



COUNCIL INFORMATION PACKAGE

SUMMARY

May 1, 2020

1. **C-104-2020**
Correspondence received April 9, 2020 from the Office of the Regional Clerk respecting Cannabis Workshop Summary – PDS 7-2020.
2. **C-105-2020**
Correspondence received April 7, 2020 from Education Foundation of Niagara respecting Provincial and Federal leadership on COVID-19.
3. **C-106-2020**
Correspondence received April 16, 2020 from the Corporation of the Township of Perth South respecting Provincially Significant Wetland Designation.
4. **C-107-2020**
Correspondence received April 17, 2020 from the Township of North Dumfries respecting Tourism Oriented Destination Signage Fee Increases.
5. **C-108-2020**
Correspondence received April 17, 2020 from the Township of North Dumfries respecting Suspend Time of Use Electricity Billing.
6. **C-109-2020**
Correspondence received April 22, 2020 from Niagara Region Public Works respecting Recent Changes to Niagara Region's Waste Management Services and Programs as a result of COVID-19.
7. **C-110-2020**
Correspondence received April 22, 2020 from The City of Welland respecting request for support of motion related to COVID-19 Financial Impact Report and the expansion of eligibility criteria for the CERB wage subsidy to municipal employers.
8. **C-111-2020**
Correspondence received April 22, 2020 from the District Municipality of Muskoka respecting Resolutions of Support - Province of Ontario add Community Gardens, Garden Centres and Nurseries as essential services during the COVID-19 Pandemic.

9. **C-112-2020**
Correspondence received April 22, 2020 from the Town of Gravenhurst respecting Resolutions of Support - Province of Ontario add Community Gardens, Garden Centres and Nurseries as essential services during the COVID-19 Pandemic.
10. **C-113-2020**
Correspondence received April 24, 2020 from the Office of the Regional Clerk respecting Regional Report CSD 8-2020 re Optional Tax on Vacant Residential Units.
11. **C-114-2020**
Correspondence received April 24, 2020 from the Office of the Regional Clerk respecting Regional Report PDS 19-2020 re 2019 End of Year Growth Report.
12. **C-115-2020**
Correspondence received April 27, 2020 from the Office of the Regional Clerk respecting Regional Report PDS 13-2020 re 2019 Reserve Water and Wastewater Treatment Capacities.
13. **C-116-2020**
Correspondence received April 27, 2020 from Niagara Peninsula Conservation Authority respecting NPCA Board Meeting Highlights - April 16, 2020.
14. **C-117-2020**
Correspondence received April 29, 2020 from the Township of Armour respecting Resolution Supporting High Speed Internet Connectivity in Rural Ontario.
15. **C-118-2020**
Correspondence received April 30, 2020 from the City of Hamilton respecting Request to Regulate and Enforce Odour and Lighting Nuisances related to the Cultivation of Cannabis Plants.
16. **C-119-2020**
Correspondence received May 1, 2020 from the City of Hamilton respecting Bill No. 177 – Amend Public Nuisance By-law and System of Administrative Penalties.



Administration

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March 27, 2020

CL 5-2020, March 26, 2020
PEDC 3-2020, March 11, 2020
PDS 7-2020, March 11, 2020

DISTRIBUTION LIST

SENT ELECTRONICALLY

RE: Cannabis Workshop Summary
PDS 7-2020

Regional Council, at its meeting of March 26, 2020, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 7-2020, dated March 11, 2020, respecting Cannabis Workshop Summary, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **ENDORSE** the letter to Ontario Ministry of Agriculture, Food and Rural Affairs (attached as Appendix 2 of Report PDS 7-2020);
2. That staff **CIRCULATE** this letter to the Ontario Ministry of Agriculture, Food and Rural Affairs, Ministry of Health, Association of Municipalities of Ontario (AMO), and all local Members of Parliament (MPs); and
3. That staff **CIRCULATE** a copy of Report PDS 7-2020 to the Local Area Municipalities.

A copy of Report PDS 7-2020 is enclosed for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie Norio".

Ann-Marie Norio
Regional Clerk
:me

CLK-C 2020-129

Distribution List: Ontario Ministry of Agriculture, Food and Rural Affairs
Ontario Ministry of Health and Long-Term Care
Association of Municipalities of Ontario
Mr. Dean Allison, MP Niagara West
Mr. Chris Bittle, MP St. Catharines
Mr. Rob Nicholson, MP Niagara Falls
Mr. Vance Badawey, MP Niagara Centre
Local Area Municipalities

Subject: Cannabis Workshop Summary

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 11, 2020

Recommendations

1. That Regional Council **ENDORSE** the letter to Ontario Ministry of Agriculture, Food and Rural Affairs (Attached as Appendix 2 of Report PDS 7-2020);
2. That staff **CIRCULATE** this letter to the Ontario Ministry of Agriculture, Food and Rural Affairs; and
3. That staff **CIRCULATE** a copy of this report to the local area municipalities.

Key Facts

- The purpose of this report is to share feedback heard from the facilitated Cannabis Workshop held on December 11, 2019, as directed by Planning and Economic Development Committee.
- The workshop consisted of two presentations and table discussions moderated by Regional staff. Table discussions focussed on concerns municipalities have related to growth of the cannabis industry, regulatory tools being used to permit development, and what Provincial guidance for the industry could include.
- There were approximately 40 attendees including elected officials and regional and local representatives from planning, by-law, building, fire departments.

Financial Considerations

Costs associated with the workshop were accommodated within the Planning and Development Services 2019 Operating Budget.

Analysis

Background

At the October 9, 2019 Planning and Economic Development Committee meeting, staff were authorized to coordinate a facilitated cannabis workshop with local municipalities to discuss operational and land-use concerns related to cannabis cultivation and production facilities and identify regulatory tools to address these concerns.

The half-day workshop was held at Balls Falls Centre of Conservation on Wednesday, December 11, 2019 from 1:30-3:30pm. The workshop was facilitated by Niagara Region's Innovation and Business Excellence staff.

Attendees included elected officials and planning, by-law, building, and fire staff from the following local area municipalities:

- Town of Fort Erie
- Town of Grimsby
- Town of Lincoln
- City of Niagara Falls
- Town of Pelham
- City of Port Colborne
- City of St. Catharines
- City of Thorold
- Township of Wainfleet
- City of Welland
- Township of West Lincoln

Workshop Format

The workshop consisted of two presentations and moderated table discussions.

- Economic Development staff presented on the "Current Status of Cannabis Operations in Niagara" providing a general overview of federal licenses for cannabis, commercial licensed producers in Niagara, the roles and responsibilities of all levels of government for regulating cannabis, and designating a person to produce medical cannabis.
- The workshop heard a presentation from Dr. Sara Epp, Assistant Professor in Rural Planning and Development at the University of Guelph on a research-funding proposal to OMAFRA: "Assessing Land Use Planning Tools to Mitigate Odour and Lighting Nuisances Related to Cannabis Production." If funded, this research would commence in May 2020 and conclude April 2023.

Regional staff, working through a series of questions with stakeholders, moderated the table discussions. Questions included concerns municipalities have with cannabis, the tools municipalities have used to regulate cannabis, and provincial guidance material municipalities would like to see. Highlights of the responses heard at each table were reported back to all attendees through a general discussion.

Table Discussion Feedback

The following is a summary of the feedback received during the table discussions. Please refer to Appendix 1 for a full summary of the feedback.

The concerns that municipalities highlighted included the following:

- lack of information and regulations;
- traffic concerns with large production facilities;
- enforcement concerns;
- odour and light concerns;
- cannabis and its compatibility to rural character;
- water and wastewater implications;
- crime and security concerns;
- retrofitting buildings for cannabis use;
- tax implications;
- concern with cannabis as a 'normal farm practice'; and
- concern with growing cannabis in greenhouses.

The tools municipalities have been using to regulate cannabis facilities include site plan control, interim control by-laws, and zoning. Overall, there is a mixed consensus on the effectiveness of these tools due to a number of reasons, including:

- no unified approach to regulation across Niagara;
- the tools have not been implemented for long enough to measure effectiveness;
- uncertainty of the land classification for cannabis; and
- the expense and difficulty of enforcement.

Guidance material or provincial clarification that municipalities would like to see include:

- clarification on enforcement;
- best practices for managing odour and light;
- clarification on how cannabis fits within the agricultural sector;
- clarity on production facilities vs. growing operations;
- land use compatibility with cannabis; and
- consistency with rules across the sector.

Conclusion

The workshop provided stakeholders a collective opportunity to identify concerns related to cannabis cultivation and production facilities experienced across Niagara and identify opportunities that require clarification from the Province.

Recognizing the regulation of cannabis occurs at the local municipal level, the Region, on behalf of Niagara local area municipalities, encourages the Province to develop guidance materials on cannabis cultivation and production facilities (see Appendix 2). Guidance materials for cannabis would provide greater clarity and consistency for municipalities across Ontario and benefit growers, producers, local area municipalities, and residents.

Alternatives Reviewed

The alternative would be for Committee and Council to not endorse and direct the attached letter to the Ministry of Agriculture, Food, and Rural Affairs and the Ministry of Municipal Affairs, and not circulate this report to the local area municipalities. This is not recommended.

Relationship to Council Strategic Priorities

This report supports Council's strategic priority of Supporting Businesses and Economic Growth by working together with local area municipalities' planning departments and leveraging partnerships with post secondary institutions.

Other Pertinent Reports

CWCD 420-2019 Facilitated Cannabis Workshop

Prepared by:

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Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Erik Acs, MCIP, RPP, Manager of Community Planning, Kelly Provost, Economic Development Officer, and reviewed by Doug Giles, Director of Community and Long Range Planning.

Appendices

- Appendix 1 Cannabis Workshop Consultation Summary
- Appendix 2 Letter re: Guidelines Needed to Reduce Cannabis Facility
Land Use Conflicts

Cannabis Facilitated Workshop Summary



Planning and Development Services
March 11, 2020

Table of Contents

Executive Summary	3
1.0 Introduction	4
2.0 Presentation 1- Current Status of Cannabis Operations in Niagara	4
2.1 Presentation 1 Feedback- Current Status of Cannabis Operations in Niagara	5
3.0 Table Questions	6
3.1 Table Feedback.....	7
3.1.1 Concerns experienced by municipalities	7
3.1.2 Tools for Cannabis Regulation	10
3.1.3 Guidance Material	13
4.0 Presentation 2- Cannabis Research.....	15
4.1 Presentation 2 Feedback-Cannabis Research.....	16
5.0 Conclusion	16

List of Tables

Table 1. Roles and Responsibilities at the Federal, Provincial, and Municipal Levels....	5
Table 2. Concerns Experienced by Municipalities.....	7
Table 3. Three Tools Used to Regulate Cannabis Facilities in Niagara Municipalities...11	
Table 4. Additional Tools to Regulate Cannabis Facilities.....	12
Table 5. Topics for Provincial Clarification.....	13

Executive Summary

On December 11, 2019, the Region's Planning and Economic Development staff coordinated a cannabis workshop facilitated by the Region's Innovation and Business Excellence staff, as directed by Planning and Economic Development Committee at the October 9, 2019 meeting. The purpose of this workshop was to discuss the impact of the cannabis industry in Niagara.

The workshop had approximately 40 attendees ranging from elected officials, planning staff, by-law staff, building staff and fire staff. Eleven of the 12 local municipalities attended, including Fort Erie, Grimsby, Lincoln, Niagara Falls, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland, and West Lincoln.

The workshop consisted of presentations and facilitated table discussions. The first presentation outlined the current status of the cannabis industry in Niagara. A second presentation outlined a research proposal from the University of Guelph to the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) related to developing guidance tools for land use planners related to cannabis facilities.

Table discussions were focused on concerns municipalities have related to the growth of the industry, regulatory tools being used to permit development, and what Provincial guidance for the industry could include.

The concerns that municipalities highlighted included the following:

- Lack of information and regulations
- Traffic concerns with large production facilities
- Enforcement concerns
- Odour and light concerns
- Cannabis and its compatibility to rural character
- Water and wastewater implications
- Crime and security concerns
- Retrofitting buildings for cannabis use
- Tax implications
- Cannabis as 'normal farm practice' and using greenhouses for growing cannabis

The tools municipalities have been using to regulate cannabis facilities include site plan control, interim control by-laws, and zoning. Overall, these tools have had mixed results for a number of reasons, including:

- no unified approach across Niagara
- the tools have not been implemented for long enough to measure effectiveness
- uncertainty of the land classification for cannabis
- the expense and difficulty of enforcement

Guidance material or provincial clarification that municipalities would like to see include:

- Clarification on enforcement
- Ways to manage odour and light
- Clarification on how cannabis fits within the agricultural sector
- Clarity on production facilities vs. growing operations
- Land use compatibility with cannabis
- Consistency with rules across the sector

1.0 Introduction

This report summarizes the discussions from a half day workshop held at Balls Falls Centre of Conservation on Wednesday, December 11, 2019, from 1:30-3:30pm to discuss operational and land use concerns related to cannabis growing facilities.

The purpose of the workshop was to:

- Understand the different types of licensing that currently exists for cannabis growing facilities
- Bring together local municipalities staff and councillors to discuss challenges, tools, and opportunities, including:
 - concerns municipalities have with cannabis facilities
 - tools (site plan control, zoning, interim by-laws, etc.) that can or are being used to regulate these facilities
 - suggestions for best practice or guidance materials that the Province could provide
- Summarize the top themes and circulate them to the group for use
- Consolidate relevant items into a report to the Regional Planning and Economic Development Committee.

This report is a select summary of the findings from the workshop.

2.0 Presentation 1- Current Status of Cannabis Operations in Niagara

Economic Development staff presented on the “Current Status of Cannabis Operations in Niagara”. This presentation provided a general overview regarding federal licenses, commercial licensed producers in Niagara, the roles and responsibilities of all levels of government, and designating a person to produce medical cannabis. This presentation was intended to highlight the most relevant information from the Cannabis Regulation Framework Presentation by Cannabis Compliance Inc. at the October 9, 2019 Planning and Economic Development Committee. Key points by subject are below:

Federal Licences:

- A federal licence is required to cultivate, process, or sell cannabis for medical or non-medical purposes
- One must have a licence to grow, sell, or test cannabis, as well as make cannabis products or do research with cannabis

Commercial Licensed Producers in Niagara:

- Health Canada only publishes information on commercial cultivation, processing, and selling licenses; there is very little information on personal use or designated growing operations
- There are six commercial licensed producers in Niagara as of December 2019 (RedeCan Pharm-two sites, CannTrust, Tweed Farm Inc., Hexo Corp, Cannacure Corp), with two more facilities seeking/in process for licensing from Health Canada

- As of June 14, 2017, the only entity in Canada that is legally permitted to sell medical cannabis as a commercial good and as a registered business is a licensed producer.

Table 1. Roles and Responsibilities at the Federal, Provincial, and Municipal Levels:

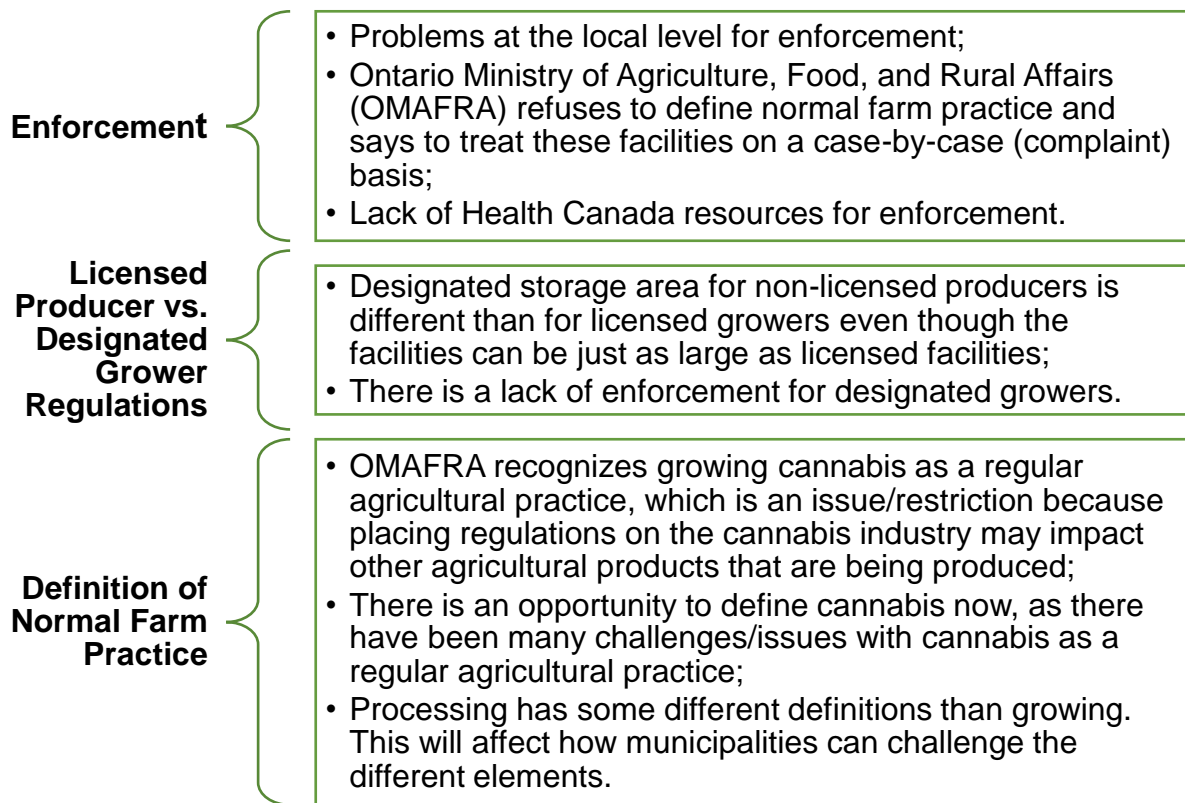
Federal	Provincial/Territorial	Municipal
Cannabis production	Wholesale and retail distribution of cannabis	Zoning (density, location)
Cannabis possession limits	Selection of retail distribution model	Retail locations
Trafficking	Workplace safety	Home cultivation
Advertising	Discretion to set more restrictive limits for:	Business Licensing
Minimum age limits (18)	<ul style="list-style-type: none"> • minimum age for consumption • possession amount 	Building Codes
Oversight of medical cannabis regime, including personal cultivation registration		Nuisance
		Smoking restrictions
		Odours
		Municipal workplace safety
		Enforcement
		Regulations around public consumption
		Personal possession
		Municipal cost considerations related to local policing

Designating a Person to Grow Medical Cannabis:

- An individual will be issued a registration certificate by Health Canada which indicates the number of plants one can grow, the amount of dried cannabis one can store, the production site (indoor or outdoor), and the storage site
- A designated grower can grow for up to 4 individuals with medical licenses;
- The Allard Decision of 2016 (federal court ruling that there is no ability to prevent designated growers from growing cannabis) is now rolled into the Cannabis Act (Access to Cannabis for Medical Purposes Regulation ACMPR) which allows individuals to grow for themselves
- Based on information relayed by Health Canada, growing on behalf of a patient is not operating as a “business” because there is no “commercial” exchange.

2.1 Presentation 1 Feedback- Current Status of Cannabis Operations in Niagara

Following the presentation staff opened up the floor for discussion, comments, or questions. The comments and discussions included challenges with enforcement, different regulations for different licenses, and difficulty of defining cannabis as a normal farm practice, as summarized below:



3.0 Table Questions

The table discussions included answering the following questions:

- (1) Concerns related to light and odour are frequently associated with the cannabis industry. Beyond these items, what other concerns have you experienced in your municipality?
- (2) There are a number of existing tools that are being utilized by municipalities in Ontario to regulate cannabis facilities under mechanisms like the Ontario Building Code, Ontario Planning Act, the Municipal Act, the Ontario Fire Code, etc.
 - a) What tools has your municipality implemented to regulate cannabis facilities (e.g. site plan, interim control by-law, zoning, etc.)?
 - b) Have these approaches been effective?
 - c) Are there additional tools that you can envision to regulate cannabis facilities?
- (3) For certain land-use topics, the Province prepares guidance materials (i.e. Permitted Uses for Agriculture, Land Needs Assessment Methodology, etc.). If the Province was to prepare land-use guidance materials or best practices for cannabis facilities, what do you think should be included?

