compliance Letter	Flat Fee	\$76.50	\$77.80	\$0.00	\$77.80	1.7%	E	Fee charged is consistent for all Township departments.
Sign Permits	Flat Fee	\$102.00	\$103.00	\$0.00	\$103.00	1.0%	E	Without building permit.
Site Alteration Permit Application *	Administration fee	\$1,800 plus \$75 per hectare (rounded to the greater whole aggregate).	\$1,800 plus \$75 per hectare (rounded to the greater whole aggregate).	\$0.00	\$1,800 plus \$75 per hectare (rounded to the greater whole aggregate).	0.0%	E	
Site Alteration Permit Service Fee	Per m ³	\$0.06	\$0.06	\$0.00	\$0.06	0.0%	E	Paid at time of application.
Special Occasion Permit	Per Letter	\$76.50	\$77.80	\$0.00	\$77.80	1.7%	E	
Swimming Pool Enclosure Permit	Flat Fee	\$219.00	\$222.00	\$0.00	\$222.00	1.4%	E	
Third Party Cost Recovery		N/A	Actual costs incurred + \$100.00 administration fee			100.0%	T	Third party consultant/specialist costs - See Report FIN-2020-034

* the fees denoted with an asterisk are also subject to the Township's disbursements and third party consultant fees incurred for the processing of the application.

**SCHEDULE H: PARKS REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021**

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Ball Diamonds - No Lights	Per Hour	\$21.27	\$21.60	\$2.81	\$24.41	1.6%	T	
75% Reduced Rate - Ball Diamonds - No Lights	Per Hour	\$5.31	\$5.40	\$0.70	\$6.10	1.7%	T	
Ball Diamonds - Lights	Per Hour	\$31.88	\$32.40	\$4.21	\$36.61	1.6%	T	after 8:30 p.m.
75% Reduced Rate - Ball Diamonds - Lights	Per Hour	\$7.96	\$8.00	\$1.04	\$9.04	0.5%	T	after 8:30 p.m.
All Ball Diamonds	Per Day	\$159.48	\$162.10	\$21.07	\$183.17	1.6%	T	
75% Reduced Rate - All Ball Diamonds	Per Day	\$39.88	\$40.50	\$5.27	\$45.77	1.6%	T	
Ball Diamonds - Dragging	Per Occurrence	\$40.80	\$41.40	\$5.38	\$46.78	1.5%	T	Upon request and approval - June 15, 2016 Special Council Meeting.
Soccer Field	Per Hour	\$27.09	\$27.50	\$3.58	\$31.08	1.5%	T	Development of a fee - Report FIN-2017-012
75% Reduced Rate - Soccer Field	Per Hour	\$6.79	\$6.90	\$0.90	\$7.80	1.6%		
Soccer Field	Per Day	\$275.20	\$279.80	\$36.37	\$316.17	1.7%	T	Development of a fee - Report FIN-2017-012
75% Reduced Rate - Soccer Field	Per Day	\$68.80	\$69.90	\$9.09	\$78.99	1.6%		
Ball Diamond Advertising	Per Season	\$178.50	\$181.50	\$23.60	\$205.10	1.7%	T	Available from May to October
75% Reduced Rate - Ball Diamond Advertising	Per Season	\$44.63	\$45.30	\$5.89	\$51.19	1.5%	T	
Horse Paddock	Per Day	\$204.00	\$207.40	\$26.96	\$234.36	1.7%	T	Rental restricted to horse paddock and tractor pull area.
75% Reduced Rate - Horse Paddock	Per Day	\$51.00	\$51.80	\$6.73	\$58.53	1.6%	T	
Picnic Shelter	Per Hour	\$20.40	\$20.70	\$2.69	\$23.39	1.5%	T	
Picnic Shelter	Per Day	\$81.60	\$82.90	\$10.78	\$93.68	1.6%	T	
Sports Facility User Fees - Tennis	Per Resident	\$10.00	\$10.00	\$0.00	\$10.00	0.0%	E	Staff to bring forward a use/cost sharing agreement with the Puslinch Tennis Club.
Sports Facility User Fees - Tennis	Per Non-Resident	\$25.00	\$25.00	\$0.00	\$25.00	0.0%	E	Staff to bring forward a use/cost sharing agreement with the Puslinch Tennis Club.
Fireworks Security Deposit	Per Display	\$500.00	\$500.00	\$0.00	\$500.00	0.0%	E	Clean up of Township lands after fireworks display.
Baseball Equipment and Lights Security Deposit	Per Season	\$50.00	\$50.00	\$0.00	\$50.00	0.0%	E	Lights key provided to ball diamond rentals with light use. Equipment key provided to leagues with a minimum of an eight week rental commitment.
Picnic Shelter Washroom Key Security Deposit	Per Rental	\$50.00	\$50.00	\$0.00	\$50.00	0.0%	E	
Horse Paddock Security Deposit	Per Rental	\$300.00	\$300.00	\$0.00	\$300.00	0.0%	E	
Note 1: Booking availability of Township fields are dependent on field conditions.								

**SCHEDULE I: OPTIMIST RECREATION CENTRE REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021**

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Arena Floor	Per Hour	\$68.81	\$69.90	\$9.09	\$78.99	1.6%	T	Includes use of change rooms
75% Reduced Rate - Arena Floor	Per Hour	\$17.20	\$17.40	\$2.26	\$19.66	1.2%	T	Includes use of change rooms
Ice - Non - Prime	Per Hour	\$57.33	\$58.30	\$7.58	\$65.88	1.7%	T	Includes use of change rooms
75% Reduced Rate - Ice - Non-Prime	Per Hour	\$14.34	\$14.50	\$1.89	\$16.39	1.1%	T	Includes use of change rooms
Ice - Prime	Per Hour	\$164.73	\$167.50	\$21.78	\$189.28	1.7%	T	Includes use of change rooms
Gymnasium	Per Hour	\$31.27	\$31.80	\$4.13	\$35.93	1.7%	T	
75% Reduced Rate - Gymnasium	Per Hour	\$7.81	\$7.90	\$1.03	\$8.93	1.2%	T	
90% Reduced Rate - Gymnasium	Per Hour	\$3.11	\$3.16	\$0.41	\$3.57	1.6%	T	Applicable for Seniors' Events/Programs, Whistle Stop Co-operative Pre-school and Guelph Community Health Centre (Playgroup).
Rink Board Advertising	Per Year	\$357.00	\$363.00	\$47.19	\$410.19	1.7%	T	
75% Reduced Rate - Rink Board Advertising	Per Year	\$89.25	\$90.70	\$11.79	\$102.49	1.6%	T	

Note 1:

- Ice - Non-Prime: Weekdays from 9:00 am to 5:00 pm
- Ice - Prime: Weekdays from 5:00 pm to 10:00 pm, Saturdays, Sundays

**SCHEDULE J: PUSLINCH COMMUNITY CENTRE REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021**

Schedule A to Report FIN-2020-034

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
Meeting Room	Per Hour	\$26.58	\$27.00	\$3.51	\$30.51	1.6%	T	Maximum 8 hour charge if renting with a full day booking of the Hall.
75% Reduced Rate - Meeting Room	Per Hour	\$6.64	\$6.70	\$0.87	\$7.57	0.9%	T	Maximum 8 hour charge if renting with a full day booking of the Hall.
90% Reduced Rate - Meeting Room	Per Hour	\$2.65	\$2.70	\$0.35	\$3.05	1.9%	T	Maximum 8 hour charge if renting with a full day booking of the Hall. Applicable for Seniors' Events/Programs, Whistle Stop Co-operative Pre-school and Guelph Community Health Centre (Playgroup).
Hall - Non-Prime	Per Hour	\$57.08	\$58.00	\$7.54	\$65.54	1.6%	T	Minimum of a 3 hour booking required.
75% Reduced Rate - Hall - Non-Prime	Per Hour	\$14.28	\$14.50	\$1.89	\$16.39	1.5%	T	Minimum of a 3 hour booking required.
90% Reduced Rate - Hall - Non-Prime	Per Hour	\$5.71	\$5.80	\$0.75	\$6.55	1.6%	T	Minimum of a 3 hour booking required. Applicable for Seniors' Events/Programs, Whistle Stop Co-operative Pre-school and Guelph Community Health Centre (Playgroup).
Hall - Non-Prime	Full Day Rental	\$387.81	\$394.40	\$51.27	\$445.67	1.7%	T	
75% Reduced Rate - Hall - Non-Prime	Full Day Rental	\$96.96	\$98.60	\$12.82	\$111.42	1.7%	T	
90% Reduced Rate - Hall - Non-Prime	Full Day Rental	\$38.77	\$39.40	\$5.12	\$44.52	1.6%	T	Applicable for Seniors' Events/Programs, Whistle Stop Co-operative Pre-school and Guelph Community Health Centre (Playgroup).
Hall - Prime	Full Day Rental	\$508.73	\$517.30	\$67.25	\$584.55	1.7%	T	
Commercial Rental	Surcharge	25% Surcharge	25% Surcharge			0.0%	T	Example - Auctions, Sale of Merchandise See Report FIN-2019-031
Non Resident Rental	Surcharge	25% Surcharge	25% Surcharge			0.0%	T	See Report FIN-2019-031
Hall - Set-up Fee	Per Hour	\$57.08	\$58.00	\$7.54	\$65.54	1.6%	T	Set-up is after 5:00 p.m. on Friday only and must include a Saturday rental. This service is only available if the hall is not booked 7 days prior to the event date.
Use of Kitchen Facilities - Non Prime	Per Hour	\$27.90	\$28.30	\$3.68	\$31.98	1.4%	T	Minimum of a 3 hour booking required.
Licenced Events Using Patio	Flat Rate	\$58.40	\$59.30	\$7.71	\$67.01	1.5%	T	Patio Fencing
Microphone	Flat Rate	\$25.50	\$25.90	\$3.37	\$29.27	1.6%	T	See Report FIN-2018-030
Projector	Flat Rate	\$25.50	\$25.90	\$3.37	\$29.27	1.6%	T	See Report FIN-2016-029
Facility Rental Security Deposit	Per Booking	\$365.00	\$365.00	\$0.00	\$365.00	0.0%	E	Deposit is fully refundable after function if there are no damages and key is returned.
Bartenders	Per Bartender	\$132.60	\$134.80	\$17.52	\$152.32	1.7%	T	Smart Serve Certified
Electronic Sign Advertising	Per Week	\$34.02	\$34.50	\$4.49	\$38.99	1.4%	T	No charge for Puslinch Community Centre rentals.

SCHEDULE J: PUSLINCH COMMUNITY CENTRE REVIEW OF MUNICIPAL RATES AND SERVICE CHARGES
EFFECTIVE 2021

TYPE OF REVENUE/USER	Unit/Descr	2020 RATE (NO TAX)	2021 RATE (NO TAX)	13% HST	RATE INCL HST	% CHANGE	HST STATUS	COMMENTS
75% Reduced Rate - Electronic Sign Advertising	Per Week	\$8.52	\$8.60	\$1.12	\$9.72	0.9%	T	
90% Reduced Rate - Electronic Sign Advertising	Per Week	\$3.41	\$3.50	\$0.46	\$3.96	2.6%	T	Applicable for Seniors' Events/Programs, Whistle Stop Co-operative Pre-school and Guelph Community Health Centre (Playgroup).

Note 1: Hall rentals include the use of the kitchen facility (dishes, silverware, cooking utensils, dishwasher, coffee maker, etc. included)

Note 2: Hall - Non-Prime: Monday to Thursday and Sunday Rentals; Hall - Prime: Friday and Saturday



REPORT ADM-2020-027

TO: Mayor and Members of Council

FROM: Glenn Schwendinger CAO/Clerk

MEETING DATE: August 12, 2020

SUBJECT: Bill 197, The COVID-19 Economic Recovery Act
File: C01-BYL

RECOMMENDATIONS

That Report ADM-2020-027 regarding Bill 197, The COVID-19 Economic Recovery Act, be received; and

**That Section B-14.m of Procedural Bylaw 59-08 (as amended) be further amended as follows:
m) Delegates shall be permitted to participate electronically in accordance with Section H-4 "Delegations"; and**

That Council direct staff to bring forward proposed amendments to Procedure Bylaw 59-08 (as amended) specifically to Section B-13. g) "Emergency Meetings of Council" and Section B-14. m) "Electronic Participation" for consideration and approval at a future meeting; and

That Council direct staff to include [not include] amendments to Procedure Bylaw 59-08 (as amended) specifically to enable Proxy Voting for consideration and approval at a future meeting.

DISCUSSION

Purpose

Bill 197, The COVID-19 Economic Recovery Act has received Royal Assent in Ontario. This Bill has a broad ranging impact on many things pertaining to municipalities. A number of these impacts are still being quantified and examined. Matters will be brought forward to Council as needed to address various issues. This report will provide a high level summary of some

matters, will make a few recommendations for Council now, and will seek direction from Council on additional matters.

Background

Bill 197, The COVID-19 Economic Recovery Act has received Royal Assent in Ontario. This Bill affecting the following Acts:

Building Code Act, 1992	Ministry of Infrastructure Act, 2011
Burden Reduction Reporting Act, 2014	Ministry of Municipal Affairs and Housing Act
Cap and Trade Cancellation Act, 2018	More Homes, More Choice Act, 2019
Capital Investment Plan Act, 1993	Municipal Act
City of Toronto Act, 2006	Occupational Health and Safety Act
Clean Water Act, 2006	Ontario Educational Communications Authority Act
Development Charges Act, 1997	Ontario French-language Educational Communications Authority Act, 2008
Drainage Act	Payday Loans Act, 2008
Education Act	Places to Grow Act, 2005
Electricity Act, 1998	Plan to Build Ontario Together Act, 2019
Endangered Species Act, 2007	Planning Act
Environmental Assessment Act	Provincial Offences Act
Environmental Bill of Rights, 1993	Public Lands Act
Environmental Protection Act	Public Transportation and Highway Improvement Act
Far North Act, 2010	Reducing Regulatory Costs for Business Act, 2017
Farm Registration and Farm Organizations Funding Act, 1993	Resource Recovery and Circular Economy Act, 2016
Great Lakes Protection Act, 2015	Restoring Ontario's Competitiveness Act, 2019
Highway 407 Act, 1998	Safe Drinking Water Act, 2002
Housing Services Act, 2011	Stronger, Fairer Ontario Act (Budget Measures), 2017
Justices of the Peace Act	
Kawartha Highlands Signature Site Park Act, 2003	
Lake Simcoe Protection Act, 2008	
Marriage Act	
Metrolinx Act, 2006	

This report speaks specifically to the Municipal Act, Drainage Act, Development Charges Act, Planning Act, the More Homes, More Choices Act 2019, and the impacts on Puslinch.

Drainage Act

- Schedule 4 provides new and additional discretion for the Minister of Agriculture, Food and Rural Affairs to make regulations related to:
 - determining who receives notices
 - streamlining approvals of “minor improvements” to drainage works
 - simplifying the process to amend engineer’s reports
 - and adopting/updating guidelines, protocols and procedures (and requiring compliance with such regulated policies).
- These proposed amendments are “enabling” and there is no detail as to the timing and content of any future regulations.

Municipal Act

Schedule 12 would provide for electronic participation in meetings and proxy voting:

- Currently, virtual meetings may only be held during a Declaration of Emergency made by either the Province or the municipality under the Emergency Management and Civil Protection Act. The proposed legislation would allow for meetings to occur virtually outside of an emergency.

Recommended Action at this time re Virtual Meetings:

Virtual meetings have been essential to allow Puslinch to continue functioning. This ability was discussed and requested for a long time before Covid19. This would enable Council to hold virtual meetings outside of an emergency declaration for various reasons. This is considered a very beneficial tool to have available if needed and as such it is recommended that Council give consideration to amending the Procedural Bylaw. Staff seeks Council direction with respect to virtual meetings, specifically does Council prefer it to be all of Council or individual members as requested.

Delegations:

Currently Section B-14. m) states:

- m) Delegates shall not be permitted to participate electronically. If circumstances do not allow a Delegate to appear in person, a written submission may be made in accordance with Section H4 “Delegations”.

It is proposed that Section B-14. m) be amended to read as follows:

m) Delegates shall be permitted to participate electronically in accordance with Section H-4 “Delegations”.

- The legislation also proposes a permissive provision to allow members of Council to vote by proxy if included in a municipality’s procedural by-law.

Recommended Action at this time re Proxy votes:

Staff seeks direction on the matter of Proxy votes.

Development Charges Act

- Schedule 3 amends changes originally proposed by the *More Homes, More Choice Act, 2019* to the *Development Charges Act, 1997 (DCA)*, including:
 - Expansion of the list of DC-eligible services: library services, long-term care, parks and recreation (excl. the acquisition of park land), public health, childcare, housing, POA, emergency preparedness, by-law enforcement, and airports (Waterloo Region only)
 - Additional guidance on the relationship between the DC and community benefits charges (CBC) regimes
 - Removal of 10% statutory discount on specific services
 - New transition information, including a specified date of two years after the applicable subsection of the COVID Act comes into force.
 - Additional guidance on the recovery of studies
 - Categories of services replaced by classes “which can be composed of any number or combination of services”
 - Guidance on the transition of upper tier municipalities’ reserve funds with respect to ineligible services

Planning Act & More Homes, More Choices Act 2019

- Schedule 17 amends the *Planning Act*. The *More Homes, More Choice Act, 2019* changes to section 37 are replaced and section 42 is amended. Changes include:
 - Only single and lower tier municipalities can impose a CBC
 - A CBC may not be imposed with respect to the (re)development of a proposed building or structure of fewer than 10 residential units and with fewer than five storeys
 - Local municipalities will no longer have to choose between section 42 and the CBC regime. The alternative rate will no longer be repealed.

- Local municipalities will, however, have to pass by-laws under section 42 following a consultation process. By-laws will be appealable to the LPAT.
- Amendments to section 47 give the Minister enhanced order making powers relating to specified land

FINANCIAL IMPLICATIONS

While difficult to quantify at this time, the removal of the currently imposed 10% statutory reduction on Development Charges being introduced in this bill, and the availability of inclusion of both by-law enforcement, and emergency preparedness introduce opportunity for the Township of Puslinch; however, it is appreciated that these will be offset by the cost of completing a new background study, public consultation, and by-law passage to enact the changes to the current Township by-law introduced in 2018 (059-18). As Bill 197 is given further consideration in the house, and potentially Royal assent, further consideration will be given by Township staff as to specific financial ramifications to the operations of the Township of Puslinch.

At time of writing, it is not envisaged that there will be significant financial impact on any of the changes proposed to the other acts discussed in this report.

APPLICABLE LEGISLATION AND REQUIREMENTS

None

ATTACHMENTS

The Bill can be read in its entirety at this link:

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-197>

Attachment 1 – Electronic Participation in Meetings

Attachment 2 – Electronic Participation in Meetings

Attachment 3 – Procedural Bylaw 59-08



Electronic Participation in Municipal Meetings

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document replaces previous guidance released in March 2020 regarding electronic participation in municipal meetings during emergencies.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

Overview

The province has made changes to the *Municipal Act* to allow members of councils, committees and certain local boards who participate in open and closed meetings electronically to be counted for purposes of quorum (the minimum number of members needed to conduct business at a meeting).

These provisions are optional. Municipalities continue to have the flexibility to determine if they wish to use these provisions and incorporate them in their individual procedure bylaws.

Municipalities may wish to review their procedure bylaws to determine whether to allow members to participate in meetings electronically, and whether to take advantage of the new provisions based on their local needs and circumstances.

What a municipality can do

A municipality can choose to hold a special meeting to amend their procedure bylaw to allow electronic participation. During this special meeting, members participating electronically can be counted for the purposes of quorum.

Municipal councils, committees and boards can choose to amend their procedure bylaws to:

- allow the use of electronic participation at meetings
- state whether members can participate in both open meeting and closed meetings
- state whether members participating electronically count towards quorum

It is up to municipalities to determine:

- whether to use these provisions
- the method of electronic participation
- the extent to which members can participate electronically (for example, it is up to municipalities to decide whether all council members participate electronically or whether some still participate when physically present in council chambers)

Technology to use for electronic meetings

Municipalities, their boards and committees can choose the technology best suited to their local circumstances so:

- their members can participate electronically in decision-making
- meetings can be open and accessible to the public

Municipalities may want to engage with peers who have electronic participation in place to find out about best practices as they revise their procedure bylaws. Some municipalities may choose to use teleconferences while others may use video conferencing.

Open meeting requirements

If a municipality chooses to amend their procedure bylaw to allow people to participate electronically, meetings would still be required to follow existing meeting rules, including that the municipality:

- provides notice of meetings to the public
- maintains meeting minutes
- continues to hold meetings open to the public ([subject to certain exceptions](#))

The *Municipal Act* [specifies requirements for open meetings](#) to ensure that municipal business is conducted transparently, and with access for and in view of the public. There are limited circumstances under the *Municipal Act* when municipal meetings can be conducted in closed session.

Rules for local boards

Local boards subject to the meeting rules in the *Municipal Act* include:

- municipal service boards
- transportation commissions
- boards of health
- planning boards
- many other local boards and bodies

Some local boards may not be covered. For example, police services, library and school boards have different rules about their meetings, which are found in other legislation.

Municipalities are best positioned to determine whether a local entity is considered a local board. If in doubt whether a local entity is covered under these rules, municipalities can seek independent legal advice regarding the status of local entities and whether these new provisions would apply to them.

Contact

If you have questions regarding how these new provisions might impact your municipality, contact your [local Municipal Services Office](#).

- **Central Municipal Services Office**
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**
Telephone: 519-873-4020 or 1-800-265-4736

Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>



Proxy Voting for Municipal Council Members

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

Overview

The province is providing municipalities with the flexibility to choose to allow proxy votes for municipal council members who are absent. This power helps ensure continuing representation of constituents' interests on municipal councils when a member is unable to attend in person due to, for example, illness, a leave of absence, or the need to practice physical distancing.

Municipalities that wish to allow proxy voting must amend their procedure bylaws to allow a member of council to appoint another member of the same council to act in their place when they are absent.

Optional and Flexible

Allowing proxy voting is optional and it is up to each municipality to determine whether to allow proxies for council and under what circumstances. If a municipal council chooses to allow proxy voting, it is up to each member to decide whether they wish to appoint a member of that council as a proxy or not if they are to be absent.

Municipalities have the flexibility to determine the scope and extent of proxy appointments including, for example, any local rules or limitations, the process for appointing or revoking a proxy, and how proxyholders may participate in meetings. Municipalities may wish to consider:

- how proxies may be established and revoked;
- circumstances where proxies may or may not be used; and
- how a proxyholder may participate in a meeting including voting, speaking, or asking questions on behalf of the appointing member.

If a municipality chooses to allow proxy voting, it would be the role of the municipal clerk to establish a process for appointing and revoking proxies. Municipalities may also wish to consider addressing proxy voting in their code of conduct or other local policies to help ensure that votes are appropriately cast and that the local process is followed.

Once a proxy has been appointed, the appointing member could revoke the proxy using the process established by the municipal clerk.

Limitations

Limits to the proxy appointment process are set out in legislation. These include:

- A proxyholder cannot be appointed unless they are a member of the same council as the appointing member:
 - For upper-tiers, this means that a proxyholder has to be a member of the same upper-tier council as the appointee, regardless of lower-tier membership;

- A member cannot act as a proxyholder for more than one other member of council at a time;
- An appointed proxy is not counted when determining if a quorum is present;
- A member appointing a proxy shall notify the municipal clerk of the appointment in accordance with a local process established by the clerk; and
- When a recorded vote is taken, the clerk shall record the name and vote of every proxyholder and the name of the member of council for whom the proxyholder is acting.

Council member absence rules still apply. This means that a member's seat would become vacant if they are absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.

Accountability and Transparency

Members appointing proxies or acting as proxyholders are required to follow existing accountability and transparency requirements. For example, a member may not appoint a proxy or serve as a proxyholder on a matter in which they have a pecuniary interest under the *Municipal Conflict of Interest Act*. Municipalities may also want to consider transparency measures such as:

- communicating to the public who has appointed a proxy and who is serving as a proxy;
- publishing meeting agendas in advance so that proxies can be appointed, if needed, and potential conflicts of interest can be identified; and
- allowing members to participate electronically when not able to attend meetings in person rather than appointing a proxy.

For more information about existing accountability and transparency requirements, including the Municipal Conflict of Interest Act, codes of conduct and the role of the local integrity commissioner, please see the [Municipal Councillor's Guide](#).

Contact

If you have questions regarding how these new provisions may impact your municipality, contact your local Municipal Services Office with the Ministry of Municipal Affairs and Housing.

- **Central Municipal Services Office**
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**
Telephone: 519-873-4020 or 1-800-265-4736

Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>

OFFICE CONSOLIDATION

This is a consolidation of the Township's By-Law to govern the proceedings of Council and its committees being By-Law 59/08 as amended by By-Law 18/11, 51/12 and 63/14. The following consolidation is an electronic reproduction made available for reference and information purposes only. It is not an official version of the By-Law. Official versions of all By-Laws can be obtained from the Clerk's Department by calling (519) 763-1226. If there are any discrepancies between this consolidation and By-Laws 59/08, 18/11, 51/12, 63/14 and 12/15 the By-Laws shall prevail.

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER **59/08**

Being a By-Law to establish the Procedure for Meetings of Council and to repeal By-Law No. 37/92

WHEREAS the *Municipal Act, 2001, S.O. 2001, Chapter 25, Section 238* requires that every municipality and local Board shall pass a procedure By-Law for governing the calling, place and proceedings of meetings.

AND WHEREAS it is deemed expedient to pass such a By-Law and to repeal By-Law No. 37/92.

THEREFORE the Corporation of the Township of Puslinch by the Council thereof pursuant to the provisions of the *Municipal Act 2001, S.O. 2001, Chapter 25*, does hereby enact as follows:

INTENT OF BY-LAW

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council and the Committees thereof. Any part or parts of this By-Law may be suspended if agreed upon by a majority of the members present unless the part or parts is prescribed by statute or law.
2. All Points of Order or procedure not provided for in these Rules shall be decided in accordance with Robert's Rules of Order and the Mayor shall submit the ruling without debate.

A. DEFINITIONS

1. "ACT" refers to any statute of Law that governs the decision of the Council.
2. "ACTING HEAD OF COUNCIL" shall mean a member of Council appointed to the Council to act in place instead of the Head when the Head is absent or refuses to act or the position becomes vacant their so acting has and may exercise all of the rights, powers and authority of the Head of Council.
3. "CAO" shall mean the Chief Administrative Officer of the Corporation of the Township of Puslinch or his/her designate who shall have all the powers and duties of the CAO under the *Municipal Act* and every other Act.
4. "CLERK" shall mean the Clerk of the Corporation of the Township of Puslinch or his/her formal designate who shall have all the powers and duties of the Clerk under the *Municipal Act* and every other Act.
5. "CLOSED SESSION" (IN CAMERA) shall mean closed to the public as defined in Subsections B10 and 11 of this By-Law.
6. "COMMITTEE" means any standing advisory or other committee, subcommittee or similar entity composed of members of the Township of Puslinch Council alone or together with members of another official body or the public, or a committee composed of solely members of the public appointed by the Council.
7. "COMMITTEE CHAIR" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member, other than those powers specifically provided to the Head of Council by legislation.
8. "COMMITTEE OF THE WHOLE" shall mean a meeting of Council in Committee format for discussion purposes.
9. "CONFLICT OF INTEREST" means a pecuniary interest as defined in the *Municipal Conflict of Interest Act, R.S.O. 1990 Chapter M.50*, as amended.

10. "COUNCIL" means the elected and sworn members of the Council of the Township of Puslinch.
11. "DEPARTMENT HEAD" shall be defined as those persons responsible for the operation of a specific Township department, as established by the Township Council from time to time and shall report directly to the CAO.
12. "DELEGATION" means a presentation to Council or a Committee on a subject which may or may not be on the Agenda.
13. "ELECTRONIC PARTICIPATION" means participation in a Meeting from a remote location by such electronic means or service as determined and provided by the Clerk.
14. "EMERGENCY COUNCIL MEETING" means any meeting of Township Council called under Section 13 as amended.
15. "HEAD OF COUNCIL" means the Mayor of the Corporation of the Township of Puslinch. .
16. "HOLIDAY" means those listed as holidays in the *Legislation Act S.O. 2006 Chapter 21 Schedule F* as amended from time to time.
17. "LOCAL BOARD" means a local board as defined in the *Municipal Act, 2001, S.O. 2001, Chapter 25*.
18. "MEETING" shall mean any regular, special, committee or other meeting of Council, of a local board or of a committee of either of them.
19. "NEWSPAPER" means a printed publication in sheet form intended for general circulation, published regularly at intervals of no longer than a week consisting in great part of news of current events of general interest.
20. "QUORUM" shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act* when the quorum may be less than half plus one of the whole number of members but shall not be less than two.
21. "RECORDED VOTE" means the recording of the names and vote of every member voting on any matter or question.

22. "TIE VOTE" means an equality of votes and the question being voted on is deemed LOST.
23. "TREASURER" shall mean the Treasurer of the Corporation of the Township of Puslinch or his/her designate who shall have all the powers and duties of the Treasurer under The *Municipal Act* and every other Act.

B. THE MEETINGS OF COUNCIL

1. Inaugural Meetings

Subject to the provisions of the *Municipal Act*, the hour, date and place of the inaugural meeting of the Council in every year shall be fixed by the Council at its last meeting in the preceding year, but in any case no later than 31 days after its term commences.

2. Ordinary Meetings

**[By-Laws 18/11
and 63/14]**

After its inaugural meeting, the Council shall meet on the First Wednesday of each month at 1:00 o'clock in the afternoon and the Third Wednesday of each month at 7:00 o'clock in the evening at the Council Chambers, except for the month of July and August when there shall be one regular meeting on the third Wednesday at 7:00 o'clock in the evening at the Council Chambers. When a meeting falls on a legal, public, civic holiday or declared holiday, the Council shall meet at the same hour the next following day which is not a legal, public, civic or declared holiday and at the same place, or unless postponement is made in the manner hereinafter provided.

3. Postponement Of Ordinary Meetings

Any ordinary meeting of the Council may be postponed to a day named in:

- (i) a notice by the Head or Acting Head of Council given through the Clerk's office and two (2) clear days in advance of the ordinary meeting, or
- (ii) a resolution of Council passed by a majority of the whole number of the members thereof providing therefore, and passed two (2) clear days in advance of the ordinary meeting.

The postponed meeting shall be held at the time and place provided for the ordinary meeting so laid over.

4. Special Meetings

Subject to the provisions of the *Municipal Act*, the Council may be summoned to a special meeting on one (1) clear day's written notice specifying the purpose of such meeting which shall be the sole business transacted thereat.

5. Adjourned Meetings

Unless otherwise determined by a resolution of Council passed by a majority of the whole number of the members thereof, the Council shall adjourn at 5:00 o'clock in the afternoon on the First Wednesday of each month and at 11:00 o'clock in the evening on the Third Wednesday of each month, if it is then in session, and shall reconvene at the hour, date and place determined in such resolution at which time the unfinished business of the preceding meeting shall be transacted including any business that might have been transacted at such preceding meeting but was not for want of time or opportunity to do so.

6. Notice Of Meetings

[By-law 12/15]

1. The Clerk shall provide the public with notice of the Council and Committee schedule by annually posting the meeting dates on the Township of Puslinch website. Any amendments to the schedule or cancellation of a meeting shall be posted on the website.
2. The meeting agenda shall constitute notice of each meeting. The agenda shall include the location of the meeting and shall relevant materials on a matter to be considered by Council or a Committee.
3. Notice of a Council or Committee meeting shall be provided by:
 - a. Posting the agenda on the Township's website; and
 - b. In the case of a Council Meeting, making it available at the Township Office on the Friday prior to the Council Meeting; and

- c. In the case of a Committee Meeting, making it available at the Township Office a minimum of (2) business days prior to the meeting.
- 4. Notice of a Special Council Meeting shall be provided as soon as it is available by:
 - a. Posting the agenda on the Township's website; and
 - b. Making it available at the Township Office.
- 5. Addendum Agenda items for Council that are identified prior to 12:00 noon on the Tuesday prior to the Council meeting shall be posted on the Township's website and by making it available at the Township Office.

7. When Meetings To Be Called To Order

As soon after the hour fixed for a meeting as a quorum is present the meeting shall be called to order.

8. When Meeting NOT To Be Called To Order

Where a quorum is not present within thirty minutes after the hour fixed for a meeting, the Clerk shall record the names of the members of Council present and the meeting shall stand adjourned until the next meeting, subject to the provisions of Clause 4 of this Section.

9. Order Of Business (COUNCIL AGENDA)

DISCLOSURE OF PECUNIARY INTEREST

Where a member has a pecuniary interest, as defined in the *Municipal Conflict of Interest Act, R.S.O. 1990, Chapter m.50*, in any matter, including that of a spouse, child or parent and is present at a meeting of Council or Committee at which the matter is the subject of consideration the member:

- i) Shall, prior to any consideration of the matter at the meeting, verbally disclose the interest and its general nature;
- ii) Shall not, at any time, take part in the discussion or vote on, any question in respect of the matter;
- iii) Shall not, at any time attempt, either on his or her own behalf or while acting for, by or through another person, in any way

whether before, during or after the meeting to influence the voting on any such question;

- iv) Shall, where a meeting is not open to the public, immediately leave the meeting or part of the meeting during which the matter is under consideration and remain absent from it during consideration of the matter.
- v) Where the interest of a member has not been disclosed by reason of the member's absence from a meeting wherein the matter was discussed, the member shall disclose the interest at the next Council or Committee meeting attended by the member.
- vi) The clerk shall record any such disclosures in the minutes of the meeting:

- MINUTES OF PREVIOUS MEETINGS
- COMMUNICATIONS
- DEPUTATIONS (DELEGATIONS)
- PETITIONS
- REPORTS
- UNFINISHED BUSINESS
- BY-LAWS
- MOTIONS AS PROFERRED APPLICABLE TO THE
- AGENDA
- NOTICES OF MOTION
- OTHER BUSINESS
- NEW BUSINESS

- i) All business shall be taken up on the order of routine in which it stands unless otherwise decided by Council.

- ii) The Chair or designate of each committee submitting a report shall field questions regarding same during discussions of that report as may be required.
- iii) When any matter is left indisposed at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

10. Meetings Open To The Public

All regular Council Meetings, Committee Meetings, Local Board Meetings and special meetings of Council and of Committees and Local Boards shall be open to the public, but a meeting or any part thereof may be closed to the public if the subject matter being considered is:

- a) The security of the property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal or local board employees;
- c) A proposed or pending acquisition or disposition of land for municipal or local board purposes;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) The receiving of advice that is subject to solicitor – client privilege, including communications necessary for that purpose;
- g) A matter in respect of which a Council, board, Committee or other body has authorized a meeting to be closed under another Act;
- h) Related to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if Council or Committee or Board is the head of an institution for the purposes of that Act;

- i) The educating or training of Council or Committee or Local Board and at the meeting no member discusses or otherwise deals with any matter in a way that materially advanced the business or decision-making of the Council, Committee or Local Board;
- j) All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with this Section and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Township, Committee or Local Board or persons retained by or under contract with the Township, Committee or Local Board or to rise from closed session. Recorded votes shall not be taken at an In Camera meeting.

11. Closed/ "In Camera"

- a) Before holding a meeting or part of a meeting that is to be closed to the public, Council or Committee or Local Board shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting on the prescribed form.
- b) Should Council or Committee, during an open Meeting, wish to meet In Camera, the open Meeting of Council or Committee may, following the passage of the resolution referred to in clause a), recess into the In Camera Meeting.

12. Adjournment

Every meeting of Council shall be deemed to be adjourned at the hour stated in Section B5, save and except with the consent of a majority of Council.

13. Emergency Meetings Of Council

- a) The Mayor shall if requested in writing by any two members of Council call a special meeting of Council other than as described in Section B4 of this By-Law.
- b) The Mayor may call a special meeting other than as described in Section B4 of this By-Law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each Member of Council and verbally advising them of the time and place

of the meeting, or notice may be given in writing or via voice recording or via e-mail message.

- c) A special meeting under this section requires minimum notice of one(1) clear day unless otherwise agreed to by a majority of members to the satisfaction of the Clerk.
- d) At a special meeting of the Council under this section, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.
- e) In accordance with *Section 236 of the Municipal Act*, an Emergency Meeting of Council may be called by the Mayor at any time and at any location as may be convenient. For the purposes of this section, an Emergency Meeting may be called for an emergency within the meaning of the Township's Emergency Response Plan or any other similar unforeseen circumstance.
- f) A Standing Committee of Council may be created, and delegated to that committee, to the extent possible, all of the powers of Council, for the duration of a Declared Emergency in the Township of Puslinch, providing it has been established that there is an inability, for valid reasons, for a majority of the members of Council to attend a properly scheduled meeting of Council.
- g) In accordance *Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act*, where an emergency has been declared to exist in all or part of the municipality, any member of Council may participate in any open or closed Council meeting electronically and be counted for the purpose of establishing quorum.

14. Electronic Participation

- h) Electronic participation applies only during a period where an emergency has been declared in accordance with *Section 4 or 7.0.1 of the Emergency Management and Civil Protection Act*.
- i) Any Member who is not physically present in the location where a Meeting takes place is permitted to participate electronically in both Open and Closed Session and shall

have the same rights to speak and vote as if the Member was physically present.

- j) All Members who participate electronically shall be counted in determining whether or not a Quorum of Members is present.
- k) All votes shall be by verbal consent.
- l) The following may be adjusted at the discretion of the Chair based on the electronic means or service being used to permit electronic participation:
 - i. Setting out the order in which members speak.
 - ii. The provision included in Section G5 "Recorded Vote" setting out the process for a Recorded Vote.
 - iii. Any other provision of this By-law where it is not possible to adhere to due to the functionality of the electronic means or service being used to permit electronic participation.
- m) Delegates shall not be permitted to participate electronically. If circumstances do not allow a Delegate to appear in person, a written submission may be made in accordance with Section H4 "Delegations".

C. ROLES OF MAYOR AND COUNCIL

1. Role Of The Mayor As Head

It is the role of the Mayor as the Head of Council:

- a) to Act as Chief Executive Officer of the municipality;
- b) to, except where otherwise provided, preside over Council meetings so that its business can be carried out efficiently and effectively;
- c) to receive all messages and other communications and announce them to the Council;
- d) to select the members who are to serve on committees, when directed to do so in a particular case, or when it is made a part of his/her general duty by a rule of procedure;
- e) to ensure that the decisions of Council are in conformity with the laws, regulations and By-Laws governing the activities of the Council;
- f) to adjourn the meeting when the business is concluded;

- g) to adjourn the meeting without question put in the case of grave disorder arising in the Council Chamber.
- h) to provide leadership to Council;
- i) to represent the municipality at official functions;
- j) to carry out the duties of the Head of Council under any Act; and
- k) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Township of Puslinch.

2. Chief Executive Officer

As Chief Executive Officer of the Township, the Head of Council shall:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the Township's activities;
- c) act as the representative of the Township both within and outside the municipality and promote the Township locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well being of the Township and its residents.

3. Duties Of The Chair

As Chair of Council Meetings, the Mayor shall:

- a) as soon as a Quorum is present, after the hour fixed for the holding of a Council Meeting, take the Chair and call the Meeting to order;
- b) put to a vote all motions which are regularly moved and seconded, or necessarily arise in the course of proceedings, and to announce the result of the vote;
- c) decline to put to vote motions which infringe the Rules of Procedure;
- d) restrain the Members, within the Rules of Procedure, when engaged in debate;
- e) enforce on all occasions, the observance of order and decorum among the Members and attendees/audience;

- f) call by name any Member persisting in breach of the Rules of Procedure, thereby ordering the Member to vacate the Council Chamber;
- g) decide all questions of order at the Meeting, subject to an appeal by any Member to Council on any question of order in respect to business before the Council;
- h) execute by his/her signature when necessary, all By-Laws, resolutions and minutes of a Meeting and other required documents;
- i) represent and support Council, declaring its will, and implicitly obeying its decisions in all matters, and
- j) provide a synopsis of the correspondence presented for Councils consideration unless requested by any member to read the document in its entirety.

4. Role Of Council

It is the role of Council:

- a) to represent the public and consider the well being and interests of the Township;
- b) to develop and evaluate the policies and programs of the Township;
- c) to determine which services the Township provides;
- d) to ensure that administrative policies, practices and procedures and controllership are in place to implement the decisions of Council;
- e) to ensure the accountability and transparency of the operations of the Township, including the activities of the senior management of the Township;
- f) to maintain the financial integrity of the Township; and
- g) to carry out the duties of Council under any Act.

D. RULES OF CONDUCT

1. Conduct Of Members

No Members shall:

- a) use offensive words or unparliamentary language in or against the Council, any Member of Council, or any officer or employee of the Township, or any person acting in an official capacity or otherwise noted;
- b) speak on any subject other than the subject in debate;
- c) criticize any decision of the Council except for the purpose of moving that a motion be reconsidered;
- d) interrupt the Member who has the floor, except to raise a Point of Order or Privilege;
- e) disobey the rules of procedure or a decision of the Chair on questions of order or upon the interpretation of the Rules of Procedure; and where a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall introduce the motion without amendment, adjournment or debate being allowed, "that such Member be ordered to leave his/her seat for the duration of the Meeting of Council", but if the Member apologizes, he/she may be permitted to retake his/her seat;
- f) leave the meeting at any time without advising the Chair or Clerk;
- g) speak in a manner that is discriminatory in nature on an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, or disability; and
- h) speak more than once to the same question or motion, except:
 - i) upon the consideration of a report from a committee to which it was referred by Council after being properly introduced and debated but not determined, or

- ii) in explanation of a material part of speech which may have been interpreted incorrectly, or
- iii) with leave of the Council, after all other members so desiring have spoken, or
- iv) a reply may be allowed by leave of the Council to the member who presented the motion to Council, in which case he/she shall speak for no longer than a 5 minute period without leave of Council;

2. Request To Read Motion

Any Member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.

3. Appeal Chair's Decision

Any member may appeal the decision of the Presiding Officer on a point of order to the Council, which shall decide the question without debate upon a majority vote of the members present.

4. Confidentiality

Members shall ensure that confidential matters disclosed to them and materials provided to them during In Camera Meetings are kept confidential. Members are encouraged to return confidential material to the Clerk and shall return such material if so directed by the Mayor.

E. DECORUM

1. Decorum

Members of the Public who wish to submit materials for Council must do so through the Clerk.

2. Disruptive Behaviour

Attendees at a Meeting shall maintain order and shall not display signs or placards, heckle, or engage in telephone or other conversations or any behaviour that may be considered disruptive.

3. Electronic Devices

All cell phones, personal digital assistant and electronic devices shall be turned off and/or set to silent mode during a Meeting.

4. Chair's Right To Expel

The Chair may expel any person for improper conduct at a meeting.

5. Council Area

No person, except Members of Council and staff of the Township, shall be allowed to approach the area where the Members of Council are seated.

6. Head Covering

No person shall wear head covering except for religious purposes or in the case of infirmity.

7. Media Interviews

Media interviews within the Council Chambers are prohibited during the formal part of the meeting.

8. Use Of Electronic Equipment

- a) The use of audio and video recording equipment in the Council Chambers by the public or the media will be permitted provided that it is not disruptive to the Meeting. The location of the recording equipment will be at the discretion of the Chair, but will not be permitted in the area where members of Council are seated.
- b) If, in the opinion of the Chair, the use of such equipment or devices is deemed to be disruptive to the conduct of the Meeting, the recording privileges will be withdrawn from any offending user. The ruling of the Chair shall be final unless a Member appeals the ruling to Council, which shall then decide upon the question without debate.
- c) Council or Committee Meetings, which are not closed to the public in accordance with the provisions of Section B10 of this By-Law, and subject to Clauses a) and b) of this Section may be taped, televised or otherwise recorded.

9. Late Arrival

If a member arrives late at a Meeting, any prior discussion shall not be reviewed without the unanimous consent of all Members present.

F. COMMITTEES

1. Committees

a) The Council shall at the beginning of each new term of council and each year thereafter nominate and elect the following Standing Committees:

[By-Law 51/12]

- i) BADENOCH COMMUNITY CENTRE BOARD
- ii) RECREATION COMMITTEE
- iii) PLANNING ADVISORY COMMITTEE
- iv) COMMITTEE OF ADJUSTMENT
- v) HERITAGE COMMITTEE
- vi) PROPERTY STANDARDS COMMITTEE
- vii) PUBLIC WORKS COMMITTEE
- viii) FIRE AND RESCUE COMMITTEE
- ix) AUDIT COMMITTEE
- x) ELECTION COMPLIANCE AUDIT COMMITTEE
- xi) WELL PROTECTION COMMITTEE

b) The Rules of Procedure for Committee operation shall be those contained in this By-Law unless otherwise prescribed by statute or law.

c) Standing, Advisory, and Ad-hoc Committees wholly within the sphere of the jurisdiction of Council may be established, revised, disbanded and replaced as Council deems necessary. All members of such Committees shall be qualified electors within the municipality.

2. Head Ex-Officio

The Head of Council shall be an ex-officio member of all Township Standing, Advisory and Ad-hoc Committees where not otherwise prohibited by any Act and shall have full voting privileges when in attendance at any meeting thereof but shall not have the privilege of raising new business or adding any matter to a previously completed meeting Agenda unless directed to do so by Council,

such new business to be conveyed to the Committee Chair prior to the meeting.

G. BY-LAWS AND MOTIONS

1. Motions

- a) After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council;
- b) Every Motion as herein provided when duly Moved and Seconded shall be read by the Mayor or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration;
- c) Prior to a Motion being voted on, each member present in the Council Chamber shall take their seat and shall vote unless they have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*;
- d) All Motions shall be governed according to Appendix 'A' to this By-Law "Principle Rules Governing Motions".

2. Motion To Amend

A Motion to amend, when duly moved and seconded:

- a) May be presented verbally or in writing;
- b) Shall receive disposition of Council before the original Motion;
- c) Shall not be amended before voting;
- d) Shall be relevant to the Motion to be received;
- e) Shall not be received proposing a direct negative to the Motion;
- f) May propose a separate and distinct disposition of a Motion;

- g) May propose to separate two (2) or more components contained in the original Motion.

3. Decision Of Mayor

- a) After a Motion is deemed to be finally put by the Mayor or Chair no member shall speak to the Motion nor shall any other Motion be made until after the vote is taken and the result has been declared.
- b) The decision of the Mayor as to whether the Motion has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
- c) The Mayor shall declare the vote on all Motions and should his/her declaration be stated by any member to be in doubt, the Mayor shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.

4. Repeat Motion

Any member may require any Motion to be repeated from the Chair prior to the voting on such Motion.

5. Recorded Vote

[By-Law 51/12]

- a) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his/ her vote openly and the Clerk shall record each vote.
- b) A failure to vote under Clause a), above, by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote.
- c) Any member who refuses or abstains from voting will be recorded as voting in the negative.
- d) When a recorded vote is requested, the Clerk shall record each vote as it is called, starting with the Member who requested the recorded vote, and continuing counter-clockwise until all members, including the Chair have voted.

6. Tie Vote

A tie vote shall be declared to be a LOST vote.

7. Notice Of Motion

A member may introduce a notice of Motion directly to a Council or Committee meeting, following which a copy of the Motion shall be filed with the Clerk and the Motion shall form part of the next Council or Committee Agenda for discussion. Following such notice there shall be no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of majority of the members present. All motions shall be governed according to Appendix "A" to this By-Law "Principle Rules Governing Motions".

8. Introduction Without Notice

A motion may be introduced without notice upon leave of Council resolved by a majority of members present without debate, in which case it shall be set out in full in the minutes of the meeting of Council at which it is considered.

9. Notice

At least five (5) day's written notice shall be given to all new motions except matters of privilege or the presentation of petitions, notices of motion received by the Clerk at any time the Council is in session, and such motions shall be set out in full in the agenda of the routine of business of the meeting at which they are to be considered.

10. By-Laws

- a) Every By-Law shall be circulated to members of Council and by such circulation to Council members shall be deemed to have been made known to the public.
- b) Every By-Law shall be introduced by a Motion of Council, specifying the title thereof, or on recommendation of an adopted report.
- c) By the one Motion, By-Laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.

- d) Every By-Law shall be deemed to be considered in Committee of the Whole subsequent to the reading of the Motion and prior to a vote being called on the Motion.
- e) When a By-Law is being considered in Committee of the Whole, it may be debated clause by clause or as otherwise considered advisable by the Chair and members of Council.
- f) Every By-Law once passed shall be dated and duly signed by the Mayor or presiding officer and the Clerk at the meeting and engrossed with the Township Seal by the Clerk or designate.
- g) Every proposed By-Law shall:
 - i. Receive not more than two readings on the same day except with the consent of a majority of the members present, and not otherwise prohibited in law;
 - ii. Be endorsed by the Clerk with the date of the several readings thereof;
 - iii. Be the responsibility of the Clerk for correctness when amended;
 - iv. Be finally passed by Council before signature by the Head or Acting Head of Council and the Clerk and engrossed with the seal of the Township.

Every proposed By-Law may be referred to a Committee for report after second reading, and such referral may be made with or without debate on either or both the proposed By-Law or the motion to so commit, as the Council may decide.

H. GENERAL

1. Order Of Business

The Clerk shall have prepared a list of the items in the order of the topics set out as the routine of business in Section B9 "Order of Business" for the use of each member at an ordinary meeting.

2. Minutes

- a) The minutes of Council as taken by the Clerk or designate shall consist of a record of all proceedings taken in the Council. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount without note or comment.
- b) All Minutes, Committee Minutes and Reports following adoption by Council and all By-Laws passed by the Council shall be kept in the Clerks Office and shall be made available for viewing during normal office hours and shall be posted on the **Township website**, save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section B10 and 11 of this By-Law and subject to the provisions of any applicable By-Law, act or statute.
- c) The minutes shall record;
 - i) the place, date and time of meeting;
 - ii) the names of the Presiding Officer or Officers, and of any members present;
 - iii) the reading, presentation, correction and adoption of the minutes of prior meetings;
 - iv) the names of others attending as authorized by Council.
- d) It shall be the duty of the Clerk to ensure that the minutes of the last ordinary meeting and all subsequent special meetings held more than three days prior to an ordinary meeting are mailed or delivered to each member not less than forty-eight hours before the hour appointed for holding such ordinary meeting.
- e) Such minutes as referred to in Clause d) of this section may be adopted by Council without having been read at the meeting, considering the question of their adoption and in other cases the minutes must be read prior to consideration of adoption.

3. Communications

All written messages, memorials and enquiries over the signature of the sender for the information of Council on matters of fact or which contain a request for action on the part of the Council in respect of

matters within the jurisdiction of the Council and the replies thereto may be referred to a Committee or disposed of forthwith.

4. Delegations

- a) Persons desiring to verbally present information on matters of fact or make a request of Council may be heard on leave of Council but shall be limited in speaking not more than ten (10) minutes except that a delegation consisting of more than five (5) persons shall be limited to two (2) speakers each limited to speaking not more than ten (10) minutes and each speaker shall not repeat what has previously been presented. Delegations not listed on the agenda may be heard by approval of a majority vote of the Council; such vote shall not be debatable.
- b) Only members of Council may ask questions of delegations and shall not enter into debate with the delegation. All questions to delegations shall be addressed through the Chair.

5. Matters before Court, Tribunal, Etc.

No members of Council and no delegation shall be permitted to address the Council, during an open session of Council, on any matter that is before any Court, Tribunal or similar body for decision.

6. Requirements To Be On Agenda

All persons shall communicate with the Clerk in writing at least one week prior to any Council Meeting open to the public stating in detail the subject that the person and or persons wish to discuss and the date of the Meeting at which they desire to attend.

7. Petitions

A petition in regard to a matter within the jurisdiction of Council made over the signatures of the subscribers shall be presented by a member who knows the contents thereof and vouches for the propriety of the petition, and may be received on leave of Council, may be disposed forthwith, assigned some future time for consideration by Council or referred to a committee. Persons presenting Petitions are subject to the same conditions as outlined in Clauses 4 a) and b) of this Section.

8. Committee Reports

Report from Committee:

- a) Shall be received upon leave of Council;
- b) May be recommitted to the same or a different Committee for further consideration.

9. Unfinished Business

The items listed in the order of the topics set out as the routine of business of prior meetings which have not been disposed of by Council and the date of their first appearance on the Order of Business shall be noted, and repeated on each subsequent Order of Business, until disposed of by Council unless removed from the Order of Business by leave of Council.

10. Suspension Of Rules

- a) Subject to Clause b) of this section, any procedure required by this By-Law may be suspended with consent of a majority of the members present.
- b) No amendment or repeal of this By-Law will be considered at any request of the Council unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Council and Council may not waive such notice.

11. Former By-Laws Repealed

All By-Laws, including By-Law 37/92 and parts of all these By-Laws inconsistent with the provisions of this By-Law are hereby repealed.

- 12. This By-Law shall come into force on the date of the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 19th DAY OF NOVEMBER, 2008.

Signed:

Brad Whitcombe, Mayor

(SEAL)

Brenda Law, CAO/Clerk-Treasurer

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Township of Puslinch Procedural By-Law
By-Law #59/08

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APPENDIX "A" JY-LAW NUMBER

PRINCIPAL RULES GOVERNING MOTIONS

Order of Precedence	Can interrupt speaker?	Requires a second?	Debatable?	Amendable?	Vote Required?	Can be renewed at same meeting?
I. PRIVILEGED MOTIONS (dealing with special matters of immediate and overriding importance)						
1. Adjourn	no	yes	no	no	majority	yes
2. Recess	no	yes	no	yes	majority	yes
3. Question of Privilege	no	no	no	no	no vote	yes
II. SUBSIDIARY MOTIONS (apply to other motions and assist the Council/Committee in dealing with a main motion)						
4. Postpone	no	yes	no	no	majority	yes
5. Temporary (lay on the table)	no	yes	no	no	two-thirds	yes
6. Limit Debate	no	yes	no	yes	two-thirds	yes
7. Defer to a Certain Time	no	yes	yes	yes	majority	yes
8. Refer to Committee	no	yes	yes	yes	majority	yes
9. Amend	no	yes	yes	yes	majority	no
10. Defer	no	yes	yes	no	majority	no
III. MAIN MOTIONS (bring business before Council)						
11. A. General	no	yes	yes	yes	majority	no
12. B. Specific	yes	yes	yes	no	2/3 without notice	no
13. Main Motion's Reconsider	no	yes	yes	no	majority with notice	no
14. Rescind	no	yes	no	no	majority	no
15. Resume	no	yes	no	no	majority	yes
16. Consideration	no	yes	no	no	majority	yes
IV. INCIDENTAL MOTIONS (usually arise while the main motion is open to debate)						
15. Appeal	yes	yes	yes	no	tie or majority	no
16. Point of Order	yes	no	no	no	no vote	no
17. Division of a Question	no	no	no	no	majority	no
18. Recorded Vote	yes	no	no	no	no vote	no



REPORT ADM-2020-028

TO: Mayor and Members of Council

FROM: Courtenay Hoytfox, Deputy Clerk
Blair Lance, By-Law Enforcement Officer

MEETING DATE: August 12, 2020

SUBJECT: Revised Proposed Property Standards By-law
File: C01-PRO

RECOMMENDATION

That Report ADM-2020-028 regarding the Proposed Property Standards By-law be received; and

That the existing Property Standards By-laws No. 11/74, 37/89, 12/99 be repealed in their entirety and that third reading be given to Bylaw No.2020-010 being the Property Standards By-law, as amended.

Purpose

The Purpose of this report is to provide Council with the confirmation of the draft Property Standards presented to Council on July 15th and to highlight a few minor final amendments.

Background

The Proposed Property Standards By-law was given a first and second reading at the July 15, 2020 Council meeting. The third and final reading is pending a final review of proposed amendments including a review of the definitions “Yard” and “Property”. The primary concern being how the definitions relate to Section 4.1 “Exterior Property Areas”. Below are the proposed definitions that are recommended to be included in the final by-law:

“Yard” means the land within the boundary lines of a property not occupied by a principal building in Residential Zones and means the Required Yard as defined in the Zoning Bylaw for all other zones.

“Property” means a building or accessory building, or part of a building or accessory building, and includes all the lands and premises within the boundary lines of the property, all mobile structures,

mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and also includes vacant property.

Financial Implications

None

Applicable Legislation and Requirements

Ontario Building Code Act

User Fees and Charges By-law

Attachments

Draft Property Standards By-law

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2020 - XXX

A By-law Prescribing Standards for the Maintenance and Occupancy of Property

WHEREAS Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, authorizes the council of a municipality to pass a bylaw prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS the County of Wellington Official Plan for the Township of Puslinch includes provisions relating to property conditions;

AND WHEREAS Section 15.6(1) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended requires that a By-law passed under Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch enacts as follows:

1.0 TITLE AND SCOPE

- 1.1 This By-Law may be referred to as "The Property Standards By-Law".
- 1.2 The standards for maintenance and occupancy of **property** set forth in this By-Law are hereby prescribed and adopted as the minimum standards for all **property** within the **Township**.

