

Municipality of Lakeshore

Regular Council Meeting Agenda



Tuesday, April 26, 2022, 6:00 PM

Electronically hosted from Council Chambers, 419 Notre Dame Street, Belle River

Pages

1. Call to Order
2. Land Acknowledgement
3. Moment of Reflection
4. Disclosures of Pecuniary Interest
5. Recognitions
6. Public Meetings under the Planning Act

1. Zoning By-law Amendment ZBA-32-2021 – 2744 County Road 31

8

Recommendation:

Approve Zoning By-law Amendment Application ZBA-32-2021 (By-law 39-2022), Municipality of Lakeshore By-law 2-2012), to prohibit the construction of a residential dwelling on the remnant farmland by rezoning to agriculture uses only, as described in the April 26, 2022 Council meeting report.

2. Zoning By-law Amendment Application ZBA-6-2022, Jean-Marc and Catherine Beneteau

19

Recommendation:

Approve Zoning By-law Amendment Application ZBA-6-2022 to remove the Holding Symbol (h9) from the lands legally described as Part of Lot 14, Concession 1, East of Belle River, Rochester designated as Parts 5-10, 14-65, 69-75 and 77 on Plan RD 131, being all of the Property Identifier Numbers 75028-0120 to 75028-0185 (LT), to remove the requirement that a subdivision agreement be executed by the owner and the development receive final approval by the County of Essex; and

Direct the Clerk to read By-law 40-2022 during the “Consideration of By-laws”, all as presented at the April 26, 2022 Council meeting.

7. Public Meetings under the Municipal Act, 2001

- 1. Development Charges Update Study Public Meeting** 27

Recommendation:

Administration circulate and publish the Development Charge Update Study for public consultation and prepare the Development Charges By-law amendment for Council’s consideration at the May 30, 2022 Council meeting.

8. Public Presentations

9. Delegations

10. Completion of Unfinished Business

11. Consent Agenda

Recommendation:

Approve minutes of the previous meetings and receive correspondence as listed on the Consent Agenda.

- 1. March 7, 2022 Special Council Meeting Minutes** 85
- 2. March 29, 2022 Regular Council Meeting Minutes** 90
- 3. April 5, 2022 Special Council Meeting Minutes** 102

12. Reports for Information

Recommendation:

Receive the Reports for Information as listed on the agenda.

- 1. Drainage Board Meeting - April 4, 2022** 107
- 2. 2021 MECP Drinking Water Inspections** 113

13. Reports for Direction

1. **Tender Award – 2022 Mowing Tractor and Bush Hog Mower** 196
Recommendation:
Award the 2022 Mowing Tractor & Bush Hog Mower contract to Delta Power Equipment Essex Ltd (Essex) in the amount of \$137,884.80, including applicable HST, with a total budget overage of \$12,884.80 to be funded from the equipment reserve, as presented at the April 26, 2022 Council meeting.
2. **Tender Award – 2022 Asphalt Roads Resurfacing Program** 199
Recommendation:
Award the tender for the 2022 Asphalt Road Resurfacing Program to Mill-Am Corporation in the of amount of \$1,277,210.11, including applicable HST, with the excess amount of \$134,651.11 to be funded from the roads reserve (Option 1), as presented at the April 26, 2022 Council meeting.
3. **Rourke Line Road Reconstruction and Denis St. Pierre Sewer Outfall Tender Award** 213
Recommendation:
Approve the tender amount of \$7,960,406.99, including applicable HST, and award the Rourke Line Reconstruction and Denis St Pierre Sewer Outfall construction tender to J&J Lepera Infrastructures Inc. subject to further negotiations with the successful proponent with a contract reduction in the amount of \$1,039,247.41, including HST; and,

Authorize an additional \$791,438.99, including applicable HST to be funded from the roads reserve, as presented at the April 26, 2022 Council meeting.
4. **Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek** 217
Recommendation:
Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek to Landmark Engineers Inc. for a total cost of \$99,724.80 including applicable HST, as presented at the April 26, 2022 Council meeting

5. **Water & Wastewater Master Plan Update** 220
- Recommendation:**
Direct Administration to redirect the approved 2022 budget allocated to complete the Transportation Master Plan in the amount of \$150,000 to undertake an update to the 2018 Water & Wastewater Master Plan, as presented at the April 26, 2022 Council meeting.
6. **Great Lakes Waterfront Trail, Closing the Gap – Caille Avenue** 222
- Recommendation:**
Support the application made by the Waterfront Regeneration Trust, on behalf of Great Lakes Waterfront Trail, to receive funding through Infrastructure Canada under the Active Transportation Fund (ATF) for the construction of an asphalt pathway along Caille Avenue, as presented at the April 26, 2022 Council meeting.
7. **Maidstone and Area Historical Society Grant Support – Mini-Barn** 228
- Recommendation:**
Support the Maidstone & Area Historical Society's 2022 grant application to Farm Credit Canada's Agri-Spirit Fund for the purchase and installation of a mini-barn;
- Direct Administration to act as the trustee for the grant funding, if approved; and
- Authorize the Corporate Leader - Chief Financial Officer, in consultation with the Corporate Leader – Strategic & Legal Affairs, to execute any agreements or instruments required in support of or to receive the funding, all as further described in the April 26, 2022 Council meeting report.
8. **Bill 109 and Proposed Changes to the Planning Act** 235
- Recommendation:**
Direct Administration to submit official comments on behalf of the Municipality of Lakeshore to inform the Ministry of Municipal Affairs and Housing that the Municipality of Lakeshore does not support the incremental refund scale for land use planning applications as proposed in the *More Homes for Everyone Act, 2022*, due to the negative impact on municipal revenue, as presented at the April 26, 2022 Council meeting.

9.	Delegation of Authority during Restricted Period	258
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Recommendation:

Direct the Clerk to read By-law 38-2022, Being a By-law to Delegate Authority during a Restricted Council Period, during the “Consideration of By-laws”, as presented at the April 26, 2022 Council meeting.

10.	Adoption of Animal Care and Control By-law	261
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Recommendation:

Direct the Clerk to read By-law 27-2022, known as the draft Animal Care and Control By-law, during the “Consideration of By-laws”, as presented at the April 26, 2022 Council meeting.

11.	Notice of Action under Ontario Regulation 199/03, West Nile Virus Response – Larviciding	263
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Recommendation:

Authorize the Mayor and Clerk to execute the resolution in support the Windsor Essex County Health Unit (WECHU) West Nile Virus Response – Larviciding annually, subject to the annual approval in the budget, as presented at the April 26, 2022 Council meeting.

12.	Assumption of Developed Roadways - Lakeshore New Centre Estates Phase 2d, Woodslee Estates Phases 2 & 3, and Lakeside Estates Phase 1	272
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Recommendation:

Direct the Clerk to read By-law 31-2022 during the Consideration of By-laws, for the assumption of developed roadways and municipal services for Lakeshore New Centre Estates Phase 2d, Woodslee Estates Phases 2 & 3, and Lakeside Estates Phase 1 , as presented at the April 26, 2022 Council meeting.

- 14. **Announcements by Mayor**
- 15. **Reports from County Council Representatives**
- 16. **Report from Closed Session**
- 17. **Notices of Motion**
- 18. **Question Period**
- 19. **Non-Agenda Business**

20. Consideration of By-laws

Recommendation:

By-laws 27-2022, 30-2022, 31-2022, 38-2022, 39-2022, 40-2022 and 43-2022 be read and passed in open session on April 26, 2022.

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| 1. | By-law 27-2022, Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore | 275 |
| 2. | By-law 30-2022, Being a By-law to Confirm the Proceedings of the Council of the Municipality of Lakeshore for February 15, March 7 and March 15, 2022 | 309 |
| 3. | By-law 31-2022, Being a By-law for the Assumption of Municipal Services in the Municipality of Lakeshore – Woodslee Estates Phases 2&3, Lakeshore New Centre Estates Phase 2D and Lakeside Estates Phase 1 | 310 |
| 4. | By-law 38-2022, Being a By-law to Delegate Certain Authorities During a Restricted Period During the 2022 Municipal Election | 312 |
| 5. | By-law 39-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-32-2021) | 315 |
| 6. | By-law 40-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-6-2022) | 317 |
| 7. | By-law 43-2022, Being a By-law to Confirm the Proceedings of the Council of the Municipality of Lakeshore for March 29 and April 5, 2022 | 319 |

21. Closed Session

Recommendation:

Council move into closed session in Council Chambers at ____ PM in accordance with:

- a. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality regarding an application under the *Municipal Conflict of Interest Act* and associated litigation.
- b. Paragraph 239(2)(e) and (f) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding Lanoue Street construction.
- c. Paragraph 239(2)(k) of the *Municipal Act, 2001* to discuss a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality regarding the use of South Middle Road.
- d. Paragraph 239(2)(c) of the *Municipal Act, 2001* to discuss a proposed or pending disposition of land by the municipality relating to the County Road 46 area.
- e. Paragraph 239(2)(c) of the *Municipal Act, 2001* to discuss a proposed or pending disposition of land by the municipality relating to the St. Charles Street area.

22. Adjournment

Recommendation:

Council adjourn its meeting at ____ PM.

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Urvi Prajapati, BEDP, MES
Planner 1

Date: April 12, 2022

Subject: Zoning By-law Amendment ZBA-32-2021 – 2744 County Road 31

Recommendation

Approve Zoning By-law Amendment Application ZBA-32-2021 (By-law 39-2022), Municipality of Lakeshore By-law 2-2012), to prohibit the construction of a residential dwelling on the remnant farmland by rezoning to agriculture uses only, as described in the April 26, 2022 Council meeting report.

Background

Recently, a provisional consent (File: B/41/2021) was granted to sever a surplus dwelling lot from the farm parcel located at 2744 County Road 31. Condition #4 of the Consent was that the applicant obtains a Zoning By-law amendment respecting the remnant farm parcel to prohibit the construction of a residential dwelling. In order to meet the conditions of the provisional consent, the applicants, have submitted an application to rezone the remnant (retained) farmland to agriculture uses only.

Proposal

The proposed zoning by-law amendment application affects the retained lot north of the surplus lot with an area of 38.80 ha (95.9 acres). The parcel of land is located on the south of South Middle Road, east of County Rd. 31 and west of Lakeshore Road 243. The surrounding properties include agricultural land of varying sizes. The legal description of the land is Con 6 W PT Lot 27 and is situated in the community of Rochester. A part of the surplus lot is regulated by Essex Region Conservation Authority (ERCA).

