

1. **C-2024-030**
Correspondence dated January 26, 2024 from Perth County respecting a resolution of support for the Township of Wainfleet correspondence regarding Cemetery Transfer/Abandonment Administration & Management Support.
2. **C-2024-031**
Correspondence dated January 25, 2024 from the Office of the Regional Clerk respecting a resolution calling for a Comprehensive Review and Overhaul of the Emergency Management and Civil Protection Act, 1990
3. **C-2024-032**
Correspondence dated January 29, 2024 from the Town of Newmarket to the Minister of Municipal Affairs and Housing respecting a resolution of support for the Township of McKellar correspondence regarding a request for amendment to the Legislation Act, 2006.
4. **C-2024-033**
Correspondence received January 31, 2024 from Niagara Region respecting a notice of decision to approve Regional Official Plan Amendment 2 (ROPA 2) - Regional Road Allowance Width Updates

VIA E-MAIL

January 26, 2024

Amber Chrastina, Deputy Clerk/Executive Assistant to Mayor and CAO
Township of Wainfleet
AChrastina@wainfleet.ca

Dear Amber Chrastina:

RE: Cemetery Administration Management Support

Please be advised that at the January 25 Regular Meeting, Perth County Council supported the letter from the Township of Wainfleet regarding the letter of support on Cemetery Transfer/Abandonment Administration & Management Support.

“THAT Council send a letter of support to the Township of Wainfleet regarding cemetery administration and management.”

Perth County encourages the Province of Ontario to consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

Should you require any additional information or wish other consideration by Council in this matter, kindly advise.

Sincerely,



Rhonda Ehgoetz, Warden

Cc'd:

Hon. Todd McCarthy, Ministry of Public and Business Service Delivery

January 10, 2024

Hon. Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto ON M5B 2H7

SENT ELECTRONICALLY

Todd.McCarthy@pc.ola.org

Re: Cemetery Transfer/Abandonment Administration & Management Support Request

Please be advised that at its meeting of January 9, 2024, the Council of the Corporation of the Township of Wainfleet passed the following motion:

“**THAT** the Township of Wainfleet receive C-2023-430 from the Township of Clearview and C -2023-442 from the Township of Tay regarding cemeteries and that we send a resolution of support for their correspondences to all appropriate parties.”

Should you have any questions, please contact me at achrastina@wainfleet.ca or 905-899-3463 ext. 224.

Regards,



Amber Chrastina
Deputy Clerk

Cc: Jim Cassimatis, BAO Interim CEO/Registrar
MPP Niagara West, Sam Oosterhoff
Ontario Municipalities



Staff Report

To: Mayor and Council

From: Sasha Helmkey, Clerk/Director of Legislative Services

Date: December 11, 2023

Subject: Report # LS-032-2023 – Cemetery Transfer/Abandonment Administration & Management Support

Recommendation

Be It Resolved that Council of the Township of Clearview hereby receives Report LS-032-2023 (Cemetery Transfer/Abandonment Administration & Management Support) dated December 11, 2023; and,

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities.

Background

Under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed.

Over the last decade there appears to be a trend where cemeteries in Ontario are being transferred, whether through abandonment or a mutually agreed upon transfer, to the care and control of municipalities. This is often seen when there is a breakdown in existing cemetery boards and/or when churches cease operations. For many existing private cemetery boards their board members and volunteers are aging and are unable to assist with the operations and maintenance of the cemetery any longer. Finding new members proves to be difficult for these boards to continue. In addition to aging board members, there are other issues that are contributing to the increase in cemetery transfers:

- high maintenance costs
- inaccuracy of records
- lack of financial and human resources to effectively operate and maintain the cemetery

- increased regulatory processes that require ongoing training for selling of interment rights, and the financial operation of the care and maintenance fund, etc.

Township Owned Cemeteries

The Township of Clearview currently owns and operates nine (9) cemeteries within its geographic boundaries. Out of these nine cemeteries, four (4) are considered active meaning that there are still interment rights to be sold, or burials to take place. Below is a chart outlining these cemeteries and their status:

| Cemetery Name | Address | Status |
|---------------------------------------|--|---------------|
| Batteau Hill Cemetery | 2670 County Road 124, Duntroon | Inactive |
| Bethel Union Cemetery | 2249 Creemore Avenue, New Lowell | Inactive |
| Dunedin Union Cemetery | 9 Turkeyroost Lane, Dunedin | Active |
| Duntroon Pioneer Cemetery | 2870 County Road 124, Duntroon | Inactive |
| Lavender Cemetery | 827103 Mulmur/Nottawasaga Townline, Creemore | Active |
| Old Zion Presbyterian Church Cemetery | 6130 Highway 26, Sunnidale Corners | Inactive |
| Second Line Nottawasaga Cemetery | 2279 County Road 42, Stayner | Active |
| Stayner Union Cemetery | 7661 Highway 26, Stayner | Active |
| Zion Presbyterian Church Cemetery | 12358 County Road 10, Sunnidale Corners | Inactive |

For the Dunedin and Stayner Union Cemetery, the Township looks after the maintenance and burials through a third-party contractor. The maintenance and burials for the Lavender Cemetery are conducted through the Board. For the Second Line Nottawasaga Cemetery all the interment rights have been sold, but there remains one burial to be completed. The cost to maintain an active cemetery is expensive. Although burial costs and the installation of markers, etc. are cost recovery through the purchaser, grounds maintenance is not.

Inactive cemeteries still require consistent grounds maintenance, which includes any monument restoration for health and safety, and record searches for the public register.

Comments and Analysis

When analyzing the number of cemeteries that Clearview Township currently owns and operates, maintenance and administration is a large undertaking. To add any additional cemeteries by way of transfer or abandonment will only compound the issues the Township is already facing. In the past year, the Township has been approached by two separate entities regarding possible cemetery transfers. When a board or cemetery transfers ownership to the municipality, the issues are transferred with it. Municipalities are not immune to the same concerns. It becomes a strain on municipal resources, financially, administratively, and operationally.

