

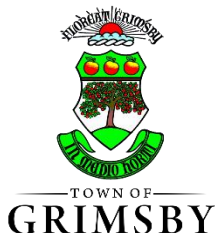


COUNCIL INFORMATION PACKAGE

SUMMARY

SEPTEMBER 15, 2023

1. **C-2023-318**
Correspondence dated September 8, 2023 from the Town of Grimsby to the Office of the Prime Minister respecting a motion passed regarding cost of living, affordable housing and a Guaranteed Livable Income Program.
2. **C-2023-319**
Correspondence dated August 30, 2023 from the Town of Plympton-Wyoming to the City of Stratford respecting a motion of support regarding Strengthen Municipal Codes of Conduct.
3. **C-2023-320**
Correspondence received from Durham Region to the Association of Municipalities of Ontario (AMO) regarding correspondence from the Township of Cramahe respecting Amendments to the Highway Traffic Act.
4. **C-2023-321**
Correspondence received from the City of Welland to the Town of Grimsby regarding a motion of support respecting Municipal Codes of Conduct and Enforcement.
5. **C-2023-322**
Correspondence received from the City of Welland to the Niagara Region regarding a motion of support respecting Support for Association of Municipalities of Ontario (AMO) Municipal Code of Conduct Recommendations.
6. **C-2023-323**
Correspondence from the Municipality of Wawa regarding a motion respecting a request that the Ontario Government maintain OHIP coverage for chronic pain treatments and continue to provide care for the people.
7. **C-2023-324**
Niagara SPCA Monthly Statistics – August, 2023
8. **C-2023-325**
Correspondence received from the Town of Bracebridge regarding a motion respecting Item for Discussion – Time for Change – Municipal Freedom of Information and Protection of Privacy Act.
9. **C-2023-326**
Correspondence received from the Township of Puslinch respecting a motion regarding Illegal Land Use Enforcement Update.



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, Grimsby, ON L3M 0J5

Phone: 905-945-9634 Ext. 2171 | **Fax:** 905-945-5010

Email: bdunk@grimsby.ca

September 8, 2023

SENT VIA E-MAIL

Office of the Prime Minister
80 Wellington St.
Ottawa, ON, K1A

Attention: The Right Honourable Justin Trudeau

RE: Establishing a Guaranteed Livable Income

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on September 5, 2023 passed the following resolution:

Moved by: Councillor Korstanje

Seconded by: Councillor Freake

Whereas the Canadian livable wage for Niagara Region, two years ago was determined to be \$19.80. This was \$6000 below the annual income of a minimum wage employee; and

Whereas our residents on programs such as Ontario Works, receive targeted fixed monthly incomes of \$733, and ODSP recipients receive \$1376; and

Whereas at the current Ontario minimum wage rate, a person working 37.5 hours per week will earn approximately \$2,500 monthly (before tax); and

Whereas the median rent for one bedroom in Grimsby as of August 2023 is now \$2000 a month; and

Whereas rent is considered affordable, when it is less than 30% of income. In Niagara west, rent is approximately 272% of Ontario Works, 145% of Ontario Disability Support Services, 75% of minimum wage full-time, and 150% of minimum wage part time; and

Whereas an annual 2.5% allowable rent increase can be combined with an additional 3-6.5% capital investment increase, raising the cost of rental housing another minimum of \$110 monthly; and

Whereas there are no housing units under Niagara Regional Housing for single adults or families with dependents, including 2,3,4 or five bedrooms in our community; and

Whereas the Grimsby Benevolent Fund reported that in 2022:

- 70+ households received monthly rental supplement totaling \$237,744
- \$79,500 was invested into one time emergency housing support as of June 7, 2023
- 78 households are receiving monthly financial benefits to make rental housing more affordable; and

Whereas food inflation was 8.3% and groceries rose by 9.1%; and

Whereas the Grimsby Food Bank numbers from June 2023 reported:

- 19 new households
- 447 served households
- 1055 served individuals
- 7 emergency visits; and

Whereas the Grimsby Economic Strategic Plan identified the general high cost of living and housing affordability as primary obstacles in our workforce attraction.