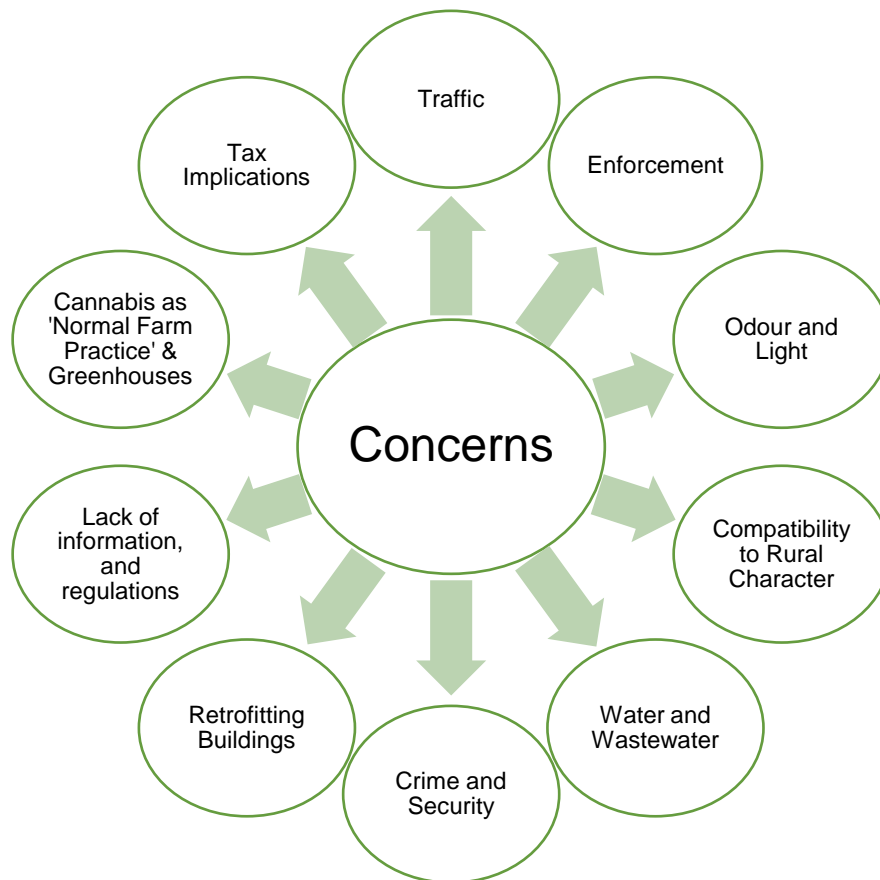
3.1 Table Feedback

The moderators of each table recorded the table feedback, and presented the highlights to the participants of the workshop. Responses to the questions above were recorded and are summarized below.

3.1.1 Concerns Experienced by Municipalities

The second question asked participants to explain what concerns they have experienced in their municipality other than odour and light. Despite this, odour and light were a top concern and have been included. The concerns have been categorized into 10 different themes, as shown Table 2 below.

Table 2. Concerns Experienced by Municipalities



Lack Of Clearly Defined Rules/Regulations/Information:

- Lack of available information
 - Ability to connect with Health Canada is difficult and they will not provide a list of personal license holders
 - Legal opinions of legislation and rules can differ between those giving the interpretation

- Facilities that were not subject to site plan control or building codes before getting their license may not be in compliance with newer requirements
- Designated growers (DGs) vs. licensed producers (LPs)
 - DGs are held to a much lower standard than LPs
 - LP facilities must comply with building and fire code and DGs are not required to be.

Enforcement Concerns:

- Frustration from residents regarding by-laws that cannot be enforced (DGs)
- Expensive for municipalities to enforce all of the by-laws related to cannabis
- Lack of monitoring for compliance, for instance
 - Licenses list how many plants you are allowed to grow, but enforcement is not ensuring the operations have the correct number of plants
 - Chicken barns are being purchased and turned into growing operations and by-laws are not enabling enforcement to confirm these are licensed operations
- Concern about communication between by-law officers, police, and the provincial and federal government
- Concern about how municipalities penalize non-compliance

Tax Implications:

- Concern about economic implications, where in some cases residential owners are paying more in taxes than producers, e.g., agriculture does not have a high tax base compared to residential
 - Concern regarding residents “subsidizing” the cannabis industry
 - Concern regarding residents moving out of an area when cannabis operations move in
- Concern about additional cost to municipalities when producers don’t pay their ‘share’ of taxes
 - Low agriculture tax rates
 - High use of infrastructure but no development charges
 - Other exemptions to producers

Odour/Light Concerns:

- Light and odour are by far the most frequent concerns.
 - Treatment chemicals for odour and the negative affect on nearby crops and human health
 - Odour complaints that are blamed on licensed producers but are usually regarding designated growers
- Setbacks from a facility do not work for odour/light, which travel, impacting residential areas
- Impact to quality of life, e.g., children being exposed to cannabis and allergies

Traffic Concerns:

- Concern about increased traffic volume on the roads surrounding LP facilities due to increased levels of employment in the area
 - Negative impact to rural road conditions
 - Parking issues
 - Increased noise levels

Rural Character:

- Concern about the location of these facilities in relation to sensitive land uses such as schools and residential areas
- Decreased land value, especially on rural properties
- Change to character of rural landscape (e.g., high fencing around cannabis crops, which contributes also to perceptions of safety, potential criminality)

Water and Wastewater:

- Concern about the infrastructure for water demands, water treatment and disposal
 - Concern of excess water that is contaminated
 - Concern that these facilities will run residents' wells dry
 - Implications of septic with high employment at a facility

Security/Crime:

- Concern about how material is being disposed of and whether there is illegal dumping taking place
- Concern about the safety and security of these facilities
 - Residents concerned about facilities increasing crime rates, stemming from a stigma around the industry
- Concern about designated growers operating as a business supplying the black market

Retrofitting Concerns:

- Concern about cannabis facilities that are retrofitting existing buildings
 - New as opposed to retrofitted spaces – difference in what is required; the latter may not require a building permit
 - Ensure retrofitted buildings are subject to site plan agreements to trigger appropriate review

Cannabis as 'Normal Farm Practice':

- Concern about cannabis as a 'normal farm practice'
 - Need to challenge cannabis being defined as a 'normal farm practice' at the normal farm practice protection board (OMAFRA)
 - Concern if outdoor growing would be restricted if it is considered a 'normal farm practice'
- Agricultural impacts
 - Spores contaminating other crops, e.g., cannabis spores can change the gender of hops plants
 - Cannabis is not good land use in prime agricultural areas

- Creating cannabis-specific regulations may result in unintended consequences for other agricultural crops
- Concerned about servicing cannabis facilities that are within greenbelt lands
- Greenhouse concerns
 - Greenhouses being used to grow cannabis because they are cheap and located in agricultural areas
 - Difficult to regulate greenhouses being used for cannabis as this will have impact on other growers, e.g. flower growers
 - Building code does not do enough to address fire codes for facilities/greenhouses, e.g., construction detailing does not address fire wall specifications/requirements

3.1.2 Tools for Cannabis Regulation

Question 3 is broken down into three sub-questions asking participants about what tools their municipality has implemented to regulate cannabis, if these tools have been effective, and if there are any additional tools that could be used.

Tools municipalities have implemented to regulate cannabis facilities

Site plan control, interim control by-laws, and zoning have all been used to regulate cannabis facilities in various municipalities across Niagara. Additionally, the Town of Pelham has created a 'Cannabis Control Committee' to help regulate cannabis facilities. Recommendation from participants in Pelham suggest including growers in these committees to have a full range of perspective on the issues.

Table 3. Three Tools Used to Regulate Cannabis Facilities in Niagara Municipalities

Site Plan Control	Interim Control By-Law	Zoning
<ul style="list-style-type: none"> • Site plan control used for new facilities in some municipalities. Allows staff to address concerns raised by members of the public • Issues such as light, servicing, buffering, and screening, can be addressed at this stage to mitigate concerns • Pre-consultation checklists for site plans require specific studies to be conducted • Medical licenses have been subject to site plan control • License permits have been issued through municipalities. 	<ul style="list-style-type: none"> • The most popular tool used. If a municipality currently does not have one, they are considering it • Used to prevent new facilities, including recreation • Ensure facilities are enclosed • Ensure no greenhouses or outdoor storage is used • Interim control by-law being used in both Pelham and Lincoln that expire in July 2020 	<ul style="list-style-type: none"> • A zoning by-law amendment was passed in 2014 that added stricter requirements for any new facilities (Port Colborne) • E.g. Minimum separation to sensitive land use: 150 metres • E.g. Minimum lot size/frontages • E.g. Outdoor storage not permitted • E.g. Servicing requirements • Official plan zoning-location for larger scale facilities • Medical licenses have been subject to zoning; • Minimum lot sizes • In industrial zones- distance from sensitive land

Effectiveness of tools implemented

There were mixed views on the effectiveness of these tools amongst the participants. However, some reasons for ineffectiveness provided were:

- Municipalities across Niagara are implementing different tools, with no unified approach
- Most regulations are new and no new facilities have been approved under these regulations
- Interim control by-laws are effective until they are challenged, and are only a temporary solution as they expire
- Zoning is difficult because of the uncertainty of what the land use is for cannabis
- Difficult to defend by-laws, making the tools less effective
- Expensive for smaller municipalities to enforce by-laws

There was discussion that a nuisance by-law is on the cusp of implementation and that it may have greater enforcement potential.

Table 4. Additional Tools to Regulate Cannabis Facilities

<p>Administrative Monetary Penalty System</p>	<ul style="list-style-type: none"> •Go after taxes to fine •Increase fines for non-compliance so it does not become ‘the cost of doing business’ •Would likely need to be able to enforce the Cannabis Control Act •Municipal Act fines would likely not be large enough to control large producers •Additional work on how it would be administered and enforced would be required
<p>Creating Industry Standards</p>	<ul style="list-style-type: none"> •Aligning rules for new vs. existing facilities •The development of a ‘Good Neighbour Policy’ •Business licensing
<p>Local Enforcement</p>	<ul style="list-style-type: none"> •The need to work closely with the NRP for safety when entering a growing facility •Have NRP help figure out how enforcement can enter buildings so they can ask to see a license. Unclear if there is support for enforcement officers to enter •Need to have federal government delegate the authority to enforce the Cannabis Control Act to municipalities •More oversight of Health Canada licenses by local municipalities and other local authorities
<p>Common language and tools across Niagara</p>	<ul style="list-style-type: none"> •Communication across Niagara to have a common language for regulating these facilities •Engagement sessions and education •Following up with federal and provincial governments •Create easier way to communicate with authorities
<p>Land Use/Site Plans/Zoning</p>	<ul style="list-style-type: none"> •Have a minimum distance separation (MDS) formulae for cannabis •Have zoning and site plan control well thought out and enforced •Requiring facilities to monitor and be conscious of the surrounding area •Ask that approval is only given to newly built facilities •Set back controls •Develop zoning by-laws that brings all agricultural operations under site plan control. This would enable control of fire, water, access, building height, etc. •Amending Official Plans; zoning; site plan control to include both new and existing facilities; •Land use planning for regulating designated growers •Further designate agricultural lands •Don’t put locations of growing together •Determine whether designated grower areas can be zoned

3.1.3 Guidance Material

Question 4 had participants share what they would like to see included in a provincial guidance document if one is created. Participants shared both what they would like to see clarification on and what local experience has shown.

In general local area municipalities (LAMs) are interested in understanding the tools available to municipalities for regulating cannabis cultivation and production and how best to work with these operations.

Table 5. Provincial clarification categories



Enforcement

- Need clear definitions for cannabis as policies can be appealed
- How to penalize facilities for non-compliance for:
 - Licensing at municipal level
 - Licensing at federal level
 - Renewal process

Odour & Light

- Odour control standards for both cannabis growing and production facilities
 - How to address facilities that seem to be worse than others
 - How outdoor facilities are observed when it comes to odours
 - Can low odour cannabis plants be required in certain facilities?
 - Best management practices (BMPs) for mitigating impacts on residential neighbourhoods- what are the setback requirements for outdoor growing

- Light mitigation measures
 - How to better incorporate lighting standards into zoning by-laws

Cannabis and Agriculture

- Need OMAFRA to clearly recognize cannabis as an agricultural category and come up with guidelines. There are previous examples where OMAFRA has dealt with related issues pertaining to other agricultural areas, e.g., MDS, livestock odor, tobacco drying odor that may be relevant to cannabis; same with technology, e.g., bird bangers, anti-frost machines also were controversial but became regulated
- Tighten-up and clarify “Value Added Uses” in terms of cannabis production
- Guidelines for Greenhouses
 - Facility size
 - Construction standards
 - Maximum amount of glass
 - Rules for when greenhouses are converted for any type of cannabis facility

Production Facilities

- How to define production facilities
 - Growing is agriculture: How do we categorize production facilities
- The Province should update the D6 Guidelines Compatibility between Industrial Facilities, to include consideration of cannabis.

Land Use Compatibility

- What is the best land use compatibility with cannabis facilities? If cannabis is being produced in a greenhouse, you don’t necessarily want it within prime agricultural areas, but if it becomes a commercial/industrial use, it may be too close to the urban areas. What would be the best practice for this?
- Inform us through guidance material what is the best practice for:
 - Setbacks - What is an appropriate setback for this type of facility?
 - Zoning - How should we zone these types of facilities?
 - Traffic studies - When is it necessary to conduct a traffic study on a licensed production facility?
 - Waste (septic) - When is it necessary to look at the impact of water/wastewater to the surrounding area?
 - Light mitigation measures
 - Infrastructure - water demands (aquifer), municipal water supply, disposing of water (treatment).

Consistency across the sector

- Come up with feasible calculations based on, for instance, the number of plants – regulations should be based on large-scale growing as this would address the critical issues for both DGs and LPs
- Scale of the facilities (licensed producers vs. designated growers)
- When growers move from one municipality to another, there is a new set of standards/bylaws that they must now abide by

- Clarity on who is in charge of what, as the land owner is not necessarily the farmer/producer
- Need a guidance document outlining best practice to help staff, members of the public and prospective cannabis facility owners
- Province needs to make advice on a tailored complaints process

Other:

- Technological innovation needs to be used to mitigate odour and concerns
 - Reaching out to other countries that have experience, e.g., The Netherlands
 - Making sure that regulations take into account advances in technology
- The Weed Control Act could be looked at for potential solutions
 - Cannabis to be considered a weed that is impacting a neighbours crops
- The need for all designated license holders to be publicized to the Niagara Regional Police (NRP) and municipalities by Health Canada

Local experience has shown that:

- Greater enforcement needs to come from the federal government for the licensed producer facilities when complaints are made
- Problems and uncertainties need to be addressed immediately as they are occurring now
- There is a need for the College of Physicians and Surgeons to consider criteria and number of prescriptions they provide for medical cannabis
- If publishing information on cannabis tourism, the local municipalities should be involved with the published materials
- Need to have provincial clarification on cannabis cultivation and production so that there is consistency for municipalities across Ontario
- Education is important; it may be possible to leverage work being done in research and programs (Niagara College, University of Guelph) and to have those working in the cannabis sector involved

Regional level:

- Could there be a by-law regarding the odour for these facilities, e.g. similar to the Region enforcing the smoking by-law? There may be an opportunity to combine with Public Health initiatives
- Suggestion that Region takes over
 - Business licensing
 - By-laws enforcement
 - Inspections
 - Site plans (similar to tobacco)

4.0 Presentation 2- Cannabis Research

Dr. Sara Epp, Assistant Professor in Rural Planning and Development at the University of Guelph presented on a research-funding proposal that has been submitted to

OMAFRA as of November 2019: “Assessing Land Use Planning Tools to Mitigate Odour and Lighting Nuisances Related to Cannabis Production.”

There are multiple research objectives associated with this research proposal, which includes continuing to support the expansion of the cannabis sector in Ontario; bring consistency to municipal decision making and land use planning approvals related to cannabis; and to reduce nuisance complaints and issues between cannabis operations and neighbouring land uses through effective siting and development of cannabis production operations

The deliverables for this project (pending OMAFRA funding) are:

- Jurisdictional scan and literature review exploring planning tools/practices for cannabis production within Ontario and broadly
- Toolkit of best land use planning policies, strategies, practices, procedures that support standard farm practices related to cannabis production
- Creation of a “Good Neighbour Policy” to be used by farmers and municipalities to mitigate/reduce potential nuisance complaints

The timeframe for this project is May 1, 2020 to April 30, 2023, should the funding application be successful. Best practices will be discussed with appropriate stakeholders through a series of workshops throughout the project timeline.

4.1 Presentation 2 Feedback -- Cannabis Research

The feedback following the presentation emphasized the need to have this information available sooner. There were also questions and comments regarding how people could stay up to date on the project and a request to have Dr. Epp come back to Niagara to hold a workshop during the timeframe of the project.

5.0 Conclusion

The workshop brought together local area municipalities’ staff and elected officials for a productive discussion on issues surrounding the cannabis industry and focussed on working together to find solutions.

The feedback heard from the workshop on December 11, 2019 will be shared with the Regional Planning and Economic Development Committee, local area municipalities, the Ontario Ministry of Agriculture, Food, and Rural Affairs, and the Ontario Ministry of Municipal Affairs and Housing.

March 11, 2020

Delivered Electronically

Hon. Ernie Hardeman
Minister
Ministry of Agriculture, Food and Rural Affairs
11th Flr, 77 Grenville St
Toronto, ON
M7A 1B3

Hon. Mr. Hardeman,

Re: Guidelines Needed to Reduce Cannabis Facility Land Use Conflicts

The purpose of this letter is to request the development of Provincial guidelines to reduce cannabis facility land use conflicts.

Greenhouse, nursery and floriculture production is the highest grossing agricultural industry in Niagara, with a GDP impact of \$691 million. The industry is well-established locally; however, the addition of cannabis as a crop has presented new regulatory challenges particularly related to siting facilities and operational considerations.

There are opportunities for improved approaches to land-use planning that would ensure licensed facilities are appropriately situated and regulated within the region to leverage the significant investment, value and job creation opportunities associated with the cannabis industry. The development of a set of land use guidelines pertaining to this crop is necessary to support both the industry and communities.

At a recent workshop with local municipal stakeholders and elected officials, land-use issues related to odour and light emissions as well as concerns pertaining to outdoor cropping of cannabis were discussed to compare approaches being applied across local area municipalities that support the industry.

This session confirmed that approaches are inconsistent among municipalities. Feedback from the stakeholders identified the need for the development of Provincial guidance materials, such as factsheets, pertaining to cannabis cultivation and production. The following topics were highlighted as priority items for inclusion in guidance materials:

- clarification on licensing and enforcement options for municipalities;
- standards and thresholds for odour and lighting emissions;
- best management practices for cannabis cultivation and production facilities; and

- land use compatibility (similar to MDS, or D Series Guidelines).

The creation of guidance materials to inform cannabis cultivation and production represents an opportunity to add clarity, efficiency and consistency across the province in this area, to the benefit of growers, producers, local municipalities and their residents.

The Region understands that some of the above materials may already be in development, and encourages the Ministry to support the development of additional materials as suggested.

The Region would also be pleased to participate in any technical advisory groups or consultations with respect to any topics related to cannabis land use, including guidance materials or proposed regulations.

Sincerely,

Diana Huson
Regional Councillor
Chair, Planning and Economic Development
Committee

Rino Mostacci, MCIP, RPP
Commissioner,
Planning and Development Services

cc:

Hon. Steve Clark, Minister of Municipal Affairs and Housing
Jim Bradley, Regional Chair, Niagara Region
Sam Oosterhoff, MPP Niagara West

*Supporting DSBN students by engaging the
community to provide needed funds and resources
where government funding is not available.*



The Right Honourable Justin Trudeau
Prime Minister of Canada
House of Commons
Ottawa, Ontario
K1A 0A6

The Honourable Doug Ford
Premier of Ontario
Queens Park, Legislature Room
Toronto, Ontario
M7A 1A1

March 31, 2020

Dear Prime Minister Trudeau and Premier Ford:

Our sincere thanks for your leadership on COVID-19. We understand and appreciate the challenges presented by this rapidly evolving situation during these tumultuous times.