Subject Land: (2744 County Road 31)	40.46 ha (100.0 acres) Existing Use – Farming/Agriculture Proposed Use – impose a zone amendment to prohibit residential dwellings and continue practicing agriculture. Access — County Road 31 Services — municipal water, septic, storm drainage: ditches
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Neighbouring Land Uses:	North: Agricultural Lands South: Agricultural Lands East: Agricultural Lands West: Agricultural lands
Official Plan:	Agricultural
Existing Zoning:	Agricultural (A)

Comments

Provincial Policy Statement

The proposed application was reviewed under the lot creation and lot adjustments agricultural policies of the 2020 Provincial Policy Statement (PPS) and it was determined that the proposal is consist with the below policies:

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in prime agricultural areas is discouraged and may only be permitted for:

- c) *“a residence surplus to a farming operation as a result of farm consolidation,” to be severed “provided that:*
 2. *the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance.”*

2.3 Agriculture

2.3.3 Permitted Uses

2.3.3.1 In prime agricultural areas, permitted uses and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses.

- *“Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.”*

2.3.3.2 In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Therefore, the proposal is consistent with the Provincial Policy Statement.

County of Essex Official Plan

The proposal conforms to the County of Essex's Official Plan and is consistent with their land use policies.

Municipality of Lakeshore Official Plan

The site is designated as Agricultural in the Lakeshore Official Plan. The majority of lands within the Municipality are designated Agricultural and consist entirely of prime agricultural lands. The following criteria of the agricultural land use applies:

6.2.1 Permitted Uses

- "a) The primary use of land will be for agricultural uses, agriculturally-related uses and secondary agricultural uses including: the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including accommodation for full-time farm labour when the size and nature of the operation requires additional employment; conservation uses; resource extraction, resource-based, and compatible uses."*

6.2.3 Agricultural Lot Creation & Lot Adjustment

"A consent to sever may be granted for the following purposes:

- b) Where a previous or current farm acquisition has rendered a habitable farm dwelling surplus to the needs of a farm operation, subject to the following conditions:*
- i) the remnant farm parcel will be zoned so as to prohibit the construction of any additional dwellings;"*

Hence, the application is to rezone the remnant farm parcel to prohibit the construction of any dwellings and therefore conforms to the land use and consent policies of the Lakeshore Official Plan.

Zoning By-law

The subject property is currently zoned Agriculture (A), in the Lakeshore Zoning By-law 2-2012, as amended.

In order to satisfy the condition of the provisional consent to sever a surplus dwelling the farm parcel (File: B/41/2021), a Zoning By-law Amendment Application has been submitted to rezone the remnant parcel to prohibit dwelling units on it. The Lakeshore Zoning By-law 2-2012, as amended defines Agriculture as the following:

"AGRICULTURAL USE – shall mean the cultivation of land, the production of crops and

the selling of such produce on the premises, and the breeding and care of livestock and the selling of such livestock or the product of such livestock raised on the premises, and without limiting the generality of the foregoing includes aviaries, apiaries, fish farming, animal husbandry, the raising of birds, fish and fur bearing animals, horses, riding stables, horse training tracks, agricultural research stations and the raising and harvesting of field, bush, or tree crops, market gardening, nurseries, and greenhouses. However, agricultural use does not include facilities for the permanent or temporary housing of persons employed on the lot and, does not include a marihuana for medical purpose production facility and industrial hemp production facility.”

Regulations of the A-1 Zone

9.20.1 Agriculture Zone Exception 1 (A-1) a) Permitted Uses:

- a) *A single detached dwelling shall be prohibited.*
- b) *Zone Regulations: The minimum lot area shall be it legally existed on the date of the passing of this By-law. All other lot and building requirements shall be in accordance with the A zone.*

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no comments were received from the public and comments received from agencies has been attached as Appendix B and C.

Financial Impacts

There are no budget impacts resulting from the recommendation.

Attachments

Appendix A – Key Plan
Appendix B – County of Essex Comments
Appendix C – ERCA Comments

Report Approval Details

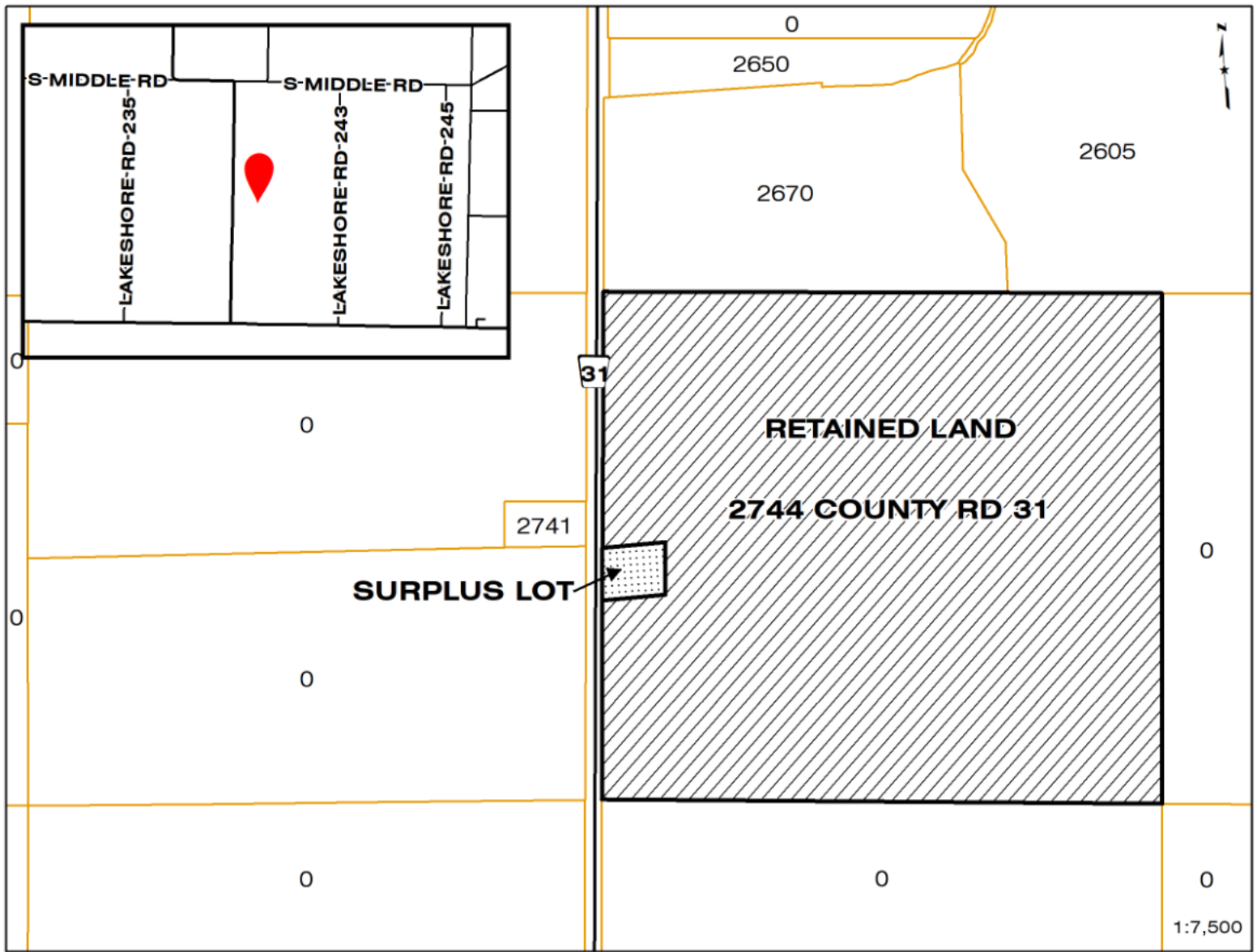
Document Title:	Zoning By-law Amendment ZBA-32-2021 – 2755 County Road 31.docx
Attachments:	- Key Plan.PNG - County of Essex Comments.pdf - ERCA Comments.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Urvi Prajapati

Submitted by Aaron Hair

Approved by Tammie Ryall, Justin Rousseau and Truper McBride





April 4, 2022

Ms. Urvi Prajapati
Municipality of Lakeshore
419 Notre Dame Street
Belle River, Ontario
N0R 1A0

Dear Ms. Prajapati:

Re: COA Submission, ZBA-32-21, John, Dorothy & Shawn Olson

Please be advised that the County has reviewed the aforementioned application. Comments are engineering-related only and the application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No.31. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The property fronts 6th Conc. & South Townline Drain, the minimum setback for any proposed structures on this property must be 110 feet from the centre of the original ROW of County Road No.31. Permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures. If work is required within the drain, the Municipality will require to approve the work.

We are requesting a copy of the Decision on the aforementioned applications. Thank you for your assistance and cooperation in this matter.

519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

countyofessex.ca

Should you require further information, please contact the undersigned by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards,



Kristoffer Balallo
Engineering Technologist



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 04, 2022

Urvi Prajapati

Corporation of the Town of Lakeshore
Development Services, Planning Division
419 Notre Dame Street
Belle River, ON N0R 1A0

Dear Urvi Prajapati:

RE: Zoning By-Law Amendment ZBA-32-2021
2694 COUNTY RD 31 (2744)
ARN 375146000000600; PIN: 750560046
Applicant: John Olson

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-32-2021. The applicants have submitted an application to rezone the remnant (retained) farmland, zoned Agriculture (A) to agriculture uses only, to further prohibit residential dwellings by zoning it to Agriculture Zone Exception 1 (A-1) in order to meet the provision of a recent Consent.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the 6th Conc. & South Townline Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

The municipal drain typically has an unregistered working space, the municipality has the right to use to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.