Therefore be it resolved that The Corporation of the Town of Grimsby circulate correspondence to Ontario municipalities encouraging them not only to collect data of their housing and poverty statistics, but also to examine their pending economic vulnerability as a result.

Be it further resolved that The Corporation of the Town of Grimsby encourage these same municipalities to join us in advocating on behalf of our communities with this data, and by writing a letter to the Prime Minister, Premier, and local politicians calling for a united effort in establishing a Guaranteed Livable Income program.

Be it further resolved the Town of Grimsby Clerks Department circulates this resolution to Niagara West MP Dean Allison and Niagara West MPP Sam Oosterhoff, requesting a response on this matter within 30 days of receipt.

Be it further resolved that The Corporation of the Town of Grimsby, through its Finance and Human Resources departments, undertake a comprehensive assessment to explore the feasibility and implementation of a living wage policy for all Town of Grimsby employees, with the aim of ensuring that all municipal workers receive fair compensation that aligns with the principles of a living wage and that staff be directed to explore becoming a living wage employer.

If you require any additional information, please let me know.

Regards,



Bonnie Nistico-Dunk
Town Clerk

cc. Hon. Doug Ford, Premier of Ontario
Ontario Municipalities
Dean Allison, MP Niagara West
Sam Oosterhoff, MPP Niagara West



City Clerk
Corporation of the City of Stratford
clerks@stratford.ca

August 30, 2023

Re: Strengthen Municipal Codes of Conduct

To whom it may concern:

Please be advised that at the Regular Council Meeting on August 30th 2023, the Town of Plympton-Wyoming Council passed the following motion, supporting the attached resolution from the Council of the City of Stratford regarding Strengthening Municipal Codes of Conduct:

Motion 7

Moved by Councillor Kristen Rodrigues

Seconded by Councillor John van Klaveren

That Council support item 'P' of correspondence from the City of Stratford regarding Strengthening Municipal Codes of Conduct.

Carried.

If you have any questions regarding the above motion, please do not hesitate to contact me by phone or email at ekwarciak@plympton-wyoming.ca.

Sincerely,

Erin Kwarciak
Clerk
Town of Plympton-Wyoming

cc: All Ontario Municipalities

SENT VIA EMAIL



September 6, 2023

Association of Municipalities of Ontario (AMO)
200 University Ave., Suite 801
Toronto, Ontario
M5H 3C6

The Regional
Municipality of
Durham

Corporate Services
Department –
Legislative Services

605 Rossland Rd. E.
Level 1
P.O. Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Fax: 905-668-9963

durham.ca

Dear AMO:

**RE: Correspondence received from the Township of Cramahe,
dated June 29, 2023, re: Amendments to the Highway
Traffic Act Our File: T02**

Works Committee, at its meeting held on September 6, 2023, adopted the following resolution:

“That the correspondence received from the Township of Cramahe, dated June 29, 2023, regarding amendments to the Highway Traffic Act be referred to Council without a recommendation”.

Please find attached the resolution from the Township of Cramahe for your information.

S. Ciani

S. Ciani,
Committee Clerk

sc/

c: Hon. Caroline Mulroney, Minister of Transportation and Francophone Affairs
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Patrice Barnes, MPP, Ajax
Todd McCarthy, MPP, Durham
Laurie Scott, MPP, Haliburton/Kawartha Lakes/Brock
David Piccini, MPP, Northumberland/Peterborough South
Jennifer French, MPP, Oshawa
Peter Bethlenfalvy, MPP, Pickering/Uxbridge
Lorne Corne, MPP, Whitby
All Ontario Municipalities
R. Jagannathan, Acting Commissioner of Works



Corporate Services Department Legislative Services Division	
Date & Time Received:	July 03, 2023 8:52 am
Original To:	CIP
Copies To:	
Take Appropriate Action	<input type="checkbox"/> File <input type="checkbox"/>
Notes/Comments:	

Cramahe Township Council Resolution

June 29, 2023

Sent via Email

Hon. Caroline Mulroney, Minister of Transportation and Francophone Affairs
Hon. Steve Clark, Minister of Municipal Affairs and Housing
Hon. David Piccini, Minister of Environment, Conservation and Parks & MPP for
Northumberland - Peterborough South
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities

RE: Amendments to the Highway Traffic Act

Please be advised that the Council of the Township of Cramahe passed the following resolution at their regular meeting held June 20, 2023 regarding the Highway Traffic Act Amendments.