Administrative Impact

From an administrative perspective the management of four active cemeteries is both time consuming and complex. No interment is the same, and providing good customer service takes time especially for those making arrangements while also dealing with grief. Administrative tasks include but are not limited to: interment right sales and mapping, burial contracts and scheduling, monument placement, historical record searches, plot and monument staking, fees and charges review, family transfers of interment rights and annual reporting to the Bereavement Authority of Ontario (BAO).

- **Incomplete records**

Often the records accepted by the Township from a dissolved cemetery board or church are incomplete and disorganized. This is no fault of the previous board members, as they are also often operating with limited resources. However, it does make it difficult to manage the cemetery post-transfer when records are sparse. Understanding which plots are occupied and by who is critical to the sound management of a cemetery. Unfortunately, this is not made possible in all cases because of incomplete records. In addition, records received during a transfer usually are maintained under different records management standards and are often organized and named inconsistently. Adaptation to Township records keeping practices takes time.

- **Lack of human resources**

Cemetery management is a highly regulated professional field, with the responsibility of which is often placed on public sector employees who may have limited knowledge of cemeteries in general. With reduced resources within municipalities especially rural ones, the management of cemeteries often becomes a secondary responsibility to another position. There is also a lack of affordable training available for municipal employees who are required to abide by regulations set out by the FBCSA and the BAO.

- **Increased regulatory processes**

Annual reporting requirements of the BAO can be extensive and complex. This includes monitoring the number of interments, the transfers to the Care and Maintenance Fund (C&M), and how the C&M fund can be used. There are also regulations pertaining to maintaining a public register, how sales are to be conducted and strict guidelines on Cemetery By-law approvals, and expansions including the erection of columbaria structures.

- **Inconsistent cemetery regulations**

Cemeteries can have many different regulations related to plot size, number of burials allowed in a given plot, monument size, what types of flowers/shrubs are allowed to be installed near a headstone etc. The transfer of different cemeteries having inconsistent regulations can make it difficult to adapt management practices in order to maintain original cemetery operational standards.

Operational Impact

Similarly, from an operational perspective the grounds maintenance of cemeteries, whether active or inactive, is both time consuming and complex. A key issue when analyzing the maintenance component of cemetery management is the lack of financial resources to support the operation. Cemetery maintenance includes, but is not limited to: grass cutting (whipper snipping around monuments), tree and shrub maintenance, monument and corner stone maintenance, water pipe and washroom monitoring, and general upkeep of cemetery grounds (removal of debris, etc.).

- **High maintenance costs**

As with many services, there are rising costs to contend with. Municipalities have adopted different models to address the maintenance of such, with third party contractors being commonly used or it becomes the responsibility of an internal department such as Parks & Recreation. Regardless the model, the costs have increased significantly over the last decade with equipment purchases/upgrades, insurance requirements for third-party contractors, and the time it takes to cut the grass and whipper snip around monuments. To put it into perspective, the Stayner Union Cemetery with the expansion is 25 acres with monuments to manoeuvre around during ground care. Other considerations for maintenance includes monument restoration and ensuring that they are not deteriorated to the point where they are unsafe. This is important for older cemeteries where restoration hasn't been provided in the past and there are many deteriorating monuments.

- **Cost of cemetery management software**

Cemetery Management Software can help municipalities manage cemetery records, including plot sale contracts, interment rights certificates, and regulatory reporting.

However, these software solutions are often expensive and require a large amount of staff time to implement especially with incomplete data and records. These software solutions range in price from \$5,000 to \$100,000 with annual maintenance costs. This investment in software can be a large budget request and one that would need to be supported from taxation with the limited funds in cemetery general accounts.

- **Inadequate Care and Maintenance funds**

When the Funeral, Burial and Cremation Services Act, 2002 (FBCSA) was enacted, it stipulated that a care and maintenance fund for a cemetery shall be established. A cemetery operator is required to make contributions to the fund from the sale of in-ground graves, crypts, tombs, niches, scattering rights and monument installation. The contribution is prescribed under the FBCSA and differs dependant on the interment type. The idea is that the fund (income earned from the fund - interest) pays for maintenance costs after a cemetery has stopped making sales. In reality, this concept does not produce enough funds to maintain a cemetery. Looking at the Stayner Union Cemetery as an example, for the very basics (grass cutting and whipper snipping) the interest from the care and maintenance fund does not provide enough monies to maintain the cemetery for the 7 months it's required. In addition, the care and maintenance fund is also to be utilized for the stabilization, maintenance and security of markers. Cemeteries are not self funding, and maintenance of such is becoming a larger budget concern.

Support Request

Cemetery transfers and abandonments have been an ongoing concern for Clearview Township for many years. When you look at the large geography of the Township there are many cemeteries within the boundaries that have the potential to be transferred. To gauge the concern of other municipalities on this issue, staff addressed it at a Simcoe County Clerks group discussion. Many neighbouring municipalities expressed that they were dealing with the same issues and have also been approached by different external entities on possible transfers.

As result of the discussion, it was agreed that to assist with the real concerns with transfers and abandonments of cemeteries, it's vital that the Province provide assistance to adequately support this infrastructure. Support can be provided in many different forms, with staff making the following recommendations for the Ministry of Public and Business Service Delivery and the BAO:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;

- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

There is not one solution to solve all the issues, but at the very least it's important to identify the concerns and have open and real discussions at the provincial level on what support can be provided.

Clearview's Strategic Plan

The above initiative supports the following strategic pillars:

- Governance

Financial Implications

It is difficult to identify an exact dollar amount that can be attributed to a cemetery transfer/abandonment to the municipality. Every transfer is different and depends on a multitude of factors beginning with the cemetery status (active/inactive), acreage, care and maintenance fund (if any), maintenance of records, etc. What is being recommended by staff by way of support from the province is not meant to erase the costs entirely, but rather, to alleviate the financial burden in some capacity.

Report Appendices

Not applicable.