Urvi Prajapati
April 04, 2022

FINAL RECOMMENDATION

With the review of background information provided and aerial photograph, ERCA has no objection to this application for Zoning by-law amendment. The applicant must obtain a Permit and/or Clearance, prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha, E.P
Resource Planner
/vc

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Ian Search, Planner I

Date: April 12, 2022

Subject: Zoning By-law Amendment Application ZBA-6-2022, Jean-Marc and Catherine Beneteau

Recommendation

Approve Zoning By-law Amendment Application ZBA-6-2022 to remove the Holding Symbol (h9) from the lands legally described as Part of Lot 14, Concession 1, East of Belle River, Rochester designated as Parts 5-10, 14-65, 69-75 and 77 on Plan RD 131, being all of the Property Identifier Numbers 75028-0120 to 75028-0185 (LT), to remove the requirement that a subdivision agreement be executed by the owner and the development receive final approval by the County of Essex; and

Direct the Clerk to read By-law 40-2022 during the “Consideration of By-laws”, all as presented at the April 26, 2022 Council meeting.

Background

The subject property is currently a 51.13 acre vacant agricultural property located north of Highway 401 on the east side of County Road 27 in the Community of Rochester (see Appendix 1). Hydro One lands intersect the subject property north-south so that there are two separate conveyable lots – one east of the Hydro One lands (approx. 40.23 acres), and one west of the Hydro One lands with frontage on County Road 27 (approx. 10.17 acres). The vast majority of the subject property is zoned A(h9) – these are the lands subject to the application (see Appendix 2). Approximately 0.3 acres (1,220 m²) of the subject property has frontage on County Road 27 and is zoned Residential Waterfront – Watercourse (RW1). The entire subject property is designated Agricultural in the Lakeshore Official Plan and County of Essex Official Plan.

In November 2019 an easement/right-of-way was registered between the owners of the subject property at the time and the owners of 1716 County Road 27 and 1706 County Road 27. The easement is in favour of 1716 County Road 27 and 1706 County Road 27 for no other purpose or use other than egress and ingress of persons and vehicles over a part of the subject property – Part 1 and 2, Plan 12R-27886 (see Appendix 3). The easement agreement is binding upon the parties and their successors.

The applicant has applied to remove the holding symbol (h9) from the subject property's zoning. Where the zoning applying to any lot or area includes the holding symbol (h) suffixed to any zone symbol, only existing uses shall be permitted until such time as the holding symbol is removed. Specific criteria to be satisfied in order to remove the holding symbol is included in the Zoning By-law. In the case of the h9 holding symbol, the By-law states that existing uses shall be the only uses permitted in the interim, and that the holding symbol shall not be removed until such time as "the subdivision agreement is executed by the owner and the Town and the development receives final approval by the County". Parcel registers of the subject property were requested and reviewed which indicate that there never was a plan of subdivision registered on the land.

Subject Property	Area – 51.13 acres Existing Use – Agriculture Proposed Use – Agriculture Access – County Road 27 Servicing – Municipal water available
Surrounding Uses	North – residential and agricultural land uses East – agricultural land uses West – residential land uses South – residential and agricultural land uses
Official Plan	Agricultural
Existing Zoning	A(h9) and RW1

Comments

Provincial Policy Statement (PPS), County Official Plan and Lakeshore Official Plan

There are no issues of Provincial significance raised by this application under the Provincial Policy Statement.

County Official Plan

The subject lands are located outside a settlement area and are designated Agricultural in the County of Essex Official Plan. Section 3.3.2 states that it is a goal to protect prime agricultural areas for agricultural purposes to ensure the continued long-term availability of this resource.

Lot creation in the "Agricultural" designation is discouraged, and is only permitted in accordance with the restrictive policies of Section 3.3.3.4 which do not permit a plan of subdivision. The subject lands would need to be incorporated into a settlement area in order to be developed into a subdivision. Only the expansion of existing Primary Settlement Areas onto lands designated "Agricultural" are permitted – where demonstrated need for such an expansion has been justified either through a Local Comprehensive Review or a comprehensive review (Section 3.3.2 e.). The subject property is not located near a Primary Settlement Area, and an expansion to the boundary of the adjacent Secondary Settlement Area is not permitted (Section 3.2.5 d.).

Lakeshore Official Plan

The subject lands are designated Agricultural in the Municipality of Lakeshore Official Plan. Section 3.3.11 states that the land base dedicated to agricultural production will be protected given that the Agricultural Area consists entirely of prime agricultural land. The Agricultural Lot Creation policies of section 6.2.3 reflect the County of Essex Official Plan policies by restricting lot creation to surplus farm dwelling severances and farm splits.

Based on the foregoing, the Zoning By-law Amendment to remove the Holding Symbol (h9) is supported by the policies which do not contemplate a subdivision development for the subject lands.

Zoning By-law

Currently the subject land is being used for agriculture, and the applicant has indicated in their application that the proposed use of the subject land will remain the same. If the holding symbol (h9) is removed from the subject land's zoning then the subject land will no longer be restricted to existing uses.

Additional uses permitted under the Agriculture (A) zone could be developed on the subject land. In the case of the lot west of the Hydro One lands with frontage on County Road 27, this includes residential uses such as one single detached dwelling. If the applicant chooses to construct a single detached dwelling on this parcel in the future, then that development will be subject to a water buy-in fee at the time of servicing, and a grading plan will be required with the building permit application to confirm the development is able to retain all stormwater. No person will be able to erect any building or structure on the lot east of the Hydro One lands given that the lot has no frontage upon a street.

Others Consulted

Notice was given to agencies and the general public as required under the provisions of the *Planning Act* and Regulations. As of the writing of this report, no written comments were received from the public and no concerns were expressed from any agencies.

Financial Impacts

There are no budget impacts resulting from the recommendation. The applicant has submitted a request to Council to waive the fee for the application, \$1,451.00.

Administration does not support the waiving of the fees as the fees partially offset the cost to bring the zoning by-law amendment to Council.

Conclusion

Based on the foregoing, Administration recommends that Council approve ZBA-6-2022 as per the Recommendation section of the report.

Attachments

Appendix 1 – Key Plan

Appendix 2 – Subject Lands

Appendix 3 – Easement

Appendix 4 – Waive Fee Request

Report Approval Details

Document Title:	Zoning By-law Amendment Application ZBA-6-2022, Jean-Marc and Catherine Beneteau.docx
Attachments:	<ul style="list-style-type: none">- Appendix 1 – Key Plan.pdf- Appendix 2 – Subject Lands.pdf- Appendix 1 – Easement.pdf- Appendix 1 – Waive Fee Request.pdf
Final Approval Date:	Apr 21, 2022

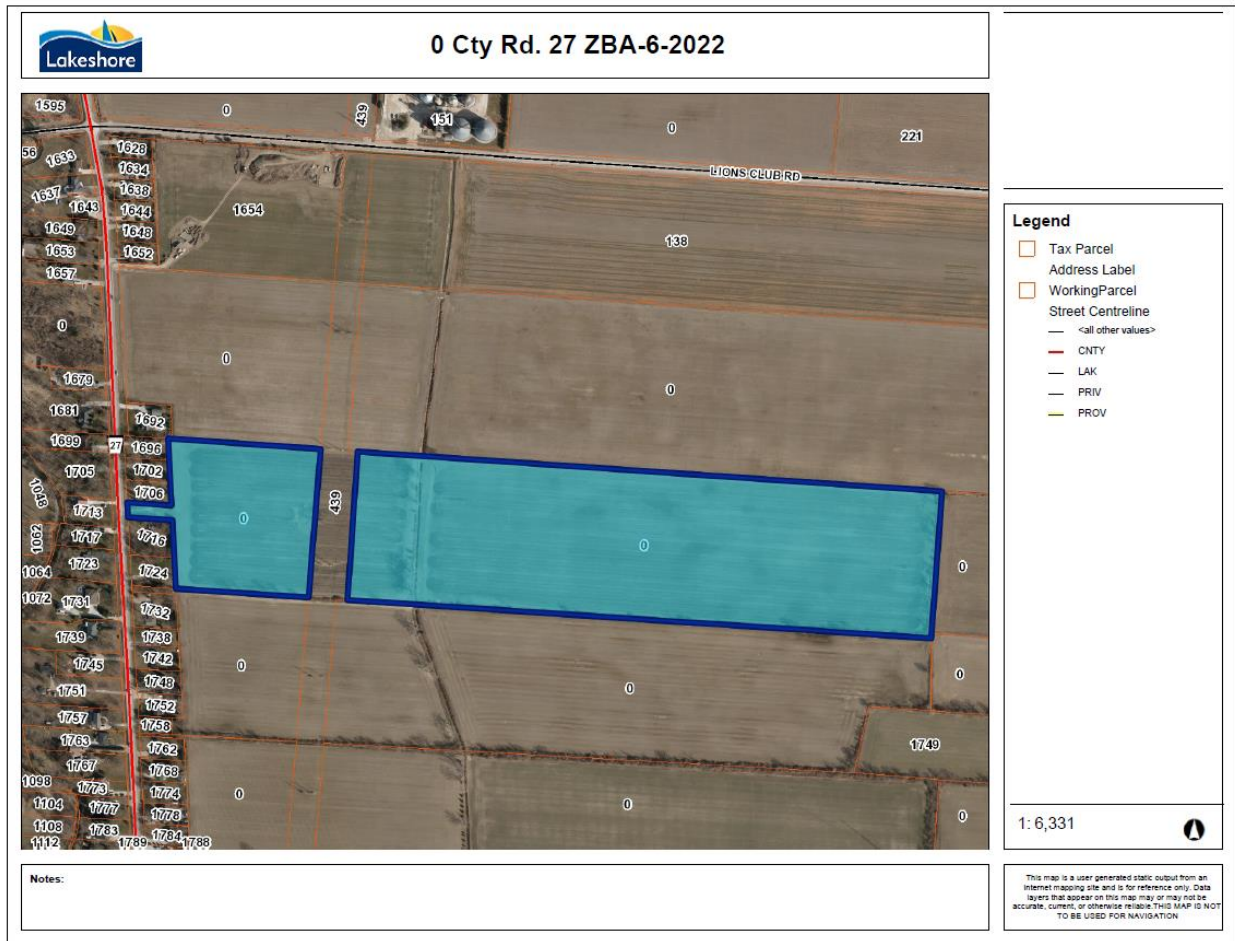
This report and all of its attachments were approved and signed as outlined below:

Prepared by Ian Search

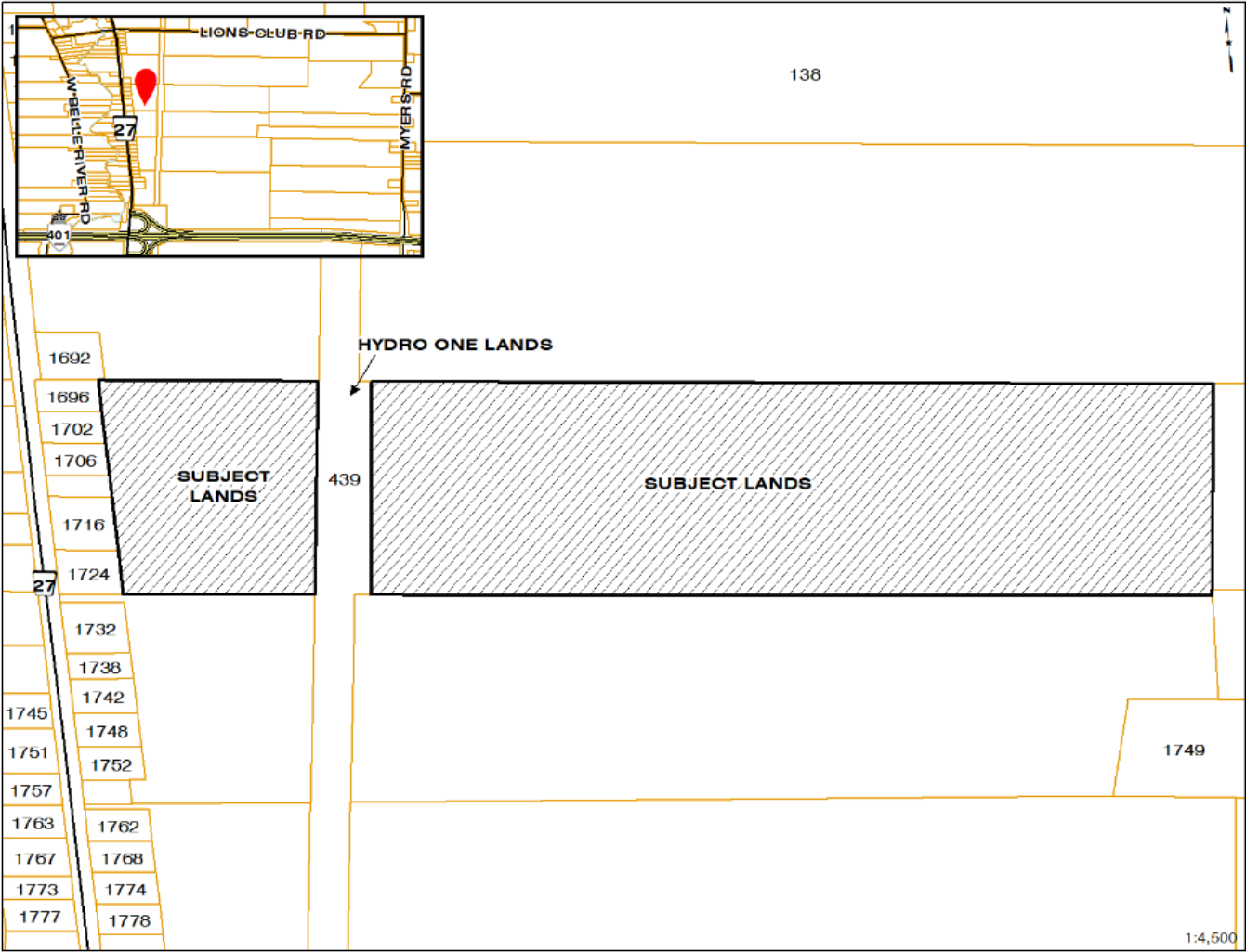
Submitted by Aaron Hair

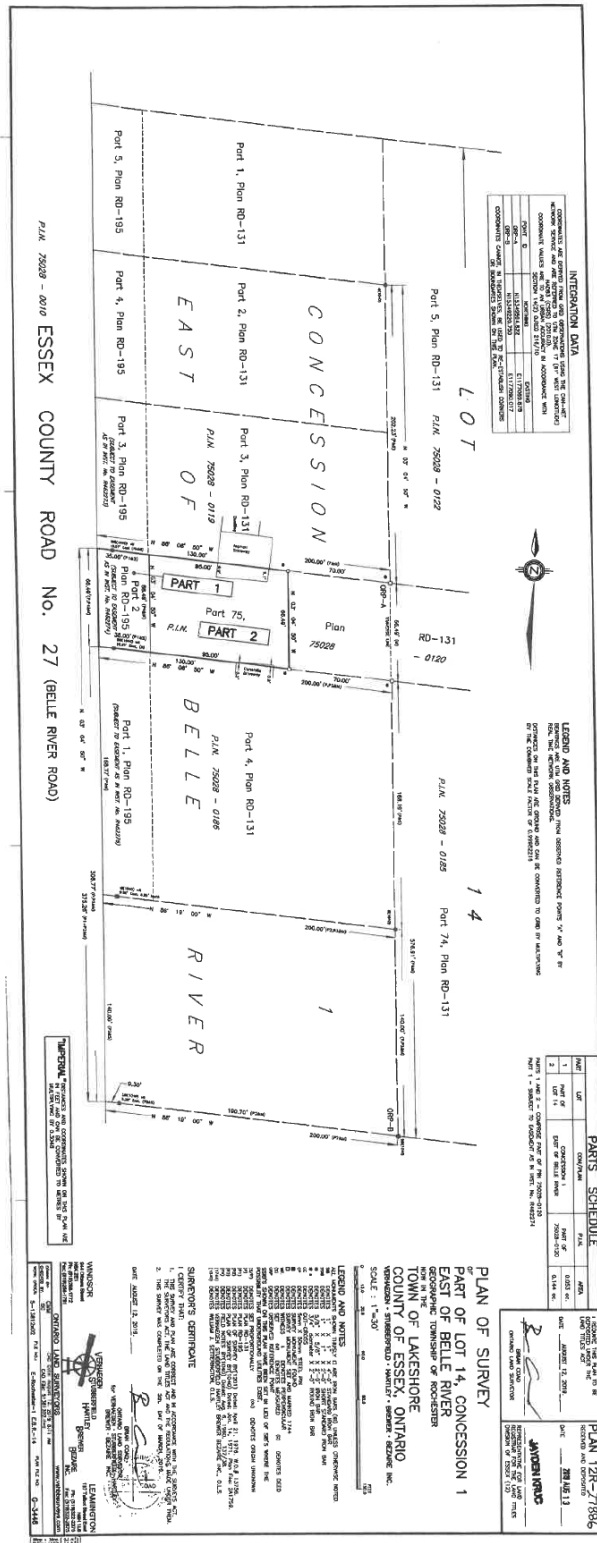
Approved by Tammie Ryall, Justin Rousseau and Truper McBride

Appendix 1 - Key Plan



Appendix 2 – Subject Lands





Municipality of Lakeshore

Cathy and I purchased apx 66 lots on what was referred to the Schiller property from Suburban Construction Ltd, Elmara Construction Co Ltd, Claudin Quaggiotto, Gina O`Donnell and Michelle Quaggiotto. It was divided back in 1969 and the Township of Rochester must of put a "Hold" on the property so nothing could get build. Cathy and I elected to not keep all those lots, therefore combining all the lots into 2 legal parcels like it was back in 1968.

We are asking to have the \$1,451.00 fee waived as we believe we have made it easier for the Municipality to manage this property (2 tax bills instead of apx 68 tax bills), plus we were shocked a "hold" would be in place once the parcels of land would be back into two parcels.

Thanks

Cathy and Jean-Marc Beneteau

Municipality of Lakeshore – Report to Council

Finance & Technology

Financial Planning & Analysis



To: Mayor & Members of Council
From: Justin Rousseau, Corporate Leader, CFO
Date: April 12, 2022
Subject: Development Charges Update Study Public Meeting

Recommendation

Administration circulate and publish the Development Charge Update Study for public consultation and prepare the Development Charges By-law amendment for Council's consideration at the May 30, 2022 Council meeting.

Background

The Municipality of Lakeshore imposes development charges (D.Cs) to recover capital costs arising from the increase in need for services related to growth. The Municipality currently has a municipal-wide D.C. for the following services:

- Services related to a highway;
- Public works;
- Fire protection services;
- Policing services;
- Parks and Recreation services;
- Library services; and
- Growth studies

In addition to the above services, the Municipality also recovers water and wastewater costs in the Municipality's urban-serviced areas.

The basis for these D.C.s is documented in the "Town of Lakeshore Development Charges Background Study" dated October 7, 2020, which provided the supporting documentation for By-law 89-2020. The D.C. by-law came into effect January 1, 2021.

The Municipality's D.C.s have been indexed (in accordance with Section 5 of the by-law) annually on January 1st and are currently 14.47% higher than the rates implemented under By-law 89-2020.

Watson and Associates Economists Ltd. was retained to update the current D.C. by-law to reflect updated cost estimates and provide for the recovery of financing costs for the

Denis St. Pierre Water Pollution Plant Expansion. This is necessary, as the current construction cost in the Development Charge study is much less than actuals experienced at Tender. If a D.C. Update is not done the Municipality will not collect sufficient funds to help cover the growth portion of the project.

Comments

The Process:

A public meeting required under section 12 of the D.C.A. is taking place today April 26, 2022. Its purpose is to present the update study to the public and to solicit public input. The meeting is also being held to answer any questions regarding the study's purpose, methodology and the proposed modifications to the Municipality's D.C. by-law.

The process to be followed in finalizing the report and recommendations includes:

- Consideration of responses received prior to, at or immediately following the Public Meeting; and
- Council consideration of the amending by-law on May 31, 2022.

The following is a schedule of key D.C. process dates for the Municipality of Lakeshore

Project Milestone	Timing
1. Data collection, staff review, and D.C. calculations	February to March 2022
2. Background study and proposed by-law available to public	March 30, 2022
3. Public meeting advertisement placed in newspaper(s)	No later than April 5, 2022
4. Public meeting of Council	April 26, 2022
5. Council considers adoption of background study and passage of by-law	May 31, 2022
6. Newspaper notice given of by-law passage	By 20 days after passage
7. Last day for by-law appeal	40 days after passage
8. Municipality makes pamphlet available (where by-law not appealed)	By 60 days after in force date

The Issue:

An expansion to the Denis St. Pierre Water Pollution Control Plant was identified in the 2020 D.C. study at a capital cost of approximately \$30 million (2020 dollars). This was based on estimated construction and associated tender prices in 2018/2019. The COVID-19 pandemic has been a significant factor in the increase in tender prices for

construction. There is no anticipated change in the scope of the project; the increase in cost is reflective of the increase in construction/tender prices. As such, the revised estimate based on current tender prices is \$54 million (or approximately \$47 million in 2020 dollars). Based on the 2020 D.C. background study, this project is 90% growth-related. This results in a net capital cost of \$39.76 million to be included in the D.C. calculation.