Resolution No. 2023-213

Moved By: COUNCILLOR HAMILTON

Seconded By: DEPUTY MAYOR ARTHUR

BE IT RESOLVED THAT Council support the City of Cambridge resolution; and
THAT speeding on our roads is a major concern in our community; and
THAT speeding can occur in all areas of our community; and
THAT barriers and delays to enforcement pose a danger to our community; and
THAT our municipality has limited resources to implement speed mitigation road design and re-design; and
THAT our local police service has limited resources to undertake speed enforcement; and
THAT s.205.1 of the Highway Traffic Act (HTA) provides that Automated Speed Enforcement systems (ASE) may only be placed in designated community safety zones and school safety zones; and

THAT, the Township of Cramahe request that the Ontario Government amend s.205.1 of the HTA to permit municipalities to locate an ASE system permanently or temporarily on any roadway under the jurisdiction of municipalities and as

The Corporation of the Township of Cramahe

1 Toronto Street, P.O. Box 357, ON K0K 1S0 •Tel 905-355-2821•www.cramahe.ca

determined by municipalities and not be restricted to only community safety zones and school safety zones; and

THAT a copy of this resolution be forwarded to the Ontario Minister of Transportation, the Ontario Minister of Municipal Affairs and Housing, local area MPPs, the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities.

CARRIED

Attached please find a copy of the City of Cambridge Council Resolution, dated May 10, 2023.

If you have any questions regarding the above resolution, please do not hesitate to contact me at nhamilton@cramahe.ca

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Hamilton". The signature is written in a cursive style with a long horizontal flourish at the end.

Nicole Hamilton
Municipal Deputy Clerk
Township of Cramahe

**The Corporation of the City of Cambridge
Corporate Services Department
Clerk's Division
The City of Cambridge
50 Dickson Street, P.O. Box 669
Cambridge ON N1R 5W8
Tel: (519) 740-4680 ext. 4585
mantond@cambridge.ca**

May 10, 2023

Re: Highway Traffic Act Amendments

Dear Ms. Mulronev,

At the Council Meeting of May 9, 2023, the Council of the Corporation of the City of Cambridge passed the following Motion:

WHEREAS speeding on our roads is a major concern in our community,

AND WHEREAS speeding can occur in all areas of our community,

AND WHEREAS barriers and delays to enforcement pose a danger to our community,

AND WHEREAS our municipality has limited resources to implement speed mitigation road design and re-design,

AND WHEREAS our local police service has limited resources to undertake speed enforcement,

AND WHEREAS s.205.1 of the Highway Traffic Act (HTA) provides that Automated Speed Enforcement systems (ASE) may only be placed in designated community safety zones and school safety zones,

THEREFORE BE IT RESOLVED THAT, the City of Cambridge request that the Ontario Government amend s.205.1 of the HTA to permit municipalities to locate an ASE system permanently or temporarily on any roadway under the jurisdiction of municipalities and as determined by municipalities and not be restricted to only community safety zones and school safety zones;

AND THAT a copy of this resolution be forwarded to the Ontario Minister of Transportation, the Ontario Minister of Municipal Affairs and Housing, local area MPPs, the Association of Municipalities of Ontario (AMO) and all Ontario Municipalities.

Should you have any questions related to the approved resolution, please contact me.