Approvals

| | |
|--|---|
| Submitted by: | Sasha HelmKay, B.A., Dipl. M.A., AOMC, Clerk/Director of Legislative Services |
| Reviewed by: | Krista Pascoe, Deputy Clerk |
| Financial Implications Reviewed by: | Kelly McDonald, Treasurer |
| Approved by: | John Ferguson, CAO |



CLEARVIEW
TOWNSHIP

Clerk's Department
Township of Clearview
Box 200, 217 Gideon Street
Stayner, Ontario L0M 1S0
clerks@clearview.ca | www.clearview.ca
Phone: 705-428-6230

December 12, 2023

File: C00.2023

Hon. Todd McCarthy
Ministry of Public and Business Service Delivery
777 Bay Street, 5th Floor
Toronto ON M5B 2H7

Sent by Email

RE: Cemetery Transfer/Abandonment Administration & Management Support

Please be advised that Council of the Township of Clearview, at its meeting held on December 11, 2023, passed a resolution regarding Cemetery Transfer/Abandonment Administration & Management Support as follows:

Moved by Councillor Walker, Seconded by Councillor Broderick, Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

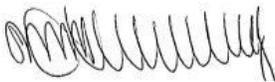
Now Therefore Be It Resolved that Council of the Township of Clearview requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amend the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries; Page 6 of 7
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost.

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Brian Saunderson and all Ontario municipalities. Motion Carried.

For reference, please find attached the Staff Report LS-032-2023 that provides background for the above resolution. If you have any questions, please do not hesitate to contact the undersigned.

Regards,



Sasha HelmKay-Playter, B.A., Dipl. M.A., AOMC
Clerk/Director of Legislative Services

cc: Jim Cassimatis, BAO Interim CEO/Registrar
MPP Simcoe Grey, Brian Saunderson
Ontario Municipalities

TAY TOWNSHIP

450 Park Street
PO Box 100
Victoria Harbour, Ontario
L0K 2A0



Received December 21, 2023
C-2023-442

December 21, 2023

Hon. Todd McCarthy
Minister of Public and Business Service Delivery
5th Floor
777 Bay St.
Toronto, ON M7A 2J3

sent via email Todd.McCarthy@pc.ola.org

Dear Hon. Todd McCarthy,

Re: Provincial Cemetery Management Support Request – Tay Township

Tay Township Council passed the following resolution during the December 20, 2023 Council Meeting regarding the Provincial Cemetery Management Support Request:

Whereas under the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), when a cemetery is declared abandoned by a judge of the Superior Court Justice, the local municipality within whose geographic boundaries the land of the cemetery is located, becomes the owner of the cemetery with all the rights and obligations in respect of the cemetery and the assets, trust funds and trust accounts related to it that the previous owner or operator possessed;

And Whereas over the last decade, there has been an increase in the number of churches and local cemetery boards initiating processes to transfer ownership or abandon their owned and operated cemeteries to the local municipality due to such issues as high maintenance costs, inaccuracy of records, lack of financial and human resources to effectively operate and maintain the cemetery, increased regulatory processes regarding training, selling of interment rights, financial operation of the care and maintenance fund, etc.;

And Whereas municipalities experience the same issues and pressures that churches and local boards experience with the operation and maintenance of cemeteries within its jurisdiction, and additional transfers of cemetery lands only compound the burden on municipal taxpayers;

And Whereas cemeteries are important infrastructure where the reasonable costs for interment rights, burials, monument foundations, corner stones and administration charges do not sufficiently support the general operation of cemeteries;

TAY TOWNSHIP

450 Park Street
PO Box 100
Victoria Harbour, Ontario
L0K 2A0



And Whereas the interest earned from the care and maintenance fund(s) of a cemetery do not provide adequate funding to maintain the cemetery with the rising costs of lawn and turf maintenance contracts and monument restoration;

Now Therefore Be It Resolved that Council of the Township of Tay requests that the Province through the Ministry of Public and Business Service Delivery and the Bereavement Authority of Ontario (BAO) consider the following to assist municipalities in this growing concern of cemetery transfers:

- Amending the Funeral, Burial and Cremation Services Act, 2002 (FBCSA), to have the Province, through the BAO, identified as the default owner and operator of a cemetery when it is abandoned;
- Provide annual funding (based on the number of cemeteries a municipality owns and operates) to municipalities to assist with the maintenance of inactive and active cemeteries;
- Provide free training opportunities for municipalities regarding cemetery administration; and,
- Investigate and support the design of universal cemetery software for use by municipal cemetery operators that can be offered at an affordable cost;

And that this resolution be circulated to the Hon. Todd McCarthy, Ministry of Public and Business Service Delivery, Jim Cassimatis, BAO Interim CEO/Registrar, MPP Jill Dunlop and all Ontario municipalities.

Sent on behalf of Tay Township Council.

Yours truly,

A handwritten signature in black ink, appearing to read 'Katelyn Johns'.

Katelyn Johns, MPPA
Municipal Clerk

Cc: Jim Cassimatis, BAO Interim CEO/Registrar, Hon. Jill Dunlop, Minister of Colleges and Universities/MPP, and all Ontario municipalities.

January 26, 2024

CL 2- 2024, January 25, 2024

DISTRIBUTION LIST

SENT ELECTRONICALLY

Motion Respecting Comprehensive Review and Overhaul of the Emergency Management and Civil Protection Act, 1990

Regional Council, at its meeting held on January 25, 2024, passed the following motion:

WHEREAS the *Emergency Management and Civil Protection Act, 1990*, and its regulations were established to provide a framework for managing emergencies and civil protection in Ontario and has remained largely unchanged for nearly 20 years;

WHEREAS municipalities across the Province of Ontario are encountering a range of emerging situations that are diverse and increasingly complex that were not adequately envisioned when the *Act* was drafted;

WHEREAS the evolving nature of emergencies, including but not limited to pandemics, cyber threats, climate-related events, mental health crises, and homelessness, requires a modernized and comprehensive legislative framework to empower municipalities to effectively respond and protect their communities;

WHEREAS the review should include the Province reinforcing the spheres of jurisdiction under the *Municipal Act, 2001*, to ensure declarations of emergencies are made in accordance with municipal powers established under the *Municipal Act, 2001*; and

WHEREAS a thorough review and overhaul of the *Act* and its regulations will enhance the capacity of municipalities to prevent, mitigate, prepare, respond and recover from various unforeseen and emergent circumstances.