1.3 No **person** shall occupy a **property** if there is a condition which poses or constitutes an **unsafe condition**.

1.4 A **property** within the **Township** that does not conform with the standards contained in this By-law shall be:

- (a) **repaired** and maintained to conform with such standards; or
- (b) cleared of all **buildings, accessory buildings, structures** or **waste** and left in a graded and levelled condition.

1.5 This By-law does not apply so as to prevent an agricultural operation, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

1.6 This By-law does not apply so as to prevent an agricultural use, meeting the definition of "agricultural use" under this By-law.

2.0 APPLIED MEANING OF WORDS AND TERMS

2.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

3.0 DEFINITIONS

In this By-law:

"Accessory building" means a detached **building** or **structure**, not used for human habitation that is subordinate to the primary use on the same **property**.

"Basement" means that portion of a **building** between two floors, which is partly underground of the first floor joists above the average finished grade level adjacent to the exterior walls of the **building** and includes a crawl space and cellar.

"Boat" includes any vessel which floats or is designed to float on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land.

"Building" means a building as defined in the **Building Code Act**, or a **structure** used or intended to be used for supporting or sheltering any use or occupancy.

"Building Code Act" means the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended and any prescribed regulations under the *Building Code Act*.

"Committee" means the **Township's** Planning and Development Advisory Committee or a Property Standards Committee established under this By-law.

"Compost" means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves.

"Council" means the Council for the **Township**.

"Dwelling" means a **building** or part of a **building**, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

"Dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a

domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities.

“Exterior property areas” means the **property** and **yard**, exclusive of a **building** and an **accessory building**.

“Fence” means a **structure**, wall or barrier, other than a **building**, erected at grade for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen.

“Firewood” means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products included but not limited to wood skids, wood boxes, and used wood products that are not required for a **building**, **accessory building** or **structure** currently under construction on the **property** or for which there is a current or regular use.

“Ground cover” means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

“Guard” means a protective barrier installed around openings in floor area or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, or other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

“Habitable room” means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway,

storage room, furnace room or other accessory space used for service, maintenance or access within a **building**.

"Heritage attribute" means an attribute of a **heritage property** that contributes to its cultural heritage value or interest that is defined, described or inferred:

(a) in a By-law designating a **heritage property**;

(b) in a By-law designating a heritage conservation district;

(c) in a Minister's Order made under the *Ontario Heritage Act*;

(d) in any documentation considered as part of (a), (b) and (c) above;

and includes any elements, features or components that support or protect the heritage attribute.

"Heritage property" means a Property designated under Part IV or Part V or by a Minister's Order under the *Ontario Heritage Act*.

"Landlord" includes:

a) The owner of a rental unit or any other person who permits occupancy of a **rental unit**, other than a **tenant** who occupies a **rental unit** in a residential complex and who permits another person to also occupy the unit or any part of the unit; and, b) The heirs, assigns, personal representatives and successors in title of a person referred to in clause (a).

"Naturalized Area" means an area that has been implemented or naturally occurring areas to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof and includes natural areas such as wooded lots, managed commercial woodlots, forests and wetlands.

"Occupant" means any **person** or **persons** over the age of eighteen years in possession of the **property**.

"Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Owner" includes,

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

"Person" includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

"Property" means a **building** or **accessory building**, or part of a **building** or **accessory building**, and includes all the lands and premises within the boundary lines of the property, all mobile structures, mobile buildings, mobile homes, outbuildings, **fences**, **retaining walls**, and erections thereon, whether heretofore or hereafter erected, and also includes **vacant property**.

"Property Standards Officer" shall mean a Property Standards Officer who has been appointed by by-law to administer and enforce this By-law.

"Rental Unit" means a dwelling unit used, or intended to be used, for a **residential tenancy**.

"Repair" includes the making of additions or alterations or the taking of such action as may be required so that the **property** shall conform to the standards established in this By-law.

"Residential rental property" includes a **rental unit** and the yards;

"Residential Tenancy" means the lease of residential premises for residential purposes.

"Retaining wall" means a **structure** that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

"Safe condition" means a condition that does not pose or constitute an undue or unreasonable hazard or risk of life, limb or health of any **person** on or about the **property**, and includes a structurally sound condition.

"Sewage" means water-carried waste, together with such ground, surface and storm waters as may be present.

"Sewage system" means the **Township's** system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system.

"Structure" means anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.

"Tenant" means a person who pays rent or is required to pay rent in return for a right to occupy a **rental unit**.

"Township" means the Corporation of the Township of Puslinch or the land within the geographic limits of the Corporation of the Township of Puslinch as the context requires.

"Unsafe condition" means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **person** on or about the **property**.

"Vacant building" means any **building or accessory building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:

- (a) a **dwelling unit** occupied by the **owner** on a seasonal basis but otherwise maintained throughout the year;
- (b) a **building or accessory building** on **property** used for farming purposes, except a **dwelling unit**.

"Vacant property" means a **property** that does not have a **building or accessory building**.

"Waste" includes any debris, rubbish, refuse, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying on a **property** due to exposure to the weather.

"Yard" means the land within the boundary lines of a **property** not occupied by a principal building in Residential Zones and means the Required Yard as defined in the Zoning Bylaw for all other zones.

4.0 EXTERIOR PROPERTY AREAS – GENERAL REQUIREMENTS

4.1 **Exterior Property Areas** shall be free from:

- (a) **waste**;
- (b) injurious insects, termites, rodents, vermin and other pests and any condition that may promote an infestation except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (c) excessive growth of weeds and grass exceeding 12 inches in height, except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (d) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an **unsafe condition** for abutting land owners;
- (e) wrecked, dismantled, derelict, inoperative, discarded, unused or an unlicensed vehicle or trailer, except in an establishment licensed or authorized to conduct and operate such a business in accordance with any other by-laws, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;
- (f) wrecked, dismantled, derelict, inoperative, discarded or unused **boat** and any component parts thereof, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;

- (g) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an **unsafe condition** or an unsightly condition out of character with the surrounding environment;
- (h) dilapidated or collapsed **building** or **accessory building** and any unprotected well or other **unsafe condition** or unsightly condition out of character with the surrounding environment;
- (i) stagnant water except in a **Naturalized Area**;
- (j) accumulation of animal excrement, except in connection with a lawful agricultural use on a **property**.

4.2 Suitable **ground cover** shall be provided to prevent erosion of the soil.

4.3 Hedges, plantings, trees or other landscaping including lighting, required by the **Township** as a condition of site development or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping or lighting, so as to carry out its intended function and maintain an attractive appearance.

4.4 An abandoned or unused well, septic tank or a hole on a **property** shall be filled or safely covered and protected.

5.0 DRAINAGE

5.1 All catch basins, swales and ditches shall be maintained so as to not impede the natural flow of water.

5.2 The storm water run-off from all downspouts of impervious surfaces shall be contained within the limits of the **property** from which it originates until absorbed by the soil or drained

to a storm sewer, or to a natural or artificially-created swale, ditch or watercourse.

- 5.3 No water shall be drained from a swimming pool, pond or other waterholding device on to abutting properties.

6.0 HEALTH

- 6.1 All **sewage** shall be discharged into an approved **sewage system**.

7.0 BUFFERING

- 7.1 **Property** which, because of its use or occupancy, or for other reasons is required to be buffered shall:

- (a) maintain an effective barrier to prevent lighting and vehicle headlights from shining directly into a **dwelling unit**;
- (b) maintain an effective barrier to prevent wind-blown **waste** from encroaching on an adjacent **property**;
- (c) maintain a visual screen, to minimize the visual impact of a nuisance to a **person** who owns or occupies an adjacent **property**.

8.0 RETAINING WALLS

- 8.1 A **retaining wall** shall be maintained in good **repair** and free from accident hazards.
- 8.2 Without restricting the generality of section 8.1 the maintenance of a **retaining wall** may include:

- (a) redesigning, **repairing** or replacing all deteriorated, damaged, misaligned or missing portions of the wall, or railings and **guards** appurtenant thereto;
- (b) installing subsoil drains where required to maintain the stability of the **retaining wall**;
- (c) grouting masonry cracks;
- (d) applying a coat of paint or equivalent preservative to all metal or wooden exposed components.
- (e) where a retaining wall in excess of 600 mm (24 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

9.0 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1 GENERAL

9.1.1 The following additional standards shall only apply to a residential rental property:

a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:

- I. Safe
- II. Clean
- III. In a state of good repair
- IV. Fit for habitation; and,
- V. Free from accumulations of snow and ice;

b) The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of tenants.

9.1.2 All repairs and maintenance of property required by the standards prescribed in this part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.

9.1.3 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.

9.2.0 RECREATIONAL FACILITIES, LAUNDRY FACILITIES ROOMS AND AREAS

9.2.1 A recreational facility, laundry facility, mail collection area including mailboxes, room or area and the equipment and appliances provided in connection therewith shall be:

- (a) maintained in an operable and usable condition;
- (b) maintained in a **safe condition**;
- (c) with the exception of an outdoor recreational facility, maintained in a clean condition.

9.3.0 HEATING, HEATING SYSTEMS, CHIMNEYS, VENTS AND FUEL BURNING APPLIANCES

9.3.1 Every **building** containing an occupied **dwelling unit** or **habitable room** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius between the 15th day of September to the 1st day of June the following year. A heating system shall be maintained in good working

condition so as to be capable of safely heating the **dwelling unit** or **habitable room** to the required standard.

- 9.3.2 No rental **dwelling unit** shall be equipped with portable heating equipment as a primary source of heat.
- 9.3.3 A fuel burning appliance shall:
- (a) have ample air supply to permit combustion to occur with optimum oxygen available;
 - (b) be located in such a manner as to prevent impediment to the free movement of a **person** and the overheating of adjacent materials and equipment;
 - (c) have **guards** where necessary to minimize the risk of an accident.
- 9.3.4 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a **safe condition** and location so as to be free from fire or accident hazard.
- 9.3.5 A fuel burning appliance, equipment and accessories shall be properly vented to the outside air by means of a smoke pipe, vent pipe, chimney flue or other approved method and as may be required by the **Building Code Act**.
- 9.3.6 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the escape of smoke, fumes or gases from entering a **building**. Maintenance may include the removal of obstructions, sealing open joints, and the **repair** of loose or broken masonry units.
- 9.3.7 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the

heating of adjacent combustible material or structural members to unsafe temperatures.

9.4.0 AIR CONDITIONING

9.4.1 An air conditioner shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.

9.4.2 Cooling water from water-cooled equipment shall not be discharged on a driveway, walkway or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to a wall, foundation or part of a **building** or **accessory building**.

9.4.3 The discharge of cooling water from water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable government regulations.

9.5.0 INTERIOR LIGHTING

9.5.1 Interior lighting standards and fixtures shall comply with the requirements of section 10.

9.6.0 VENTILATION

9.6.1 Sufficient ventilation shall be provided to all areas of a **building** or an **accessory building** so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create a potential **unsafe condition** or to become a nuisance.

9.6.2 A kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.

- 9.6.3 An enclosed area of a **building** or an **accessory building** including a **basement** and an attic shall be adequately ventilated.
- 9.6.4 A system of mechanical ventilation shall be maintained in good working order.
- 9.7.0 PLUMBING
- 9.7.1 A **dwelling unit** shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health and/or the Chief Building Official of the **Township**.
- 9.7.2 A washbasin, bathtub or shower, and one kitchen sink in a **dwelling unit** shall be equipped with an adequate supply of hot and cold running water. All hot water shall be supplied at a minimum of 43 degrees Celsius and a maximum of 49 degrees Celsius.
- 9.7.3 A fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbor germs or impede thorough cleansing.
- 9.7.4 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working order free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 9.7.5 All plumbing fixtures in every **building** or **accessory building** shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a **sewage system** approved by the authority having jurisdiction.

9.7.6 All toilet facilities, sanitary conveniences and washing facilities shall be maintained:

- (a) in good working order;
- (b) in a clean and sanitary condition;
- (c) and supplied with hot and cold running water, with cold water connection only to toilets and urinals;
- (d) and connected to the drainage system.

9.8.0 KITCHEN

9.8.1 A **dwelling unit** shall contain a kitchen area equipped with:

- (a) one sink surrounded by a surface that is impervious to grease and water;
- (b) a suitable storage area;
- (c) a counter or work area, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

9.8.2 A cooking appliance and a refrigeration appliance shall be maintained in a good state of **repair** and operating condition.

9.9.0 BATHROOM

9.9.1 A **dwelling unit** shall contain a bathroom consisting of at least one fully operational toilet, washbasin, and a bathtub or suitable shower unit.

- 9.9.2 A bathroom and a toilet shall be located within and accessible from within the **dwelling unit**.
- 9.9.3 Where a toilet or bathroom facility is shared by occupants of a residential accommodation, other than a self contained **dwelling unit**, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facility.
- 9.9.4 Every wall surrounding a shower shall be of impervious material and shall be maintained in a good state of **repair**.
- 9.9.5 A bathroom as required by section 9.9.1 shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.
- 9.10.0 FLOORS
- 9.10.1 A floor shall be smooth, level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an **unsafe condition** or surface. A defective floor shall be **repaired** or replaced.
- 9.10.2 Where a floor covering has become worn or torn so that it retains dirt or may create an **unsafe condition**, the floor covering shall be **repaired** or replaced.
- 9.10.3 A bathroom, kitchen and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 9.11.0 ELECTRICAL SERVICE

- 9.11.1 A **dwelling** and **dwelling unit** shall be wired for electricity and shall be connected to an approved electrical supply system.
- 9.11.2 The capacity of the connection to a **building** or **accessory building** and the system of circuits distributing the electrical supply of the **building** or **accessory building** shall be adequate for the use and intended use.
- 9.11.3 Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order, free from fire and accident hazards.
- 9.12.0 DISCONNECTED UTILITIES
- 9.12.1 An **owner** of a residential **building** or any **person** acting on behalf of such **owner** shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a **dwelling unit** and **habitable room** occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of **repairing**, replacing or otherwise altering said service or utility.
- 9.13.0 INTERIOR WINDOWS, DOORS, SURFACES, FLOORS AND STAIRS
- 9.13.1 Interior windows, doors, surfaces, floors and stairs shall be maintained:
- (a) in a clean, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
 - (b) in good working order and good state of **repair**, free from holes, loose, broken, warped, torn, damaged or decayed boards or materials;

- (c) free from depressions, protrusions, deterioration or other defects which could create an **unsafe condition** or which are out of character with the normal use of the area in which such defect occurs;
- (d) so as to afford the fire resistive properties and other protection for which they shall be designed; and
- (e) free of any graffiti, markings, stains or other defacement.

9.13.2 Interior windows and doors shall also comply with the requirements of section 19.

9.14.0 INTERIOR STRUCTURE – COLUMNS AND BEAMS

9.14.1 A **building** and an **accessory building** and all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be maintained with material adequate for the load to which they are subjected to.

9.15.0 WALLS-CEILINGS

9.15.1 Every interior surface and finish of walls and ceilings shall be maintained:

- (a) in good state of **repair**, a surface which is reasonably smooth, clean, tight and easily cleaned;
- (b) free of holes, cracks, loose plaster or other material;
- (c) in a **safe condition**;
- (d) so as to possess the fire resistant properties required by the **Building Code Act** and the *Fire Protection and Prevention Act*, as amended.

9.16.0 ELEVATORS

9.16.1 An elevator, an elevating device, dumb-waiters, hoists, escalators, incline lifts including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good state of **repair**, operable and in a **safe condition**.

10.0 LIGHTING STANDARDS AND FIXTURES

10.1 Lighting standards and fixtures shall be kept in a **safe condition**, in good working order and in good visual condition.

11.0 FENCES

11.1 A **fence** on a **property** separating adjoining **property** shall:

- (a) be in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- (b) be maintained in a good state of **repair** and free of accident hazards;
- (c) not present an unsightly appearance.

11.2 Without restricting the generality of section 11.1 the maintenance of a **fence** may include:

- (a) protecting by paint, treated with a preservative or other weather resistant material unless the aesthetic characteristics of the **fence** are enhanced by the lack of such treatment.

12.0 WALKWAYS, DRIVEWAYS, RAMPS, PARKING AREAS AND LANDINGS

12.1 A parking area, driveway, walkway and other similar public access areas of an **exterior property area** shall be kept clean and free from **waste**, objects or conditions that may create an **unsafe condition**, health, fire, accident hazard or unsightly condition.

12.2 An **owner** shall cause any snow disposal site or snow storage site on a **property** to be:

- (a) maintained so as not to cause a hazard on the **property**; and
- (b) maintained in such a manner and location on the **property** so as to prevent a hazard, flooding, erosion and other damage to a neighbouring **property**.

13.0 BUILDINGS AND ACCESSORY BUILDINGS
STRUCTURAL ADEQUACY - CAPACITY

13.1 All **repairs** and maintenance of **property** required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for that purpose.

13.2 Every part of a **building** or **accessory building** shall be maintained in good **repair** and in a structurally sound condition so as:

- (a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to;
- (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;

- (c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration;
- (d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

13.3 The abating of an **unsafe condition** may include:

- (a) the provision or **repair** of stairs, balustrades, railings, **guards** and screens so as to minimize the risk of accident;
- (b) the elimination of other conditions which, in themselves are a hazard to life or which risk serious injury to **persons** normally in or about the subject **building, accessory building**, room, suite of rooms or space;
- (c) the installation of a handrail in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in a good state of **repair**.

14.0 HEALTH AND WASTE

14.1 A **building** and **accessory building** on a **property** shall be kept free of mould, **waste** and pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

14.2 In a **dwelling unit**, sufficient rooms, containers and receptacles shall be maintained to safely contain all **waste**, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with any applicable by-laws.

- 14.3 An external container and receptacle shall be screened from view and shall be provided with a cover so that the material contained therein is not exposed to injurious insects, termites, rodents, vermin or other pests.
- 14.4 Every **building** and **accessory building** shall be provided with sufficient proper receptacles to contain all **waste**, which accumulates on the **property**, and such **waste** shall be placed for collection in proper receptacles in compliance with applicable laws.
- 14.5 A receptacle for **waste** shall be:
- (a) provided with a tight fitting cover;
 - (b) maintained in good working condition and order without holes or spillage; and
 - (c) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or **waste**.
- 14.6 Garbage chutes, disposal and collection rooms shall be:
- (a) washed down and disinfected as necessary so as to maintain a clean and odour free condition; and
 - (b) maintained in good working order.
- 14.7 Injurious insects, termites, vermin, rodents and other pests shall be exterminated and appropriate measures shall be taken to prevent their re-entry to a **building** or **accessory building** on a **property**.
- 14.8 In a **dwelling**, openings in the exterior walls or roof shall be fitted and maintained to protect all habitable space from water and weather entry, and to make such space free from drafts.

14.9 No portion of a **dwelling** shall be used for human habitation unless:

- (a) the floors, walls and ceiling areas are watertight and free from dampness and mould at all times;
- (b) the total window area, the total **openable area** for natural ventilation and the ceiling height are in accordance with the provisions of the **Building Code Act** or, alternatively, reventilation and/or mechanical ventilation is provided as prescribed by the **Building Code Act**;
- (c) the required minimum window area of every **habitable room** is entirely above the grade of the ground adjoining such window area, or the top of the window well, whichever is the higher elevation.

15.0 COMPOST

15.1 **Compost** on a **property** shall be maintained in a composter or an open **compost** pile that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metre (39 inches) in height.

15.2 A composter or an open **compost** pile shall be kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

16.0 HERITAGE PROPERTIES

16.1 In addition, to all other standards prescribed by this By-law, an owner of a **Heritage Property** shall:

- (a) protect, maintain and stabilize a **heritage attribute** so as to preserve the existing materials;

(b) in the conduct of a repair use only materials that match the form and detailing of the original elements of the **heritage attribute**; and

(c) be repaired using only recognized conservation methods.

17.0 FOUNDATIONS

17.1 A foundation of a **building** or an **accessory building** shall be maintained in good state of **repair** so as to prevent settlement detrimental to the appearance of the **building** or **accessory building**, or the entrance of moisture, vermin, termites, insects or rodents into the **building** or **accessory building**.

17.2 Without limiting the generality of section 17.1, the maintenance of a foundation may include:

- (a) the jacking-up, underpinning or shoring of the foundation where necessary;
- (b) the extension of footings and foundations below grade or regrading to provide adequate frost cover;
- (c) installing subsoil drains at the footing where such would be beneficial;
- (d) the grouting of masonry cracks;
- (e) waterproofing the wall and joints;
- (f) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the **building** or **accessory building**;

- (g) **repairing** or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (h) making sills, piers, posts or other supports insect-proof by the application of suitable materials; and
- (i) coating with a preservative.

18.0 EXTERIOR WALLS, COLUMNS AND BEAMS

18.1 The components of an exterior wall of a **building** or an **accessory building** shall be maintained:

- (a) in good state of **repair** and in a **safe condition**;
- (b) weather tight;
- (c) free from loose or unsecured objects or materials;
- (d) so as to prevent the entrance of insects, termites, vermin, rodents or other animals;
- (e) so as to prevent deterioration due to weather, insects, vermin, termites, rodents and other animals; and
- (f) so as to prevent deterioration detrimental to the appearance of the **building** or an **accessory building**.

18.2 Without restricting the generality of section 18.1, the maintenance of an exterior wall of a **building** or an **accessory building** may include:

- (a) the applying of materials to preserve all exterior wood and metal work or other materials not inherently resistant to weathering;

- (b) the applying of materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
- (c) the restoring, **repairing** or replacing of:
 - i) the wall;
 - ii) the masonry units and mortar;
 - iii) the stucco, shingles or other cladding;
 - iv) the coping; and
 - v) the flashing and waterproofing of the wall and joint.

18.3 Exterior columns and beams and any decorative trim shall be maintained in a good state of **repair** and in a **safe condition**. Where necessary, such columns, beams and trim shall be restored, **repaired** or replaced and suitably protected or treated against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the **building** or **accessory building**.

19.0 EXTERIOR DOORS, WINDOWS AND OTHER OPENINGS –
CANOPIES-MARQUEES-AWNINGS

19.1 Shutters, windows, doors, hatchways and other exterior openings in a **building** or an **accessory building** shall be kept weather tight, draft free, and in good state of **repair** and working order.

19.2 Without restricting the generality of section 19.1, the maintenance of a shutter, window, door, hatchway and other exterior opening may include:

- (a) painting or the applying of a similarly effective preservative;
- (b) the **repair**, replacement or renewing of damaged, decaying, missing or defective:

- i) doors;
- ii) door frames and casings;
- iii) windows and window sashes;
- iv) window frames and casings;
- v) shutters;
- vi) screens;

- (c) refitting doors, windows, shutters or screens;
- (d) reglazing or fitting with an translucent substitute;
- (e) rescreening;
- (f) using other approved means of weatherproofing where the opening is used or required for ventilation or illumination and is not protected by a window, door or similar closure:
 - i) screening with wire mesh, metal grills or other equivalent durable material; or
 - ii) other protection so as to effectively prevent the entry of insects, termites, rodents, vermin or other animals.

19.3 Glazed doors, windows and other transparent surfaces shall be kept clean so as to permit unimpeded visibility and unrestricted passage of light.

19.4 A window in a **dwelling unit** that can be or is required by the standards to be openable shall be provided with screening to effectively prevent the entry of insects.

19.5 Nothing in this section shall be construed as preventing doors, windows and other openings in an unoccupied **building** or **accessory building** from being protected from damage or to prevent entry, for such time as determined by section 23.

- 19.6 A canopy, marquee or awning shall be properly anchored so as to be kept in a **safe condition** and shall be protected from decay and rust by a periodic application of weathercoating material.
- 19.7 A **building** shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the **building** at street or grade level.
- 19.8 A door that facilitates access to or egress from a **dwelling unit** shall be equipped with locks, and shall be maintained in a good state of **repair** and in an operating condition.
- 20.0 EXTERIOR STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS, BALCONIES AND FIRE ESCAPES
- 20.1 An exterior stair, veranda, porch, deck, loading dock, balcony, fire escapes and every appurtenance attached thereto shall be maintained, reconstructed or **repaired** so as to be safe to use and capable of supporting the loads to which it may be subjected, as specified in the **Building Code Act**, and shall be kept in **safe condition** and good state of **repair**, free of all accident hazards and other deterioration or objects detrimental to the appearance of the **building** or **accessory building**.
- 20.2 Without restricting the generality of section 20.1, the maintenance, reconstructing or **repairing** of an exterior stair, veranda, porch, deck, loading dock, balcony and fire escape may include:
- (a) **repairing** or replacing treads, risers or floors that show excessive wear or are broken, warped, loose or otherwise defective;

- (b) **repairing**, renewing or supporting structural members that are rotted, deteriorated or loose;
- (c) providing, **repairing** or renewing **guard** rails, railings and balustrades; and
- (d) painting or the applying of an equivalent preservative.

20.3 Exterior stairs and fire escapes shall be kept free from ice and snow.

21.0 ROOFS AND ROOF STRUCTURES

21.1 A roof, roof deck, roof structures including solar energy panels, wind generators and related **guards** of a **building** or **accessory building** shall be:

- (a) weather tight and free from leaks;
- (b) free from loose or unsecured or unsafe objects and materials;
- (c) free from accident hazards;
- (d) free from dangerous accumulation of ice and snow;
- (e) kept in a good state of **repair** and in a **safe condition**;
- (f) free from other unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

21.2 An eaves trough, roof gutter and downpipe shall be kept:

- (a) in good **repair**;

- (b) in good working order;
- (c) water tight and free from leaks;
- (d) free from accident hazards;
- (e) protected by painting or the applying of other equivalent preservative.

21.3 Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in good state of **repair** and shall be:

- (a) free from loose bricks, mortar and loose or broken capping;
- (b) free from loose or rusted stanchions, guy wires, braces and attachments;
- (c) free from any accident hazard;
- (d) free from the entrance of smoke or gases into a **building** or **accessory building**;
- (e) free from the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- (f) weather tight and free from leaks;
- (g) free from unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

22.0 EXTERIOR MAINTENANCE

22.1 All exterior surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.

22.2 Appropriate measures shall be taken to remove any graffiti, markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the exterior surface and adjacent areas to, as near as possible, to its appearance before the markings, stains or defacement occurred.

22.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged **building** or **accessory building** compatible with its environment. Without restricting the generality of the foregoing, such measures include:

- (a) making the **building** or **accessory building** safe;
- (b) **repairing** of damaged surfaces exposed to view;
- (c) cleaning any damaged surfaces exposed to view;
- (d) refinishing so as to be in harmony with adjoining undamaged surfaces.

22.4 In the event the **building** or **accessory building** is beyond **repair**, the **property** shall be cleared of all remains and left in a graded level and tidy condition.

23.0 VACANT PROPERTY AND VACANT BUILDINGS –
ADDITIONAL STANDARDS

- 23.1 **Vacant property** shall be kept clear of all **waste** and other materials and equipment not otherwise permitted by the zoning by-law.
- 23.2 A **vacant building** shall:
- (a) be secured against unauthorized entry;
 - (b) be protected against the risk of fire, accident, or other danger.
- 23.3 Where a **vacant building** has been vacant for at least sixty (60) consecutive days, a **Property Standards Officer** who reasonably believes that a **vacant building** poses a risk to safety may, in writing, require the **Owner** of a **vacant building** to do any one or more of the following, within the timeframe specified by the **Property Standards Officer**:
- (a) install security measures or devices to the satisfaction of the **Property Standards Officer**, and such measures may include boarding of doors, windows, or other openings; or
 - (b) do any work or **repairs** which, in the opinion of the **Property Standards Officer**, are necessary to secure a **vacant building** from unauthorized entry or protect a **vacant building** against the risk of fire, accident, or other danger.
- 23.4 Where a **vacant building** is boarded or required to be boarded:
- (a) boarding materials shall be installed and maintained in good order;
 - (b) boarding materials shall be installed to exclude precipitation and wind from entering the **vacant building**, and to secure the **vacant building** from

unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;

- (c) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather resistant material;
- (d) boarding materials shall be selected, coated, coloured, and installed to match surrounding door/window frames and exterior wall finishes.

23.5 Where a **vacant building** remains vacant for more than ninety (90) consecutive days, the **Owner** shall ensure that all utilities serving the **vacant building** are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the **vacant building**, or unless such utilities are otherwise required by law to remain connected.

23.6 When openings in a **vacant building** previously boarded or secured become unsecured, such openings shall be secured again, and as determined by the **Property Standards Officer** may require the use of materials and fasteners of greater strength, installed in such a manner to deter their removal or destruction.

23.7 Where a **vacant building** has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a **Property Standards Officer** may issue an order to remove all previously installed boarding from windows and doors and to **repair** the **vacant building** in compliance with the standards set out in this By-law.

24.0 ADMINISTRATION AND ENFORCEMENT

- 24.1 A **Property Standards Officer** is responsible for the administration and enforcement of this By-law.
- 24.2 A **Property Standards Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine,
- (a) whether the **property** conforms with the standards prescribed in this by-law;
 - (b) whether an order made under this by-law and the **Building Code Act** has been complied with.
- 24.3 Despite section 24.2, a **Property Standards Officer** shall not enter or remain in any room or place actually being used as a **dwelling** unless,
- (a) the consent of the **occupant** is obtained, the **occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the **Building Code Act**;
 - (b) a warrant issued under the **Building Code Act** is obtained;
 - (c) the delay necessary to obtain a warrant or the consent of the **occupant** would result in an immediate danger to the health or safety of any **person**;
 - (d) the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3) of the **Building Code Act**; or
 - (e) the requirements of section 24.4 are met and the entry is necessary to remove an **unsafe condition** under clause 15.9 (6) (b) of the **Building Code Act** or

to **repair** or demolish under subsection 15.4(1) of the ***Building Code Act***.

24.4 Within a reasonable time before entering the room or place for a purpose described in section 24.3 (e), the **Officer** shall serve the **occupant** with notice of his or her intention to enter it.

24.5 A **Property Standards Officer** for the purposes of an inspection has all the powers as provided for in section 15.8(1) of the ***Building Code Act***.

25.0 ORDERS AND COMPLIANCE

25.1 An **owner** of **property** shall comply with the standards and requirements prescribed in this By-law.

25.2 Every **Property Standards Officer** who finds that a **property** does not conform with any of the standards of this By-law, may make an order pursuant to the provisions of Section 15.2 of the ***Building Code Act***:

- (a) requiring the **property** that does not conform with the standards to be **repaired** and maintained to conform with the standards; or
- (b) requiring that the site be cleared of all **buildings** or **accessory buildings, structures**, debris or refuse and left in a graded and leveled condition.

25.3 Every **owner** of **property** shall comply with an order made pursuant to this By-law and the ***Building Code Act*** requiring compliance as confirmed or modified. If an order of a **Property Standards Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** may cause the **property** to be **repaired** or demolished accordingly.

25.4 Where any **person** fails to comply with an order issued, the **Township** may enter and cause the required work to be done at the cost of the **person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.

26.0 APPEAL OF ORDER

26.1 An **owner** who has been served with an order made under this By-law and **Building Code Act** and who is not satisfied with the terms or conditions of the order may appeal to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order.

26.2 An order that is not appealed within the time referred to in Section 26.1 shall be deemed to be confirmed.

26.3 The **Committee** shall hear the appeal.

26.4 On an appeal, the **Committee** has all the powers and functions of the **Property Standards Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

- (a) Confirm, modify or rescind the order to demolish or **repair**;
- (b) Extend the time for complying with the order.

26.5 The **Township** in which the **property** is situate or any **owner** or **person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the

Clerk of the **Township** in writing and by applying to the court within 14 days after a copy of the decision is sent.

26.6 The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the matter in which and the **persons** upon whom the appointment is to be served.

26.7 On the appeal, the judge has the same powers and functions as the **Committee**.

26.8 An order that is deemed to be confirmed under section 26.2 or that is confirmed or modified by the **Committee** under section 26.3 or a judge under section 26.7, as the case may be, shall be final and binding upon the **owner** who shall carry out the **repair** or demolition within the time and in the manner specified in the order.

27.0 POWER OF TOWNSHIP TO REPAIR AND DEMOLISH

27.1 If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** in accordance with section 15.4 of the **Building Code Act** may cause the **property** to be **repaired** or demolished.

27.2 Where an order is not complied with and the **Township** has caused the property to be **repaired** or demolished, the **Township** has priority lien status in accordance with section 1 of the *Municipal Act, 2001, as amended*, on the **property** for the amount spent on the **repair** or demolition and the amount may be added to the tax roll by the Treasurer of the **Township** and may be collected in the same manner as taxes on the **property**.

28.0 EMERGENCY ORDERS

28.1 If upon inspection of a **property** an **Property Standards Officer** is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any **person**, the **Property Standards Officer** may make an order in accordance with section 15.7 of the **Building Code Act** containing particulars of the non-conformity and requiring remedial **repairs** or other work to be carried out immediately to terminate the danger.

29.0 CERTIFICATE OF COMPLIANCE

29.1 After inspecting a **property**, a **Property Standards Officer** who is of the opinion that the **property** is in compliance with the standards established in this By-law, may issue a certificate of compliance to the **owner**.

29.2 The prescribed fee set out in the **Township's Fees and Charges By-law** shall be payable prior to the issuance of a certificate of compliance where it is issued at the request of the **owner**.

30.0 PENALTY

30.1 Every **owner** who fails to comply with an order, as confirmed, any other order, a direction or a requirement made under this By-law is guilty of an offence under Section 36.(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in Section 36 of the **Building Code Act**.

31.0 PROPERTY STANDARDS COMMITTEE

31.1 A **Committee** is hereby established in accordance with the **Building Code Act**.

31.2 The **Committee** shall be composed of such persons, not fewer than three (3), as **Council** considers advisable.

31.3 The **Committee** shall hold office for the term of **Council** or until such time as successors are appointed.

32.0 EXEMPTIONS

32.1 This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act*.

32.2 This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998, S.O. 1998 c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

33.0 VALIDITY

33.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk



REPORT ADM-2020-029

TO: Mayor and Members of Council

FROM: Glenn Schwendinger, CAO/Clerk
Courtenay Hoytfox, Deputy Clerk

MEETING DATE: August 12, 2020

SUBJECT: Proposed Parking By-law
File: C01-PAR

RECOMMENDATION

That Report ADM-2020-029 regarding the Proposed Parking By-law be received; and

That the existing Parking By-law No. 5000-05 be repealed in it's entirety and that council give 3 readings to Bylaw No. 2020-036 being the Proposed Parking By-law.

Purpose

The Purpose of this report is to provide Council with the Proposed Parking By-law as attached to this report.

Background

The proposed Parking By-law is to allow for the regulation of standing and stopping of vehicles in the Township. Schedule A outlines the "No Parking at Any Time" areas where no parking signs will be displayed. "Parking" where prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actively engaged in loading or unloading goods or passengers. The schedule of no parking areas includes existing no parking areas as well as additional areas as recommended by staff based on community feedback.

Schedule B outlines the "No Stopping at Any Time" areas where no stopping signs will be displayed. "Stopping" where prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or a traffic control sign or signal. Old Brock Rd has been identified as a "No Stopping" area as it is a school zone and school buses will require the area to be free and clear from parked or stopped vehicles.

Schedule C outlines the Set Fine Schedule. The fines have been compared to neighbouring municipalities and are in line with the Township's comparators. Column 3 of the Set Fine Schedule indicates the voluntary payment if a fine is paid within 7 days of the offence. The amount payable within the first 7 days is approximately 2/3 of the total set fine. After 7 days the full fine amount is payable.

In the event that additions, deletions, or revisions are requested to Schedules A, B, or C, staff will bring forward a report for Council's consideration with recommended amendments.

Financial Implications

Schedule C – Set Fine Schedule

Applicable Legislation and Requirements

Municipal Act, 2001, S.O. 2001, c. 25

Highway Traffic Act, R.S.O

Attachments

Proposed Parking By-law

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2020-XXX

A by-law to Regulate and Control the Parking, Stopping
and Standing of Motor Vehicles within the Township of
Puslinch and to Repeal By-law 5000-05

WHEREAS section 11(3), paragraph 1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter called the “Act”) authorizes a municipality to pass a by-law respecting highways, including parking and traffic on highways;

AND WHEREAS section 102 of the *Act* and Part III of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 allows municipalities to pass By-laws in respect to parking for persons with disabilities;

AND WHEREAS section 23.1 of the Act authorizes a municipality to delegate its powers and duties;

AND WHEREAS the Council of the Corporation of the Township of Puslinch deems it necessary and expedient to regulate parking, standing and stopping of vehicles in the Township of Puslinch;

NOW THEREFORE The Council of the Corporation of the Township of Puslinch enacts as follows:

1. INTERPRETATION

For the purpose of this By-law the following definitions shall apply:

- 1.1. “Accessible Parking Permit” means a permit issued by the Government of Ontario in accordance with the *Highway Traffic Act*, R.S.O. 1990, c. H.8 to a ‘person with a disability’ as defined Reg. 581: *Accessible Parking for Persons with Disabilities*, as amended;
- 1.2. “Boulevard” means that portion of every roadway within the limits of the Municipality which is not used as a sidewalk, road shoulder or a part which lies between the curb or edge of the travelled portion of the roadway and property line, whether grassed, graveled or paved;
- 1.3. “Bus Stop” means an area on a Highway where signs are on display indicating that the area is reserved for the parking or temporary stopping of buses;
- 1.4. “Designated Accessible Parking Space” means a parking space designated under this by-law for the exclusive use of a vehicle displaying an Accessible

Parking Permit in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder and this By-law;

- 1.5. "Electrical Charging Parking Space"- means a parking space designed to be used by electrical vehicle for charging of vehicle;
- 1.6. "E.M.S." means any Emergency Medical Services, including but not limited to Ambulance, Police and Fire services;
- 1.7. "Fire Route" means an area on a highway or on a public parking lot or on private property where signs are on display indicating that parking is prohibited in order to provide fire department and other emergency vehicles unobstructed access to adjacent properties in the event of fire or other emergency;
- 1.8. "Highway" includes a common and/or public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, shoulder, viaduct or trestle, any part of which is intended for or used by the general public for the passage of motor vehicles;
- 1.9. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then of the lateral boundary line of two or more highways that join one another at an angle, whether or not one highway crosses the other;
- 1.10. "Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle, motorized snow vehicle and any other vehicle propelled or driven otherwise than by muscular power;
- 1.11. "Motor Vehicle Owner" means the registered owner of a motor vehicle as registered with the Ministry of Transportation of Ontario;
- 1.12. "Municipal Parking Lot" mean an area not on a highway to which the public has access designed for the purposes of providing parking for Vehicles;
- 1.13. "Official Sign" means a sign approved by the Ontario Ministry of Transportation;
- 1.14. "Park" or "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actively engaged in loading or unloading goods or passengers;
- 1.15. "Provincial Offences Officer" has the meaning as defined by the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

- 1.16. "Roadway" means the part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;
- 1.17. "Stop" or "Stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or a traffic control sign or signal;
- 1.18. "Sidewalk" means any public walkway or that portion of a highway between either the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of a pedestrian;
- 1.19. "Vehicle" includes a motor vehicle, trailer, commercial tractor and/or trailer or combination thereof, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled, or driven by any kind of power, including muscular power.

2. GENERAL PROVISIONS

- 2.1. Where any expression of time occurs or where any hour or other period of time is stated in this By-law or on signs posted within the Township, the time referred to shall be standard time except during such periods when Daylight Savings Time is in effect, in which periods all references to time in this By-law or on posted signs shall be deemed to be references to Daylight Savings Time.
- 2.2. A word interpreted in the singular number has a corresponding meaning when used in the plural tense.
- 2.3. "Vehicle", when used as part of a prohibition on parking, stopping, or standing of vehicles, includes any part thereof including any trailer or attachment.

3. ENFORCEMENT

- 3.1. This By-law may be enforced by a Provincial Offences Officer or any other person appointed by the Township for the purpose of parking enforcement.

4. TEMPORARY NO PARKING SIGNS

- 4.1. Any person with authority to enforce this By-law or his or her designate may temporarily erect and remove signs prohibiting parking for the purposes of fire suppression, disaster response, crowd control, snow removal and any other occurrence for which temporary prohibition of parking is deemed warranted in the enforcing officer's discretion

5. FIRE ROUTES

- 5.1. A Fire Route may be located upon a Highway, Public Parking Lot, or private property;
- 5.2. A Fire Route may be located upon private property that is subject to a municipally approved Site Plan pursuant to s.41 of the *Planning Act*, R.S.O. 1990, c. P.13, which designates a portion of such property to be a Fire Route;
- 5.3. A Fire Route may be located on private property where the property owner has requested the designation of a Fire Route and such request is approved by Council, in which case a formal Site Plan is not required.

6. STOPPING REGULATIONS

No person shall Stop a Vehicle:

- 6.1. on or over a Sidewalk or on a Boulevard;
- 6.2. within an Intersection;
- 6.3. alongside or across the Highway from any excavation or obstruction in the Roadway where the free flow of traffic would thereby be impeded;
- 6.4. on the Roadway alongside of any Stopped or Parked Vehicle;
- 6.5. upon any bridge;
- 6.6. upon a Highway or on a Municipal Parking Lot or private property where such Stopping blocks a Fire Route;
- 6.7. within a bus stop;
- 6.8. upon a highway or in a municipal or private parking lot in a Designated Accessible Parking Space unless that Vehicle is transporting a disabled person or persons and also displays a valid Accessible Parking Permit;
- 6.9. on the portions of the Highways set out in Schedule "B" to this By-law at any time, where signs are erected and are on display.

7. PARKING REGULATIONS

No person shall Park a Vehicle on a Highway:

- 7.1. in front of or within one metre (1m) of a driveway or laneway or so as to obstruct Vehicles in the use of a driveway or laneway;
- 7.2. on or over a Sidewalk or Boulevard;
- 7.3. within 3 metres of a point in the edge of a Roadway and nearest a fire hydrant;
- 7.4. within 9 metres of an Intersection;
- 7.5. within 15 metres of a railroad crossing;
- 7.6. on any Highway having an overall usable width (paved or gravel) of less than 6 metres;
- 7.7. within or on a Bus Stop;
- 7.8. within a crosswalk;
- 7.9. within 9 metres of a crosswalk;
- 7.10. in such a manner as to leave available less than 3 metres of the width of the highway for free movement of traffic;
- 7.11. within a Highway for the purpose of repairing, washing or maintenance of the vehicle other than in an emergency;
- 7.12. within a Highway or on a Municipal Parking Lot so as to obstruct an access ramp provided for the use of persons with a disability;
- 7.13. in such a manner as to interfere with the movement of traffic;
- 7.14. in such a manner as to interfere with the clearing of snow;
- 7.15. where such Highway is designated as a one-way street other than with the Vehicle facing in the direction of permitted travel;
- 7.16. in such a position which obstructs traffic or which will prevent the convenient removal of any other Vehicle previously parked;
- 7.17. except upon the right-hand side of the Roadway, having regard for the direction in which the Vehicle is required to proceed, and when parked on a Roadway, the right front and rear wheels or runners of the Vehicle shall be parallel to and distant not more than 0.3 metres from the right-hand edge of the Roadway adjacent to which such Vehicle is parked;

- 7.17.1. Subsection (5.7) shall not apply where angle Parking is authorized by this By-law.
- 7.17.2. Where one-way streets are designated by this or any other By-law, the reference in 5.7 to 0.3m shall include the left-hand edge of the Roadway.
- 7.18. on the portions of the Highways set out in Schedule "A" to this By-law at any time, where signs are erected and are on display.
- 7.19. on any Highway between the hours of 2:00 a.m. and 6:00 a.m. from October 31 to March 31;
- 7.20. within an Electrical Charging Parking Space unless the Vehicle is actually being charged;
- 7.21. in any area in which temporary no parking sign(s) have been erected pursuant to section 4.1 of this By-law;
- 7.22. in a Designated Accessible Parking Spaces unless a valid Accessible Parking Permit is properly displayed.
- 7.23. upon a Highway or on a Municipal Parking Lot or private property where such parking blocks a Fire Route;
- 7.24. upon a Highway or Municipal Parking Lot where painted lines exist for the purposes of facilities parking except within such painted lines whereby no portion of the Vehicle is overhanging the painted line;
- 7.25. where parking is otherwise permitted, no person shall park a vehicle on a Highway for more than 24 consecutive hours;

8. EXEMPTIONS

- 8.1. The provisions of this By-law shall not, if compliance therewith would be impractical, apply to:
- 8.1.1. Vehicles operated by E.M.S.
- 8.1.2. A vehicle owned and operated by the Township or the County of Wellington while carrying out the business of the Township or County or while responding to an emergency
- 8.1.3. When the driver or operator is complying with the direction of a police officer or traffic control device

9. ON-STREET AND OFF-STREET ACCESSIBLE PARKING

9.1. Notwithstanding the provisions of this or any other by-law to the contrary, no person shall Park, Stand, Stop or leave a Motor Vehicle in any Designated Accessible Parking Space except a Motor Vehicle:

9.1.1. that is operated by or carries a person with a disability who has a validly-issued Accessible Parking Permit;

9.1.2. that has the Accessible Parking Permit properly displayed; and

9.1.3. that is parked entirely within a Designated Accessible Parking Space.

10. DISPLAY OF PERMIT

10.1. An Accessible Parking Permit shall be displayed on:

10.1.1. The inner surface of the windshield, as close as practicable to the lower left-hand corner and as close as practicable to the left-hand side of the Motor Vehicle; or,

10.1.2. The outer surface of the sun visor on the left-hand side of the Motor Vehicle, so as to be visible through the windshield from the exterior of the car when the sun visor is in a lowered position.

11. DESIGNATION OF PARKING SPACES

11.1. Where in a public parking lot or facility where one or more Parking spaces are intended for the sole use of a Vehicle of a person with a disability or electrical charging station, the Owner or operator of the public parking lot or facility shall identify each such Parking space by erecting one or more sign in such a manner that the sign or signs shall be clearly visible to the operator of any Vehicle approaching or entering such Parking space.

11.2. Where the requirements of subsection (1) of this section are complied with, each such Parking space is for the purposes of this by-law a Designated Accessible Parking Space for the sole use of Vehicles belong to or carrying persons with a disability in accordance with Section 9 and 10 or an Electrical Charging Parking Space, as the case may be.

12. PENALTIES

12.1. Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

- 12.2. Where a Motor Vehicle has been Parked, Stopped or left Standing in contravention of this By-law, the owner of the Motor Vehicle, notwithstanding that he or she was not the driver of the Motor Vehicle at the time of the contravention of the By-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the Vehicle was in the possession of some person other than the Owner without the Owner's consent.

13. POWERS OF OFFICER TO REMOVE VEHICLE

- 13.1. Upon discovery of any Vehicle parked, stopped, or left standing in contravention of this by-law, and appropriate signage is erected, a Provincial Offences Officer appointed for the carrying out of the provisions of this by-law may cause it to be moved or taken to and placed in a suitable place and all costs and charges for removing care and storage thereof, if any, are a lien upon the Vehicle, which may be enforced in the manner provided by the *Repair and Storage Lien Act*.

14. SHORT FORM TITLE

- 14.1. This By-law may be referred to as "The Parking By-law".

15. SEVERABILITY:

- 15.1. If any court of competent jurisdiction finds that any of the provisions of this by-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the by-law which shall remain in full force and effect.

16. REPEAL

- 16.1. By-law 5000-05 is hereby repealed.

17. COMING INTO FORCE

- 17.1. This By-law shall come into effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk

TOWNSHIP OF PUSLINCH**By-law No. XX-2020
SCHEDULE A****NO PARKING AT ANY TIME – SIGNS ON DISPLAY**

Column 1 Highway(s)	Column 2 Location From	Column 3 Location To	Column 4 Side(s)
Nicholas Beaver Rd.	Wellington Rd. 46	Tawse Pl.	Both sides
Victoria St	Church St.	Calfass Rd.	East side
Gore Rd	Lennon Rd.	Concession 7	North side
Concession 7	McLean Rd.	Concession 2A	West side
Concession 2	Sideroad 10	Wellington Rd 32	Both sides
Concession 1	McCormicks Lane	Townline Rd.	Both sides
Townline Rd.	Highway 34	Roszell Rd	Both sides
McLean Rd. E	Wellington Rd 46	Winer Rd.	Both sides
Sideroad 10 N	Laird Rd.	Niska Rd.	West side
Niska Rd.	Whitelaw Rd.	Niska Bridge	Both sides
Calfass Rd.	Brock Road S. (Hwy 6)	Concession 7	Both Sides
Telfer Glen St.	Brock Road S. (Hwy 6)	The western terminus of Telfer Glen St.	Both Sides
Settlers Ct.	Calfass Rd.	Telfer Glen St.	Both Sides
Old Brock Rd.	Wellington Rd. 46	The eastern terminus of Old Brock Rd.	Both Sides

TOWNSHIP OF PUSLINCH

**By-law No. XX-2020
SCHEDULE B**

NO STOPPING AT ANY TIME – SIGNS ON DISPLAY

Column 1 Highway(s)	Column 2 Location From	Column 3 Location To	Column 4 Side(s)
Old Brock Rd.	Wellington Rd. 46	The eastern terminus of Old Brock Rd.	Both Sides

Township of Puslinch
By-law No. XX-2020
Schedule C
Part II of *Provincial Offences Act*
Set Fine Schedule

Item	Column 1: Short Form Wording	Column 2: Provision Creating or Defining Offence	Column 3: Voluntary Payment payable within 7 days	Column 4: Set Fine
1	Stop Vehicle on/over Sidewalk or Boulevard	6.1	\$45.00	\$65.00
2	Stop Vehicle within Intersection	6.2	\$50.00	\$75.00
3	Stop Vehicle – impede traffic flow	6.3	\$50.00	\$75.00
4	Stop Vehicle on roadway side of Stopped/Parked Vehicle	6.4	\$36.00	\$55.00
5	Stop Vehicle on Bridge	6.5	\$36.00	\$55.00
6	Stop Vehicle blocking Fire Route	6.6	\$65.00	\$95.00
7	Stop Vehicle in Bus Stop	6.7	\$45.00	\$65.00
8	Stop Vehicle in Disabled Parking Space – No Permit	6.8	\$135.00	\$200.00
9	Stop Vehicle in Prohibited Area	6.9	\$50.00	\$75.00
10	Park Vehicle – within 1m of Driveway	7.1	\$36.00	\$55.00
11	Park Vehicle on/over Sidewalk or Boulevard	7.2	\$45.00	\$65.00
12	Park within 3m of Hydrant	7.3	\$50.00	\$75.00
13	Park within 9m of Intersection	7.4	\$36.00	\$55.00
14	Park within 15m of railroad crossing	7.5	\$36.00	\$55.00
15	Park on Highway less than 6m wide	7.6	\$36.00	\$55.00
16	Park in Bus Stop	7.7	\$45.00	\$65.00
17	Park within Crosswalk	7.8	\$50.00	\$75.00
18	Park within 9m of Crosswalk	7.9	\$36.00	\$55.00
19	Park leaving less than 3m for traffic movement	7.10	\$36.00	\$55.00
20	Park on Highway for non-emergency repairs, washing or maintenance	7.11	\$30.00	\$45.00
21	Park – Block Wheelchair Ramp	7.12	\$50.00	\$75.00
22	Park Vehicle – impede traffic flow	7.13	\$50.00	\$75.00
23	Park Vehicle – impede snow clearing	7.14	\$50.00	\$75.00
24	Park Vehicle facing wrong way	7.15	\$36.00	\$55.00
25	Park Vehicle obstructing traffic or removal of other vehicle	7.16	\$50.00	\$75.00
26	Park Vehicle more than 0.3m from right side	7.17	\$24.00	\$35.00
27	Park Vehicle in Prohibited Area	7.18	\$65.00	\$95.00
28	Park Vehicle 2am – 6am from Oct. 31 to Mar. 31	7.19	\$65.00	\$95.00
29	Park Vehicle in Electric Charging Space without charging	7.20	\$65.00	\$95.00
30	Park Vehicle – Temporary No Parking Area	7.21	\$45.00	\$65.00
31	Park Vehicle in Disabled Parking Space – No Permit	7.22	n/a	\$300.00
32	Park Vehicle blocking Fire Route	7.23	\$85.00	\$125.00
33	Park Vehicle over painted lines	7.24	\$24.00	\$35.00
34	Park Vehicle more than 24 hours	7.25	\$24.00	\$35.00

*NOTE: The penalty provision for the offences indicated above is section 12.1 of the By-law XX-2020, a certified copy of which has been filed.



REPORT ADM-2020-030

TO: Mayor and Members of Council

FROM: Glenn Schwendinger CAO/Clerk

MEETING DATE: August 12, 2020

SUBJECT: NSERC Agreement
File: E13-NSE

RECOMMENDATIONS

THAT Report ADM-2020-030 regarding the NSREC Agreement be received for information;

And that Council authorize the Mayor and Clerk to sign the Agreement on behalf of the Township.

DISCUSSION

Purpose

To obtain Council approval to sign the NSERC Agreement with the University of Guelph regarding the ongoing groundwater study.

Background

As Council is well aware, there has been ongoing groundwater studies with the University of Guelph in Puslinch. The University undertakes the study and the Township provides access to Township property for monitoring well installation and monitoring activities.

As part of the funding secured for the project by the University, it is necessary for the University to enter into an Agreement with the Township.

The attached Draft Agreement has been reviewed by staff and it is staff recommendation that the Agreement is appropriate for signature.

FINANCIAL IMPLICATIONS

None

APPLICABLE LEGISLATION AND REQUIREMENTS

None

ATTACHMENTS

DRAFT NSRC Agreement

COLLABORATIVE RESEARCH AGREEMENT

BETWEEN:

UNIVERSITY OF GUELPH
50 Stone Road East
Guelph, Ontario N1G 2W1
("University")

- AND -

COPORATION OF TOWNSHIP OF PUSLINCH
7404 Wellington Road 34
Puslinch, Ontario N0B 2J0
("Puslinch")

WHEREAS the UNIVERSITY, through the Principal Investigator, submitted to the Natural Sciences and Engineering Research Council of Canada ("NSERC") under its Collaborative Research and Development program ("CRD") an application dated March 4, 2016 ("CRD Application") for funding of the research project entitled "**Advancement of Groundwater Multi-Level System Technologies for Improved Management of Source Water in Fractured Sedimentary Bedrock**" which is described in Appendix "A" ("Research Project");

WHEREAS Puslinch is among the organizations listed in the CRD Application as a supporting organization who will provide cash or in-kind contributions, or both, in support of the Research Project in the event the CRD Application is successful;

WHEREAS NSERC accepted University's CRD Application and awarded funding for the Research Project, therefore a signed agreement between University and Puslinch which complies with NSERC's Policy on Intellectual Property, is required;

WHEREAS the Research Project is of mutual interest and benefit to the University and Puslinch, and will further the instructional, scholarship and research objectives of the University.

NOW THEREFORE, the Parties agree as follows:

1. **Definitions.** In this Agreement the following terms shall have the following meanings:

"Agreement" means this Collaborative Research Agreement including Appendix "A", "B" and "C" attached hereto.

"Arising Intellectual Property" has the meaning ascribed thereto in Appendix "C".

"Background Information" has the meaning ascribed thereto in Paragraph 6(a)(i).

"Background Intellectual Property" has the meaning ascribed thereto in Appendix "C".

"Confidential Information" means confidential or proprietary information disclosed by one Party to the other Party to facilitate performance of the Research Project, provided that tangible materials are clearly marked as "confidential" and any such information provided orally or visually is identified as confidential at the time of disclosure, and confirmed as confidential in writing within fifteen (15) days of such disclosure. Confidential Information shall not include information that:

- (i) as of the date of disclosure to the receiving Party was in the public domain or subsequently enters the public domain without fault on the part of the receiving Party;
- (ii) was received by the receiving Party from any third party having a lawful right to make such a disclosure;
- (iii) the disclosing Party agrees in writing to release from the terms of this Agreement;
- (iv) as of the date of disclosure to the receiving Party can be demonstrated by written record to be previously known to the receiving Party; or,
- (v) is required by law or regulation to be disclosed (in the event information is required to be disclosed by law or regulation, the Party required to make the disclosure shall notify the disclosing Party to allow the disclosing Party to assert whatever exclusions or exemptions may be available to it under such law or regulation).

“Cost” has the meaning ascribed thereto in Section 4.

“Effective Date” means December 1, 2018.

“Information” has the meaning ascribed thereto in Paragraph 6(a)(iv).

“Intellectual Property” has the meaning ascribed thereto in Appendix “C”.

“Party” means University or Puslinch, and **“Parties”** means University and Puslinch.

“Principal Investigator” has the meaning ascribed thereto in Section 3.

“Researchers” means any of University’s faculty, staff, visiting scientists, adjunct faculty, professor emeriti, postdoctoral fellows and/or students (whether paid or unpaid) involved in carrying out the Research Project including the Principal Investigator.