Yours Truly,



Danielle Manton
City Clerk

Cc: (via email)
Steve Clark, Ontario Minister of Municipal Affairs and Housing
Local Area MPPs
Association of Municipalities of Ontario (AMO)
All Ontario Municipalities



Clerks Division
Tara Stephens
City Clerk
905-735-1700 x2159
tara.stephens@welland.ca

September 11, 2023

File No. 23-111

SENT VIA EMAIL

Town of Grimsby
160 Livingston Avenue
Grimsby, ON L3M 0J5

Attention: Bonnie Nistico-Dunk, Town Clerk

Dear Bonnie:

Re: September 5, 2023 – WELLAND CITY COUNCIL

At its meeting of September 5, 2023, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Grimsby dated August 11, 2023 regarding legislative amendments to improve Municipal Codes of Conduct and Enforcement.”

Yours truly,

A handwritten signature in blue ink that reads 'Stephens'.

Tara Stephens
City Clerk

TS:cap

c.c.: - Local Area Municipalities, sent via email



Clerks Division
Tara Stephens
City Clerk
905-735-1700 x2159
tara.stephens@welland.ca

September 11, 2023

File No. 23-111

SENT VIA EMAIL

Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ann-Marie:

Re: September 5, 2023 – WELLAND CITY COUNCIL

At its meeting of September 5, 2023, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Region of Niagara dated August 23, 2023 regarding Referred Motion - Support for Association of Municipalities of Ontario (AMO) Municipal Code of Conduct Recommendations.”

Yours truly,

A handwritten signature in blue ink that reads 'TStephens'.

Tara Stephens
City Clerk

TS:cap

c.c.: - Local Area Municipalities, sent via email



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, June 20, 2023

Resolution # RC23163	Meeting Order: 6
Moved by: <i>Cathy Cannon</i>	Seconded by: <i>[Signature]</i>

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

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

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

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

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

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

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

p.2....



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

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

RESOLUTION RESULT		RECORDED VOTE		
<input checked="" type="checkbox"/>	CARRIED	MAYOR AND COUNCIL	YES	NO
<input type="checkbox"/>	DEFEATED	Mitch Hatfield		
<input type="checkbox"/>	TABLED	Cathy Cannon		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Melanie Pilon		
<input type="checkbox"/>	PECUNIARY INTEREST DECLARED	Jim Hoffmann		
<input type="checkbox"/>	WITHDRAWN	Joseph Opato		

Disclosure of Pecuniary Interest and the general nature thereof.

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

Clerk: _____

MAYOR – MELANIE PILON	CLERK – MAURY O'NEILL



September 15, 2023

Re: Item for Discussion - Item for Discussion – Time for Change - Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

At its meeting of September 13, 2023, the Council of the Corporation of the Town of Bracebridge ratified motion 23-GC-184, regarding the Item for Discussion – Time for Change - Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), as follows:

“WHEREAS the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990 (MFIPPA) came into force and effect on January 1, 1991;

AND WHEREAS municipalities, including the Town of Bracebridge, practice and continue to promote open and transparent government operations, actively disseminate information and routinely disclose public documents upon request outside of the MFIPPA process;

AND WHEREAS government operations, public expectations, technologies, and legislation surrounding accountability and transparency have dramatically changed and MFIPPA has not advanced in line with these changes;

AND WHEREAS the creation, storage and utilization of records has changed significantly, and the Clerk of the Municipality is responsible for records and information management programs as prescribed by the Municipal Act, 2001;

AND WHEREAS regulation 823 under MFIPPA continues to reference antiquated technology and does not adequately provide for cost recovery, and these financial shortfalls are borne by the municipal taxpayer;

AND WHEREAS the threshold to establish frivolous and/or vexatious requests is unreasonably high and allows for harassment of staff and members of municipal councils, and unreasonably affects the operations of the municipality;

AND WHEREAS the MFIPPA fails to recognize how multiple requests from an individual, shortage of staff resources or the expense of producing a record due to its size, number, or physical location does not allow for time extensions to deliver requests and unreasonably affects the operations of the municipality;

AND WHEREAS the name of the requestor is not permitted to be disclosed to anyone other than the person processing the access request, and this anonymity is used by requesters to abuse the MFIPPA process and does not align with the spirit of openness and transparency embraced by municipalities;