NOW THEREFORE BE IT RESOLVED:

1. That Regional Council **URGES** the Province of Ontario to engage in a consultative process with municipalities, emergency management professionals, and relevant stakeholders to gather input and insights for the development of updated legislation that reflects the current needs and realities of local communities;

2. That the Regional Chair **BE DIRECTED** to send a letter requesting the Provincial Government to undertake a comprehensive review and overhaul of the *Emergency Management and Civil Protection Act, 1990*, and its regulations to better align with the current and future needs of municipalities in addressing emergent and evolving situations; and
3. That a copy of this resolution **BE CIRCULATED** to the Premier of Ontario, the Minister of Municipal Affairs and Housing, Treasury Board Secretariat, Minister of Small Business and Red Tape Reduction, Niagara's MPs and MPPs, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities and the local area municipalities.

Yours truly,



Ann-Marie Norio
Regional Clerk

:kl

CLK-C 2024-07

Distribution List:

- Premier of Ontario
- Minister of Municipal Affairs and Housing
- Treasury Board Secretariat
- Minister of Red Tape Reduction
- Associate Minister of Small Business
- Local Members of Parliament
- Local Members of Provincial Parliament
- Association of Municipalities of Ontario
- The Federation of Canadian Municipalities
- Local Area Municipalities



Legislative Services
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7

Received January 29, 2024
C-2024-032

clerks@newmarket.ca
tel.: 905-953-5300
fax: 905-953-5100

January 29, 2024

Sent via email

Attn: Minister of Municipal Affairs and Housing

RE: Notice Policy and Procedure By-law Update

I am writing to advise you that at the Town of Newmarket Council meeting held on January 22, 2024, Council adopted the following recommendations regarding the above referenced matter:

1. That the report entitled Notice Policy and Procedure By-law Update dated January 15, 2024 be received; and,
2. That the updated Notice Policy be adopted; and,
3. That the Procedure By-law amendment be adopted; and,
4. That Council supports the resolution of the Township of McKellar, that the Provincial government make an amendment to the Legislation Act, 2006 to include digital publications as an acceptable means of publication for notice requirements for all provincial acts and regulations; and,
5. That a copy of this resolution be submitted to the Minister of Municipal Affairs and Housing, Paul Calandra; Attorney General, Doug Downey; The Association of Ontario Municipalities (AMO); and all Ontario Municipalities; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Yours sincerely,

A handwritten signature in black ink that reads "Kiran Saini".

Kiran Saini
Deputy Clerk

KS:eth



Legislative Services
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7

clerks@newmarket.ca
tel.: 905-953-5300
fax: 905-953-5100

Copy:
Doug Downey, Attorney General
Association of Ontario Municipalities (AMO)
All Ontario municipalities



**Town of Newmarket Council Extract
Council - Electronic**

Title: Notice Policy and Procedure By-law Update

Date: Monday, January 22, 2024

Moved by: Councillor [Name]

Seconded by: Councillor [Name]

1. That the report entitled Notice Policy and Procedure By-law Update dated January 15, 2024 be received; and,
2. That the updated Notice Policy be adopted; and,
3. That the Procedure By-law amendment be adopted; and,
4. That Council supports the resolution of the Township of McKellar, that the Provincial government make an amendment to the Legislation Act, 2006 to include digital publications as an acceptable means of publication for notice requirements for all provincial acts and regulations; and,
5. That a copy of this resolution be submitted to the Minister of Municipal Affairs and Housing, Paul Calandra; Attorney General, Doug Downey; The Association of Ontario Municipalities (AMO); and all Ontario Municipalities; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried

Notice Policy

Policy Number: Corp. 1-02

Policy Statement and Strategic Plan Linkages

The Municipal Act, 2001 as amended requires that a municipality shall adopt and maintain a policy with respect to the circumstances in which the municipality shall provide notice to the public and the form, manner and times notice shall be given.

Purpose

This policy will outline the circumstances of notice and the form, manner and times that notice shall be given on matters where there is statutory notice required pursuant to the Municipal Act, 2001, the Ontario Heritage Act, and the Planning Act as amended. This policy does not intend to address notice requirements that may be required by other legislation or policy.

Definitions

In this policy:

Digital Newsletter means an online publication that the Town uses to communicate information.

Newspaper means a printed publication having general circulation in the municipality.

Notice means a digital or printed notification available to the public.

Town means the Corporation of the Town of Newmarket.

Website means the official Town of Newmarket website.

Provisions

1. The minimum public notice requirements and times are set out in Schedule "A" attached.
2. Notices that are to be published on the Website shall be the responsibility of the appropriate Town staff member (i.e., affected department).
3. Notices shall be written in plain language and in an accessible manner.
4. Notices shall include the following information as appropriate:

- 4.1. A description of the proposed action or the purpose and effect of the proposed by-law.
- 4.2. The date, time, and location of the meeting (if required).
- 4.3. Instruction on obtaining additional information, submitting comments, or attending a public meeting.
5. Staff may choose to provide additional or more comprehensive methods of notice at their discretion.
6. If a matter for which notice was given under this policy is deferred, adjourned, or continued to a future Committee of the Whole or Council meeting:
 - 6.1. All statutory requirements for notice of the future meeting will be complied with, if required.
 - 6.2. For non-statutory matters a public statement will be made at the meeting advising that the matter has been deferred, adjourned or continued to a future meeting specified in the statement.

Urgency Provision

If a matter arises which in the opinion of the Chief Administrative Officer in consultation with the Mayor is considered to be of an urgent or time sensitive nature, the notice requirements of this policy shall be waived and the appropriate staff shall make best efforts to provide as much notice and in the manner that is reasonable under the circumstances.