“Research Project” has the meaning ascribed thereto in the recitals to this Agreement.

“Research Project Information” has the meaning ascribed thereto in Paragraph 6(a)(iii).

“Supporting Organization” means an organization listed in the CRD Application as a supporting organization, including Puslinch, who will provide cash or in-kind contributions, or both, in support of the Research Project, and **“Supporting Organizations”** means all of them.

“Term” has the meaning ascribed thereto in Subsection 5(a).

“University Creators” means one or more Researchers who create Arising Intellectual Property or Research Project Information, in whole or in part.

2. **Performance.** University will commence the Research Project within a reasonable period of time after December 1, 2018 and will use reasonable efforts to perform the Research Project substantially in accordance with the terms and conditions of this Agreement. University and Puslinch agree that until such time as all regulatory requirements have been obtained, including necessary approvals of any regulatory, animal use or research ethics board or committee concerned, no work requiring such regulatory, animal use or ethics approvals shall commence or continue during the Term (excepting any preliminary preparations which are not restricted by such requirements). For greater certainty, any delay in obtaining such approvals shall not be considered a default or breach by either University or Puslinch.

3. **Delegation and Principal Investigator.** University delegates management of this Agreement to its Vice President, Research. The Principal Investigator for the Research Project is Dr. Beth Parker, School of Engineering who will supervise, direct and document the Research Project on behalf of University and

have authority to approve expenditures related thereto. If for any reason the Principal Investigator becomes unavailable or unable to conduct or complete the Research Project, University has the right to replace the Principal Investigator with a qualified researcher, subject to the approval of Puslinch, which shall not be unreasonably withheld, and NSERC. If a suitable replacement for the Principal Investigator cannot be found it shall not be considered a breach of or default under this Agreement on the part of University, and the Parties will take all reasonable steps to wind down the Research Project with a minimum of costs. In such circumstances, Puslinch will pay for their proportionate share of that part of the Research Project completed and University's committed and non-cancellable costs of the Research Project, the total of which shall not exceed the Cost set out in Section 4.

4. **Cost and Payment.**

(a) ***Cost.*** The total cost of the Research Project (the “**Cost**”) is set out in the budget attached hereto as Appendix "B" (the “**Budget**”).

(b) University has the authority to adjust the Budget at the discretion of the Principal Investigator and in accordance with NSERC's policies, so long as the Cost is not exceeded, and the adjustments are consistent with the goals of the Research Project.

(c) ***In-Kind Contributions.*** Puslinch shall make the in-kind contributions to the Research Project that are described in Appendix “B”. Puslinch shall keep records of such in-kind contributions and make them available for audit and inspection upon request.

5. **Term and Termination.**

(a) ***Term.*** The term of this Agreement will be from the Effective Date and continue for five (5) years, unless terminated earlier pursuant to Subsection 5(e).

(b) ***Termination for Convenience.*** A Party may terminate this Agreement without cause by delivering a written notice of termination to the other Party, such termination to be effective (i) ninety (90) days after the written notice of termination is delivered to the other Party.

(c) ***Termination of Participation for Default.*** A Party may terminate this Agreement immediately upon written notice to the other Party, in the event of:

- (i) a material breach or non-compliance by the other Party of some obligation, undertaking, representation, warranty or payment contained in this Agreement, that is not remedied within thirty (30) days of receipt of written notice;
- (ii) the other Party becoming bankrupt or insolvent, going into receivership, making an assignment of its assets to the benefit of its creditors, taking advantage of any statute which may be in force in relation to bankruptcy or insolvent debtors, or ceasing to conduct business in the normal course; or,
- (iii) default on the part of the other Party caused by a force majeure, as described in Section 18, where such default lasts more than six (6) months.

6. **Research Project related Information.**

(a) ***Kinds of Information.*** The Research Project involves the following information, in any format:

- (i) Information and data collected through a Party's monitoring and investigation of its own facilities either before or during the Research Project (“**Background Information**”).
- (ii) Data (raw and interpreted) and reports (draft and final) generated by consultant(s) (which may be another Supporting Organization) on instructions from a Party either before or during the Research Project (“**Consultant Information**”).
- (iii) Information and data independently owned by a Party or third party, not otherwise protected under another contractual arrangement, not considered confidential, and for which owner approval for use in the Research Project has been granted (“**Other Information**”);
- (iv) Information which contains the results of the Research Project, including data, compilations of

- data, data analysis, lab reports, theses, etc. (“**Research Project Information**”).
- (v) Information which contains observational, methodological, and other information collected/measured while working on Puslinch sites during the Research Project (“**Field Acquisition Information**”).
 - (vi) Background Information, Consultant Information, Research Project Information and Field Acquisition Information are hereinafter collectively referred to as “Information”.
- (b) ***Ownership of Information.***
- (i) The Party whose employees or students created Background Information is the owner of that Background Information. Background Information created by University Creators shall be owned by University or University Creators in accordance with University’s policies and collective agreements.
 - (ii) Consultant Information shall be owned by the Party on whose instructions it was created.
 - (iii) Other Information shall be owned by the Party or third party referred to in Paragraph 6(a)(iii)
 - (iv) Research Project Information shall be owned by University or University Creators in accordance with University’s policies and collective agreements.
 - (v) Field Acquisition Information shall be jointly owned by the UNIVERSITY or University Creators in accordance with the UNIVERSITY’s policies and collective agreements and Puslinch.
- (c) ***Use of Information.***
- (i) University, including the Researchers, may use Puslinch’s Background Information, Consultant Information and Other Information internally for the purposes of the Research Project and its own teaching and research purposes. In addition, University, including the Researchers, may present at conferences, symposia or professional meetings, and publish in abstracts, journals, theses, or dissertations, or otherwise, whether in printed or in electronic media, Puslinch’s Background Information, Consultant Information and Other Information in accordance with the procedure set out in Section 9. Notwithstanding the foregoing, pre-existing contractual terms and conditions relating to Consultant Information must be respected.
 - (ii) Puslinch may use University’s and University Creators’ Background Information and Research Project Information internally for purposes of its own internal, non-commercial, operational and management purposes.
 - (iii) Puslinch may use UNIVERSITY’s and University Creators’ Research Project Information, which does not consist of observational, methodological, and other information collected/measured during the Research Project while working on sites owned by another Industrial Collaborator, unless the other Industrial Collaborator provides express written consent otherwise, for the following purposes (A) internally for purposes of its own internal, non-commercial, operational and management purposes, and (B) for compliance reporting, provided Puslinch cites the source of such Research Project Information appropriately. Puslinch shall treat all Research Project Information as UNIVERSITY’s Confidential Information subject to the confidentiality obligations set forth in Section 8. Puslinch shall not make Research Project Information public in any context, including in a research context, without consulting with and obtaining the approval of the Principal Investigator, such approval shall not be unreasonably withheld. After UNIVERSITY or Researchers have published Research Project Information, Puslinch may publish such Research Project Information in accordance with the procedure set out in Section 9.
 - (iv) University acknowledges that the Puslinch has obligations in the operation of its water supply system to report certain information to regulatory agencies, to protect public safety and, when required, to report to Puslinch Council. Research Project Information and jointly owned Field Acquisition Information that relates to a regulatory compliance issue or a concern for public safety must be disclosed to the Puslinch as soon as reasonably possible. Requests for information from a regulatory agency(ies) to Puslinch regarding work or information that may be related to the Agreement but not under direct Puslinch City control will be provided to the University for review and response to the information prior to delivery to the regulatory agency(ies).
- (d) ***Consultant Information - Review and Acknowledgment.*** In the event Consultant Information is

generated during the Research Project upon direction of Puslinch with intellectual input from University or Researchers, University and Researchers shall be provided with an opportunity to review and comment on such Consultant Information prior to finalization, and the contributions of University and Researchers shall be acknowledged in the Consultant Information.

7. **Intellectual Property.** The rights and obligations relating to Background Intellectual Property and Arising Intellectual Property are set out in Appendix “C” attached hereto and forming part of this Agreement.

8. **Confidentiality.** A Party shall disclose its Confidential Information to the other Party only as necessary to facilitate performance of the Research Project. The Party receiving Confidential Information shall hold such Confidential Information in trust and confidence for the disclosing Party, using the same care and discretion that the receiving Party uses with its own Confidential Information of a similar nature but no less than a reasonable standard of care. The Party receiving Confidential Information shall use such Confidential Information only for the purpose of the Research Project and shall not, either during the Term or for five (5) years thereafter, disclose to any third party such Confidential Information without the prior written consent of disclosing Party, unless such information is no longer confidential by definition in Section 1.

Notwithstanding this Section 8, the Parties acknowledge and agree that as a condition of funding from NSERC, University has the right to provide NSERC with a copy of this Agreement executed on behalf of the Parties for NSERC’s review to ensure that it meets the NSERC’s Policy on Intellectual Property

9. **Publication.** The Parties agree it is part of University’s function and policies to disseminate information and to make it available for the purpose of scholarship. The Parties further recognize that the publication of certain technical information may compromise the commercial value of Arising Intellectual Property. NSERC also requires that results of the research it funds be publishable in the open literature subject to reasonable delay to allow for the securing of legal protection of Arising Intellectual Property. University and Researchers shall not be restricted from making any publications, including without limitation, presenting at conferences, symposia or professional meetings, or from publishing in abstracts, journals, theses, or dissertations, or otherwise, whether in printed or in electronic media, the methods and the results of the Research Project, including Research Project Information, and Puslinch’s Background Information, Other Information and Consultant Information, subject to the following:

(a) At least fifteen (15) days in advance of a proposed presentation at a conference, symposia or professional meeting or thirty (30) days in advance of a proposed publication in an abstract, journal, thesis or dissertation, University (via Principal Investigator) shall provide Puslinch for its review, an outline and associated abstract of any research results which it intends to present or publish or, at the request of Puslinch, a full electronic copy of the presentation or manuscript. Puslinch shall complete its review within fifteen (15) days from its receipt of the proposed presentation or publication. During the review period, Puslinch may object in writing (including via confirmed receipt email) to such proposed publication or presentation because:

- (i) there would be an inadvertent disclosure of that Puslinch’s Confidential Information or a disclosure of Puslinch’s Background Information, Other Information or Consultant Information considered by Puslinch to be commercially or legally sensitive;
- (ii) the proposed publication or presentation contains information enabling Arising Intellectual Property which requires legal protection before any public disclosure occurs; or,
- (iii) there would be a violation of privacy rights of individuals.

(b) If Puslinch does not object in writing (including via confirmed receipt email) to such presentation or publication within the review period, Puslinch shall be deemed to have agreed to the disclosure and University shall be free to present the proposed presentation or publish the proposed publication. If

Puslinch objects because there would be an inadvertent disclosure of its Confidential Information or a disclosure of its Background Information, Other Information or Consultant Information that it considers commercially or legally sensitive, at Puslinch's written request University will remove such Confidential Information, Background Information, Other Information or Consultant Information from the proposed presentation or publication. At University's request, Puslinch will assist University in good faith to modify the proposed publication or presentation to prevent, through disguise, the disclosure of the Puslinch's Confidential Information, or Puslinch's Background Information, Other Information or Consultant Information regarded by Puslinch as commercially or legally sensitive while preserving the integrity of the research and the proposed publication or presentation. If the Puslinch's Confidential Information or Puslinch's Background Information, Other Information or Consultant Information regarded by Puslinch as commercially or legally sensitive cannot be disguised to the satisfaction of the Puslinch, University shall delete all such Confidential Information, Background Information, Other Information and Consultant Information from the proposed publication or presentation. If Puslinch objects because the proposed presentation or publication contains Arising Intellectual Property (or information that will enable a third party to recreate Arising Intellectual Property), University agrees to delay presentation or publication for up to a maximum of ninety (90) days to allow for the filing of a patent application or obtaining other intellectual property protection. If Puslinch objects because there would be a violation of privacy rights of individuals, University agrees to make appropriate modifications to ensure the privacy rights of individuals are adequately protected.

(c) In the event a graduate student of University works on the Research Project and the student completes a thesis or academic report relating to the Research Project, that student will own the copyright in the thesis or academic report. University retains the right to have graduate student theses reviewed and defended for the sole purpose of academic evaluation in accordance with University's established policies and procedures. University and Puslinch will work together to ensure that there will be no delay in a thesis examination or publication of a thesis or academic report that might jeopardize the progress of a student's career.

(d) After University or Researchers have published or presented the Research Project Information in accordance with the procedure set out in this Section 9, Puslinch may publicly disclose the Research Project Information in its unmodified form provided:

- (i) Puslinch provides University and the Principal Investigator, for their review and comment, with a copy of the proposed publication or presentation at least thirty (30) days in advance of a proposed publication and fifteen (15) days in advance of a proposed presentation. University and the Principal Investigator shall complete their review and provide comment within fifteen (15) days from their receipt of the proposed presentation or publication. Puslinch shall, prior to publication or presentation, give due consideration to any comments provided by University and the Principal Investigator;
- (ii) Puslinch acknowledges University and the Principal Investigator in the publication or presentation in a manner customary in academic or trade publications unless the University and the Principal Investigator desire not to be acknowledged;
- (iii) Puslinch's publication or presentation shall include the following statement:
"This [insert description of publication or presentation] contains data and insights from research conducted in part by the University of Guelph. The opinions, findings, conclusions and recommendations expressed are those of the authors and do not necessarily reflect the views of the University of Guelph or its officers, faculty members, employees or students."
- (iv) Puslinch shall, within thirty days after publication or presentation, provide University with a complete copy of the publication or presentation as actually publicly disclosed.

10. **Access to Puslinch Lands and Infrastructure in the Subsurface Environment.**

(a) "Subsurface Environment Infrastructure" means water monitoring wells and boreholes installed on Puslinch lands as part of the Research Project.

(b) During the term of this Agreement and in perpetuity, Puslinch hereby grants to University the right of access and use without charge, for teaching and research purposes, including for the purposes of the Research Project, to Puslinch lands and the Subsurface Environment Infrastructure located therein. Such access and use by University personnel and students, including the Researchers, shall be on reasonable notice, which shall be at least twenty-four hours notice, to Puslinch.

11. **Export Control Regulations.** Except as expressly agreed to in writing by a duly authorized University representative and for which University has made specific arrangements, University shall not take receipt of export-controlled information or materials. Puslinch agrees that it will not provide or make accessible to University any export controlled materials (including, without limitation, equipment, information and/or data) without first informing University of the export controlled nature of the materials and obtaining from University its prior written consent, through a duly authorized University representative, to accept such materials as well as any specific instructions regarding the mechanism pursuant to which such materials should be passed to University. University may, at its sole discretion, accept or reject delivery of any export-controlled materials. In the event University accepts delivery of export controlled materials, the burden shall be on Puslinch delivering the export controlled materials to make them available only to eligible persons as designated by University, or to obtain license or approval from the relevant agency, or to invoke an available exception, exemption or exclusion. In the event University rejects the delivery of export-controlled materials, such rejection by University shall not constitute a breach of this Agreement.

12. **Publicity.** A Party shall not use the name, trademark, or logo of the other Party, or the name of any faculty, staff, employee or student of the other Party (including Researchers in the case of University), in connection with any products, publicity, promotion, or advertising relating to the Research Project or its results without the prior written consent of the other Party. Notwithstanding anything contained in this Agreement, each Party may, as a statement of fact, make the following a matter of public record: the title of the Research Project; the name of Puslinch and the amount its financial contribution under this Agreement; the name of University; the name of the Principal Investigator and their department; and, the Term.

13. **Freedom of Information and Protection of Privacy.** Puslinch acknowledge that University is an educational institution to which the *Freedom of Information and Protection of Privacy Act* (Ontario) applies.

14. **Equipment.** All materials, supplies and equipment purchased by or donated to University for the Research Project and used by or installed at University with funds provided under this Agreement or otherwise shall, as between the Parties hereto, remain the property of University during and after completion of the Research Project and this Agreement. University shall not own equipment provided by Puslinch to University under lease or loan or temporary in-kind support.

15. **Indemnification.**

(a) ***Puslinch's Indemnification.*** Puslinch hereby indemnifies University, including University's governors, directors, trustees, officers, Researchers, employees, students, volunteers and agents, against all claims, losses, damages or expenses of any kind arising from Puslinch's negligence or wilful neglect (or of those for whom in law it is responsible) in the performance of that Puslinch's obligations under this Agreement. In addition, Puslinch hereby indemnifies University, including University's governors, directors, trustees, officers, Researchers, employees, students, volunteers and agents, against all claims, losses, damages or expenses of any kind arising from the use by or through Puslinch of Information and any Arising Intellectual Property, and the design, production, manufacture, sale, use, lease, or promotion of any product, process, service or data developed by it, directly or indirectly, as a result of the Research Project.

(b) **UNIVERSITY's Indemnification.** University hereby indemnifies Puslinch, including its directors, officers, employees or agents, against all claims, losses, damages or expenses of any kind caused by the negligence or wilful neglect of University (or of those for whom in law University is responsible) in the performance of its obligations under this Agreement.

16. **Insurance.** Puslinch shall obtain and maintain comprehensive general liability insurance of not less than Five Million Dollars (\$5,000,000.00) and any other insurance as the circumstances warrant that a prudent person would deem necessary to cover any liabilities that may arise under this Agreement. Each such insurance policy or policies shall be written by responsible and recognized insurers qualified to do business in the jurisdiction or jurisdictions in which it is located and shall name University as an additional insured. Puslinch shall provide a certificate of insurance as evidence of such coverage if requested by University.

17. **Warranty and Limitation of Liability.** University will conduct the Research Project in conformance to generally accepted practices for university based scientific research. Puslinch hereby acknowledges that the Research Project is of an experimental and exploratory nature and that no particular results can be guaranteed. University makes no representations or warranties, express or implied, as to any matter whatsoever including, without limitation, the condition of its Background Information, Research Project Information, Arising Intellectual Property, or any invention(s), result(s), product(s), whether tangible or intangible, conceived, discovered, or developed under or as a result of the Research Project; or the ownership, merchantability, or fitness for a particular purpose of any product, process, service or data developed by Puslinch, directly or indirectly, as a result of the Research Project. University will, in no event, be liable for any loss of profits, loss of revenues, loss of business or loss of business opportunity be they direct, consequential, incidental, or special or other similar damages arising from any defect, error, omission or failure to perform, even if University has been advised of the possibility of such damages.

18. **Compliance with Laws and Regulations.** All work and research done in connection with the Research Project will be done in compliance with all applicable Federal, Provincial and local laws, regulations and guidelines of Canada.

19. **Force Majeure.** Neither Party shall lose any rights hereunder or be liable to the other Party for damages or losses or be deemed to be in breach of this Agreement for any failure or delay in rendering performance (except for payment obligations with respect to Work performed) arising out of any cause or causes beyond its reasonable control. Such causes may include, but are not limited to, governmental regulation or control, acts of nature, acts of a public enemy, acts of terrorism, war, mass-casualty event, fire, flood, local, regional or global outbreak of disease or other public health emergency, social distancing or quarantine restriction, strike, lockout or labour or civil unrest, freight embargo, unusually severe weather, failure of public utility or common carrier, or attacks or other malicious act, including but not limited to attacks on or through the internet, or any internet service, telecommunications provider or hosting facility (provided that any plural shall include the singular and any singular shall include the plural).

The Parties acknowledge that in March 2020 the World Health Organization declared a global pandemic of the virus leading to COVID-19. The Governments of Canada, the Province of Ontario, and local Governments responded to the pandemic with legislative amendments, controls, orders, by-laws, requests of the public, and requests and requirements to the Parties (collectively, the "Governmental Response"). It is uncertain how long the pandemic, and the related Governmental Response, will continue, and it is unknown whether there may be a resurgence of the virus leading to COVID-19 or any mutation thereof (collectively, the "Virus") and resulting or supplementary renewed Government Response. Without limiting the foregoing paragraph, neither Party shall be liable to the other or be deemed to be in breach of this Agreement for any failure or delay in rendering performance (except for payment obligations with respect to performance of Research Project work) arising out of:

- (a) the continued spread of the Virus;

- (b) the continuation of or renewed Governmental Response to control the spread of the Virus; and
- (c) a Party's decision, made on an organization-wide basis and in good faith, to control the spread of the Virus, even if exceeding the then current specific Government Response.

Dates or times of performance shall be extended to the extent of delays excused by this clause, provided that the Party whose performance is affected shall, so far as practicable, use reasonable efforts to minimize and mitigate the extent, effect and period of any such delay or non-performance.

20. **Right to Disclose Risks.** University has the right and the obligation to publicly disclose information about immediate or near-term risks to Researchers, human subjects or the general public or threats to the public interest that become known in the course of the Research Project. This information will be disclosed to Puslinch and/or any pertinent regulator prior to the public disclosure.

21. **Survival.** Unless stated otherwise in this Agreement, this Section 20 and the following provisions of this Agreement shall survive its termination for any reason: Section 4 (Cost and Payment), Subsection 5(e) (Result of Termination), and Sections 6 (Research Project Related Information), 7 (Intellectual Property), 8 (Confidentiality), 9 (Publication), 10 (Access to Puslinch Facilities and Infrastructure in the Subsurface Environment), 12 (Publicity), 13 (Freedom of Information and Protection of Privacy), 15 (Indemnification), 16 (Insurance), 17 (Warranty and Limitation of Liability), 22 to 30 inclusive (Independent Parties, Notices, Further Assurances, Assignment and Subcontracting, Waiver, Entire Agreement, Applicable Law and Forum, Disputes, Partial Invalidity).

22. **Independent Parties.** Each Party is and will at all times remain an independent contractor and is not and shall not represent itself to be an agent, joint venturer or partner of the other Party. No representation will be made or acts will be taken by Party that could indicate any relationship of agency, joint venture, partnership or employment.

23. **Notices.** For a notice or other communication under this Agreement to be valid, it must be: (a) in writing and signed by an authorized representative of the sending Party; (b) delivered by personal delivery, registered or certified mail (in each case return receipt requested and postage prepaid), nationally recognized overnight courier (with all fees prepaid) or as an attachment to an e-mail message (in each case confirmation of receipt by the receiving Party required); and (c) addressed to the receiving Party at the following address for the receiving Party:

if to University

For contractual matters:
Office of Research
Room 437, University Centre
University of Guelph
Guelph, Ontario N1G 2W1
Attn: Research Contracts Manager
Tel: (519) 824-4120 ext. 53429
E-mail: resserv@uoguelph.ca

For scientific matters:
Beth Parker, PhD, School of Engineering
Richards Building, Room 3503
University of Guelph
50 Stone Road East
Guelph, ON N1G 2W1
Tel: 510-824-4120 ext. 53642
E-mail: bparker@uoguelph.ca

if to Puslinch

For contractual matters:
Glenn Schwendinger
CAO/Clerk
7404 Wellington Road 34
Puslinch, Ontario N0B 2J0
Tel: 519-766-1226 x214
E-mail: gschwendinger@puslinch.ca

For scientific matters
Stan Denhoed
Harden Environmental Services c/o
7404 Wellington Road 34
Puslinch, Ontario N0B 2J0
Tel: 519-826-0099
E-mail: sdenhoed@hardenv.com

If a notice or other communication is received after 5:00 p.m. on a University business day (i.e. any of the days of Monday to Friday, both inclusive, unless such day is a statutory or civic holiday in Guelph, Ontario or a University designated holiday) at the location specified at the address of the receiving Party, or on a day that is not a University business day, then the notice will be deemed received at 9:00 a.m. on the next University business day. Either Party may from time to time change its address set forth herein by timely notice to the other Party in accordance with this section

24. **Further Assurances.** The Parties hereto agree to do all such things and to execute such instruments and documents as may be necessary or desirable in order to carry out the provisions and intent of this Agreement.

25. **Assignment and Subcontracting.** This Agreement shall be to the benefit of and be binding upon the successors and permitted assigns of the Parties hereto. A Party may not assign this Agreement or any part thereof, or subcontract portions of the Research Project except with the express prior written approval of the other Parties.

26. **Waiver.** No waiver by a Party of any breach or default or series of breaches or defaults by another Party and no failure, refusal or neglect of a Party to exercise any rights under this Agreement or to insist upon strict compliance with or performance of the another Party's obligations under this Agreement shall constitute (a) a waiver of the provisions of this Agreement with respect to any subsequent breach or default thereof, or (b) a waiver by a Party of its right any time thereafter to require strict compliance with the provisions of this Agreement.

27. **Entire Agreement.** This Agreement, including Appendix "A", "B" and "C", constitutes the entire agreement between the Parties pertaining to the subject matter hereof and supersedes all prior agreements, understandings, negotiations and discussions with respect to the subject matter hereof whether oral or written. Except as provided herein, there are no conditions, representations, warranties, undertakings, promises, inducements or agreements, whether direct or indirect, collateral, express or implied made between the Parties concerning this Agreement, the subject matter hereof or any other matter embodied herein. No supplement, modification, or waiver of this Agreement shall be binding unless executed in writing by the Parties.

28. **Applicable Law and Forum.** This Agreement shall be construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein. Subject to Section 29, the Parties attorn to the exclusive jurisdiction of the provincial and federal courts of the Province of Ontario.

29. **Disputes.** If any dispute concerning this Agreement or the Research Project cannot be resolved by the Parties within ten (10) days after one Party has notified the other Parties in writing of the issue in dispute, they will refer the matter to the Vice-President, Research in the case of University and Glenn Schwendinger, CAO/Clerk, in the case of Puslinch, who shall attempt to resolve the dispute within ten (10) days after the referral. In the event the Parties fail to resolve the dispute within ten (10) days after the referral, the matter shall be submitted to mediation by a mutually acceptable mediator, qualified by education and experience to conduct the mediation. The Parties shall be responsible for their own costs and shall share the cost and expenses of the mediator.

30. **Partial Invalidity.** If any provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each provision of this Agreement shall be valid and enforced to the fullest extent permitted by law and be independent of every other provision of this Agreement.

31. **Compliance with NSERC's Policy on Intellectual Property.** The Parties acknowledge and agree that as a condition of funding from NSERC, NSERC must be provided with a copy this Agreement executed on behalf of the Parties for NSERC's review to ensure that it conforms to NSERC's Policy on Intellectual Property. If NSERC advises University in writing that this Agreement does not conform to NSERC's Policy on Intellectual Property, the Parties shall negotiate in good faith an amendment to this Agreement in an effort to satisfy NSERC that the Agreement conforms to NSERC's Policy on Intellectual Property. In the event the Parties are unable to negotiate such an amendment to this Agreement, the Parties' participation in the Research Project and this Agreement shall immediately terminate and University shall be entitled to payment of the cost of the Research Project that has been performed up to the effective date of the termination, including committed and non-cancellable costs made by University prior to the termination.

32. **Counterparts.** This Agreement may be executed in counterparts (each of which shall be deemed to be an original but all of which taken together shall constitute one and the same agreement) and shall become effective when one or more counterparts have been signed by each Party and delivered to the other Parties. The exchange of copies of this Agreement and of signature pages by electronic transmission shall constitute effective execution and delivery of this Agreement as to the Parties and may be used in lieu of the original Agreement for all purposes. Signatures of the Parties transmitted by electronic transmission shall be deemed to be their original signatures for all purposes.

SIGNED AS AN AGREEMENT by the Parties' respective authorized representatives in a manner and form sufficient to bind them.

**UNIVERSITY OF GUELPH
GUELPH**

Per: _____
Jill Roger
Managing Director, Research Operations
Date:

Per: _____
Amanda Sawlor
Director, Research Financial Services
Date:

COPORATION OF TOWNSHIP OF PUSLINCH

Per: _____
James Seeley
Title Mayor
Date:

Per: _____
Glenn Schwendinger
CAO/Clerk
Date:

APPENDIX "A"
Research Project
“Advancement of Groundwater Multi-Level System Technologies for Improved Management of
Source Water in Fractured Sedimentary Bedrock”

DRAFT

APPENDIX "B" - BUDGET AND IN-KIND CONTRIBUTIONS

Budget

See next page

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Puslinch In-Kind Contributions:

- Technical (professional) support to facilitate information transfer and historical data interpretation (100 hours at 100/hr.)
- Property access for monitoring well installation

Please note the following

	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>
In-kind funds	\$0	\$10,000 (pending future budget approval)	\$10,000 (pending future budget approval)	\$10,000 (pending future budget approval)	\$10,000 (pending future budget approval)
Type of support	Access to Puslinch groundwater monitoring program	Technical support	Technical support	Technical support	Technical support
	Access to property for monitoring well installation				

APPENDIX “C”- INTELLECTUAL PROPERTY

1. Definitions.

“Arising Intellectual Property” means individually and collectively all Intellectual Property created during the Term and directly resulting from the Research Project carried out under this Agreement. Arising Intellectual Property includes University Arising Intellectual Property, Puslinch Arising Intellectual Property and Joint Arising Intellectual Property. Arising Intellectual Property does not include Information.

“Background Intellectual Property” means individually and collectively all Intellectual Property developed, produced, obtained or owned by Puslinch, other Supporting Organization, or Researchers prior to the Effective Date or outside the scope of the Research Project.

“Improvement” means Arising Intellectual Property that is an improvement of University’s or Researcher’s or a Supporting Organization’s Background Intellectual Property which cannot be commercialised without a license to University’s or Researcher’s or the Supporting Organization’s Background Intellectual Property.

“Intellectual Property” means any new and useful art, invention, discovery, innovation, concept, methodology, model, procedure, process, technique and specification, product, formulae, software, manufacture or composition of matter, and any industrial and/or intellectual property rights and all other such rights whether or not statutorily protected or capable of being protected under statute.

“Joint Arising Intellectual Property” means Arising Intellectual Property created jointly by University Creators and employee(s) of Puslinch.

“License Negotiation Period” means the six (6) month period commencing from the exercise of the Option to License by a Supporting Organization.

“Option to License” means the option granted to a Supporting Organization to obtain a non-exclusive license to use and exploit University Arising Intellectual Property.

“Option to License Period” means the three (3) month period commencing from the date of a Report of Invention.

“Party” and **“Parties”** have the meaning ascribed thereto in Section 1 of this Agreement.

“Report of Invention” means the disclosure in writing on a confidential basis (i.e. in accordance with the terms of Section 8 of this Agreement) to Puslinch details of any University Arising Intellectual Property, Improvement and Joint Arising Intellectual Property created by University Creators made promptly after disclosure of same by the University Creators to University.

“Researchers” has the meaning ascribed thereto in Section 1 of this Agreement.

“Research Project” has the meaning ascribed thereto in Section 1 of this Agreement.

“Puslinch Arising Intellectual Property” means Arising Intellectual Property including an Improvement of Puslinch’s Background Intellectual Property created solely by Puslinch’s employees.

“Supporting Organization” and **“Supporting Organizations”** have the meaning ascribed thereto in Section 1 of this Agreement. A Supporting Organization includes Puslinch.

“University Arising Intellectual Property” means Arising Intellectual Property including an Improvement of University’s or Researcher’s Background Intellectual Property created solely by

University Creators.

“**University Creator(s)**” has the meaning ascribed thereto in Section 1 of this Agreement.

“**University Owner**” means University or University Creators as determined in accordance with University’s policies, employment agreements and collective agreements.

2. **Background Intellectual Property.** All rights, title and interest in and to Background Intellectual Property developed, produced, obtained or owned by a Party or Researchers shall remain with that Party or Researchers. During the Term, the Parties may use Background Intellectual Property developed, produced, obtained or owned by the other Party or Researchers, and which is disclosed in writing as part of the Research Project, solely for the purposes of the Research Project. Except as explicitly provided in this Agreement, a Party shall not receive any right to Background Intellectual Property developed, produced, obtained or owned by the other Party or Researchers. For clarity, Puslinch shall have no rights to another Supporting Organization’s Background Intellectual Property.

3. **Arising Intellectual Property.**

Ownership. University Arising Intellectual Property shall be owned by University Owner. Puslinch Arising Intellectual Property shall be owned by Puslinch. Joint Arising Intellectual Property shall be owned by University Owner and Puslinch. Arising Intellectual Property that is an Improvement of University’s or Researcher’s Background Intellectual Property created solely by Puslinch employees shall be jointly owned by University or Researchers and Puslinch. Arising Intellectual Property that is an Improvement of a Puslinch’s Background Intellectual Property created solely by University Creators shall be jointly owned Puslinch and University Owner. Unless otherwise specified in writing, the division of rights, title and interest in Joint Arising Intellectual Property or jointly owned Improvements shall be equal as between the joint owners. Notwithstanding the applicable patent or other intellectual property laws in any jurisdiction, a joint owner of Joint Arising Intellectual Property or jointly owned Improvements shall have no right to commercially exploit such Joint Arising Intellectual Property or jointly owned Improvements without the signed written agreement of the other joint owners. Joint owners of Joint Arising Intellectual Property or jointly owned Improvements shall manage and commercially exploit such Joint Arising Intellectual Property or jointly owned Improvements in accordance with the terms of an invention management agreement negotiated on commercially reasonable terms between the joint owners acting in good faith. For clarity, Puslinch shall have no rights to Improvements of University’s or Researcher’s Background Intellectual created solely by employees of another Supporting Organization or Improvements of another Supporting Organization’s Background Intellectual Property.

(b) *Disclosure.* University will disclose details of any University Arising Intellectual Property, Improvement and Joint Arising Intellectual Property created by University Creators to Puslinch via a Report on Invention. Puslinch will disclose to University in writing on a confidential basis (i.e. in accordance with the terms of Section 8 of this Agreement) details of Puslinch Arising Intellectual Property, Improvement and Joint Arising Intellectual Property created by its employee(s) promptly upon disclosure of same by such employee(s) to Puslinch.

(c) *Option to License.*

(i) Provided it is in compliance with the terms of this Agreement, University Owner hereby grants to Puslinch an Option to License which must be exercised by Puslinch in writing, delivered to: Catalyst Centre, University of Guelph, 50 Stone Road East, Guelph, ON N1G 2W1, Attention: Director, during the Option to License Period. If Puslinch exercises the Option to License within the Option to License Period, University Owner and Puslinch will, during the License Negotiation Period, negotiate in good faith a non-exclusive license within Puslinch’s demonstrated field of commercial interest in accordance with generally accepted industry standards. If no other Supporting Organization exercises the Option to License during the Option to License Period, University Owner and Puslinch will, within the License Negotiation Period, negotiate in good faith an exclusive license within Puslinch’s demonstrated field of commercial interest in

accordance with generally accepted industry standards.

(ii) University Owner may, at its expense, elect to protect University Arising Intellectual Property at any time prior to a Supporting Organization's exercise of the Option to License. Upon exercise of the Option to License by a Supporting Organization, University Owner shall prosecute patent applications or applications for other intellectual property protection with respect to University Arising Intellectual Property in the name of University Owner. Any delay in protecting University Arising Intellectual Property shall be determined by mutual written agreement of University Owner and the Supporting Organization or Supporting Organizations who exercise the Option to License. University Owner shall use counsel of their choice and the Supporting Organization or Supporting Organizations who exercise the License to Option shall cooperate with University Owner to ensure that such patent applications or applications for other intellectual property protection cover, to the best of their knowledge, all items of commercial interest and importance. If only one Supporting Organization exercises the Option to License, it shall bear all costs and fees, including without limitation, all legal fees, disbursements and taxes (including those accrued prior to its exercise of the Option to License), in connection with the preparation, filing, prosecution and maintenance of such patent applications or applications for other intellectual property protection. If more than one Supporting Organization exercise the Option to License, those Supporting Organizations shall share equally all costs and fees, including without limitation, all legal fees, disbursements and taxes (including those accrued prior to their exercise of the Option), in connection with the preparation, filing, prosecution and maintenance of such patent applications or applications for other intellectual property protection. Within thirty (30) days of University Owner's written request, the Supporting Organization or Supporting Organizations who exercised the Option to License will pay a reasonable payment as an advance against such costs and fees. While University Owner shall be responsible for making final decisions regarding the scope and content of applications to be filed and their prosecution, the Supporting Organization or Supporting Organizations who exercised the Option to License shall be given an opportunity to review and provide input thereto and shall be kept advised by University Owner of any major developments with respect to application(s) and shall be supplied with copies of all papers to be filed in connection thereto in sufficient time for that Supporting Organization or those Supporting Organizations to review and provide comments thereon.

(iii) If no Supporting Organization exercises the Option to License during the Option to License Period, or if one or more Supporting Organizations exercise the Option to License during the Option to License Period but a license is not negotiated during the License Negotiation Period, or if the costs and fees set out in Paragraph 3(c)(ii) of this Appendix "C" are not paid or pre-paid, University Owner shall be free, but not obligated, to file, continue prosecution or maintain any such application(s) at its sole expense in which case the Supporting Organizations' rights in the relevant University Arising Intellectual Property shall terminate, and University Owner may license the relevant University Arising Intellectual Property to a third party or third parties without any restriction whatsoever.

(v) *Teaching and Research.* For greater certainty and without derogating from any other provision in this Agreement and subject to the confidentiality obligations under this Agreement, Puslinch grants to UNIVERSITY the right to utilize all Arising Intellectual for non-commercial academic and research purposes without charge and in perpetuity.

(d) *Benefit to Canada.* The Parties acknowledge that NSERC encourages the utilization of research results, developed wholly or in part using NSERC funds, in Canada for the benefit of Canadians. Accordingly, the Parties agree that any license or invention management agreement with respect to Arising Intellectual Property shall include a requirement that efforts be made to commercialize the Arising Intellectual Property in Canada for the benefit of Canadians.

4. No license or other rights are implied or given under this Agreement or otherwise, with respect to: (a) Intellectual Property that is not Arising Intellectual Property; or, (b) rights to Intellectual Property or Background Intellectual Property brought into the Research Project or incorporated into Arising Intellectual

Property by University, Researchers, Puslinch, any other Supporting Organization, or any third party. The Parties acknowledge that rights to third party Intellectual Property lie outside the scope of any license referenced in this Appendix “C”.

DRAFT



REPORT ADM-2020-031

TO: Mayor and Members of Council

FROM: Glenn Schwendinger CAO/Clerk

MEETING DATE: August 12, 2020

SUBJECT: Amended 2020 Council Meeting Schedule

RECOMMENDATIONS

THAT Report ADM-2020-031 regarding Amended 2020 Council Meeting Schedule be received; and

THAT the Township of Puslinch Council approve the amended 2020 Council Meeting Schedule.

DISCUSSION

Purpose

To formally amend the approved 2020 Council Meeting Schedule for September and October to reflect a change in meeting start times during the pandemic.

Background

As Council is well aware, the impacts of the CoVid-19 pandemic on municipal operations have been significant. One of these impacts was the way in which Council Meetings are conducted virtually during the pandemic.

As a result of the evolving situation, some initially established Council meeting dates and times needed to be adjusted. Moving forward, a strong desire was expressed to try to return to the normally scheduled days for Council Meetings.

In an effort to do this, consideration was also given to the additional recommendation received that being to try to avoid evening meetings to minimize potential peak internet use which could negatively impact the virtual meetings.

As such, the previously approved 2020 Council Meeting Schedule was amended to move the start times for all Council meetings to 2:00 p.m. for May and June. The 2:00 p.m. time was selected to avoid a conflict with the weekly county-wide conference calls which take place Wednesdays at 1:00 pm.

This has worked quite well and given the ongoing nature of the pandemic it is recommended that the September and October meetings be moved to a 2:00 start time as well.

It is important to note the meeting start times so that the public can be notified and can access the meetings they are looking for.

FINANCIAL IMPLICATIONS

None

APPLICABLE LEGISLATION AND REQUIREMENTS

None

ATTACHMENTS

None



REPORT PD-2020-004

TO: Mayor and Members of Council

FROM: Lynne Banks, Development and Legislative Coordinator

MEETING DATE: August 12, 2020

SUBJECT: Subdivision Development Agreement – DRS Developments Limited
Preliminary Acceptance and Reduction of Securities

RECOMMENDATIONS

That Report PD-2020-004 regarding Preliminary Acceptance of underground servicing, primary roadworks and landscaping for DRS Developments Limited be received; and

That the Township staff issues a Certificate of Preliminary Acceptance in accordance with Report PD-2020-004.

Purpose

The purpose of this report is to obtain Council authorization to issue a Certificate of Preliminary Acceptance for underground servicing, primary roadworks and landscaping as more specifically outlined in the “Certificate” attached as Attachment “1” to this report.

Background

In 2018, the Township entered into a subdivision agreement with DRS Developments Limited regarding development of the Stewart Farms Estates Subdivision registered as Instrument No. WC549374.

Below is a map showing the location of the Stewart Farms Estates subdivision.

**Preliminary Acceptance:**

The Township, in accordance with paragraph 17 of the subdivision agreement, has received from the Township's consulting engineers and the developer's consultant, correspondence attached as Attachment "1" certifying the completion of the works identified in the Preliminary Acceptance Certificate attached to this Report. The Township's consulting engineers recommends the Township approve the issuing of the Certificate of Preliminary Acceptance.

Further, the Developer has made a request for a reduction in securities by an amount of \$790,320.30. With the original security provided at the signing of the agreement being \$1,034,277.01, the amount that the Township will retain is \$243,956.71, which the Township's consultants confirm is enough to complete the outstanding works. The Developer has provided a statutory declaration that all accounts for the services and materials for such services have been paid except the normal guarantee holdbacks. The statutory declaration also indicates that there are no claims for liens or otherwise in connection with services done or materials supplied for or on behalf of the Developer in connection with the agreement for the preliminary acceptance of the services identified and reduction of securities.

The two-year maintenance period as required by the subdivision agreement will commence effective the date identified in the Certificate of Preliminary Acceptance.

Applicable Legislation and Requirements:

Subdivision Agreement registered as Instrument No. WC549374

Financial Implications

None.

Attachments

Correspondence from GM BluePlan

Correspondence from Mantecon Partners

Statutory Declaration – DRS Developments Limited



July 6, 2020
Our File: 111006-1

Township of Puslinch
7404 Wellington Road 34
Guelph, ON N0B 2J0

Attention: Mr. Glenn Schwendinger
CAO/Clerk

Re: Stewart Farms Estates Subdivision,
Preliminary Acceptance
Letter of Credit Reduction

Dear Mr. Schwendinger,

As per the instructions of the Township, we have reviewed the correspondence dated June 19, 2020 from Mantecon Partners requesting a reduction in securities lodged with the Township for completion of the remaining services, grading, and landscaping within the subdivision.

The construction of the roadworks, underground servicing, and landscaping within the development has been satisfactorily completed, with the exception of a few outstanding items and deficiencies identified within Mantecon's Cost to Complete Estimate. The Owner's Engineer has provided a satisfactory estimate of the cost of remaining works required to complete the project. The estimate of the remaining securities required by the Township has been increased by 125% as per the terms of the agreement.

The Owner has also provided the Statutory Declaration of payment of accounts for the completed works.

We have no concerns with respect to this application and recommend that the reduction in the financial securities held by the Municipality be reduced to \$243,956.71, for the completion of services and roadworks within the Stewart Farms Estates Subdivision.

If you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,

GM BLUEPLAN ENGINEERING
Per:

A handwritten signature in black ink, appearing to read 'David Jackson'.

David Jackson, P. Eng.

Enclosed:

Preliminary Acceptance Review Letter, prepared by GM BluePlan Ltd, dated July 6, 2020.

General Conformance – Request for Security Reduction No. 1, prepared by Mantecon Partners, dated November 19, 2019

Schedule 'D' – Financial Obligations – Security Reduction #1, for DRS Developments prepared by Mantecon Partners, dated June 16, 2020.

Deficiency List, prepared by Mantecon Partners, dated June 23, 2020.

DRS Developments Statutory Declaration, prepared for DRS Developments Ltd, dated June 17, 2020.



July 6, 2020
Our File: 111006-1

Township of Puslinch
7404 Wellington Road 34
Guelph, ON N0B 2J0

Attention: Ms. Lynne Banks

Re: Preliminary Acceptance Review
D12-DRS Stewart Farms Estates Subdivision,
Township of Puslinch

Dear Ms. Banks,

A review and follow-up site visit for Preliminary Acceptance of the Stewart Farms Estates Subdivision has been completed. A site inspection was completed with GMBP, DRS Developments and the Developer's Engineer (Mantecon Partners) on November 20, 2019 and a subsequent follow-up was completed on March 26, 2020 and June 16, 2020.

Based on inspection and review of the site, the services were found to be in an acceptable and functional condition with the exception of a few minor deficiencies, which will be addressed during the spring and summer of 2020.

We therefore recommend that the Township of Puslinch grant Preliminary Acceptance of the Stewart Farms Estates Subdivision services and commence the two-year maintenance period for these services as of June 17, 2020.

Completed/Approved

Item No.	Matter / Requirement	Drawing / Document Reference	Date Issue Identified	Date Issue Cleared	Comment
1	Drainage Structures	Site Servicing Plan – Sheet 4 of 8	November 20, 2019	July 6, 2020	As discussed during the Preliminary Acceptance site inspection, all drainage structures are to be parged around the storm sewer piping and constructed in a manner to allow for access. The sub-drain connection to Double Catch Basin 1 to be investigated and repaired.
2	Stormwater Management	Site Servicing Plan – Sheet 4 of 8	November 20, 2019	July 6, 2020	The outlet of the storm sewer network to the polishing treatment system is to be constructed such that upstream drainage

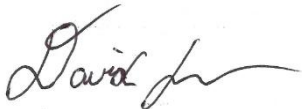
Item No.	Matter / Requirement	Drawing / Document Reference	Date Issue Identified	Date Issue Cleared	Comment
					structures are not surcharged. Revise the river rock around the outlet to be within the property lines and not restricting flow.
3	Overflow by-pass channel	Site Servicing Plan – Sheet 4 of 8	November 20, 2019	July 6, 2020	As directed from previous reviews, the overflow by-pass channel needs to be sodded and stabilized.
4	Church Street – Street Light	Site Servicing Plan – Sheet 4 of 8	November 20, 2019	July 6, 2020	The Township requests that the corner of Church Street at the entrance of Stewart Farms Estates Subdivision be illuminated. This request can be fulfilled by either re-installing the light at the church or turning on the development streetlights.

If you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,

GM BLUEPLAN ENGINEERING

Per:



David Jackson, P. Eng.

CC:

Mike Fowler, Township of Puslinch
Steve Conway, GM BluePlan Engineering Ltd.
Michael Dessureault, Mantecon Partners Inc.
Dave Bouck, DRS Developments.

November 14, 2019

GM BluePlan Engineering Limited
650 Woodlawn Road West, Block C, Unit 2
Guelph, ON N1K 1B8

Attn: Mr. David Jackson, P.Eng.

**RE: General Conformance - Request for Security Reduction No. 1
Stewart Farms Estates, File No. 111-006-1**

Dear Mr. Jackson,

Mantecon Partners Inc. confirms that the above-noted project has been pre-graded in general accordance with the approved engineering drawings.

Further, we confirm that the storm sewer, the underground fire tank and the stormwater management facility, together with the roadway which includes concrete curb and gutter, granular sub-base and base courses, and base course asphalt have been constructed in general accordance with the approved engineering drawings and to the Township's standards. The storm system and fire tank are operational, but final inspection and approval will be completed prior to top course asphalt being placed.

We trust the above is satisfactory, however, should you require any further information please do not hesitate to contact our office.

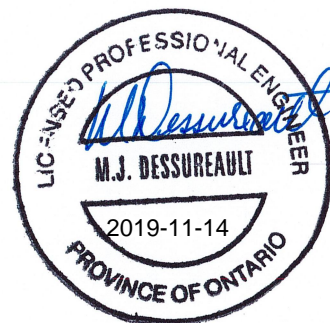
Sincerely,

MANTECON PARTNERS INC.

STRUCTURAL, MECHANICAL, ELECTRICAL, CIVIL ENGINEERING AND PROJECT MANAGEMENT



Michael Dessureault, P.Eng.
Senior Project Manager / Civil Engineer



MD/jm

c.c. Dave Bouck, Davan Group (email - PDF)
Ron Schiedel, Greenhorizons Sod Farms (email - PDF)
Steve Schiedel, Greenhorizons Sod Farms (email - PDF)

<p align="center">Schedule 'D'</p> <p align="center">Financial Obligations - Security Reduction #1</p> <p align="center">DRS DEVELOPMENTS LIMITED (Stewart Farms Estates Subdivision)</p> <p align="center">County of Wellington - File # 23T-10004</p> <p align="center">The Corporation of the Township of Puslinch - File # L04DRS</p>							
Subdivider's Share					Value of LC Required		
Security Item	Total Value	% of Completed Works	Value of Completed Works	Value of Incomplete Works	Holdback - 25% of Incomplete Works	Value of Incomplete Works (125% Holdback)	
On-Site Subdivision Works							
1 Earthworks	\$ 120,000.00	100%	\$ 120,000.00	\$ -	\$ -	\$ -	\$ -
2 Farm Pond Earthworks	\$ 40,000.00	100%	\$ 40,000.00	\$ -	\$ -	\$ -	\$ -
3a Sewers	\$ 230,215.00	98%	\$ 225,610.70	\$ 4,604.30	\$ 1,151.08	\$ 5,755.38	\$ 5,755.38
3b Street Catchbasins	\$ 10,000.00	95%	\$ 9,500.00	\$ 500.00	\$ 125.00	\$ 625.00	\$ 625.00
3c Watermain	\$ -	-	\$ -	\$ -	\$ -	\$ -	\$ -
3d Fire Protection	\$ 25,000.00	100%	\$ 25,000.00	\$ -	\$ -	\$ -	\$ -
3e Curb and Gutter	\$ 42,720.00	95%	\$ 40,584.00	\$ 2,136.00	\$ 534.00	\$ 2,670.00	\$ 2,670.00
3f Final Roads	\$ 94,500.00	75%	\$ 70,875.00	\$ 23,625.00	\$ 5,906.25	\$ 29,531.25	\$ 29,531.25
3g Driveway Approaches	\$ 9,760.00	0%	\$ -	\$ 9,760.00	\$ 2,440.00	\$ 12,200.00	\$ 12,200.00
3h 1.5m Wide Concrete Sidewalk	\$ 14,641.00	0%	\$ -	\$ 14,641.00	\$ 3,660.25	\$ 18,301.25	\$ 18,301.25
3i Street Lighting	\$ 20,000.00	100%	\$ 20,000.00	\$ -	\$ -	\$ -	\$ -
3j Landscaping	\$ 5,520.00	0%	\$ -	\$ 5,520.00	\$ 1,380.00	\$ 6,900.00	\$ 6,900.00
4 Fencing	\$ 49,500.00	0%	\$ -	\$ 49,500.00	\$ 12,375.00	\$ 61,875.00	\$ 61,875.00
5a Block 12 Landscaping	\$ 30,000.00	95%	\$ 28,500.00	\$ 1,500.00	\$ 375.00	\$ 1,875.00	\$ 1,875.00
5b Farm Pond Landscaping	\$ 70,000.00	95%	\$ 66,500.00	\$ 3,500.00	\$ 875.00	\$ 4,375.00	\$ 4,375.00
6 Dust / Mud Tracking	\$ 5,000.00	95%	\$ 4,750.00	\$ 250.00	\$ 62.50	\$ 312.50	\$ 312.50
7 Erosion & Sediment Control	\$ 25,000.00	95%	\$ 23,750.00	\$ 1,250.00	\$ 312.50	\$ 1,562.50	\$ 1,562.50
Sub-Total 'A'	\$ 791,856.00		\$ 675,069.70	\$ 116,786.30	\$ 29,196.58	\$ 145,982.88	\$ 145,982.88
Engineering and Inspection (5% of 'A')	\$ 39,592.80		\$ 33,753.49	\$ 5,839.32	\$ 1,459.83	\$ 7,299.14	\$ 7,299.14
Contingency (5% of 'A')	\$ 39,592.80		\$ 33,753.49	\$ 5,839.32	\$ 1,459.83	\$ 7,299.14	\$ 7,299.14
Sub-Total 'B'	\$ 871,041.60		\$ 742,576.67	\$ 128,464.93	\$ 32,116.23	\$ 160,581.16	\$ 160,581.16
H.S.T. (13% of 'B')	\$ 113,235.41		\$ 96,534.97	\$ 16,700.44	\$ 4,175.11	\$ 20,875.55	\$ 20,875.55
Total	\$ 984,277.01		\$ 839,111.64	\$ 145,165.37	\$ 36,291.34	\$ 181,456.71	\$ 181,456.71
Protection of Stewart Farm House	\$ 50,000.00	0%	\$ -	\$ 50,000.00	\$ 12,500.00	\$ 62,500.00	\$ 62,500.00
TOTAL PERFORMANCE GUARANTEE	\$ 1,034,277.01					\$ 243,956.71	\$ 243,956.71
LC Holdback of 125% of Incomplete Works (Security reduced to this amount)							\$ 243,956.71
Security Reduction Request Amount							\$ 790,320.30

Approved by:

Date:

June 23, 2020

DRS Development Ltd.
7468 Gore Road
Puslinch, ON N0B 2J0

Attn: Mr. Dave Bouck, BLA, President

**RE: Deficient items identified to be completed from latest walk-through of June 16, 2020
Stewart Farms Estates**

Dear Mr. Bouck,

A site walk-through was performed on June 16, 2020 with GMBP (David Jackson, Bart Mazan), DRS (Dave Bouck), and Mantecon Partners (Michael Dessureault) in attendance to review items for Letter of Credit reduction.

Below are items that have been identified that are required to be completed for Preliminary Acceptance.

Storm sewer system:

Note: All final parging within structures in the roadway shall take place at time of frame adjustments for surface course asphalt placement.

- North sub-drain connection to DCB1 was cleaned but noted to be investigated further and/or repaired.
- DCB/MH 1 – Could not open the 2 catchbasin frames as asphalt was over the lip. Asphalt has been removed for inspection of the structure to take place. Inspection not yet completed.
- OGS – Has 2 frame and grates (one for access and one for maintenance). One frame has been moved away from the curb and is offset from MH opening (+/-6"). The frame needs to be in line with MH opening and is required to be cut into the concrete curb gutter accordingly.
- MH 4 – Parging required. The frame and grate is shifted from the opening, adjust accordingly.

Road/Curb:

- Curb in church parking lot comes to an abrupt end. Either taper curb per OPSD 608.010 requirement or continue curb for parking stall delineation. Owner prefers to continue curb for parking stall delineation.
- Chips and cracks in curb and gutter identified previously. See attached sketch for identification.

Polishing Swale:

- At HW 2 (at Polishing Swale) – minor standing water in outlet and swale. Owner to rework the swale to minimize standing water.

We trust the above is satisfactory, however, should you require any further information please do not hesitate to contact our office.

Sincerely,

MANTECON PARTNERS INC.

STRUCTURAL, MECHANICAL, ELECTRICAL, CIVIL ENGINEERING AND PROJECT MANAGEMENT



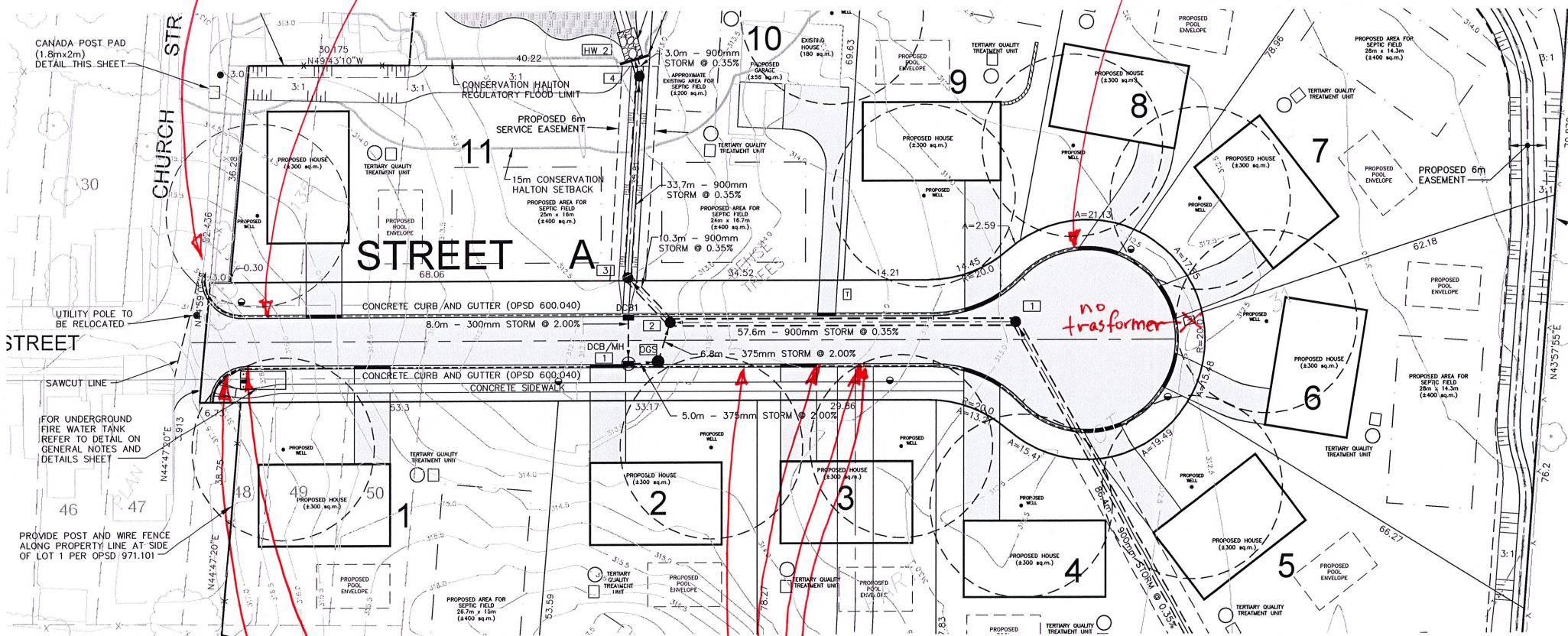
Michael Dessureault, P.Eng.
Senior Project Manager / Civil Engineer

MD/jm
Attach.

c.c. Dave Bouck, Davan Group (email - PDF)
Ron Schiedel, Greenhorizons Sod Farms (email - PDF)
Steve Schiedel, Greenhorizons Sod Farms (email - PDF)
Rob Stovel, Stovel and Associates (email - PDF)

chip - back
of curb.
164, 165

chip-back
of curb



no transformer ~~✗~~

- chips - face of curb (just to south (left) of crack)

cracked
curb 177, 178

cracked curb
(cut joint in)

179, 180

- Cracked curb - in hydro crossing

136, 137, 138, 143, 260

large chip - in edge of gutter

139,258

chip - back of curb

148, 149

* Approximate locations shown.