In addition to the capital costs for the expansion, the Municipality has also identified financing costs for the Denis St. Pierre expansion project. Approximately \$5.10 million has been identified and included in the D.C. calculation.

Based on these additional costs, approximately \$60.02 million is to be included in the D.C. calculation for wastewater facilities (for comparison, \$39.74 million was included in the 2020 D.C. study).

Based on the Municipality's 2020 D.C. study, the growth-related costs have been allocated between residential and non-residential development based on the incremental population and employment growth over the forecast period in urban serviced areas. This results in a 65% allocation to residential development and 35% allocation to non-residential development.

Others Consulted

Watson and Associates Economist Ltd.

Financial Impacts

Based on the proposed DC By-law update in 2020 dollars the wastewater Development Charge Rates will change as follows:

Service/ Class of Service	Current By-law 89-2020 (2020\$)	Calculated D.C Update (2020\$)	Increase
Waterwater Services (Residential per single detached unit)	\$10,391	\$14,116	\$3,725
Waterwater Services (Non-Residential DC per Sq ft)	4.46	6.05	\$1.59

When factoring in the inflation over the past two years the revised D.C. Charged for 2022 will be as follows upon completion of the Development Charge Update

**Municipality of Lakeshore
Updated D.C. Schedule (2022\$)**

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL (per sq.ft. of Gross Floor Area)	Wind Turbine & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units			
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	6,844	4,001	3,499	2,704	2,260	3.04	6,844	3.04
Public Works	648	379	331	256	214	0.28	-	-
Fire Protection Services	814	476	417	322	269	0.35	814	0.35
Policing Services	121	71	62	48	40	0.06	121	0.06
Parks and Recreation Services	4,297	2,511	2,197	1,698	1,419	0.19	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	528	308	270	208	174	0.23	528	0.23
Total Municipal Wide Services/Classes of Services	13,252	7,746	6,775	5,236	4,376	4.16	8,307	3.68
Urban Services								
Wastewater Services	16,158	9,445	8,261	6,364	5,337	6.93	-	-
Water Services	4,833	2,825	2,471	1,909	1,596	2.08	-	-
Total Urban Services	20,991	12,270	10,733	8,293	6,932	9.00	-	-
GRAND TOTAL RURAL AREA	13,252	7,746	6,775	5,236	4,376	4.16	8,307	3.68
GRAND TOTAL URBAN AREA	34,243	20,016	17,508	13,529	11,308	13.16	8,307	3.68

Attachments

Development Charge Background Study

Presentation for Public Meeting

Report Approval Details

Document Title:	Development Charges Update Study Public Meeting.docx
Attachments:	- Development Charges Background Study Report.pdf - Lakeshore DC Update Public Meeting Presentation - Final.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Justin Rousseau

Approved by Truper McBride



Development Charges Update Study

Municipality of Lakeshore

March 30, 2022

Watson & Associates Economists Ltd.
905-272-3600
info@watsonecon.ca

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List of Acronyms and Abbreviations

Acronym	Full Description of Acronym
D.C.	Development Charge
D.C.A.	Development Charges Act



1. Introduction

1.1 Background

The Municipality of Lakeshore imposes development charges (D.C.s) to recover capital costs arising from the increase in need for services related to growth. The Municipality currently has a municipal-wide D.C. for the following services:

- Services related to a highway;
- Public works;
- Fire protection services;
- Policing services;
- Parks and Recreation services;
- Library services; and
- Growth studies

In addition to the above services, the Municipality also recovers water and wastewater costs in the Municipality's urban-serviced areas.

The basis for these D.C.s is documented in the "Town of Lakeshore Development Charges Background Study" dated October 7, 2020, which provided the supporting documentation for By-law 89-2020. The D.C. by-law came into effect January 1, 2021.

The Municipality's D.C.s have been indexed (in accordance with Section 5 of the by-law) annually on January 1st and are currently 14.47% higher than the rates implemented under By-law 89-2020. The 2020 D.C.s (unindexed) are presented in Figure 1-1.



Figure 1-1
Municipality of Lakeshore
2020 Development Charges as per By-law 89-2020

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	5,979	3,495	3,057	2,362	1,974	2.66	5,979	2.66
Public Works	566	331	289	224	187	0.25	-	-
Fire Protection Services	711	416	364	281	235	0.31	711	0.31
Policing Services	106	62	54	42	35	0.05	106	0.05
Parks and Recreation Services	3,754	2,194	1,919	1,483	1,240	0.17	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	460	269	235	182	152	0.20	460	0.20
Total Municipal Wide Services/Classes of Services	11,576	6,767	5,918	4,574	3,823	3.63	7,256	3.22
Urban Services								
Wastewater Services	10,391	6,074	5,312	4,105	3,431	4.46	-	-
Water Services	4,222	2,468	2,159	1,668	1,394	1.82	-	-
Total Urban Services	14,613	8,542	7,471	5,773	4,825	6.28	-	-
GRAND TOTAL RURAL AREA	11,576	6,767	5,918	4,574	3,823	3.63	7,256	3.22
GRAND TOTAL URBAN AREA	26,189	15,309	13,389	10,347	8,648	9.91	7,256	3.22



1.2 Existing Policies (Rules)

Appendix A of this report sets out the rules governing the calculation, payment and collection of D.C.s as provided in By-law 89-2020.

1.3 Basis for the D.C. By-law Update

The purpose of this report is to update the current D.C. by-law to reflect updated cost estimates and provide for the recovery of financing costs for the Denis St. Pierre Water Pollution Plant Expansion. Details on the changes to the calculation are presented in Section 4 of this report. The draft amending by-law is presented in Appendix B to this report. Note: additional refinements to the by-law are proposed to reflect recent changes to the *Development Charges Act* (D.C.A.). These changes include mandatory exemptions and refined definitions.

1.4 Summary of the Process

The public meeting required under section 12 of the D.C.A. has been scheduled for April 26, 2022. Its purpose is to present the update study to the public and to solicit public input. The meeting is also being held to answer any questions regarding the study's purpose, methodology and the proposed modifications to the Municipality's D.C. by-law.

The process to be followed in finalizing the report and recommendations includes:

- consideration of responses received prior to, at or immediately following the Public Meeting; and
- Council consideration of the amending by-law on May 31, 2022.

Figure 1-2 outlines the proposed schedule to be followed with respect to the D.C. by-law adoption process



Figure 1-2
Schedule of Key D.C. Process Dates for the Municipality of Lakeshore

Project Milestone	Timing
1. Data collection, staff review, and D.C. calculations	February to March 2022
2. Background study and proposed by-law available to public	March 30, 2022
3. Public meeting advertisement placed in newspaper(s)	No later than April 5, 2022
4. Public meeting of Council	April 26, 2022
5. Council considers adoption of background study and passage of by-law	May 31, 2022
6. Newspaper notice given of by-law passage	By 20 days after passage
7. Last day for by-law appeal	40 days after passage
8. Municipality makes pamphlet available (where by-law not appealed)	By 60 days after in force date

1.5 Policy Recommendations

It is recommended that the Municipality's current D.C. policies, as identified in Appendix A of this report, be continued.



2. Changes to the D.C.A. Legislation

2.1 Bill 108 – *More Homes, More Choice Act, 2019*

On May 2, 2019, the Province introduced Bill 108, which proposed changes to the D.C.A. The Bill has been introduced as part of the Province's *"More Homes, More Choice: Ontario's Housing Supply Action Plan"*. The Bill received Royal Assent on June 6, 2019.

While having received Royal Assent, many of the amendments to the D.C.A. would not come into effect until they are proclaimed by the Lieutenant Governor (many of these changes were revised through Bill 197). At the time of writing, the following provisions have been proclaimed:

- Effective January 1, 2020, rental housing and institutional developments pay D.C.s in six equal annual payments commencing at occupancy. Non-profit housing developments will pay D.C.s in 21 equal annual payments. Interest may be charged on the instalments, and any unpaid amounts may be added to the property and collected as taxes.
- Effective January 1, 2020, the D.C. amount for all developments occurring within 2 years of a Site Plan or Zoning By-law Amendment planning approval (for application submitted after this section is proclaimed), shall be determined based on the D.C. in effect on the day of Site Plan or Zoning By-law Amendment application. If the development is not proceeding via these planning approvals, then the amount is determined the earlier of the date of issuance of a building permit or occupancy.

Note, the above changes in the legislation were incorporated into the Municipality's 2020 D.C. by-law and are currently in effect.

On February 28, 2020, the Province released updated draft regulations related to the D.C.A. and the Planning Act. A summary of these changes is provided below:

Changes to Eligible Services – Prior to Bill 108, the D.C.A. provided a list of ineligible services whereby municipalities could include growth related costs for any service that was not listed. With Bill 108, the changes to the D.C.A. would now specifically list the



services that are eligible for inclusion in the by-law. Further, the initial list of eligible services under Bill 108 was limited to “hard services”, with the “soft services” being removed from the D.C.A. These services would be considered as part of a new community benefits charge (discussed below) imposed under the Planning Act. As noted in the next section this list of services has been amended through Bill 197.

Mandatory 10% deduction – The amending legislation would remove the mandatory 10% deduction for all services that remain eligible under the D.C.A.

Remaining Services to be Included in a New Community Benefits Charge (C.B.C.) Under the Planning Act – It was proposed that a municipality may, by by-law, impose a C.B.C. against land to pay for the capital costs of facilities, services and matters required because of development or redevelopment in the area to which the by-law applies. The C.B.C. was proposed to include formerly eligible D.C. services (as noted below), in addition to parkland dedication and other types of cost formerly recovered under Section 37 of the Planning Act.

2.2 Bill 138 – *Plan to Build Ontario Together Act, 2019*

On November 6, 2019, the Province released Bill 138 which provided further amendments to the D.C.A. and Planning Act. This Bill received Royal Assent on December 10, 2019 and was proclaimed which resulted in sections related to the D.C.A. (schedule 10) becoming effective on January 1, 2020. The amendments to the D.C.A. included removal of instalment payments for commercial and industrial developments that were originally included in Bill 108.