Unfortunately, notwithstanding attempts at rapid adaptation, the nonprofit sector in Canada is being neglected and is at risk of collapse. Canadian charities contribute more than 8 percent or \$162 billion to our-country's GDP and employ more than 10 percent of (or 1.4 million working Canadians).

Along with the balance of our economy, the Chief Economist for the Charitable and Nonprofit Sector is projecting significant disruption for our sector. It is estimated that registered charities will see financial losses this year of between \$9.5 billion and \$15.7 billion and layoffs of between 118,000 and 194,000 people. The scale of loss will depend on how long and how strictly we will need to maintain social distancing principles. These figures do not include nonprofit service providers or social enterprises, for whom financial and employment data is not as readily available.

The economic disruption arising during COVID-19 has impacted our sector on many levels: Increased demand for services, decreased donations from our community, and the cancellation of events, all at a time when many organizations already have difficulty generating donations.

Throughout our great country, charities, nonprofits, and social enterprises are working hard to help their communities face the ongoing COVID-19 crisis. The need goes on and we are determined to fulfill our mission and work with governments at all levels to see this through.

Supporting DSBN students by engaging the community to provide needed funds and resources where government funding is not available.



This week's announcement that the federal government has vastly expanded the 75-per-cent wage subsidy for small businesses which include large companies as well as charities and non-profits for any business or organization that has suffered a 30-per-cent drop in revenue as a result of the coronavirus is encouraging.

We stand ready to do our part to help our families and children need, and will support those who have expressed the urgency for additional support in our community. We commend you on your actions and commitment to support our economy.

Sincerely,

A blue ink signature of Laura Byers, consisting of several overlapping loops and a long horizontal stroke.

Laura Byers
Executive Director

A black ink signature of Bryce Murray, featuring a large, stylized initial 'B' followed by a long horizontal line.

Bryce Murray
Chair, Board of Directors

Cc:

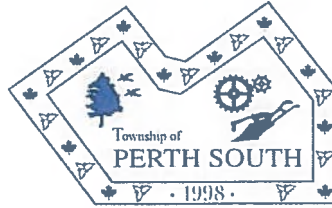
Hon. Chrystia Freeland, Deputy Prime Minister
Hon. Bill Morneau, Minister of Finance
Hon. Jean-Yves Duclos, President of Treasury Board
Hon. Mona Fortier, Associate Minister of Finance
Sean Fraser, Parliamentary Secretary to the Minister of Finance
Hon. Christine Elliott, Deputy Premier
Hon. Rod Phillips, Minister of Finance
Hon. Peter Bethlenfalvy, Minister, Treasury Board Secretariat
Stan Cho, Parliamentary Assistant to the Minister of Finance
Chris Bittle, MP for St. Catharines
Vance Badaway, MP for Niagara Centre
Tony Baldinelli, MP for Niagara Falls
Dean Allison, MP for Niagara West
Jennie Stevens, MPP for St. Catharines
Jeff Burch, MPP for Niagara Centre
Wayne Gates, MPP for Niagara Falls
Sam Oosterhoff, MPP for Niagara West

Supporting DSBN students by engaging the community to provide needed funds and resources where government funding is not available.



Wayne Redekop, Mayor of Fort Erie
Jeff Jordan, Mayor of Grimsby
Sandra Easton, Mayor of Lincoln
Jim Diodati, Mayor of Niagara Falls
Betty Disero, Lord Mayor of Niagara on the Lake
Marvin Junkin, Mayor of Pelham
William Steele, Mayor of Port Colborne
Walter Sendzik, Mayor of St. Catharines
Terry Ugulini, Mayor of Thorold
Kevin Gibson, Mayor of Wainfleet
Frank Champion, Mayor of Welland
Dave Bylsma, Mayor of West Lincoln
Cathy Taylor, ED, Ontario Nonprofit Network

191 Carlton St., St. Catharines, ON L2R 7P4
905.641.2929 x 54104 | efn@dsbn.org
efnniagara.ca



Corporation of the Township of Perth South

3191 Road 122
St. Pauls, ON N0K 1V0
Telephone 519-271-0619
Fax 519-271-0647
lscott@perthsouth.ca

April 16, 2020

Sent by Email

Honourable Doug Ford
Premier of Ontario
Premier's Office, Room 281
Legislative Building, Queen's Park
Toronto, ON M7Z 1A1

Honourable Premier Ford;

Re: Provincially Significant Wetlands Designation

At the regular meeting of Perth South Council held on March 17, 2020 correspondence was received from the Municipality of West Nipissing, the Village of Merrickville-Wolford and Norfolk County (attached hereto) regarding the above noted issue. As a rural municipality, we share the same concerns raised and thoroughly support the resolutions passed and information provided by these municipalities.

Thank you for your consideration of this matter and please contact our office if you require any further information.

Regards,

A handwritten signature in black ink, appearing to read "Lizet Scott", is written over a horizontal line.

Lizet Scott
Clerk

Attachments



West Nipissing Ovest

Joie de vivre

The Corporation of the Municipality of West Nipissing
La Corporation de la Municipalité de Nipissing Ovest
101-225, rue Holditch Street, Sturgeon Falls, ON P2B 1T1

P/T (705) 753-2250 (1-800-263-5359)
F/TC (705) 753-3950

March 3, 2020

SENT VIA E-MAIL

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

Honourable Premier Ford:

SUBJECT: PROVINCIALY SIGNIFICANT WETLANDS DESIGNATION

At its regular meeting held on February 25, 2020, Council for the Municipality of West Nipissing passed resolution **2020/080**, attached hereto. The resolution supports a request circulated by the Village of Merrickville-Wolford, asking the Ministry of Natural Resources and Forestry to respectfully review its practices and procedures to include a requirement to provide supporting evidence, to impacted municipalities, when designating Provincially Significant Wetlands within their boundaries.

We trust the enclosed is self-explanatory.

Respectfully,

Deputy Clerk / Assistant to the
Chief Administrative Officer

\Encl.

cc: Minister of Natural Resources and Forestry
Minister of Municipal Affairs and Housing
Association of Municipalities of Ontario (AMO)
Rural Ontario Municipal Association (ROMA)
Ontario Municipalities



The Corporation of the Municipality of West Nipissing /
La Corporation de la Municipalité de Nipissing Ouest

Resolution No.

2020 / 0 8 0

FEBRUARY 25, 2020

Moved by / *Proposé par* :

Seconded by / *Appuyé par* :

WHEREAS the Municipality of West Nipissing received resolution no. R-029-20 from the Village of Merrickville-Wolford, attached hereto; pertaining to the Ministry of Natural Resources and Forestry's practices and procedures when designating of Provincially Significant Wetlands;

BE IT RESOLVED THAT Council for the Municipality of West Nipissing supports the Village of Merrickville-Wolford requesting that the Ministry of Natural Resources and Forestry to respectfully provide supporting evidence with respect to the expansion of wetlands designations within their boundaries;

BE IT FURTHER RESOLVED THAT Council for the Municipality of West Nipissing calls upon the Ministry of Natural Resources and Forestry to respectfully review its practices and procedures to include a requirement to provide supporting evidence, to impacted municipalities, when designating Provincially Significant Wetlands within their boundaries;

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to the Premier of Ontario, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario (AMO), the Rural Ontario Municipal Association (ROMA) and all Ontario municipalities.

	YEAS	NAYS
DUHAIME, Yvon		
FISHER, Christopher		
LARABIE, Roland		
MALETTE, Léo		
ROVEDA, Dan		
SÉGUIN, Jeremy		
SÉNÉCAL, Denis		
SÉNÉCAL, Lise		
SAVAGE, Joanne (MAYOR)		

CARRIED:
 DEFEATED: _____
 DEFERRED OR TABLED: _____

Established 1793
Incorporated
Wolford 1850
Merrickville 1860
Amalgamated 1998



Telephone (613) 269-4791
Facsimile (613) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

February 5, 2020

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

Dear Premier Ford:

Re: Provincially Significant Wetlands Designation

Please find attached the Council of the Corporation of the Village of Merrickville-Wolford's Resolution No. R-029-20, with respect to the Village's concerns surrounding the Ministry of Natural Resources and Forestry's practices and procedures while implementing designations of Provincially Significant Wetlands.

While the attached resolution is tailored to a Village-specific issue, it is Council's position that the concerns expressed therein are being experienced by municipalities Province-wide.

Thank you in advance for the consideration that you give this matter.

Yours truly,

Doug Robertson
CAO/Clerk/Director, Economic Development

c. Honourable John Yakabuski, Minister of Natural Resources and Forestry
Honourable Steve Clark, Minister of Municipal Affairs and Housing
Andy Brown, CAO of the United Counties of Leeds and Grenville
Association of Municipalities of Ontario
Rural Ontario Municipal Association
All Ontario municipalities

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Telephone (813) 269-4791
Facsimile (813) 269-3095

VILLAGE OF MERRICKVILLE-WOLFORD

For Clerk's use only, if
required:
**Recorded Vote Requested
By:**

Cameron	Y	N
Foster	Y	N
Halpenny	Y	N
Molloy	Y	N
Struthers	Y	N

Resolution Number: R - 029 - 20

Date: January 27, 2020

Moved by: Cameron Foster Halpenny Molloy

Seconded by: Cameron Foster Halpenny Molloy

WHEREAS the Village of Merrickville-Wolford is endeavouring to adopt a new Official Plan as required per Section 17 of the *Planning Act* and the Village is required to incorporate the Provincial Policy Statements of the Act;

AND WHEREAS the Provincial Policy Statements require the Village to provide in its Official Plan the updated provisions of new and expanded Provincially Significant Wetlands designations;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford is concerned that the expansion of these wetlands is detrimentally affecting certain landowners and the Village's assessment base;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford is concerned that designations of Provincially Significant Wetlands have occurred throughout the Province of Ontario without the provision of supporting evidence;

Established 1793
Incorporated
Wolford 1850
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Amalgamated 1998

Telephone (613) 269-4791
Facsimile (613) 269-3095



VILLAGE OF MERRICKVILLE-WOLFORD

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford is concerned about the expansion of the Provincially Significant Wetlands in the Northeast quadrant of the Village;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford is concerned that these wetlands designations have been expanded without the Ministry of Natural Resources and Forestry having provided to the Village supporting evidence to justify said expansion;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Village of Merrickville-Wolford does hereby respectfully request that the Ministry of Natural Resources and Forestry provide the Village with supporting evidence with respect to the expansion of these wetlands designations;

AND THAT the Ministry of Natural Resources and Forestry re-evaluate the subject properties without delay;

AND THAT a copy of this resolution be sent to the Honourable Premier Doug Ford, Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the United Counties of Leeds and Grenville, the Association of Municipalities of Ontario and the Rural Ontario Municipal Association and all Ontario municipalities.

Carried / Defeated


J. Douglas Struthers, Mayor



Norfolk County Office of the Mayor

March 1, 2020

Ontario Municipalities

Dear Heads of Council and Councillors:

Re: Issues regarding the mapping of Provincially Significant Wetlands (PSWs)

Norfolk County Council is working to address significant issues that have come to our attention regarding the mapping of Provincially Significant Wetlands (PSWs).

Following the Ministry's updated mapping related to PSWs, the County updated its Official Plan to bring its policies in line with the new mapping. Following that, the County planning staff introduced a Zoning By-Law amendment to update the zoning to reflect the new mapping and to provide consistency between the Zoning By-Law and the Official Plan. Though the mapping is wholly outside the County's process and control, the zoning by-law amendment was not approved by Council, flowing from significant public concern about the updated mapping affecting people's properties. In some cases, some of these changes were very significant.

The County submitted comments to the province as part of the review of the Provincial Policy statement requesting that the process for PSW mapping be significantly improved to allow for transparency and better land owner engagement, including, for example, a right of appeal or formal dispute resolution process. This will allow for land owners to be properly informed and engaged where land use designations that affect their property may result. The current process appears to be severely underfunded and without any meaningful way for affected residents to engage.

The County is seeking support from other rural municipalities who may be affected by this to address this issue with the province.

Thank you for your consideration of this matter.

Yours Truly,

A handwritten signature in cursive script that reads "Kristal Chopp".

Mayor Kristal Chopp
Norfolk County

cc. The Honourable Steve Clark,
Minister of Municipal Affairs and Housing



The TOWNSHIP of
NORTH DUMFRIES

2958 Greenfield Road
PO Box 1060
Ayr, ON N0B 1E0

April 17, 2020

RE: Tourism Orientated Destination Signage Fee Increases

This letter is to advise that at its meeting of April 14, 2020, the Council of the Township of North Dumfries received a copy of the County of Haliburton resolution (as attached) specific to the Tourism Orientated Destination Signage Fee Increases.

Please be advised that Council of the Township of North Dumfries hereby supports the resolution as presented.

Sincerely,

Ashley Sage
Clerk

cc. all Ontario municipalities



County of Haliburton

P.O. Box 399 – 11 Newcastle Street
Minden, Ontario K0M 2K0

705-286-1333 phone 705-286-4829 fax

Warden Liz Danielsen

Michael Rutter, CAO
mrutter@county.haliburton.on.ca

February 3, 2020

All Ontario Municipalities

Dear Sir/Madame:

Re: Tourism Oriented Destination Signage Fee Increases

Haliburton County and our local municipalities recently became aware of a significant increase in fees being charged to businesses by Canadian Tourism Oriented Destination Signage Limited. In a time when every effort is being made to remove barriers to prosperity, this change will take money directly from the “bottom line” of small and medium sized businesses and not-for-profits across the Province.

At their most recent meeting, Haliburton County Council passed the following resolution:

Whereas the Ministry of Heritage, Sport, Tourism, and Culture and the Ministry of Transportation supervise the delivery and maintenance of tourism oriented destination signage through a third party – Canadian TODS Limited;
And Whereas our tourism stakeholders and other enterprises rely heavily on this signage to direct customers to their businesses;
And Whereas Canadian TODS Limited recently advised their customers that fees will be doubling, beginning in 2020;
And Whereas this will result in significant financial hardship for those business owners:
Now therefore, be it resolved that the Haliburton County Tourism Committee and Haliburton County Council request that the Minister of Tourism, Culture and Sport and the Minister of Transportation reconsider or phase in this fee increase, allowing an appropriate amount of time for businesses to adjust;
And finally that those municipalities that support the resolution be requested to advise the Ministers noted above and their local MPP of their support.

All of the municipalities in the County of Haliburton recognize the value of this signage and the need for cost increases to meet inflation; however, we are asking that this fee increase be reconsidered and phased in to ease the burden on our stakeholders.

Thank you for your consideration of our request.

Yours truly,

Liz Danielsen
Warden



The TOWNSHIP of
NORTH DUMFRIES

2958 Greenfield Road
PO Box 1060
Ayr, ON N0B 1E0

April 17, 2020

RE: Suspend Time of Use Electricity Billing

This letter is to advise that at its meeting of April 14, 2020, the Council of the Township of North Dumfries received a copy of the Town of Grimsby resolution (as attached) specific to suspending the time of use for electricity billing. Please be advised that the Council of the Township of North Dumfries hereby supports the resolution as presented.

Sincerely,

A handwritten signature in blue ink that reads "Ashley Sage".

Ashley Sage
Clerk

cc. all Ontario municipalities



**Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

SENT VIA EMAIL

RE: Suspend Time-of-Use Electricity Billing

Please be advised that at the Special Council Meeting of March 18th, 2020, The Council of the Town of Grimsby passed the following resolution:

Moved by Councillor Sharpe; Seconded by Councillor Dunstall;

Resolve that during the circumstances of the COVID-19 outbreak, that the Council of the Town of Grimsby supports the Premier's recommendation to suspend time-of-use electricity billing; and,

That the Council of the Town of Grimsby request that the Ontario Energy Board suspend time-of-use electricity billing to support lower electricity bills for residents who may be isolating at home during the day, and to support businesses who continue to operate, via lower power rates during the day-time peak period; and,

That this time-of-use billing suspension take effect immediately until such time that the COVID-19 outbreak has been contained; and,

That this resolution be forwarded to:

- *Premier Doug Ford*
- *MPP Sam Oosterhoff*
- *Ontario Energy Board OEB*
- *Ontario Municipalities*
- *Grimsby Energy Inc.*

If you have any questions with regard to the foregoing, please do not hesitate to contact me.

Yours truly,

Sarah Kim
Town Clerk

MEMORANDUM

Subject: Recent Changes to Niagara Region's Waste Management Services and Programs as a result of COVID-19

Date: April 20, 2020.

To: All Local Area Municipality Clerks

From: Catherine Habermebl, Director Waste Management Services

Waste Management is a visible service that affects residents weekly. As such, this memorandum and attached information are being provided to you for distribution to your Council members in case they receive questions from their constituents about the recent changes to Niagara Region's waste management services and programs, as a result of the COVID-19 situation. Niagara's changes to programs is comparable to other regional and municipal governments who have similarly either canceled or modified waste management services and programs.

Niagara staff have focused on striking a balance between providing essential services while protecting front-line workers; both Regional employees and contracted staff, when implementing these temporary service changes. In addition, the changes specifically related to the landfill sites were made to align with the April 3, 2020 State of Emergency declaration by Regional Chair Bradley and the 12 Area Mayors.

As you know, the current situation is fluid, and we are reviewing our programs / services daily and will continue to make the appropriate adjustments, as needed. Should you have any questions regarding the information provided, please do not hesitate to contact the undersigned at catherine.habermebl@niagararegion.ca.

Respectfully submitted and signed by



Catherine Habermebl
Director, Waste Management Services

Encl.

Service changes at Niagara Region landfills during the COVID-19 pandemic

(As the current situation is fluid, please refer to Niagara Region's website at www.niagararegion.ca for regular updates)

State of Emergency

Niagara Region and Niagara's 12 local municipalities have jointly declared a state of emergency in response to COVID-19 to help protect the health of Niagara. We understand residents want to use their time at home to get started on their spring cleaning, however, landfill sites are open to focus on essential services. #stayhomeniagara

Landfill Service Changes

Landfill sites and drop-off depots are open for essential loads only:

- Collection vehicles
- Commercial / contractors (including farmers)
- Municipal vehicles
- Commercial / municipal brush
- Residential Household Hazardous Waste disposal
- Residential large household / bulky goods - one visit per month per license plate
- Residential move outs - limit to three trips per licence plate for the duration of the service changes for residents moving out of their homes

In order minimize non-essential trips in the community, restrictions have been put in place at out sites. Residents are permitted one trip, every two weeks, to dispose of the following:

- Leaf and yard waste, which is still being collected at the curb
- Grass clippings, but residents are being encouraged to grasscycle
- Oversize brush bundles, tree limbs

Expect Delays

THERE WILL BE DELAYS AT THE SITES due to the recent changes implemented to prevent the spread of COVID-19.

- Limit the number of people on the drop-off pad
- Preferred methods of payment are debit and credit, using the tap option.

Recycling/Green Bin Distribution Locations Closed

- Use alternative rigid plastic containers. For more information, visit niagararegion.ca/waste

Other Waste Related Service Changes due to COVID-19 pandemic

Curbside Collection Requirements – Bag Garbage and Organics

- Place used tissues and other organic material, in paper bags or certified compostable bags. Bags must be tied before being placed in the Green Bin so they don't fall out.
- Garbage shouldn't be loose in garbage containers and should be bagged. Several smaller kitchen sized garbage bags may be used and placed inside a garbage container.

Large household item suspension

Curbside collection of large household item / bulk goods for single family homes and apartments with six units or less is suspended until May 30. This will prioritize regular curbside collection of waste, recycling and organics.

Residents are encouraged to hold on to their large household items until service resumes. For those who need to dispose of a large household item due to a residential move out, residents are restricted to one visit per month per license plate for the duration of the service changes. Be prepared to provide your address to confirm your property is eligible for this service. Large items brought to Walker Environmental, in Thorold, require a disposal fee.