MD - Oct 8, 2019

site visit
- paving
today

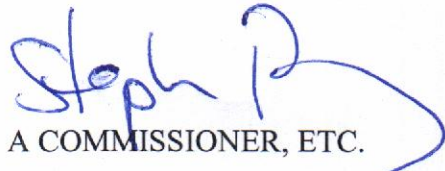
AND IN THE MATTER OF a reduction of the letter of credit granted to the Township of Puslinch (the "Township") by the Owner and issued by the Royal Bank of Canada with respect to the Subdivision registered as Plan 61M-230.

I, Ronald Schiedel, Vice-President and Secretary of DRS Developments Ltd. (the "Owner") a corporation incorporated under the laws of Ontario, SOLEMNLY DECLARE that:

1. The Owner has entered into and registered Subdivision Agreement on September 25, 2018 and registered a municipal plan known as Plan 61M-230 (the "Plan") on the 28 March, 2019 in the Wellington Land Registry Office. The lands contained in the Plan were subsequently sold to a third party and conveyed to public authorities.
2. I have personal knowledge of the fact that the items as provided for in the Subdivision Agreement (the "Works") and outlined in Exhibit 'A' ("Financial Obligations - Security Reduction #1") attached hereto have been completed, and corresponding values have been realized.
3. I have personal knowledge of the fact that and that all accounts for labour, subcontracts, products, services, and construction machinery and equipment which have been incurred directly by the owner in the performance of the Works for which the Owner might in any way be held responsible, have been paid in full up to and including June 17, 2020
3. This statutory declaration is given for no improper purpose and is given for the purpose of obtaining a reduction in the letter of credit granted to the Township in order to ensure completion of certain works as provided for in the Subdivision Agreement.

AND We make this solemn Declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and we understand that making a false declaration is a breach of the *Criminal Code of Canada*.

DECLARED before me
at the City of Cambridge
in the Regional Municipality of Waterloo
this 17 day of June 2020


A COMMISSIONER, ETC.

Stephen J.W. Penney
Barrister and Solicitor
Notary Public and Commissioner of Oaths
In and for the Province of Ontario.
My Commission is of unlimited duration.
No legal advice given:

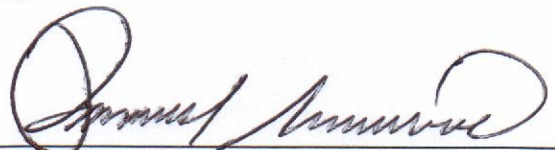

Ronald Schiedel, Vice-President Secretary of
DRS Developments Ltd.

EXHIBIT 'A'

Schedule 'D'						
Financial Obligations - Security Reduction #1						
DRS DEVELOPMENTS LIMITED (Stewart Farms Estates Subdivision)						
County of Wellington - File # 23T-10004						
The Corporation of the Township of Puslinch - File # L04DRS						
			Subdivider's Share		Value of LC Required	
Security Item	Total Value	% of Completed Works	Value of Completed Works	Value of Incomplete Works	Holdback - 25% of Incomplete Works	Value of Incomplete Works (125% Holdback)
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TOTAL PERFORMANCE GUARANTEE	\$ 1,034,277.01					\$ 243,956.71
LC Holdback of 125% of Incomplete Works (Security reduced to this amount)						\$ 243,956.71
Security Reduction Request Amount						\$ 790,320.30

Approved by:

Date:



REPORT PW-2020-006

TO: Mayor and Members of Council

FROM: Glenn Schwendinger CAO/Clerk
Mike Fowler, Director of Public Works, Parks, and Facilities

MEETING DATE: August 12, 2020

SUBJECT: Capital Project Update - Moyers Bridge and Soccer Field
File: T09-MOY & R04-PUS

RECOMMENDATIONS

THAT Report PW-2020-006 regarding Capital Project Update - Moyers Bridge and Soccer Field be received for information.

DISCUSSION

Purpose

To update Council on the status of the Moyers Bridge and Soccer Field projects

Background

As Council is well aware, there were some delays on the above mentioned projects. The following information is provided for council's information.

Moyer's Bridge

Some challenges were encountered obtaining final regulatory approvals for this project. There were potential implications on the construction process that would have resulted in significant cost increases and further delays in construction. Township staff and the Township's engineer were able to develop an approach that met the Township's needs and which also addressed the regulatory concerns expressed. This project is now out to tender, and the closes on August 13, 2020. Construction is currently anticipated to start August 31, 2020 with completion approximately October 5, 2020. Once tender is awarded for Moyers Bridge, dependent upon contractor availability, a second tender will be issued for the pulverization and repaving of

Concession Road 7. The approximate commence date is October 12, 2020 with the estimated completion date being October 16, 2020, weather dependant. This project remains on budget and funding programs remain in place.

Soccer Fields

Just prior to issuing the tender for construction, it was determined that additional information was required. This information has been satisfactorily obtained and the previously prepared design is being reviewed. Following determination that the design remains acceptable, this project will go to tender this fall to enable consideration and incorporation of the project in the 2021 budget which will enable construction to commence in the spring of 2021. The previously secured funding for this project remains in place with the condition of commencement of construction by May 1. 2021.

FINANCIAL IMPLICATIONS

None

APPLICABLE LEGISLATION AND REQUIREMENTS

None

ATTACHMENTS

None

July 9, 2020

To Our Development Charge Clients:

Re: COVID-19 Economic Recovery Act, 2020 – Changes to the Development Charges Act and the Planning Act (as per the Community Benefits Charge)

On behalf of our many municipal clients, we are continuing to provide the most up to date information on the proposed changes to the *Development Charges Act* (D.C.A.) and proposed community benefits charges (C.B.C.) under the *Planning Act*. As of yesterday, the Province of Ontario released Bill 197 which amends a number of Acts, including the D.C.A. and the *Planning Act*. This Bill is entitled *COVID-19 Economic Recovery Act, 2020*.

By way of this letter, we are providing a high-level summary of the changes along with a copy of the bill. Subsequently, we will be providing a full evaluation and summary of the D.C. and C.B.C. legislative changes.

1. Changes to D.C.A.

D.C.A. Section Reference	Proposed Changes
2 (4)	<p>List of eligible D.C. services</p> <p>Items 1 through 11 were initially introduced by Bill 108. Subsequent refinements through draft regulations added back items 12 through 15 (which have been reaffirmed), and 16 through 20 have been subsequently added.</p> <ol style="list-style-type: none"> 1. Water supply services, including distribution and treatment services. 2. Waste water services, including sewers and treatment services. 3. Storm water drainage and control services. 4. Services related to a highway as defined in subsection 1 (1) of the <i>Municipal Act, 2001</i> or subsection 3 (1) of the <i>City of Toronto Act, 2006</i>, as the case may be. 5. Electrical power services. 6. Toronto-York subway extension, as defined in subsection 5.1 (1). 7. Transit services other than the Toronto-York subway extension. 8. Waste diversion services. 9. Policing services.



D.C.A. Section Reference	Proposed Changes
	<ul style="list-style-type: none"> 10. Fire protection services. 11. Ambulance services. 12. Services provided by a board within the meaning of the <i>Public Libraries Act</i>. 13. Services related to long-term care. 14. Parks and recreation services, but not the acquisition of land for parks. 15. Services related to public health. 16. Child care and early years programs and services within the meaning of Part VI of the <i>Child Care and Early Years Act, 2014</i> and any related services. 17. Housing services. 18. Services related to proceedings under the <i>Provincial Offences Act</i>, including by-law enforcement services and municipally administered court services. 19. Services related to emergency preparedness. 20. Services related to airports, but only in the Regional Municipality of Waterloo. 21. Additional services as prescribed <p>Note: removal of 10% deduction for soft services under <i>More Homes, More Choice Act, 2019</i> has been maintained.</p>
2 (4.1)	<p>Eligible Services in D.C. vs. C.B.C.</p> <p>A C.B.C. may be imposed with respect to the services listed above (s. 2 (4)), “provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law.”</p>
7	<p>Classes of Services</p> <p>Present legislation allows for categories of services to be grouped together into a minimum of two categories (90% and 100% services).</p> <p>The Bill proposes to repeal that and replace it with the four following subsections:</p>



D.C.A. Section Reference	Proposed Changes
	<p>(1) A D.C. by-law may provide for any eligible service or capital cost related to any eligible service to be included in a class, set out in the by-law.</p> <p>(2) A class may be composed of any number or combination of services and may include parts or portions of the eligible services or parts or portions of the capital costs in respect of those services.</p> <p>(3) A D.C. by-law may provide for a class consisting of studies in respect of any eligible service whose capital costs are described in paragraphs 5 and 6 of s. 5 (3) of the D.C.A.</p> <p>(4) A class of service set out in the D.C. by-law is deemed to be a single service with respect to reserve funds, use of monies, and credits.</p> <p>Note: an initial consideration of “class” appears to mean <i>any</i> group of services.</p>
9.1	<p>Transitional Matters with Respect to C.B.C.</p> <p>Note: in reference to the two provisions below, “specified date” means the day that is two years after the day s. 1 (2) (i.e. eligible services) of Schedule 3 to the <i>COVID-19 Economic Recovery Act, 2020</i> comes into force.</p> <p>The Bill provides the following two provisions for transitional matters:</p> <ul style="list-style-type: none">• If a D.C. by-law expires before the specified date, the charges related to any services other than the services in paragraphs 1 to 10 (s. 2 (4) identified above) remain in force until the day its repealed, or the municipality passes a C.B.C., or the specified date.• If a D.C. by-law expires on or after the specified date, charges related to non-eligible services remain in effect until the earlier of the date the by-law is repealed, the day the municipality passes a C.B.C. (only applies to local municipality), or the specified date. <p>Note: with respect to the above, the initial time horizon proposed by prior Bills allowed for a one-year transition to a C.B.C. regime, whereas this Bill provides for a two-year transition.</p>



D.C.A. Section Reference	Proposed Changes
26.2	<p>Transition, Eligible Services</p> <p>The Bill appears to provide two transitional provisions with respect to eligible services:</p> <ul style="list-style-type: none">• For local municipalities, the dates are the earlier of passing a C.B.C. or the “specified date.”• For upper-tier municipalities, the date is only the “specified date.”

Note: there are additional transitional and housekeeping changes provided which are to be considered when moving to the new regime.

2. Changes to the *Planning Act* regarding Community Benefits Charges (C.B.C.)

The *Planning Act* has been amended to repeal the existing section 37 and replace it with the C.B.C. authority. The following provides a summary of the changes to the C.B.C. legislation as proposed under the *More Homes, More Choice Act, 2019* with reference to specific subsections.

Planning Act Section Reference	Proposed Changes
37 (1)	<p>Specified date</p> <p>Has the same meaning as in the changes to the D.C.A. (i.e. two years after this Act comes into force).</p>
37 (2)	<p>Community Benefits Charge By-law</p> <p>Amended to allow a Council of a local municipality to may pass a C.B.C. by-law for capital costs of facilities, services, and matters required because of development or redevelopment in the area to which the by-law applies.</p>



Planning Act Section Reference	Proposed Changes
37 (4)	<p>Excluded Development or Redevelopment</p> <p>A C.B.C. may not be imposed on development and/or redevelopment of:</p> <ul style="list-style-type: none">• A proposed building or structure with fewer than five storeys at or above ground;• A proposed building or structure with fewer than 10 residential units;• Such types as prescribed. <p>Note: it appears that this provision would eliminate all low- and perhaps medium-density developments from paying a C.B.C. It is unclear how non-residential development would be addressed within these calculations.</p>
37 (5)	<p>Relationship to D.C.s</p> <p>A C.B.C. may be imposed with respect to the services listed in s. 2 (4) of the D.C.A. or with respect to parkland or other public recreation purposes, provided that the capital costs that are intended to be funded by the C.B.C. are not a D.C. by-law or parkland dedication.</p> <p>Note: similar to what was provided above (s. 2 (4.1) of the D.C.A.).</p>
37 (12)	<p>Limitation</p> <p>Only one C.B.C. by-law may be in effect in a local municipality at a time.</p>
(49) to (51)	<p>Transition, Special Account and Reserve Funds</p> <p>Generally, for existing reserve funds:</p> <p><u>Related to D.C. services that will be ineligible</u></p> <ul style="list-style-type: none">• If a C.B.C. is passed, the funds are transferred to the C.B.C. special account;• If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose;



Planning Act Section Reference	Proposed Changes
	<ul style="list-style-type: none">• If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account. <p><u>For reserve funds established under s. 37 of the <i>Planning Act</i> (e.g. bonus zoning)</u></p> <ul style="list-style-type: none">• If a C.B.C. is passed, the funds are transferred to the C.B.C. special account;• If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose;• If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account.
(52) and (53)	Credits under the D.C.A. If a municipality passes a C.B.C. by-law, any existing D.C. credits a landowner may retain may be used towards payment of that landowner's C.B.C.
37.1	Transitional Matters There are a number of transitional matters provided for moving from the current s. 37 to the C.B.C. regime.

As noted above, Watson will be conducting an in-depth analysis regarding the proposed changes which we will share with our municipal clients. We note that there may be further questions and concerns which we may advance to the Province after our detailed review of this Bill and potential regulation(s). We will continue to monitor the legislative changes and keep you informed. Further, there will be opportunities for municipalities to provide comments and/or written submissions through the provincial process.

Yours very truly,

WATSON & ASSOCIATES ECONOMISTS LTD.

Gary D. Scandlan, BA, PLE
Director

Andrew Grunda, MBA, CPA, CMA
Principal



Appendix A

Bill 197: COVID-19 Economic
Recovery Act, 2020

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO
69 ELIZABETH II, 2020

Bill 197

An Act to amend various statutes in response to COVID-19 and to enact, amend and repeal various statutes

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading July 8, 2020

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 BUILDING CODE ACT, 1992

The Schedule amends several provisions of the *Building Code Act, 1992* to change regulation-making authority from the Lieutenant Governor in Council to the Minister of Municipal Affairs and Housing. It also clarifies the scope of certain regulation-making authorities, including the authority to make regulations by adopting certain documents by reference.

SCHEDULE 2 CITY OF TORONTO ACT, 2006

The Schedule amends several provisions of the *City of Toronto Act, 2006* to allow the procedure by-law to provide for electronic participation in meetings and to provide for proxy voting.

SCHEDULE 3 DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997*. The amendments repeal and replace certain amendments made by the *More Homes, More Choice Act, 2019* that are not yet in force and make changes to other provisions that were enacted in that Act. Elements of those amendments are retained, but the following changes and additions are made.

The list of services in subsection 2 (4) of the Act for which a development charge can be imposed is expanded from the list that was included in the *More Homes, More Choice Act, 2019*. A new subsection 2 (4.1) sets out the relationship between development charges and the community benefits charges that can be imposed by by-law under the *Planning Act*.

Section 7 of the Act currently provides for services to be grouped into categories within a development charge by-law. The Schedule repeals and replaces section 7 to provide for services to be included in classes which can be composed of any number or combination of services, including parts or portions of the services listed in subsection 2 (4) of the Act or parts or portions of the capital costs listed in subsection 5 (3) in respect of those services. A class set out in a by-law is deemed to be a single service for the purposes of the Act in relation to reserve funds, the use of money from reserve funds and credits.

Transitional rules that were added as section 9.1 of the Act by the *More Homes, More Choice Act, 2019* with respect to the duration of development charge by-laws are repealed and replaced. Related changes are made to transitional rules in section 26.2 of the Act with respect to the determination of the amount of a development charge.

A new section 33.1 provides transitional rules with respect to reserve funds established by upper-tier municipalities for services for which a development charge can no longer be imposed.

Regulation-making powers are added with respect to transitional matters.

SCHEDULE 4 DRAINAGE ACT

The Schedule amends the *Drainage Act*. The majority of the amendments relate to the service of documents and to the processes involved in amending engineers' reports, approving improvement projects and requesting environmental appraisals.

Other technical amendments are made.

SCHEDULE 5 EDUCATION ACT

The *Education Act* is amended in respect of various issues.

An amendment is made to remove the requirement that directors of education must be supervisory officers that are qualified as teachers. The Act is also amended to provide that if regulations prescribe qualifications for directors of education, boards shall not appoint or employ a person as a director of education unless the person holds those qualifications. Related amendments are made to regulation-making powers under the Act.

The Act is amended to provide that the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils in either a residential or non-residential setting for the 2020-2021 school year.

Sections 185 and 188 of the Act are amended to allow persons, other than parents or guardians of pupils or prescribed persons, to be prescribed for the purpose of providing written notice to a board that a pupil or prescribed person intends to attend a prescribed school under section 185 or a school of the board under section 188, as the case may be. Sections 185 and 188 are also amended to add regulation-making powers relating to prescribing the persons who may provide notice, governing the conditions under which that notice may be provided by such persons and authorizing the collection of personal information in the process of providing that notice.

Finally, the Act is amended to authorize regulations providing that pupils in specified grades of elementary school shall not be suspended, or that such suspensions may only occur in the prescribed circumstances. Related amendments are made.

SCHEDULE 6

ENVIRONMENTAL ASSESSMENT ACT

The Schedule amends the *Environmental Assessment Act* in order to modernize environmental assessment requirements under the Act. The amendments in the Schedule will come into force in three phases in order to transition gradually to a more modern approach to environmental assessments. The most significant amendments are outlined below.

Currently the Act applies to enterprises and activities and proposals, plans and programs in respect of those enterprises and activities, both public and private, that are set out in section 3 and referred to in the Act as undertakings. This approach has required that many undertakings be exempted from the Act by regulation, by order or otherwise under the Act. The amendments remove references to undertakings from the Act and give the Lieutenant Governor in Council the power to make regulations designating enterprises and activities, and proposals, plans and programs in respect of enterprises and activities, as projects to which the Act applies. Environmental assessments will only be required for projects that are designated. The projects could be designated as Part II.3 projects or Part II.4 projects.

The amendments repeal Parts II and II.1 of the Act and replace them with Parts II.3 and II.4. Currently, Part II of the Act requires persons to obtain the approval of the Minister or of the Tribunal before proceeding with an undertaking. The Part outlines the environmental assessment process that the person must complete in order to obtain the approval. The new Part II.3 continues the requirements and environmental assessment process that applied to undertakings under Part II so that they apply, with some modifications, to Part II.3 projects. An undertaking that was approved by the Minister under Part II is deemed to be a Part II.3 project when that Part comes into force.

The existing Part II.1 allows a person to obtain the approval of the Minister or the Tribunal for a class environmental assessment in respect of a class of undertakings. The proponents of undertakings under an approved class environmental assessment are entitled to follow an environmental assessment process described in the approval that is less onerous than the Part II process. As of the day the Bill receives Royal Assent, no further class environmental assessments will be approved. When Part II.4 is eventually proclaimed into force, it will replace the approved class environmental assessments under Part II.1 with a streamlined environmental assessment process that will be set out in the regulations. The streamlined environmental assessments will apply to projects that are designated as Part II.4 projects. The 10 approved class environmental assessments that currently exist shall continue to apply to undertakings in each class until all 10 are revoked and replaced, where appropriate, by regulations designating Part II.4 projects and setting out the prescribed requirements, including the streamlined environmental assessment, for those projects.

Section 16 of Part II.1 currently allows the Minister to make orders with respect to undertakings under an approved class environmental assessment to require the proponents of such undertakings to comply with the environmental assessment process in Part II instead of following the approved class environmental assessment. The Minister may also, by order, impose conditions on such undertakings. The amendments limit the Minister's authority to make orders on the Minister's own initiative to a time period determined in accordance with new section 16.1. This new time limit will take effect when the Bill receives Royal Assent.

When Part II.4 comes into force, new section 17.31 will give the Minister the power to make orders with respect to Part II.4 projects that are similar to orders made under section 16 with respect to undertakings in approved class environmental assessments. Under section 17.31, the Minister may make an order declaring Part II.4 projects to be Part II.3 projects and thus requiring proponents of Part II.4 projects to comply with the environmental assessment process in Part II.3 instead of the streamlined environmental assessment set out in the regulations. The Minister will also have the ability to make orders imposing requirements on Part II.4 projects. The Minister's power to make orders under section 17.31 on his or her own initiative will be subject to time limits set out in the regulations.

Other important amendments to the *Environmental Assessment Act* include the following:

1. New section 2.1 is a non-derogation provision to preserve existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.
2. New section 6.0.1 in Part II requires a proponent of an undertaking to establish a landfilling site to obtain municipal support for the undertaking in accordance with that section. An equivalent section is included in Part II.3 with respect to projects to establish landfilling sites.
3. Section 9 is amended to allow the Minister to include in the approval of an undertaking a process governing changes that may be made to the undertaking after the approval is given. These amendments are reflected in Part II.3 with respect to the approval of Part II.3 projects.
4. New section 11.5 in Part II provides a 10-year expiry date for approvals that were given before the section comes into force if they did not specify an expiry date. The Minister is given the power to exempt undertakings from this section by regulation. An equivalent section is included in Part II.3 with respect to Part II.3 projects.
5. Part II.2, which currently deals with undertakings to dispose of waste proposed or carried out by municipalities, is repealed.
6. Many amendments to various provisions throughout the Act are required to transition from environmental assessments of undertakings under Parts II and II.1 to environmental assessments of designated projects under Parts II.3 and II.4. A

new Part V.1 is enacted to provide for various transitional matters. It includes new regulation-making powers in respect of transitional matters.

7. The regulation-making powers under Part VI are amended. New regulation-making powers governing Part II.4 projects are included.

The Schedule includes consequential amendments to several other Acts.

SCHEDULE 7 FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

The *Farm Registration and Farm Organizations Funding Act, 1993* is amended. The amendments relate to the following matters:

1. The process by which a person who has been denied a farming business registration number may appeal to the Agriculture, Food and Rural Affairs Appeal Tribunal.
2. The eligibility of a francophone organization to continue to receive special funding under the Act.
3. The power to make regulations governing how documents are to be given or served under the Act.

SCHEDULE 8 JUSTICES OF THE PEACE ACT

The Schedule amends the *Justices of the Peace Act*. The major elements are set out below.

The Act is amended with respect to the composition and functions of the Justices of the Peace Appointments Advisory Committee. The qualifications that are currently in section 2.1 of the Act are moved to section 2 of the Act. The composition of the Committee is changed to have three core members and fewer regional members. Certain records and other information collected, prepared, maintained or used by the Committee are to be kept in confidence. The amendment to section 2 of the Act requires the Attorney General to keep information in relation to the appointment or consideration of an individual as a justice of the peace confidential. The Committee is required to include statistics about the sex, gender, race and other characteristics of all candidates who volunteer that information in its annual report.

The functions of the Committee are amended. The Committee shall continue to classify all candidates for a justice of the peace position, although the wording of the classification has changed to “Not Recommended”, “Recommended” and “Highly Recommended”. The Committee submits a list of all candidates and their classifications to the Attorney General. The Attorney General may only recommend a candidate who has been classified as “Recommended” or “Highly Recommended” to fill a justice of the peace position.

The Attorney General may reject the Committee’s recommendations and require that a new list be prepared.

The Attorney General may recommend criteria to be included in the criteria the Committee establishes for the advertising, review and evaluation process.

New section 2.3 deals with transition issues. It authorizes the Attorney General to terminate the appointment of members of the Committee for the purpose of transitioning the Committee’s composition to the new composition specified in the re-enacted section 2.1. It limits compensation and damages and bars certain causes of action and proceedings.

SCHEDULE 9 MARRIAGE ACT

Currently, the *Marriage Act* provides that a marriage licence is valid for three months. The Schedule amends the Act to provide that if the three-month validity period includes a period in which there is an emergency declared throughout Ontario, the licence remains valid throughout the period of emergency and until 24 months after the emergency ends, if particular conditions are met.

SCHEDULE 10 MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

The Schedule adds section 12 to the *Ministry of Municipal Affairs and Housing Act*. Section 12 establishes the Provincial Land and Development Facilitator. Section 12 also sets out the functions of the Facilitator. The Facilitator shall, at the direction of the Minister, advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests. The Facilitator shall perform such other functions as the Minister may specify.

SCHEDULE 11 MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

The Schedule enacts the *Modernizing Ontario for People and Businesses Act, 2020* and repeals the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017*. The new Act enacts many of the provisions currently in the *Burden Reduction Reporting Act, 2014* and the *Reducing Regulatory Costs for Business Act, 2017*. The most significant

difference is that the requirements under the *Reducing Regulatory Costs for Business Act, 2017* relating to regulations would also apply to draft bills under the new Act.

The Act provides various measures in the interest of reducing regulatory costs for business.

When certain instruments governed by the Act are made or approved and have the effect of creating or increasing administrative costs to business, an offset must be made within a prescribed time.

An analysis that assesses the potential impact of what is proposed must be conducted where instruments governed by the Act are made or approved, and the analysis must be published.

When developing instruments governed by the Act, every minister shall have regard to various principles such as adopting recognized standards; applying less onerous requirements on small businesses; providing digital services to stakeholders and reducing unnecessary reporting.

Businesses required to provide documents to ministries as a result of an instrument will have the option to transmit those documents electronically.

Businesses that demonstrate excellent compliance with regulatory requirements are to be recognized by the Government.

The Minister is required to publish an annual report with respect to actions taken by the Government of Ontario to reduce burdens.

SCHEDULE 12 MUNICIPAL ACT, 2001

The Schedule amends several provisions of the *Municipal Act, 2001* to allow the procedure by-law to provide for electronic participation in meetings and to provide for proxy voting.

SCHEDULE 13 OCCUPATIONAL HEALTH AND SAFETY ACT

Currently, subsection 70 (2) of the *Occupational Health and Safety Act* includes the authority to make regulations that adopt by reference certain codes, standards, criteria and guides. An amendment is made to provide that the power to adopt codes, standards, criteria and guides includes the power to adopt them as they may be amended from time to time.

SCHEDULE 14 ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY ACT

The Schedule amends the *Ontario Educational Communications Authority Act* to provide that its objects include supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities and discharging any prescribed duties. Related regulation-making powers are added.

SCHEDULE 15 ONTARIO FRENCH-LANGUAGE EDUCATIONAL COMMUNICATIONS AUTHORITY ACT, 2008

The Schedule amends the *Ontario French-language Educational Communications Authority Act, 2008* to provide that its objects include supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities and discharging any prescribed duties. Related regulation-making powers are added.

SCHEDULE 16 PAYDAY LOANS ACT, 2008

The Schedule amends the *Payday Loans Act, 2008* to add section 32.1. Section 32.1 sets a maximum interest rate of 2.5 per cent per month (not to be compounded) on the outstanding principal under a payday loan agreement if the advance under the agreement is \$1,500 or less and the term of the agreement is 62 days or less. The amount of the advance and the term of the agreement required for section 32.1 to apply can be changed by regulation, as can the maximum interest rate that may be charged.

Section 33 of the Act is also amended so that, unless the regulations provide otherwise, a fee no greater than \$25 may be charged for a dishonoured cheque, pre-authorized debit or other instrument of payment. A lender cannot impose such a fee more than once with respect to each payday loan agreement.

The Schedule also adds subsection 44 (1.1) to the Act, which provides that a payment referred to in subsection 44 (1) includes interest or a default charge received by a licensee from a borrower to which the licensee is not entitled under the Act or that the borrower is not liable to pay under the Act.

SCHEDULE 17 PLANNING ACT

The Schedule amends the *Planning Act*.

Amendments related to community benefits charges

Amendments in the Schedule repeal and replace certain amendments made by the *More Homes, More Choice Act, 2019* and the *Plan to Build Ontario Together Act, 2019* that are not yet in force. Elements of those amendments are retained, other elements are changed and new elements are added.

Sections 37 and 37.1 of the Act are replaced. The re-enacted section 37 permits the council of a local municipality to impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. Subsection 37 (4) provides that a community benefits charge may not be imposed with respect to development or redevelopment of fewer than 10 residential units or in respect of buildings or structures with fewer than five storeys.

Subsection 37 (5) sets out the relationship between community benefits charges and the development charges that can be imposed by by-law under the *Development Charges Act, 1997* and those that can be funded from the special account used for the acquisition of land to be used for park or other public recreational purposes.

Other provisions in the re-enacted section 37 continue to set out various procedural matters related to the making of a community benefits charge by-law, the process for appealing the by-law to the Local Planning Appeal Tribunal and the resolution of disputes in cases where the landowner is of the view that the charge exceeds the maximum allowable charge.

Transitional matters continue to be provided for, both in the re-enacted section 37 and in the re-enacted section 37.1.

Section 42 of the Act is amended with respect to the alternative parkland rate that can be imposed by by-law. The amendments set out various procedural matters related to the passing of a by-law with respect to the alternative parkland rate and the process for appealing the by-law to the Local Planning Appeal Tribunal. Limitations are imposed with respect to the powers of the Local Planning Appeal Tribunal on an appeal of a by-law under section 42. Rules are included with respect to refunds after a successful appeal.

Amendments related to Minister's zoning orders

Currently, under section 47 of the *Planning Act*, the Minister may make orders exercising zoning powers. The Schedule amends section 47 of the Act to give the Minister enhanced order-making powers relating to specified land. "Specified land" is defined as land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005* (which includes areas covered by the Oak Ridges Moraine Conservation Plan, areas covered by the Niagara Escarpment Plan and areas described in the regulations made under the *Greenbelt Act, 2005*).

The enhanced order-making powers include powers in relation to site plan control and inclusionary zoning. Among other things, this provides the Minister with the ability to require the inclusion of affordable housing units in the development or redevelopment of specified lands, buildings or structures.

Also, among other things, a Minister's order relating to specified land may require that the owner of the specified land enter into an agreement with the relevant municipality respecting specified matters related to development on the land and conditions required for the approval of plans and drawings in a site plan control area. The amendments provide that the Minister may give direction to the parties concerning the agreement. An agreement is of no effect to the extent that it does not comply with the Minister's direction, whether the Minister's direction is given before or after the agreement has been entered into.

SCHEDULE 18 PROVINCIAL OFFENCES ACT

The Schedule makes various amendments, including the following amendments, to the *Provincial Offences Act*.

Under section 5 of the Act, a notice of intention to appear that is included in an offence notice is in some cases required to be filed in person. The section is amended in the first instance to permit notices of intention to appear to be given by mail or in another manner. Subsequent amendments to the section remove reference to a requirement to file a notice of intention to appear in person.

Section 5.1 of the Act is amended so that if an offence notice indicates that an option of a meeting with the prosecutor to discuss the resolution of the offence is available, the meeting may be held by electronic method under section 83.1 of the Act. In particular, the amendments remove a precondition to a meeting by electronic method that either the defendant or the prosecutor be unable to attend the meeting because of remoteness. Complementary amendments are made to section 11 of the Act.

Section 17.1 of the Act applies if a parking infraction notice requires a notice of intention to appear to be filed in person. Amendments are made to the section to permit the filing requirement to be met without personal attendance. Similarly, section 18.1.1 of the Act applies if a notice of impending conviction requires a notice of intention to appear to be filed in person, and amendments are made to that section to permit the filing requirement to be met without personal attendance.

Section 26 of the Act is amended to permit the Lieutenant Governor in Council to make regulations specifying additional methods by which a summons may be served by a provincial offences officer.

Section 45 of the Act is amended to add additional criteria to be met before a court can accept a plea of guilty from a defendant who is making the plea by electronic method under section 83.1 of the Act.

Section 83.1 of the Act is re-enacted in order to expand the circumstances in which a person may participate in a proceeding under the Act, or in a step in a proceeding, by electronic method, as defined in that section.

Section 158.1 of the Act is amended to replace telewarrants — an information given by a means of telecommunication that produces a writing — with electronic warrants, to reflect other electronic communication technologies.

Finally, the French versions of various provisions of the Act are amended to update terminology and correct errors.

SCHEDULE 19 PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

The Schedule eliminates hearings of necessity for expropriations of property under the Act and provides that the Minister may establish a process for receiving comments from property owners about such expropriations.

SCHEDULE 20 TRANSIT-ORIENTED COMMUNITIES ACT, 2020

The Schedule enacts a new *Transit-Oriented Communities Act, 2020*, which also amends the *Ministry of Infrastructure Act, 2011*.

Transit-Oriented Communities Act, 2020

The *Transit-Oriented Communities Act, 2020* permits the Lieutenant Governor in Council to designate land as transit-oriented community land if specified conditions apply. The Act defines “transit-oriented community project” for the purpose.

The Act provides that if land, any part of which is transit-oriented community land, is expropriated in specified circumstances, a related hearings process under the *Expropriations Act* does not apply in relation to the expropriation. The Act permits the establishment of a process for receiving and considering comments from property owners respecting a proposed expropriation of such land.

Ministry of Infrastructure Act, 2011

The *Ministry of Infrastructure Act, 2011* is amended to permit the Minister to make investments supporting or developing transit-oriented community projects related to priority transit projects.

**An Act to amend various statutes in response to COVID-19
and to enact, amend and repeal various statutes**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *COVID-19 Economic Recovery Act, 2020*.

**SCHEDULE 1
BUILDING CODE ACT, 1992**

1 The French version of subsection 4.1 (3) of the *Building Code Act, 1992* is amended by striking out “assortir celle-ci” and substituting “assortir la délégation”.

2 Subsection 7 (1) of the Act is amended by striking out “Lieutenant Governor in Council” in the portion before clause (a) and substituting “Minister”.

3 (1) Section 34 of the Act is amended by adding the following subsection:

Regulations

(0.1) The Minister may make such regulations as are desirable governing standards for the construction and demolition of buildings.

(2) Subsection 34 (1) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Same

(1) Without limiting the generality of subsection (0.1), the Minister may make regulations,

.

(3) Paragraph 9 of subsection 34 (1) of the Act is repealed.

(4) Section 34 of the Act is amended by adding the following subsection:

Adoption by reference

(1.1) The Minister may make regulations adopting by reference any of the following documents, in whole or in part, with such changes as the Minister considers necessary, and requiring compliance with any provision of a document so adopted:

1. The National Building Code of Canada 2015, the National Plumbing Code of Canada 2015, the National Energy Code of Canada for Buildings 2017, the National Farm Building Code of Canada 1995 or any subsequent versions of those codes.
2. A code, formula, standard, guideline, protocol or procedure that requires any part of the construction of a building to be designed by an architect or a professional engineer or a combination of both.
3. Any other code, formula, standard, guideline, protocol or procedure.

(5) Subsections 34 (2) to (2.3) of the Act are amended by striking out “Lieutenant Governor in Council” wherever it appears and substituting in each case “Minister”.

(6) Clause 34 (2) (a) of the Act is amended by striking out “subsection (1)” and substituting “subsections (0.1) and (1)”.

Commencement

4 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 2
CITY OF TORONTO ACT, 2006**

1 (1) Subsection 189 (4) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Electronic participation

(4) The applicable procedure by-law may provide that a member of city council, of a local board of the City or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(2) Subsection 189 (4.1) of the Act is repealed.

(3) Subsection 189 (4.2) of the Act is repealed and the following substituted:

Same

(4.2) The applicable procedure by-law may provide that,

- (a) a member of city council, of a local board of the City or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of city council, of a local board of the City or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

(4) Subsection 189 (4.3) of the Act is repealed and the following substituted:

Same, procedure by-law

(4.3) The city council or a local board of the City may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (4.2).

(4.3.1) A member participating electronically in such a special meeting described in subsection (4.3) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 The Act is amended by adding the following section:

Proxy votes

194.1 (1) The procedure by-law passed under section 189 may provide that, in accordance with a process to be established by the clerk, a member of city council may appoint another member of city council as a proxy to act in their place when they are absent.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of city council to act as a proxy under subsection (1):

1. A member shall not act as a proxy for more than one member of city council at any one time.
2. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
3. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
4. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
5. Where a recorded vote is requested under subsection 194 (4), the clerk shall record the name of each proxyholder, the name of the member of city council for whom the proxyholder is voting and the vote cast on behalf of that member.
6. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 204 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- (a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and

- (b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5(1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 3
DEVELOPMENT CHARGES ACT, 1997**

1 (1) Subsection 2 (3) of the *Development Charges Act, 1997* is repealed and the following substituted:

Same

(3) An action mentioned in clauses (2) (a) to (g) does not satisfy the requirements of subsection (2) if the only effect of the action is to,

- (a) permit the enlargement of an existing dwelling unit; or
- (b) permit the creation of additional dwelling units as prescribed, subject to the prescribed restrictions, in prescribed classes of existing residential buildings or prescribed structures ancillary to existing residential buildings.

Exemption for second dwelling units in new residential buildings

(3.1) The creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including structures ancillary to dwellings, is, subject to the prescribed restrictions, exempt from development charges.

(2) Subsection 2 (4) of the Act is repealed and the following substituted:

What services can be charged for

(4) A development charge by-law may impose development charges to pay for increased capital costs required because of increased needs for the following services only:

1. Water supply services, including distribution and treatment services.
2. Waste water services, including sewers and treatment services.
3. Storm water drainage and control services.
4. Services related to a highway as defined in subsection 1 (1) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be.
5. Electrical power services.
6. Toronto-York subway extension, as defined in subsection 5.1 (1).
7. Transit services other than the Toronto-York subway extension.
8. Waste diversion services.
9. Policing services.
10. Fire protection services.
11. Ambulance services.
12. Services provided by a board within the meaning of the *Public Libraries Act*.
13. Services related to long-term care.
14. Parks and recreation services, but not the acquisition of land for parks.
15. Services related to public health.
16. Child care and early years programs and services within the meaning of Part VI of the *Child Care and Early Years Act, 2014* and any related services.
17. Housing services.
18. Services related to proceedings under the *Provincial Offences Act*, including by-law enforcement services and municipally administered court services.
19. Services related to emergency preparedness.
20. Services related to airports, but only in the Regional Municipality of Waterloo.
21. Additional services as prescribed.

Development charge — relationship to community benefits charge

(4.1) For greater certainty, nothing in this Act prevents a community benefits charge under section 37 of the *Planning Act* from being imposed with respect to the services listed in subsection (4), provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law.

2 Subparagraph 4 iii of subsection 5 (3) of the Act is amended by striking out “library board as defined in the *Public Libraries Act*” and substituting “board within the meaning of the *Public Libraries Act*”.

3 Section 7 of the Act is repealed and the following substituted:

Class of services

7 (1) A development charge by-law may provide for any service listed in subsection 2 (4) or the capital costs listed in subsection 5 (3) in respect of those services to be included in a class set out in the by-law.

Composition of class

(2) A class may be composed of any number or combination of services and may include parts or portions of the services listed in subsection 2 (4) or parts or portions of the capital costs listed in subsection 5 (3) in respect of those services.

Studies

(3) For greater certainty, a development charge by-law may provide for a class consisting of studies in respect of any service listed in subsection 2 (4) whose capital costs are described in paragraphs 5 and 6 of subsection 5 (3).

Effect of class

(4) A class of service set out in a development charge by-law is deemed to be a single service for the purposes of this Act in relation to reserve funds, the use of money from reserve funds and credits.

4 Section 9.1 of the Act is repealed and the following substituted:

Same, transitional matters

9.1 (1) In this section,

“specified date” means the day that is two years after the day subsection 1 (2) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

By-law — expiry before specified date

(2) Despite subsections 2 (4) and 9 (1), a development charge by-law that would expire on or after May 2, 2019 and before the specified date remains in force as it relates to any service other than the services described in paragraphs 1 to 10 of subsection 2 (4) until the earliest of,

- (a) the day it is repealed;
- (b) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*; and
- (c) the specified date.

By-law — expiry on or after specified date

(3) If a development charge by-law would expire on or after the specified date, the following rules apply in respect of the by-law as it relates to any service other than the services described in paragraphs 1 to 20 of subsection 2 (4):

1. Despite subsection 2 (4), the by-law continues to apply, even as it relates to the service, until the earliest of the days described in paragraph 2.
2. The days referred to in paragraph 1 are the following:
 - i. The day the by-law is repealed.
 - ii. In the case of a development charge by-law of a local municipality, the earlier of,
 - A. the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*; or
 - B. the specified date.
 - iii. In the case of a development charge by-law of an upper-tier municipality, the specified date.
3. The by-law is deemed to have expired, as it relates to the service, on the earliest of the dates mentioned in paragraph 2.

Services prescribed under para. 21 of subs. 2 (4)

(4) Subsection (3) does not apply in respect of the by-law as it relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) if the service is prescribed before the day referred to in subparagraph 2 ii or iii of subsection (3), as the case may be.

5 Subsection 9.2 (3) of the Act is amended by striking out “9.1 (1) or (2)” and substituting “9.1 (2)”.

6 The English version of subsection 18 (3) of the Act is amended by striking out “the time” wherever it appears and substituting in each case “the day”.

7 The English version of subsection 25 (2) of the Act is amended by striking out “the time” wherever it appears and substituting in each case “the day”.

8 Section 26.2 of the Act is amended by adding the following subsections:

Transition, eligible services

(6.1) Beginning on the day described in subsection (6.2), the total amount of a municipality's development charge for the purposes of subsection (1) shall not include the amount of a development charge in respect of a service unless the service is listed in subsection 2 (4).

Same

(6.2) The day referred to in subsection (6.1) is,

- (a) in the case of a local municipality, the earlier of,
 - (i) the day the municipality passes a community benefits charge by-law under subsection 37 (2) of the *Planning Act*, and
 - (ii) the specified date for the purposes of section 9.1; and
- (b) in the case of an upper-tier municipality, the specified date for the purposes of section 9.1.

9 The Act is amended by adding the following section:

Reserve funds — transition, upper-tier municipalities

33.1 (1) This section applies with respect to a reserve fund established by an upper-tier municipality in accordance with section 33 before the day subsection 1 (2) of Schedule 3 to the *COVID-19 Economic Recovery Act, 2020* comes into force for any services other than those described in paragraphs 1 to 20 of subsection 2 (4).

Non-application, reserve fund re services prescribed under para. 21 of subs. 2 (4)

(2) Despite subsection (1), this section does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) if the service is prescribed before the specified date for the purposes of section 9.1.

Deemed general capital reserve

(3) The following rules apply with respect to a reserve fund to which this section applies:

- 1. On the specified date for the purposes of section 9.1, the reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the reserve fund was collected.
- 2. Despite paragraph 1, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 1.

10 Clause 60 (1) (c) of the Act is repealed and the following substituted:

- (c) clarifying or defining terms used in subsection 2 (4) that are not already defined in or under this Act;
- (c.1) prescribing services for the purposes of paragraph 21 of subsection 2 (4);
- (c.2) governing transitional matters arising from additional services being prescribed under clause (c.1);

11 Section 60.1 of the Act is amended by adding the following clauses:

- (c) setting out transitional rules dealing with matters not specifically dealt with in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*;
- (d) clarifying the transitional rules set out in the amendments to this Act made by Schedule 3 to the *COVID-19 Economic Recovery Act, 2020*.

AMENDMENTS TO OTHER ACT

More Homes, More Choice Act, 2019

12 Section 2, subsection 3 (3), section 4 and subsections 5 (2) and (3), 8 (2) and 13 (3) of Schedule 3 to the *More Homes, More Choice Act, 2019* are repealed.

COMMENCEMENT

Commencement

13 (1) Subject to subsection (2), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Sections 1 to 11 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 4 DRAINAGE ACT

1 (1) The definition of “Minister” in section 1 of the *Drainage Act* is repealed and the following substituted:

“Minister” means the Minister of Agriculture, Food and Rural Affairs or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

(2) Section 1 of the Act is amended by adding the following definitions:

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

2 Clause 5 (1) (b) of the Act is repealed and the following substituted:

(b) if it decides to proceed with the drainage works, send notice of the petition and of its decision to the prescribed persons.

3 Subsection 6 (1) of the Act is repealed and the following substituted:

Notice that environmental appraisal is required

(1) A person who is prescribed by the regulations and who has received notice of the petition under clause 5 (1) (b) may, within 30 days after receiving the notice, send to the council of the initiating municipality a notice that an environmental appraisal of the effects of the drainage works on the area is required.

Cost

(1.1) The cost of an environmental appraisal required under subsection (1) shall be paid by the person who sends the notice requiring it.

4 Clause 8 (1) (e) of the Act is amended by adding “prescribed or” before “provided”.

5 (1) Subsection 10 (2) of the Act is repealed and the following substituted:

Consideration of report

(2) Upon the filing of the preliminary report, the council of the initiating municipality shall cause the clerk to send the prescribed persons a copy of the preliminary report and a notice of the date of the council meeting at which the preliminary report will be considered.

(2) Subsection 10 (7) of the Act is amended by striking out “clause (2) (a), (b) or (c)” and substituting “subsection (2)”.

(3) Subsection 10 (8) of the Act is repealed and the following substituted:

Referral to Tribunal

(8) The following persons may refer the environmental appraisal to the Tribunal:

1. If lands used for agricultural purposes are included in the area to be drained, the Minister.
2. In any other case, the prescribed persons.

6 Subsection 41 (1) of the Act is repealed and the following substituted:

Notice of drainage works

(1) Upon the filing of the engineer’s report, the council of the initiating municipality, if it intends to proceed with the drainage works, shall, within 30 days after the filing of the report, cause the clerk of the initiating municipality to send the prescribed persons a copy of the report and a notice stating,

- (a) the date on which the report was filed;
- (b) the name or other designation of the drainage works; and
- (c) the date of the council meeting at which the report will be considered.

7 Subsection 58 (4) of the Act is repealed.

8 Section 77 of the Act is repealed.

9 (1) Subsection 78 (1) of the Act is amended by striking out “projects listed in subsection (1.1)” and substituting “major improvement projects listed in subsection (1.1)”.

(2) Subsection 78 (1.1) of the Act is amended by striking out “projects” in the portion before paragraph 1 and substituting “major improvement projects”.

(3) Paragraph 5 of subsection 78 (1.1) of the Act is repealed and the following substituted:

5. Extending the drainage works to an outlet.

5.1 Improving or altering the drainage works if the drainage works is located on more than one property.

(4) Subsection 78 (1.1) of the Act is amended by adding the following paragraph:

8. Any other activity to improve the drainage works, other than an activity prescribed by the Minister as a minor improvement.

(5) Subsection 78 (2) of the Act is repealed and the following substituted:

Notice

(2) An engineer shall not be appointed under subsection (1) until 30 days after a notice has been sent to the following persons advising them of the municipality's intent to undertake the major improvement project:

1. The secretary-treasurer of each conservation authority that has jurisdiction over any lands that would be affected by the project.
2. The prescribed persons.

(6) Section 78 of the Act is amended by adding the following subsection:

Minor improvements to drainage works

(5) Despite subsections (2) to (4), the Minister may prescribe the process for approving minor improvements to a drainage works mentioned in paragraph 8 of subsection (1.1).

10 The Act is amended by adding the following section:

AMENDMENTS TO ENGINEER'S REPORT

Amendments to engineer's report

84.1 (1) This section applies with respect to engineer's reports that are prepared for the purpose of a petition under section 4 or for the purpose of section 78 and that are adopted by a municipal by-law.

Approval process

(2) The Minister may, by regulation, set out the process by which the engineer's report may be amended and the process by which those amendments are to be approved.

11 Section 105 of the Act is amended by striking out "constables".

12 (1) Section 125 of the Act is amended by adding the following clause:

- (c) prescribing any matter this Act describes as being prescribed or dealt with in the regulations.

(2) Section 125 of the Act is amended by adding the following subsections:

Adoption of guidelines, etc.

(2) A regulation may adopt by reference, in whole or in part, with the changes that the Minister considers necessary, any guideline, protocol or procedure, including a guideline, protocol or procedure established by the Minister, and may require compliance with any guideline, protocol or procedure so adopted.

Amendments to guidelines, etc.

(3) The power to adopt by reference and require compliance with a guideline, protocol or procedure in subsection (2) includes the power to adopt a guideline, protocol or procedure as it may be amended from time to time.

When effective

(4) The adoption of an amendment to a guideline, protocol or procedure that has been adopted by reference comes into effect upon the Ministry publishing notice of the amendment in *The Ontario Gazette* or in the registry under the *Environmental Bill of Rights, 1993*.

Commencement

13 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 5 EDUCATION ACT

1 Paragraph 26 of subsection 11 (1) of the *Education Act* is repealed and the following substituted:

powers and duties of teachers, etc.

26. prescribing the powers, duties and qualifications, and governing the appointment of teachers, designated early childhood educators, supervisors, supervisory officers, heads of departments, principals, superintendents, residence counsellors, school attendance counsellors and other officials;

powers and duties of directors of education

- 26.0.1 prescribing the powers and duties and governing the appointment of directors of education;

2 Section 13 of the Act is amended by adding the following subsection:

Exception, COVID-19

(5.0.1) Despite subsection (5), for the 2020-2021 school year, the Minister may, in response to the outbreak of the coronavirus (COVID-19), operate one or more demonstration schools for exceptional pupils described in that subsection in either a residential or non-residential setting.

3 (1) Paragraph 3 of subsection 185 (1) of the Act is amended by striking out “or” at the end of subparagraph ii, by adding “or” at the end of subparagraph iii and by adding the following subparagraph:

- iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil or person.

(2) Subsection 185 (10) of the Act is amended by adding the following clauses:

- (c.1) prescribing persons for the purposes of subparagraph 3 iv of subsection (1) who may provide written notice in respect of a pupil or person and governing the conditions under which notice may be provided by such a person;
- (c.2) authorizing personal information within the meaning of section 28 of the *Municipal Freedom of Information and Protection of Privacy Act* to be collected by boards, for the purpose of administering and implementing this section, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

4 (1) Paragraph 2 of subsection 188 (1) of the Act is amended by striking out “or” at the end of subparagraph ii, by adding “or” at the end of subparagraph iii and by adding the following subparagraph:

- iv. a person who is prescribed for the purpose of giving written notice in respect of a pupil.

(2) Subsection 188 (1.11) of the Act is amended by adding the following clauses:

- (a.1) prescribing persons for the purposes of subparagraph 2 iv of subsection (1) who may provide written notice in respect of a pupil and governing the conditions under which notice may be provided by such a person;
- (a.2) authorizing personal information within the meaning of section 28 of the *Municipal Freedom of Information and Protection of Privacy Act* to be collected by boards, for the purpose of administering and implementing this section, in a manner other than directly from the individual to whom the information relates and regulating the manner in which the information is collected;

5 The heading to Part XI of the Act is repealed and the following substituted:

PART XI DIRECTORS OF EDUCATION AND SUPERVISORY OFFICERS

6 Sections 279 and 280 of the Act are repealed and the following substituted:

Qualifications of director of education

279 (1) If qualifications for a director of education are required by the regulations, a board shall not appoint or employ a person as a director of education unless the person holds those qualifications.

Regulations

- (2) The Minister may make regulations prescribing the qualifications for directors of education.

Director of education and supervisory officers: district school boards

280 Every district school board shall, subject to the regulations, employ a director of education and such supervisory officers as it considers necessary to supervise all aspects of the programs under its jurisdiction.

Appointment of director of education: school authorities

281 (1) Two or more public school authorities may, with the approval of the Minister, agree to appoint a director of education to supervise all aspects of the programs under their jurisdictions.

Same

(2) Two or more Roman Catholic school authorities may, with the approval of the Minister, agree to appoint a director of education to supervise all aspects of the programs under their jurisdictions.

Abolition of position

(3) A school authority that appoints a director of education with the approval of the Minister shall not abolish the position of director of education without the approval of the Minister.

If no director of education

(4) If a school authority does not appoint a director of education, then a supervisory officer shall act as the director of education and perform all the duties of the director of education.

7 Subsection 283 (1) of the Act is repealed.

8 Subsection 306 (1) of the Act is amended by adding “Subject to a regulation made under clause 316 (1.1) (a)” at the beginning of the portion before paragraph 1.

9 Subsection 310 (1) of the Act is amended by adding “Subject to a regulation made under clause 316 (1.1) (a)” at the beginning of the portion before paragraph 1.

10 (1) Section 316 of the Act is amended by adding the following subsection:

Same

(1.1) The Lieutenant Governor in Council may make regulations,

- (a) providing that pupils in specified grades in elementary school shall not be suspended under section 306 or 310, or that such suspensions may only occur in the prescribed circumstances;
- (b) providing for transitional matters that are necessary or desirable in connection with a suspension that occurred under this Part before the day subsection 10 (1) of Schedule 5 to the *COVID-19 Economic Recovery Act, 2020* came into force.

(2) Subsection 316 (2) of the Act is amended by adding “or (1.1)” after “subsection (1)”.

(3) Subsection 316 (3) of the Act is amended by adding “or (1.1)” after “subsection (1)”.

Commencement

11 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

**SCHEDULE 6
ENVIRONMENTAL ASSESSMENT ACT**

1 (1) Subsection 1 (1) of the *Environmental Assessment Act* is amended by adding the following definition:

“designated project” means a Part II.3 project or a Part II.4 project; (“projet désigné”)

(2) The definition of “municipality” in subsection 1 (1) of the Act is amended by adding “subject to subsection 6.0.1 (2)” before “includes”.

(3) The definition of “municipality” in subsection 1 (1) of the Act, as amended by subsection (2), is amended by striking out “subsection 6.0.1 (2)” and substituting “subsection 17.5 (2)”.

(4) Subsection 1 (1) of the Act is amended by adding the following definitions:

“Part II.3 project” means a project that has been designated by the regulations as a project to which Part II.3 applies or that has been declared by the Minister to be a Part II.3 project by order made under subsection 16 (1) or 17.31 (1); (“projet visé par la partie II.3”)

“Part II.4 project” means a project that has been designated by the regulations as a project to which Part II.4 applies and in respect of which an order has not been made under subsection 16 (1) or 17.31 (1); (“projet visé par la partie II.4”)

“project” means one or more enterprises or activities or a proposal, plan or program in respect of an enterprise or activity; (“projet”)

(5) The definition of “Part II.3 project” in subsection 1 (1) of the Act, as enacted by subsection (4), is amended by striking out “subsection 16 (1) or 17.31 (1)” at the end and substituting “subsection 17.31 (1)”.

(6) The definition of “Part II.4 project” in subsection 1 (1) of the Act, as enacted by subsection (4), is amended by striking out “subsection 16 (1) or 17.31 (1)” at the end and substituting “subsection 17.31 (1)”.

(7) The definition of “proponent” in subsection 1 (1) of the Act is repealed and the following substituted:

“proponent” means a person who,

- (a) carries out or proposes to carry out an undertaking or a project, or
- (b) is the owner or person having charge, management or control of an undertaking or a project; (“promoteur”)

(8) The definition of “proponent” in subsection 1 (1) of the Act, as re-enacted by subsection (7), is repealed and the following substituted:

“proponent” means a person who,

- (a) carries out or proposes to carry out a project, or
- (b) is the owner or person having charge, management or control of a project; (“promoteur”)

(9) The French version of the definition of “undertaking” in subsection 1 (1) of the Act is amended,

- (a) by striking out “d’un projet” wherever it appears and substituting in each case “d’une proposition”; and
- (b) by striking out “du projet” in clause (c) and substituting “de la proposition”.

(10) The definition of “undertaking” in subsection 1 (1) of the Act, as amended by subsection (9), is repealed.

2 The Act is amended by adding the following section:

Existing aboriginal and treaty rights

2.1 For greater certainty, nothing in this Act shall be construed so as to abrogate or derogate from the protection provided for the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

3 (1) The French version of section 3 of the Act is amended by,

- (a) striking out “projets” wherever it appears in clauses (a) and (b) and substituting in each case “propositions”;
- (b) striking out “au projet, plan ou programme” in clause (c) and substituting “à la proposition, au plan ou au programme”; and
- (c) striking out “du projet” in clause (c) and substituting “de la proposition”.