AND WHEREAS legal professionals use MFIPPA to gain access to information to launch litigation against institutions, where other remedies exist;

1000 Taylor Court
Bracebridge, ON
P1L 1R6 Canada

AND WHEREAS there are limited resources to assist administrators or requestors to navigate the legislative process;

AND WHEREAS reform is needed to address societal and technological changes in addition to global privacy concerns and consistency across provincial legislation;

NOW THEREFORE BE IT RESOLVED THAT the Ministry of Public and Business Service Delivery be requested to review MFIPPA, and consider recommendations as follows:

1. That MFIPPA assign the Municipal Clerk, or their designate to be the Head under the Act;
2. That MFIPPA be updated to address current and emerging technologies;
3. That MFIPPA regulate the need for consistent routine disclosure practices across institutions;
4. That the threshold for frivolous and/or vexatious actions be reviewed, and take into consideration the community and available resources in which it is applied;
5. That the threshold for frivolous and/or vexatious also consider the anonymity of requesters, their abusive nature and language in requests to ensure protection from harassment as provided for in the Occupational Health and Safety Act;
6. That the application and scalability of fees be designed to ensure taxpayers are protected from persons abusing the access to information process;
7. That administrative practices implied or required under MFIPPA, including those of the Information and Privacy Commissioner (IPC), be reviewed and modernized;
8. That the integrity of MFIPPA be maintained to protect personal privacy and transparent governments; and
9. And that this resolution be sent to the Premier of Ontario; Minister of Municipal Affairs and Housing; Minister of Public and Business Service Delivery; and Member of Provincial Parliament for Parry Sound-Muskoka; Muskoka and Area Indigenous Leadership Table (MAILT); and all Ontario Municipalities.”

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

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

Yours truly,



Lori McDonald
Director of Corporate Services/Clerk



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

VIA EMAIL:

doug.fordco@pc.ola.org

Hon. Steve Clark
777 Bay St
17th Floor, Toronto
ON M5G 2E5

VIA EMAIL:

steve.clark@pc.ola.org

Hon. Ted Arnott, MPP
181 St. Andrew St. East
2nd Floor, Fergus
ON N1M 1P9

VIA EMAIL:

ted.arnottco@pc.ola.org

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

www.puslinch.ca

September 15, 2023

RE 6.8 Town of Caledon - Illegal Land Use Enforcement Update

Please be advised that Township of Puslinch Council, at its meeting held on August 16, 2023 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2023-246:

Moved by Councillor Hurst and
Seconded by Councillor Bailey

That the Consent Agenda item 6.8 listed for AUGUST 16, 2023 Council meeting be received for information; and

Whereas Township of Puslinch Council supports the resolution from the Town of Caledon regarding illegal land use enforcement;

That Council direct staff to send a support resolution accordingly.

Therefore, the Township of Puslinch, passes this resolution regarding Illegal Land Use Enforcement:

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



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

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

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

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

CARRIED

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

Sincerely,

Courtenay Hoytfox
Municipal Clerk



Annette Groves
Mayor

June 29, 2023

Sent via E-Mail: doug.fordco@pc.ola.org

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

RE: STAFF REPORT 2023-0327: ILLEGAL LAND USE ENFORCEMENT UPDATE

Dear Premier Ford,

I am writing to advise that at the Town Council meeting held on June 20, 2023, Council adopted a resolution regarding Staff Report 2023-0327: Illegal Land Use Enforcement Update.

The resolution reads as follows:

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

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

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

THE CORPORATION OF THE TOWN OF CALEDON

6311 Old Church Road, Caledon East, Caledon, ON, Canada L7C 1J6
T. 905.584.2272 | 1.888.225.3366 | F. 905.584.1444 | www.caledon.ca | annette.groves@caledon.ca

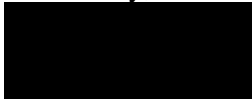
That a copy of this report be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Sylvia Jones, MPP, Dufferin-Caledon; the Honourable Doug Downey, Attorney General of Ontario; and

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

A copy of Staff Report 2023-0327 has been enclosed for your reference. For more information regarding this matter, please contact my Chief of Staff, Nathan Grundy, directly by email at nathan.grundy@caledon.ca or by phone at 905.584.2272 ext. 4430.