Leaf and yard waste collection

Effective Monday April 13, 2020, only three (3) bags/cans of yard waste will be collected per collection day, per single family homes and apartments with 6 units or less. Residents may experience delays with leaf and yard waste collection so that front line collectors can prioritize the weekly collection of garbage, recycling and organics. Ripped leaf and yard waste bags must be re-bagged or placed in another container to ensure material can be collected.

Curbside Battery Collection

Battery collection originally scheduled for April 20-24 has been postponed until further notice.

Compost Giveaway

Compost giveaway originally scheduled for May 4-9 has been postponed until further notice.

For the most recent service changes related to COVID-19, visit niagararegion.ca/waste Information regarding Walker's drop off depot can be found at www.walkerind.com/brands/walker-waste-services/



City of Welland
Corporate Services
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

April 22, 2020

File No. 20-64

SENT VIA EMAIL

Niagara Region
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON L2V 4T7

Attention: Ron Tripp, Acting Chief Administrative Officer

Dear Mr. Tripp:

Re: April 21, 2020 – WELLAND CITY COUNCIL

At its meeting of April 21, 2020, Welland City Council passed the following motion:

- “1. THAT THE COUNCIL OF THE CITY OF WELLAND receive for information Report FIN-2020-09, Covid-19 Financial Impact Report, from the General Manager Corporate Services and Chief Financial Officer dated April 21, 2020; and further
2. THAT Welland City Council request that Niagara Region not charge interest/penalty for any partial payment of any portion of the remaining 2020 Niagara Region tax levy not remitted by City of Welland; and further
3. THAT Welland City Council request that Niagara Region defer issuance of 2020 Debt to late July/August 2020; and further
4. THAT Welland City Council forward this report to Niagara Region and all local lower tier municipalities in Niagara; and further
5. THAT Welland City Council request that the Federal and Provincial governments provide municipalities with a 2020 operating grant to help municipalities fund current operations and maintain appropriate service levels during the Covid-19 event; and further
6. THAT Welland City Council request that the Federal and Provincial governments establish a new infrastructure building program by increasing the amount of gas tax funding made available to municipalities to stimulate the economy later this year; and further
7. THAT Welland City Council request that the Federal and Provincial governments accelerate approval of ICIP project applications submitted by the City of Welland to contribute to the economic recovery after the Covid-19 event is over; and further

RE: April 21, 2020 – Welland City Council

April 22, 2020

8. THAT Welland City Council forward this report to all local MPs and MPPs, FCM, AMO, and the Federal Minister of Finance, Minister of Municipal Affairs and Housing, and Minister of Finance for the Province of Ontario; and further
9. THAT Welland City Council extend the waiver of application of penalties charged on non-payment of current 2020 Realty tax arrears (excluding prior year arrears) from June 1-30, 2020); and further
10. THAT Welland City Council extend the deferral of 2020 water/wastewater increases from July 1, 2020 until October 1, 2020, PROVIDED that Niagara Region also defer its 2020 wholesale rate increases to that time period; and further
11. THAT Welland City Council extend waiving the charge back of NSF charges for all tax, water/wastewater, accounts receivable and miscellaneous accounts until June 30, 2020; and further
12. THAT Welland City Council extend not charging customers for removing themselves from the Pre-Authorized Payment Program (PAP) for both Tax and Water/Sewer accounts.
13. THAT Welland City Council request that all Niagara municipalities support the expansion of eligibility criteria to qualify for the 75% Canada Emergency Response Benefit wage subsidy for Covid-19 to all Municipal employers (including Library and Museum Boards), where currently it is only available to private sector employers.”

Yours truly,






Tara Stephens
City Clerk

TS:jm

c.c.: Sent via email
 Vance Badawey, MP, Niagara Centre
 Jeff Burch, MPP, Niagara Centre
 Federation of Canadian Municipalities
 Association of Municipalities of Ontario
 The Honourable William Morneau, Federal Minister of Finance
 The Honourable Steve Clark, Minister of Municipal Affairs & Housing
 Niagara Regional Municipalities
 Ann-Marie Norio, Regional Clerk, Niagara Region
 S. Zorbas, General Manager, Corporate Services, Chief Financial Officer/Treasurer

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-64

REPORT FIN-2020-09
APRIL 21, 2020

SUBJECT: COVID-19 FINANCIAL IMPACT REPORT

AUTHOR AND APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER / TREASURER

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receive for information Report FIN-2020-09, Covid-19 Financial Impact Report, from the General Manager Corporate Services and Chief Financial Officer dated April 21, 2020; and further
2. THAT Welland City Council request that Niagara Region not charge interest/penalty for any partial payment of any portion of the remaining 2020 Niagara Region tax levy not remitted by City of Welland; and further
3. THAT Welland City Council request that Niagara Region defer issuance of 2020 Debt to late July/August 2020; and further
4. THAT Welland City Council forward this report to Niagara Region and all local lower tier municipalities in Niagara; and further
5. THAT Welland City Council request that the Federal and Provincial governments provide municipalities with a 2020 operating grant to help municipalities fund current operations and maintain appropriate service levels during the Covid-19 event; and further
6. THAT Welland City Council request that the Federal and Provincial governments establish a new infrastructure building program by increasing the amount of gas tax funding made available to municipalities to stimulate the economy later this year; and further
7. THAT Welland City Council request that the Federal and Provincial governments accelerate approval of ICIP project applications submitted by the City of Welland to contribute to the economic recovery after the Covid-19 event is over; and further
8. THAT Welland City Council forward this report to all local MPs and MPPs, FCM, AMO, and the Federal Minister of Finance, Minister of Municipal Affairs and Housing, and Minister of Finance for the Province of Ontario; and further

9. THAT Welland City Council extend the waiver of application of penalties charged on non-payment of current 2020 Realty tax arrears (excluding prior year arrears) from June 1-30, 2020); and further
10. THAT Welland City Council extend the deferral of 2020 water/wastewater increases from July 1, 2020 until October 1, 2020, PROVIDED that Niagara Region also defer its 2020 wholesale rate increases to that time period; and further
11. THAT Welland City Council extend waiving the charge back of NSF charges for all tax, water/wastewater, accounts receivable and miscellaneous accounts until June 30, 2020; and further
12. THAT Welland City Council extend not charging customers for removing themselves from the Pre-Authorized Payment Program (PAP) for both Tax and Water/Sewer accounts.
13. THAT Welland City Council request that all Niagara municipalities support the expansion of eligibility criteria to qualify for the 75% Canada Emergency Response Benefit wage subsidy for Covid-19 to all Municipal employers (including Library and Museum Boards), where currently it is only available to private sector employers.

ORIGIN AND BACKGROUND:

The impact of the Covid-19 pandemic demonstrates the essential role played by the City in leadership, communication and community awareness, containment, and remediation efforts to flatten the curve on the Covid-19 virus. A decision was made by the City to close all public facilities and cancel events and programming until June 30, 2020. The decision was made by the City's Corporate Leadership Team (CLT) and Emergency Control Group, based on the need to protect City staff and residents, to help contain the spread of Covid-19; and to provide some certainty for user groups and key community stakeholders. With the number of confirmed Covid-19 cases and community spread in Niagara and Ontario on the rise, public health officials are indicating that it is more important than ever to continue to practice physical distancing, including self-monitoring and self-isolation. All indications from the experts are that these measures will be in place for months, not weeks. The Covid-19 event is the largest financial challenge that residents, families, businesses, communities and municipalities have seen in history.

This report provides an "estimated" financial impact update report to Council and a summary of various cost containment initiatives implemented by CLT to mitigate the negative financial impact to the City.

Staff have assumed that normal business operations will begin to be transitioned back no earlier than July 6, 2020. An immediate 3 month closure of non-essential services has been implemented by the CLT due to the Covid-19 pandemic and the business operations and service levels have been adjusted only to deliver essential services. The preliminary impact of Covid-19 is forecasting a deficit of approximately \$650,000 after implementing various cost containment initiatives and staff will be reporting back with update reports in May and June. In addition, staff continue to review assumptions/estimates/operations/business environment as more information becomes available and financial pressures may be increased or mitigated by future Council, Provincial and Federal decisions.

The most significant impact to the City of Welland is loss of revenues which can be offset by cost containment strategies implemented by the CLT that include, but are not limited to temporary layoffs of part-time, full-time staff, summer students, interns, co-op students and the elimination of contract positions.

The impact of the Covid-19 pandemic is being felt across the country with widespread closure of businesses, and a state of emergency declared by the Province of Ontario, Niagara Region, and the City of Welland.

The Federal Government has already provided information on economic and financial support for Canadians and businesses including:

- The extension of the income tax filing due date for individuals, and deferral of payments of qualifying income tax amounts owing;
- A temporary wage subsidy program over the next three months for qualifying small businesses faced with revenue losses, and to prevent employee layoffs;
- Enhancements to the Goods and Services Tax credit and the Canada Child Benefit; and
- An Emergency Care Benefit for employees that do not qualify for Employment Insurance Benefits.

On March 25, 2020, the provincial government announced that it is deferring the next two quarterly educational property tax remittances payments by 90 days. The remittance which would have been due June 30, 2020 is now September 30, 2020, and the remittance which would have been due September 30, 2020 is now December 15, 2020.

The government also announced that the property tax reassessment that was scheduled to be implemented in 2020 for the 2021 tax year will be postponed. This will provide stability for Ontario's property taxpayers and municipalities, and will enable municipal governments to focus their attention on critical public health initiatives and other efforts to manage the local response to the Covid-19 pandemic.

COMMENTS AND ANALYSIS:

Water and Wastewater Budgets for City of Welland

Welland owns, operates, and maintains in good working order, the water and wastewater system. The water supply and wastewater treatment are purchased from Niagara Region. Water/wastewater billing charged to the consumer is based on a rate per cubic meter (m³) of water consumed, plus a fixed rate. Residents are billed quarterly, while industrial, commercial and institutional (ICI), and larger residential apartment buildings are billed monthly. The water/wastewater operating and capital programs are funded by the revenue received from the water/wastewater rate charged to consumers. Approximately 55% of the revenues are used to pay Niagara Region for the water supply. The remaining 45% is used to fund the City's day-to-day operations and capital program.

City staff are recommending deferral of the 2020 water/wastewater rates to take effect October 1, 2020 in lieu of July 1, 2020, provided Niagara Region defers the proposed 2020 Wholesale rate increases to October 1, 2020. This will assist with the financial challenges many of our residents, families, and businesses are currently struggling with.

The potential deficit in the 2020 Water/Wastewater budget is estimated between \$1.2- \$1.4 million if:

1. Niagara Region does not freeze or delay their proposed 2020 Wholesale rate increases for purchase of Water and Wastewater Treatment costs.
2. The City of Welland defers the proposed 2020 Retail Rate Increase to December 31, 2020.
3. The City of Welland does not apply penalty/late charges for unpaid 2020 Water/Wastewater billings to end of year.

To mitigate, staff will reduce the 2020 staff inter-departmental chargebacks to the water/wastewater fund.

City provided Financial Assistance for Residents and Businesses-Welland City Council approvals

As stated previously in this report, the current Covid-19 pandemic is causing financial hardship for many residents and business owners. The CLT is recommending additional financial assistance for residents and businesses in Welland as follows:

1. Extend the waiver of application of penalties charged on non-payment of current 2020 Realty tax arrears (excluding prior year arrears) from June 1-30, 2020.
2. Defer 2020 water/wastewater rate increases from July 1, 2020 to October 1, 2020 provided Niagara Region also defers its proposed wholesale rate increases for water/wastewater to October 1, 2020.
3. Waive all NSF charges from March 19 – June 30,2020.
4. Waive all fee's associated with removing customers from PAP program from March 19- June 30, 2020.

FINANCIAL CONSIDERATION:

Cost Containment Initiatives Implemented by CLT:

1. Cancellation of Conferences effective March 19	\$121,000
2. Reduction of Promotions budgets (20%)	\$65,000
3. Reduce Ditching program	\$40,000
4. Reduce Catch Basin Cleaning (defer to 2021)	\$40,000
5. Defer Hard Surface Install @ Shaw St. Haulage station	\$25,000
6. Cancel Sweeping Contract and complete in house	\$45,000
7. Reduced fuel expenses at Transit	\$354,800
8. Reduced fuel – Other	\$131,000
9. Salary/Benefit Savings – Temporary Layoffs	\$1,950,000
10. Reduce Welland Museum 2020 Operating Grant	\$28,000
11. Reduce Library 2020 Operating Grant	\$291,000
12. Increase 2020 Welland Hydro Dividend	\$150,000
13. Cost Containment all City Departments – excl. salary/benefits	\$560,000
Sub-Total	\$3,800,800

Operating Losses Due to Covid-19

1. Reduced revenues-Recreation/Arenas/Wellness	\$230,000
2. YSP reduced revenues-Back to regular scheduling Sept 2020	\$250,000
3. Parking revenues reduced	\$124,000
4. Decrease Supplementary/Omit Taxes	\$50,000
5. Reduced charge backs to Water/WW budgets	\$1,400,000
6. Covid-19 Initiatives to be initiated - various	\$500,000

7. Increased NSF charges	\$10,000
8. Reduction Building Department Revenues	\$23,500
9. Clerk's revenue reductions	\$32,700
10. Penalty/Interest Charges reduced	\$840,500
11. By-law revenue loss	\$4,500
12. Increased software licences for IT due to Covid-19	\$33,900
13. POA revenue reduced	\$30,000
14. Increased operating expenses due to COVID-19	\$50,000
15. Lost Revenue – Transit	<u>\$871,000</u>
Sub-Total	\$4,450,100

NET PROJECTED DRAFT DEFICIT \$649,300

Covid-19 Related Assumptions

1. The closure of recreation facilities will result in significant lost revenues. (Staff have assumed all recreational facilities and programming will begin re-opening July 6, 2020). The lost revenues are a result of immediate closures, cancellation of spring/ summer classes, and anticipated reduced revenues for the rest of the year as client behavior gradually returns.
2. Staff have assumed all conferences for all departments, including Mayor and Council, cancelled from March 19 to December 31, 2020.
3. Staff have reduced all Corporate Promotions budgets by 20%.
4. To protect the health of both transit operators and passengers, and implement social distancing, rear-door only entrance was introduced. In addition, numerous service level adjustments were made over the past weeks to recognize significant loss in ridership and revenue loss due to "free fares". Transit revenue losses are offset by reduced diesel consumption and lower fuel pricing.
5. Interest rate earnings will be lower as the Bank of Canada has lowered interest rates. This will negatively impact interest earned in the Operating budget and interest allocated to reserve funds. On the other hand, the City will be issuing debt and we expect interest rate savings due to record low interest rates.
6. Parking enforcement is reduced with fewer cars on the road.
7. Staff are projecting that fewer Provincial Offences (POA) tickets will be issued and with the closure of courts, some revenues will be deferred.
8. The four-month relief on reduction in penalties/interest charges to tax accounts will negatively impact the City. If relief is provided to the end of the year, the City will have a revenue shortfall and has assumed waiver will continue to December 31, 2020.
9. Other increased operating costs due to Covid-19 such as premiums for protective equipment, increased cleaning supplies and frequency of cleaning, material, supplies, and increased advertising.
10. Salary savings due to temporary layoffs for part-time and full-time staff, summer students, and not hiring Interns are assumed.
11. The CLT will delay the hiring of new staffing due to vacancy, resulting in gapping savings.
12. The CLT has implemented various cost containment initiatives in regards to discretionary spending in the 2020 Operating budget.

The combined effect of COVID-19 and currently projected variances as a result of regular business is a forecasted deficit of approximately \$650,000. Staff will continue to refine these

estimates as more information becomes available. Pressures may also be increased or mitigated by future Council, Provincial and Federal decisions.

City's 2020 Capital Program and All Approved & Outstanding Projects

A similar exercise will be undertaken on the City's approved 2020 capital program as more information becomes available. Some capital projects may have to be delayed or cancelled. The April 3, 2020 announcement by the Province stopping all non-essential construction could have an impact on the City's 2020 capital program.

Cash Flow Pressures for the City

Staff are monitoring the City's cash flow daily. Our current line of credit allows the City to access up to a maximum of \$9 million. City staff are seeking Welland City Council support requesting that Niagara Region not charge penalty/interest on any 2020 Regional Levy payments that are not paid due to cash flow challenges the City of Welland may experience due to non-payment of realty taxes by residential/commercial/industrial customers. The Province recently announced the deferral of Education tax remittances to the School Boards by 90 days (September and December) and this will assist the City's cash flow requirements. Staff will also be monitoring taxes receivable and all other receivables.

Permissive Grants and Special Events

Staff have not engaged in formal discussions with any organizations that have cancelled their 2020 special events. The potential exists for the City to realize cost savings if prior approved permissive grants for such cancelled events are returned to the City to assist with our revenue shortfalls. City staff continue to seek Council direction requesting prior approved 2020 grants for special events that have been cancelled to date, or that will be cancelled, to request return of such funds to assist with the Covid-19 financial challenges.

Library and Museum Boards

The CLT has been working closely with both the Library and Museums boards and each entity has also engaged various cost containment initiatives which have included temporary layoff for part-time and full time staff. City staff are requesting City Council to reduce the Library's 2020 Operating Grant in the amount of \$291,000, and the Museum 2020 Operating Grant in the amount of \$28,000.

Consider 75% Wage Subsidy to include Municipal Employer's including Library and Museum Boards

The Ontario Municipal Human Resources Association (OMHRA) supports including municipal employer's to apply to receive 75% wage subsidy for retaining employees.

Municipalities, especially those with Transit systems, are experiencing revenue loss and mitigating staffing costs through wage subsidies can assist municipalities in coping with financial challenges. Allowing municipal employer's to participate in a 75% wage subsidy, as is currently available to private sector employers, can assist municipalities in retaining staff and/or recalling staff that have been laid off

OTHER DEPARTMENT IMPLICATIONS:

Discussed in report.

SUMMARY AND CONCLUSION:

It is unknown the length of this crisis, but the CLT has implemented cost containment initiatives to deliver essential services to end the year in a stronger financial position in the absence of continuing business as usual. It is inevitable, as revenues decrease, while many costs continue, that CLT will be challenged to end the year with a balanced budget. All four levels of government have provided assistance for Welland residents and businesses. Municipalities in Ontario cannot sustain such fiscal pressures and will require assistance from both provincial and federal levels of government. The Finance department is monitoring the City's daily cash position and developing strategies to mitigate ending the 2020 calendar year in a deficit.

The CLT meets daily to ensure essential services are delivered, discuss issues, and ensure the health and safety of all residents and staff. They will continue to implement various cost containment initiatives to ensure the City's year-end financial position avoids a deficit. The City can run a deficit in a given year but it cannot budget for a deficit. Any deficit can be offset through the use of reserves or by increasing taxes in the subsequent year, or by increasing non-tax revenues. The state of the City's year-end financial position, the state of the economy later in the year, and the financial position of the City's residents and businesses will determine the extent of any 2021 tax increases and the rate of growth. Staff will work with Council including a 2021 budget update at the September Budget Committee meeting.

During such challenging economic times, all governments are thinking about the financial recovery that follows. As such, it is incumbent upon both Federal and Provincial governments to establish infrastructure-building programs to provide jobs and get the economy moving. Municipalities have always supported such incremental programs. It is important for Welland City Council, through the Mayor's office, to work with FCM and AMO to support such new incremental programs. Increased funding opportunities include dramatically increasing Federal and Provincial gas tax allocations, and accelerating approvals for the existing Investing in Canada Infrastructure Program (ICIP).

The City of Welland has submitted applications to the federal and provincial ICIP for key strategic initiatives and capital projects. ICIP's cost-sharing arrangement requires the municipality to contribute 26.67% of the funds with the remainder split between the Federal government at 40%, and the Provincial government at 33.33%. The details of the City's applications are as follows:

- Forks Road Bridge Replacement - \$5 million
ICIP – Rural and Northern Communities Stream
- New Transit Operations Facility - \$15 million
ICIP – Public Transit Stream
- Waterfront Redevelopment/Recreational and Cultural Amenities - \$13.5 million
ICIP – Community, Culture and Recreation Stream
- Broadway Infrastructure Improvements - \$1.43 million
ICIP – Green Stream

Based on communications with provincial officials, the City's Forks Road Bridge Replacement application and new Transit Operations Facility application have been "nominated" by the province and sent to the federal government for review. To date, we have not received any updates regarding the status of our Waterfront Redevelopment application. City staff are continuing to work closely with our federal MP, Vance Badawey.