(2) Section 3 of the Act, as amended by subsection (1), is repealed and the following substituted:

Designation of projects

3 (1) The Lieutenant Governor in Council may make regulations designating projects as projects to which Part II.3 or II.4 apply.

Same

(2) A regulation under subsection (1) may designate a project or a class of projects. It may also describe a designated project with reference to a proponent or a class of proponents.

Same, ancillary activities

(3) A project that is designated under subsection (1) includes any enterprise or activity that is ancillary to that project.

Same, ancillary project

(4) A project that is designated as a Part II.3 project includes any Part II.4 project that is ancillary to the Part II.3 project and that has the same proponent as the Part II.3 project. The Part II.4 project shall be deemed not to be a Part II.4 project for the purposes of this Act.

4 (1) The French version of section 3.0.1 of the Act is amended by,

- (a) striking out “à une activité ou un projet” and substituting “une activité ou une proposition”; and
- (b) striking out “au projet” and substituting “à la proposition”.

(2) Section 3.0.1 of the Act, as amended by subsection (1), is repealed and the following substituted:

Agreement for application of Act

3.0.1 (1) A person who carries out, proposes to carry out or is the owner or person having charge, management or control of a project that is not a designated project may enter into a written agreement with the Minister to have all or part of this Act and of the regulations apply to the project.

Deemed Part II.3 or Part II.4 projects

(2) If an agreement is entered into under subsection (1) with respect to a project and the agreement provides for Part II.3 or Part II.4 of this Act to apply with respect to the project, that project is deemed to be a Part II.3 project or a Part II.4 project, as the case may be.

Deemed Part II.1 projects

(3) If an agreement is entered into under subsection (1) with respect to a project and the agreement provides for Part II.1 of this Act to apply with respect to the project, that project is deemed to be an undertaking to which the approved class environmental assessment identified in the agreement applies.

Transition, previous agreements

- (4) An enterprise or activity or a proposal, plan or program is deemed to be a Part II.3 project if,
 - (a) this Act applied to it by virtue of an agreement made before the day subsection 4 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force; and
 - (b) on the day Part II.3 comes into force, no approval had been given under section 9 or 9.1 to proceed with the enterprise or activity or the proposal, plan or program.

(3) Subsection 3.0.1 (3) of the Act, as enacted by subsection (2), is repealed.

5 (1) Subsections 3.1 (2) and (3) of the Act are repealed and the following substituted:

Order to vary or dispense

- (2) The Minister may by order vary or dispense with a requirement imposed under this Act with respect to the undertaking if,
 - (a) both jurisdictions have agreed to harmonization or substitution of requirements in relation to the undertaking; or
 - (b) there is an agreement with respect to harmonization or substitutions between the jurisdictions.

Order to impose additional requirements

(3) The Minister may by order impose requirements in addition to those imposed under this Act with respect to the undertaking if the condition set out in clause (2) (a) or (b) is satisfied and the additional requirements are being imposed to provide for harmonization or substitution.

Declaration of non-application

(3.1) The Minister may by order declare that this Act does not apply with respect to the undertaking and may make the order subject to such conditions as the Minister considers appropriate.

(2) The French version of subsection 3.1 (4) of the Act is amended by striking out “du projet d’arrêté” and substituting “de l’arrêté proposé”.

(3) Section 3.1 of the Act, as amended by subsections (1) and (2), is repealed and the following substituted:

Harmonization, substitution

3.1 (1) This section applies if,

- (a) another jurisdiction imposes requirements with respect to an undertaking to which this Act applies or with respect to a designated project; and
- (b) the Minister considers the requirements imposed by the other jurisdiction to be equivalent to the requirements imposed by this Act.

Order to vary or dispense

(2) The Minister may by order vary or dispense with a requirement imposed under this Act with respect to the undertaking or designated project if,

- (a) both jurisdictions have agreed to harmonization or substitution of requirements in relation to the undertaking or project; or
- (b) there is an agreement with respect to harmonization or substitution between the jurisdictions.

Order to impose additional requirements

(3) The Minister may by order impose requirements in addition to those imposed under this Act with respect to the undertaking or designated project if the condition set out in clause (2) (a) or (b) is satisfied and the additional requirements are being imposed to provide for harmonization or substitution.

Declaration of non-application

(4) The Minister may by order declare that this Act does not apply with respect to the undertaking or designated project and may make the order subject to such conditions as the Minister considers appropriate.

Notice and comment

(5) When the Minister proposes to make an order under this section, the Minister shall give adequate public notice of the proposed order and shall ensure that members of the public have an opportunity to comment on it.

Reasons

(6) When making an order, the Minister shall give written reasons.

(4) Clause 3.1 (1) (a) of the Act, as re-enacted by subsection (3), is amended by striking out “with respect to an undertaking to which this Act applies or”.

(5) Subsection 3.1 (2) of the Act, as re-enacted by subsection (3), is amended by striking out “undertaking or” wherever it appears.

(6) Subsection 3.1 (3) of the Act, as re-enacted by subsection (3), is amended by striking out “undertaking or”.

(7) Subsection 3.1 (4) of the Act, as re-enacted by subsection (3), is amended by striking out “undertaking or”.

6 (1) Subsection 3.2 (1) of the Act is repealed and the following substituted:

Declaration

(1) Subject to subsection (1.1), the Minister may by order, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate,

- (a) declare that this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act does not apply with respect to an undertaking, class of undertakings, designated project, class of designated projects, person or class of persons;
- (b) suspend or revoke the declaration;
- (c) impose conditions on the declaration; or
- (d) amend or revoke conditions imposed on the declaration.

Same

(1.1) The Minister shall make an order under subsection (1) only if the Minister considers that it is in the public interest to do so having regard to the purpose of this Act and weighing it against the injury, damage or interference that might be caused to any person or property by the application of this Act to the undertaking, class of undertakings, designated project, class of designated projects, person or class of persons.

(2) Clause 3.2 (1) (a) of the Act, as re-enacted by subsection (1), is amended by striking out “an undertaking, class of undertakings, designated project” and substituting “a designated project”.

(3) Subsection 3.2 (1.1), as enacted by subsection (1), is amended by striking out “undertaking, class of undertakings”.

7 Section 3.3 of the Act is repealed.

8 The Act is amended by adding the following sections before the heading to Part II:

Non-application

4.1 Section 21.2 (power to review) of the *Statutory Powers Procedure Act* does not apply with respect to decisions made under this Act.

Validity of decisions

4.2 A decision of the Minister or Director under this Act is not invalid solely on the ground that the decision was not made before the applicable deadline.

9 Section 5 of the Act is amended by adding the following subsection:

Form, manner of application

(2.1) An application shall be submitted to the Minister in the form and manner specified by the Director.

10 The Act is amended by adding the following section:

Landfilling site, municipal support required

Definitions

6.0.1 (1) In this section,

“area of settlement” has the same meaning as in subsection 1 (1) of the *Planning Act*; (“zone de peuplement”)

“landfilling site” means a waste disposal site where landfilling occurs; (“lieu d’enfouissement”)

“parcel of land” has the same meaning as in subsection 46 (1) of the *Planning Act*; (“parcelle de terrain”)

“waste disposal site” has the same meaning as in Part V of the *Environmental Protection Act*. (“lieu d’élimination des déchets”)

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with an undertaking to establish a waste disposal site that,

- (a) is a landfilling site; and
- (b) is subject to this Part.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the undertaking from each local municipality,

- (a) in which the landfilling site would be situated; and
- (b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 6 (3.1), a parcel of land,
 - (i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,
 - (ii) that is within an area of settlement, and
 - (iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

- (a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the undertaking to establish a waste disposal site that is a landfilling site;

- (b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and
- (c) a description of the process used to identify the local municipalities whose support for the undertaking is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) Subject to subsection (9), the information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 6.2 (1).

Transition, terms of reference already submitted or approved

(8) For greater certainty, if a proponent mentioned in subsection (3) has given the Ministry proposed terms of reference under subsection 6 (1) or has received approval for a terms of reference under subsection 6 (4) before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, this section applies.

Transition, environmental assessment already submitted

(9) If a proponent mentioned in subsection (3) has, before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force, already submitted an environmental assessment in respect of the undertaking and no decision has been made in respect of the application under section 9 or 9.1, the following rules apply:

1. Subsection (4) applies to the proponent and the information required under subsection (5) shall be submitted separately from the environmental assessment.
2. If the Ministry has not completed its review of the environmental assessment under section 7 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,
 - i. the Director shall not provide notice of completion under section 7.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and
 - ii. the deadline referred to in subsection 7 (2) does not apply to the review of the environmental assessment.
3. If the Ministry has provided a notice of completion of the review under section 7.1 before the day section 10 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force,
 - i. no decision shall be made under section 9 or 9.1 until the requirements set out in subsections (4) and (5) have been satisfied and the Director has provided the written confirmation described in subsection (10), and
 - ii. the deadlines referred to in subsections 10 (1) and (2) do not apply to the application.

Confirmation

(10) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the undertaking,

- (a) the environmental assessment is deemed not to have been received by the Ministry under subsection 6.2 (1); and
- (b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 6.3 (1).

Exceptions

(11) This section does not apply,

- (a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or
- (b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.

11 The Act is amended by adding the following section:

Information to be made available

6.5 In addition to complying with any requirements under this Act with respect to public notice, a proponent shall make available such information as the Director may require with respect to the application and the undertaking in such form and manner as the Director may require.

12 (1) Subsection 7 (3) of the Act is repealed and the following substituted:

Extension

(3) The deadline for completing the review may be extended by the Director for a prescribed reason or for an unusual, unexpected or urgent reason that the Director considers compelling. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.

(2) Subsection 7 (5) of the Act is amended by adding “or such other period as the Director may specify in the statement given under subsection (4)” at the end.

(3) Subsection 7 (6) of the Act is amended by adding “or such other period as the Director may specify in the statement given under subsection (4)” at the end.

13 (1) Clause 9 (1) (b) of the Act is amended by adding the following subclauses:

- (iv.1) a process to be followed in respect of any changes to the undertaking that the proponent may wish to make after the approval is given, which process may include granting authority to the Director or Minister to,
 - (A) require the proponent to engage in additional consultation, and to provide additional information, in respect of proposed changes, and
 - (B) give approval, attach conditions to the approval or refuse to give approval to proceed with the changes,
- (iv.2) that the process referred to in subclause (iv.1) is only available for specified changes or classes of changes to the undertaking,

(2) Section 9 of the Act is amended by adding the following subsections:

Subs. (1) (b) (iv.1), process to make changes

(1.1) A process mentioned in subclause (1) (b) (iv.1) may be set out in an approval or incorporated by reference into the approval.

Subs. (1) (b) (iv.1), application

(1.2) Subclause (1) (b) (iv.1) applies in respect of approval given under subsection (1) either before or after the day section 13 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

14 Subsection 10 (4) of the Act is repealed

15 Section 11.2 of the Act is amended by adding the following subsection:

Same

(2.1) If the Minister reviews under subsection (1) a decision of the Tribunal made under section 9.1 and then, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, makes an order under clause (2) (a) or (b), the varied or substituted decision is deemed to be the decision made by the Minister, with the necessary approval, under section 9.

16 (1) The French version of subsection 11.4 (3.1) of the Act is amended by striking out “des épreuves ou des expériences relatives” and substituting “des tests, des analyses ou des expériences relatifs”.

(2) Subsection 11.4 (5) of the Act is repealed.

17 The Act is amended by adding the following section:

Expiry of approval

Application of section

11.5 (1) Subject to subsection (5), this section applies in respect of an approval to proceed with an undertaking if,

- (a) approval has been given under this Part or a predecessor to this Part; and
- (b) the approval does not specify a period of time following the giving of the approval after which the approval expires or a date after which a proponent cannot proceed under the approval.

Expiry

(2) If the undertaking has not been substantially commenced by the 10th anniversary of the day approval to proceed with the undertaking was given under this Act or by the end of any extension to that period granted by the Minister under subsection (3), the approval expires on the later of,

- (a) the 10th anniversary or the end of the extended period, as the case may be; or
- (b) the day section 17 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Extension

(3) The Minister may, by notice to the proponent, grant an extension of the period within which an undertaking is to be substantially commenced beyond the 10th anniversary of the day approval to proceed with the undertaking was given and may grant such an extension subject to any conditions specified in the notice.

Same

(4) An extension under subsection (3) may be granted at any time, including after the 10th anniversary of the approval being given has passed.

Exception, regulations

(5) The Minister may make regulations exempting undertakings from this section.

Minister may include date

(6) If an undertaking is exempted from this section by a regulation under subsection (5), the Minister may amend the approval to proceed with that undertaking to include a date on which the approval will expire.

18 Section 12 of the Act is repealed and the following substituted:**Proposed change to an undertaking**

12 If a proponent wishes to change an undertaking after receiving approval to proceed with it, other than a change in the undertaking that is addressed in a condition mentioned in subclause 9 (1) (b) (iv.1), the proposed change to the undertaking shall be deemed to be an undertaking for the purposes of this Act.

19 (1) Subsection 12.2 (4) of the Act is amended by striking out “give or approve a loan” and substituting “give a loan”.

(2) Subsection 12.2 (5) of the Act is amended by striking out “may be given or approved” and substituting “may be given”

20 Part II of the Act is repealed.**21 (1) Sections 13 to 15.1 of the Act are repealed and the following substituted:****No applications**

13 On and after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent, no application for approval of a class environmental assessment shall be submitted and any application in respect of which no approval has been given under this Part before that day shall be terminated.

Definition, change to undertaking

14 In this Part,

“change to an undertaking” means a change to an undertaking that is proposed after the undertaking is authorized to proceed under an approved class environmental assessment and is provided for in the approved class environmental assessment.

Application of Part

15 Sections 15.1 to 17 apply in respect of undertakings to which one of the following approved class environmental assessments, as amended or renamed from time to time, applies:

1. GO Transit Class Environmental Assessment Document approved by the Lieutenant Governor in Council on December 13, 1995 under Order in Council 2316/1995.
2. Class Environmental Assessment for Provincial Transportation Facilities approved by the Lieutenant Governor in Council on October 6, 1999 under Order in Council 1653/1999.
3. Municipal Class Environmental Assessment approved by the Lieutenant Governor in Council on October 4, 2000 under Order in Council 1923/2000.
4. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.
5. Class Environmental Assessment for Remedial Flood and Erosion Control Projects approved by the Lieutenant Governor in Council on June 26, 2002 under Order in Council 1381/2002.
6. Class Environmental Assessment Process for Management Board Secretariat and Ontario Realty Corporation approved by the Lieutenant Governor in Council on April 28, 2004 under Order in Council 913/2004.
7. Class Environmental Assessment for Provincial Parks and Conservation Reserves approved by the Lieutenant Governor in Council on September 23, 2004 under Order in Council 1900/2004.
8. Class Environmental Assessment for Waterpower Projects approved by the Lieutenant Governor in Council on September 24, 2008 under Order in Council 1623/2008.

9. Class Environmental Assessment for Activities of the Ministry of Northern Development and Mines under the Mining Act approved by the Lieutenant Governor in Council on December 12, 2012 under Order in Council 1952/2012.
10. Class Environmental Assessment for Minor Transmission Facilities of Hydro One approved by the Lieutenant Governor in Council on November 16, 2016 under Order in Council 1726/2016.

Director to receive certain notices

15.1 (1) The proponent of an undertaking referred to in section 15 who issues a notice of completion or a notice of addendum under an approved class environmental assessment shall submit a copy of the notice to the Director in the manner specified by the Director.

Same, transition

(2) If a notice of completion or notice of addendum is issued under an approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, the copy of the notice that is required to be submitted to the Director under subsection (1) shall be submitted no later than 5 days following the day that section came into force.

Extension of comment period

(3) If a proponent of an undertaking referred to in section 15 extends the comment period provided for in a notice of completion or a notice of addendum in accordance with the approved class environmental assessment, the proponent shall give the Director notice of the extension.

Prohibitions, proceeding with undertaking

15.1.1 (1) No person shall proceed with an undertaking referred to in section 15 unless the person does so in accordance with the approved class environmental assessment and with subsections (5) to (9). The prohibitions in subsections 5 (3) and (4) do not apply with respect to such an undertaking.

Exception

(2) Despite subsection (1), a proponent of an undertaking referred to in section 15 may apply under subsection 5 (1) to the Minister for approval to proceed with the undertaking under Part II. Subsection (1) and subsections (5) to (9) do not apply with respect to such an undertaking and the prohibitions in subsections 5 (3) and (4) apply.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with the undertaking under Part II is withdrawn by the proponent.

Same

(4) Despite subsection (1), a proponent shall apply to the Minister for approval to proceed with an undertaking referred to in section 15 in accordance with Part II if the Minister makes an order under subsection 16 (1) requiring the proponent to comply with Part II. Subsection (1) and subsections (5) to (9) do not apply with respect to such an undertaking and the prohibitions in subsections 5 (3) and (4) apply.

Limitation on proceeding

(5) Despite anything in an approved class environmental assessment, no person shall proceed with an undertaking referred to in section 15 until at least 30 days, or such other number of days as may be prescribed, after the end of the comment period provided for in a notice of completion issued under the approved class environmental assessment, as that comment period may be extended in accordance with the approved class environmental assessment.

Same

(6) Despite subsection (5), if a notice of a proposed order is given to a proponent by the Director under subsection 16.1 (2), subsection (5) does not apply and no person shall proceed with the undertaking until at least 30 days, or such other number of days as may be prescribed, after the day the notice of the proposed order was given, subject to subsection (7).

Same

(7) If a notice of a proposed order includes a request for information made by the Director under subsection 16.1 (4), subsections (5) and (6) do not apply and the proponent shall not proceed with the undertaking until,

- (a) if the proponent provides all the requested information on or before the deadline specified in the notice of a proposed order and receives a notice of satisfactory response from the Director under clause 16.1 (6) (a), at least 30 days, or such other number of days as may be prescribed, after the Director gives the proponent a notice of satisfactory response under clause 16.1 (6) (a); or
- (b) if the proponent fails to provide all the requested information on or before the deadline specified in the notice of a proposed order and receives a notice of unsatisfactory response from the Director under clause 16.1 (7) (a), at least 30 days, or such other number of days as may be prescribed, that follows the comment period provided for in,

- (i) a new notice of completion that the proponent is required to issue under clause 16.1 (7) (c), or
- (ii) any further notice of completion that may be required of the proponent under subsection 16.1 (9), until such time as the Director is satisfied that all the information requested in the notice of the proposed order has been provided by the proponent in the notice of completion.

Same, transition

(8) For greater certainty, the limitations in subsections (5) to (7) apply with respect to an undertaking referred to in section 15 where the notice of completion was issued under the approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force and a copy of the notice is required to be submitted to the Director under subsection 15.1 (2).

Same, application for s. 16 order

(9) Despite anything in an approved class environmental assessment, if a request is made under subsection 16 (6) for the Minister to make an order under section 16 in respect of an undertaking that is proceeding under the approved class environmental assessment, no person shall proceed with the undertaking while the Minister's decision with respect to the request is still pending.

Change to undertaking

(10) This section applies with necessary modifications to a change to an undertaking that has been authorized to proceed in accordance with an approved class environmental assessment and, for the purposes of the application of subsections (5) to (9) to such a change, any reference in those subsections to a notice of completion shall be deemed to be a reference to a notice of addendum issued with respect to the change to the undertaking under the approved class environmental assessment.

Activities permitted before authorization to proceed

15.1.2 (1) Before a proponent is authorized to proceed with an undertaking referred to in section 15, a person may,

- (a) take any action in connection with the undertaking that may be necessary to comply with this Act;
- (b) acquire property or rights in property in connection with the undertaking;
- (c) prepare a feasibility study and engage in research in connection with the undertaking;
- (d) establish a reserve fund or another financing mechanism in connection with the undertaking.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the undertaking has been given until the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the undertaking until the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent is authorized to proceed with the undertaking under an approved class environmental assessment.

Prohibition following approval

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to an undertaking if it would be inconsistent with the approved class environmental assessment.

Reconsideration of approval

15.1.3 (1) If there is a change in circumstances or new information concerning the approval of a class environmental assessment listed in section 15 and if the Minister considers it appropriate to do so, he or she may reconsider the approval under this section.

Same

(2) The Minister may request the Tribunal to determine whether it is appropriate to reconsider the approval.

Same

(3) The Minister may refer the reconsideration of the approval of a class environmental assessment under this section to the Tribunal and, in that case, the Tribunal may conduct the reconsideration instead of the Minister.

Minister may require plans, etc.

(4) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require a person given approval in respect of a class environmental assessment to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments.

Amendment, revocation

(5) After reconsidering an approval under this section, the Minister or Tribunal may amend or revoke the approval.

Rules, etc.

(6) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

(2) Subsection 15.1.1 (1) of the Act, as enacted by subsection (1), is amended by striking out “The prohibitions in subsections 5 (3) and (4) do not apply with respect to such an undertaking” at the end.

(3) Subsections 15.1.1 (2) and (3) of the Act, as enacted by subsection (1), are repealed and the following substituted:

Exception

(2) Despite subsection (1), a proponent of an undertaking referred to in section 15 may apply under subsection 17.2 (1) to the Minister for approval to proceed with the undertaking as a Part II.3 project. On and after the day the proponent applies under subsection 17.2 (1), the undertaking shall be deemed to be a Part II.3 project and Part II.3 applies in respect of it instead of this section.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with the undertaking as a Part II.3 project is withdrawn by the proponent.

(4) Subsection 15.1.1 (4) of the Act, as enacted by subsection (1), is repealed and the following substituted:

Same

(4) Despite subsection (1), if the Minister makes an order under subsection 16 (1) declaring an undertaking referred to in section 15 to be a Part II.3 project for the purposes of this Act, subsection (1) ceases to apply with respect to the project and Part II.3 applies.

22 The Act is amended by adding the following section:**Amendment, etc. by regulation**

15.1.4 The Lieutenant Governor in Council may by regulation amend or revoke an approval of a class environmental assessment or amend an approved class environmental assessment.

23 (1) Paragraph 1 of subsection 15.3 (3) of the Act is repealed and the following substituted:

1. Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.

(2) Paragraph 4 of subsection 15.3 (4) of the Act is repealed and the following substituted:

4. Category A of the Class Environmental Assessment for MNR Resource Stewardship and Facility Development Projects approved by the Lieutenant Governor in Council on December 11, 2002 under Order in Council 2211/2002.

24 The French version of subsection 15.4 (2) of the Act is amended by striking out “du projet de modification” and substituting “de la modification proposée”.

25 (1) Section 16 of the Act is repealed and the following substituted:**Order to comply with Part II**

16 (1) The Minister may by order require a proponent to comply with Part II before proceeding with a proposed undertaking referred to in section 15.

Same

(2) In an order under subsection (1), the Minister may do the following:

1. Set out directions with respect to the terms of reference governing the preparation of an environmental assessment for the undertaking.

2. Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment as are specified in the order.

Order imposing additional conditions

(3) The Minister may by order impose conditions on an undertaking referred to in section 15, in addition to the conditions that were imposed upon the approval of the class environmental assessment.

Same

(4) An order under subsection (1) or (3) may be made on the initiative of the Minister or on the request of a person under subsection (6).

Basis for order

(5) The Minister shall consider the following matters when making an order under subsection (1) or (3):

1. The purpose of this Act.
2. The factors suggesting that the proposed undertaking differs from other undertakings in the class to which the class environmental assessment applies.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. If a request for the order was made by a person under subsection (6), any ground for making the request that is given by that person and permitted under subsection (6).
5. The mediators' report, if any, following a referral under subsection (7).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

Request for order

(6) A person may request the Minister to make an order under this section only on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Mediation

(7) The Minister may refer a matter in connection with a request made under subsection (6) to mediation and section 8 applies with necessary modifications.

Order after request

(8) For the purpose of considering a request made by a person under subsection (6), the Director may require the proponent to undertake such consultations and to provide such information as the Director may specify.

Refusal after request

(9) If, after receiving a request under subsection (6), the Minister refuses to make an order, the Minister shall give the person who made the request and the proponent notice of his or her decision together with the reasons for the decision.

Notice of order

(10) The Minister shall give a copy of an order made under this section, together with the reasons for it, to the proponent, to the person who requested the order, if any and to such other persons as the Minister considers advisable.

Change to undertaking

(11) The Minister may make an order under this section with respect to a change to an undertaking and this section shall apply with necessary modifications to such an order.

Conflict

(12) This section prevails over anything to the contrary that may be provided for in an approved class environmental assessment.

Amendment of s. 16 (3) order

(13) The Minister may, in accordance with the regulations, if any, amend any order made under subsection 16 (3), regardless of whether the order was made before or after subsection 25 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Time limit for orders

16.1 (1) The Minister shall not make an order under subsection 16 (1) or (3) on his or her own initiative if more than 30 days, or such other number of days as may be prescribed, has elapsed after the end of the comment period provided for in a notice of

completion issued under the approved class environmental assessment, as that comment period may be extended in accordance with the approved class environmental assessment.

Notice of proposed order

(2) Despite subsection (1), the Minister may make an order under subsection 16 (1) or (3) on his or her own initiative after the time limit described in subsection (1) if before the time limit has elapsed the Director gives the proponent notice that the Minister is considering making the order.

New time limit

(3) If notice of a proposed order is given by the Director under subsection (2), the Minister may make the order under subsection 16 (1) or (3) only if he or she does so,

- (a) before the end of the 30-day period, or such other time period as may be prescribed, that follows the giving of the notice of the proposed order; or
- (b) if the Director includes in the notice of the proposed order a request for information under subsection (4), before the end of the 30-day period, or such other time period as may be prescribed, that follows the day the Director gives the proponent a notice of satisfactory response under clause (6) (a), subject to subsections (7) to (12).

Request for information

(4) In a notice of a proposed order, the Director may request that the proponent provide such information as the Director believes is necessary to assist the Minister in determining whether to make the order and that the information be provided on or before the specified deadline.

Compliance with request

(5) The proponent shall give the Director the information specified in the notice of the proposed order on or before the deadline specified in the notice.

Same

(6) If the Director is satisfied that the proponent has provided all the information requested in the notice of the proposed order within the specified deadline,

- (a) the Director shall give the proponent a notice of satisfactory response; and
- (b) the Minister may make the order within the time limit set out in clause (3) (b).

Failure to comply with request

(7) If a proponent fails to provide all the information requested in the notice of the proposed order within the specified deadline or if, upon review of the information provided, the Director is not satisfied that all the information requested has been provided,

- (a) the Director shall give the proponent a notice of unsatisfactory response;
- (b) the time limits under subsections (1) and (3) that applied with respect to the comment period provided for in the notice of completion previously issued by the proponent cease to apply;
- (c) the proponent shall issue a new notice of completion in accordance with subsection (9); and
- (d) the time limits under subsections (1) and (3) shall apply with respect to the comment period provided for in the new notice of completion.

Notice of unsatisfactory response

(8) A notice of unsatisfactory response issued by the Director under clause (7) (a) shall,

- (a) specify the information that the proponent must provide in order to satisfy the request for information that was made by the Director in the notice of the proposed order; and
- (b) advise the proponent that a new notice of completion must be issued by the proponent within the time period specified by the Director.

New notice of completion

(9) On or before the end of the time period specified by the Director in the notice of unsatisfactory response, the proponent shall,

- (a) issue a new notice of completion in accordance with such directions as may be specified by the Director; and
- (b) provide to the Director all of the information specified by the Director in the notice of unsatisfactory response.

New comment period

(10) The notice of completion issued under clause (9) (a) shall provide for a new comment period which shall be at least 30 days in duration.

Further failure to comply

(11) If a proponent fails to comply with subsections (9) and (10), subsections (7), (8), (9) and (10) shall apply with necessary modifications to that failure.

Same

(12) Subsection (11) shall apply to successive failures to comply with subsections (9) and (10) until the Director is satisfied that the proponent has provided all the requested information and issues a notice of satisfactory response in accordance with subsection (6) and, when the Director issues a notice of satisfactory response, the time limit set out in clause (6) (b) shall apply with respect to any order to be made by the Minister under subsection 16 (1) or (3) on his or her own initiative.

Change to undertaking

(13) This section applies if the Minister is considering making an order under subsection 16 (1) or (3) with respect to a change to an undertaking and, for the purpose of that application, any reference in this section to a notice of completion shall be deemed to be a reference to a notice of addendum.

Same, transition

(14) For greater certainty, the time limits in this section apply with respect to an undertaking referred to in section 15 where the notice of completion was issued under the approved class environmental assessment during the 30 days before the day subsection 21 (1) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force and a copy of the notice is required to be submitted to the Director under subsection 15.1 (2).

(2) Subsection 16 (1), as re-enacted by subsection (1), is repealed and the following substituted:

Order to comply with Part II.3

(1) The Minister may make an order declaring a proposed undertaking referred to in section 15 to be a Part II.3 project.

(3) Paragraph 1 of subsection 16 (2) of the Act, as re-enacted by subsection (1), is amended by striking out “undertaking” at the end and substituting “project”.

26 Part II.1 of the Act is repealed.

27 The French version of clause 17.1 (4) (b) of the Act is amended by striking out “tout projet, plan ou programme” at the beginning and substituting “toute proposition, tout plan ou tout programme”.

28 Part II.2 of the Act is repealed.

29 The Act is amended by adding the following Part:

**PART II.3
COMPREHENSIVE ENVIRONMENTAL ASSESSMENTS**

Approval for project

17.2 (1) Every proponent who wishes to proceed with a Part II.3 project shall apply to the Minister for approval to do so.

Application

(2) The application consists of the proposed terms of reference submitted under subsection 17.4 (1) and the environmental assessment subsequently submitted under subsection 17.7 (1).

Form, manner of application

(3) An application shall be submitted to the Minister in the form and manner specified by the Director.

Prohibition

(4) No person shall proceed with a Part II.3 project unless the Minister gives his or her approval to proceed under section 17.15 or the Tribunal gives its approval under section 17.16.

Same

(5) No person shall proceed with a Part II.3 project in a manner inconsistent with a condition imposed by the Minister or the Tribunal for proceeding with it.

Potential non-compliance

(6) A proponent who has received approval to proceed with a Part II.3 project shall promptly notify the Minister if the proponent may not be able to comply with the approval as a result of a change in circumstances.

Obligation to consult

17.3 When preparing proposed terms of reference and an environmental assessment, the proponent shall consult with such persons as may be interested.

Terms of reference

17.4 (1) The proponent shall give the Ministry proposed terms of reference governing the preparation of an environmental assessment for the Part II.3 project.

Same

(2) The proposed terms of reference must,

- (a) indicate that the environmental assessment will be prepared in accordance with the requirements set out in subsection 17.6 (2);
- (b) indicate that the environmental assessment will be prepared in accordance with such requirements as may be prescribed for the class of Part II.3 project the proponent wishes to proceed with, which may include requirements to provide information that is greater than or less than what is required under subsection 17.6 (2); or
- (c) specify in detail the requirements for the preparation of the environmental assessment, which may include requirements to provide information that is greater than or less than what is required under subsection 17.6 (2).

Same

(3) The proposed terms of reference must be accompanied by a description of the consultations by the proponent and the results of the consultations.

Public notice

(4) The proponent shall give public notice of the proposed terms of reference and shall do so by the prescribed deadline and in the form and manner required by the Director.

Same

(5) The public notice must indicate where and when members of the public may inspect the proposed terms of reference, state that they may give their comments about the proposed terms of reference to the Ministry and contain such other information as may be prescribed or as the Director may require.

Notice to clerk of a municipality

(6) The proponent shall give the information contained in the public notice to the clerk of each municipality in which the Part II.3 project is to be carried out and shall do so by the deadline for giving the public notice.

Notice to other persons

(7) The proponent shall give the information contained in the public notice to such other persons as the Director may require and shall do so by the deadline for giving the public notice.

Public inspection

(8) Any person may inspect the proposed terms of reference in the places and at the times set out in the public notice.

Comments

(9) Any person may comment in writing on the proposed terms of reference to the Ministry and, if the person wishes the comments to be considered by the Minister in deciding whether to approve the proposed terms of reference, shall submit the comments by the prescribed deadline.

Approval

(10) The Minister shall approve the proposed terms of reference, with any amendments that he or she considers necessary, if he or she is satisfied that an environmental assessment prepared in accordance with the approved terms of reference will be consistent with the purpose of this Act and the public interest.

Same

(11) The amendments made by the Minister under subsection (10) may include amendments to impose requirements that are greater than or less than the requirements of the regulations if the Minister is of the opinion that in the circumstances, the amendments are necessary in order to ensure that an environmental assessment prepared in accordance with the approved terms of reference will be consistent with the purpose of this Act and the public interest.

Mediation

(12) Before approving proposed terms of reference, the Minister may refer a matter in connection with them to mediation, and section 17.14 applies with necessary modifications.

Deadline, Minister's decision

(13) The Minister shall notify the proponent whether or not the proposed terms of reference are approved and shall do so by the prescribed deadline.

Same

(14) If the Minister has not notified the proponent under subsection (13) by the prescribed deadline, the Minister shall provide written reasons to the proponent indicating why a decision was not made and when a decision is expected to be made.

Landfilling site, municipal support required

Definitions

17.5 (1) In this section,

“area of settlement” has the same meaning as in subsection 1 (1) of the *Planning Act*; (“zone de peuplement”)

“landfilling site” means a waste disposal site where landfilling occurs; (“lieu d’enfouissement”)

“parcel of land” has the same meaning as in subsection 46 (1) of the *Planning Act*; (“parcelle de terrain”)

“waste disposal site” has the same meaning as in Part V of the *Environmental Protection Act*. (“lieu d’élimination des déchets”)

Same

(2) For the purposes of this section, the following terms have the meaning assigned to them under subsection 1 (1) of the *Municipal Act, 2001*:

1. Local municipality.
2. Municipality.

Application

(3) This section applies in respect of a proponent who wishes to proceed with a Part II.3 project to establish a waste disposal site that is a landfilling site.

Local municipalities whose support is required

(4) A proponent mentioned in subsection (3) shall, in accordance with subsection (5), obtain municipal support for the project from each local municipality,

- (a) in which the landfilling site would be situated; and
- (b) in which there is, as of the day on which the proponent gives public notice of the proposed terms of reference under subsection 17.4 (4), a parcel of land,
 - (i) on which residential uses, other than residential uses that are ancillary to other uses, are authorized by the official plan of the municipality,
 - (ii) that is within an area of settlement, and
 - (iii) that is located within a 3.5 kilometre distance, or such other distance as may be prescribed, perpendicular at each point from the property boundary of the property on which the proposed landfilling site would be situated.

Evidence of support

(5) For the purposes of subsection (4), the proponent shall provide to the Ministry,

- (a) a copy of a municipal council resolution for each local municipality in respect of which municipal support is required under subsection (4), indicating the municipality supports the project to establish a waste disposal site that is a landfilling site;
- (b) a well-marked and legible map showing the location of the landfilling site, the boundaries of each local municipality mentioned in clause (a) and markings to illustrate the characteristics of a municipality under clause (4) (b); and
- (c) a description of the process used to identify the local municipalities whose support for the project is required under subsection (4).

Resolution

(6) For greater certainty, a municipal council resolution described in clause (5) (a) is not a matter that falls within the waste management sphere of jurisdiction under subsection 11 (3) of the *Municipal Act, 2001*.

Evidence to be included in environmental assessment

(7) The information mentioned in subsection (5) shall be included in the environmental assessment submitted to the Ministry under subsection 17.7 (1).

Confirmation

(8) With respect to an environmental assessment submitted by a proponent mentioned in subsection (3), until the date the Director has confirmed in writing to the proponent that the requirements set out in subsections (4) and (5) have been satisfied with respect to the project,

- (a) the environmental assessment is deemed not to have been received by the Ministry under subsection 17.7 (1); and
- (b) the proponent shall not give public notice of the submission of the environmental assessment under subsection 17.8 (1).

Exceptions

(9) This section does not apply,

- (a) in respect of a waste disposal site that is a landfilling site established by the Minister under clause 4 (1) (k) of the *Environmental Protection Act*; or
- (b) to a proponent seeking an approval under this Part if the approval is required pursuant to a regulation made under clause 176 (4) (o) of the *Environmental Protection Act* with respect to a waste disposal site that is a landfilling site.

Preparation of environmental assessment

17.6 (1) The proponent shall prepare an environmental assessment for a Part II.3 project in accordance with the approved terms of reference.

Contents

- (2) Subject to clauses 17.4 (2) (b) and (c), the environmental assessment must consist of,
 - (a) a description of the purpose of the project;
 - (b) a description of and a statement of the rationale for,
 - (i) the Part II.3 project,
 - (ii) the alternative methods of carrying out the Part II.3 project, and
 - (iii) the alternatives to the Part II.3 project;
 - (c) a description of,
 - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
 - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
 - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment, by the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project;
 - (d) an evaluation of the advantages and disadvantages to the environment of the Part II.3 project, the alternative methods of carrying out the Part II.3 project and the alternatives to the Part II.3 project; and
 - (e) a description of any consultation about the Part II.3 project by the proponent and the results of the consultation.

Submission of environmental assessment

17.7 (1) After receiving notice that the terms of reference of a Part II.3 project are approved by the Minister, the proponent shall submit an environmental assessment for the project to the Ministry.

Time limits

- (2) A time period within which a proponent must submit an environmental assessment for a Part II.3 project to the Ministry may be set out in the approved terms of reference or may be prescribed.

Compliance with time limits

- (3) A proponent of a Part II.3 project shall submit the environmental assessment for the project,
 - (a) within the time period set out in the approved terms of reference, if any; or
 - (b) if no time period is set out in the approved terms of reference, within any prescribed time period.

Extension of deadline

- (4) Any time period for the submission of an environmental assessment that is prescribed in accordance with subsection (2) may be extended by the Minister by such further time period as the Minister considers appropriate, but the extension shall not exceed any prescribed maximum time period.

Termination, missed deadline

- (5) If a proponent does not submit an environmental assessment for a Part II.3 project by the end of the applicable time period, the application shall be terminated.

Replacement terms of reference

(6) If an application for approval of a Part II.3 project is terminated under subsection (5), the proponent may give the Minister a second proposed terms of reference with respect to the Part II.3 project under subsection 17.4 (1) and the second proposed terms of reference may be the same as the terms of reference previously given and approved.

Amendment or withdrawal

(7) After it is submitted to the Ministry, the proponent may amend or withdraw the environmental assessment at any time before the deadline for completion of the Ministry review of the environmental assessment.

Same

(8) The proponent may amend or withdraw the environmental assessment after the deadline for completion of the Ministry review only upon such conditions as the Minister may by order impose.

Same

(9) The Minister may by order amend or revoke conditions imposed under this section.

Public notice of submission

17.8 (1) The proponent shall give public notice of the submission of the environmental assessment and shall do so by the prescribed deadline and in the form and manner as the Director may require.

Same

(2) The public notice must indicate where and when members of the public may inspect the environmental assessment, state that they may give their comments about it to the Ministry and contain such other information as the Director may require.

Notice to clerk of a municipality

(3) The proponent shall give the information contained in the public notice to the clerk of each municipality in which the Part II.3 project is to be carried out and shall do so by the deadline for giving the public notice.

Notice to other persons

(4) The proponent shall give the information contained in the public notice to such other persons as the Director may require and shall do so by the deadline for giving the public notice.

Public inspection of environmental assessment

17.9 (1) Any person may inspect the environmental assessment in the places and at the times set out in the public notice.

Comments

(2) Any person may comment in writing on the Part II.3 project or on the environmental assessment to the Ministry and, if the person wishes the comments to be considered during the preparation of the Ministry review, shall submit the comments by the prescribed deadline.

Information to be made available

17.10 In addition to complying with any requirements under this Act with respect to public notice, a proponent shall make available such information as the Director may require with respect to the application and the Part II.3 project in such form and manner as the Director may require.

MINISTRY REVIEW

Ministry review of environmental assessment

17.11 (1) The Ministry shall prepare a review of the environmental assessment and shall take into account any comments received from members of the public by the deadline prescribed under subsection 17.9 (2).

Completion date

(2) The review must be completed by the prescribed deadline.

Extension

(3) The deadline for completing the review may be extended by the Director for a prescribed reason or for an unusual, unexpected or urgent reason that the Director considers compelling. The Director shall notify such persons as he or she considers appropriate if the deadline is extended.

Deficient environmental assessment

(4) If the Director considers that the environmental assessment is deficient in relation to the approved terms of reference and the purpose of this Act, the Director may give the proponent a statement describing the deficiencies and shall do so at least 14 days before the deadline for completing the review.

Remedying deficiencies

(5) The proponent may take such steps as are necessary to remedy the deficiencies described in the statement and shall do so within seven days after receiving the statement or such other period as the Director may specify in the statement given under subsection (4).

Rejection of environmental assessment

(6) The Minister may reject the environmental assessment if the Director is not satisfied that the deficiencies have been remedied within the seven-day period or such other period as the Director may specify in the statement given under subsection (4).

Notice of rejection

(7) The Director shall notify the proponent, the clerk of each municipality in which the Part II.3 project is to be carried out and the public if the Minister rejects the environmental assessment, and shall do so before the deadline for completing the review.

Notice of completion of Ministry review

17.12 (1) The Director shall notify the proponent and the clerk of each municipality in which the Part II.3 project is to be carried out when the Ministry review is completed.

Public notice

(2) The Director shall give public notice of the completion of the review in such form and manner as the Director considers suitable.

Same

(3) The public notice must indicate where and when members of the public may inspect the review and state that they may give their comments about it to the Ministry. It must also contain such other information as may be prescribed.

Public inspection of Ministry review

17.13 (1) Any person may inspect the Ministry review in the places and at the times set out in the public notice.

Comments

(2) Any person may comment in writing on the Part II.3 project, the environmental assessment and the review to the Ministry and, if the person wishes the comments to be considered when the Minister decides the proponent's application, shall submit the comments by the prescribed deadline.

Request for hearing

(3) Any person may request that the Minister refer the proponent's application or a matter that relates to it to the Tribunal for hearing and decision.

Same

(4) A request under subsection (3) must be made in writing to the Ministry before the deadline for submitting comments on the review.

DECISIONS ON THE APPLICATION

Mediation

17.14 (1) Before the application is decided, the Minister may appoint one or more persons to act as mediators who shall endeavour to resolve such matters as may be identified by the Minister as being in dispute or of concern in connection with the Part II.3 project.

Same

(2) The Minister may appoint the Tribunal to act as mediator.

Notice of mediation

(3) The Minister shall notify the following persons of his or her decision to refer certain matters to mediation and shall give them written reasons for the decision:

1. The proponent.
2. The clerk of each municipality in which the Part II.3 project is to be carried out.
3. Every person who submitted comments under subsection 17.9 (2) or 17.13 (2).
4. Such other persons as the Minister considers appropriate.

Parties

(4) The parties to the mediation are the proponent and such other persons as the Minister may identify. Instead of identifying parties by name, the Minister may determine the manner in which they are to be identified and invited to participate.

Closed proceedings

(5) Unless the mediators decide otherwise, the mediation is not open to the public.

Report

(6) The mediators shall give the Minister a written report on the conduct and results of the mediation.

Deadline

(7) The mediators shall give their report to the Minister within 60 days after their appointment or by such earlier deadline as the Minister may specify.

Confidentiality

(8) No person except the Minister shall make public any portion of the report.

Disclosure

(9) The Minister shall make the report public promptly after the Minister makes his or her decision under section 17.15 or the decision of the Tribunal under section 17.16 becomes effective. The Minister may make all or part of the report public before then only with the consent of the parties to the mediation.

Fees and expenses

(10) The proponent shall pay the fees and reasonable expenses of the mediators.

Decision by Minister

17.15 (1) The Minister may decide an application and, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,

- (a) give approval to proceed with the Part II.3 project;
- (b) give approval to proceed with the Part II.3 project subject to such conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying,
 - (i) the methods and phasing of the carrying out of the Part II.3 project,
 - (ii) the works or actions to prevent, mitigate or remedy effects of the Part II.3 project on the environment,
 - (iii) such research, investigations, studies and monitoring programs related to the Part II.3 project, and reports thereof, as the Minister considers necessary,
 - (iv) such changes in the Part II.3 project as the Minister considers necessary,
 - (v) a process to be followed in respect of any changes to the project that the proponent may wish to make after the approval is given, which may include granting authority to the Director or Minister to,
 - (A) require the proponent to engage in additional consultation, and to provide additional information, in respect of proposed changes, and
 - (B) give approval, attach conditions to the approval or refuse to give approval to proceed with the changes,
 - (vi) that the process referred to in subclause (v) is only available for specified changes or classes of changes to the projects,
 - (vii) that the proponent enter into one or more agreements related to the Part II.3 project with any person with respect to such matters as the Minister considers necessary,
 - (viii) that the proponent comply with all or any of the provisions of the environmental assessment that may be incorporated by reference in the approval,
 - (ix) the period of time during which the Part II.3 project or any part thereof shall be commenced or carried out; or
- (c) refuse to give approval to proceed with the Part II.3 project.

Subs. (1) (b) (v), process to make changes

(2) A process mentioned in subclause (1) (b) (v) may be set out in an approval or may be incorporated by reference into an approval.

Basis for decision

(3) The Minister shall consider the following matters when deciding an application:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.
3. The environmental assessment.
4. The Ministry review of the environmental assessment.
5. The comments submitted under subsections 17.9 (2) and 17.13 (2).
6. The mediator's report, if any, given to the Minister under section 17.14.
7. Such other matters as the Minister considers relevant to the application.

Notice to proponent

- (4) The Minister shall notify the proponent of the decision and shall give the proponent written reasons for it.

Notice to others

- (5) The Minister shall notify every person who submitted comments to the Ministry under subsection 17.13 (2) of the decision.

Referral to Tribunal

- 17.16** (1) The Minister may refer an application to the Tribunal for a decision.

Powers of Tribunal

- (2) The Tribunal may make any decision the Minister is permitted to make under subsection 17.15 (1).

Basis for decision

- (3) The Tribunal shall consider the following things when deciding an application:
1. The purpose of this Act.
 2. The approved terms of reference for the environmental assessment.
 3. The environmental assessment.
 4. The Ministry review of the environmental assessment.
 5. The comments submitted under subsections 17.9 (2) and 17.13 (2).
 6. If a mediators' report has been given to the Minister under section 17.14, any portion of the report that has been made public.

Same

- (4) The decision of the Tribunal must be consistent with the approved terms of reference for the environmental assessment.

Deadline

- (5) The Tribunal shall make its decision by the deadline the Minister specifies or by such later date as the Minister may permit if he or she considers that there is a sufficient reason (which is unusual, urgent or compassionate) for doing so.

Referral to Tribunal of part of a decision

- 17.17** (1) The Minister may refer to the Tribunal for hearing and decision a matter that relates to an application.

Restrictions

- (2) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may amend the referral.

Proposed decision

- (3) The Minister shall inform the Tribunal of decisions that the Minister proposes to make on matters not referred to the Tribunal in connection with the application.

Notice of referral

- (4) The Minister shall give notice of the referral to the proponent and to every person who submitted comments to the Ministry under subsection 17.13 (2) and shall give them the information given to the Tribunal under subsection (3).

Basis for decision

- (5) The Tribunal shall observe any directions given and conditions imposed by the Minister when referring the matter to the Tribunal and shall consider the following things to the extent that the Tribunal considers them relevant:

1. The purpose of this Act.
2. The approved terms of reference for the environmental assessment.

3. The Ministry review of the environmental assessment.
4. The comments submitted under subsections 17.9 (2) and 17.13 (2).
5. If a mediators' report has been given to the Minister under section 17.14, any portion of the report that has been made public.
6. The decisions the Minister proposes to make on matters not referred to the Tribunal in connection with the application.

Deadline for deciding

(6) The Tribunal shall make its decision by the deadline the Minister specifies or by such later date as the Minister may permit if he or she considers that there is a sufficient reason (which is unusual, urgent or compassionate) for doing so.

Request for referral to Tribunal

17.18 (1) This section applies if under subsection 17.13 (3) a person requests the Minister to refer an application or a matter that relates to one to the Tribunal for hearing and decision.

Referral of application

(2) If referral of the application is requested, the Minister shall refer the application to the Tribunal under section 17.16 unless in his or her absolute discretion,

- (a) the Minister considers the request to be frivolous or vexatious;
- (b) the Minister considers a hearing to be unnecessary; or
- (c) the Minister considers that a hearing may cause undue delay in determining the application.

Same, related matter

(3) If referral of a matter that relates to the application is requested, the Minister shall refer the matter to the Tribunal under section 17.17 except in the circumstances described in subsection (2).

Referral in part

(4) Despite subsection (2) or (3), if referral of an application or of matters relating to the application is requested but the Minister considers a hearing to be appropriate in respect of only some matters, the Minister shall refer those matters to the Tribunal under section 17.17.

Deadline, Minister's decisions

17.19 (1) Once the deadline has passed for submitting comments on the Ministry review of an environmental assessment, the Minister shall determine by the prescribed deadline whether to refer a matter in connection with the application to mediation or to the Tribunal under section 17.17.

Same

(2) By the prescribed deadline, the Minister shall decide the application under section 17.15 or refer it to the Tribunal for a decision under section 17.16.

Different deadlines

(3) For the purpose of subsection (2), different deadlines may be prescribed for applications in which a matter is referred to mediation or to the Tribunal under section 17.17 and for applications in which no referral is made.

Same

(4) If the Minister has not made a decision under subsection (2) by the prescribed deadline, the Minister shall provide written reasons to the proponent indicating why a decision was not made and when a decision is expected to be made:

Referral to other tribunal, entity

17.20 (1) The Minister may refer to a tribunal (other than the Environmental Review Tribunal) or an entity for decision a matter that relates to an application if the Minister considers it appropriate in the circumstances.

Deadline for referring

(2) The Minister shall make any decision to refer a matter to the tribunal or entity by the deadline by which the application must otherwise be decided.

Restrictions

(3) The Minister may give such directions or impose such conditions on the referral as the Minister considers appropriate and may direct that the matter be decided without a hearing, whether or not a hearing on the matter is otherwise required.

Same

(4) If the Minister refers a matter under this section, the Minister shall refer it to the tribunal or entity, if any, that is authorized under another Act to decide such matters. However, the Minister is not required to select that tribunal or entity if the Minister has a reason not to.

Amendment

(5) The Minister may amend a referral to the tribunal or entity.

Deemed decision

(6) A decision of the tribunal or entity under this section shall be deemed to be a decision of the Minister.

Referral by Tribunal

(7) The Tribunal may refer to another tribunal or entity for decision a matter that relates to an application, and subsections (1) to (6) apply with necessary modifications with respect to the referral.

Deferral of part of a decision

17.21 (1) The Minister may defer deciding a matter that relates to an application if the Minister considers it appropriate to do so because the matter is being considered in another forum or for scientific, technical or other reasons.

Same, Tribunal

(2) The Tribunal may defer deciding a matter that relates to an application if the Tribunal considers it appropriate to do so because the matter is being considered in another forum or for scientific, technical or other reasons.

Deadline

(3) The Minister or the Tribunal shall make any decision to defer deciding a matter by the deadline by which the application must otherwise be decided.

Notice of deferral

(4) The Minister or the Tribunal shall give notice of the deferral to the proponent and to every person who submitted comments to the Ministry under subsection 17.13 (2).

Reasons

(5) The Minister or the Tribunal shall give written reasons for a deferral, indicating why the deferral is appropriate in the circumstances.

Review of Tribunal decision

17.22 (1) The Minister may review a decision of the Tribunal under section 17.16 and may make an order or give a notice described in subsection (3) within 28 days after receiving a copy of the decision or within such longer period as the Minister may determine within that 28-day period.

Same; s. 17.17

(2) The Minister may review a decision of the Tribunal under section 17.17 and may make an order or give a notice described in subsection (3) at any time before the Minister decides the application under section 17.15.

Order

(3) With the approval of the Lieutenant Governor in Council or such ministers of the Crown as the Lieutenant Governor in Council may designate, the Minister may,

- (a) by order, vary the decision of the Tribunal;
- (b) by order, substitute his or her decision for the decision of the Tribunal; or
- (c) by a notice to the Tribunal,
 - (i) require the Tribunal to hold a new hearing respecting all or part of the application and reconsider its decision, if the notice is given under subsection (1), or
 - (ii) require the Tribunal to hold a new hearing respecting all or part of the matter referred to the Tribunal under section 17.17 and reconsider its decision, if the notice is given under subsection (2).

Same

(4) If the Minister reviews under subsection (1) a decision of the Tribunal made under section 17.16 and then, with the approval of the Lieutenant Governor in Council or of such ministers of the Crown as the Lieutenant Governor in Council may designate, makes an order under clause (3) (a) or (b), the varied or substituted decision is deemed to be the decision made by the Minister, with the necessary approval, under section 17.15.

Notice of order, etc.

- (5) The Minister shall notify the persons who were given a copy of the Tribunal's decision,
- (a) that the Minister has made an order or given a notice described in subsection (3); or
 - (b) that the Minister intends to do so within the period specified in the notice.

Copy of order, etc.

- (6) The Minister shall give a copy of his or her order or notice under subsection (3), together with the reasons for it, to the persons who were given a copy of the Tribunal's decision.

When Tribunal decision is effective

17.23 A decision of the Tribunal is effective only after the expiry of the period under section 17.22 during which the Minister may review it and make an order or give a notice in respect of it.

Reconsideration of decisions

17.24 (1) If there is a change in circumstances or new information concerning an application and if the Minister considers it appropriate to do so, he or she may reconsider an approval given by the Minister or the Tribunal to proceed with a Part II.3 project.

Same

- (2) The Minister may request the Tribunal to determine whether it is appropriate to reconsider an approval.

Same

- (3) The Minister may request the Tribunal to reconsider an approval given by the Minister or the Tribunal.

Minister may require plans, etc.

- (4) For the purposes of making a decision under this section, the Minister or the Tribunal may, by order, require the proponent of the Part II.3 project to provide plans, specifications, technical reports or other information and to carry out and report on tests or experiments relating to the Part II.3 project.

Amendment, revocation

- (5) Where the Minister or the Tribunal reconsiders an approval under this section, that approval may be amended or revoked.

Rules, etc.

- (6) A decision under this section shall be made in accordance with any rules and subject to any restrictions as may be prescribed.

Expiry of approval**Application of section**

17.25 (1) Subject to subsection (5), this section applies in respect of an approval to proceed with a Part II.3 project if the approval does not specify a period of time following the giving of the approval after which the approval expires or a date after which a proponent cannot proceed under the approval.

Expiry

- (2) If the Part II.3 project has not been substantially commenced by the 10th anniversary of the day approval to proceed with the project was given under this Act or by the end of any extension to that 10-year period granted by the Minister under subsection (3), the approval expires on the later of,
- (a) the 10th anniversary or the end of the extended period, as the case may be; or
 - (b) the day section 29 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Extension

- (3) The Minister may, by notice to the proponent, grant an extension of the period within which a Part II.3 project is to be substantially commenced beyond the 10th anniversary of the day approval to proceed with the project was given and may grant such an extension subject to any conditions specified in the notice.

Same

- (4) An extension under subsection (3) may be granted at any time, including after the approval has expired.

Exception, regulations

- (5) The Minister may make regulations exempting projects from this section.

Minister may include date

(6) If a Part II.3 project is exempted from this section by regulations, the Minister may amend the approval to proceed with that project to include a date on which the approval will expire.

OTHER MATTERS**Replacement of environmental assessment**

17.26 (1) A proponent may submit a second environmental assessment to replace an environmental assessment withdrawn by the proponent or rejected by the Minister.

Same

(2) The second environmental assessment must be prepared in accordance with the approved terms of reference.

Activities permitted before approval

17.27 (1) Before a proponent receives approval to proceed with a Part II.3 project, a person may,

- (a) take any action in connection with the Part II.3 project that may be necessary to comply with this Act;
- (b) acquire property or rights in property in connection with the Part II.3 project;
- (c) prepare a feasibility study and engage in research in connection with the Part II.3 project;
- (d) establish a reserve fund or another financing mechanism in connection with the Part II.3 project.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the Part II.3 project has been given until the proponent receives approval under this Act to proceed with the Part II.3 project.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent receives the approval.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the Part II.3 project until the proponent receives approval to proceed with the Part II.3 project.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent receives the approval.

Prohibition following approval

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to a Part II.3 project if it would be inconsistent with a condition imposed upon the approval to proceed with the Part II.3 project.

Application of s. 17.24

17.28 Section 17.24 applies in respect of an environmental assessment to which all or part of Part II or a predecessor to that Part applied, and such an environmental assessment is deemed to be an application for the purpose of section 17.24.

30 The Act is amended by adding the following Part:

**PART II.4
STREAMLINED ENVIRONMENTAL ASSESSMENTS**

Prohibition

17.29 (1) No person shall proceed with a Part II.4 project until the person has satisfied the prescribed requirements for commencing the project, including the completion of a prescribed environmental assessment process.