2.3 Bill 197 – *COVID-19 Economic Recovery Act, 2020*

In response to the global pandemic that began affecting Ontario in early 2020, the Province released Bill 197 which provided amendments to a number of Acts, including the D.C.A. and Planning Act. This Bill also revised some of the proposed changes identified in Bill 108. Bill 197 was tabled on July 8, 2020, received Royal Assent on July 21, 2020, and was proclaimed on September 18, 2020. The following provides a summary of the changes:



2.3.1 D.C. Related Changes

List of D.C. Eligible Services

- As noted above, under Bill 108 some services were to be included under the D.C.A. and some would be included under the C.B.C. authority. However, Bill 197 revised this proposed change and has included all services (with some exceptions) under the D.C.A. These services are as follows:
 - Water supply services, including distribution and treatment services.
 - Wastewater services, including sewers and treatment services.
 - Storm water drainage and control services.
 - Services related to a highway.
 - Electrical power services.
 - Toronto-York subway extension.
 - Transit services.
 - Waste diversion services.
 - Policing services.
 - Fire protection services.
 - Ambulance services.
 - Library services.
 - Long-term Care services.
 - Parks and Recreation services, but not the acquisition of land for parks.
 - Public Health services.
 - Childcare and early years services.
 - Housing services.
 - Provincial Offences Act services.
 - Services related to emergency preparedness.
 - Services related to airports, but only in the Regional Municipality of Waterloo.
 - Additional services as prescribed.

Classes of Services – D.C.

Pre-Bill 108/197 legislation (i.e. D.C.A., 1997) allowed for categories of services to be grouped together into a minimum of two categories (90% and 100% services).



The amending legislation repealed and replaced the above with the four following subsections:

- A D.C. by-law may provide for any eligible service or capital cost related to any eligible service to be included in a class, set out in the by-law.
- A class may be composed of any number or combination of services and may include parts or portions of the eligible services or parts or portions of the capital costs in respect of those services.
- A D.C. by-law may provide for a class consisting of studies in respect of any eligible service whose capital costs are described in paragraphs 5 and 6 of s. 5 of the D.C.A.
- A class of service set out in the D.C. by-law is deemed to be a single service with respect to reserve funds, use of monies, and credits.

Classes of services were established for Public Works and Growth Studies through the 2020 D.C. Background Study and by-law update.

10% Mandatory Deduction

As well, the removal of 10% deduction for soft services under Bill 108 has been maintained. Note, the current by-law has incorporate the removal of the 10% deduction for all soft services.

10-Year Planning Horizon

The “maximum” 10-year planning horizon requirement has been removed for all services except transit.

2.3.2 Community Benefit Charges (C.B.C.)

While a Community Benefit Charge is not being considered within this report, a summary of the legislated changes is provided herein for information purposes.

C.B.C. Eligibility

- The C.B.C. is limited to lower-tier and single tier municipalities, whereas upper-tier municipalities will not be allowed to impose this charge.



- O.Reg. 509/20 was filed on September 18, 2020. This regulation provides for the following:
 - A maximum rate will be set as a percentage of the market value of the land the day before building permit issuance. The maximum rate is set at 4%. The C.B.C may only be imposed on developing or redeveloping buildings which have a minimum height of five stories and contain no less than 10 residential units.
 - Bill 197 states that before passing a C.B.C. by-law, the municipality shall prepare a C.B.C. strategy that (a) identifies the facilities, services, and matters that will be funded with C.B.C.s; and (b) complies with any prescribed requirements.
 - Only one C.B.C. by-law may be in effect in a local municipality at a time.

2.3.3 Combined D.C. and C.B.C. Impacts

D.C. vs. C.B.C. Capital Cost

- A C.B.C. may be imposed with respect to the services listed in s. 2 (4) of the D.C.A. (eligible services), "provided that the capital costs that are intended to be funded by the community benefits charge are not capital costs that are intended to be funded under a development charge by-law."

Transition – D.C. and C.B.C.

- The specified date for municipalities to transition to the D.C. and C.B.C. is two years after Schedules 3 and 17 of the COVID-19 Economic Recovery Act comes into force (i.e. September 18, 2022).
- Generally, for existing reserve funds (related to D.C. services that will be ineligible):
 - If a C.B.C. is passed, the funds are transferred to the C.B.C. special account;
 - If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose.
 - If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account.
- For reserve funds established under s. 37 of the Planning Act (e.g. bonus zoning)



- If a C.B.C. is passed, the funds are transferred to the C.B.C. special account;
- If no C.B.C. is passed, the funds are moved to a general reserve fund for the same purpose;
- If a C.B.C. is passed subsequent to moving funds to a general reserve fund, those monies are then moved again to the C.B.C. special account.

If a municipality passes a C.B.C. by-law, any existing D.C. credits a landowner retains may be used towards payment of that landowner's C.B.C.

2.4 Bill 213 – *Better for People, Smarter for Business Act*, 2020

On December 8, 2020, Bill 213 received Royal Assent. One of the changes of the Bill that took effect upon Royal Assent included amending the Ministry of Training, Colleges and Universities Act by introducing a new section that would exempt the payment of D.C.s for developments of land intended for use by a university that receives operating funds from the Government.

Due to this, a revision to the exemptions section will be made in the proposed amending D.C. by-law.



3. Anticipated Development

3.1 Growth Forecast in 2020 D.C. Study

The 2020 D.C. study provided for the anticipated residential and non-residential growth within the Municipality of Lakeshore. The growth forecast associated with services included in the background study is provided in Figure 2-1 below:

Figure 2-1
Municipality of Lakeshore
2020 D.C. Background Study – Growth Forecast Summary

Measure	10 Year 2020-2029	20 Year 2020-2039	Urban 20 Year 2020-Urban 2039
(Net) Population Increase	4,542	8,302	8,322
Residential Unit Increase	2,230	4,219	4,103
Non-Residential Gross Floor Area Increase (sq.ft.)	2,330,200	4,489,500	4,489,500

Source: Watson & Associates Economists Ltd. Forecast 2020

For the purposes of this D.C. update, the 2020 D.C. study growth forecast remains unchanged as the incremental growth is anticipated to remain the same.



4. Updates to the Municipality's D.C. Study

As noted earlier, the Municipality's D.C. By-law (By-law 89-2020) came into effect on January 1, 2021, being a by-law for the purposes of establishing and collecting a D.C. in accordance with the provisions of the D.C.A. The 2020 D.C. Study and by-law identified anticipated capital needs for recovery through D.C.s for Municipal-wide and urban-area services (water and wastewater services).

This chapter of the report discusses the updates to the capital needs for wastewater services.

As this study represents an update to the 2020 D.C. Background Study the capital costs are presented in 2020 dollars.

4.1 Wastewater Services

An expansion to the Denis St. Pierre Water Pollution Control Plant was identified in the 2020 D.C. study at a capital cost of approximately \$30 million (2020 dollars). This was based on estimated construction and associated tender prices in 2018/2019. The COVID-19 pandemic has been a significant factor in the increase in tender prices for construction. There is no anticipated change in the scope of the project; the increase in cost is reflective of the increase in construction/tender prices. As such, the revised estimate based on current tender prices is \$54 million (or approximately \$47 million in 2020 dollars). Based on the 2020 D.C. background study, this project is 90% growth-related. This results in a net capital cost of \$39.76 million to be included in the D.C. calculation.

In addition to the capital costs for the expansion, the Municipality has also identified financing costs for the Denis St. Pierre expansion project. Approximately \$5.10 million has been identified and included in the D.C. calculation.

Based on these additional costs, approximately \$60.02 million is to be included in the D.C. calculation for wastewater facilities (for comparison, \$39.74 million was included in the 2020 D.C. study).

Based on the Municipality's 2020 D.C. study, the growth-related costs have been allocated between residential and non-residential development based on the



incremental population and employment growth over the forecast period in urban serviced areas. This results in a 65% allocation to residential development and 35% allocation to non-residential development.



Figure 3-1
Municipality of Lakeshore
Wastewater Facilities Capital – Updated
(2020 Dollars)

Prj.No	Increased Service Needs Attributable to Anticipated Development	Timing* (year)	Gross Capital Cost Estimate (2020\$)	Post Period Benefit	Other Deductions (to recognize benefit to non-D.C. services)	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share
2020-2039 (Urban)											
1	North Woodslee package plant - Growth principal	2020-2023	217,174	-		217,174	-		217,174	141,163	76,011
2	North Woodslee package plant - Growth interest (Discounted)	2020-2023	17,400	-		17,400	-		17,400	11,310	6,090
3	Treatment Plant Debt #1 - Growth Principal	2020-2022	304,621	-		304,621	-		304,621	198,004	106,617
4	Treatment Plant Debt #1 - Growth Interest (Discounted)	2020-2022	8,094	-		8,094	-		8,094	5,261	2,833
5	Treatment Plant Debt #2 - Growth Principal	2020-2031	5,215,647	-		5,215,647	-		5,215,647	3,390,170	1,825,476
6	Treatment Plant Debt #2 - Growth Interest (Discounted)	2020-2031	820,034	-		820,034	-		820,034	533,022	287,012
11	Water Pollution Plant Comber, Stoney Point, Lighthouse Phase 1	2035-2036	25,000,000	2,102,300		22,897,700	13,750,000		9,147,700	5,946,005	3,201,695
12	Water Pollution Plant Comber, Stoney Point, Lighthouse Phase 2	2045-2046	5,093,100	5,093,100		-	-		-	-	-
13a	Water Pollution Plant Expansion Belle River (Dennis St. Pierre)	2020-2023	47,000,000	2,538,000		44,462,000	4,700,000		39,762,000	25,845,300	13,916,700
13b	Financing Costs for Water Pollution Plant Expansion Belle River (Dennis St. Pierre)	2022-2041	5,104,894	-		5,104,894	-		5,104,894	3,318,181	1,786,713
14	Essex Fringe servicing	2040	1,760,800	176,100		1,584,700	1,584,700		-	-	-
	Reserve Fund Adjustment						580,877		(580,877)	(377,570)	(203,307)
	Total		90,541,764	9,909,500	-	80,632,264	20,615,577	-	60,016,687	39,010,847	21,005,840

* Timing of Works may be dependent upon receiving funding assistance which would include developer assistance, grants, etc.