All these projects can be commenced immediately if funding is approved by the Federal and Provincial governments. The CLT will also provide Council with updates in late May and June. The City of Welland will need to rely on the Provincial and Federal governments who have the fiscal firepower to provide necessary funding programs to ensure continued economic prosperity for the City of Welland and Niagara Region.

The Corporate Leadership Team will be providing updated Covid-19 Financial Impact Reports in May and June.

ATTACHMENTS:

None.

**District Council – Electronic Meeting
April 20, 2020**

The District Municipality of Muskoka

Moved By: S. Cairns

Seconded By: K. Terziano

WHEREAS Muskoka District Council fully understands, upon the direction of the Provincial Government, that only businesses and services deemed to be essential are to remain open during the COVID-19 Pandemic;

AND WHEREAS our Not for Profit Community Partners rely on Community Gardens for the ability to grow vegetables that assist in meeting the food related needs as well as providing physical and mental health benefits for our most vulnerable citizens;

AND WHEREAS physical distancing measures would still be needed for those working in Community Gardens;

AND WHEREAS Garden Centres and Nurseries could be required to provide curb-side car drop off service only to reduce the risk;

AND WHEREAS the Medical Officer of Health for the Simcoe Muskoka District Health Unit, supports the continuation of Community Gardens throughout the COVID-19 Pandemic;

NOW THEREFORE BE IT RESOLVED THAT Muskoka District Council requests that the Province of Ontario add Community Gardens, Garden Centres and Nurseries as essential services;

AND THAT this resolution be circulated to Scott Aitchison, MP for Parry Sound-Muskoka, Norm Miller, MPP for Parry Sound-Muskoka, and all Ontario Municipalities requesting their support.

Carried ✓

Defeated _____

W. Back
District Clerk



Transmitted via Email

April 22, 2020

RE: TOWN OF GRAVENHURST RESOLUTION – Province of Ontario add Community Gardens, Garden Centres and Nurseries as essential services during the COVID-19 Pandemic

At the Town of Gravenhurst Committee of the Whole meeting held on April 21, 2020, the following resolution was passed:

Moved by Councillor Cairns
Seconded by Councillor Morphy

WHEREAS the Town of Gravenhurst Council fully understands, upon the direction of the Provincial Government, that only businesses and services deemed to be essential are to remain open during the COVID-19 Pandemic;

AND WHEREAS our Not for Profit Community Partners rely on Community Gardens for the ability to grow vegetables that assist in meeting the food related needs as well as providing physical and mental health benefits for our most vulnerable citizens;

AND WHEREAS physical distancing measures would still be needed for those working in Community Gardens;

AND WHEREAS Garden Centres and Nurseries could be required to provide curb-side car drop off service to reduce the risk;

AND WHEREAS the Medical Officer of Health for the Simcoe Muskoka District Health Unit, supports the continuation of Community Gardens throughout the COVID-19 Pandemic;

NOW THEREFORE BE IT RESOLVED THAT the Town of Gravenhurst Council requests that the Province of Ontario add Community Gardens, Garden Centres and Nurseries as essential services;

AND FINALLY THAT this resolution be circulated to Scott Aitchison, MP for Parry Sound-Muskoka, Norm Miller, MPP for Parry Sound-Muskoka, Premier Ford and all Ontario Municipalities requesting their support.

CARRIED

We trust the above to be satisfactory.

Sincerely,

Melanie Hakl

Melanie Hakl
Administrative Clerk 2, Legislative Services



Administration

Office of the Regional Clerk

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

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

April 24, 2020

Council Session CL 6-2020, April 23, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

**RE: Report CSD 8-2020 Optional Tax on Vacant Residential Units
Minute Item 9.2 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report CSD 8-2020, dated April 23, 2020, respecting Optional Tax on Vacant Residential Units, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities.

A copy of Report CSD 8-2020 is attached for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann Marie Norio".

Ann-Marie Norio
Regional Clerk

CLK-C 2020-142

cc: T. Harrison, Commissioner, Corporate Services
H. Chamberlain, Director, Financial Management and Planning/Deputy Treasurer
M. Murphy, Associate Director, Budget Planning & Strategy
R. Fleming, Senior Revenue and Tax Analyst
K. Beach, Executive Assistant to the Commissioner, Corporate Services

Subject: Optional Tax on Vacant Residential Units

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That report CSD 8-2020 **BE RECEIVED** for information.
2. That a copy of Report CSD 8-2020 **BE CIRCULATED** to the Local Area Municipalities.

Key Facts

- This report is to provide Regional Council with additional information regarding a St. Catharines City Council motion on implementing an optional tax on vacant residential units (“vacant homes tax”).
- Only the units classified in the residential property class (primarily RT) are eligible for a vacant property tax under the Municipal Act.
- The intent of the vacant homes tax is to encourage owners of residential units to sell or rent out secondary residences.
- The vacant homes tax does not apply to vacant residential land (i.e., no structure) nor does it apply to properties that would be included in multi-residential or non-residential property tax classes.
- Region staff consulted Area Treasurers on the vacant homes tax as they are the tax billing authority and would have much of the information required to estimate vacant unit.
- Most Area Treasurers expressed concerns with internal capacity to implement the optional tax as it would require resources to estimate the number of units that would potentially be subject to the vacant homes tax.

Financial Considerations

There are no direct financial implications of this report as it is for information only. If Council were to consider proceeding further with considering an optional vacant homes tax, it could not take effect until the 2021 taxation year at the earliest. If implemented any net revenue generated from the tax could be reinvested into affordable housing initiatives similar to the approach adopted by Vancouver and considered by Toronto.

However, it should be noted that the cost of implementation and administration may exceed the projected revenue. At this time, there is not enough information to provide an accurate estimate of projected costs or revenue.

Analysis

St. Catharines Motion Re: Vacant Homes Tax

The Council of the City of St. Catharines, at its meeting held on August 12, 2019, passed the following motion:

WHEREAS St. Catharines currently has a years-long waiting list for social housing, extremely low apartment vacancy rates, rising apartment costs, a need for more shelter spaces and transitional housing, and a residential real estate market that has seen house values grow exponentially in a short period of time; and

WHEREAS these factors combined have resulted in St. Catharines becoming an unaffordable place to live for many, particularly those on fixed incomes, social assistance and those who earn less than the living wage; and

WHEREAS jurisdictions such as British Columbia and Vancouver have successfully implemented vacant property taxes to not only collect more revenue for social housing projects, but also to encourage real estate speculators to rent out vacant homes; and

WHEREAS the Regional Municipality of Niagara has the authority to implement a vacant home tax in St. Catharines (and all other lower-tier municipalities within Niagara);

THEREFORE BE IT RESOLVED that the City of St. Catharines endorse the concept of a vacant home tax and vacant residential land tax and call upon the Niagara Region to investigate a vacant home tax that specifically:

- Addresses vacant residential units in St. Catharines*
- Encourages turning empty St. Catharines homes into good housing for people*
- Raises revenue that will directly support affordable housing in St. Catharines*

BE IT FURTHER RESOLVED that this resolution be circulated to the Office of the City Clerk at the Niagara Region, Niagara Region Housing, the local area municipalities and the City of St. Catharines City Treasurer / Director of Financial Management Services and the Director of Planning and Building Services. FORTHWITH

The implementation of a vacant homes tax is an upper-tier decision, which is consistent with other areas of tax policy, and promotes a regional approach to the imposition of a tax on vacant residential units. Staff consulted with the Province and it should be noted that the legislation does not preclude the Region from implementing in select municipalities based on need in the individual communities.

Overview of Ontario Vacant Home Legislation

In order to provide Council with background on the vacant homes tax, staff compiled information based on an analysis of existing legislation as well as information obtained from the Regional contact with Ontario's Ministry of Finance:

- The vacant homes tax can only be imposed once approved to do so via a Regulation of the Province.
- Once a municipality is designated by the Province for eligibility for implementing the tax, a by-law must be passed in the year to which it relates;
- The tax is to be based on the assessed value (as determined under the Assessment Act) of vacant residential units (similar to general property taxation).
- Eligible properties under the existing legislation are those that are classified in the residential property class only and excludes multi-residential and non-residential tax classes.
- A vacant homes tax by-law must satisfy the following criteria:
 - It must state the tax rate; and
 - It must state the conditions of vacancy that, if met, make a unit subject to the tax.
- A by-law may provide for such matters as Council considers appropriate, including,
 - Exemptions from the tax;
 - Rebates of tax;
 - Audit and inspection powers; and
 - Establishment and use of dispute resolution mechanisms.
- The Minister of Finance has the authority may make regulations prescribing such matters as the Minister considers necessary or desirable, including:

- Designating municipalities to which this the vacant homes tax could apply;
- Prescribing conditions and limits with respect to the imposition of a tax;
- Prescribing persons and entities who are not subject to a tax;
- Defining a “vacant unit”;
- Governing the collection of a tax;
- Governing dispute resolution.

To date, no municipality in Ontario has utilized the authority given by the Province to implement a vacant homes tax. The City of Toronto has been considering the need and ability to implement a vacant homes tax since 2017 but the results of the review have not been finalized.

Review of Other Municipalities

Region staff have conducted a review of both the Vancouver and Toronto vacant homes tax reports and implementation plans. Both Vancouver and Toronto utilized aggregated/anonymized water and hydro meter data to estimate the quantity of vacant residential units in each city which has been presented below in Table 1. An estimate of vacant homes in Niagara has also been included in Table 1 based on information received from a few Area Municipalities as the Region does not have access to water and hydro billing data as both functions are completed by the Area Municipalities or the local electricity authorities. Due to privacy concerns, however, Vancouver was not able to utilize water or hydro data for the purposes of billing for the vacant homes tax. This limitation experienced by Vancouver would also be present in Niagara as well.

Table 1: Estimated Vacant Residential Units

Municipality	Total Count of Units	Estimated Vacant Units	% of Total
Toronto	752,000	15,000-28,000	2-4%
Vancouver	225,000	10,000	4%
Niagara	177,000*	1,757**	1%

* Estimated count of residential units only (exclude multi-residential)

** 76% are seasonal residences (1,341 units)

It is important to note, that only four municipalities were able to provide estimates on vacant residential units. The total residential units in these four municipalities is approximately 75 thousand (42%) of the 177 thousand residential units in Niagara. One municipality stated that they did not have any vacant units that could be identified. Two municipalities estimated minimal vacant residential units. One municipality identified a

significant number of vacant units which were primarily seasonal properties which were estimated to be vacant for approximately 6 months during offseason periods.

Other Implementation Considerations

If a vacant homes tax was to be implemented, a framework would need to be developed with some of the below administrative requirements in mind:

- Public consultation and engagement approach and/or requirements prior to implementation;
- How would vacant homes be identified (mandatory declaration, self declaration, complaint based);
- Determining if the Region or Area Municipalities would administer the program (which would include billing, collections, appeals, etc.) – note that the Region does not currently have taxpayer billing capabilities;
- Determining the appropriate allocation of any net revenues or expense from the tax between Regional service areas/programs or between Region and Area Municipalities;
- Creating a complaint resolution process including audit or enforcement powers; and
- Determining an appropriate reporting approach to understand the effects (i.e., benefits or drawbacks) that the vacant homes tax will have on affordable housing.

Alternatives Reviewed

No alternatives are being presented as this report is for information only. Should Council direct staff complete a more fulsome review (including additional engagement with the public and Area Municipalities) a future report to Council would be required.

Relationship to Council Strategic Priorities

A vacant homes tax for Niagara may assist with retaining, protecting and increasing the supply of affordable housing stock to provide a broad range of housing to meet the needs of the community. This would only apply, however, if the vacant homes tax achieved the desired outcome of having property owners rent available units or in the event that revenues after administration costs were reallocated to affordable housing initiatives.

Other Pertinent Reports

None.

Prepared by:

Rob Fleming, MBA
Senior Tax & Revenue Analyst
Corporate Services

Recommended by:

Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:

Ron Tripp, P.Eng.
Acting, Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Chamberlain, Director, Financial Management & Planning.

Appendices

Appendix 1	City of St. Catharines Council Motion Re: Vacant Home Tax
Appendix 2	Municipal Act – Optional Tax on Vacant Residential Units



August 26, 2019

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

Sent Via Email:
Ann-Marie.Norio@niagararegion.ca

Re: Vacant Home Tax

Dear Ms. Norio,

Please be advised that the Council of the City of St. Catharines, at its meeting held on August 12, 2019, passed the following motion:

WHEREAS St. Catharines currently has a years-long waiting list for social housing, extremely low apartment vacancy rates, rising apartment costs, a need for more shelter spaces and transitional housing, and a residential real estate market that has seen house values grow exponentially in a short period of time; and

WHEREAS these factors combined have resulted in St. Catharines becoming an unaffordable place to live for many, particularly those on fixed incomes, social assistance and those who earn less than the living wage; and

WHEREAS jurisdictions such as British Columbia and Vancouver have successfully implemented vacant property taxes to not only collect more revenue for social housing projects, but also to encourage real estate speculators to rent out vacant homes; and

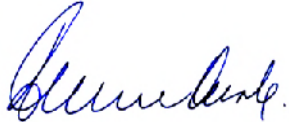
WHEREAS the Regional Municipality of Niagara has the authority to implement a vacant home tax in St. Catharines (and all other lower-tier municipalities within Niagara);

THEREFORE BE IT RESOLVED that the City of St. Catharines endorse the concept of a vacant home tax and vacant residential land tax and call upon the Niagara Region to investigate a vacant home tax that specifically:

- Addresses vacant residential units in St. Catharines
- Encourages turning empty St. Catharines homes into good housing for people
- Raises revenue that will directly support affordable housing in St. Catharines

BE IT FURTHER RESOLVED that this resolution be circulated to the Office of the City Clerk at the Niagara Region, Niagara Region Housing, the local area municipalities and the City of St. Catharines City Treasurer / Director of Financial Management Services and the Director of Planning and Building Services. FORTHWITH

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



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:kn

PART IX.1

OPTIONAL TAX ON VACANT RESIDENTIAL UNITS

Designated municipality

338.1 The Minister of Finance may, by regulation, designate municipalities to which this Part applies. 2017, c. 8, Sched. 19, s. 5.

Section Amendments with date in force (d/m/y)

Power to impose tax, vacant residential units

338.2 (1) In addition to taxes imposed under Part VIII, a designated municipality may, by by-law passed in the year to which it relates, impose a tax in the municipality on the assessed value, as determined under the *Assessment Act*, of vacant units that are classified in the residential property class and that are taxable under that Act for municipal purposes. 2017, c. 8, Sched. 19, s. 5.

Requirements for by-law

(2) A by-law described in subsection (1) must satisfy the following criteria:

1. It must state the tax rate.
2. It must state the conditions of vacancy that, if met, make a unit subject to the tax. 2017, c. 8, Sched. 19, s. 5.

Other contents of by-law

(3) A by-law described in subsection (1) may provide for such matters as the council of the municipality considers appropriate, including,

- (a) exemptions from the tax;
- (b) rebates of tax;
- (c) audit and inspection powers; and
- (d) except as otherwise provided for in the regulations, the establishment and use of dispute resolution mechanisms. 2017, c. 8, Sched. 19, s. 5.

Section Amendments with date in force (d/m/y)

Regulations re: power to impose tax

338.3 (1) The Minister of Finance may make regulations prescribing such matters as the Minister considers necessary or desirable in relation to this Part, including,

- (a) designating municipalities to which this Part applies;
- (b) prescribing conditions and limits with respect to the imposition of a tax under a by-law made under this Part;
- (c) prescribing persons and entities who are not subject to a tax imposed under this Part;
- (d) defining "vacant unit" for the purposes of this Part;
- (e) governing the collection of a tax imposed under this Part;
- (f) prescribing provisions of this Act that apply or do not apply for the purposes of this Part and providing for such modifications to those provisions as the Minister considers appropriate;
- (g) governing the manner for apportioning an assessment that is attributable to vacant units;
- (h) governing dispute resolution. 2017, c. 8, Sched. 19, s. 5.

Same

(2) On the recommendation of the Minister of Finance, the Lieutenant Governor in Council may make regulations defining any word or expression used in this Part. 2017, c. 8, Sched. 19, s. 5.

Retroactive

(3) A regulation under this section may be retroactive to a date not earlier than January 1 of the year in which the regulation is made. 2017, c. 8, Sched. 19, s. 5.

Conflicts

(4) In the event of a conflict between a regulation made under this section and a provision of any Act or regulation, the regulation made under this section prevails. 2017, c. 8, Sched. 19, s. 5.

Section Amendments with date in force (d/m/y)**Effect re: Part VIII**

338.4 This Part does not limit the authority of a municipality under Part VIII (Municipal Taxation). 2017, c. 8, Sched. 19, s. 5.



Administration

Office of the Regional Clerk

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

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

April 24, 2020

Council Session CL 6-2020, April 23, 2020

DISTRIBUTION LIST

SENT ELECTRONICALLY

**RE: Report PDS 19-2020 2019 End of Year Growth Report
Minute Item 9.2 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report PDS 19-2020, dated April 23, 2020, respecting 2019 End of Year Growth Report, **BE RECEIVED** and **BE CIRCULATED** to the Local Area Municipalities, the Niagara Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, and the local Chambers of Commerce and School Boards.

A copy of Report PDS 19-2020 is attached for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie Norio".

Ann-Marie Norio
Regional Clerk

CLK-C 2020-144

Distribution List:

Local Area Municipalities

Niagara Peninsula Conservation Authority

Niagara Home Builders Association

Niagara Industrial Association

M. Balsom, President/CEO, Greater Niagara Chamber of Commerce

D. Fabiano, Executive Director, Niagara Falls Chamber of Commerce, Port Colborne/Wainfleet Chamber of Commerce, Welland/Pelham Chamber of Commerce

J. Thomson, Niagara-on-the-Lake Chamber of Commerce

Greater Fort Erie Chamber of Commerce

R. Shelley, Executive Director, Grimsby Chamber of Commerce

D. Potter, Executive Director, West Lincoln Chamber of Commerce

J. D'Amico, Chair, Niagara Board of Trade and Commerce
S. Mabee, Niagara District School Board
M. Ladouceur, Conseil scolaire Viamonde
S. Whitwell, Niagara Catholic District School Board
A. Aazouz, Conseil Scolaire de District Catholique Centre-Sud
G. Bowie, Planner, Planning & Development Services
R. Mostacci, Commissioner, Planning and Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning and Development Services

Subject: 2019 End Of Year Growth Report

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That Report PDS 19-2020 **BE RECEIVED** for information; and
2. That a copy of Report PDS 19-2020 **BE CIRCULATED** to the Local Area Municipalities, Niagara Peninsula Conservation Authority, Niagara Home Builders Association, Niagara Industrial Association, local Chambers of Commerce and School Boards.

Key Facts

- The purpose of this report is to inform Planning and Economic Development Services Committee and Council about growth trends over the past 5 years.
- Niagara Region's population has increased by over 25,000 people since 2015, reaching an estimated total of 479,183 as of July 1, 2019.
- Housing Starts, Completions and Building Permits have all increased since 2015 and show a growing diversification of housing types being built.
- The average sale price of a home in Niagara Region increased 56% from 2015 to 2019, reaching \$444,500 in 2019.
- Over \$5 Billion in building permits were issued since 2015, with 2019 alone reaching nearly \$1.5 Billion.

Financial Considerations

There are no direct financial implications associated with this report. Metrics in this report inform Niagara's financial strategies. Increased residential, commercial and industrial development in Niagara, combined with increasing property assessments, has a direct impact on revenues collected by the Region.

Analysis

The Planning and Development Services department has been producing the annual growth report since 2017. Previous iterations of this report have focused on year-to-year trends throughout the Region. This report focuses on the past 5 years collectively to provide a more comprehensive analysis on growth metrics. This is possible since the Region has been collecting more detailed data over the past 5 years.