Thank you for your attention to this matter.

Sincerely,



Annette Groves
Mayor

Cc: The Honourable Steve Clark, Minister of Municipal Affairs and Housing, minister.mah@ontario.ca
The Honourable Sylvia Jones, Deputy Premier, Minister of Health and MPP Dufferin-Caledon, sylvia.jones@pc.ola.org
The Honourable Doug Downey, Attorney General of Ontario, doug.downey@pc.ola.org
Association of Municipalities of Ontario, amo@amo.on.ca
Rural Ontario Municipal Association, roma@roma.on.ca
City of Toronto, clerk@toronto.ca
York Region, regional.clerk@york.ca
City of Vaughan, clerks@vaughan.ca
Town of Richmond Hill, clerks@richmondhill.ca
Town of Markham, customerservice@markham.ca
Town of Aurora, info@aurora.ca
Town of Whitchurch-Stouffville, clerks@townofws.ca
King Township, clerks@king.ca
Town of Newmarket, clerks@newmarket.ca
Township of East Gwillimbury, clerks@eastgwillimbury.ca
Town of Georgina, info@georgina.ca
Region of Durham, clerks@durham.ca
Town of Ajax, clerks@ajax.ca
Township of Brock, Clerks@brock.ca
Municipality of Clarington, clerks@clarington.net
City of Oshawa, clerks@oshawa.ca
City of Pickering, clerks@pickering.ca

THE CORPORATION OF THE TOWN OF CALEDON

6311 Old Church Road, Caledon East, Caledon, ON, Canada L7C 1J6
T. 905.584.2272 | 1.888.225.3366 | F. 905.584.1444 | www.caledon.ca | annette.groves@caledon.ca

Township of Scugog, mail@scugog.ca
Township of Uxbridge, info@uxbridge.ca
Town of Whitby, clerks@whitby.ca
Brant County, info@brant.ca
City of Brantford, clerks@brantford.ca
Region of Peel, regional.clerk@peelregion.ca
City of Brampton, cityclerksoffice@brampton.ca
City of Mississauga, city.clerk@mississauga.ca
Dufferin County, info@dufferincounty.ca
Township of Amaranth, info@amaranth.ca
Township of East Garafraxa, clerks@eastgarafraxa.ca
Town of Grand Valley, mail@townofgrandvalley.ca
Township of Melancthon, info@melancthontownship.ca
Town of Mono, ClerksOffice@townofmono.com
Township of Mulmur, info@mulmur.ca
Town of Orangeville, clerksdept@orangeville.ca
Town of Shelburne, clerk@shelburne.ca
Haldimand County, info@haldimandcounty.on.ca
Halton Region, accesshalton@halton.ca
City of Burlington, cityclerks@burlington.ca
City of Hamilton, clerk@hamilton.ca
Town of Halton Hills, clerks@haltonhills.ca
Town of Milton, townclerk@milton.ca
Northumberland County, matherm@northumberland.ca
Township of Alnwick/Haldimand, info@ahtwp.ca
Municipality of Brighton, general@brighton.ca
Town of Cobourg, clerk@cobourg.ca
Township of Cramahe, clerk@cramahe.ca
Township of Hamilton, clerks@hamiltontownship.ca
Municipality of Port Hope, admin@porthope.ca
Municipality of Trent Hills, info@trenthills.ca
Peterborough County, info@ptbocounty.ca
Township of Asphodel-Norwood, info@antownship.ca
Township of Cavan Monaghan, services@cavanmonaghan.net
Township of Douro-Dummer, info@dourodummer.on.ca
Township of Havelock-Belmont-Methuen, havbelmet@hbmtwp.ca
Township of North Kawartha, reception@northkawartha.on.ca
Township of Otonabee-South Monaghan, info@osmtownship.ca
Township of Selwyn, clerkadmin@stjosephtownship.com
Municipality of Trent Lakes, info@trentlakes.ca
City of Peterborough, clerk@peterborough.ca
Wellington County, kimc@wellington.ca
Town of Erin, clerks@erin.ca
Town of Minto, info@town.minto.on.ca
Township of Centre Wellington, clerks@centrewellington.ca
City of Guelph, clerks@guelph.ca
Township of Mapleton, clerk@mapleton.ca
Township of Puslinch, admin@puslinch.ca
Township of Wellington North, township@wellington-north.com
Simcoe County, info@simcoe.ca
City of Barrie, cityinfo@barrie.ca