Exception

(2) Despite subsection (1), a proponent of a Part II.4 project may apply under subsection 17.2 (1) to the Minister for approval to proceed with the Part II.4 project as a Part II.3 project. On and after the day the proponent applies under subsection 17.2 (1), the project shall be deemed to be a Part II.3 project and Part II.3 applies in respect of it instead of this section.

Same

(3) Subsection (2) ceases to apply if the application for approval to proceed with a project as a Part II.3 project is withdrawn by the proponent.

Same

(4) Despite subsection (1), if the Minister makes an order under subsection 17.31 (1) declaring the Part II.4 project to be a Part II.3 project for the purposes of this Act, this section ceases to apply with respect to the project and Part II.3 applies.

Proceeding with project

(5) After the prescribed requirements for commencing a Part II.4 project have been satisfied, a person may proceed with the project but shall do so only in accordance with the prescribed requirements for proceeding with the project.

Activities permitted before proceeding

17.30 (1) Before the proponent of a Part II.4 project has satisfied the prescribed requirements for commencing the project, a person may,

- (a) take any action in connection with the project that may be necessary to comply with this Act;
- (b) acquire property or rights in property in connection with the project;
- (c) prepare a feasibility study and engage in research in connection with the project; or
- (d) establish a reserve fund or another financing mechanism in connection with the project.

Restriction on issuing certain documents

(2) No person shall issue a document evidencing that an authorization required at law to proceed with the project has been given until the proponent has satisfied the prescribed requirements for commencing the project.

Exception

(3) Despite subsection (2), a document described in that subsection may be issued with respect to an activity permitted by subsection (1) before the proponent has satisfied the prescribed requirements for commencing the project.

Restriction on provincial funding

(4) The Crown or a Crown agency shall not give a loan, grant, subsidy or guarantee with respect to the project until the proponent has satisfied the prescribed requirements for commencing the project.

Exception

(5) Despite subsection (4), a loan, grant, subsidy or guarantee described in that subsection may be given with respect to an activity permitted by subsection (1) before the proponent has satisfied the prescribed requirements for commencing the project.

Prohibition on projects that are proceeding

(6) No person shall issue a document described in subsection (2) or give a loan, grant, subsidy or guarantee described in subsection (4) with respect to a Part II.4 project after the prescribed requirements for commencing the project have been satisfied if doing so would be contrary to,

- (a) a prescribed requirement for proceeding with the project; or
- (b) a requirement imposed in an order of the Minister under subsection 17.31 (3).

Order to comply with Part II.3

17.31 (1) The Minister may make an order declaring a Part II.4 project to be a Part II.3 project for the purposes of this Act.

Same

(2) In an order under subsection (1), the Minister may do the following:

1. Set out directions with respect to the terms of reference governing the preparation of an environmental assessment under Part II.3 for the project.
2. Declare that the proponent has satisfied such requirements for the preparation of an environmental assessment under Part II.3 as are specified in the order.

Same, additional requirements

(3) The Minister may by order impose requirements on a Part II.4 project in addition to any prescribed requirements for commencing or proceeding with the project.

Same

(4) An order under subsection (1) or (3) may be made on the initiative of the Minister or on the request of a person under subsection (7).

Prescribed limits

(5) The Minister shall not make an order under subsection (1) or (3) on his or her own initiative after the prescribed deadline.

Basis for order

(6) The Minister shall consider the following matters when making an order under this section:

1. The purpose of this Act.
2. The factors suggesting that the proposed Part II.4 project differs from other Part II.4 projects of the same type.
3. The significance of the factors and of the differences mentioned in paragraph 2.
4. If a request for the order was made by a person under subsection (7), any ground for making the request that is given by that person and permitted under subsection (7).
5. The mediators' report, if any, following a referral under subsection (10).
6. Such other matters as may be prescribed.
7. Such other matters as the Minister considers appropriate.

Request for order

(7) A person may request the Minister to make an order under this section only on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

Same

(8) A request under subsection (7) shall be made in the form and manner that may be specified by the Director and shall include such information as may be specified by the Director.

Same

(9) If a request is made under subsection (7) with respect to a project, no person shall proceed with the project until such time as,

- (a) the Minister has made a decision with respect to the request; or
- (b) the Minister has given a notice to the proponent stating that the proponent may proceed with the project.

Mediation

(10) The Minister may refer a matter in connection with a request to mediation and section 17.14 applies with necessary modifications.

Order after request

(11) For the purpose of considering a request made by a person under subsection (7), the Director may require the proponent to undertake such consultations and to provide such information as the Director may specify.

Refusal after request

(12) If, after receiving a request under subsection (7), the Minister refuses to make an order, the Minister shall notify the person who made the request of his or her decision and shall give the person reasons for the decision.

Notice of order

(13) The Minister shall give a copy of an order under this section, together with the reasons for it, to the proponent, to the person, if any, who requested an order and to such other persons as the Minister considers advisable.

Change to project

(14) If a proponent of a Part II.4 project wishes to make a change to the project after it has satisfied the prescribed requirements for commencing the project, the Minister may make an order under this section with respect to the change and this section shall apply with necessary modifications to such an order.

Amendment of subs. (3) order

(15) The Minister may, in accordance with the regulations, if any, amend any order made under subsection (3), regardless of whether the order was made before or after section 30 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force.

31 Subsection 19 (1) of the Act is amended by striking out “subsection 7.2 (3)” and substituting “subsection 17.13 (3)”.

32 Section 22 of the Act is amended,

- (a) by striking out “subsection 7.2 (2)” and substituting “subsection 17.13 (2)”; and
- (b) by striking out “undertaking” and substituting “project”.

33 Section 23.1 of the Act is amended by striking out “Subject to section 11.2” at the beginning and substituting “Subject to section 17.22”.

34 The French version of subsection 25 (1) of the Act is amended by striking out “études, examens, enquêtes, épreuves et recherches” and substituting “arpentages, examens, enquêtes, tests, analyses et recherches”.

35 (1) Clause 28 (a) of the Act is amended by striking out “an undertaking” and substituting “an undertaking or a designated project”.

(2) Clause 28 (a) of the Act, as amended by subsection (1), is amended by striking out “an undertaking or”.

(3) Clause 28 (b) of the Act is amended by striking out “subsection 12.2 (2) or (6)” at the end and substituting “subsection 12.2 (2) or (6) or 15.1.2 (2) or (6)”.

(4) Clause 28 (b) of the Act, as amended by subsection (3), is amended by striking out “subsection 12.2 (2) or (6) or 15.1.2 (2) or (6)” at the end and substituting “subsection 15.1.2 (2) or (6), 17.27 (2) or (6) or 17.30 (2) or (6)”.

(5) Clause 28 (b) of the Act, as amended by subsection (4), is amended by striking out “15.1.2 (2) or (6)”.

36 (1) Subsection 30 (1) of the Act is amended by striking out “and for every application submitted under Part II.1” at the end.

(2) Subsection 30 (1) of the Act, as amended by subsection (1), is repealed and the following substituted:

Record

(1) The Director shall maintain a record for every project in respect of which an application is submitted under Part II.3.

(3) Paragraphs 2 and 3 of subsection 30 (1.1) of the Act are amended by striking out “or the class environmental assessment, as the case may be” wherever it appears.

(4) Paragraph 4 of subsection 30 (1.1) of the Act is amended by striking out “subsections 6.4 (2) and 7.2 (2)” at the end and substituting “subsections 17.9 (2) and 17.13 (2)”.

(5) Paragraph 3 of subsection 30 (2) of the Act is repealed and the following substituted:

3. An undertaking in respect of which an order under section 16 is proposed or a Part II.4 project in respect of which an order under section 17.31 is proposed.

(6) Paragraph 3 of subsection 30 (2) of the Act, as re-enacted by subsection (5), is repealed and the following substituted:

3. A Part II.4 project in respect of which an order under section 17.31 is proposed.

(7) Subsection 30 (3) of the Act is repealed and the following substituted:

Inspection

(3) Upon request, the Director shall make available on a website or in such other manner as the Director considers appropriate any record referred to in this section including any document that forms part of the record and shall make a document available as soon as practicable after a document is issued or received.

37 (1) The French version of clause 31 (1) (h) of the Act is repealed and the following substituted:

- h) prendre les arrangements qu’il estime nécessaires, y compris faire des enquêtes, des arpentages, des examens, des tests ou des analyses;

(2) Paragraph 2 of subsection 31 (3) of the Act is amended by striking out “subsection 9 (1)” at the end and substituting “subsection 17.15 (1)”.

(3) Subsection 31 (3) of the Act is amended by adding the following paragraph:

- 3.1 The power to review decisions of the Tribunal under subsections 11.2 (1) and (1.1).

(4) Paragraph 3.1 of subsection 31 (3) of the Act, as enacted by subsection (3), is repealed and the following substituted:

- 3.1 The power to review decisions of the Tribunal under subsections 17.22 (1) and (2).

(5) Paragraph 4 of subsection 31 (3) of the Act is repealed and the following substituted:

4. The power under section 17.24 to reconsider a decision. However, the Minister may make a delegation to the Tribunal as provided in that section or in respect of the power to issue an order under subsection 17.24 (4).

(6) Paragraph 5 of subsection 31 (3) of the Act is repealed.

38 Paragraphs 2 to 4 of subsection 32 (1) of the Act are repealed and the following substituted:

1. Any current or former member of the Executive Council.
2. Any current or former officer, employee or agent of or adviser to the Crown.

3. Any current or former mediator appointed under this Act.

39 The Act is amended by adding the following Part:

**PART V.1
TRANSITION**

Regulations re transitional matters

38.1 (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

Same

- (2) A regulation made under subsection (1) may, without limitation,
- (a) provide that specified provisions of this Act or regulations as they read immediately before specified provisions of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force continue to apply to a project despite amendments made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*;
 - (b) provide that all or part of an approved class environmental assessment continues to apply to a project after the day the approval of the class environmental assessment is revoked;
 - (c) exempt a designated project from any provision of this Act or the regulations.

Conflict

- (3) A regulation made under this section prevails over any provision of this Act specifically mentioned in the regulation.

Retroactive effect

- (4) A regulation made under this section is, if it so provides, effective with reference to a period before it is filed.

Termination of request for s. 16 order

38.2 (1) Subject to subsection (2), any request for the Minister to make an order under section 16 of Part II.1 that was made before the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent and in respect of which no decision has been made as of that day shall be terminated on that day.

Exception

(2) Subsection (1) does not apply in respect of a request for the Minister to make an order under section 16 of Part II.1 on the grounds that the order may prevent, mitigate or remedy adverse impacts on the existing aboriginal and treaty rights of the aboriginal peoples of Canada as recognized and affirmed in section 35 of the *Constitution Act, 1982*.

40 Part V.1 of the Act, as enacted by section 39, is amended by adding the following section:

Deemed Part II.3 projects, approval

38.3 If approval was given to proceed with an undertaking under Part II as it read before the day section 20 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* comes into force or under the predecessor to that Part and the approval was in effect immediately before that day,

- (a) the undertaking is deemed to be a Part II.3 project; and
- (b) the approval is deemed to be an approval under Part II.3.

41 Part V.1 of the Act, as enacted by section 39, is amended by adding the following sections:

Amendment, etc., by order, transition to Part II.4

38.4 (1) If the Minister considers it appropriate to amend or revoke an approval of a class environmental assessment or amend an approved class environmental assessment in order to facilitate the transition of some or all of the activities covered by the approved class environmental assessment from Part II.1 to Part II.4, the Minister may amend or revoke the approval or amend the approved class environmental assessment.

Same

- (2) Section 15.4 does not apply in respect of an amendment under subsection (1).

Deemed Part II.4 projects

38.5 If a proponent was authorized to proceed with an undertaking in accordance with an approved class environmental assessment under Part II.1 on or before the day the approval of the class environmental assessment was revoked, then after that day,

- (a) the undertaking is deemed to be a Part II.4 project; and

- (b) the proponent is deemed to have satisfied all the prescribed requirements for commencing a Part II.4 project.

Orders under s.16

38.6 (1) If, before the day Part II.1 is repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*, an order was made under subsection 16 (1) of that Part requiring the proponent of an undertaking to comply with Part II before proceeding with the undertaking, then, on and after the day Part II.1 is repealed,

- (a) the order is deemed to be an order made under subsection 17.31 (1) of Part II.4 declaring the undertaking to be a Part II.3 project;
- (b) the undertaking is deemed to be a Part II.3 project; and
- (c) Part II.3 applies with respect to the project.

Same

(2) If, before the day Part II.1 is repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*, an order was made under subsection 16 (3) of that Part imposing conditions on an undertaking referred to in section 15 that is deemed to be a Part II.4 project under section 38.5, then, on and after the day Part II.1 is repealed, the conditions imposed in the order made under subsection 16 (3) shall continue to apply with respect to the deemed Part II.4 project.

42 (1) The French version of clause 39 (e) of the Act is amended,

- (a) by striking out “un projet” and substituting “une proposition”; and
- (b) by striking out “de projets” and substituting “de propositions”.

(2) Clause 39 (f) of the Act is repealed and the following substituted:

- (f) exempting any person, class of persons, undertaking or class of undertakings from this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act, and imposing conditions with respect to the exemptions;

(3) Section 39 of the Act is amended by adding the following clause:

- (f.1) defining “substantially commenced” for the purposes of subsection 11.5 (2);

(4) The French version of subclause 39 (g) (iii) of the Act is amended by striking out “un projet” at the beginning and substituting “une proposition”.

(5) Section 39 of the Act is amended by adding the following clause:

- (g.1) providing that Part II of this Act or specific provisions of an approved class environmental assessment apply in respect of an undertaking designated in a regulation made pursuant to clause (g) and requiring compliance with a Part or process;

(6) Section 39 of the Act, as amended by subsections (1) to (5), is repealed and the following substituted:

Regulations, general

39 The Lieutenant Governor in Council may make regulations,

- (a) governing anything that is required or permitted to be prescribed or that is required or permitted to be done by, or in accordance with, the regulations or as authorized, specified or provided in the regulations;
- (b) defining any body as a public body for the purposes of this Act;
- (c) defining “ancillary” for the purposes of subsections 3 (3) and (4);
- (d) defining “substantially commenced” for the purposes of subsection 17.25 (2);
- (e) exempting any person, class of persons, undertaking, class of undertakings, project or class of project from this Act, the regulations, any provision of this Act or the regulations or any matter provided for under this Act, and imposing conditions with respect to the exemptions;
- (f) authorizing the Director to extend any deadline or period of time established under this Act, other than a deadline or period of time established under section 16.1 or subsection 17.31 (5), in such circumstance as may be prescribed or in such circumstances as the Director considers appropriate, whether or not the deadline has passed or the period has expired;
- (g) providing that an approved class environmental assessment or a specific provision of an approved class environmental assessment applies in respect of an undertaking, class or undertakings proponent or class of proponents;
- (h) prescribing the method of determining any deadline that is to be prescribed under this Act;
- (i) respecting anything that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this Act.

(7) Clause 39 (e) of the Act, as re-enacted by subsection (6), is amended by striking out “undertaking, class of undertakings”.

(8) Clause 39 (g) of the Act, as re-enacted by subsection (6), is repealed.

43 The Act is amended by adding the following section:

Regulations, Part II.4

40 (1) The Lieutenant Governor in Council may make regulations governing Part II.4 projects, including regulations,

- (a) governing the prescribed requirements for commencing a Part II.4 project that are referred to in subsection 17.29 (1), including the environmental assessment process that must be completed before proceeding with the project;
- (b) respecting the commencement of Part II.4 projects and defining “commencing” for the purposes of subsection 17.29 (1);
- (c) specifying a time period that a person must wait before proceeding with a Part II.4 project after the prescribed requirements for commencing the project have been satisfied;
- (d) specifying a deadline for substantially commencing a Part II.4 project;
- (e) governing the prescribed requirements for proceeding with a Part II.4 project that are referred to in subsection 17.29 (5);
- (f) requiring studies and consultations to be carried out in relation to Part II.4 projects and respecting the manner in which the studies and consultations are to be carried out;
- (g) requiring information in relation to Part II.4 projects and in relation to the studies and consultations referred to in clause (f) to be made available to the public;
- (h) requiring proponents of a Part II.4 project to maintain records and documents in relation to the project;
- (i) requiring persons to satisfy prescribed conditions in order to mitigate any adverse effects of a Part II.4 project;
- (j) specifying changes that may be made to a Part II.4 project after the prescribed requirements for commencing the project have been satisfied and specifying rules and procedures that persons must follow in order to make the changes, including complying with such conditions as may be specified by the Director;
- (k) governing orders that may be made by the Minister under section 17.31, including prescribing deadlines for the making of such orders and respecting amendments that may be made under subsection 17.31 (15) to an order made under subsection 17.31 (3);
- (l) respecting any other matter that the Lieutenant Governor may consider necessary or advisable for the purposes of this Part.

Same

(2) A regulation under clause (1) (a) respecting the environmental assessment process that must be completed before proceeding with a Part II.4 project may require persons to,

- (a) consider alternatives to a proposed project and alternative methods of carrying out a project;
- (b) conduct studies as part of an environmental assessment;
- (c) carry out consultations with the public, aboriginal communities, government bodies and municipalities;
- (d) give notice to the public or to specified persons and make information available to the public with respect to a proposed project, the studies referred to in clause (b) or the consultations required under clause (c);
- (e) maintain records and documents in relation to an environmental assessment.

44 Section 43 of the Act is repealed.

CONSEQUENTIAL AMENDMENTS

Cap and Trade Cancellation Act, 2018

45 Subsection 4 (4) of the *Cap and Trade Cancellation Act, 2018* is repealed.

Capital Investment Plan Act, 1993

46 (1) Paragraph 2 of subsection 2 (1) of the *Capital Investment Plan Act, 1993* is repealed.

(2) Subsection 2 (5) of the Act is amended by striking out “three corporations” and substituting “two corporations”.

(3) Subsection 3 (2) of the Act is repealed.

(4) Part III of the Act is repealed.

(5) Sections 55 and 56 of the Act are repealed.

City of Toronto Act, 2006

47 (1) Subsection 411.1 (7) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Activities deemed not to be undertaking

(7) An enterprise, proposal, plan, activity or program of the corporation or of the City as it relates to the corporation is deemed not to be an undertaking or designated project to which the *Environmental Assessment Act* applies unless it is specifically designated as a designated project under section 3 of that Act or it is an undertaking to which a class environmental assessment applies pursuant to a regulation made under clause 39 (g) of that Act.

(2) Subsection 411.1 (7) of the Act, as re-enacted by subsection (1), is repealed and the following substituted:

Activities deemed not to be undertaking

(7) An enterprise, proposal, plan, activity or program of the corporation or of the City as it relates to the corporation is deemed not to be a designated project to which the *Environmental Assessment Act* applies unless it is specifically designated as a designated project under section 3 of that Act.

Clean Water Act, 2006

48 Subsection 95 (2) of the *Clean Water Act, 2006* is repealed.

Electricity Act, 1998

49 Section 25.32.1 of the *Electricity Act, 1998* is repealed.

Endangered Species Act, 2007

50 Subsection 20.8 (6) of the *Endangered Species Act, 2007* is repealed.

Environmental Bill of Rights, 1993

51 (1) Subsection 32 (2) of the *Environmental Bill of Rights, 1993* is repealed and the following substituted:

Same

(2) Section 22 does not apply where, in the minister's opinion, the issuance, amendment or revocation of an instrument would be a step towards implementing an undertaking that has been exempted from the *Environmental Assessment Act*,

- (a) by a regulation made under that Act; or
- (b) under section 15.3 of that Act.

(2) Section 32 of the Act, as amended by subsection (1), is repealed and the following substituted:

Exception: instruments in accordance with statutory decisions

32 (1) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing an undertaking or a project that,

- (a) has been approved by a decision made by a tribunal under an Act after affording an opportunity for public participation;
- (b) has been approved to proceed by a decision made under the *Environmental Assessment Act*; or
- (c) has satisfied the prescribed requirements for commencing the Part II.4 project under Part II.4 of the *Environmental Assessment Act*.

Same

(2) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing an undertaking or a project,

- (a) that has been exempted from the *Environmental Assessment Act* by a regulation made under that Act; or
- (b) that has been exempted from the *Environmental Assessment Act* pursuant to section 15.3 of that Act.

Same

(3) A decision about a class of undertakings or a class of projects is a decision about each undertaking or project in the class for the purposes of clause (1) (a) or (b).

Same

(4) An exemption of a class of undertakings or class of projects under the *Environmental Assessment Act* is an exemption of each undertaking or project in the class for the purposes of subsection (2).

(3) Subsection 32 (1) of the Act, as re-enacted by subsection (2), is amended by striking out “an undertaking or” in the portion before clause (a).

(4) Subsection 32 (2) of the Act, as re-enacted by subsection (2), is repealed and the following substituted:

Same

(2) Section 22 does not apply to a proposal to issue, amend or revoke an instrument where, in the minister's opinion, the issuance, amendment or revocation of the instrument would be a step towards implementing a project that has been exempted from the *Environmental Assessment Act* by a regulation made under that Act.

(5) Subsection 32 (3) of the Act, as re-enacted by subsection (2), is repealed and the following substituted:

Same

(3) A decision about a class of projects is a decision about each project in the class for the purposes of clause (1) (a).

(6) Subsection 32 (4) of the Act, as enacted by subsection (2), is repealed and the following substituted:

Same

(4) An exemption of a class of projects under the *Environmental Assessment Act* is an exemption of each project in the class for the purposes of subsection (2).

Transition

(5) Subsection (2), as it read on the day before the day subsection 51 (4) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to a proposal to issue, amend or revoke an instrument on or after that day where, in the Minister's opinion, the issuance, amendment or revocation of the instrument would be a step in implementing an undertaking that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

- (a) was an undertaking within the meaning of the *Environmental Assessment Act*;
- (b) was exempted from the *Environmental Assessment Act* by a regulation made under that Act or pursuant to section 15.3 of that Act; and
- (c) had commenced proceeding.

(7) The Act is amended by adding the following section immediately before the heading "Ministerial Role after Giving Notice of a Proposal":

Exception: COVID-19 Economic Recovery Act, 2020

33.1 The requirements of this Part are deemed not to have applied with respect to the amendments made by Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

(8) Section 33.1 of the Act, as enacted by subsection (7), is repealed.

Environmental Protection Act

52 (1) Subsection 20.6 (3) of the *Environmental Protection Act* is amended by striking out "Subsection 12.2 (2)" at the beginning and substituting "Subsections 12.2 (2) and 15.1.2 (2)".

(2) Subsection 20.6 (3) of the Act, as amended by subsection (1), is amended by striking out "Subsections 12.2 (2) and 15.1.2 (2)" at the beginning and substituting "Subsections 15.1.2 (2) , 17.27 (2) and 17.30 (2)".

(3) Subsection 20.6 (3) of the Act, as amended by subsection (2), is amended by striking out "15.1.2 (2)".

(4) Subclause 176 (9.1) (b) (i) of the Act is amended by adding "as those Parts read before the day the *COVID-19 Economic Recovery Act, 2020* received Royal Assent" after "*Environmental Assessment Act*".

Far North Act, 2010

53 Subsections 7 (8), 8 (4), 9 (19) and 13 (5) of the *Far North Act, 2010* are repealed.

Great Lakes Protection Act, 2015

54 Subsection 35 (2) of the *Great Lakes Protection Act, 2015* is repealed.

Highway 407 Act, 1998

55 (1) Paragraph 1 of subsection 1 (2) of the *Highway 407 Act, 1998* is repealed and the following substituted:

1. The lands must not exceed a width sufficient to accommodate 10 highway lanes, a median, and the additional lands required for infrastructure that is essential to the design, construction, use and safety of the highway constructed along the route that was, on October 19, 1998, exempt or approved under the *Environmental Assessment Act* between,
 - i. the intersection of Highway 407 and the Queen Elizabeth Way in the City of Burlington, and
 - ii. Highway 7 east of Brock Road in the Town of Pickering.

(2) Subsection 47 (1) of the Act is repealed.

(3) Section 47 of the Act is amended by adding the following subsection:

Same

(1.1) Part II.3 of the *Environmental Assessment Act* applies to any part of the Highway 407 undertaking that is a Part II.3 project.

(4) Subsection 47 (1.1) of the Act, as enacted by subsection (3), is repealed.

(5) Subsection 47 (2) of the Act is repealed and the following substituted:

Same

(2) Despite subsection (1), the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the undertaking, including a Part II.3 project under the *Environmental Assessment Act* that is part of the undertaking.

(6) Subsection 47 (2) of the Act, as re-enacted by subsection (5), is repealed and the following substituted:

Minister as proponent

(2) If a designated project under the *Environmental Assessment Act* relates to the management of Highway 407, the Ministry of Transportation may elect to be a proponent or co-proponent of any part of the designated project.

(7) Subsection 47 (3) of the Act is repealed.

(8) Paragraph 2 of subsection 47 (4) of the Act is repealed.

(9) Subsections 47 (4), (5) and (6) of the Act are repealed.

Housing Services Act, 2011

56 Paragraph 3 of subsection 167 (1) of the *Housing Services Act, 2011* is repealed.

Kawartha Highlands Signature Site Park Act, 2003

57 (1) Subsection 10 (7) of the *Kawartha Highlands Signature Site Park Act, 2003* is amended by striking out “the requirements” and substituting “any requirements”.

(2) Subsection 17 (2) of the Act is amended by striking out “the requirements” and substituting “any requirements”.

(3) Section 21 of the Act is repealed.

Lake Simcoe Protection Act, 2008

58 Subsection 22 (2) of the *Lake Simcoe Protection Act, 2008* is repealed.

Metrolinx Act, 2006

59 (1) Subsection 31.1 (18) of the *Metrolinx Act, 2006* is repealed.

(2) Subsection 39 (1) of the Act is repealed.

(3) Subsection 39 (2) of the Act is repealed.

(4) Subsection 39 (3) of the Act is repealed.

More Homes, More Choice Act, 2019

60 (1) Section 6 of Schedule 6 to the *More Homes, More Choice Act, 2019* is repealed.

(2) Subsection 7 (2) of Schedule 6 to the Act is repealed.

(3) Subsection 9 (2) of Schedule 6 to the Act is repealed.

Places to Grow Act, 2005

61 Subsection 17 (2) of the *Places to Grow Act, 2005* is repealed.

Planning Act

62 (1) Subsection 62 (1) of the *Planning Act* is repealed and the following substituted:

Not subject to Act

(1) An undertaking or Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006*.

(2) Subsection 62 (1) of the Act, as amended by subsection (1), is repealed and the following substituted:

Not subject to Act

(1) A Part II.3 project of Hydro One Inc. (as defined in subsection 2 (1) of the *Electricity Act, 1998*) or Ontario Power Generation Inc. (as defined in subsection 2 (1) of that Act) that has been approved under the *Environmental Assessment Act* is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006*.

(3) Section 62 of the Act is amended by adding the following subsection:

Transition

(3) Subsection (1), as it read on the day before the day subsection 62 (2) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking approved under Part II.1 of the *Environmental Assessment Act* before the day Part II.1 of that Act was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*.

(4) Subsection 62.0.1 (1) of the Act is repealed and the following substituted:

Exempt projects, undertakings, etc.

(1) Any project, class of projects, undertaking or class of undertakings within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) any of the following applies with respect to the project, class of projects, undertaking or class or undertakings:
 - (i) it is approved under Part II.1 or Part II.3 of the *Environmental Assessment Act*,
 - (ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,
 - (iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or
 - (iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and
- (b) a regulation made under clause 70 (h) prescribing the project, class of projects, undertaking or class of undertakings for the purposes of this subsection is in effect.

(5) Subsection 62.0.1 (1) of the Act, as re-enacted by subsection (4), is repealed and the following substituted:

Exempt projects

(1) Any project or class of projects within the meaning of the *Environmental Assessment Act* that relates to energy is not subject to this Act or to section 113 or 114 of the *City of Toronto Act, 2006* if,

- (a) any of the following applies with respect to the project or class of projects:
 - (i) it is approved under Part II.3 of the *Environmental Assessment Act*,
 - (ii) the prescribed requirements for commencing a project under Part II.4 of the *Environmental Assessment Act* have been satisfied,
 - (iii) it is the subject of an order under section 3.1 of the *Environmental Assessment Act* or a declaration under section 3.2 of that Act, or
 - (iv) it is exempted from the *Environmental Assessment Act* by a regulation made under that Act; and
- (b) a regulation made under clause 70 (h) prescribing the project or class of projects for the purposes of this subsection is in effect.

(6) Subsection 62.0.1 (2) of the Act is repealed.

(7) Section 62.0.1 of the Act is amended by adding the following subsections:

Transition

(2) Subsection (1), as it read on the day before the day subsection 62 (5) of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020* came into force, continues to apply to an undertaking or class of undertakings that, before the day Part II.1 of the *Environmental Assessment Act* was repealed by section 26 of Schedule 6 to the *COVID-19 Economic Recovery Act, 2020*,

- (a) was approved under Part II.1 of the *Environmental Assessment Act*;
- (b) was the subject of an order under section 3.1 of the *Environmental Assessment Act* or of a declaration under section 3.2 of that Act; or
- (c) was exempted from the *Environmental Assessment Act* by a regulation made under that Act.

Same, regulations

(3) For the purposes of the continued application of subsection (1) under subsection (2),

- (a) the Lieutenant Governor in Council may make regulations prescribing undertakings or classes of undertakings that relate to energy and are referred to in subsection (2); and
- (b) a regulation made under clause (a) is deemed to be a regulation made under clause 70 (h) for the purposes of the continued application of clause (1) (b).

(8) Clause 70 (h) of the Act is repealed and the following substituted:

- (h) for the purposes of section 62.0.1, prescribing a project, class of projects, an undertaking or class of undertakings that relates to energy.

(9) Clause 70 (h) of the Act, as re-enacted by subsection (8), is repealed and the following substituted:

- (h) for the purposes of section 62.0.1, prescribing a project or class of projects that relates to energy.

Public Lands Act

63 Subsection 12.2 (5) of the *Public Lands Act* is repealed.

Resource Recovery and Circular Economy Act, 2016

64 (1) Section 7 of the *Resource Recovery and Circular Economy Act, 2016* is repealed.

(2) Subsection 11 (10) of the Act is repealed.

Safe Drinking Water Act, 2002

65 (1) Subsection 37 (3) of the *Safe Drinking Water Act, 2002* is amended by striking out “Subsection 12.2 (2)” at the beginning and substituting “Subsections 12.2 (2) and 15.1.2 (2)”.

(2) Subsection 37 (3) of the Act, as amended by subsection (1), is amended by striking out “Subsections 12.2 (2) and 15.1.2 (2)” at the beginning and substituting “Subsections 15.1.2 (2), 17.27 (2) and 17.30 (2)”.

(3) Subsection 37 (3) of the Act, as amended by subsection (2), is amended by striking out “15.1.2 (2)”.

(4) Subsection 41 (3) of the Act is amended by striking out “Subsection 12.2 (2)” at the beginning and substituting “Subsections 12.2 (2) and 15.1.2 (2)”.

(5) Subsection 41 (3) of the Act, as amended by subsection (4), is amended by striking out “Subsections 12.2 (2) and 15.1.2 (2)” at the beginning and substituting “Subsections 15.1.2 (2), 17.27 (2) and 17.30 (2)”.

(6) Subsection 41 (3) of the Act, as amended by subsection (5), is amended by striking out “15.1.2 (2)”.

COMMENCEMENT

Commencement

66 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Subsection 51 (8) comes into force 30 days after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) The following provisions of this Schedule come into force on a day to be named by proclamation of the Lieutenant Governor:

1. Subsections 1 (1), (3) to (8) and (10), 3 (2), 4 (2) and (3) and 5 (3) to (7).
2. Sections 6, 7, 17 and 20.
3. Subsections 21 (2) to (4),
4. Section 22.
5. Subsections 25 (2) and (3).
6. Sections 26 and 28 to 33.
7. Subsections 35 (1), (2), (4) and (5), 36 (2) and (4) to (6), 37 (2) and (4) to (6).
8. Sections 40 and 41.
9. Subsections 42 (3) and (6) to (8).
10. Sections 43 to 45.
11. Subsection 46 (5).
12. Sections 47 to 50.
13. Subsections 51 (2) to (6) and 52 (2) and (3).
14. Sections 53 and 54.
15. Subsections 55 (2) to (9).
16. Sections 56 to 59 and 61 to 64.

17. Subsections 65 (2), (3), (5) and (6).

SCHEDULE 7
FARM REGISTRATION AND FARM ORGANIZATIONS FUNDING ACT, 1993

1 The *Farm Registration and Farm Organizations Funding Act, 1993* is amended by adding the following section:

Appeal to Tribunal

2.1 (1) A person who has been denied a farming business registration number may appeal to the Tribunal by providing written notice to the Tribunal and the Director within 30 days after receiving notice of the Director's decision respecting the denial.

Extension of time

(2) The Tribunal may extend the time for providing the notice of appeal, either before or after the expiry of that time, if it is satisfied that there are apparent grounds for appeal and that there are reasonable grounds for applying for the extension.

Record

(3) As soon as reasonably possible in the circumstances after receiving notice of the appeal, the Director shall provide the Tribunal with a copy of,

- (a) all materials the appellant provided when making the request for a farming business registration number; and
- (b) the Director's decision to deny the farming business registration number.

Parties

(4) The parties to an appeal under this section are the appellant and the Director.

Powers of Tribunal

(5) The Tribunal shall review the Director's determination and,

- (a) if the Tribunal finds that the Director's determination was reasonable, it shall confirm the decision; and
- (b) if the Tribunal finds that the Director's determination was not reasonable, it shall alter the Director's decision or direct the Director to do any act that the Director is authorized to do under this Act and that the Tribunal considers proper.

2 The Act is amended by adding the following section:

Continued eligibility to receive special funding

17.1 (1) If the Tribunal determines that the francophone organization continues to meet the conditions for eligibility set out in subsection 12 (1), the Tribunal shall, by order, declare that it continues to be eligible for special funding.

Term of eligibility

(2) The francophone organization shall receive special funding under this section for the prescribed period of time.

3 Subsection 33 (2) of the Act is amended by adding the following clause:

- (p.1) governing how documents are to be given or served under this Act, including providing rules for when they are deemed to be received;

COMPLEMENTARY AMENDMENT AND COMMENCEMENT

Restoring Ontario's Competitiveness Act, 2019

4 Section 11 of Schedule 1 to the *Restoring Ontario's Competitiveness Act, 2019* is repealed.

Commencement

5 (1) Subject to subsections (2) and (3), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

(2) Section 3 comes into force on the later of the day section 35 of Schedule 3 to the *Better for People, Smarter for Business Act, 2019* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) Section 4 comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 8 JUSTICES OF THE PEACE ACT

1 (1) Section 2 of the *Justices of the Peace Act* is amended by adding the following subsections:

Qualifications

(1.1) No person shall be appointed as a justice of the peace under subsection (1) unless he or she has performed paid or volunteer work equivalent to at least 10 years of full-time experience and,

- (a) has a university degree;
- (b) has a diploma or advanced diploma granted by a college of applied arts and technology or a community college following completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters;
- (c) has a degree from an institution, other than a university, that is authorized to grant the degree,
 - (i) under the *Post-secondary Education Choice and Excellence Act, 2000*,
 - (ii) under a special Act of the Assembly that establishes or governs the institution, or
 - (iii) under legislation of another province or territory of Canada;
- (d) has successfully completed a program designated as an equivalency under subsection (1.2); or
- (e) meets the equivalency requirement set out in subsection (1.3).

Equivalency programs

(1.2) For the purposes of clause (1.1) (d), the Attorney General may designate programs that involve training in the justice system, including programs designed to enhance diversity in the justice system, as programs that meet the educational equivalency requirement, and shall make the list of programs so designated public.

Exceptional qualifications

(1.3) For the purposes of clause (1.1) (e), a candidate may be considered to have met the equivalency requirement if he or she clearly demonstrates exceptional qualifications, including life experience, but does not have the educational requirements set out in clauses (1.1) (a) to (d).

(2) Section 2 of the Act is amended by adding the following subsections:

Information to be maintained in confidence

(5) Any records or other information collected, prepared, maintained or used by the Attorney General in relation to the appointment or consideration of an individual as a justice of the peace, including any such records or other information provided to the Attorney General by the Justices of the Peace Appointments Advisory Committee, shall be maintained in confidence and shall not be disclosed except as authorized by the Attorney General.

Prevails over FIPPA

(6) Subsection (5) prevails over the *Freedom of Information and Protection of Privacy Act*.

2 Section 2.1 of the Act is repealed and the following substituted:

Justices of the Peace Appointments Advisory Committee

Composition and governance

2.1 (1) The committee known as the Justices of the Peace Appointments Advisory Committee in English and Comité consultatif sur la nomination des juges de paix in French is continued.

Composition

(2) The Committee is composed of three core members as follows:

1. A judge of the Ontario Court of Justice, or a justice of the peace, appointed by the Chief Justice of the Ontario Court of Justice.
2. A justice of the peace appointed by the Chief Justice of the Ontario Court of Justice who is either the Senior Indigenous Justice of the Peace or another justice of the peace familiar with Indigenous issues or, when the justice of the peace so appointed is not available to act as a member of the Committee, another justice of the peace familiar with Indigenous issues who is designated by the Chief Justice of the Ontario Court of Justice.
3. One person appointed by the Attorney General.

Regional members

(3) In addition to the core members appointed under subsection (2), the Committee shall include the following regional members in respect of its functions in a particular region:

1. The regional senior justice of the peace for the region or, when he or she is not available to act as a member of the Committee, another justice of the peace from the same region who is designated by the regional senior judge.
2. Up to three persons appointed by the Attorney General.
3. A licensee within the meaning of the *Law Society Act* in the region appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario.

Criteria

(4) In the appointment of members under paragraph 3 of subsection (2) and paragraph 2 of subsection (3), the importance of reflecting, in the composition of the Committee as a whole, Ontario's linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized.

Regional leads

(5) The Attorney General shall designate a regional lead for each region from among the regional members for that region.

Term of office

(6) The members appointed under paragraph 3 of subsection (2) and under paragraphs 2 and 3 of subsection (3) hold office for three-year terms and may be reappointed.

Chair

(7) The Attorney General shall designate one of the core members to chair the Committee for a term of up to three years.

Term of office

(8) The same person may serve as chair for two or more terms.

Chair votes

(9) The chair is entitled to vote and may cast a second, deciding vote if there is a tie.

Meetings

(10) The Committee may hold its meetings and conduct interviews in person or through electronic means, including telephone conferencing and video conferencing.

Employees

(11) Such employees as are considered necessary for the proper conduct of the affairs of the Committee may be appointed under Part III of the *Public Service of Ontario Act, 2006*.

Annual report

(12) The Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public.

Same

(13) The annual report must include,

- (a) statistics about the sex, gender, gender identity, sexual orientation, race, ethnicity, cultural identity, disability status and ability to speak French of candidates who volunteer that information, including whether the candidates identify as Indigenous or as a member of a Francophone community, at each stage of the process, as specified by the Attorney General; and
- (b) such other content as the Attorney General may require.

Tabling of annual report

(14) The Attorney General shall table the Committee's annual report in the Assembly.

Information to be maintained in confidence

(15) Any records or other information collected, prepared, maintained or used by the Committee in relation to the consideration of an individual for appointment as a justice of the peace shall be maintained in confidence and shall not be disclosed except as authorized by the chair of the Committee.

Personal liability

(16) No action or other proceeding for damages shall be instituted against any member or former member of the Committee for any act done in good faith in the execution or intended execution of any power or duty that he or she has or had as a member of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty.

Crown liability

(17) Subsection (16) does not, by reason of subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (16) to which it would otherwise be subject.

Justices of the Peace Appointments Advisory Committee

Functions and manner of operating

2.2 (1) The functions of the Justices of the Peace Appointments Advisory Committee are to,

- (a) classify candidates for appointment as justices of the peace;
- (b) report on the classifications to the Attorney General; and
- (c) provide advice to the Attorney General respecting the process for appointing justices of the peace in accordance with this Act.

Manner of operating

(2) The Committee shall perform its functions in the following manner:

- 1. It shall determine the skills, abilities and personal characteristics that are desired in a justice of the peace and make them available to the public.
- 2. It shall develop a candidate application form that specifies what supporting material is required, and it shall make the form available to the public.
- 3. It shall develop the application procedure and make information about it available to the public.
- 4. On the request of the Attorney General, it shall advertise for applications for vacant justice of the peace positions.
- 5. It shall review and evaluate all applications received in response to the advertisement.
- 6. It may interview any of the candidates in conducting its review and evaluation.
- 7. It shall conduct the advertising, review and evaluation process in accordance with the criteria it establishes, which must, at minimum, provide for an assessment that,
 - i. assesses the candidates' professional excellence, community awareness and personal characteristics, and
 - ii. recognizes the desirability of reflecting the diversity of Ontario society in appointments of justices of the peace.
- 8. It shall make the criteria it established under paragraph 7 available to the public.
- 9. It shall classify the candidates as "Not Recommended", "Recommended" or "Highly Recommended" and provide a list of the classified candidates to the Attorney General, with brief supporting reasons for the candidates classified as "Recommended" or "Highly Recommended".

Qualifications

(3) The Committee shall not consider an application by a candidate,

- (a) who does not meet the qualifications set out in subsection 2 (1.1); or
- (b) who is or was a member of the Committee within the previous three years.

Chair consent required re interview, classification

(4) The interview of a candidate shall not be conducted, and a meeting for the making of a decision under paragraph 9 of subsection (2) shall not be held, without the consent of the chair of the Committee.

Quorum for interview

(5) If the Committee interviews a candidate, the interview must be conducted by at least three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2).

Quorum re classification

(6) The quorum for decisions under paragraph 9 of subsection (2) is three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2).

Information to be provided to Attorney General on request

(7) The Committee shall provide the Attorney General with any information about the application, review and evaluation process that the Attorney General requests, other than information collected or prepared by the Committee through a discreet inquiry.

Meaning of discreet inquiry

(8) For the purposes of subsection (7), a discreet inquiry is a confidential inquiry conducted by the Committee into the views or opinions of individuals with knowledge of a candidate's suitability for appointment.

Recommendation of criteria

(9) The Attorney General may recommend criteria to be included in the criteria the Committee establishes under paragraph 7 of subsection (2), and the Committee shall consider whether to include those criteria in the criteria it has established.

Rejection of list

(10) The Attorney General may reject the list of classified candidates provided by the Committee under subsection (2).

Reconsideration or re-advertisement

(11) If the Attorney General rejects the list of classified candidates provided by the Committee, or if there are not enough candidates who are classified as "Recommended" or "Highly Recommended" for the number of vacant justice of the peace positions, the Committee shall either reconsider the applicants and provide a new list to the Attorney General in accordance with paragraph 9 of subsection (2) or re-advertise for applications, as the chair of the Committee considers appropriate.

Recommendation by Attorney General

(12) The Attorney General shall only recommend a candidate who has been classified as "Recommended" or "Highly Recommended" to the Lieutenant Governor in Council to fill a justice of the peace vacancy.

Transition

(13) Despite this section, subsections 2.1 (2) and (12) to (18) of this Act, as they read immediately before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force, continue to apply to any vacancy that was advertised by the Committee before that day.

Transitional matters re Justices of the Peace Appointments Advisory Committee

Appointments continued

2.3 (1) Subject to subsection (2), the appointment of every person who was a member of the Justices of the Peace Appointments Advisory Committee on the day before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force is continued.

Termination without cause

(2) The Attorney General may terminate the appointment of any member of the Committee whose appointment was continued by subsection (1), without cause, for the purpose of transitioning the Committee's composition to the composition specified in subsections 2.1 (2) and (3).

No compensation or damages

(3) No person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020*.

No cause of action

(4) No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown as a direct or indirect result of the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020*.

Proceedings barred

(5) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to the enactment of section 1 or 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* may be brought or maintained against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown.

Application

(6) Subsection (5) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings.

Retrospective effect

(7) Subsections (5) and (6) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Proceedings set aside

(8) Any proceeding referred to in subsection (5) or (6) commenced before the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force shall be deemed to have been dismissed, without costs, on the day section 2 of Schedule 8 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Commencement

3 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 9
MARRIAGE ACT**

1 Section 27 of the *Marriage Act* is amended by adding the following subsection:

Extension — declaration of emergency

(4) Despite subsection (3), the period in which a marriage may be solemnized under the authority of a licence is extended in accordance with Schedule 1 (Extension — Declaration of Emergency) if Schedule 1 applies.

2 The Act is amended by adding the following Schedule:

**SCHEDULE 1
EXTENSION — DECLARATION OF EMERGENCY**

With respect to a licence issued during the period described in paragraph 1, if all of the conditions listed in paragraph 2 are met, the period in which a marriage may be solemnized under the authority of the licence is extended to the period described in paragraph 3:

1. The period in which the licence was issued is the period,
 - i. beginning on the first day of a month that is three months prior to a month in which a declaration was made under the *Emergency Management and Civil Protection Act* that an emergency exists throughout Ontario, and
 - ii. ending on the first day following the declaration of emergency on which there is not a period of emergency throughout Ontario under the *Emergency Management and Civil Protection Act*.

For greater certainty, this includes the period beginning on December 1, 2019 in respect of the emergency that was declared on March 17, 2020 under the *Emergency Management and Civil Protection Act*.

2. The conditions that must be met are:
 - i. The parties to the marriage have not married each other since the licence was issued.
 - ii. Neither party to the marriage has married anyone else since the licence was issued.
 - iii. Neither party to the marriage has legally changed their name since the licence was issued.
3. The period in which a marriage may be solemnized under the authority of the licence is the period beginning on the day the licence was issued and ending 24 months after the day described in subparagraph 1 ii.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 10
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING ACT

1 The *Ministry of Municipal Affairs and Housing Act* is amended by adding the following section:

Provincial Land and Development Facilitator

12 (1) The office to be known as the Provincial Land and Development Facilitator in English and Facilitateur provincial de l'aménagement in French is established.

Same

(2) The Minister may appoint the Facilitator and fix their terms of reference.

Functions

(3) The Facilitator shall, at the direction of the Minister,

- (a) advise and make recommendations to the Minister in respect of growth, land use and other matters, including Provincial interests; and
- (b) perform such other functions as the Minister may specify.

Remuneration and expenses

(4) The Lieutenant Governor in Council may determine the remuneration and expenses of any person appointed under subsection (2).

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 11 MODERNIZING ONTARIO FOR PEOPLE AND BUSINESSES ACT, 2020

Preamble

Ontario is committed to fostering a strong business climate that supports growth while ensuring appropriate regulatory oversights that protect the public, workers and the environment.

Ontario recognizes that modern regulations protect the public interest, including health, safety and the environment, while enabling economic growth, prosperity and a competitive business climate.

As a part of Ontario's regulatory modernization efforts, the province is committed to reducing unnecessary red tape and regulatory burdens while also ensuring the public interest is protected, and to supporting business needs and ensuring that interactions with government are efficient and straightforward.

Ontario is dedicated to a regulatory environment that considers both costs and benefits as part of the evidence, utilizes recognized standards, considers the unique needs of small businesses, provides digital options and recognizes businesses with excellent compliance records.

INTERPRETATION

Definitions

1 (1) In this Act,

“administrative cost” means a cost that is imposed on a regulated entity as a consequence of complying with a regulation, policy or form and that is prescribed for the purposes of this definition; (“frais administratifs”)

“burden” means a cost that may be measured in terms of money, time or resources and is considered by the Minister in consultation with other members of the Government of Ontario to be unnecessary to achieve the purpose of the statutory, regulatory, procedural, administrative or other requirement that creates the cost; (“fardeau administratif”)

“instrument governed by this Act” means,

- (a) subject to any prescribed exceptions, a draft bill before its introduction in the Legislature,
- (b) subject to any prescribed exceptions, a regulation made or approved by a minister or the Lieutenant Governor in Council,
- (c) subject to any prescribed exceptions, any policy or form made by a minister, and
- (d) any other instrument that may be prescribed; (“acte régi par la présente loi”)

“Minister” means the Minister of Economic Development, Job Creation and Trade or any other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“recognized standards” means requirements that have been set by standard development organizations that have been accredited by the Standards Council of Canada, or by similar standard development organizations; (“normes reconnues”)

“regulated entity”, subject to the regulations, includes every business, trade, occupation, profession, service or venture, whether or not carried on with a view to profit; (“entité réglementée”)

Making or proposing an instrument

(2) For greater certainty, a reference in this Act to proposing an instrument governed by this Act includes both proposing a new instrument and proposing an amendment to an existing instrument.

CONTROL OF ADMINISTRATIVE COSTS

Offset of administrative costs

2 (1) Where an instrument governed by this Act that is a regulation, policy or form is made or approved for use and has the effect of creating or increasing one or more administrative costs, a prescribed offset must be made within a prescribed time after the regulation, policy or form is made or approved for use.

Public interest

(2) If an offset required under subsection (1) is proposed to be made or approved for use, the Lieutenant Governor in Council or responsible minister shall, before making or approving the regulation, policy or form, review it to take into account the protection of the public interest, including health, safety and the environment.

Analysis of regulatory impact

3 Where an instrument governed by this Act is proposed, the minister responsible for the administration of the instrument shall ensure that,

- (a) in the prescribed circumstances, an analysis of the potential regulatory impact is conducted, including the prescribed administrative costs; and
- (b) the analysis is published in the prescribed manner.

Development of instruments

4 (1) When developing an instrument governed by this Act, every minister shall have regard to the following principles:

- 1. Recognized industry standards or international best practices should be adopted.
- 2. Less onerous compliance requirements should apply to small businesses than to larger businesses.
- 3. Digital services that are accessible to stakeholders should be provided.
- 4. Regulated entities that demonstrate excellent compliance should be recognized.
- 5. Unnecessary reporting should be reduced, and steps should be taken to avoid requiring stakeholders to provide the same information to government repeatedly.
- 6. An instrument should focus on the user by communicating clearly, providing for reasonable response timelines and creating a single point of contact.
- 7. An instrument should specify the desired result that regulated entities must meet, rather than the means by which the result must be achieved.

(2) If the minister responsible for developing the instrument believes that it is not possible or appropriate to comply with subsection (1), a rationale must be provided to the Minister.

ELECTRONIC TRANSMISSION OF DOCUMENTS

Electronic transmission of documents

5 A business that is required, for any reason, to submit documents to a Ministry of the Government of Ontario in order to comply with an instrument governed by this Act may, at the option of the business, submit the documents electronically.

RECOGNITION OF EXCELLENT COMPLIANCE

Recognition of excellent compliance

6 Every Ministry of the Government of Ontario that administers regulatory programs shall develop a plan to recognize businesses that demonstrate excellent compliance with regulatory requirements.

REPORTING

Annual report on burden reduction

7 (1) The Minister shall make available to the public an annual report with respect to,

- (a) actions taken by the Government of Ontario to reduce burdens; and
- (b) the Government of Ontario's future burden reduction goals.

Publication of report

(2) The Minister shall ensure that the report is,

- (a) published on a Government of Ontario website or in such other manner as the Minister considers advisable; and
- (b) available to the public on or before September 30 in each year or, if the regulations prescribe another date, on or before the prescribed date in each year.

Tabling

(3) The Minister shall table the annual report in the Legislative Assembly as soon as possible after it is published.

IMMUNITY

Immunity

8 (1) No action or other proceeding shall be commenced against the Crown or any of its agencies with respect to anything done or omitted to be done, or purported to be done or omitted to be done, under this Act.

Validity of instrument

(2) No instrument governed by this Act is invalid by reason only of a failure to comply with any provision of this Act.

REGULATIONS

Regulations, Minister

9 The Minister may make regulations,

- (a) providing for exemptions from any requirement under section 5 or 6, and may make such an exemption subject to conditions or limitations;
- (b) respecting the report required under section 7, which may include regulations,
 - (i) specifying any actions to reduce burdens that must be referred to in the report,
 - (ii) prescribing the manner in which the Minister must evaluate, quantify or describe actions of the Government of Ontario in the report,
 - (iii) prescribing a date for the purpose of clause 7 (2) (b).

Regulations, LG in C

10 (1) Subject to section 9, the Lieutenant Governor in Council may make regulations respecting anything provided for in this Act and for carrying out the purposes, provisions and intent of this Act.

Same

(2) Without restricting the generality of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) respecting anything that may be prescribed under this Act;
- (b) defining words and expressions used in this Act that are not otherwise defined in this Act;
- (c) prescribing costs for the purposes of the definition of “administrative cost” in subsection 1 (1);
- (d) further defining or clarifying the definition of “regulated entity” in subsection 1 (1) and providing for exemptions from that definition;
- (e) governing how administrative costs are to be measured and offset under section 2, prescribing offsets and setting requirements and formulas for offsets, and establishing time periods for when offsets must be made;
- (f) governing the analysis required under section 3, including governing the circumstances when an analysis of the regulatory impact is to be conducted, the scope of the administrative costs to be considered in the analysis of the regulatory impact, and the manner in which the analysis is to be published;
- (g) governing the application and interpretation of the principles set out in subsection 4 (1) and when the requirement in that subsection to have regard to a principle has been satisfied;
- (h) providing for exemptions from anything under this Act that are not provided for in section 9 and making any such exemption subject to conditions or limitations.

AMENDMENTS TO OTHER ACTS

Burden Reduction Reporting Act, 2014

11 The *Burden Reduction Reporting Act, 2014* is repealed.

Reducing Regulatory Costs for Business Act, 2017

12 The *Reducing Regulatory Costs for Business Act, 2017* is repealed.

COMMENCEMENT AND SHORT TITLE

Commencement

13 The Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

14 The short title of the Act set out in this Schedule is the *Modernizing Ontario for People and Businesses Act, 2020*.

**SCHEDULE 12
MUNICIPAL ACT, 2001**

1 (1) Subsection 238 (3.1) of the *Municipal Act, 2001* is repealed and the following substituted:

Electronic participation

(3.1) The applicable procedure by-law may provide that a member of council, of a local board or of a committee of either of them, can participate electronically in a meeting to the extent and in the manner set out in the by-law.

(2) Subsection 238 (3.2) of the Act is repealed.

(3) Subsection 238 (3.3) of the Act is repealed and the following substituted:

Same

(3.3) The applicable procedure by-law may provide that,

- (a) a member of a council, of a local board or of a committee of either of them who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) a member of a council, of a local board or of a committee of either of them can participate electronically in a meeting that is open or closed to the public.

(4) Subsection 238 (3.4) of the Act is repealed and the following substituted:

Special meeting, amend procedure by-law re electronic participation

(3.4) A municipality or local board may hold a special meeting to amend an applicable procedure by-law for the purposes of subsection (3.3).

Same, quorum

(3.5) A member participating electronically in a special meeting described in subsection (3.4) may be counted in determining whether or not a quorum of members is present at any time during the meeting.

2 The Act is amended by adding the following section:

Proxy vote

243.1 (1) The procedure by-law may provide that, in accordance with a process to be established by the clerk, a member of council may appoint another member of council as a proxy to act in their place when they are absent subject to the following rules:

1. A member of a local council appointed as an alternate member of the upper-tier council under section 267 may appoint a member of the upper-tier council as a proxy to act in their place when they are absent from the upper-tier council.
2. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 267 shall not appoint a proxy.
3. A member appointed as an alternate member of the upper-tier council under section 268 shall not appoint a proxy.
4. A member who is unable to attend a meeting of the upper-tier council and for whom an alternate member is appointed under section 268 shall not appoint a proxy if the appointed member is acting on their behalf at the meeting.

Rules re proxy votes

(2) The following rules apply with respect to the appointment of another member of council to act as a proxy under subsection (1):

1. A member shall not appoint a proxy unless the proxyholder is a member of the same council as the appointing member.
2. A member shall not act as a proxy for more than one member of council at any one time.
3. The member appointing the proxy shall notify the clerk of the appointment in accordance with the process established by the clerk.
4. For the purpose of determining whether or not a quorum of members is present at any point in time, a proxyholder shall be counted as one member and shall not be counted as both the appointing member and the proxyholder.
5. A proxy shall be revoked if the appointing member or the proxyholder requests that the proxy be revoked and complies with the proxy revocation process established by the clerk.
6. Where a recorded vote is requested under section 246, the clerk shall record the name of each proxyholder, the name of the member of council for whom the proxyholder is voting and the vote cast on behalf of that member.
7. A member who appoints a proxy for a meeting shall be considered absent from the meeting for the purposes of determining whether the office of the member is vacant under clause 259 (1) (c).

Pecuniary interest

(3) A member who has a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting shall not, if the interest is known to the member, appoint a proxy in respect of the matter.

Same, pre-meeting discovery

(4) If, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter to be considered at a meeting that is to be attended by the proxyholder, the member shall, as soon as possible,

- (a) notify the proxyholder of the interest in the matter and indicate that the proxy will be revoked in respect of the matter; and
- (b) request that the clerk revoke the proxy with respect to the matter in accordance with the proxy revocation process established by the clerk.