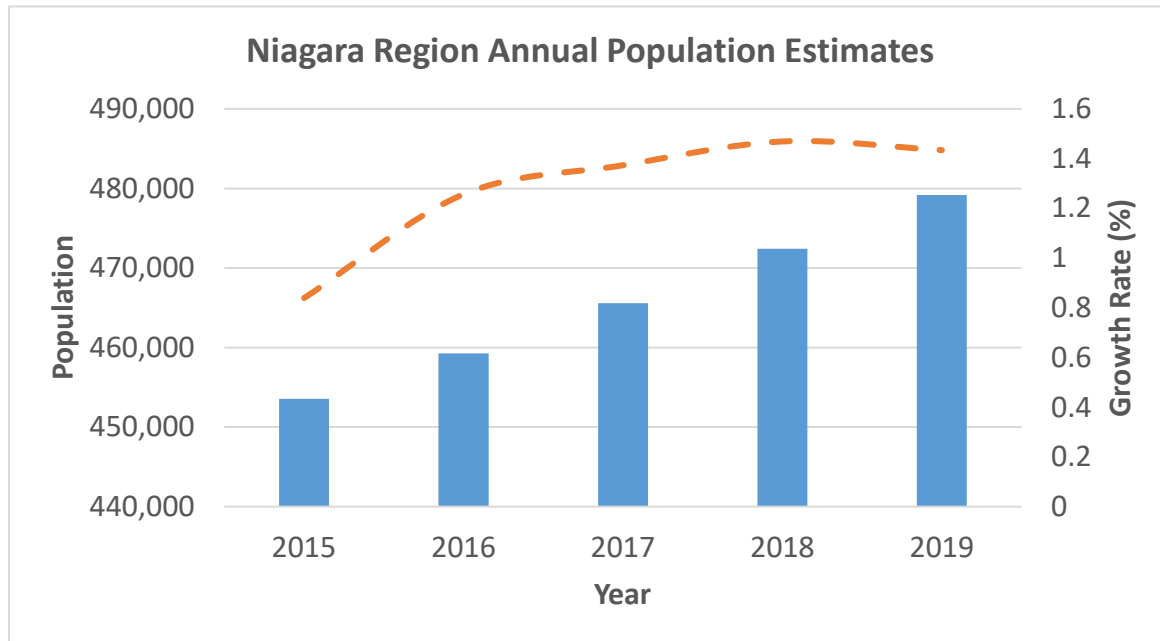
The Region has experienced significant growth across all areas set out in this report. This information is being presented as a means to update Regional Council on how growth has evolved over the last half decade and feeds directly into numerous Council Strategic Priorities.

Population

Pace of Population Growth

Both population and the pace of growth have increased significantly for Niagara since 2016. On average, the Region's population has increased by nearly 6,500 people per year since 2016, nearly double the pace of growth experienced previously between 2011 and 2016. Figure 1 provides a summary of population growth per year since 2015.

Figure 1: Niagara Region Annual Population Estimates



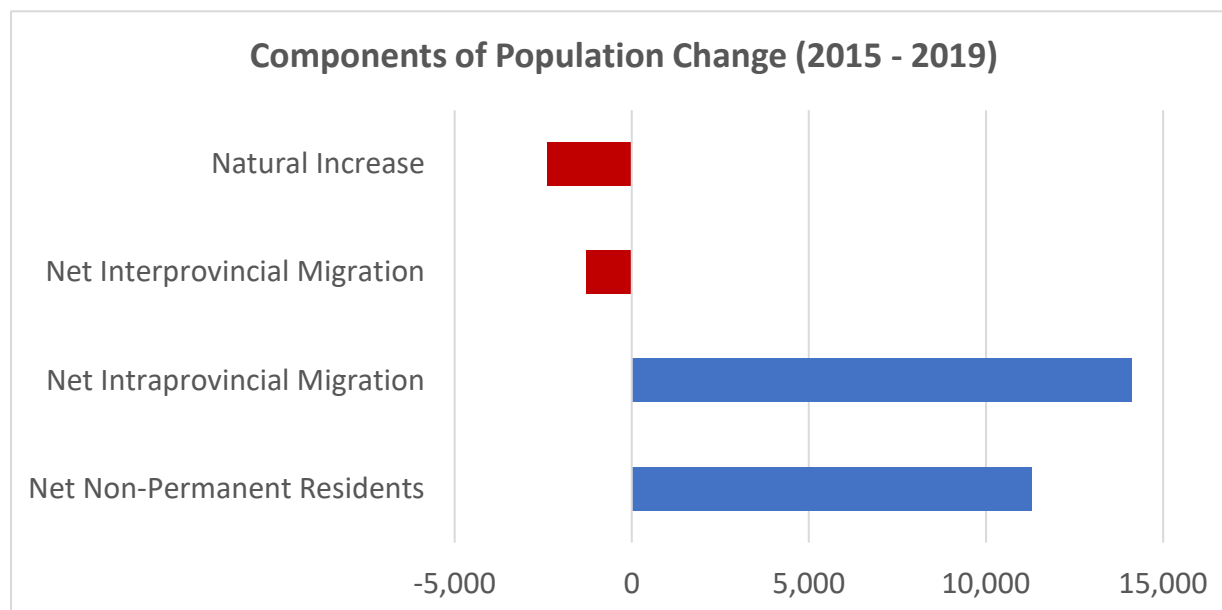
Source: Statistics Canada, Table 17-10-0140-01

While the pace of population growth may seem substantial, it is only within the last 5 years that the Niagara Region has started to match the pace contemplated in the Provincial population forecasts provided in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019*. This is a noteworthy development as the Region must plan to achieve the forecasts set out in the *Growth Plan* and base infrastructure and development charges on the same forecasts.

Components of Population Growth

Niagara's population growth continues to be driven entirely by international and intraprovincial migration (highlighted in figure 2).

Figure 2: Components of Population Change (2015 - 2019)



Source: Statistics Canada, Table 17-10-0140-01

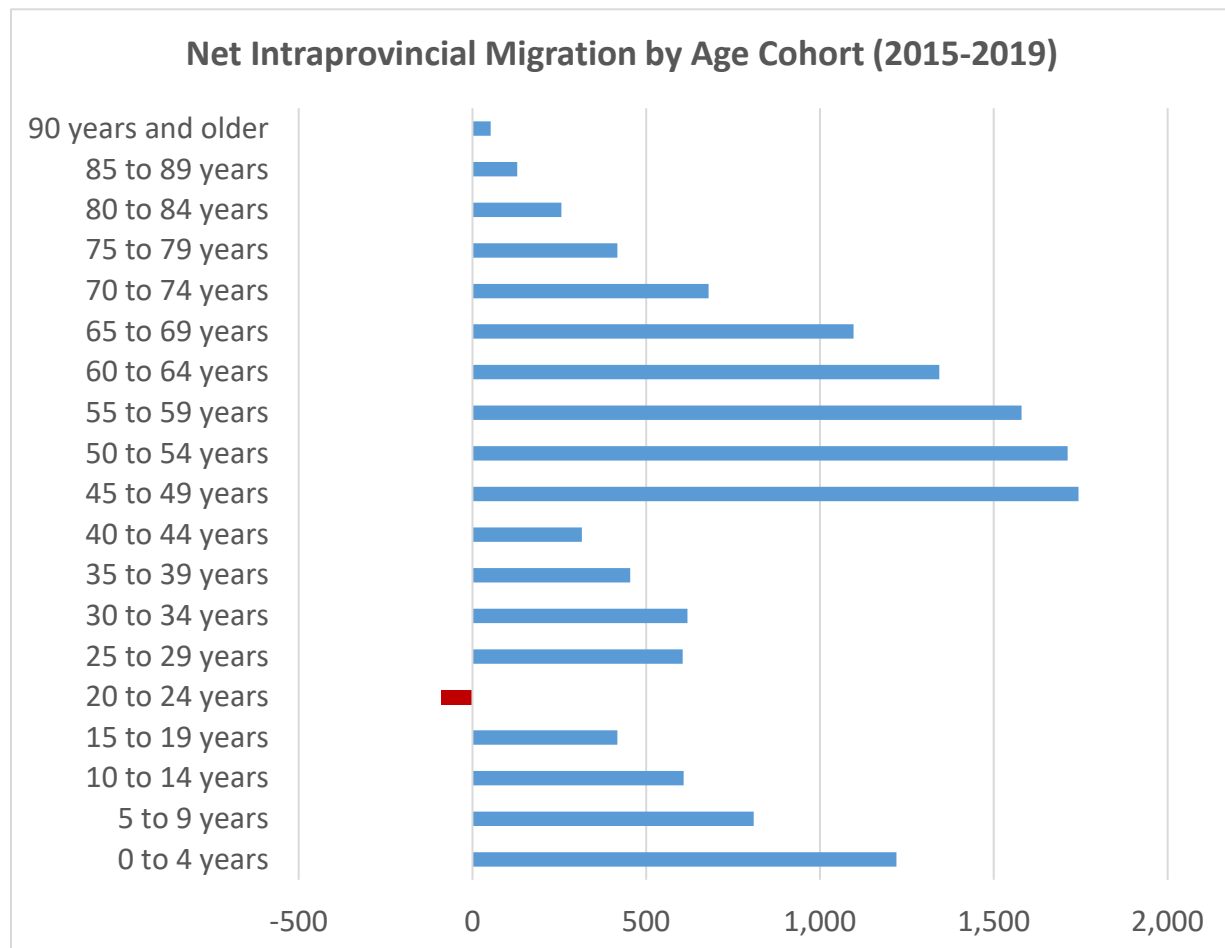
Ontario, in general, has seen a significant increase in international students over the past decade and municipalities with post-secondary institutions have received the greatest share of this growth. Since Niagara Region is home to Brock University and Niagara College, the Region has been able to capitalize on this influx.

From an intraprovincial perspective, there has been an outflow of population from Toronto and Peel Region to more affordable regions in Ontario.¹

Of the population growth Niagara received through intraprovincial migration, the vast majority have been above 44 years of age. As highlighted in PDS 21-2019, the influx of a population that is generally older than the Region's current median age of 45.6 will contribute to an already aging population. Figure 3 provides a breakdown of intraprovincial migration into Niagara Region by age cohort.

¹ Toronto CMA Losing Existing Population of All Ages to More Affordable Regions in Ontario (link): <https://www.ryerson.ca/cur/Blog/blogentry46/>

Figure 3: Net Intraprovincial Migration by Age Cohort (2015 - 2019)



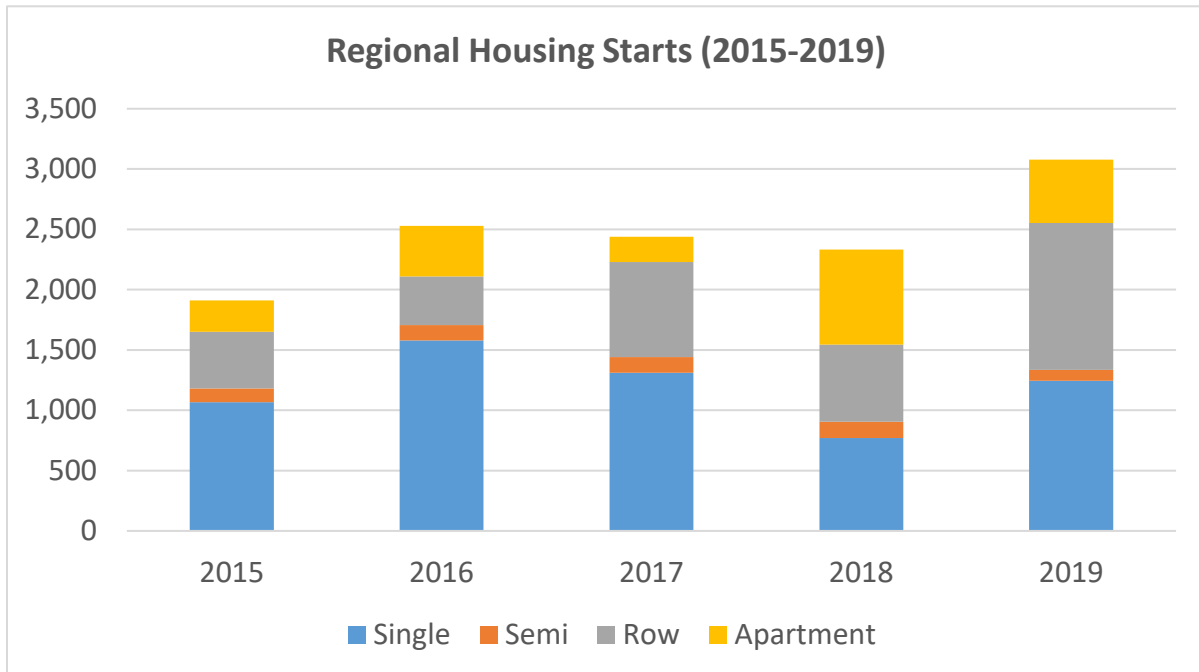
Source: Statistics Canada, Table 17-10-0140-01

Housing Developments

Housing Starts have steadily risen over the last 5 years. In 2015, there were 1,911 starts; in 2019, there were 3,077 starts (a 61% increase). Within starts, we can also see a shifting dynamic in housing choice as single-detached housing has made up less than 50% of starts over the past 2 years.

A critical factor of meeting population forecasts in the *Growth Plan* and, importantly, achieving affordable housing targets, is Niagara’s ability to offer a wider range of housing options for residents. Figure 4 provides an overview of housing starts per year by housing type.

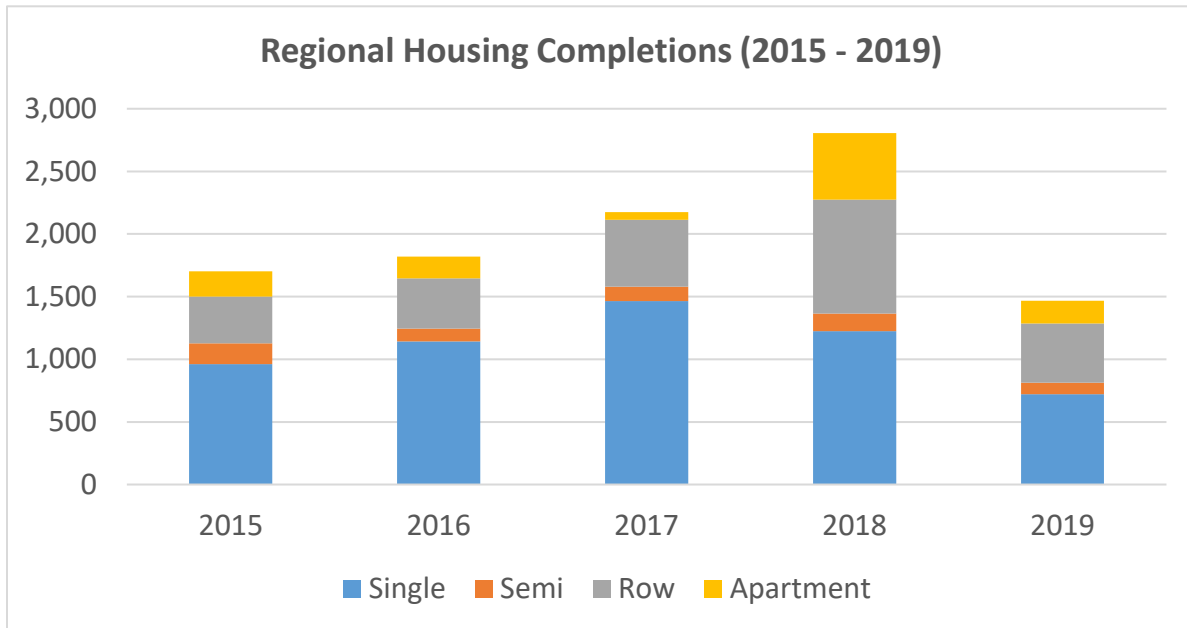
Figure 4: Regional Housing Starts (2015 - 2019)



Source: CMHC, Housing Market Information Portal

Housing completions steadily increased from 2015 to 2018 before dropping over 50% in 2019. The decline in housing completions is linked to the changing mix of housing starts as apartment developments take considerable more time to complete than single-detached and row/townhouse developments. It is anticipated that housing completions rebound in 2020 as starts that are currently under construction are complete. Figure 5 provides an overview of housing completions between 2015 and 2019.

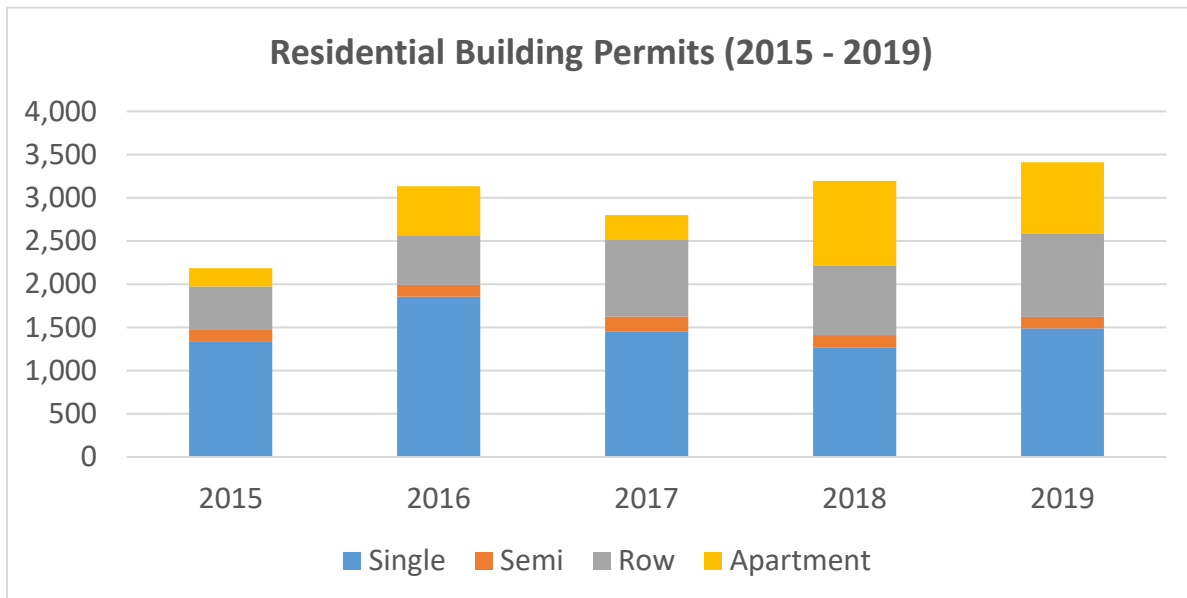
Figure 5: Regional Housing Completions (2015 - 2019)



Source: CMHC, Housing Market Information Portal

New housing units, issued by building permit, also grew consistently over the previous half decade, reaching 3,415 units in 2019. Figure 6 provides an overview of building permits (housing units) since 2015.