Cross-References

Accountability and Transparency Policy
Procedure By-law 2020-12 as amended.
Sale of Land Policy
Community Engagement Policy
Delegation By-law 2016-17 as amended.

Contact

Legislative Services, clerks@newmarket.ca

Details

Approved by: Council
Approval Date:
Policy Effective Date:
Last Revision Date: December 7, 2017
Revision No: 002

Appendix A – Notice Standards

1. Council and Committee of the Whole meetings

Legislative requirement per the Municipal Act, 2001, s. 238 (2.1): The procedure by-law shall provide for the public notice of meetings.

Town’s Notice Standard: The Procedure By-law will provide the form, manner and time for notice of public meetings.

2. Planning Act notices

Legislative requirement per the Planning Act: There are various requirements under the Planning Act for public notice depending on the matter.

Town’s Notice Standard: Notice will be provided in the form, manner and time required by the Planning Act. Where the Planning Act requires public notice in a newspaper, notice shall be given in accordance with the definition of Notice in this policy.

3. Change in composition of Council and changes to ward boundaries

Legislative requirement per the Municipal Act, 2001, s. 222 (3): Notice must be provided of the passing of a by-law within 15 days after adoption specifying the last date for filing of an appeal.

Town’s Notice Standard: Notice will be provided in writing, on the Town’s website and in the Town’s Digital Newsletter within 15 days after adoption of a by-law to change the composition of Council or to the ward boundaries.

4. Financial statements

Legislative requirement per the Municipal Act, 2001, s. 295 (1) (a) (ii): Within 60 days after receiving the audited financial statements for the previous year the treasurer shall publish a notice in a newspaper having general circulation in the municipality that the audited financial statements for the previous year are available.

Town’s Notice Standard: Notice will be provided in writing, on the Town’s website and in a Digital Newsletter within 60 days after receiving them.

5. Tax sales

Legislative requirement per the Municipal Act, 2001, s. 351 (8): Public notice must be given by the treasurer or their agent of the time and place of the auction, and the name of the person whose personal property is to be sold.

Town’s Notice Standard: Notice will be provided in writing, on the Town’s website and in any other manner as appropriate within 30 days.

6. Changing the name of a private road

Legislative requirement per the Municipal Act, 2001, s. 48: Public notice must be given of the intention to pass a by-law changing the name of a private road.

Town's Notice Standard: Notice will be provided when a written agenda, containing the change in private road name, is published on the Town's website and within the timeframe as established by the Town's Procedure By-law.

7. Intent to designate a property as having cultural heritage value or interest.

Legislative requirement per the Ontario Heritage Act, s. 26 (4): Where a municipality is required by this Part to publish a notice in a newspaper having general circulation in the municipality, notice given in accordance with a policy adopted by the municipality under section 270 of the Municipal Act, 2001 is deemed to satisfy the requirement of this Part to publish notice in a newspaper.

Town's Notice Standard: A notice required under the Ontario Heritage Act will be provided in writing, on the Town's website for a period of 30 days. The notice will comply in all other respects with the requirements of the Ontario Heritage Act including a description of the property, statement of heritage value, and timeline for a notice of objection.

Procedure By-law Edits due to Local Paper no longer in circulation.

12. Cancellation or Postponement of Meetings

- a) A regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting of Council may be cancelled or postponed where Quorum cannot be achieved, by Council resolution, in the event of an emergency, or where the Meeting is no longer required, as deemed by the Mayor and/or CAO.
- b) The Clerk gives Notice on the Town's website and time permitting, using the Town's electronic newsletter to indicate the cancellation or postponement of a regular, special, or emergency Meeting of Council or Committee of the Whole or a workshop Meeting. Where time is limited, a Notice is posted at the main entrance to the Municipal Office.
- c) Meetings of other Committees may be cancelled or postponed by the Clerk, Recording Secretary, Chair or other assigned person where Quorum cannot be achieved, due to a lack of business items, by Committee resolution, or in the event of an emergency.

14. Notice of Meetings

- a) The Clerk gives Notice of a Meeting of Council or Committee of the Whole by:
 - i) Providing Council with a regular agenda on each Thursday preceding a Meeting day of Council and each Thursday ten days in advance of a Meeting day of a Committee of the Whole.
 - ii) Providing Council with a revised agenda on each Thursday preceding the Meeting day of the Committee of the Whole.
 - iii) Using the Town's website to indicate the date and time of the Meeting of Council or Committee of the Whole.
 - iv) Time permitting, using the Town's electronic newsletter to indicate the date and time of the Meeting of Council or Committee of the Whole.
- b) The Clerk, Recording Secretary or other assigned person gives Notice of Meetings of other Committees, including regular Meetings of the Joint Council Committee (Central York Fire Services) by:
 - i) Providing an agenda to Committee Members one week prior to the Meeting.
 - ii) Time permitting, using the Town's website to indicate the date and time of the Meeting of the Committee.
- c) The Clerk gives Notice of special Meetings of Council or Committee of the Whole by:
 - i) Providing Council with an agenda in person, by telephone, by mail, or electronic mail at least 24 hours prior to the Meeting.

- ii) Using the Town's website to indicate the date and time of the special Meeting of Council or Committee of the Whole.
 - iii) Time permitting, using the Town's electronic newsletter to indicate the date and time of the special Meeting of Council or Committee of the Whole.
- d) The Clerk gives Notice of emergency Meetings of Council or Committee of the Whole by:
 - i) Providing Notice to Council in person, by telephone, by electronic mail, or in the form of an agenda that indicates the date and time of the Meeting and general nature of the matters to be discussed.
 - ii) Using the Town's website to indicate the date and time of the emergency Meeting of Council or Committee of the Whole.
 - iii) Time permitting, using the Town's electronic newsletter to indicate the date and time of the emergency Meeting of Council or Committee of the Whole.
- e) The Clerk gives Notice of workshop Meeting of Council by:
 - i) Providing, at least 24 hours in advance, Notice to Council in person, by telephone, by mail or electronic mail that indicates the date and time of the workshop Meeting and the general nature of the matters to be discussed.
 - ii) Using the Town's website to indicate the date and time of the workshop, and time permitting.
 - iii) Time permitting, using the Town's electronic newsletter to indicate the date and time of the workshop Meeting.