THE CORPORATION OF THE TOWN OF CALEDON

6311 Old Church Road, Caledon East, Caledon, ON, Canada L7C 1J6
T. 905.584.2272 | 1.888.225.3366 | F. 905.584.1444 | www.caledon.ca | annette.groves@caledon.ca

Town of Innisfil, inquiry@innisfil.ca
Town of Bradford West Gwillimbury, clerk@townofbwg.com
Town of New Tecumseth, info@newtecumseth.ca
City of Orillia, clerks@orillia.ca
Town of Collingwood, townhall@collingwood.ca
Township of Essa, llehr@essatownship.on.ca
Township of Oro-Medonte, info@oro-medonte.ca
Town of Wasaga Beach, clerk@wasagabeach.com
Town of Midland, clerks@midland.ca
Town of Clearview, info@clearview.ca
Township of Severn, info@townshipofsevern.com
Township of Tiny, jreid@tiny.ca
Township of Adjala-Tosorontio, clerk@adjtos.ca
Township of Tay, deputyclerk@tayvalleytp.ca
Township of Ramara, ramara@ramara.ca
Town of Penetanguishene, scooper@penetanguishene.ca
City of Kawartha Lakes, clerks@kawarthalakes.ca
Regional Niagara, clerk@niagararegion.ca
Town of Fort Erie, clerk@forterie.on.ca
Town of Grimsby, Administration-Office-General@grimsby.ca
Town of Linclon, clerks@lincoln.ca
City of Niagara Falls, clerk@niagarafalls.ca
Town of Niagara-on-the-Lake, clerks@notl.com
Town of Pelham, clerks@pelham.ca
City of Port Colborne, CustomerService@portcolborne.ca
City of St. Catharines, clerks@stcatharines.ca
City of Thorold, clerk@thorold.com
Township of Wainfleet, mirkham@wainfleet.ca
City of Welland, clerk@welland.ca
Township of West Lincoln, clerk2@westlincoln.ca
Regional Waterloo, regionalclerk@regionofwaterloo.ca
City of Kitchener, clerks@kitchener.ca
City of Waterloo, olga.smith@waterloo.ca
City of Cambridge, servicecambridge@cambridge.ca
Township of Wilmot, info@wilmot.ca
Township of Wellesley, gkosch@wellesley.ca
Township of Woolwich, mail.woolwich@woolwich.ca
Township of North Dumfries, mail@northdumfries.ca

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T. 905.584.2272 | 1.888.225.3366 | F. 905.584.1444 | www.caledon.ca | annette.groves@caledon.ca

Staff Report 2023-0327

Meeting Date: June 6, 2023

Subject: Illegal Land Use Enforcement Update

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

RECOMMENDATION

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

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

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

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

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

REPORT HIGHLIGHTS

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

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

DISCUSSION

Background

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

Education and Communication Strategy

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

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

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

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

Enforcement Efforts

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

Figure 1: Location of properties investigated



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

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

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

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

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

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

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

Figure 2: Example of physical enforcement action



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

Current Challenges and Solutions

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

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

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

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

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

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

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

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

Recommended Advocacy to Combat Illegal Land Use Issues

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

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

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

Summary

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

FINANCIAL IMPLICATIONS

Financial implications are contained throughout this report.

COUNCIL WORK PLAN

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

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

Schedule A to Staff Report 2023-0327