Figure 6: Residential Building Permits (2015 - 2019)

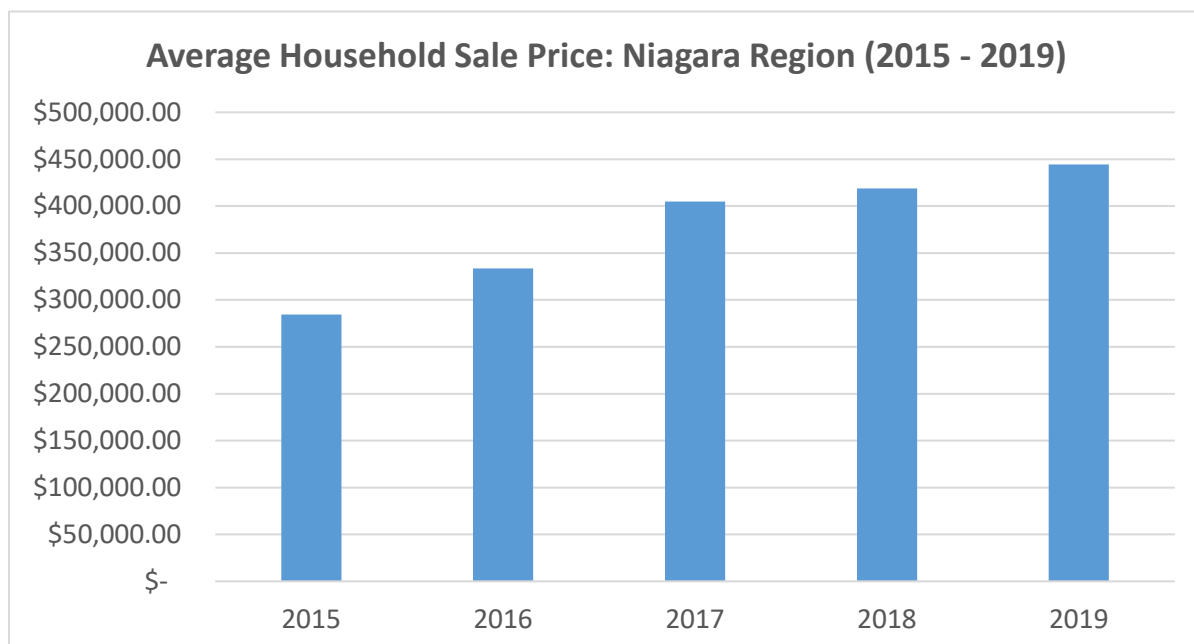


Source: Niagara Region Planning and Development Services

Housing Market

The housing market in Niagara has been on the rise since 2015 with significant increases to average sale price in 2016 and 2017. Between 2015 and 2017, the average sale price of a home in Niagara increased nearly 40%, from \$284,000 to \$405,000. Average sale price has continued to increase in 2018 and 2019 but at a lower rate of 4% and 6% respectfully. Overall, the average sale price for a home in Niagara increased 56% from 2015 to 2019.² Figure 7 provides a breakdown of average sale price by year.

Figure 7: Average Household Sale Price (2015 – 2019)



Source: Niagara Association of Realtors and Realtors Association of Hamilton-Burlington

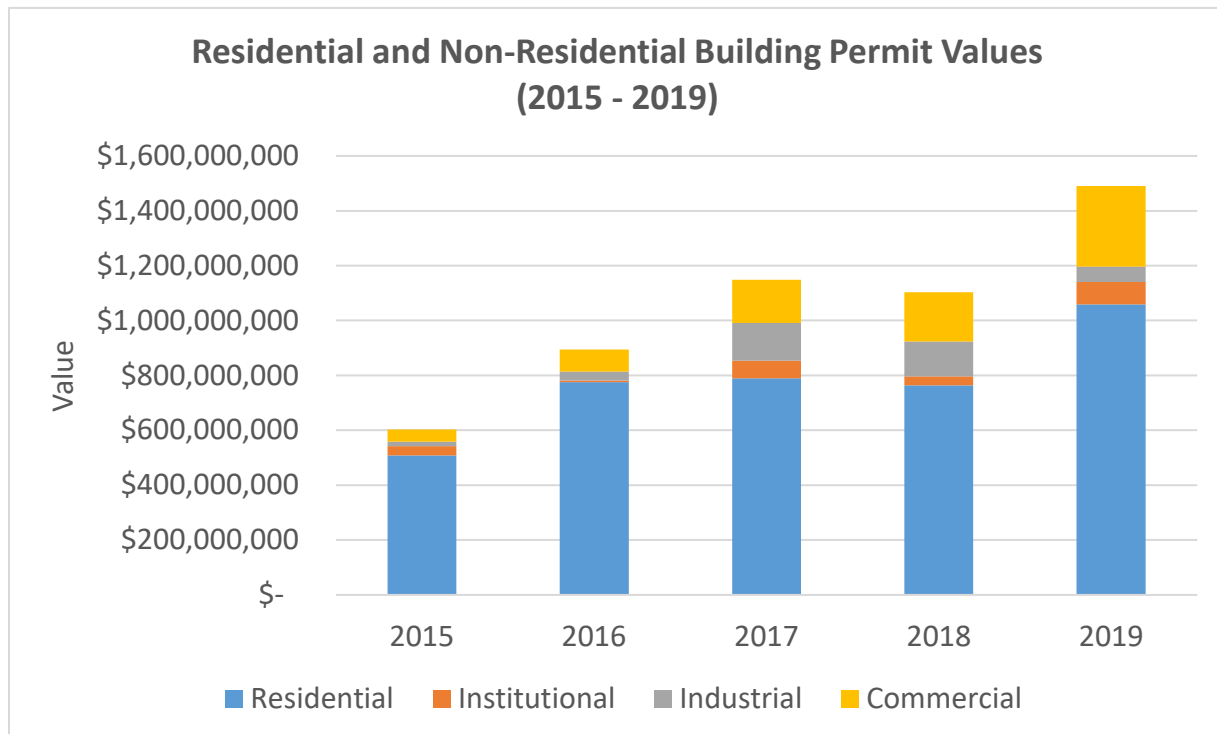
Building Permit Values

Building permit values, just like population and housing development, increased over the past 5 years, growing from \$600 million in 2015 and reaching nearly \$1.5 billion in 2019. The increased diversity of permits is particularly notable; non-residential permits

² Average sale price for 2019 is based on the data from January 2019 to June 2019. In July 2019, the Niagara Association of Realtors changed how sale price is reported on their website, opting for an HPI Benchmark value rather than the previous reporting of average sale price.

grew from 15% in 2015 and 2016 to 30% in 2017, 2018 and 2019. The increased ratio of non-residential building permit values is more inline with the Region's Development Charges Background Study. Figure 8 provides an overview of building permit values from 2015 to 2019.

Figure 8: Residential and Non-Residential Building Permit Values (2015 - 2019)



Source: Statistics Canada Building Permit Values and Niagara Region Planning and Development Services

Alternatives Reviewed

The scope and detail of annual growth reports will be revisited following the adoption of the forthcoming new Regional Official Plan. Future iterations of the report will provide additional metrics and commentary on the implementation of the Regional Official Plan and achievement of policy objectives and targets.

Relationship to Council Strategic Priorities

- Supporting Businesses and Economic Growth

- This report discusses trends in population, housing and building permit values over the past 5 years. This information is important for Regional Council to have as they make decisions that impact the Regional economy.
- **Healthy and Vibrant Community**
 - This report highlights trends in housing sale prices that relate directly to housing affordability in Niagara.
- **Responsible Growth and Infrastructure Planning**
 - The population increase over the past 5 years will be a critical component in advancing Regional Transit and GO Rail Service. A greater population, as well as increased densities around proposed GO Station areas, will support development and provide greater use of the service.
 - Tracking and reporting upon residential and economic growth provides direction on maintaining existing infrastructure and assists in asset management.

Other Pertinent Reports

- PDS 9-2017: Niagara Region Annual Growth Report
- PDS 25-2018: Niagara Region End of Year Growth Report 2017
- PDS 21-2019: Niagara Region End of Year Growth Report 2018

Prepared by:

Greg Bowie
Planner
Planning and Development Services

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was reviewed by Isaiah Banach, Manager of Long Range Planning.



Administration

Office of the Regional Clerk

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April 24, 2020

Council Session CL 6-2020, April 23, 2020

**MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS
LOCAL AREA MUNICIPALITIES**

SENT ELECTRONICALLY

**RE: Report PDS 13-2020 2019 Reserve Water and Wastewater Treatment
Capacities
Minute Item 9.2 CL 6-2020, April 23, 2020**

Regional Council, at its meeting held on April 23, 2020, passed the following resolution:

That Report PDS 13-2020, dated April 23, 2020, respecting 2019 Reserve Water and Wastewater Treatment Capacities, **BE RECEIVED** and **BE CIRCULATED** to the Ministry of the Environment, Conservation and Parks, and the Niagara Area Municipalities.

A copy of Report PDS 13-2020 is attached for your information.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie Norio".

Ann-Marie Norio
Regional Clerk

CLK-C 2020-143

cc: I. Stetic, Project Manager
R. Mostacci, Commissioner, Planning & Development Services
N. Oakes, Executive Assistant to the Commissioner, Planning & Development Services

Subject: 2019 Reserve Water and Wastewater Treatment Capacities

Report to: Regional Council

Report date: Thursday, April 23, 2020

Recommendations

1. That this report **BE RECEIVED** for information; and
2. That a copy of this report **BE CIRCULATED** to the Ministry of the Environment, Conservation and Parks and Niagara Area Municipalities.

Key Facts

- The purpose of this report is to inform Council of the reserve treatment capacities at Niagara's Water and Wastewater Treatment facilities. This reporting is required by the Ministry of Environment, Conservation and Parks (MECP).
- The data contained in this report assists in commenting on new development proposals and related servicing as well as planning for future treatment capacity.
- All of Niagara Water Treatment Plants (WTPs) and Wastewater Treatment Plants (WWTPs) are positioned to accept growth beyond the minimum 10 year horizon.

Financial Considerations

This report provides Council with historical and projected treatment capacity and flow data. There are no direct financial implications in receiving this report.

The reserve treatment capacities at the water and wastewater (W&WW) facilities are considered in commenting on new development proposals and related servicing and, as a result, could result in a financial impact related to specific future applications.

Analysis

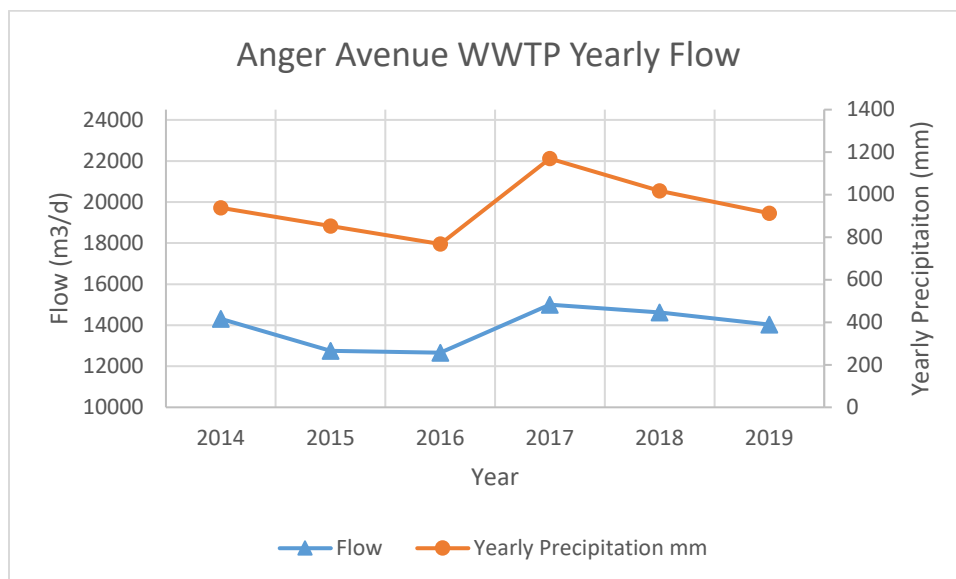
The Infrastructure Planning and Development Engineering section of Planning and Development Services Department annually reports on an assessment of the average daily W&WW flows based on the previous five years, as recorded at our various facilities compared to MECP rated capacities for the facilities. Included in the analysis are the 10-year growth projections in accordance with Niagara 2041 (*How we Grow, Flow and Go*).

A key objective of this report is to highlight potential capacity constraints and allow sufficient lead time to plan for future capacity increases through the W&WW capital programs so that development may continue unencumbered. This is a 'desktop' exercise, which compares five-year (annual) average flows to the respective MECP Environmental Compliance Approval(s), formerly known as Certificate of Approval(s) for each facility, then incorporates 10-year growth forecasts into the calculation. Ongoing phasing and staging strategy works with our local municipal partners will further refine this assessment for understanding development capacity.

This assessment does not reflect specific compliance, quality, sustainability, risk, or operational deficiencies at the treatment plants or trunk conveyance/transmission systems, which may affect the Region's ability to approve new development or permit servicing extensions.

For municipal wastewater treatment, weather is the key factor that results in peak wet weather flows, which impacts the collection and trunk sewers in both local and regional systems through "Rainfall Derived Inflow and Infiltration" (RDI&I). Even though, it is expected to record higher flows due to population growth, the annual average daily flows to the WWTPs are higher due to the wet weather flows entering the systems. Just for an example, Figure 1 illustrates a direct correlation of wastewater plant flows and yearly precipitation at Anger Avenue WWTP.

Figure 1: Correlation of Wastewater Flows with Precipitation



Wet weather flows can have substantial impact on available WWTP capacities and a direct impact on the limitations of available servicing capacity for future growth.

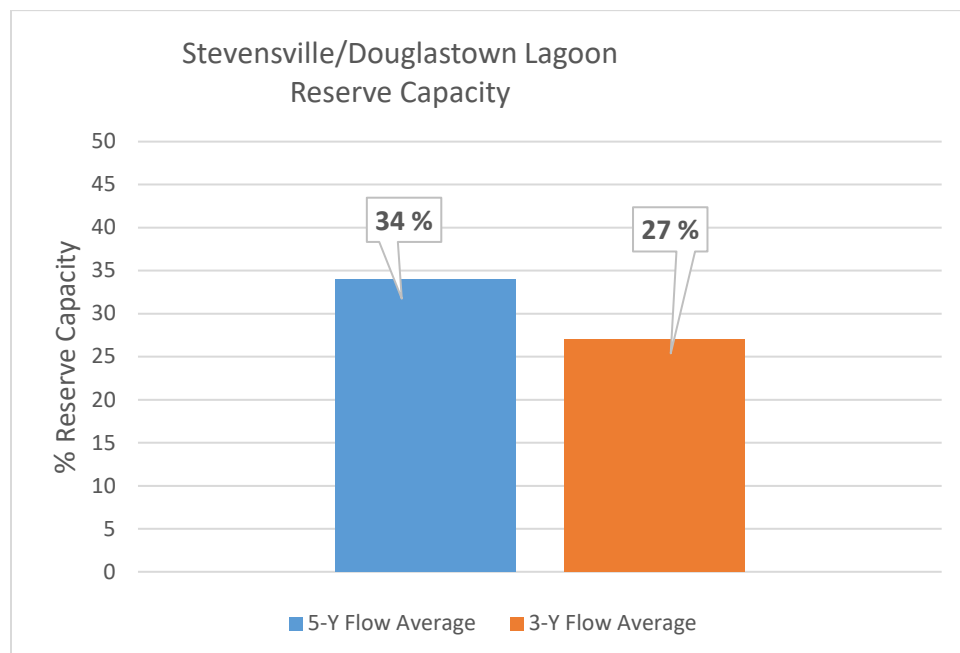
Appendix 1 and 2 provide the annual average daily flows and five year average from 2015 to 2019 for the water and wastewater treatment plants, respectively. Appendices 3 and 4 provide a summary of Niagara’s six water treatment facilities and eleven wastewater treatment facilities presenting their respective reserve capacities.

It is worth noting that growth rates in recent years show a momentous increase compared to the previous trend in Niagara, which consequently may impact the way this ‘desktop’ exercise conducts the reserve capacity calculations.

Averaging daily flows over a five-year period versus a three-year period in calculations show a compelling difference in the resulting reserve capacities. This can create a skewed sense of a greater reserve capacity available for the future if the annual daily flows are averaged over longer period of time.

Figure 2 shows an example in a resulting reserve capacity difference for Stevensville/Douglastown Lagoon when flows are averaged over different time periods in calculations.

Figure 2: Reserve Capacity of Annual Flows Averaged over 5-Year and 3-Year



A potential change to incorporate the annual daily flows averaged over the last three-year period into the reserve capacities calculation instead of using the last five-year average presently will be discussed with the Municipal partners and the Ministry during 2020.

At present, all of Niagara's WTPs and WWTPs are positioned to accept growth beyond the minimum 10-year period (Appendix 3 and Appendix 4).

Wet Weather Management

In order to accommodate the anticipated growth from Niagara 2041, the 2016 W&WW Master Servicing Plan (MSP) investigated capacity upgrades (upgrades to trunk sewers, pumping station capacities, etc.), upstream management (storage, peak shaving, diversion), and peak flow management (flow reduction, Inflow & infiltration (I&I) reduction projects) for every wastewater system. Based on this review, there are wet weather projects listed with identified areas for targeted I&I removal to offset the requirement to upgrade and expand more expensive infrastructure all the way to the WWTPs. It is crucial to achieve the I&I reductions in order to offset the capacity needs from growth, to protect the environment, and mitigate potential basement flooding.

The Region and Area Municipalities are continuing to work collaboratively to facilitate ongoing development throughout the region and provide the requisite servicing and capacity allocation in a responsible way to service the communities. In addition, the Region has been aiding Area Municipalities by funding the CSO Control program under the Wet Weather Management Program to support various I&I related projects and programs on the municipal side. This program has been reducing the impacts of I&I and has been a benefit to both, the Region and the Area Municipalities.

The Wet Weather Management team is working with the Development Industry including Public Works Officials, Building Officials, Developers, Consultants and Contractors to raise awareness on the wet weather management issues and potential upcoming changes to address this.

Alternatives Reviewed

No alternatives were studied.

Relationship to Council Strategic Priorities

The report aligns with Council's Priority of Responsible Growth and Infrastructure Planning by highlighting the reserve capacity available to growth at all Regional Water and Wastewater Treatment Facilities.

The report also provides MECP and local municipal partners operational summary and reserve capacity projections for Region's Water and Wastewater Treatment facilities.

Other Pertinent Reports

- PDS 29-2019, August 7, 2019, 2018 Reserve Water and Wastewater Treatment Capacities
- PW 22-2017, May 30, 2017, 2016 Water and Wastewater Master Servicing Plan Update

Prepared by:

Ilija Stetic, B.Sc., PMP
Project Manager
Planning and Economic Development

Recommended by:

Rino Mostacci, MCIP, RPP
Commissioner
Planning and Economic Development

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Phill Lambert, Director Planning and Development Services, John Brunet, AD Water Operations and Staff Development and Jason Oatley, Manager WW Quality & Compliance.

Appendices

Appendix 1	Annual Average Daily Flow 2015 to 2019 WTP	Page 6
Appendix 2	Annual Average Daily Flow 2015 to 2019 WWTP	Page 7
Appendix 3	Water Reserve Capacity Calculations for 2019	Page 8
Appendix 4	Wastewater Reserve Capacity Calculations for 2019	Page 9

APPENDIX 1

**ANNUAL AVERAGE DAILY FLOW 2015 TO 2019
WATER TREATMENT PLANTS**

Water Treatment Facility Location	Rated Capacity (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	Average Daily Flow (m ³ /d)	5 Year Average Daily Flow (m ³ /d)
		2015	2016	2017	2018	2019	2015 to 2019
Decew Falls WTP	227,300	53,723	54,903	54,321	56,090	53,303	54,468
Grimsby WTP	44,000	16,652	15,699	14,020	14,866	14,029	15,053
Niagara Falls WTP	145,584	45,186	47,350	45,192	44,780	43,400	45,182
Port Colborne WTP	36,000	8,908	7,719	8,735	8,864	7,282	8,302
Rosehill WTP	50,026	13,182	13,148	12,388	12,862	11,188	12,554
Welland WTP	65,000	20,164	21,858	21,590	22,538	22,579	21,746

Note 1: Welland WTP rated capacity changed from 102,300 m³/d to 65,000 m³/d due to Operational constraints.