15. Notice of Meetings Closed to the Public

- a) Where a matter may be considered by Council, Committee of the Whole, or a Committee for discussion in closed session, wherever possible, written Notice will include:
 - i) The fact that the Meeting will be closed to the public as provided by the appropriate legislation;
 - ii) The general nature of the matter to be considered at the closed Meeting.

16. Invalidation of Notice of Meeting

- a) If a Meeting Notice is substantially given, but varies from the form and manner provided in this Procedure By-law, the ability to hold the Meeting and the actions taken at the Meeting are not invalidated.



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Posting Statutory Public Notices

January 3, 2023

With the local Newspaper Newmarket Era dissolved due to Metroland filing for bankruptcy, the following are measures to post and advertise Statutory Public Notices.

1. Post to News and Notices on the corporate website
 - a. Content will be under the following category: **Public Notice** and **Planning Notice**
 - b. The news article will appear on the homepage, and a section of the website called Statutory Public Notices.
2. Post to the Newmarket Calendar if a meeting is involved (i.e. statutory public meeting)
3. Advertise on Social Media on X (formerly Twitter) and Facebook. If a Statutory Public Meeting is involved, a Facebook event will be created. All social media posts will be linked back to the Public Notice on the Town's website.
4. If a statutory meeting is involved, advertise on NewmarketToday.ca and YorkRegion.com event pages

Optional:

1. A public service announcement (PSA) with the statutory notice will be sent to the local media. Note: sending out a PSA does not guarantee that a local newspaper will publish an article about the meeting.
2. Monthly Neighbor advertisement: purchase a standing advertisement in Neighbour.
 - a. This is the only printed media publication in Newmarket; however, it is a monthly publication with a longer-lead time and therefore does not meet the objective and Legislative definition of a paper to provide timely, quick turnaround public notice.
 - b. While we can't print a public notice directly in the publication due to lead times, a standing advertisement could include a QR code that drives back to the Newmarket webpage with the latest public notices.



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Notices to the Public: Communication Options

Background:

On September 15, 2023, Metroland Media, the company of the Town of Newmarket's local newspaper Newmarket Era announced the ending of all local papers effective immediately. The dissolution of the local paper also saw the end of the Town's print publication option for statutory notices/meetings and the Town Page (a weekly ad in the Newmarket Era that advertises public events, notices, upcoming Council Meetings and more).

The following are some communications tactics the Town can consider using to continue to provide sufficient public notice to the community.

Internal Resources:

Newmarket Website – newmarket.ca

Newmarket.ca has various components that can be used to advertise public notices, meetings, and events. These include a community calendar, designated webpage, a notice under news and notices that appear on the front of the website.

Pros:

- Town-owned communications vehicle; existing cost
- Ability for the Town to advertise its own news and notices
- Can be updated in a timely manner
- Ability to direct members of the public to visit the Newmarket website in combination with other tactics, such as a media release, social media post, digital ad, banner/road signs and more.

Cons:

- News items can get lost with the amount of information on the website
- Most users do not visit Newmarket's site via the homepage. Many searches through Google to find their desired content
- Requires the user to visit Newmarket's site for more information
- Unable to reach audiences who do not have access to a computer / mobile device

Public Engagement website – heynewmarket.ca

Projects that have a public engagement component are encouraged to have a project page on Heynewmarket.ca. The public engagement tools and tactics make it easier for users to provide

their feedback, learn about the project and stay up to date with the project timelines and more. HeyNewmarket project pages are included on all communications collateral to drive users to the project webpages (i.e. letter to residents, on-site signage at the location of the project, social media and more)

Pros:

- Town-owned communications vehicle; existing cost
- Ability for the Town to communicate project updates
- It is used in conjunction with other tactics such as a media release, social media post, digital ad, banner/road signs and more.
- Ability to direct members of the public to visit the Newmarket website in combination with other tactics.
- Can be updated in a timely manner.

Cons:

- Requires the user to visit this site for more information.
- Unable to reach audiences who do not have access to a computer / mobile device

Council Slides at the beginning of Council Meetings

Prior to the Council meeting starting, a series of Town news and advertisements are cycled on the screen.

Pros:

- Town-owned communications vehicle; no hard costs
- Opportunity as another avenue to push Town messaging out to the public.
- Potential to reach the audience who may be engaged but without computer access who attend Council meetings in person (limited audience)

Cons:

- Limited exposure to the community. Only available to those who are watching the Council Meeting.

LCD Screens (inside and outside facilities)

Newmarket had LCD screens inside and outside of facilities to help promote Town events and news. There is an ability to select which facilities you'd like to have the ads played across.

Pros:

- Town-owned communications vehicle; existing cost
- Ability to reach audiences within and in and around our facilities.
- Does not require access to a computer or mobile device for initial information

Cons:

- News can get lost with other initiatives and campaigns being advertised on the LCD Screens and distractions at facilities
- Inside facility screens require extra design work (not as fluid)
- Doesn't reach people who are not already engaged with the Town in some way.
- Requires user to go to a website for more information

Neighbourhood Mailouts

The Town of Newmarket can consider sending out targeted letter mailout for statutory meetings to a wider audience in conjunction with statutory requirements.

Pros:

- Opportunity to reach audiences at their home.
- Option to ensure residents are aware of upcoming statutory notices.

Cons:

- Higher cost – to send a 11X14 double sided print piece (unaddressed mail) to an estimated 16,416 households and businesses using Canada Post, the mailing costs are estimated at \$2,500 with additional costs for printing. Addressed mail costs are significantly higher at approximately \$20,000 in delivery costs alone.
- Inability to ensure mail gets to residents in a timely manner
- Tighter timelines to have items printed and dropped off at Canada Post for delivery.
- Hand delivery by staff will require many resources.
- Addresses with 'no junk mail' will not receive the letter if it is unaddressed.
- Can be costly and time consuming for staff to produce, get printed professional and then arrange to be delivered by Canada Post. RFP may be required if services exceed \$20k.
- Canada post delivers by delivery routes and postal codes. Some subdivisions may not receive the notice if they border on neighboring municipalities.