Same, post-meeting discovery

(5) For greater certainty, if, after appointing a proxy, a member discovers that they have a pecuniary interest described in subsection 5 (1) of the *Municipal Conflict of Interest Act* in a matter that was considered at a meeting attended by the proxyholder, the appointing member shall comply with subsection 5 (3) of the *Municipal Conflict of Interest Act* with respect to the interest at the next meeting attended by the appointing member after they discover the interest.

Conflict, etc., proxyholder

(6) For greater certainty, nothing in this section authorizes a proxyholder who is disabled from participating in a meeting under the *Municipal Conflict of Interest Act* from participating in the meeting in the place of an appointing member.

Regulations, proxy votes

(7) The Minister may make regulations providing for any matters which, in the Minister's opinion, are necessary or desirable for the purposes of this section.

Commencement

3 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 13
OCCUPATIONAL HEALTH AND SAFETY ACT

1 Section 70 of the *Occupational Health and Safety Act* is amended by adding the following subsection:

Rolling incorporation by reference

(3) The power to adopt by reference and require compliance with a code or standard in paragraph 25 of subsection (2) and to adopt by reference any criteria or guide in relation to the exposure of a worker to any biological, chemical or physical agent or combination thereof in paragraph 26 of subsection (2) includes the power to adopt a code, standard, criteria or guide as it may be amended from time to time.

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 14
ONTARIO EDUCATIONAL COMMUNICATIONS AUTHORITY ACT

1 The definition of “distance education programs” in section 1 of the *Ontario Educational Communications Authority Act* is repealed and the following substituted:

“distance education programs” means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the Education Act or are approved by the Minister of Education; (“programme d’enseignement à distance”)

2 Section 3 of the Act is amended by striking out “and” at the end of clause (c) and by adding the following clauses:

- (e) to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and
- (f) to discharge any prescribed duties.

3 The Act is amended by adding the following section:

Support of distance education programs

16.1 The Authority has the prescribed duties and responsibilities to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities.

4 (1) Section 17 of the Act is amended by adding the following clauses:

- (0.a) prescribing persons or entities for the purposes of clause 3 (e);
- (0.a.1) prescribing duties for the purposes of clause 3 (f);

(2) Clause 17 (b) of the Act is repealed and the following substituted:

- (b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;
- (b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(3) Section 17 of the Act is amended by adding the following clause:

- (f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

(4) Section 17 of the Act is amended by adding the following subsection:

Conflict

(2) In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 15

ONTARIO FRENCH-LANGUAGE EDUCATIONAL COMMUNICATIONS AUTHORITY ACT, 2008

1 The definition of “distance education programs” in section 1 of the *Ontario French-language Educational Communications Authority Act, 2008* is repealed and the following substituted:

“distance education programs” means programs to provide courses of study online, through correspondence, or by other means that do not require the physical attendance by the student at a school and that are prescribed under paragraph 2 of subsection 8 (1) of the *Education Act* or are approved by the Minister of Education; (“programme d’enseignement à distance”)

2 Section 4 of the Act is amended by striking out “and” at the end of clause (c) and by adding the following clauses:

- (e) support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities; and
- (f) discharge any prescribed duties.

3 The Act is amended by adding the following section:

Support of distance education programs

21.1 The Authority has the prescribed duties and responsibilities to support the establishment, administration and coordination of distance education programs by or with prescribed persons or entities.

4 (1) Section 22 of the Act is amended by adding the following clauses:

- (0.a) prescribing persons or entities for the purposes of clause 4 (e);
- (0.a.1) prescribing duties for the purposes of clause 4 (f);

(2) Clause 22 (b) of the Act is repealed and the following substituted:

- (b) prescribing and governing the duties and responsibilities of the Authority in relation to the operation of distance education programs;
- (b.1) prescribing and governing the duties and responsibilities of the Authority in relation to supporting the establishment, administration and coordination of distance education programs by or with prescribed persons or entities;

(3) Section 22 of the Act is amended by adding the following clause:

- (f) defining any word or expression used in this Act that is not already defined and further defining any word or expression used in this Act that is already defined in this Act.

(4) Section 22 of the Act is amended by adding the following subsection:

Conflict

(2) In the event of a conflict between a regulation made under this section and this Act, or any other Act or regulation, the regulation made under this section prevails.

Commencement

5 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 16
PAYDAY LOANS ACT, 2008**

1 The *Payday Loans Act, 2008* is amended by adding the following section:

Interest on payday loans in default

32.1 (1) This section applies to a payday loan agreement if,

- (a) the advance under the agreement is \$1,500 or less or, if another amount is prescribed, that amount or less; and
- (b) the term of the agreement is 62 days or less or, if another number of days is prescribed, that number of days or less.

Duty of lender

(2) A lender shall not impose against a borrower under a payday loan agreement, and the borrower is not liable to pay, interest on the amount in default, except as provided for under subsection (3).

Maximum interest

(3) A lender may charge a borrower a maximum interest rate of 2.5 per cent per month, not to be compounded, on the outstanding principal, unless otherwise prescribed.

Duty of loan broker

(4) No loan broker shall facilitate a contravention of subsection (2).

Consequence

(5) If the lender contravenes subsection (2), the borrower is only required to repay the advance to the lender and is not liable to pay the cost of borrowing or any interest.

Transition

(6) This section does not apply to a payday loan agreement that was in existence before the day this section came into force.

2 (1) Clause 33 (1) (b) of the Act is repealed and the following substituted:

- (b) unless otherwise prescribed, a fee no greater than \$25 for,
 - (i) a dishonoured cheque,
 - (ii) a dishonoured pre-authorized debit, or
 - (iii) any other dishonoured instrument of payment.

(2) Section 33 of the Act is amended by adding the following subsection:

Multiple fees prohibited

(1.1) A lender shall not impose a fee under clause (1) (b) against a borrower more than once with respect to each payday loan agreement, regardless of the number of dishonoured instruments of payment accumulated with respect to that payday loan agreement.

(3) Subsection 33 (2) of the Act is amended by adding “or (1.1)” at the end.

(4) Section 33 of the Act is amended by adding the following subsections:

Consequence

(3) If the lender contravenes subsection (1) or (1.1), the borrower is only required to repay the advance to the lender and is not liable to pay the cost of borrowing or any default charges.

Transition

(4) Clause (1) (b) and subsections (1.1) and (3) do not apply to a payday loan agreement that was in existence before the day this subsection came into force.

Same

(5) Clause (1) (b), as it read before the day this subsection came into force, applies to a payday loan agreement that was in existence before the day this subsection came into force.

3 (1) Section 44 of the Act is amended by adding the following subsection:

Illegal default charges, interest

(1.1) A payment referred to in subsection (1) includes interest or a default charge received by a licensee from a borrower to which the licensee is not entitled under this Act or that the borrower is not liable to pay under this Act.

(2) Subsection 44 (4) of the Act is amended by striking out “Subsections (1)” at the beginning and substituting “Subsections (1), (1.1)”.

4 Section 77 of the Act is amended by adding the following paragraphs:

- 24. changing the maximum rate of interest that a lender may charge for the purposes of subsection 32.1 (3).
- 24.1 changing the maximum fee for the purposes of clause 33 (1) (b).

Commencement

5 This Schedule comes into force 30 days after the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 17 PLANNING ACT

1 Section 37 of the *Planning Act* is repealed and the following substituted:

Community benefits charges

Definitions

37 (1) In this section,

“specified date” means the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*; (“date précisée”)

“valuation date” means, with respect to land that is the subject of development or redevelopment,

- (a) the day before the day the building permit is issued in respect of the development or redevelopment, or
- (b) if more than one building permit is required for the development or redevelopment, the day before the day the first permit is issued. (“date d’évaluation”)

Community benefits charge by-law

(2) The council of a local municipality may by by-law impose community benefits charges against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies.

What charge can be imposed for

(3) A community benefits charge may be imposed only with respect to development or redevelopment that requires,

- (a) the passing of a zoning by-law or of an amendment to a zoning by-law under section 34;
- (b) the approval of a minor variance under section 45;
- (c) a conveyance of land to which a by-law passed under subsection 50 (7) applies;
- (d) the approval of a plan of subdivision under section 51;
- (e) a consent under section 53;
- (f) the approval of a description under section 9 of the *Condominium Act, 1998*; or
- (g) the issuing of a permit under the *Building Code Act, 1992* in relation to a building or structure.

Excluded development or redevelopment

(4) A community benefits charge may not be imposed with respect to,

- (a) development of a proposed building or structure with fewer than five storeys at or above ground;
- (b) development of a proposed building or structure with fewer than 10 residential units;
- (c) redevelopment of an existing building or structure that will have fewer than five storeys at or above ground after the redevelopment;
- (d) redevelopment that proposes to add fewer than 10 residential units to an existing building or structure; or
- (e) such types of development or redevelopment as are prescribed.

Community benefits charge — relationship to development charge, etc.

(5) For greater certainty, nothing in this Act prevents a community benefits charge from being imposed with respect to land for park or other public recreational purposes or with respect to the services listed in subsection 2 (4) of the *Development Charges Act, 1997*, provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law or from the special account referred to in subsection 42 (15).

In-kind contributions

(6) A municipality that has passed a community benefits charge by-law may allow an owner of land to provide to the municipality facilities, services or matters required because of development or redevelopment in the area to which the by-law applies.

Notice of value of in-kind contributions

(7) Before the owner of land provides facilities, services or matters in accordance with subsection (6), the municipality shall advise the owner of land of the value that will be attributed to them.

Deduction of value of in-kind contributions

(8) The value attributed under subsection (7) shall be deducted from the amount the owner of land would otherwise be required to pay under the community benefits charge by-law.

Community benefits charge strategy

(9) Before passing a community benefits charge by-law under subsection (2), the municipality shall prepare a community benefits charge strategy that,

- (a) identifies the facilities, services and matters that will be funded with community benefits charges; and
- (b) complies with any prescribed requirements.

Consultation

(10) In preparing the community benefits charge strategy, the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Commencement of by-law

(11) A community benefits charge by-law comes into force on the day it is passed or the day specified in the by-law, whichever is later.

Limitation

(12) Only one community benefits charge by-law may be in effect in a local municipality at a time.

Notice of by-law and time for appeal

(13) The clerk of a municipality that has passed a community benefits charge by-law shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(14) Notices required under subsection (13) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(15) Every notice required under subsection (13) must be given no later than 20 days after the day the by-law is passed.

When notice given

(16) A notice required under subsection (13) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(17) Any person or public body may appeal a community benefits charge by-law to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duties on appeal

(18) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a community benefits charge by-law, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the community benefits charge strategy;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(19) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(20) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(21) The Tribunal shall hold a hearing to deal with any notice of appeal of a community benefits charge by-law forwarded by the clerk of a municipality.

Notice of hearing

(22) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(23) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to repeal or amend the by-law in accordance with the Tribunal's order; or
- (c) repeal or amend the by-law in such manner as the Tribunal may determine.

Limitation on powers

(24) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of a community benefits charge that will be payable in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law;
- (c) change a provision for the phasing in of community benefits charges in such a way as to make a charge, or part of a charge, payable earlier; or
- (d) change the date, if any, the by-law will expire.

Dismissal without hearing

(25) Despite subsection (21), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered repeals, amendments effective

(26) The repeal or amendment of a community benefits charge by-law by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. repeals by-law, etc.

(27) If the Tribunal repeals or amends a community benefits charge by-law, or orders the council of a municipality to repeal or amend a community benefits charge by-law, the municipality shall refund,

- (a) in the case of a repeal, any community benefits charge paid under the by-law; or
- (b) in the case of an amendment, the difference between any community benefits charge paid under the by-law and the community benefits charge that would have been payable under the by-law as amended.

When refund due

(28) If a municipality is required to make a refund under subsection (27), it shall do so,

- (a) if the Tribunal repeals or amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to repeal or amend the by-law, within 30 days after the repeal or amendment by the council.

Interest

(29) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality to the day it is refunded.

Application of specified provisions to by-law amendments

(30) Subsections (9) to (11) and (13) to (29) apply, with necessary modifications, to an amendment to a community benefits charge by-law other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(31) In an appeal of an amendment to a community benefits charge by-law, the Tribunal may exercise its powers only in relation to the amendment.

Maximum amount of community benefits charge

(32) The amount of a community benefits charge payable in any particular case shall not exceed an amount equal to the prescribed percentage of the value of the land as of the valuation date.

Payment under protest and appraisal provided by owner

(33) If the owner of land is of the view that the amount of the community benefits charge exceeds the amount permitted under subsection (32), the owner shall,

- (a) pay the charge under protest; and
- (b) within the prescribed time period, provide the municipality with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (33) (b)

(34) If an owner of land pays a community benefits charge under protest but does not provide an appraisal in accordance with clause (33) (b), the payment is deemed not to have been made under protest.

Appraisal provided by the municipality

(35) If the municipality disputes the value of the land identified in the appraisal referred to in clause (33) (b), the municipality shall, within the prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.

No appraisal under subs. (35)

(36) If the municipality does not provide an appraisal in accordance with subsection (35), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in clause (33) (b).

Appraisal under subs. (35) within 5%

(37) If the municipality provides an appraisal in accordance with subsection (35) and the value of the land identified in that appraisal is within 5 per cent of the value identified in the appraisal referred to in clause (33) (b), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in clause (33) (b) or subsection (35), whichever identifies the higher value of the land.

Appraisal under subs. (35) not within 5%

(38) If the municipality provides an appraisal in accordance with subsection (35) and the value of the land identified in that appraisal is not within 5 per cent of the value identified in the appraisal referred to in clause (33) (b), the municipality shall request that a person selected by the owner from the list referred to in subsection (42) prepare an appraisal of the value of the land as of the valuation date.

Time period for appraisal referred to in subs. (38)

(39) The municipality shall provide the owner with the appraisal referred to in subsection (38) within the prescribed time period.

Appraisal under subs. (38)

(40) If an appraisal is prepared in accordance with subsection (38), the municipality shall immediately refund to the owner the difference, if any, between the amount of the community benefits charge imposed by the municipality and the maximum amount determined in accordance with subsection (32) based on the value of the land identified in the appraisal referred to in subsection (38).

Non-application of subss. (36), (37) and (40)

(41) For greater certainty, a refund is not required under subsection (36), (37) or (40) if the maximum amount determined in accordance with subsection (32), based on the value of the land identified in the applicable appraisal, is greater than the amount of the community benefits charge imposed by the municipality.

List of appraisers

- (42) A municipality that has passed a community benefits charge by-law shall maintain a list of at least three persons who,
- (a) are not employees of the municipality or members of its council; and
 - (b) have an agreement with the municipality to perform appraisals for the purposes of subsection (38).

Same

- (43) A municipality shall maintain the list referred to in subsection (42) until the later of,
- (a) the day on which the community benefits charge by-law is repealed; and
 - (b) the day on which there is no longer any refund that is or could be required to be made under subsection (40).

No building without payment

- (44) No person shall construct a building on the land proposed for development or redevelopment unless,
- (a) the payment required by the community benefits charge by-law has been made or arrangements for the payment that are satisfactory to the council have been made; and

- (b) any facilities, services or matters being provided in accordance with subsection (6) have been provided or arrangements for their provision that are satisfactory to the council have been made.

Special account

(45) All money received by the municipality under a community benefits charge by-law shall be paid into a special account.

Investments

(46) The money in the special account may be invested in securities in which the municipality is permitted to invest under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account.

Requirement to spend or allocate monies in special account

(47) In each calendar year, a municipality shall spend or allocate at least 60 per cent of the monies that are in the special account at the beginning of the year.

Reports and information

(48) A council of a municipality that passes a community benefits charge by-law shall provide the prescribed reports and information to the prescribed persons or classes of persons at such times, in such manner and in accordance with such other requirements as may be prescribed.

Application of subs. (51)

(49) Subsection (51) applies with respect to the following:

1. A special account established in accordance with subsection 37 (5), as it read on the day before section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.
2. A reserve fund established by a local municipality in accordance with section 33 of the *Development Charges Act, 1997* for any service other than the services described in paragraphs 1 to 20 of subsection 2 (4) of the *Development Charges Act, 1997*.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

(50) Despite subsection (49), subsection (51) does not apply with respect to a reserve fund established for a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection (2); and
- (b) the specified date.

Transition respecting special account and reserve fund described in subs. (49)

(51) The following rules apply with respect to a special account or reserve fund to which this subsection applies:

1. If the municipality passes a community benefits charge by-law under this section before the specified date, the municipality shall, on the day it passes the by-law, allocate the money in the special account or reserve fund to the special account referred to in subsection (45).
2. If the municipality has not passed a community benefits charge by-law under this section before the specified date, the special account or reserve fund is deemed to be a general capital reserve fund for the same purposes for which the money in the special account or reserve fund was collected.
3. Despite paragraph 2, subsection 417 (4) of the *Municipal Act, 2001* and any equivalent provision of, or made under, the *City of Toronto Act, 2006* do not apply with respect to the general capital reserve fund referred to in paragraph 2.
4. If paragraph 2 applies and the municipality passes a community benefits charge by-law under this section on or after the specified date, the municipality shall, on the day it passes the by-law, allocate any money remaining in the general capital reserve fund referred to in paragraph 2 to the special account referred to in subsection (45).

Credit under s. 38 of *Development Charges Act, 1997*

(52) If the municipality passes a community benefits charge by-law under this section before the specified date, any credit under section 38 of the *Development Charges Act, 1997* that was held as of the day before the day the by-law is passed and that relates to any services other than the services described in paragraphs 1 to 20 of subsection 2 (4) of that Act may be used by the holder of the credit with respect to a community benefits charge that the holder is required to pay under a community benefits charge by-law.

Same, services prescribed under par. 21 of s. 2 (4) of *Development Charges Act, 1997*

(53) Subsection (52) does not apply with respect to a credit that relates to a service that is prescribed for the purposes of paragraph 21 of subsection 2 (4) of the *Development Charges Act, 1997* if the service is prescribed before the date the municipality passes the community benefits charge by-law.

Transitional matters respecting repealed s. 37, etc.

Definitions

37.1 (1) In this section,

“by-law described in the repealed subsection 37 (1)” means a by-law passed under section 34 that includes, under subsection 37 (1) as it read on the day before the effective date, any requirement to provide facilities, services or matters; (“règlement municipal visé au paragraphe 37 (1) abrogé”)

“effective date” means the day section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force. (“date d’effet”)

Continued application of repealed s. 37 (1) to (5)

(2) Despite their repeal by section 1 of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020*, the following provisions continue to apply to a local municipality until the applicable date described in subsection (5) of this section:

1. Subsections 37 (1) to (4), as they read on the day before the effective date.
2. Subsection 37 (5), as it read on the day before the effective date, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).

By-law described in repealed s. 37 (1)

(3) On and after the applicable date described in subsection (5), the following rules apply if, before that date, the local municipality has passed a by-law described in the repealed subsection 37 (1):

1. Subsections 37 (1) to (4), as they read on the day before the effective date, continue to apply with respect to the by-law and the lands that are the subject of the by-law.
2. Subsection 37 (5), as it read on the day before the effective date, continues to apply with respect to the by-law and the lands that are the subject of the by-law, except that the reference to a special account in that subsection shall be read as a reference to the special account referred to in subsection 37 (45).
3. The development or redevelopment of the lands that are the subject of the by-law described in the repealed subsection 37 (1) is not subject to a community benefits charge by-law passed under section 37.

Non-application of subs. (3)

(4) Subsection (3) does not apply with respect to the lands that are the subject of a by-law described in the repealed subsection 37 (1) if, on or after the applicable date described in subsection (5), the by-law,

- (a) is amended to remove any requirement to provide facilities, services or matters that was included under subsection 37 (1), as it read on the day before the effective date; or
- (b) is repealed.

Applicable date

(5) The applicable date referred to in subsections (2), (3) and (4) is the earlier of,

- (a) the day the municipality passes a community benefits charge by-law under subsection 37 (2); and
- (b) the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997*.

2 (1) The definition of “effective date” in subsection 42 (0.1) of the Act is amended by striking out “the day subsection 28 (1) of the *Smart Growth for Our Communities Act, 2015* comes into force” and substituting “July 1, 2016”.

(2) Section 42 of the Act is amended by adding the following subsection:

Commencement of by-law

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later.

(3) Section 42 of the Act is amended by adding the following subsection:

Consultation

(3.1) Before passing a by-law under this section that provides for the alternative requirement authorized by subsection (3), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

(4) Section 42 of the Act is amended by adding the following subsections:

Application, subss. (4.5) to (4.24)

(4.4) Subsections (4.5) to (4.24) apply in respect of a by-law passed under this section or an amendment to such a by-law only if the by-law or amendment provides for the alternative requirement authorized by subsection (3).

Notice of by-law and time for appeal

(4.5) The clerk of a municipality that has passed a by-law under this section shall give written notice of the passing of the by-law, and of the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed.

Requirements of notice

(4.6) Notices required under subsection (4.5) must meet the prescribed requirements and shall be given in accordance with the regulations.

Same

(4.7) Every notice required under subsection (4.5) must be given not later than 20 days after the day the by-law is passed.

When notice given

(4.8) A notice required under subsection (4.5) is deemed to have been given on the prescribed day.

Appeal of by-law after passed

(4.9) Any person or public body may appeal a by-law passed under this section to the Tribunal by filing with the clerk of the municipality, on or before the last day for appealing the by-law, a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.

Clerk's duty on appeal

(4.10) If the clerk of the municipality receives a notice of appeal on or before the last day for appealing a by-law passed under this section, the clerk shall compile a record that includes,

- (a) a copy of the by-law certified by the clerk;
- (b) a copy of the parks plan referred to in subsection (4.1), if one exists;
- (c) an affidavit or declaration certifying that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act; and
- (d) the original or a true copy of all written submissions and material received in respect of the by-law before it was passed.

Same

(4.11) The clerk shall forward a copy of the notice of appeal and the record to the Tribunal within 30 days after the last day for appealing the by-law and shall provide such other information or material as the Tribunal may require in respect of the appeal.

Affidavit, declaration conclusive evidence

(4.12) An affidavit or declaration of the clerk of a municipality that notice of the passing of the by-law and of the last day for appealing it was given in accordance with this Act is conclusive evidence of the facts stated in the affidavit or declaration.

L.P.A.T. hearing of appeal

(4.13) The Tribunal shall hold a hearing to deal with any notice of appeal of a by-law passed under this section forwarded by the clerk of a municipality.

Notice

(4.14) The Tribunal shall determine who shall be given notice of the hearing and in what manner.

Powers of L.P.A.T.

(4.15) After the hearing, the Tribunal may,

- (a) dismiss the appeal in whole or in part;
- (b) order the council of the municipality to amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in accordance with the Tribunal's order; or
- (c) amend the by-law as it relates to a requirement under subsection (3) or (6.0.1) in such manner as the Tribunal may determine.

Limitation on powers

(4.16) The Tribunal may not amend or order the amendment of a by-law so as to,

- (a) increase the amount of parkland that will be required to be conveyed or payment in lieu that will be required to be paid in any particular case;
- (b) add or remove, or reduce the scope of, an exemption provided in the by-law; or
- (c) change the date, if any, the by-law will expire.

Dismissal without hearing

(4.17) Despite subsection (4.13), the Tribunal may, where it is of the opinion that the objection to the by-law set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

When L.P.A.T. ordered amendments effective

(4.18) The amendment of a by-law passed under this section by the Tribunal, or by the council of a municipality pursuant to an order of the Tribunal, is deemed to have come into force on the day the by-law came into force.

Refunds if L.P.A.T. amends by-law, orders amendment

(4.19) If the Tribunal amends a by-law passed under this section or orders the council of a municipality to amend a by-law passed under this section, the municipality shall refund,

- (a) in the case of a development or redevelopment that was subject to a requirement to convey land but not a requirement for a payment in lieu, the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended;
- (b) in the case of a development or redevelopment that was subject to a requirement for a payment in lieu but not a requirement to convey land, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended; or
- (c) in the case of a development or redevelopment that was subject both to a requirement for a payment in lieu and to a requirement to convey land,
 - (i) if the amount of land that was conveyed is greater than or equal to the amount of land required to be conveyed under the by-law as amended, the payment in lieu and the difference between the value of the land that was conveyed and the value of the land required to be conveyed under the by-law as amended, or
 - (ii) if the amount of land that was conveyed is less than the amount of land required to be conveyed under the by-law as amended, the difference between the payment in lieu that was paid and the payment in lieu required under the by-law as amended.

When refund due

(4.20) If a municipality is required to make a refund under subsection (4.19), it shall do so,

- (a) if the Tribunal amends the by-law, within 30 days after the Tribunal's order; or
- (b) if the Tribunal orders the council of the municipality to amend the by-law, within 30 days after the amendment by the council.

Interest

(4.21) The municipality shall pay interest on an amount it refunds, at a rate not less than the prescribed minimum interest rate, from the day the amount was paid to the municipality or, where land was required to be conveyed, the day the building permit was issued in respect of the development or redevelopment, to the day the amount is refunded.

Same, more than one building permit

(4.22) If more than one building permit was required for the development or redevelopment in respect of which an amount is being refunded, the municipality shall pay interest, at a rate not less than the prescribed minimum interest rate, from the day the first permit was issued for the development or redevelopment to the day the amount is refunded.

Application of specified provisions to by-law amendments

(4.23) Subsections (2), (3.1) and (4.5) to (4.22) apply, with necessary modifications, to an amendment to a by-law passed under this section other than an amendment by, or pursuant to an order of, the Tribunal.

Limitation of L.P.A.T. powers

(4.24) In an appeal of an amendment to a by-law passed under this section, the Tribunal may exercise its powers only in relation to the amendment.

Non-application

(4.25) For greater certainty, subsections (3.1) and (4.5) to (4.24) do not apply to a by-law passed under this section or an amendment to a by-law passed under this section before the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force.

Transition, expiry of by-law

(4.26) A by-law passed under this section that is in force on the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* comes into force and that provides for the alternative requirement authorized by subsection (3) expires on the specified date for the purposes of section 9.1 of the *Development Charges Act, 1997* unless it is repealed earlier.

(5) Subsection 42 (6.4) of the Act is amended by adding “(4.19)” before “(6)”.

(6) Section 42 of the Act is amended by adding the following subsections:

Same, refund following appeal if by-law is amended

(10.1) In the event of a dispute between a municipality and an owner of land as to the value of land for the purposes of subsection (4.19),

- (a) the municipality shall pay the owner the amount it considers to be owed under that subsection in accordance with subsection (4.20); and
- (b) the owner shall, no later than 30 days after receiving payment, apply to the Tribunal to have the value determined for the purpose of that subsection.

Same

(10.2) An owner of land who applies to the Tribunal under subsection (10.1) shall give notice of the application to the municipality within 15 days after the application is made.

Same

(10.3) On an application under subsection (10.1), the Tribunal shall, in accordance as nearly as may be with the *Expropriations Act*, determine the value of the land.

3 Section 47 of the Act is amended by adding the following subsections:

Interpretation, “specified land”

(4.1) In subsections (4.3) to (4.16),

“specified land” means land other than land in the Greenbelt Area within the meaning of the *Greenbelt Act, 2005*.

Exclusion of land in Greenbelt Area

(4.2) For greater certainty, the land in the Greenbelt Area that is excluded from the definition of “specified land” in subsection (4.1) is the area of land designated under clause 2 (1) (a) of the *Greenbelt Act, 2005* which, pursuant to subsection 2 (2) of that Act, includes,

- (a) the areas covered by the Oak Ridges Moraine Conservation Plan established under section 3 of the *Oak Ridges Moraine Conservation Act, 2001*;
- (b) the areas covered by the Niagara Escarpment Plan established under section 3 of the *Niagara Escarpment Planning and Development Act*; and
- (c) such areas of land as may be described in the regulations made under the *Greenbelt Act, 2005*.

Site plan control and inclusionary zoning, specified land

(4.3) The Minister may, in an order made under clause (1) (a) that applies to specified land,

- (a) provide that section 41 of this Act and section 114 of the *City of Toronto Act, 2006* do not apply in respect of all or a specified part of the specified land described in the order;
- (b) require that a person who owns all or any part of the specified land described in the order enter into one or more agreements with a municipality in which all or part of the specified land is situate dealing with some or all of the matters listed in subsection (4.4); and
- (c) exercise any of the powers conferred on councils by subsections 35.2 (1) and (2) in respect of all or a specified part of the specified land described in the order.

Matters that may be dealt with in agreement

(4.4) The matters referred to in clause (4.3) (b) are the following, subject to subsection (4.6):

1. A requirement that any development, within the meaning of subsection 41 (1), on all or a specified part of the specified land described in the order be undertaken in accordance with,
 - i. plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works as may be required by a condition imposed under paragraph 2, including facilities designed to have regard for accessibility for persons with disabilities, and
 - ii. drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display,
 - A. the massing and conceptual design of the proposed building,

- B. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access,
 - C. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
 - D. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design,
 - E. matters relating to exterior access to each building that will contain affordable housing units or to any part of such a building, but only to the extent that it is a matter of exterior design,
 - F. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, and
 - G. facilities designed to have regard for accessibility for persons with disabilities.
2. Anything that may be imposed as a condition by a municipality under subsection 41 (7) of this Act or subsection 114 (11) of the *City of Toronto Act, 2006*.
 3. Anything that may be imposed as a condition by an upper-tier municipality under subsection 41 (8).

Same, Minister's direction

(4.5) If an order made under clause (1) (a) includes a requirement described in clause (4.3) (b) to enter into an agreement, the Minister may, at any time before or after the agreement has been entered into, provide the parties with written direction concerning the agreement.

Contents of Minister's direction

- (4.6) Without limiting the generality of subsection (4.5), the Minister's direction may,
- (a) provide that one or more of the matters listed in subsection (4.4) shall not be dealt with in an agreement; or
 - (b) specify how any matter listed in subsection (4.4) shall be addressed in an agreement.

Compliance with Minister's direction

- (4.7) The parties that are required under clause (4.3) (b) to enter into an agreement shall ensure that,
- (a) if the Minister gives direction under subsection (4.5) before the agreement is entered into, the agreement complies with the direction; and
 - (b) if the Minister gives direction under subsection (4.5) after the agreement is entered into, the agreement is amended to comply with the direction.

Effect of non-compliance

(4.8) A provision of an agreement entered into pursuant to a requirement described in clause (4.3) (b) is of no effect to the extent that it does not comply with a direction the Minister gives under subsection (4.5).

Same, timing of Minister's direction

(4.9) Subsection (4.8) applies whether the Minister's direction is given before or after the agreement has been entered into.

Non-application of *Legislation Act, 2006*, Part III

(4.10) Part III (Regulations) of the *Legislation Act, 2006* does not apply to a direction given by the Minister under subsection (4.5).

Restriction on matters in subs. (4.4), par. 1

(4.11) The following matters relating to buildings described in subparagraph 1 ii of subsection (4.4) shall not be dealt with in an agreement entered into pursuant to a requirement described in clause (4.3) (b):

1. The interior design.
2. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in sub-subparagraph 1 ii C of subsection (4.4).
3. The manner of construction and construction standards.

Enforceability of agreement

(4.12) If an agreement is entered into between the owner of land and a municipality in accordance with a requirement described in clause (4.3) (b),

- (a) the agreement may be registered against the land to which it applies; and

- (b) the municipality may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Inclusionary zoning policies

(4.13) If an order is made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c), the Minister may do one or both of the following:

1. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order and the municipality in which all or part of the specified land is situate enter into one or more agreements dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.
2. Require that any owner of lands, buildings or structures that are to be developed or redeveloped under the order enter into one or more agreements with the Minister dealing with any or all of the matters mentioned in clauses 35.2 (2) (a) to (h) and ensuring continued compliance with the matters dealt with in the agreement.

Same

(4.14) An order containing a requirement described in paragraph 1 of subsection (4.13) is deemed to be a by-law passed by the council of the relevant local municipality for the purposes of subsections 35.2 (3) to (9) and a municipality that is a party to an agreement mentioned in that paragraph shall take the steps required under those subsections.

Same

(4.15) If an agreement is entered into in accordance with a requirement described in subsection (4.13),

- (a) the agreement may be registered against the land to which it applies; and
- (b) the Minister may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Same

(4.16) An order made under clause (1) (a) in which the Minister exercises a power described in clause (4.3) (c) applies regardless of whether the official plan in effect in the relevant local municipality contains policies described in subsection 16 (4).

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Exception re notice — order exercising powers under subs. (4.3)

(9.1) Subsection (9) does not apply with respect to an order under clause (1) (a) if, in the order, the Minister has exercised any of the powers in subsection (4.3).

4 The definition of “effective date” in subsection 51.1 (0.1) of the Act is amended by striking out “the day subsection 32 (1) of the *Smart Growth for Our Communities Act*, 2015 comes into force” and substituting “July 1, 2016”.

5 Paragraph 24.1 of section 70.1 of the Act is repealed and the following substituted:

- 24.1 prescribing types of development or redevelopment for the purposes of subsection 37 (4);
- 24.1.1 prescribing requirements for the purposes of clause 37 (9) (b);
- 24.1.2 prescribing the percentage referred to in subsection 37 (32) to be applied to the value of land;
- 24.1.3 prescribing time periods for the purposes of clause 37 (33) (b) and subsections 37 (35) and (39);

AMENDMENTS TO OTHER ACTS

More Homes, More Choice Act, 2019

6 Sections 9 and 10, subsections 12 (1) to (8), 15 (1) to (5) and (7) and 17 (1) and (5) of Schedule 12 to the *More Homes, More Choice Act*, 2019 are repealed.

Plan to Build Ontario Together Act, 2019

7 Schedule 31 to the *Plan to Build Ontario Together Act*, 2019 is repealed.

COMMENCEMENT

Commencement

8 (1) Subject to subsection (2), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act*, 2020 receives Royal Assent.

(2) Sections 1, 2, 4 and 5 come into force on a day to be named by proclamation of the Lieutenant Governor.

SCHEDULE 18 PROVINCIAL OFFENCES ACT

1 The French version of the definition of “police officer” in subsection 1 (1) of the *Provincial Offences Act* is amended by striking out “constables spéciaux” and substituting “agents spéciaux”.

2 (1) Clause 5 (2) (b) of the Act is amended by striking out “in the manner provided in the offence notice” at the end and substituting “by mail or in any other manner specified in the offence notice”.

(2) Subsection 5 (2) of the Act, as amended by subsection (1), is amended by striking out “If the offence notice includes a part with a notice of intention to appear, the defendant” at the beginning and substituting “The defendant”.

(3) Subsection 5 (3) of the Act is repealed.

(4) Section 5 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the court office specified in the offence notice by mail or by any other method permitted by the court office, if the offence notice was served,

- (a) on or after the day subsection 2 (4) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or
- (b) before the day subsection 2 (4) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,
 - (i) gave notice of intention to appear under this section, requested a meeting with the prosecutor in accordance with section 5.1 or pleaded guilty under section 7 or 8, or
 - (ii) was convicted under subsection 9 (2).

(5) Subsection 5 (3.1) of the Act, as enacted by subsection (4), is repealed.

(6) Subsection 5 (4) of the Act is repealed and the following substituted:

Specified court office

(4) A notice of intention to appear is not valid unless it is given to the court office specified on the offence notice.

(7) Subsection 5 (5) of the Act is amended by striking out “under subsection (2) or (3)” and substituting “under this section”.

3 (1) Subsections 5.1 (1) and (2) of the Act are repealed and the following substituted:

Availability of meeting procedure

(1) This section applies if the offence notice indicates that an option of a meeting with the prosecutor to discuss the resolution of the offence is available.

Requesting a meeting

(2) A defendant may, instead of giving notice of intention to appear under section 5, request a meeting with the prosecutor to discuss the resolution of the offence if, within 15 days after being served with the offence notice, the defendant,

- (a) indicates the request on the offence notice; and
- (b) delivers the offence notice to the court office specified in the offence notice by mail or in any other manner specified in the offence notice.

Specified court office

(2.1) An offence notice is not valid unless it is delivered to the court office specified in the offence notice.

(2) Subsection 5.1 (2) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out “Instead of filing the notice of intention to appear” at the beginning and substituting “Instead of giving notice of intention to appear under section 5”.

(3) The French version of subsection 5.1 (3) of the Act is amended by striking out “dès que possible” and substituting “dès que matériellement possible”.

(4) Subsection 5.1 (3) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by striking out the portion before clause (a) and substituting the following:

Types of early resolution meetings

(3) The defendant may request to attend the early resolution meeting,

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(5) Clause 5.1 (3) (a) of the Act, as re-enacted by section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding “at the court office” at the end.

(6) The French version of subsection 5.1 (5) of the Act is amended by striking out “dès que possible” and substituting “dès que matériellement possible”.

(7) Subsection 5.1 (6) of the Act is amended by striking out “if unable to attend in person because of remoteness”.

(8) The French version of subsections 5.1 (10) and (11) of the Act is amended by striking out “dès que possible” wherever it appears and substituting in each case “dès que matériellement possible”.

(9) Section 5.1 of the Act is amended by adding the following subsections:

Transition

(13) This section applies to a defendant served with an offence notice before the day subsection 3 (1) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* came into force, unless, before that day, the defendant,

- (a) gave notice of intention to appear under section 5, requested and attended a meeting with the prosecutor in accordance with this section or pleaded guilty under section 8; or
- (b) was convicted under subsection 9 (2).

Same

(14) Despite subsection (13), if the defendant requested a meeting with the prosecutor before the day referred to in that subsection and the meeting was not held but was scheduled before that day, this section applies to the defendant only if permitted by the clerk of the court.

(10) Subsections 5.1 (13) and (14) of the Act, as enacted by subsection (9), are repealed.

4 (1) Subsection 11 (2) of the Act is amended by adding “or on other evidence or information” after “if satisfied by affidavit of the defendant”.

(2) Subsection 11 (2) of the Act, as re-enacted by section 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding “or on other evidence or information” after “if satisfied by affidavit of the defendant” in the portion before clause (a).

(3) Clauses 11 (3) (a) and (b) of the Act are repealed and the following substituted:

- (a) proceed under section 7, if the offence notice does not indicate that the option of a meeting under section 5.1 is available and the defendant wishes to proceed under section 7;
- (b) direct the clerk of the court to give notice to the defendant and the prosecutor of the time and place of their meeting under section 5.1, if the offence notice indicates that the option of a meeting under that section is available and the defendant wishes to proceed under that section; or

5 (1) Subsections 17.1 (1) and (3) of the Act are repealed and the following substituted:

Alternative to s. 17

(1) This section applies if the parking infraction notice allows for the defendant to make an appointment to discuss the parking infraction notice and, if applicable, file the notice of intention to appear.

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Filing

(3) A defendant who is served with a parking infraction notice may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by filing a notice of intention to appear with a person designated by the regulations,

- (a) in person at the time or times specified in the parking infraction notice;
- (b) by mail; or
- (c) in any other manner specified in the parking infraction notice.

(2) Section 17.1 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the place specified in the parking infraction notice by mail or in any other method permitted by the applicable municipality, if the parking infraction notice was served,

- (a) on or after the day subsection 5 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or

- (b) before the day subsection 5 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,
 - (i) delivered a notice of intention to appear under this section or section 18.1.1 or paid the fine, or
 - (ii) was convicted under subsection 18.2 (6).

(3) Subsection 17.1 (3.1) of the Act, as enacted by subsection (2), is repealed.

6 (1) Subsections 18.1.1 (1) and (3) of the Act are repealed and the following substituted:

Alternative to s. 18.1

(1) This section applies if the notice of impending conviction allows for the defendant to make an appointment to discuss the notice of impending conviction and, if applicable, file the notice of intention to appear.

Filing

(3) A defendant who receives a notice of impending conviction may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by filing a notice of intention to appear with a person designated by the regulations,

- (a) in person at the time or times specified in the notice of impending conviction;
- (b) by mail; or
- (c) in any other manner specified in the notice of impending conviction.

(2) Section 18.1.1 of the Act is amended by adding the following subsection:

Exception

(3.1) Despite subsection (3), the requirements of that subsection may be met without personal attendance by delivering the notice of intention to appear to the place specified in the notice of impending conviction by mail or in any other method permitted by the applicable municipality, if the notice of impending conviction was received,

- (a) on or after the day subsection 6 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force; or
- (b) before the day subsection 6 (2) of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* comes into force, unless, before that day, the defendant,
 - (i) delivered a notice of intention to appear under this section or section 17.1 or paid the fine, or
 - (ii) was convicted under subsection 18.2 (6).

(3) Subsection 18.1.1 (3.1) of the Act, as enacted by subsection (2), is repealed.

7 Subsection 19 (2) of the Act is amended by striking out “or otherwise” and substituting “or on other evidence or information”.

8 (1) Subsection 26 (2) of the Act is repealed and the following substituted:

Service

- (2) A summons shall be served by a provincial offences officer,
 - (a) by delivering it personally to the person to whom it is directed or, if that person cannot conveniently be found, by leaving it for the person at the person’s last known or usual place of residence with an individual who appears to be at least sixteen years of age and resident at the same address; or
 - (b) in any other manner permitted by the regulations.

(2) Section 26 of the Act is amended by adding the following subsection:

Regulations

(7) The Lieutenant Governor in Council may make regulations specifying how a summons may be served on a person for the purposes of clause (2) (b), and setting out when such service is deemed to have been effected.

9 Section 45 of the Act is amended by adding the following subsection:

Same, participation by electronic method

(3.1) If the defendant is making a plea by electronic method under section 83.1, the court may accept a plea of guilty only if, in addition to subsection (3), the court is satisfied that,

- (a) the defendant does not believe that the defendant’s ability to conduct a defence is compromised by participating by electronic method; and

- (b) the defendant is not being unduly influenced in making the plea by circumstances or persons at the location where the defendant is physically located.

10 Subsection 76.1 (1) of the Act is amended by adding “or the rules of court” after “under this Act”.

11 Section 83.1 of the Act is repealed and the following substituted:

Participation in proceedings by electronic method

83.1 (1) In this section,

“electronic method” means video conference, audio conference, telephone conference or other method determined by the regulations.

Same

(2) Subject to this section, in any proceeding under this Act or any step in a proceeding under this Act, any person, including a defendant, a prosecutor, a witness, an interpreter, a justice or the clerk of the court, may participate by an electronic method made available by the court office.

Excepted proceedings, circumstances

(3) Subsection (2) does not apply with respect to proceedings or steps in a proceeding, or in circumstances, that are specified by the regulations.

Requirement to appear in person

(4) A justice may order a person to appear in person if the justice is satisfied that the interests of justice require it or it is necessary for a fair trial.

Same

(5) In making a determination under subsection (4), the justice shall consider any factors set out in the regulations.

Direction re method

(6) A justice may, subject to subsection (7), by order specify which of available electronic methods must or may be used.

Limitation re methods

(7) The electronic method that may be used in a proceeding or step in a proceeding is subject to any limitations specified by the regulations as to which electronic methods may be used in the proceeding or step.

Duties of the clerk

(8) If an offence notice indicates that the option of a meeting under section 5.1 is available, the clerk of the court at the court office indicated in the offence notice shall ensure that the court office has the means available to allow a defendant or prosecutor to attend by electronic method.

Oaths

(9) If evidence is given under oath by electronic method, the oath may be administered by the same electronic method.

Interpretation

(10) A provision of this Act, the regulations or the rules of court that presumes that participation would be in person shall not be read as limiting the application of this section, and shall be read in a manner consistent with this section.

Territorial jurisdiction

(11) A hearing in a proceeding by electronic method under this section is deemed to meet the requirements of subsections 29 (1) and (2) regardless of where a justice is physically located during the hearing.

Application in appeals

(12) This section applies, with necessary modifications, with respect to appeals under Part VII, and, for the purpose, references in this section to a court and to a justice shall be read as including reference to a court and to a judge respectively, as those terms are defined for the purposes of that Part.

Transition

(13) This section applies with respect to a proceeding whether it was commenced before, on or after the day section 11 of Schedule 18 to the *COVID-19 Economic Recovery Act, 2020* came into force.

Regulations

(14) The Lieutenant Governor in Council may make regulations,

- (a) respecting anything that, in this section, may or must be done by regulation;

- (b) requiring the payment of fees for using electronic methods, fixing the amounts of the fees, and specifying circumstances in which and conditions under which a justice or another person designated in the regulations may waive the payment of a fee.

12 The French version of section 89 of the Act is amended by striking out “introduite” and substituting “accomplie”.

13 Subsection 141 (2) of the Act is amended by striking out “file with the Superior Court of Justice for use on the application, all material concerning the subject-matter of the application” at the end and substituting “ensure that all material concerning the subject-matter of the application is filed with the Superior Court of Justice for use on the application”.

14 (1) Subsection 158.1 (1) of the Act is repealed and the following substituted:

Electronic warrants

Submission of information

(1) A provincial offences officer may submit an information on oath, by a means of electronic communication that produces a writing, to a justice designated for the purpose by the Chief Justice of the Ontario Court of Justice.

(2) **Clause 158.1 (4) (a) of the Act is repealed.**

(3) **Subsection 158.1 (6) of the Act is amended by adding “and” at the end of clause (a) and by striking out clause (b).**

(4) **Clause 158.1 (8) (b) of the Act is amended by striking out “telecommunication” and substituting “electronic communication”.**

15 The French version of the following provisions of the Act is amended by striking out “à sa face même” wherever it appears and substituting in each case “à première vue”:

1. **Clauses 9 (2) (a) and (b) and subsection 9 (3).**
2. **Subsection 9.1 (2).**
3. **Clause 18.2 (2) (a).**
4. **Subsection 18.4 (2).**
5. **Subsection 36 (1).**

16 The French version of the following provisions of the Act is amended by striking out “à sa face” wherever it appears and substituting in each case “à première vue”:

1. **Subsection 18.3 (1).**
2. **Subsection 18.3 (2).**

Stronger, Fairer Ontario Act (Budget Measures), 2017

17 Sections 2 and 16 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* are repealed.

Commencement

18 (1) Subject to subsections (2) to (5), this Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(2) Subsections 2 (2), (3) and (5) and 3 (10) come into force on the first anniversary of the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(3) Subsections 5 (1) and (3) and 6 (1) and (3) come into force on a day to be named by proclamation of the Lieutenant Governor.

(4) Subsections 3 (2), (4) and (5) come into force on the later of the day section 3 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

(5) Subsection 4 (2) comes into force on the later of the day section 6 of Schedule 35 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 19
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT

1 The *Public Transportation and Highway Improvement Act* is amended by adding the following sections:

No hearings of necessity

11.1 (1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the *Expropriations Act* do not apply to an expropriation of land under section 11.

Transition

(2) If a decision under subsection 8 (2) of the *Expropriations Act* has not been made in respect of an intended expropriation of land under section 11 before the day section 1 of Schedule 19 of the *COVID-19 Economic Recovery Act, 2020* comes into force,

- (a) no hearing shall be held on the matter under section 7 of the *Expropriations Act*;
- (b) any hearing on the matter that has been commenced is deemed to be terminated on the day section 1 of Schedule 19 of the *COVID-19 Economic Recovery Act, 2020* comes into force; and
- (c) no report on the matter shall be given under subsection 7 (6) of the *Expropriations Act*.

This section prevails

(3) This section applies despite subsection 2 (4) of the *Expropriations Act*.

Alternative process

11.2 (1) The Minister may establish a process for receiving comments from property owners about a proposed expropriation under section 11 and for considering those comments.

How process established

(2) The Minister may make regulations establishing the process or may establish the process by another means.

Statutory Powers Procedure Act

(3) The *Statutory Powers Procedure Act* does not apply to a process for receiving and considering comments about a proposed expropriation under this section.

Commencement

2 This Schedule comes into force on the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent.

SCHEDULE 20
TRANSIT-ORIENTED COMMUNITIES ACT, 2020

Definitions

1 In this Act,

“Minister” means the Minister of Transportation or such other member of the Executive Council to whom responsibility for the administration of this Act is assigned or transferred under the *Executive Council Act*; (“ministre”)

“priority transit project” means,

- (a) the line known as the Ontario Line located in the City of Toronto,
- (b) the subway extension known as the Scarborough Subway Extension, and also known as the Line 2 East Extension, located in the City of Toronto,
- (c) the subway extension known as the Yonge Subway Extension, and also known as the Yonge North Subway Extension, extending from within the City of Toronto to within the Regional Municipality of York, or
- (d) the light rail transit extension known as the Eglinton Crosstown West Extension extending westward from within the City of Toronto at the station known as Mount Dennis; (“projet de transport en commun prioritaire”)

“transit-oriented community project” means a development project of any nature or kind and for any usage in connection with the construction or operation of a station that is part of a priority transit project, and includes a development project located on transit corridor land within the meaning of Bill 171 (*Building Transit Faster Act, 2020*), introduced on February 18, 2020. (“projet communautaire axé sur le transport en commun”)

Designation of transit-oriented community land

2 (1) The Lieutenant Governor in Council may, by order in council, designate land as transit-oriented community land if, in the opinion of the Lieutenant Governor in Council, it is or may be required to support a transit-oriented community project.

Public notice

(2) The Minister shall publish notice of each designation made under subsection (1) on a Government of Ontario website.

Expropriations, no hearings of necessity

3 (1) Subsections 6 (2) to (5), section 7 and subsections 8 (1) and (2) of the *Expropriations Act* do not apply to an expropriation of land, within the meaning of that Act, if,

- (a) at least some part of the land is designated under subsection 2 (1) as transit-oriented community land; and
- (b) the expropriation is for a transit-oriented community project.

Conflict

(2) Subsection (1) applies despite subsection 2 (4) of the *Expropriations Act*.

Process for comments

(3) The Minister may establish a process for receiving comments from property owners about a proposed expropriation and for considering those comments.

Same, regulations

(4) The Minister may make regulations establishing a process described in subsection (3).

Statutory Powers Procedure Act

(5) The *Statutory Powers and Procedure Act* does not apply to a process for receiving and considering comments about a proposed expropriation established under subsection (3) or by regulations made under subsection (4).

AMENDMENTS TO OTHER ACTS

Ministry of Infrastructure Act, 2011

4 (1) The *Ministry of Infrastructure Act, 2011* is amended by adding the following section:

Investing in a transit-oriented community project

7.1 (1) The Minister may, subject to the approval of the Lieutenant Governor in Council, establish, acquire, manage, participate in or otherwise deal with corporations, partnerships, joint ventures or other entities for the purpose of investing assets in, supporting or developing transit-oriented community projects related to priority transit projects.

Borrowing and risk management

(2) When acting under subsection (1), the Minister may borrow or manage financial risks as long as,

- (a) the Minister of Finance has, in writing, approved the borrowing or management; and
- (b) the Ontario Financing Authority co-ordinates and arranges the borrowing or management, unless otherwise agreed to in writing by the Minister of Finance.

Investment policy

(3) The Minister shall ensure that every entity referred to in subsection (1) invests any funds that it receives either directly or indirectly from the Minister in accordance with an investment policy that has been approved in writing by the Minister of Finance.

Regulations

(4) The Lieutenant Governor in Council may make regulations,

- (a) prescribing and governing any additional powers that the Minister may require in order to carry out the activities set out in subsection (1);
- (b) prescribing and governing any limitations to permitted activities for the purposes of subsection (1);
- (c) prescribing provisions of the *Corporations Act*, *Business Corporations Act* and *Corporations Information Act* that apply or do not apply to any particular corporation referred to in subsection (1) and, in the case of provisions prescribed as applying, prescribing such modifications of those provisions as the Lieutenant Governor in Council considers necessary or advisable;
- (d) providing that an entity referred to in subsection (1) is or is not a Crown agent;
- (e) prescribing and respecting the governance structure, purposes, powers or duties for a partnership, joint venture or other entity referred to in subsection (1) that is not a corporation;
- (f) respecting any other matter that the Lieutenant Governor in Council considers necessary or advisable for the purposes of this section, including to ensure that an entity referred to in subsection (1) may effectively carry out its purposes, powers and duties.

Definitions

(5) In this section,

“priority transit project” and “transit-oriented community project” have the same meaning as in the *Transit-Oriented Communities Act, 2020*.

(2) **Subsection 19 (2) of the Act is amended by adding the following paragraph:**

2.1 Section 7.1.

COMMENCEMENT AND SHORT TITLE**Commencement**

5 (1) If Bill 171 (*Building Transit Faster Act, 2020*), introduced on February 18, 2020, receives Royal Assent, the Act set out in this Schedule comes into force on the later of,

(a) the day the *COVID-19 Economic Recovery Act, 2020* receives Royal Assent; and

(b) the day Bill 171 receives Royal Assent.

(2) The Act set out in this Schedule does not come into force if Bill 171 does not receive Royal Assent.

Short title

6 The short title of the Act set out in this Schedule is the *Transit-Oriented Communities Act, 2020*.

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2020 - 010

A By-law Prescribing Standards for the Maintenance and Occupancy of Property

WHEREAS Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended, authorizes the council of a municipality to pass a bylaw prescribing standards for the maintenance and occupancy of property within the municipality and for prohibiting the occupancy or use of such property that does not conform to the standards; and for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or requiring the property to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;

AND WHEREAS the County of Wellington Official Plan for the Township of Puslinch includes provisions relating to property conditions;

AND WHEREAS Section 15.6(1) of the *Building Code Act, 1992, S.O. 1992, c. 23*, as amended requires that a By-law passed under Section 15.1(3) of the *Building Code Act, 1992, S.O. 1992, c. 23* shall provide for the establishment of a Property Standards Committee;

NOW THEREFORE, the Council of the Corporation of the Township of Puslinch enacts as follows:

1.0 TITLE AND SCOPE

- 1.1 This By-Law may be referred to as "The Property Standards By-Law".
- 1.2 The standards for maintenance and occupancy of **property** set forth in this By-Law are hereby prescribed and adopted as the minimum standards for all **property** within the **Township**.

1.3 No **person** shall occupy a **property** if there is a condition which poses or constitutes an **unsafe condition**.

1.4 A **property** within the **Township** that does not conform with the standards contained in this By-law shall be:

- (a) **repaired** and maintained to conform with such standards; or
- (b) cleared of all **buildings, accessory buildings, structures** or **waste** and left in a graded and levelled condition.

1.5 This By-law does not apply so as to prevent an agricultural operation, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1, from carrying out a normal farm practice as provided for and defined under that Act.

1.6 This By-law does not apply so as to prevent an agricultural use, meeting the definition of "agricultural use" under this By-law.

2.0 APPLIED MEANING OF WORDS AND TERMS

2.1 Interchangeability: Words used in the present tense include the future, words in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural includes the singular.

3.0 DEFINITIONS

In this By-law:

"Accessory building" means a detached **building** or **structure**, not used for human habitation that is subordinate to the primary use on the same **property**.

"Basement" means that portion of a **building** between two floors, which is partly underground of the first floor joists above the average finished grade level adjacent to the exterior walls of the **building** and includes a crawl space and cellar.

"Boat" includes any vessel which floats or is designed to float on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats and commercial boats, when on the water or on land.

"Building" means a building as defined in the ***Building Code Act***, or a **structure** used or intended to be used for supporting or sheltering any use or occupancy.

"Building Code Act" means the *Building Code Act*, 1992, S.O. 1992, c. 23, as amended and any prescribed regulations under the *Building Code Act*.

"Committee" means the **Township's** Planning and Development Advisory Committee or a Property Standards Committee established under this By-law.

"Compost" means a collection of humus material such as kitchen and table waste, grass clippings, plant trimmings, weeds or other leaves.

"Council" means the Council for the **Township**.

"Dwelling" means a **building** or part of a **building**, occupied or capable of being occupied, in whole or in part for the purpose of human habitation.

"Dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a

domicile by one or more persons and supporting general living conditions including cooking, eating, sleeping and sanitary facilities.

“Exterior property areas” means the **property** and **yard**, exclusive of a **building** and an **accessory building**.

“Fence” means a **structure**, wall or barrier, other than a **building**, erected at grade for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen.

“Firewood” means any lumber, timber, logs, poles, cut up trees or felled trees, any salvaged wood products included but not limited to wood skids, wood boxes, and used wood products that are not required for a **building**, **accessory building** or **structure** currently under construction on the **property** or for which there is a current or regular use.

“Ground cover” means organic or non-organic material applied to prevent the erosion of the soil, e.g., concrete, flagstone, gravel, asphalt, grass or other forms of landscaping.

“Guard” means a protective barrier installed around openings in floor area or on the open sides of a stairway, a landing, a balcony, a mezzanine, a gallery, a raised walkway, or other locations as required to prevent accidental falls from one level to another. Such barriers may or may not have openings through them.

“Habitable room” means a room or enclosed floor space used, or capable of being used for living, eating, sleeping or domestic food preparation purposes, but excludes a bathroom, water closet compartment, laundry, pantry, foyer, lobby, hall, passageway, corridor, closet, stairway,

storage room, furnace room or other accessory space used for service, maintenance or access within a **building**.