4.2 D.C. By-law Revised Schedule of Charges

4.2.1 *Updated D.C. Calculation (2020\$)*

The following table provides the updated D.C. calculations based on the revised capital needs discussed in Section 4.1. Changes from the 2020 D.C. study are highlighted in the table.

For the residential calculations, the total cost is divided by the “gross” (new resident) population to determine the per capita amount. The eligible D.C. cost calculations set out in Section 4.1 are based on the net anticipated population increase (the forecast new unit population less the anticipated decline in existing units). The cost per capita is then multiplied by the average occupancy of the new units (Appendix A, Schedule 5 to the 2020 D.C. background study) to calculate the charge in Figure 4-2.

With respect to non-residential development, the total costs in the uniform charge allocated to non-residential development (based on need for service) have been divided by the anticipated development over the planning period to calculate a cost per sq.ft. of gross floor area.



Figure 4-2
Municipality of Lakeshore
Updated Wastewater D.C. Calculations
2020 to 2039

SERVICE/CLASS	2020\$ D.C.-Eligible Cost		2020\$ D.C.-Eligible Cost	
	Residential	Non-Residential	S.D.U.	per sq.ft.
1. Wastewater Services	\$	\$	\$	\$
1.1 Treatment plants	39,010,847	21,005,840	10,903	4.67
1.2 Sewers	11,495,377	6,189,818	3,213	1.38
	50,506,223	27,195,659	14,116	6.05
2. Water Services				
2.1 Treatment plants and storage	9,882,778	5,321,496	2,762	1.19
2.2 Distribution systems	5,223,010	2,812,390	1,460	0.63
	15,105,788	8,133,886	4,222	1.82
TOTAL	65,612,011	\$35,329,544	\$18,338	\$7.87
D.C.-Eligible Capital Cost	\$65,612,011	\$35,329,544		
20 Year Urban Gross Population/GFA Growth (sq.ft.)	11,918	4,489,500		
Cost Per Capita/Non-Residential GFA (sq.ft.)	\$5,505.29	\$7.87		
By Residential Unit Type	P.P.U.			
Single and Semi-Detached Dwelling	3.331	\$18,338		
Other Multiples	1.947	\$10,719		
Apartments - 2 Bedrooms +	1.703	\$9,376		
Apartments - Bachelor and 1 Bedroom	1.316	\$7,245		

Figures 4-3 and 4-4 compare the amended charges with the D.C. rates presented in By-law 89-2020. The comparison is provided for single detached dwellings on a per unit basis and for non-residential floor space on a per square foot basis (2020 dollar values).



Figure 4-3
Municipality Of Lakeshore
Comparison of Existing and Amending Residential D.C. per Single Detached Unit
(2020\$)

Service/Class of Service	Current (By-law 89-2020) (2020\$)	Calculated (D.C. Update) (2020\$)
Municipal Wide Services/Classes of Services:		
Services Related to a Highway	5,979	5,979
Public Works	566	566
Fire Protection Services	711	711
Policing Services	106	106
Parks and Recreation Services	3,754	3,754
Library Services	-	-
Growth Studies	460	461
Total Municipal Wide Services/Classes	11,576	11,577
Urban Services:		
Wastewater Services	10,391	14,116
Water Services	4,222	4,222
Total Urban Services	14,613	18,338
Grand Total - Urban Area	26,189	29,915



Figure 4-4
Municipality of Lakeshore
Comparison of Existing and Amending Non-Residential D.C. per sq.ft. (2020\$)

Service/Class of Service	Current (By-law 89-2020) (2020\$)	Calculated (D.C. Update) (2020\$)
Municipal Wide Services/Classes of Services:		
Services Related to a Highway	2.66	2.66
Public Works	0.25	0.25
Fire Protection Services	0.31	0.31
Policing Services	0.05	0.05
Parks and Recreation Services	0.17	0.17
Library Services	-	-
Growth Studies	0.20	0.20
Total Municipal Wide Services/Classes	3.63	3.63
Urban Services:		
Wastewater Services	4.46	6.05
Water Services	1.82	1.82
Total Urban Services	6.28	7.87
Grand Total - Urban Area	9.91	11.50

4.2.2 Revised D.C. Rates (2020\$ and 2022\$)

Based on the calculations above, the urban-area D.C. (in 2020\$) is calculated to increase from \$26,189 to \$29,915 per single detached unit and increase from \$9.91 to \$11.50 per square foot for non-residential development.

Figure 4-5 provides for the updated D.C.s in 2020 values, as the study was originally completed in 2020. This figure would be included as the amending schedule to the D.C. by-law. Figure 4-6 provides for the indexed values as the Municipality's current D.C.s have been indexed by 14.47% since the passage of the D.C. by-law



Figure 4-5
Municipality of Lakeshore
Updated D.C. Schedule (2020\$)

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	5,979	3,495	3,057	2,362	1,974	2.66	5,979	2.66
Public Works	566	331	289	224	187	0.25	-	-
Fire Protection Services	711	416	364	281	235	0.31	711	0.31
Policing Services	106	62	54	42	35	0.05	106	0.05
Parks and Recreation Services	3,754	2,194	1,919	1,483	1,240	0.17	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	461	269	236	182	152	0.20	461	0.20
Total Municipal Wide Services/Classes of Services	11,577	6,767	5,919	4,574	3,823	3.63	7,257	3.22
Urban Services								
Wastewater Services	14,116	8,251	7,217	5,577	4,662	6.05	-	-
Water Services	4,222	2,468	2,159	1,668	1,394	1.82	-	-
Total Urban Services	18,338	10,719	9,376	7,245	6,056	7.87	-	-
GRAND TOTAL RURAL AREA	11,577	6,767	5,919	4,574	3,823	3.63	7,257	3.22
GRAND TOTAL URBAN AREA	29,915	17,486	15,295	11,819	9,879	11.50	7,257	3.22



Figure 4-6
Municipality of Lakeshore
Updated D.C. Schedule (2022\$)

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	6,844	4,001	3,499	2,704	2,260	3.04	6,844	3.04
Public Works	648	379	331	256	214	0.28	-	-
Fire Protection Services	814	476	417	322	269	0.35	814	0.35
Policing Services	121	71	62	48	40	0.06	121	0.06
Parks and Recreation Services	4,297	2,511	2,197	1,698	1,419	0.19	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	528	308	270	208	174	0.23	528	0.23
Total Municipal Wide Services/Classes of Services	13,252	7,746	6,775	5,236	4,376	4.16	8,307	3.68
Urban Services								
Wastewater Services	16,158	9,445	8,261	6,384	5,337	6.93	-	-
Water Services	4,833	2,825	2,471	1,909	1,596	2.08	-	-
Total Urban Services	20,991	12,270	10,733	8,293	6,932	9.00	-	-
GRAND TOTAL RURAL AREA	13,252	7,746	6,775	5,236	4,376	4.16	8,307	3.68
GRAND TOTAL URBAN AREA	34,243	20,016	17,508	13,529	11,308	13.16	8,307	3.68



5. Updates to the D.C. By-law

As summarized in Chapter 2, the D.C. by-law will require several updates to conform with the D.C.A., as amended. Note: the Municipality's 2020 D.C. by-law conforms with the D.C.A. with respect to installment payments for rental housing, institutional and non-profit housing developments as well as the freezing of D.C. rates at site plan/zoning by-law amendment application date. Further revisions are provided to align with the D.C.A. with respect to mandatory exemptions.

With respect to exemptions, the following will be included as per O. Reg. 454-19:

No development charge shall be payable where the development:

- is limited to the creation of an additional dwelling unit as prescribed, in prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997; and
- is limited to the creation of an additional dwelling unit in a structure that is ancillary to a new dwelling unit in prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997.

With respect to exemptions, the following will be included as per Bill 213:

- Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

Other new definitions have been included in the draft by-law to incorporate language being used in the amended legislation, they include definitions such as Accessory Dwelling; Ancillary Residential Building, etc.



6. Recommendations

It is recommended that Council:

“Approve the Development Charges Update Study dated March 30, 2022, as amended (if applicable)”;

“Approve the updated capital projects set out in Section 4 of the Development Charges Update Study dated March 30, 2022”;

“Determine that no further public meeting is required”; and

“Approve the Amending Development Charge By-law as set out in Appendix B”.



Appendix A

Existing Policies Under By-law 89-2020



Appendix A: Existing Policies Under By-law xx

The following subsections set out the rules governing the calculation, payment, and collection of D.C.s as provided in By-law 89-2020, in accordance with the D.C.A.

Approvals for Development

Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires,

- a) the passing of a zoning by-law or an amendment to a zoning by-law under Section 34 of the Planning Act, R.S.O. 1990;
- b) the approval of a minor variance under Section 45 of the Planning Act, S.O. 1990;
- c) a conveyance of land to which a by-law passed under Subsection 50(7) of the Planning Act, R.S.O. 1990, applies;
- d) the approval of a plan of subdivision under Section 51 of the Planning Act;
- e) a consent under Section 53 of the Planning Act;
- f) the approval of a description under Section 50 of the Condominium Act, R.S.O. 1990; or
- g) the issuing of a permit under the Building Code Act S.O. 1990, in relation to a building or structure.

Determination of the Amount of the Charge

The calculation for residential development is generated on a per capita basis and is based upon different forms of housing types (single and semi-detached, apartments with two or more bedrooms, one-bedroom apartments and bachelors, multiples, and special care/special dwelling units). The total cost is divided by the “gross” (new resident) population to determine the per capita amount. The eligible D.C. cost calculations are based on the net anticipated population increase (the forecast new unit population less the anticipated decline in existing units). This approach acknowledges that service capacity will be “freed up” by the population decline in existing units. The



cost per capita is then multiplied by the average occupancy of the new units to calculate the charges by type of residential dwelling unit.

The non-residential D.C. has been calculated based on a per square foot of gross floor area basis.

Reduction of Development Charges for Redevelopment

If a development involves the demolition of and replacement of a building or structure on the same site, or the conversion from one principal use to another, the developer shall be allowed a credit equivalent to:

- 1) the number of dwelling units demolished/converted multiplied by the applicable residential D.C. in place at the time the D.C. is payable; and/or
- 2) the gross floor area of the building demolished/converted multiplied by the current non-residential D.C. in place at the time the D.C. is payable.