Advertisement within the Property Tax Bill

There is an opportunity to include important information as an insert along with the Property Tax Bill. Finance uses an external marketing company to print and issue Property Taxes which may require increased budget and lead time.

Pros:

- Opportunity to reach Newmarket property owners with Town News

Cons:

- Not all property owners opt in to receive a paper property tax bill.
- Renters are excluded from the distribution.
- Can be costly.
- Additional lead time may be required.

Media Release / Public Service Announcement

Newmarket can consider sending out a Statutory meeting announcement to the Town's local and regional media groups which in turn can be published as an article online and or mentioned through a radio update.

Pros:

- Town-owned communications vehicle; existing cost
- Opportunity to leverage online media sites to publish news articles related to statutory meetings

Cons:

- Potential increase in media calls to the department regarding the meeting.
- Media may not pick up all media releases sent to them and publish it into an article.

Social Media Campaigns and Posts

Social media posts on Facebook, X (formerly Twitter) and Instagram are used to promote public notices, meetings, and important information. Social media posts can be organic (non-paid) or paid to reach a wider audience.

Pros:

- Town-owned communications vehicle; low and scaleable cost for paid advertising
- Ability to reach audiences that currently follow the Town's social media channels and or produce paid ads to reach an even wider audience.
- Multiple platforms to reach audiences regarding Town News
- A resource that the Town currently uses and has adopted strategies to reach audiences.

Cons:

- Unable to reach audiences that do not have access to a computer/mobile device or does not follow the Town of Newmarket.
- Less control over who can see social media ads due to social media algorithms. Time-based versus popularity of the post.
- The Town needs to sign up for other forms of social media in order to reach an even wider audience (i.e. Snapd Chat, Tik Tok, online forums such as Reddit etc.)

External Resources:

Digital ads with Newmarket Today

Corporate Communications currently places digital ads with Newmarket Today. These digital ads are placed at random beside news articles throughout the website. The Town currently has three-sizes of ad placements for the site. Two of which can be changed at any time and one that can only be updated once a month.

Pros:

- Opportunity to market long terms initiative and link back to the Town's site if the user wishes to learn more.
- A different channel to market to Newmarket residents and surrounding communities
- Works better for long-term campaigns and initiatives (i.e., to Sign up for a Town's newsletter, or a new initiative such as ASE that has a long educational period timeframe)
- Could consider an ad driving to Meetings and another driving to Development Applications and ensure this page has information clearly available about all upcoming statutory meetings.

Cons:

- External resource; monthly cost per advertisement
- Can be blocked by ad blockers (if the user has ad blockers installed)
- Cannot control the frequency that the user sees the ad (digital ads are at random)
- Low click-through rates due to limited exposure to audiences

Monthly ads with Neighbor (formerly Snap'd)

Neighbor media, formerly known as Snap'd produces a monthly printed magazine that is currently distributed for free inside Newmarket facilities and in and around the community. Neighbor focuses on community events that involve the Town, Councillors, MPs and MPPs.

Pros:

- Option to provide a 'print' version of communication to the community.
- Free distribution from Neighbor in Town facilities and businesses

Cons:

- Unknown readership



- Long lead time given it's a monthly publication, therefore would not meet the public notice objectives for timely notice. However, we could consider a standing paid Town advertisement with a QR code linking to a website with updated information.
- External resource; monthly cost per advertisement

Advertisement within the Newmarket Hydro Bill

NT power provides an opportunity to use a portion of the bill to communicate messages to the bill receivers in Newmarket (450 characters max). One month prior to when you want the notice to go out is preferred as NT power has planned programming that may need to be shifted.

Pros:

- Opportunity to reach Newmarket Property Owners/Renters
- No external costs

Cons:

- Not all renters or landlords receive Hydro Bills
- Message may not be conveyed since this is appearing on the hydro bill. Topics will need to be tied back to have a connection with Hydro or services.
- Managed by Newmarket Hydro and the Town may not have priority in posting messages.

Interim Solution

- Post statutory ads on the Town's website with a link to the full ad, and supplement the advertising of the ads via the Town's current communications channels (i.e. social media, e-newsletter etc.)
 - **Consider:** Statutory Ads can be sent out as an advisory to the local media.
 - Newmarket will supplement this by posting the ad on the website and advertising the meeting on various communication channels.
 - **Note:** This option may lead to more media calls, and we cannot guarantee if the media will pick up and advertise the meeting.
 - Use existing communication channels to encourage residents to sign-up for e-news. Campaigns can be conducted to entice users to sign up. Include signage at facility kiosks or pull up banners to encourage people to sign-up for news
- Print hard copies of the e-newsletters and place a few copies at high-traffic facilities (i.e. Seniors Meeting Place). Consider also distributing or posting at select facilities outside of Town, such as condos, doctor's office waiting rooms.
- Monthly Neighbor advertisement: purchase a standing advertisement in Neighbour.
 - This is the only printed media publication in Newmarket; however, it is a monthly publication with a longer-lead time and therefore does not meet the objective and Legislative definition of a paper to provide timely, quick turnaround public notice.
 - While we can't print a public notice directly in the publication due to lead times, a standing advertisement could include a QR code that drives back to the Newmarket webpage with the latest public notices.

Longer Term Solution

- Conduct a town-wide survey on the Town's communications and how residents would like to receive information. This can be done via phone, at community events, and an all household/business mail-out.
- Options can include, how they would like to be informed of meetings and public input opportunities and general Town news.
- Findings from the survey will help make data-based decisions to determine the next steps on how to proceed with Town communications.

Other Solutions require more research into the legalities.

- Become our own news source. Using blogs, publish our own news and promote it on our own social media channels, effectively becoming our own news source to be a 'local paper'.