APPENDIX 2

**ANNUAL AVERAGE DAILY FLOW 2015 TO 2019
WASTEWATER TREATMENT PLANTS**

	Rated	Average	Average	Average	Average	Average	5 year
	Capacity	Daily Flow	Daily Flow	Daily Flow	Daily Flow	Daily Flow	Average
Wastewater Treatment	(m ³ /d)	(m ³ /d)	(m ³ /d)	(m ³ /d)	(m ³ /d)	(m ³ /d)	Daily Flow
Facility Location							(m ³ /d)
		2015	2016	2017	2018	2019	2015 to 2019
Anger Avenue WWTP	24,500	12,755	12,661	15,000	14,624	15,146	14,037
Baker Road WWTP	31,280	17,549	16,999	20,897	19,975	20,910	19,266
Crystal Beach WWTP	9,100	5,005	4,676	5,915	5,874	6,276	5,549
Niagara Falls WWTP	68,300	40,782	35,880	44,684	41,489	41,360	40,839
NOTL WWTP	8,000	3,911	4,021	4,561	4,687	5,237	4,483
Port Dalhousie WWTP	61,350	30,091	29,616	34,823	35,095	36,681	33,261
Port Weller WWTP	56,180	30,856	29,650	32,090	36,881	39,211	33,738
Queenston WWTP	500	234	278	234	198	213	231
Seaway WWTP	19,600	11,064	9,103	12,082	12,580	13,472	11,660
Stevensville/Douglastown Lagoon	2,289	1,192	1,314	1,635	1,670	1,729	1,508
Welland WWTP	54,550	32,164	29,728	35,407	34,643	37,137	33,816

APPENDIX 3

Regional Water Treatment Facilities Reserve Capacity Calculation for 2019

Treatment Facility	Permit To Take Water (1) (ML/D)	Rated Treatment Capacity (ML/D)	Peaking Factor (2)	Theoretical Average Day Capacity (ML/D)	90% of Average Day Capacity (3) (ML/D)	5-Year Average Day Flow (ML/D)	% of Total Capacity Used	Reserve Treatment Capacity (Based on 90%) (ML/D)	Design Flow Rate (275 l/c/d)	Reserve Serviceable Population (Equivalents)	10-Year Forecast For Population (Residential & Employment)	Surplus Population Over 10-Year Projection
DeCew Falls WTP	227.0	227.3	1.496	151.9	136.7	54.5	36%	82.2	275	298,909	30,398	268,511
Grimsby WTP	44.0	44.0	1.587	27.7	24.9	15.1	54%	9.9	275	36,000	14,771	21,229
Niagara Falls WTP	145.5	145.5	1.577	92.3	83.1	45.2	49%	37.9	275	137,818	23,782	114,036
Port Colborne WTP	45.5	36.0	1.640	22.0	19.8	8.3	38%	11.5	275	41,818	1,552	40,266
Rosehill WTP	78.0	50.0	1.482	33.7	30.3	12.6	37%	17.8	275	64,727	6,375	58,352
Welland WTP	110.0	65.0	1.486	43.7	39.3	21.7	50%	17.6	275	64,000	12,292	51,708

(1) Original MOE approved quantity of raw water permitted (Permit To Take Water).

(2) The peaking factors used are based on an average of actual flow rates of maximum day versus average day flows over the past three years at each facility.

(3) Region's W&WW MSP (GM BluePlan, 2017) requires planning process for expansion when plant capacity exceeds 80%, and expansion should be completed when capacity exceeds 90%.

APPENDIX 4

Regional Wastewater Treatment Facilities Reserve Capacity Calculation for 2019

Treatment Facility	MOE Plant Rated Capacity (m ³ /day)	90 % of Plant Capacity (1) (m ³ /day)	5-Year Average Daily Flow (m ³ /day)	% of Total Capacity Used	Reserve Treatment Capacity (Based on 90%) (m ³ /day)	Design Flow Rate (4) (365 L/c/d)	Reserve Serviceable Population (Equivalents)	10-Year Forecast For Population (Residential & Employment)	Surplus Population Over 10-Year Projection
Anger Avenue (Fort Erie) WWTP	24,500	22,050	14,037	57%	8,013	365	21,953	4,277	17,676
Baker Road (Grimsby) WWTP	31,280	28,152	19,266	62%	8,886	365	24,346	16,791	7,555
Crystal Beach (Fort Erie) WWTP	9,100	8,190	5,549	61%	2,641	365	7,236	1,443	5,793
Niagara Falls WWTP	68,300	61,470	40,839	60%	20,631	365	56,523	19,980	36,543
NOTL WWTP	8,000	7,200	4,483	56%	2,717	365	7,443	2,644	4,799
Port Dalhousie (St. Catharines) WWTP	61,350	55,215	33,261	54%	21,954	365	60,148	15,005	45,143
Port Weller (St. Catharines) WWTP	56,180	50,562	33,738	60%	16,824	365	46,094	10,052	36,042
Queenston (NOTL) WWTP (3)	500	450	231	46%	219	365	599	99	500
Seaway (Port Colborne) WWTP	19,600	17,640	11,660	59%	5,980	365	16,383	1,622	14,761
Stevensville/Douglastown Lagoon	2,289	2,060	1,508	66%	552	365	1,512	795	717
Welland WWTP	54,550	49,095	33,816	62%	15,279	365	41,860	12,912	28,948

(1) Region's W&WW MSP (GM BluePlan, 2017) requires planning process for expansion when plant capacity exceeds 80%, and expansion should be completed when capacity exceeds 90%.

(2) The Niagara Falls WWTP assessment includes the sewage flows from the St. David's area of Niagara-on-the-Lake.

(3) The Queenston WWTP in Niagara-on-the-Lake has a unique capacity commitment of 226 m³/d for the following properties: Niagara Parks Commission (75 m³/d), Niagara Falls Bridge Commission (63 m³/d), Shalamar Campground (38 m³/d) and Ontario Power Generation (50 m³/d). Due to these commitments and limited UAB, limited residential growth is expected within the next 10 year period within the tributary area.

(4) Design Flow Rate incorporated 90 L/c/d of extraneous flow allowance

Board of Directors Meeting Highlights-April 16th, 2020

On Thursday, April 16, 2020, the Board of Directors of the Niagara Peninsula Conservation Authority held its first ever fully electronic meeting. Highlights from the meeting include:

Administrative By-Law Amendments:

The Board adopted amendments to its Administrative By-Law to permit that electronic meetings be held remotely online with no physical location. The Board also adopted amendments regarding delegations by the public in emergency situations. Finally, for the duration of the State of Emergency, it was determined that Board meetings would occur on the third Thursday monthly. Although meetings are not being televised live at present, videos of the electronic meetings will be posted as always on the NPCA website at the link provided below.

Sourcewater Protection:

Meeting as the Niagara Peninsula Sourcewater Protection Authority, the Board approved the 2019 Annual Progress Report for the Drinking Water Source Protection Program to be submitted to the Ministry of the Environment, Conservation and Parks. The Report will be posted on the Niagara Peninsula Sourcewater Protection Committee website.

NPCA Committee Appointments:

Board Member Ken Kawall was appointed as Chair of the Audit and Budget Committee while Board Member John Metcalfe became the Vice Chair. Member Robert Foster became Chair of the Governance Committee with Member Mal Woodhouse assuming Vice Chair duties. Board Member Diana Huson was appointed to the Strategic Planning Committee.

Restoration:

The Board approved thirty-two new restoration projects which will result in 2.8 kilometres of agricultural hedgerows, 57.68 acres of reforestation, 3.1 acres of wetland restoration with an accompanying 5.2 acres of wetland enhancement planting, 625 metres of livestock fencing and 800 metres of grassed waterways.

Financial Approvals:

The Board approved a new procurement policy which, among other things, will ensure that goods and/or services purchased by the Niagara Peninsula Conservation Authority are bought in a process that is fair, open, transparent, geographically neutral and accessible to qualified vendors.

Finally, the Board also approved a new delegation of authority policy to outline administrative and financial responsibilities in the organization and to satisfy needs for financial transparency, accountability and control.

Links to Minutes and Video:

<https://npca.ca/administration/board-meetings>



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

April 29, 2020

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

Re: Support Resolution - High Speed Internet Connectivity in Rural Ontario

At its meeting held on April 28, 2020, the Council of the Township of Armour passed Resolution #6 supporting our Councillor Rod Ward's letter regarding the need to make substantial investments in high-speed internet connectivity in the rural areas of Ontario.

A copy of Council's Resolution #6 dated April 28, 2020 and Councillor Ward's letter is attached for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Charlene Watt". The signature is written in a cursive, flowing style.

Charlene Watt
Deputy Clerk

Cc: MPP Norm Miller, MP Scott Aitchison and Ontario Municipalities

Enclosures



CORPORATION OF THE TOWNSHIP OF ARMOUR

RESOLUTION

Date: April 28, 2020

Motion # 6.

That the Council of the Township of Armour supports the letter, dated April 15, 2020 from Councillor Rod Ward, on the need to make substantial investments in high-speed internet connectivity in rural areas. Furthermore, that this resolution and the letter be circulated to Scott Aitchison, MP for Parry Sound-Muskoka, Norm Miller, MPP for Parry Sound-Muskoka and all Ontario municipalities requesting their support.


Moved by:

Blakelock, Rod	<input type="checkbox"/>
Brandt, Jerry	<input checked="" type="checkbox"/>
MacPhail, Bob	<input type="checkbox"/>
Ward, Rod	<input type="checkbox"/>
Whitwell, Wendy	<input type="checkbox"/>

Seconded by:

Blakelock, Rod	<input checked="" type="checkbox"/>
Brandt, Jerry	<input type="checkbox"/>
MacPhail, Bob	<input type="checkbox"/>
Ward, Rod	<input type="checkbox"/>
Whitwell, Wendy	<input type="checkbox"/>

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
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

April 15, 2020

To whom it may concern,

The COVID-19 pandemic in Ontario has highlighted both our positive responses to a crisis, and some definite shortcomings in infrastructure, systems and services which need to be addressed on a long-term basis. Setting priority on solving these issues will be a challenge, given the differing agendas and the strained budgets. Solving fundamental issues should focus on the most basic needs as a starting point. One of the clear needs in a rural community such as the Almaguin Highlands, highlighted further by recent events, is the need for proper high-speed internet connectivity. Healthcare and education are both going down a path where appropriate connectivity is assumed. Like many models that move outward from metropolitan areas, this assumption is lost on rural areas. For the vast majority of households in our community, true high-speed connectivity simply does not exist. For the vast majority of future strategies in healthcare and education, there is an assumption that it does exist.

Even in areas in the Almaguin Highlands which have 'high-speed' internet, the overall infrastructure is still limited. It is certainly not designed to deal with a sudden huge peak in demand. Whereas the capacity in large urban centres is built to handle the added throughput, there are clear limitations here. The best way to explain it is a comparison to hydro. Imagine if everyone went home at the same time and turned their lights on, but because there wasn't enough hydro capacity overall, all lights were 50% dimmer than normal and some appliances simply didn't work. We no longer have to imagine what happens with internet speed during peak usage. Suddenly during the COVID pandemic, people are working from home who have never worked from home. Kids are trying to do courses on-line. People who are not working are turning on-line to stay connected. Video-conferencing, which was a totally foreign concept to many, is now part of daily routine. Any idea how much internet bandwidth video uses? It's no wonder we hit a wall.

The future of healthcare sees patients being monitored and cared for in their own homes, through the use of technology. The future of education sees students doing much of their learning on-line. The future of business and commerce sees the ability to function outside the 'bricks and mortar' of an office location. Malls disappear and on-line shopping is the norm. For some, that future has already arrived. Our area has already been drastically affected by cutbacks in the area of healthcare and education through gradual decreases in budgets and services. Technology offers us the ability to level the playing field to a great extent. High-speed connectivity cannot be seen as a luxury or a nice-to-have, any more than hydro should be seen that way. In order to solve some other problems (i.e. skyrocketing budgets in healthcare and education) the wise investment is in providing connectivity for every resident in the province.



Rod Ward
Councillor
Armour Township



Received April 30, 2020
C-118-2020

OFFICE OF THE MAYOR
CITY OF HAMILTON

April 23, 2020

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

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

The Honourable Doug Downey
Attorney General
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, ON M7A 2S9

**Subject: Request to Regulate and Enforce Odour and Lighting Nuisances
Related to the Cultivation of Cannabis Plants**

Dear Minister/Attorney General Lametti, Premier Ford and Attorney General Downey:

At its meeting of April 22, 2020, Hamilton City Council approved Item 5.4(d), which reads as follows:

**5.4 (d) Repeal and Replace Public Nuisance By-law 09-110 and Amend
Administrative Penalty By-law 17-225 (PED20076) (City Wide)**

- (a) That the draft by-law, attached as Appendix "A" to Report PED20076, which repeals and replaces By-law 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton, and amends the Administrative Penalties By-law 17-225 which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That the Mayor be directed, on behalf of the City of Hamilton, to write to the relevant federal and provincial governments to regulate

.../2

and enforce odour and lighting nuisances related to the cultivation of cannabis plants;

- (c) That the Mayor contact the Premier of Ontario, Minister of the Attorney General, and local Members of Parliament to request that the Province extend authority to Municipalities to enforce odor and lighting nuisance complaints stemming from licensed and unlicensed cannabis cultivations within the its jurisdiction; and,
- (d) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.

We respectfully request your consideration with regard to this request and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Fred Eisenberger", with a long horizontal flourish extending to the right.

Fred Eisenberger
Mayor

Copied:

The Honourable Filomena Tassi, M.P., Hamilton West, Ancaster, Dundas
Scott Duvall, M.P., Hamilton Mountain
Bob Bratina, M.P., Hamilton East-Stoney Creek
David Sweet, M.P., Flamborough – Glanbrook
Matthew Green, M.P. , Hamilton Centre
Andrea Horwath, Opposition Party Leader, NDP of Ontario, M.P.P Hamilton Centre
Monique Taylor, M.P.P., Hamilton Mountain
Paul Miller, M.P.P., Hamilton East-Stoney Creek
Donna Skelly, M.P.P., Flamborough-Glanbrook
Sandy Shaw, M.P.P. Hamilton West-Ancaster-Dundas
Association of Municipalities of Ontario
Municipalities of Ontario

Authority: Item 5.4(e) (PED20076)

CM: April 22, 2020

Ward: City Wide

Bill No. 077

CITY OF HAMILTON

BY-LAW NO. 20-077

To Repeal and Replace By-law No. 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton; and to Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties

WHEREAS the Council of the City of Hamilton deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the City of Hamilton pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

AND WHEREAS section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the City at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS in the opinion of the Council for the City of Hamilton, the following are or could become a public nuisance:

- (a) the act of urinating or defecating in public places;
- (b) the act of knocking over mailboxes, relay boxes, newspaper boxes, recycling boxes and other waste containers located on highways; or
- (c) odours and lighting from the cultivation of cannabis plants.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART I - INTERPRETATION

Definitions

1. In this By-law:

"Act" means the *Cannabis Act* S.C. 2018, c. 16 and its regulations, and if applicable, any predecessor or successor acts and its respective regulations, all as amended;

"By-law" means this by-law to prohibit and regulate certain nuisances within the City of Hamilton;

“Canada Post” means Canada Post Corporation established by the *Canada Post Corporation Act*, R.S.C., 1985, c. C-10;

“City” means the municipal corporation of the City of Hamilton;

“Cannabis Plant” means a plant that belongs to the genus *Cannabis* and, in the absence of evidence to the contrary, includes any plant described as cannabis or by a name that is commonly applied to cannabis;

“Cultivate, Cultivated, Cultivating or Cultivation” in respect of cannabis, means to grow, propagate or to harvest cannabis plants and includes the possession of cannabis plants;

“Defecate” means to discharge excrement from the human body;

“Highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, part of which is intended for use or used, by the general public for the passage of vehicles or persons, and includes the area between the lateral property lines thereof, including sidewalks and boulevards;

“Nuisance” means anything that is injurious to health, indecent, offensive to any of the Senses, or results in the loss of enjoyment of normal use of property;

“Officer” means a Police Officer or a Municipal Law Enforcement Officer appointed under any federal or provincial statute or regulation or City by-law or any other person assigned or appointed by Council of the City to administer or enforce this By-law and includes a person employed by the City whose duties are to enforce this By-law;

“Porta Potty” means a portable building containing a toilet;

“Public Place” includes a Highway and any place to which the public has access and private property that is exposed to public view, whether or not the property is owned by the person contravening the By-law, but does not include a Washroom Facility;

“Senses” means a faculty by which the human body perceives an external stimulus and includes one or more of the faculties of sight, smell, hearing, taste and touch;

“Urinate” means to discharge urine from the human body; and

“Washroom Facility” means a room inside a building that is equipped with toilet facilities and includes a Porta Potty.

Application

2. This By-law applies to all persons, lands and properties in the City of Hamilton.

PART II - RESTRICTIONS

Urinating or Defecating in a Public Place

3. No person shall Urinate or Defecate in a Public Place.

Knocking over Personal and Public Property

4. No person shall knock over or attempt to knock over a Canada Post mailbox, Canada Post relay box, newspaper box, recycling container, garbage container or other similar waste container located on a Highway. This section shall not apply to:
 - (a) City employees or any person under contract to the City who is acting under the City's Solid Waste Management By-law;
 - (b) City employees or any person under contract to the City while performing work in the normal course of their duties; or
 - (c) Canada Post employees or any person under contract to Canada Post while performing work in the normal course of their duties.

Lighting from the Cultivation of Cannabis Plants

5. No person shall cause, create or permit light from the Cultivation of cannabis plants to shine upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
6. Every owner or occupier of land shall ensure that no light from the Cultivation of cannabis plants on his or her land shines upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
7. Outdoor lighting and indoor lighting from the Cultivation of cannabis plants that can be seen outdoors shall be operated, placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a building on adjoining land or lands regardless of whether such a building has or may have a barrier, shades, drapes or other interior window coverings.

Odours from the Cultivation of Cannabis Plants

8. No person shall cause, create or permit the emission of an odour from the Cultivation of cannabis plants so as to be or to cause a Nuisance to any person or to the public generally.
9. Every owner or occupier of land shall ensure that no emission of an odour from the Cultivation of cannabis plants on his or her land is or causes a Nuisance to any person or to the public generally.

PART III - ENFORCEMENT

Enforcement

10. The provisions of this By-law may be enforced by an Officer.
11. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
12. An order under section 11 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date or dates by which there must be compliance with the order.
13. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
14. An order under section 13 shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - (b) the work to be completed;
 - (c) and the date by which the work must be complete.
15. An order under section 13 may require work to be done even though the facts which constitute the contravention of the By-law were present before the By-law making them a contravention came into force.
16. An order made under sections 11 or 13 may be served personally or by registered mail to the last known address of:
 - (a) the person who caused, created or permitted the offence; and
 - (b) the owner or occupier of the lands where the contravention occurred.
17. Where an owner or occupier of the land on which the contravention occurred, who has been served with an order and fails to comply with the order, then an Officer, or any authorized agent on behalf of the City may enter on the land at any reasonable time

and complete the work required to bring the land into compliance with the provisions of this By-law as set out in the order.

18. Where the work required to bring the land into compliance with the By-law has been performed by or for the City, the costs incurred in doing the work may be collected by action or the costs may be added to the tax roll for the land and collected in the same manner as taxes.
19. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with.
20. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
21. No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

Offence and Penalty

22. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

Same re Corporations

23. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

Other Remedies

24. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

Continuing Offence

25. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

Administrative Penalties

26. In the alternative to a charge for the offences described in this By-law and listed in Schedule A of the City of Hamilton’s By-law 17-225, an Officer may issue an administrative penalty notice for the applicable contraventions.

PART IV – MISCELLEOUS

Severability

27. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

Administrative Penalty Table

28. Administrative Penalty By-law No 17-225 is amended by adding Table 23 to Schedule A:

TABLE 23: BY-LAW NO. 20-078 NUISANCE BY-LAW				
ITEM	COLUMN 1 DESIGNATED BY- LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	20-077	3	Urinate in public place	\$205.00
2	20-077	3	Defecate in public place	\$305.00
3	20-077	4	Cause to knock over a mailbox	\$205.00
4	20-077	4	Attempt to knock over a mailbox	\$155.00
5	20-077	4	Cause to knock over a relay box	\$205.00
6	20-077	4	Attempt to knock over a relay box	\$155.00
7	20-077	4	Cause to knock over a newspaper box	\$205.00
8	20-077	4	Attempt to knock over a newspaper box	\$155.00
9	20-077	4	Cause to knock over a waste container	\$205.00
10	20-077	4	Attempt to knock over a waste container	\$155.00

Short Title

29. The short title of this By-law is the “Public Nuisance By-law”.

Proceedings and Other Actions Continued

30. Any proceeding being conducted, or other action being carried out under By-law No. 09-110 shall be deemed to continue under this By-law, and any reference to By-law 09-110 in such proceeding or other action shall be deemed to refer to this By-law.

Repeal

31. By-law No. 09-110 is hereby repealed.

Enactment

32. This By-law comes into force and effect on the day it is passed.

PASSED this 22nd day of April, 2020

F. Eisenberger
Mayor

A. Holland
City Clerk