“Heritage attribute” means an attribute of a **heritage property** that contributes to its cultural heritage value or interest that is defined, described or inferred:

(a) in a By-law designating a **heritage property**;

(b) in a By-law designating a heritage conservation district;

(c) in a Minister’s Order made under the *Ontario Heritage Act*;

(d) in any documentation considered as part of (a), (b) and (c) above;

and includes any elements, features or components that support or protect the heritage attribute.

“Heritage property” means a Property designated under Part IV or Part V or by a Minister’s Order under the *Ontario Heritage Act*.

“Landlord” includes:

a) The owner of a rental unit or any other person who permits occupancy of a **rental unit**, other than a **tenant** who occupies a **rental unit** in a residential complex and who permits another person to also occupy the unit or any part of the unit; and, b) The heirs, assigns, personal representatives and successors in title of a person referred to in clause (a).

“Naturalized Area” means an area that has been implemented or naturally occurring areas to produce ground cover which consists of one or more species of wildflowers, annuals, perennials, shrubs and grasses or a combination thereof and includes natural areas such as wooded lots, managed commercial woodlots, forests and wetlands.

"Occupant" means any **person** or **persons** over the age of eighteen years in possession of the **property**.

"Openable area" means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

"Owner" includes,

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

"Person" includes a corporation and its heirs, executors, administrators, or other representatives of a person to whom the context can apply according to law.

"Property" means a **building** or **accessory building**, or part of a **building** or **accessory building**, and includes all the lands and premises within the boundary lines of the property, all mobile structures, mobile buildings, mobile homes, outbuildings, **fences**, **retaining walls**, and erections thereon, whether heretofore or hereafter erected, and also includes **vacant property**.

"Property Standards Officer" shall mean a Property Standards Officer who has been appointed by by-law to administer and enforce this By-law.

"Rental Unit" means a dwelling unit used, or intended to be used, for a **residential tenancy**.

"Repair" includes the making of additions or alterations or the taking of such action as may be required so that the **property** shall conform to the standards established in this By-law.

"Residential rental property" includes a **rental unit** and the yards;

"Residential Tenancy" means the lease of residential premises for residential purposes.

"Retaining wall" means a **structure** that holds back soil or loose material to prevent it from assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.

"Safe condition" means a condition that does not pose or constitute an undue or unreasonable hazard or risk of life, limb or health of any **person** on or about the **property**, and includes a structurally sound condition.

"Sewage" means water-carried waste, together with such ground, surface and storm waters as may be present.

"Sewage system" means the **Township's** system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system.

"Structure" means anything constructed either permanent or temporary, the use of which requires location on or an attachment to something having location on the ground.

"Tenant" means a person who pays rent or is required to pay rent in return for a right to occupy a **rental unit**.

"Township" means the Corporation of the Township of Puslinch or the land within the geographic limits of the Corporation of the Township of Puslinch as the context requires.

"Unsafe condition" means any condition that poses or constitutes an undue or unreasonable hazard or risk to life, limb or health of any **person** on or about the **property**.

"Vacant building" means any **building or accessory building** that is or appears to be vacant, partially vacant, or unoccupied, or that, by reason of its unfinished or dilapidated condition, is open to the elements and in a state that there is little to no control over unauthorized entry, but does not include:

- (a) a **dwelling unit** occupied by the **owner** on a seasonal basis but otherwise maintained throughout the year;
- (b) a **building or accessory building** on **property** used for farming purposes, except a **dwelling unit**.

"Vacant property" means a **property** that does not have a **building or accessory building**.

"Waste" includes any debris, rubbish, refuse, sewage, effluent, garbage, brush, ashes, litter, wrappings, salvage, vehicle parts, discarded material or things, broken or dismantled things, or materials or things exposed to the elements, deteriorating or decaying on a **property** due to exposure to the weather.

"Yard" means the land within the boundary lines of a **property** not occupied by a principal building in Residential Zones and means the Required Yard as defined in the Zoning Bylaw for all other zones.

4.0 EXTERIOR PROPERTY AREAS – GENERAL REQUIREMENTS

4.1 **Exterior Property Areas** shall be free from:

- (a) **waste**;
- (b) injurious insects, termites, rodents, vermin and other pests and any condition that may promote an infestation except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (c) excessive growth of weeds and grass exceeding 12 inches in height, except in a **Naturalized Area** and areas meeting the definition of **Agricultural Use** in accordance with Section 1.5 and 1.6 of this By-law;
- (d) dead, decayed, or damaged trees, or other natural growth and the branches and limbs thereof which create an **unsafe condition** for abutting land owners;
- (e) wrecked, dismantled, derelict, inoperative, discarded, unused or an unlicensed vehicle or trailer, except in an establishment licensed or authorized to conduct and operate such a business in accordance with any other by-laws, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;
- (f) wrecked, dismantled, derelict, inoperative, discarded or unused **boat** and any component parts thereof, except in an establishment licensed or authorized to conduct and operate such a business, and then only in an arrangement such as to prevent an **unsafe condition** or an unsightly condition and screened from view from an adjacent **property**;

- (g) machinery or any parts thereof, or other objects or parts thereof, or accumulations of material or conditions that create an **unsafe condition** or an unsightly condition out of character with the surrounding environment;
 - (h) dilapidated or collapsed **building** or **accessory building** and any unprotected well or other **unsafe condition** or unsightly condition out of character with the surrounding environment;
 - (i) stagnant water except in a **Naturalized Area**;
 - (j) accumulation of animal excrement, except in connection with a lawful agricultural use on a **property**.
- 4.2 Suitable **ground cover** shall be provided to prevent erosion of the soil.
- 4.3 Hedges, plantings, trees or other landscaping including lighting, required by the **Township** as a condition of site development or redevelopment, shall be maintained in a living condition or shall be replaced with equivalent landscaping or lighting, so as to carry out its intended function and maintain an attractive appearance.
- 4.4 An abandoned or unused well, septic tank or a hole on a **property** shall be filled or safely covered and protected.
- 5.0** **DRAINAGE**
- 5.1 All catch basins, swales and ditches shall be maintained so as to not impede the natural flow of water.
- 5.2 The storm water run-off from all downspouts of impervious surfaces shall be contained within the limits of the **property** from which it originates until absorbed by the soil or drained

to a storm sewer, or to a natural or artificially-created swale, ditch or watercourse.

- 5.3 No water shall be drained from a swimming pool, pond or other waterholding device on to abutting properties.

6.0 HEALTH

- 6.1 All **sewage** shall be discharged into an approved **sewage system**.

7.0 BUFFERING

- 7.1 **Property** which, because of its use or occupancy, or for other reasons is required to be buffered shall:

- (a) maintain an effective barrier to prevent lighting and vehicle headlights from shining directly into a **dwelling unit**;
- (b) maintain an effective barrier to prevent wind-blown **waste** from encroaching on an adjacent **property**;
- (c) maintain a visual screen, to minimize the visual impact of a nuisance to a **person** who owns or occupies an adjacent **property**.

8.0 RETAINING WALLS

- 8.1 A **retaining wall** shall be maintained in good **repair** and free from accident hazards.

- 8.2 Without restricting the generality of section 8.1 the maintenance of a **retaining wall** may include:

- (a) redesigning, **repairing** or replacing all deteriorated, damaged, misaligned or missing portions of the wall, or railings and **guards** appurtenant thereto;
- (b) installing subsoil drains where required to maintain the stability of the **retaining wall**;
- (c) grouting masonry cracks;
- (d) applying a coat of paint or equivalent preservative to all metal or wooden exposed components.
- (e) where a retaining wall in excess of 600 mm (24 inches) forms part or is adjacent to a means of egress, a guard shall be provided unless access is restricted to the retaining wall.

9.0 SUPPLEMENTARY STANDARDS FOR RESIDENTIAL RENTAL PROPERTIES

9.1 GENERAL

9.1.1 The following additional standards shall only apply to a residential rental property:

a) Subject to the tenant's responsibility for ordinary cleanliness of the residential rental property, the landlord shall provide such facilities and take such action to ensure that the residential rental property is:

- I. Safe
- II. Clean
- III. In a state of good repair
- IV. Fit for habitation; and,
- V. Free from accumulations of snow and ice;

b) The landlord shall maintain, in a state of good repair and in a clean, safe condition, any facilities supplied by the landlord and all common areas intended for the use of tenants.

9.1.2 All repairs and maintenance of property required by the standards prescribed in this part shall be carried out in a manner accepted as good craftsmanship in the trade concerned and with materials suitable and sufficient for the purpose.

9.1.3 Unless otherwise specified, the landlord, and not the tenant, shall be responsible for ensuring that all of the provisions of this part are being complied with.

9.2.0 RECREATIONAL FACILITIES, LAUNDRY FACILITIES ROOMS AND AREAS

9.2.1 A recreational facility, laundry facility, mail collection area including mailboxes, room or area and the equipment and appliances provided in connection therewith shall be:

- (a) maintained in an operable and usable condition;
- (b) maintained in a **safe condition**;
- (c) with the exception of an outdoor recreational facility, maintained in a clean condition.

9.3.0 HEATING, HEATING SYSTEMS, CHIMNEYS, VENTS AND FUEL BURNING APPLIANCES

9.3.1 Every **building** containing an occupied **dwelling unit** or **habitable room** shall be provided with suitable heating facilities capable of maintaining an indoor ambient temperature of 21 degrees Celsius between the 15th day of September to the 1st day of June the following year. A heating system shall be maintained in good working

condition so as to be capable of safely heating the **dwelling unit** or **habitable room** to the required standard.

- 9.3.2 No rental **dwelling unit** shall be equipped with portable heating equipment as a primary source of heat.
- 9.3.3 A fuel burning appliance shall:
- (a) have ample air supply to permit combustion to occur with optimum oxygen available;
 - (b) be located in such a manner as to prevent impediment to the free movement of a **person** and the overheating of adjacent materials and equipment;
 - (c) have **guards** where necessary to minimize the risk of an accident.
- 9.3.4 Where a heating system or part thereof requires solid or liquid fuel to operate, a place or receptacle for such fuel shall be provided and maintained in a **safe condition** and location so as to be free from fire or accident hazard.
- 9.3.5 A fuel burning appliance, equipment and accessories shall be properly vented to the outside air by means of a smoke pipe, vent pipe, chimney flue or other approved method and as may be required by the ***Building Code Act***.
- 9.3.6 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the escape of smoke, fumes or gases from entering a **building**. Maintenance may include the removal of obstructions, sealing open joints, and the **repair** of loose or broken masonry units.
- 9.3.7 Every chimney, smoke-pipe, flue and vent shall be maintained in a good state of **repair** so as to prevent the

heating of adjacent combustible material or structural members to unsafe temperatures.

9.4.0 AIR CONDITIONING

9.4.1 An air conditioner shall be equipped with adequate devices for the prevention of condensation drainage on to entrance areas, sidewalks or pathways and shall be maintained in a safe mechanical and electrical condition.

9.4.2 Cooling water from water-cooled equipment shall not be discharged on a driveway, walkway or other areas used for pedestrian or vehicular traffic, or in such a manner that it may cause damage to a wall, foundation or part of a **building** or **accessory building**.

9.4.3 The discharge of cooling water from water-cooled equipment shall be made to a proper drainage system and shall be connected in accordance with all applicable government regulations.

9.5.0 INTERIOR LIGHTING

9.5.1 Interior lighting standards and fixtures shall comply with the requirements of section 10.

9.6.0 VENTILATION

9.6.1 Sufficient ventilation shall be provided to all areas of a **building** or an **accessory building** so as to prevent accumulations of heat, dust, vapours, odours, carbon monoxide and other gases likely to create a potential **unsafe condition** or to become a nuisance.

9.6.2 A kitchen, bathroom, shower room and toilet room shall be provided with adequate natural or artificial means of ventilation.

- 9.6.3 An enclosed area of a **building** or an **accessory building** including a **basement** and an attic shall be adequately ventilated.
- 9.6.4 A system of mechanical ventilation shall be maintained in good working order.
- 9.7.0 PLUMBING
- 9.7.1 A **dwelling unit** shall be provided with an adequate supply of potable running water from a source approved by the Medical Officer of Health and/or the Chief Building Official of the **Township**.
- 9.7.2 A washbasin, bathtub or shower, and one kitchen sink in a **dwelling unit** shall be equipped with an adequate supply of hot and cold running water. All hot water shall be supplied at a minimum of 43 degrees Celsius and a maximum of 49 degrees Celsius.
- 9.7.3 A fixture shall be of such materials, construction and design as will ensure that the exposed surface of all parts are hard, smooth, impervious to hot and cold water, readily accessible for cleansing and free from blemishes, cracks, stains or other defects that may harbor germs or impede thorough cleansing.
- 9.7.4 All plumbing, including drains, water supply pipes, water closets and other plumbing fixtures shall be maintained in good working order free of leaks and defects and all water pipes and appurtenances thereto shall be protected from freezing.
- 9.7.5 All plumbing fixtures in every **building** or **accessory building** shall discharge the water, liquids or sewage into drainage piping, which shall be connected to a **sewage system** approved by the authority having jurisdiction.

9.7.6 All toilet facilities, sanitary conveniences and washing facilities shall be maintained:

- (a) in good working order;
- (b) in a clean and sanitary condition;
- (c) and supplied with hot and cold running water, with cold water connection only to toilets and urinals;
- (d) and connected to the drainage system.

9.8.0 KITCHEN

9.8.1 A **dwelling unit** shall contain a kitchen area equipped with:

- (a) one sink surrounded by a surface that is impervious to grease and water;
- (b) a suitable storage area;
- (c) a counter or work area, exclusive of the sink and covered with a material that is impervious to moisture and grease and is easily cleanable;
- (d) a space provided for cooking and refrigeration appliances including suitable electrical or gas connections.

9.8.2 A cooking appliance and a refrigeration appliance shall be maintained in a good state of **repair** and operating condition.

9.9.0 BATHROOM

9.9.1 A **dwelling unit** shall contain a bathroom consisting of at least one fully operational toilet, washbasin, and a bathtub or suitable shower unit.

- 9.9.2 A bathroom and a toilet shall be located within and accessible from within the **dwelling unit**.
- 9.9.3 Where a toilet or bathroom facility is shared by occupants of a residential accommodation, other than a self contained **dwelling unit**, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facility.
- 9.9.4 Every wall surrounding a shower shall be of impervious material and shall be maintained in a good state of **repair**.
- 9.9.5 A bathroom as required by section 9.9.1 shall be located in a room used for no other purpose and provided with a door capable of being locked from the inside and opened from the outside in an emergency.
- 9.10.0 FLOORS
- 9.10.1 A floor shall be smooth, level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an **unsafe condition** or surface. A defective floor shall be **repaired** or replaced.
- 9.10.2 Where a floor covering has become worn or torn so that it retains dirt or may create an **unsafe condition**, the floor covering shall be **repaired** or replaced.
- 9.10.3 A bathroom, kitchen and shower room shall have a floor covering of water-resistant material and be capable of being cleaned.
- 9.11.0 ELECTRICAL SERVICE

- 9.11.1 A **dwelling** and **dwelling unit** shall be wired for electricity and shall be connected to an approved electrical supply system.
- 9.11.2 The capacity of the connection to a **building** or **accessory building** and the system of circuits distributing the electrical supply of the **building** or **accessory building** shall be adequate for the use and intended use.
- 9.11.3 Electrical wiring, cords, circuits, fuses, circuit breakers, electrical equipment and electrical heating systems shall be maintained in good working order, free from fire and accident hazards.
- 9.12.0 DISCONNECTED UTILITIES
- 9.12.1 An **owner** of a residential **building** or any **person** acting on behalf of such **owner** shall not disconnect or cause to be disconnected any service or utility supplying heat, electricity, gas, refrigeration or water to a **dwelling unit** and **habitable room** occupied by a tenant or lessee, except for such reasonable period of time as may be necessary for the purpose of **repairing**, replacing or otherwise altering said service or utility.
- 9.13.0 INTERIOR WINDOWS, DOORS, SURFACES, FLOORS AND STAIRS
- 9.13.1 Interior windows, doors, surfaces, floors and stairs shall be maintained:
- (a) in a clean, odour free and sanitary condition, reasonable for the normal use or occupancy of the room, passageway, enclosure or space;
 - (b) in good working order and good state of **repair**, free from holes, loose, broken, warped, torn, damaged or decayed boards or materials;

- (c) free from depressions, protrusions, deterioration or other defects which could create an **unsafe condition** or which are out of character with the normal use of the area in which such defect occurs;
- (d) so as to afford the fire resistive properties and other protection for which they shall be designed; and
- (e) free of any graffiti, markings, stains or other defacement.

9.13.2 Interior windows and doors shall also comply with the requirements of section 19.

9.14.0 INTERIOR STRUCTURE – COLUMNS AND BEAMS

9.14.1 A **building** and an **accessory building** and all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be maintained with material adequate for the load to which they are subjected to.

9.15.0 WALLS-CEILINGS

9.15.1 Every interior surface and finish of walls and ceilings shall be maintained:

- (a) in good state of **repair**, a surface which is reasonably smooth, clean, tight and easily cleaned;
- (b) free of holes, cracks, loose plaster or other material;
- (c) in a **safe condition**;
- (d) so as to possess the fire resistant properties required by the **Building Code Act** and the *Fire Protection and Prevention Act*, as amended.

9.16.0 ELEVATORS

9.16.1 An elevator, an elevating device, dumb-waiters, hoists, escalators, incline lifts including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good state of **repair**, operable and in a **safe condition**.

10.0 LIGHTING STANDARDS AND FIXTURES

10.1 Lighting standards and fixtures shall be kept in a **safe condition**, in good working order and in good visual condition.

11.0 FENCES

11.1 A **fence** on a **property** separating adjoining **property** shall:

- (a) be in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- (b) be maintained in a good state of **repair** and free of accident hazards;
- (c) not present an unsightly appearance.

11.2 Without restricting the generality of section 11.1 the maintenance of a **fence** may include:

- (a) protecting by paint, treated with a preservative or other weather resistant material unless the aesthetic characteristics of the **fence** are enhanced by the lack of such treatment.

12.0 WALKWAYS, DRIVEWAYS, RAMPS, PARKING AREAS AND LANDINGS

- 12.1 A parking area, driveway, walkway and other similar public access areas of an **exterior property area** shall be kept clean and free from **waste**, objects or conditions that may create an **unsafe condition**, health, fire, accident hazard or unsightly condition.
- 12.2 An **owner** shall cause any snow disposal site or snow storage site on a **property** to be:
- (a) maintained so as not to cause a hazard on the **property**; and
 - (b) maintained in such a manner and location on the **property** so as to prevent a hazard, flooding, erosion and other damage to a neighbouring **property**.
- 13.0 BUILDINGS AND ACCESSORY BUILDINGS
STRUCTURAL ADEQUACY - CAPACITY
- 13.1 All **repairs** and maintenance of **property** required by the standards prescribed in this By-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for that purpose.
- 13.2 Every part of a **building** or **accessory building** shall be maintained in good **repair** and in a structurally sound condition so as:
- (a) to be capable of sustaining safely its own weight, and any additional load to which it may normally be subjected to;
 - (b) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;

- (c) to prevent the entry of moisture that would contribute to damage, fungus growth, decay or deterioration;
- (d) to be capable of safely and adequately performing its function subject to all reasonable serviceability requirements.

13.3 The abating of an **unsafe condition** may include:

- (a) the provision or **repair** of stairs, balustrades, railings, **guards** and screens so as to minimize the risk of accident;
- (b) the elimination of other conditions which, in themselves are a hazard to life or which risk serious injury to **persons** normally in or about the subject **building, accessory building**, room, suite of rooms or space;
- (c) the installation of a handrail in conjunction with every set of stairs containing three (3) or more risers and such handrail shall be adequately secured and maintained in a good state of **repair**.

14.0 HEALTH AND WASTE

14.1 A **building** and **accessory building** on a **property** shall be kept free of mould, **waste** and pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

14.2 In a **dwelling unit**, sufficient rooms, containers and receptacles shall be maintained to safely contain all **waste**, which shall not be allowed to accumulate but shall be removed or made available for removal in accordance with any applicable by-laws.

- 14.3 An external container and receptacle shall be screened from view and shall be provided with a cover so that the material contained therein is not exposed to injurious insects, termites, rodents, vermin or other pests.
- 14.4 Every **building** and **accessory building** shall be provided with sufficient proper receptacles to contain all **waste**, which accumulates on the **property**, and such **waste** shall be placed for collection in proper receptacles in compliance with applicable laws.
- 14.5 A receptacle for **waste** shall be:
- (a) provided with a tight fitting cover;
 - (b) maintained in good working condition and order without holes or spillage; and
 - (c) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or **waste**.
- 14.6 Garbage chutes, disposal and collection rooms shall be:
- (a) washed down and disinfected as necessary so as to maintain a clean and odour free condition; and
 - (b) maintained in good working order.
- 14.7 Injurious insects, termites, vermin, rodents and other pests shall be exterminated and appropriate measures shall be taken to prevent their re-entry to a **building** or **accessory building** on a **property**.
- 14.8 In a **dwelling**, openings in the exterior walls or roof shall be fitted and maintained to protect all habitable space from water and weather entry, and to make such space free from drafts.

- 14.9 No portion of a **dwelling** shall be used for human habitation unless:
- (a) the floors, walls and ceiling areas are watertight and free from dampness and mould at all times;
 - (b) the total window area, the total **openable area** for natural ventilation and the ceiling height are in accordance with the provisions of the **Building Code Act** or, alternatively, reventilation and/or mechanical ventilation is provided as prescribed by the **Building Code Act**;
 - (c) the required minimum window area of every **habitable room** is entirely above the grade of the ground adjoining such window area, or the top of the window well, whichever is the higher elevation.

15.0 COMPOST

- 15.1 **Compost** on a **property** shall be maintained in a composter or an open **compost** pile that is not larger than 2.0 square metres (21.5 square feet) in area and 1.0 metre (39 inches) in height.

- 15.2 A composter or an open **compost** pile shall be kept free of pests, such as rodents, vermin, termites and injurious insects and any condition that may promote an infestation.

16.0 HERITAGE PROPERTIES

- 16.1 In addition, to all other standards prescribed by this By-law, an owner of a **Heritage Property** shall:

- (a) protect, maintain and stabilize a **heritage attribute** so as to preserve the existing materials;

(b) in the conduct of a repair use only materials that match the form and detailing of the original elements of the **heritage attribute**; and

(c) be repaired using only recognized conservation methods.

17.0 **FOUNDATIONS**

17.1 A foundation of a **building** or an **accessory building** shall be maintained in good state of **repair** so as to prevent settlement detrimental to the appearance of the **building** or **accessory building**, or the entrance of moisture, vermin, termites, insects or rodents into the **building** or **accessory building**.

17.2 Without limiting the generality of section 17.1, the maintenance of a foundation may include:

- (a) the jacking-up, underpinning or shoring of the foundation where necessary;
- (b) the extension of footings and foundations below grade or regrading to provide adequate frost cover;
- (c) installing subsoil drains at the footing where such would be beneficial;
- (d) the grouting of masonry cracks;
- (e) waterproofing the wall and joints;
- (f) the carrying out of such other work as may be required to overcome any existing settlement detrimental to the appearance of the **building** or **accessory building**;

- (g) **repairing** or replacing decayed, damaged or weakened sills, piers, posts or other supports;
- (h) making sills, piers, posts or other supports insect-proof by the application of suitable materials; and
- (i) coating with a preservative.

18.0 EXTERIOR WALLS, COLUMNS AND BEAMS

18.1 The components of an exterior wall of a **building** or an **accessory building** shall be maintained:

- (a) in good state of **repair** and in a **safe condition**;
- (b) weather tight;
- (c) free from loose or unsecured objects or materials;
- (d) so as to prevent the entrance of insects, termites, vermin, rodents or other animals;
- (e) so as to prevent deterioration due to weather, insects, vermin, termites, rodents and other animals; and
- (f) so as to prevent deterioration detrimental to the appearance of the **building** or an **accessory building**.

18.2 Without restricting the generality of section 18.1, the maintenance of an exterior wall of a **building** or an **accessory building** may include:

- (a) the applying of materials to preserve all exterior wood and metal work or other materials not inherently resistant to weathering;

- (b) the applying of materials to improve or maintain a pleasant and satisfying appearance at least commensurate with that of the neighbourhood;
- (c) the restoring, **repairing** or replacing of:
 - i) the wall;
 - ii) the masonry units and mortar;
 - iii) the stucco, shingles or other cladding;
 - iv) the coping; and
 - v) the flashing and waterproofing of the wall and joint.

18.3 Exterior columns and beams and any decorative trim shall be maintained in a good state of **repair** and in a **safe condition**. Where necessary, such columns, beams and trim shall be restored, **repaired** or replaced and suitably protected or treated against weathering, so as to prevent or remedy deterioration detrimental to the appearance of the **building** or **accessory building**.

19.0 EXTERIOR DOORS, WINDOWS AND OTHER OPENINGS –
CANOPIES-MARQUEES-AWNINGS

19.1 Shutters, windows, doors, hatchways and other exterior openings in a **building** or an **accessory building** shall be kept weather tight, draft free, and in good state of **repair** and working order.

19.2 Without restricting the generality of section 19.1, the maintenance of a shutter, window, door, hatchway and other exterior opening may include:

- (a) painting or the applying of a similarly effective preservative;
- (b) the **repair**, replacement or renewing of damaged, decaying, missing or defective:

- i) doors;
- ii) door frames and casings;
- iii) windows and window sashes;
- iv) window frames and casings;
- v) shutters;
- vi) screens;

- (c) refitting doors, windows, shutters or screens;
- (d) reglazing or fitting with an translucent substitute;
- (e) rescreening;
- (f) using other approved means of weatherproofing where the opening is used or required for ventilation or illumination and is not protected by a window, door or similar closure:
 - i) screening with wire mesh, metal grills or other equivalent durable material; or
 - ii) other protection so as to effectively prevent the entry of insects, termites, rodents, vermin or other animals.

- 19.3 Glazed doors, windows and other transparent surfaces shall be kept clean so as to permit unimpeded visibility and unrestricted passage of light.
- 19.4 A window in a **dwelling unit** that can be or is required by the standards to be openable shall be provided with screening to effectively prevent the entry of insects.
- 19.5 Nothing in this section shall be construed as preventing doors, windows and other openings in an unoccupied **building** or **accessory building** from being protected from damage or to prevent entry, for such time as determined by section 23.

- 19.6 A canopy, marquee or awning shall be properly anchored so as to be kept in a **safe condition** and shall be protected from decay and rust by a periodic application of weathercoating material.
- 19.7 A **building** shall have a safe, continuous and unobstructed passage from the interior to an exit or the outside of the **building** at street or grade level.
- 19.8 A door that facilitates access to or egress from a **dwelling unit** shall be equipped with locks, and shall be maintained in a good state of **repair** and in an operating condition.
- 20.0 EXTERIOR STAIRS, VERANDAS, PORCHES, DECKS, LOADING DOCKS, BALCONIES AND FIRE ESCAPES
- 20.1 An exterior stair, veranda, porch, deck, loading dock, balcony, fire escapes and every appurtenance attached thereto shall be maintained, reconstructed or **repaired** so as to be safe to use and capable of supporting the loads to which it may be subjected, as specified in the **Building Code Act**, and shall be kept in **safe condition** and good state of **repair**, free of all accident hazards and other deterioration or objects detrimental to the appearance of the **building** or **accessory building**.
- 20.2 Without restricting the generality of section 20.1, the maintenance, reconstructing or **repairing** of an exterior stair, veranda, porch, deck, loading dock, balcony and fire escape may include:
- (a) **repairing** or replacing treads, risers or floors that show excessive wear or are broken, warped, loose or otherwise defective;

- (b) **repairing**, renewing or supporting structural members that are rotted, deteriorated or loose;
- (c) providing, **repairing** or renewing **guard** rails, railings and balustrades; and
- (d) painting or the applying of an equivalent preservative.

20.3 Exterior stairs and fire escapes shall be kept free from ice and snow.

21.0 ROOFS AND ROOF STRUCTURES

21.1 A roof, roof deck, roof structures including solar energy panels, wind generators and related **guards** of a **building** or **accessory building** shall be:

- (a) weather tight and free from leaks;
- (b) free from loose or unsecured or unsafe objects and materials;
- (c) free from accident hazards;
- (d) free from dangerous accumulation of ice and snow;
- (e) kept in a good state of **repair** and in a **safe condition**;
- (f) free from other unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

21.2 An eaves trough, roof gutter and downpipe shall be kept:

- (a) in good **repair**;

- (b) in good working order;
- (c) water tight and free from leaks;
- (d) free from accident hazards;
- (e) protected by painting or the applying of other equivalent preservative.

21.3 Chimneys, smoke or vent stacks and other roof structures shall be maintained plumb and in good state of **repair** and shall be:

- (a) free from loose bricks, mortar and loose or broken capping;
- (b) free from loose or rusted stanchions, guy wires, braces and attachments;
- (c) free from any accident hazard;
- (d) free from the entrance of smoke or gases into a **building** or **accessory building**;
- (e) free from the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- (f) weather tight and free from leaks;
- (g) free from unsightly objects and conditions detrimental to the appearance of the **building** or **accessory building**.

22.0 EXTERIOR MAINTENANCE

- 22.1 All exterior surfaces that have been previously painted, stained, varnished or which have received other similar protective finishes shall be maintained without visible deterioration from the original finish, or shall be suitably refinished by application of an equivalent preservative.
- 22.2 Appropriate measures shall be taken to remove any graffiti, markings, stains or other defacement, occurring on the exposed finished exterior surfaces and, where necessary, to restore the exterior surface and adjacent areas to, as near as possible, to its appearance before the markings, stains or defacement occurred.
- 22.3 In the event of fire or other disaster, measures shall be taken as soon as possible to make the damaged **building** or **accessory building** compatible with its environment. Without restricting the generality of the foregoing, such measures include:
- (a) making the **building** or **accessory building** safe;
 - (b) **repairing** of damaged surfaces exposed to view;
 - (c) cleaning any damaged surfaces exposed to view;
 - (d) refinishing so as to be in harmony with adjoining undamaged surfaces.
- 22.4 In the event the **building** or **accessory building** is beyond **repair**, the **property** shall be cleared of all remains and left in a graded level and tidy condition.
- 23.0 VACANT PROPERTY AND VACANT BUILDINGS –
ADDITIONAL STANDARDS

- 23.1 **Vacant property** shall be kept clear of all **waste** and other materials and equipment not otherwise permitted by the zoning by-law.
- 23.2 A **vacant building** shall:
- (a) be secured against unauthorized entry;
 - (b) be protected against the risk of fire, accident, or other danger.
- 23.3 Where a **vacant building** has been vacant for at least sixty (60) consecutive days, a **Property Standards Officer** who reasonably believes that a **vacant building** poses a risk to safety may, in writing, require the **Owner** of a **vacant building** to do any one or more of the following, within the timeframe specified by the **Property Standards Officer**:
- (a) install security measures or devices to the satisfaction of the **Property Standards Officer**, and such measures may include boarding of doors, windows, or other openings; or
 - (b) do any work or **repairs** which, in the opinion of the **Property Standards Officer**, are necessary to secure a **vacant building** from unauthorized entry or protect a **vacant building** against the risk of fire, accident, or other danger.
- 23.4 Where a **vacant building** is boarded or required to be boarded:
- (a) boarding materials shall be installed and maintained in good order;
 - (b) boarding materials shall be installed to exclude precipitation and wind from entering the **vacant building**, and to secure the **vacant building** from

unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible;

- (c) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or equivalent weather resistant material;
- (d) boarding materials shall be selected, coated, coloured, and installed to match surrounding door/window frames and exterior wall finishes.

23.5 Where a **vacant building** remains vacant for more than ninety (90) consecutive days, the **Owner** shall ensure that all utilities serving the **vacant building** are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the **vacant building**, or unless such utilities are otherwise required by law to remain connected.

23.6 When openings in a **vacant building** previously boarded or secured become unsecured, such openings shall be secured again, and as determined by the **Property Standards Officer** may require the use of materials and fasteners of greater strength, installed in such a manner to deter their removal or destruction.

23.7 Where a **vacant building** has remained vacant or unoccupied for a period of two (2) years and continues in a state of disrepair and deterioration, a **Property Standards Officer** may issue an order to remove all previously installed boarding from windows and doors and to **repair** the **vacant building** in compliance with the standards set out in this By-law.

24.0 ADMINISTRATION AND ENFORCEMENT

- 24.1 A **Property Standards Officer** is responsible for the administration and enforcement of this By-law.
- 24.2 A **Property Standards Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine,
- (a) whether the **property** conforms with the standards prescribed in this by-law;
 - (b) whether an order made under this by-law and the ***Building Code Act*** has been complied with.
- 24.3 Despite section 24.2, a **Property Standards Officer** shall not enter or remain in any room or place actually being used as a **dwelling** unless,
- (a) the consent of the **occupant** is obtained, the **occupant** first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the ***Building Code Act***;
 - (b) a warrant issued under the ***Building Code Act*** is obtained;
 - (c) the delay necessary to obtain a warrant or the consent of the **occupant** would result in an immediate danger to the health or safety of any **person**;
 - (d) the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3) of the ***Building Code Act***; or
 - (e) the requirements of section 24.4 are met and the entry is necessary to remove an **unsafe condition** under clause 15.9 (6) (b) of the ***Building Code Act*** or

to **repair** or demolish under subsection 15.4(1) of the ***Building Code Act***.

24.4 Within a reasonable time before entering the room or place for a purpose described in section 24.3 (e), the **Officer** shall serve the **occupant** with notice of his or her intention to enter it.

24.5 A **Property Standards Officer** for the purposes of an inspection has all the powers as provided for in section 15.8(1) of the ***Building Code Act***.

25.0 ORDERS AND COMPLIANCE

25.1 An **owner** of **property** shall comply with the standards and requirements prescribed in this By-law.

25.2 Every **Property Standards Officer** who finds that a **property** does not conform with any of the standards of this By-law, may make an order pursuant to the provisions of Section 15.2 of the ***Building Code Act***:

- (a) requiring the **property** that does not conform with the standards to be **repaired** and maintained to conform with the standards; or
- (b) requiring that the site be cleared of all **buildings** or **accessory buildings, structures**, debris or refuse and left in a graded and leveled condition.

25.3 Every **owner** of **property** shall comply with an order made pursuant to this By-law and the ***Building Code Act*** requiring compliance as confirmed or modified. If an order of a **Property Standards Officer** is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** may cause the **property** to be **repaired** or demolished accordingly.

- 25.4 Where any **person** fails to comply with an order issued, the **Township** may enter and cause the required work to be done at the cost of the **person**. The cost of such work may be recovered by action or by adding the costs to the tax roll and collecting the costs in the same manner as property taxes.
- 26.0 APPEAL OF ORDER
- 26.1 An **owner** who has been served with an order made under this By-law and **Building Code Act** and who is not satisfied with the terms or conditions of the order may appeal to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order.
- 26.2 An order that is not appealed within the time referred to in Section 26.1 shall be deemed to be confirmed.
- 26.3 The **Committee** shall hear the appeal.
- 26.4 On an appeal, the **Committee** has all the powers and functions of the **Property Standards Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:
- (a) Confirm, modify or rescind the order to demolish or **repair**;
 - (b) Extend the time for complying with the order.
- 26.5 The **Township** in which the **property** is situate or any **owner** or **person** affected by a decision under this section may appeal to the Superior Court of Justice by notifying the

Clerk of the **Township** in writing and by applying to the court within 14 days after a copy of the decision is sent.

26.6 The Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the matter in which and the **persons** upon whom the appointment is to be served.

26.7 On the appeal, the judge has the same powers and functions as the **Committee**.

26.8 An order that is deemed to be confirmed under section 26.2 or that is confirmed or modified by the **Committee** under section 26.3 or a judge under section 26.7, as the case may be, shall be final and binding upon the **owner** who shall carry out the **repair** or demolition within the time and in the manner specified in the order.

27.0 POWER OF TOWNSHIP TO REPAIR AND DEMOLISH

27.1 If an order is not complied with in accordance with the order as deemed confirmed or as confirmed or modified by the **Committee** or a judge, the **Township** in accordance with section 15.4 of the **Building Code Act** may cause the **property** to be **repaired** or demolished.

27.2 Where an order is not complied with and the **Township** has caused the property to be **repaired** or demolished, the **Township** has priority lien status in accordance with section 1 of the *Municipal Act, 2001, as amended*, on the **property** for the amount spent on the **repair** or demolition and the amount may be added to the tax roll by the Treasurer of the **Township** and may be collected in the same manner as taxes on the **property**.

28.0 EMERGENCY ORDERS

28.1 If upon inspection of a **property** an **Property Standards Officer** is satisfied that there is non-conformity with the standards prescribed in this by-law to such extent as to pose an immediate danger to the health or safety of any **person**, the **Property Standards Officer** may make an order in accordance with section 15.7 of the **Building Code Act** containing particulars of the non-conformity and requiring remedial **repairs** or other work to be carried out immediately to terminate the danger.

29.0 CERTIFICATE OF COMPLIANCE

29.1 After inspecting a **property**, a **Property Standards Officer** who is of the opinion that the **property** is in compliance with the standards established in this By-law, may issue a certificate of compliance to the **owner**.

29.2 The prescribed fee set out in the **Township's Fees and Charges By-law** shall be payable prior to the issuance of a certificate of compliance where it is issued at the request of the **owner**.

30.0 PENALTY

30.1 Every **owner** who fails to comply with an order, as confirmed, any other order, a direction or a requirement made under this By-law is guilty of an offence under Section 36.(1) of the **Building Code Act** and is liable to a penalty or penalties as set out in Section 36 of the **Building Code Act**.

31.0 PROPERTY STANDARDS COMMITTEE

31.1 A **Committee** is hereby established in accordance with the **Building Code Act**.

31.2 The **Committee** shall be composed of such persons, not fewer than three (3), as **Council** considers advisable.

31.3 The **Committee** shall hold office for the term of **Council** or until such time as successors are appointed.

32.0 EXEMPTIONS

32.1 This By-law does not apply to lands on which construction is actively proceeding in accordance with a permit issued pursuant to the *Building Code Act*.

32.2 This By-law does not apply so as to prevent a farm, meeting the definition of "agricultural operation" under the *Farming and Food Production Protection Act, 1998, S.O. 1998 c.1*, from carrying out a normal farm practice as provided for and defined under that Act.

33.0 VALIDITY

33.1 If any section, subsection, paragraph, sentence, clause, or provision of this By-Law be declared by a Court of competent jurisdiction to be invalid, illegal or ultra vires for any reason, all other provisions of this By-Law shall remain and continue in full force and effect and shall remain valid and binding.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 2020-036

A by-law to Regulate and Control the Parking, Stopping
and Standing of Motor Vehicles within the Township of
Puslinch and to Repeal By-law 5000-05

WHEREAS section 11(3), paragraph 1 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (hereinafter called the “Act”) authorizes a municipality to pass a by-law respecting highways, including parking and traffic on highways;

AND WHEREAS section 102 of the *Act* and Part III of the *Highway Traffic Act*, R.S.O. 1990, c. H.8 allows municipalities to pass By-laws in respect to parking for persons with disabilities;

AND WHEREAS section 23.1 of the *Act* authorizes a municipality to delegate its powers and duties;

AND WHEREAS the Council of the Corporation of the Township of Puslinch deems it necessary and expedient to regulate parking, standing and stopping of vehicles in the Township of Puslinch;

NOW THEREFORE The Council of the Corporation of the Township of Puslinch enacts as follows:

1. INTERPRETATION

For the purpose of this By-law the following definitions shall apply:

- 1.1. “Accessible Parking Permit” means a permit issued by the Government of Ontario in accordance with the *Highway Traffic Act*, R.S.O. 1990, c. H.8 to a ‘person with a disability’ as defined Reg. 581: *Accessible Parking for Persons with Disabilities*, as amended;
- 1.2. “Boulevard” means that portion of every roadway within the limits of the Municipality which is not used as a sidewalk, road shoulder or a part which lies between the curb or edge of the travelled portion of the roadway and property line, whether grassed, graveled or paved;
- 1.3. “Bus Stop” means an area on a Highway where signs are on display indicating that the area is reserved for the parking or temporary stopping of buses;
- 1.4. “Designated Accessible Parking Space” means a parking space designated under this by-law for the exclusive use of a vehicle displaying an Accessible

Parking Permit in accordance with the requirements of the *Highway Traffic Act* and the regulations made thereunder and this By-law;

- 1.5. "Electrical Charging Parking Space"- means a parking space designed to be used by electrical vehicle for charging of vehicle;
- 1.6. "E.M.S." means any Emergency Medical Services, including but not limited to Ambulance, Police and Fire services;
- 1.7. "Fire Route" means an area on a highway or on a public parking lot or on private property where signs are on display indicating that parking is prohibited in order to provide fire department and other emergency vehicles unobstructed access to adjacent properties in the event of fire or other emergency;
- 1.8. "Highway" includes a common and/or public highway, street, avenue, boulevard, parkway, driveway, square, place, bridge, shoulder, viaduct or trestle, any part of which is intended for or used by the general public for the passage of motor vehicles;
- 1.9. "Intersection" means the area embraced within the prolongation or connection of the lateral curb lines, or, if none, then of the lateral boundary line of two or more highways that join one another at an angle, whether or not one highway crosses the other;
- 1.10. "Motor Vehicle" includes an automobile, motorcycle, motor assisted bicycle, motorized snow vehicle and any other vehicle propelled or driven otherwise than by muscular power;
- 1.11. "Motor Vehicle Owner" means the registered owner of a motor vehicle as registered with the Ministry of Transportation of Ontario;
- 1.12. "Municipal Parking Lot" mean an area not on a highway to which the public has access designed for the purposes of providing parking for Vehicles;
- 1.13. "Official Sign" means a sign approved by the Ontario Ministry of Transportation;
- 1.14. "Park" or "Parking", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actively engaged in loading or unloading goods or passengers;
- 1.15. "Provincial Offences Officer" has the meaning as defined by the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

- 1.16. "Roadway" means the part of a highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all of the roadways collectively;
- 1.17. "Stop" or "Stopping", when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or a traffic control sign or signal;
- 1.18. "Sidewalk" means any public walkway or that portion of a highway between either the curb line or the lateral line of a roadway and the adjacent property line, primarily intended for the use of a pedestrian;
- 1.19. "Vehicle" includes a motor vehicle, trailer, commercial tractor and/or trailer or combination thereof, traction engine, farm tractor, road building machine, bicycle and any vehicle drawn, propelled, or driven by any kind of power, including muscular power.

2. GENERAL PROVISIONS

- 2.1. Where any expression of time occurs or where any hour or other period of time is stated in this By-law or on signs posted within the Township, the time referred to shall be standard time except during such periods when Daylight Savings Time is in effect, in which periods all references to time in this By-law or on posted signs shall be deemed to be references to Daylight Savings Time.
- 2.2. A word interpreted in the singular number has a corresponding meaning when used in the plural tense.
- 2.3. "Vehicle", when used as part of a prohibition on parking, stopping, or standing of vehicles, includes any part thereof including any trailer or attachment.

3. ENFORCEMENT

- 3.1. This By-law may be enforced by a Provincial Offences Officer or any other person appointed by the Township for the purpose of parking enforcement.

4. TEMPORARY NO PARKING SIGNS

- 4.1. Any person with authority to enforce this By-law or his or her designate may temporarily erect and remove signs prohibiting parking for the purposes of fire suppression, disaster response, crowd control, snow removal and any other occurrence for which temporary prohibition of parking is deemed warranted in the enforcing officer's discretion

5. FIRE ROUTES

- 5.1. A Fire Route may be located upon a Highway, Public Parking Lot, or private property;
- 5.2. A Fire Route may be located upon private property that is subject to a municipally approved Site Plan pursuant to s.41 of the *Planning Act*, R.S.O. 1990, c. P.13, which designates a portion of such property to be a Fire Route;
- 5.3. A Fire Route may be located on private property where the property owner has requested the designation of a Fire Route and such request is approved by Council, in which case a formal Site Plan is not required.

6. STOPPING REGULATIONS

No person shall Stop a Vehicle:

- 6.1. on or over a Sidewalk or on a Boulevard;
- 6.2. within an Intersection;
- 6.3. alongside or across the Highway from any excavation or obstruction in the Roadway where the free flow of traffic would thereby be impeded;
- 6.4. on the Roadway alongside of any Stopped or Parked Vehicle;
- 6.5. upon any bridge;
- 6.6. upon a Highway or on a Municipal Parking Lot or private property where such Stopping blocks a Fire Route;
- 6.7. within a bus stop;
- 6.8. upon a highway or in a municipal or private parking lot in a Designated Accessible Parking Space unless that Vehicle is transporting a disabled person or persons and also displays a valid Accessible Parking Permit;
- 6.9. on the portions of the Highways set out in Schedule "B" to this By-law at any time, where signs are erected and are on display.

7. PARKING REGULATIONS

No person shall Park a Vehicle on a Highway:

- 7.1. in front of or within one metre (1m) of a driveway or laneway or so as to obstruct Vehicles in the use of a driveway or laneway;
- 7.2. on or over a Sidewalk or Boulevard;
- 7.3. within 3 metres of a point in the edge of a Roadway and nearest a fire hydrant;
- 7.4. within 9 metres of an Intersection;
- 7.5. within 15 metres of a railroad crossing;
- 7.6. on any Highway having an overall usable width (paved or gravel) of less than 6 metres;
- 7.7. within or on a Bus Stop;
- 7.8. within a crosswalk;
- 7.9. within 9 metres of a crosswalk;
- 7.10. in such a manner as to leave available less than 3 metres of the width of the highway for free movement of traffic;
- 7.11. within a Highway for the purpose of repairing, washing or maintenance of the vehicle other than in an emergency;
- 7.12. within a Highway or on a Municipal Parking Lot so as to obstruct an access ramp provided for the use of persons with a disability;
- 7.13. in such a manner as to interfere with the movement of traffic;
- 7.14. in such a manner as to interfere with the clearing of snow;
- 7.15. where such Highway is designated as a one-way street other than with the Vehicle facing in the direction of permitted travel;
- 7.16. in such a position which obstructs traffic or which will prevent the convenient removal of any other Vehicle previously parked;
- 7.17. except upon the right-hand side of the Roadway, having regard for the direction in which the Vehicle is required to proceed, and when parked on a Roadway, the right front and rear wheels or runners of the Vehicle shall be parallel to and distant not more than 0.3 metres from the right-hand edge of the Roadway adjacent to which such Vehicle is parked;

- 7.17.1. Subsection (5.7) shall not apply where angle Parking is authorized by this By-law.
- 7.17.2. Where one-way streets are designated by this or any other By-law, the reference in 5.7 to 0.3m shall include the left-hand edge of the Roadway.
- 7.18. on the portions of the Highways set out in Schedule "A" to this By-law at any time, where signs are erected and are on display.
- 7.19. on any Highway between the hours of 2:00 a.m. and 6:00 a.m. from October 31 to March 31;
- 7.20. within an Electrical Charging Parking Space unless the Vehicle is actually being charged;
- 7.21. in any area in which temporary no parking sign(s) have been erected pursuant to section 4.1 of this By-law;
- 7.22. in a Designated Accessible Parking Spaces unless a valid Accessible Parking Permit is properly displayed.
- 7.23. upon a Highway or on a Municipal Parking Lot or private property where such parking blocks a Fire Route;
- 7.24. upon a Highway or Municipal Parking Lot where painted lines exist for the purposes of facilities parking except within such painted lines whereby no portion of the Vehicle is overhanging the painted line;
- 7.25. where parking is otherwise permitted, no person shall park a vehicle on a Highway for more than 24 consecutive hours;

8. EXEMPTIONS

- 8.1. The provisions of this By-law shall not, if compliance therewith would be impractical, apply to:
- 8.1.1. Vehicles operated by E.M.S.
- 8.1.2. A vehicle owned and operated by the Township or the County of Wellington while carrying out the business of the Township or County or while responding to an emergency
- 8.1.3. When the driver or operator is complying with the direction of a police officer or traffic control device

9. ON-STREET AND OFF-STREET ACCESSIBLE PARKING

9.1. Notwithstanding the provisions of this or any other by-law to the contrary, no person shall Park, Stand, Stop or leave a Motor Vehicle in any Designated Accessible Parking Space except a Motor Vehicle:

9.1.1. that is operated by or carries a person with a disability who has a validly-issued Accessible Parking Permit;

9.1.2. that has the Accessible Parking Permit properly displayed; and

9.1.3. that is parked entirely within a Designated Accessible Parking Space.

10. DISPLAY OF PERMIT

10.1. An Accessible Parking Permit shall be displayed on:

10.1.1. The inner surface of the windshield, as close as practicable to the lower left-hand corner and as close as practicable to the left-hand side of the Motor Vehicle; or,

10.1.2. The outer surface of the sun visor on the left-hand side of the Motor Vehicle, so as to be visible through the windshield from the exterior of the car when the sun visor is in a lowered position.

11. DESIGNATION OF PARKING SPACES

11.1. Where in a public parking lot or facility where one or more Parking spaces are intended for the sole use of a Vehicle of a person with a disability or electrical charging station, the Owner or operator of the public parking lot or facility shall identify each such Parking space by erecting one or more sign in such a manner that the sign or signs shall be clearly visible to the operator of any Vehicle approaching or entering such Parking space.

11.2. Where the requirements of subsection (1) of this section are complied with, each such Parking space is for the purposes of this by-law a Designated Accessible Parking Space for the sole use of Vehicles belong to or carrying persons with a disability in accordance with Section 9 and 10 or an Electrical Charging Parking Space, as the case may be.

12. PENALTIES

12.1. Any person who contravenes any provisions of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

12.2. Where a Motor Vehicle has been Parked, Stopped or left Standing in contravention of this By-law, the owner of the Motor Vehicle, notwithstanding that he or she was not the driver of the Motor Vehicle at the time of the contravention of the By-law, is guilty of an offence and is liable to the fine prescribed for the offence unless, at the time of the offence, the Vehicle was in the possession of some person other than the Owner without the Owner's consent.

13. POWERS OF OFFICER TO REMOVE VEHICLE

13.1. Upon discovery of any Vehicle parked, stopped, or left standing in contravention of this by-law, and appropriate signage is erected, a Provincial Offences Officer appointed for the carrying out of the provisions of this by-law may cause it to be moved or taken to and placed in a suitable place and all costs and charges for removing care and storage thereof, if any, are a lien upon the Vehicle, which may be enforced in the manner provided by the *Repair and Storage Lien Act*.

14. SHORT FORM TITLE

14.1. This By-law may be referred to as "The Parking By-law".

15. SEVERABILITY:

15.1. If any court of competent jurisdiction finds that any of the provisions of this by-law are ultra vires the jurisdiction of Council, or are invalid for any reason, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of the by-law which shall remain in full force and effect.

16. REPEAL

16.1. By-law 5000-05 is hereby repealed.

17. COMING INTO FORCE

17.1. This By-law shall come into effect upon the final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk

TOWNSHIP OF PUSLINCH**By-law No. 2020-036
SCHEDULE A****NO PARKING AT ANY TIME – SIGNS ON DISPLAY**

Column 1 Highway(s)	Column 2 Location From	Column 3 Location To	Column 4 Side(s)
Nicholas Beaver Rd.	Wellington Rd. 46	Tawse Pl.	Both sides
Victoria St	Church St.	Calfass Rd.	East side
Gore Rd	Lennon Rd.	Concession 7	North side
Concession 7	McLean Rd.	Concession 2A	West side
Concession 2	Sideroad 10	Wellington Rd 32	Both sides
Concession 1	McCormicks Lane	Townline Rd.	Both sides
Townline Rd.	Highway 34	Roszell Rd	Both sides
McLean Rd. E	Wellington Rd 46	Winer Rd.	Both sides
Sideroad 10 N	Laird Rd.	Niska Rd.	West side
Niska Rd.	Whitelaw Rd.	Niska Bridge	Both sides
Calfass Rd.	Brock Road S. (Hwy 6)	Concession 7	Both Sides
Telfer Glen St.	Brock Road S. (Hwy 6)	The western terminus of Telfer Glen St.	Both Sides
Settlers Ct.	Calfass Rd.	Telfer Glen St.	Both Sides
Old Brock Rd.	Wellington Rd. 46	The eastern terminus of Old Brock Rd.	Both Sides

TOWNSHIP OF PUSLINCH

**By-law No. 2020-036
SCHEDULE B**

NO STOPPING AT ANY TIME – SIGNS ON DISPLAY

Column 1 Highway(s)	Column 2 Location From	Column 3 Location To	Column 4 Side(s)
Old Brock Rd.	Wellington Rd. 46	The eastern terminus of Old Brock Rd.	Both Sides

Township of Puslinch
By-law No. 2020-036
Schedule C
Part II of *Provincial Offences Act*
Set Fine Schedule

Item	Column 1: Short Form Wording	Column 2: Provision Creating or Defining Offence	Column 3: Voluntary Payment payable within 7 days	Column 4: Set Fine
1	Stop Vehicle on/over Sidewalk or Boulevard	6.1	\$45.00	\$65.00
2	Stop Vehicle within Intersection	6.2	\$50.00	\$75.00
3	Stop Vehicle – impede traffic flow	6.3	\$50.00	\$75.00
4	Stop Vehicle on roadway side of Stopped/Parked Vehicle	6.4	\$36.00	\$55.00
5	Stop Vehicle on Bridge	6.5	\$36.00	\$55.00
6	Stop Vehicle blocking Fire Route	6.6	\$65.00	\$95.00
7	Stop Vehicle in Bus Stop	6.7	\$45.00	\$65.00
8	Stop Vehicle in Disabled Parking Space – No Permit	6.8	\$135.00	\$200.00
9	Stop Vehicle in Prohibited Area	6.9	\$50.00	\$75.00
10	Park Vehicle – within 1m of Driveway	7.1	\$36.00	\$55.00
11	Park Vehicle on/over Sidewalk or Boulevard	7.2	\$45.00	\$65.00
12	Park within 3m of Hydrant	7.3	\$50.00	\$75.00
13	Park within 9m of Intersection	7.4	\$36.00	\$55.00
14	Park within 15m of railroad crossing	7.5	\$36.00	\$55.00
15	Park on Highway less than 6m wide	7.6	\$36.00	\$55.00
16	Park in Bus Stop	7.7	\$45.00	\$65.00
17	Park within Crosswalk	7.8	\$50.00	\$75.00
18	Park within 9m of Crosswalk	7.9	\$36.00	\$55.00
19	Park leaving less than 3m for traffic movement	7.10	\$36.00	\$55.00
20	Park on Highway for non-emergency repairs, washing or maintenance	7.11	\$30.00	\$45.00
21	Park – Block Wheelchair Ramp	7.12	\$50.00	\$75.00
22	Park Vehicle – impede traffic flow	7.13	\$50.00	\$75.00
23	Park Vehicle – impede snow clearing	7.14	\$50.00	\$75.00
24	Park Vehicle facing wrong way	7.15	\$36.00	\$55.00
25	Park Vehicle obstructing traffic or removal of other vehicle	7.16	\$50.00	\$75.00
26	Park Vehicle more than 0.3m from right side	7.17	\$24.00	\$35.00
27	Park Vehicle in Prohibited Area	7.18	\$65.00	\$95.00
28	Park Vehicle 2am – 6am from Oct. 31 to Mar. 31	7.19	\$65.00	\$95.00
29	Park Vehicle in Electric Charging Space without charging	7.20	\$65.00	\$95.00
30	Park Vehicle – Temporary No Parking Area	7.21	\$45.00	\$65.00
31	Park Vehicle in Disabled Parking Space – No Permit	7.22	n/a	\$300.00
32	Park Vehicle blocking Fire Route	7.23	\$85.00	\$125.00
33	Park Vehicle over painted lines	7.24	\$24.00	\$35.00
34	Park Vehicle more than 24 hours	7.25	\$24.00	\$35.00

*NOTE: The penalty provision for the offences indicated above is section 12.1 of the By-law 2020-036, a certified copy of which has been filed.

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NUMBER 037-2020

Being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Puslinch at its Regular Council meeting held on August 12, 2020.

WHEREAS by Section 5 of the *Municipal Act, 2001, S.O. 2001, c.25* the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS by Section 5, Subsection (3) of the *Municipal Act*, a municipal power including a municipality's capacity, rights, powers and privileges under section 8, 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 Township of Puslinch at its Regular Council meeting held on August 12, 2020 be confirmed and adopted by By-law;

NOW THEREFORE the Council of the Corporation of the Township of Puslinch hereby enacts as follows:

- 1) The action of the Council of the Corporation of the Township of Puslinch, in respect of each recommendation contained in the reports of the Committees and each motion and resolution passed and other action taken by the Council at said meeting are hereby adopted and confirmed.
- 2) The Head of Council and proper official of the Corporation are hereby authorized and directed to do all things necessary to give effect to the said action of the Council.
- 3) The Head of Council and the Clerk are hereby authorized and directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and the Clerk authorized and directed to affix the seal of the said Corporation to all such documents.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 12th DAY OF AUGUST, 2020.

James Seeley, Mayor

Glenn Schwendinger, CAO/Clerk