Township of McKellar

701 Hwy #124, P.O. Box 69, McKellar, Ontario POG 1C0

Phone: (705) 389-2842

Fax: (705) 389-1244

October 19, 2023

Hon. Doug Downey
Attorney General
McMurtry-Scott Bldg 11th Flr, 720 Bay St.
Toronto, ON M7A 2S9

Sent via email: Doug.Downey@ontario.ca

RE: Call for an Amendment to the *Legislation Act, 2006*

Dear Mr. Downey,

At the Regular Meeting of Council held on October 17, 2023, the Council of the Corporation of the Township of McKellar carried the following resolution:

Resolution No. 23-671

Moved by: Councillor Kekkonen

Seconded by: Councillor Zulak

WHEREAS Metroland Media Group has sought bankruptcy protection and will cease the print publication of its weekly community newspapers across Ontario, moving to an online-only model; and

WHEREAS Neil Oliver, Chief Executive Officer and President of Metroland Media Group, said the 71 Metroland community publications will be digital only going forward; and

WHEREAS the *Legislation Act, 2006* provides a definition of “newspaper” which applies to every Ontario Act and Regulation, as in a provision requiring publication, means a document that, (a) **is printed in sheet form**, published at regular intervals of a week or less and circulated to the general public, and (b) consists primarily of news of current events of general interest; (“journal”); and

WHEREAS Ontario Municipalities are required to follow publication and notice requirements for Provincial Acts and Regulations; and

WHEREAS communities such as the West Parry Sound Area cannot comply with publication requirements in Provincial Acts and Regulations as the Parry Sound North Star news publication is no longer being printed in sheet form and there are no other local news publications fitting the definition of “newspaper”; and

WHEREAS some small, rural, Ontario Municipalities may not have the means to bring an application to the Court to ask for directions and approval of an alternate manner of providing notice;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of McKellar does hereby request the Provincial government to make an amendment to the *Legislation Act, 2006* to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations; and

FURTHER request the support of all Ontario Municipalities; and

FURTHER THAT this resolution be forwarded to the Minister of Municipal Affairs and Housing, Paul Calandra; Parry Sound-Muskoka MPP, Graydon Smith; The Association of Ontario Municipalities (AMO); CEO and President of Metroland Media Group, Neil Oliver and all Ontario Municipalities.

Carried

Regards,



Karlee Britton
Deputy Clerk
Township of McKellar
deputyclerk@mckellar.ca
(705) 389-2842 x5

cc:

Paul Calandra, Minister of Municipal Affairs and Housing
Graydon Smith, MPP Parry Sound-Muskoka
The Association of Ontario Municipalities (AMO)
Neil Oliver, CEO & President, Metroland Media Group
All Ontario Municipalities

**Notice of Decision to Approve
Regional Official Plan Amendment 2 (ROPA 2)
Regional Road Allowance Width Updates**

Purpose and Effect

ROPA 2 amends the Niagara Region's Official Plan to update the right-of-way widths across the Niagara Planning Area identified in Schedule M (Road Allowance Widths) based on the Region's transportation model, the roadway capacity outlined in the Region's Transportation Master Plan, as well as the planned projects listed in the Region's 10-year capital forecast.

Further, ROPA 2 adds a new policy to Chapter 5 (Connected Region) of the Niagara Official Plan, which would allow updates to Schedule M to be made without an amendment if alternate road allowance widths are approved through a completed Municipal Class Environmental Assessment.

In accordance with the *Planning Act, 1990*, a statutory public meeting for ROPA 2 was held on September 13, 2023. All comments received were considered as part of the decision making process.

Decision to Approve

On January 25, 2024, Niagara Regional Council, as the approval authority under Section 17 of the *Planning Act, 1990*, has made a decision to pass By-law 2024-04 to **approve** ROPA 2.

Any person or public body who made an oral submission at a public meeting or written submissions to Niagara Regional Council before ROPA 2 was approved may appeal applicable parts of the decision to the Ontario Land Tribunal by filing a notice of appeal with the Niagara Region.

A notice of appeal must:

- (i) set out the reasons for the appeal and the specific part or parts of the Official Plan Amendment to which the appeal applies;
- (ii) if the appellant intends to argue that the appealed decision is inconsistent with a policy statement issued under *Planning Act, 1990* subsection 3(1), fails to conform with or conflicts with a provincial plan or, in the case of the Official Plan of a lower-tier municipality, fails to conform with the upper-tier municipality's official plan, the notice of appeal must also explain how the

- decision is inconsistent with, fails to conform with or conflicts with the other document;
- (iii) be accompanied by the fee required by the Tribunal, \$1,100.00, payable to the Ontario Minister of Finance; and
 - (iv) be filed in writing with the Regional Clerk:

Ms. Ann-Marie Norio, Regional Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, Ontario L2V 4T7
Ann-Marie.Norio@niagararegion.ca
 - (v) be submitted by **February 20, 2024** which is the last day for filing a notice of appeal.

ROPA 2 is exempt from approval by the Minister of Municipal Affairs and Housing. The decision of the Niagara Region to approve ROPA 2 is final if a notice of appeal is not received before or on the last day for filing a notice of appeal.

Only individuals, corporations and public bodies may appeal a decision of the municipality or planning board to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of appeal unless, before the plan was adopted, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

More Information

Additional information, including a copy of staff's report PDS 1-2024 and a copy ROPA 2 as approved by Niagara Regional Council, is available for public inspection on the Region's website at [Regional Official Plan Amendments](#) (linked), by e-mailing Alexandria Tikky, Senior Policy Project Manager, at alexandria.tikky@niagararegion.ca, or in person in the Planning and Development Services Department at Niagara Region Headquarters, 1815 Sir Isaac Brock Way, Thorold, ON, L2V 4T7, Monday to Friday between 8:30 am and 4:30 pm (Telephone: (905)-980-6000 or 1-800-263-7215).

Date of Notice: January 31, 2024
Last Day for Filing a Notice of Appeal: February 20, 2024