The redevelopment credit is allowed only if the land was improved by occupied structures and if the demolition permit related to the site was issued less than five years prior to the issuance of a building permit. The credit can, in no case, exceed the amount of D.C.s that would otherwise be payable.

Exemptions (full or partial)

The following are exempted from D.C.s:

- Statutory exemptions
 - Industrial building additions of up to and including 50% of the existing gross floor area (defined in O. Reg. 82/98, s. 1) of the building; for industrial building additions which exceed 50% of the existing gross floor area, only the portion of the addition in excess of 50% is subject to D.C.s (s. 4 (3)) of the D.C.A (note, this applies to the first 50% only);
 - buildings or structures owned by and used for the purposes of any municipality, local board or Board of Education (s. 3); and
 - residential development that results only in the enlargement of an existing dwelling unit, or that results only in the creation of up to two additional dwelling units (based on prescribed limits set out in s.2 of O. Reg. 82/98).



- Non-statutory exemptions
 - Lands, buildings or structures used or to be used for a place of worship or for the purposes of a cemetery or burial ground exempt from taxation under the Assessment Act; and
 - Non-residential farm buildings constructed for bona fide farm uses.

Indexing

The D.C.s imposed shall be adjusted annually, without amendment to the by-law, based on the prescribed index in the D.C.A. on January 1, commencing on January 1, 2021.

By-law Duration

The by-law will expire on January 1, 2025, unless it is repealed by Council at an earlier date.

Timing of D.C. Payments

The D.C.s for all services and classes are payable upon issuance of the first building permit for each dwelling unit, building, or structure, subject to early or late payment agreements entered into by the Municipality and an owner under s.27 of the D.C.A., 1997.

Rental housing and institutional developments pay D.C.s in six equal annual payments commencing at occupancy. Non-profit housing developments pay D.C.s in 21 equal annual payments. Moreover, the D.C. amount for all developments occurring within 2 years of a Site Plan or Zoning By-law Amendment planning approval (for applications submitted after January 1, 2020), shall be determined based on the D.C. in effect on the day of the Site Plan or Zoning By-law Amendment application.

Installment payments and payments determined at the time of Site Plan or Zoning Bylaw Amendment application may be subject to annual interest charges. The applicable interest rate is provided in the Municipality's "Development Charge Interest Policy".



Appendix B

Draft Amending Development Charges By-law



Appendix B: Draft Amending Development Charge By-law

The Corporation of the Municipality of Lakeshore By-law Number xx-2022

Being a By-Law of The Corporation of the Municipality of Lakeshore To Amend By-Law 89-2020, Respecting Development Charges

Whereas the Municipality of Lakeshore enacted By-law 89-2020 pursuant to the Development Charges Act, 1997, S.O. 1997, c. 27, as amended (the “Act”), which Act authorizes Council to pass by-laws for the imposition of development charges against land;

And Whereas the Municipality has undertaken a study pursuant to the Act which has provided updated definitions and an updated Schedule B to By-law 89-2020;

And Whereas Council has before it a report entitled “Town of Lakeshore 2022 Development Charges Update Study” prepared by Watson & Associates Economists Ltd., dated March 30, 2022 (the “update study”);

And Whereas the update study and proposed amending by-law were made available to the public on March 30, 2022 and Council gave notice to the public pursuant to section 12 of the Act.

And Whereas Council, on April 26, 2022 held a meeting open to the public, pursuant to section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF LAKESHORE HEREBY ENACTS AS FOLLOWS:

1. By-law 89-2020 is hereby amended as follows:

A. Addition of Accessory to the definitions in Section 1.1 as follows:



Accessory: means a use, building, or structure that is normally incidental and/or subordinate and is exclusively devoted to a main use and/or a building and/or structure, and is located on the same lot therewith. Accessory has the same meaning as ancillary.

- B. Revise the definition of Apartment Dwelling in Section 1.1 to include ancillary units. The refined definition would read as follows:

“apartment dwelling” means any residential dwelling unit within a building containing five or more dwelling units where access to each residential unit is obtained through a common entrance or entrances from the street level through a common entrance or entrances from the street level and the residential units are connected by an interior corridor. Apartment dwelling may also refer to a dwelling unit in a structure that is ancillary to a residential building;

- C. Addition of Class to the definitions in Section 1.1 as follows:

“Class” means a grouping of services combined to create a single service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act. Also referred to as class of service or classes of services.

- D. Addition of Site to the definitions in Section 1.1 as follows:

“Site” means a parcel of land which can be legally conveyed pursuant to Section 50 of the Planning Act and includes a development having two or more lots consolidated under one identical ownership.

- E. Insert Section 3.7.1 as follows:

Rules with Respect to Exemptions for Intensification of Existing Housing

- (a) No Development Charge shall be imposed where the only effect of an action referred to in Section 3.4 of this By-law is to:
 - i) permit an enlargement to an existing residential Dwelling Unit;
 - ii) permit the creation of one or two additional Dwelling Units in an existing single detached dwelling or a prescribed ancillary residential dwelling structure to the existing residential building;



- iii) permit the creation of additional dwelling units equal to the greater of one Dwelling Unit or one percent of the existing Dwelling Units in existing Rental Housing or a prescribed ancillary residential dwelling structure to the existing residential building;
- iv) permit the creation of one additional dwelling unit in any other existing residential building already containing at least one Dwelling Unit or prescribed ancillary residential dwelling structure to the existing residential building; or
- v) permit the creation of a second dwelling unit in prescribed classes of proposed new residential buildings, including residential dwelling structures ancillary to dwellings, subject to the following restrictions:

Item	Name of Class of Proposed New Residential Buildings	Description of Class of Proposed New Residential Buildings	Restrictions
1	Proposed new detached dwellings	Proposed new residential buildings that would not be attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new detached dwelling must only contain two dwelling units. The proposed new detached dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
2	Proposed new semi-detached dwellings or row dwellings	Proposed new residential buildings that would have one or two vertical walls, but no other parts, attached to other buildings and that are permitted to contain a second dwelling unit, that being either of the two dwelling units, if the units have the same gross floor area, or the smaller of the dwelling units.	The proposed new semi-detached dwelling or row dwelling must only contain two dwelling units. The proposed new semi-detached dwelling or row dwelling must be located on a parcel of land on which no other detached dwelling, semi-detached dwelling or row dwelling would be located.
3	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling	Proposed new residential buildings that would be ancillary to a proposed new detached dwelling, semi-detached dwelling or row dwelling and that are permitted to contain a single dwelling unit.	The proposed new detached dwelling, semi-detached dwelling or row dwelling, to which the proposed new residential building would be ancillary, must only contain one dwelling unit. The gross floor area of the dwelling unit in the proposed new residential building must be equal to or less than the gross floor area of the detached dwelling, semi-detached dwelling or row dwelling to which the proposed new residential building is ancillary.

- (b) Notwithstanding 3.7.1(a) above, Development Charges shall be imposed if the total Gross Floor Area of the additional one or two units exceeds the Gross Floor Area of the existing Dwelling Unit.
- (c) Notwithstanding 3.7.1(a) above, Development Charges shall be imposed if the additional Dwelling Unit(s) has a Gross Floor Area greater than:



- i) in the case of a Semi-detached Dwelling Unit or Townhouse Dwelling Unit, the Gross Floor Area of the existing Dwelling Unit; and
 - ii) in the case of any other Residential Building, the Gross Floor Area of the smallest Dwelling Unit contained in the said residential Building.
- (d) The exemption to Development Charges in 3.7.1(a) above shall only apply to the first instance of intensification in an existing or new dwelling.
- (e) Subject to 3.7.1(b), 3.7.1(c), and 3.7.1(d) above, any exemption under 3.7.1(a) above shall apply to the smallest Dwelling Unit, as determined by applicable rates under this By-law.

F. Add item c) to Section 3.10 as follows:

- (c) Land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Development Charges Act, 1997 if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.

G. Schedule "B" is deleted and the attached Schedule "B" is substituted therefore.

2. This by-law shall come into force on the day it is enacted.
3. Except as amended by this by-law, all provisions of By-law 89-2020, as amended, are and shall remain in full force and effect.



By-law read a first and second time this 31st day of May, 2022.

By-law read a third time and finally passed this 31st day of May, 2022.

Corporation of the Municipality of Lakeshore

Mayor: _____

Clerk: _____



Schedule "B" to By-law 89-2020 Residential and Non-Residential Development Charges

Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	5,979	3,495	3,057	2,362	1,974	2.66	5,979	2.66
Public Works	566	331	289	224	187	0.25	-	-
Fire Protection Services	711	416	364	281	235	0.31	711	0.31
Policing Services	106	62	54	42	35	0.05	106	0.05
Parks and Recreation Services	3,754	2,194	1,919	1,483	1,240	0.17	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	461	269	236	182	152	0.20	461	0.20
Total Municipal Wide Services/Classes of Services	11,577	6,767	5,919	4,574	3,823	3.63	7,257	3.22
Urban Services								
Wastewater Services	14,116	8,251	7,217	5,577	4,662	6.05	-	-
Water Services	4,222	2,468	2,159	1,668	1,394	1.82	-	-
Total Urban Services	18,338	10,719	9,376	7,245	6,056	7.87	-	-
GRAND TOTAL RURAL AREA	11,577	6,767	5,919	4,574	3,823	3.63	7,257	3.22
GRAND TOTAL URBAN AREA	29,915	17,486	15,295	11,819	9,879	11.50	7,257	3.22



Municipality of Lakeshore

Public Meeting 2022 Development Charges Update Study

April 26, 2022



Format for Public Meeting

- D.C.A Public Meeting
 - Opening Remarks
 - Presentation of the Proposed Policies and Charges
 - Presentations by the Public
 - Questions from Council
 - Conclude Public Meeting

Public Meeting Purpose



- The public meeting is to provide for an update to the existing D.C. by-law to:
 - Update the D.C. calculation to reflect updated cost estimates and provide for the recovery of financing costs for the Denis St. Pierre Water Pollution Plant Expansion; and
 - Incorporate additional mandatory exemptions and refined definitions in the by-law to reflect recent changes to the Development Charges Act (D.C.A.).
- The meeting is a mandatory requirement under the D.C.A.
- Prior to Council's consideration of a by-law, a background study must be prepared and available to the public a minimum 60 days prior to the D.C. by-law passage.

Study Process & Timelines



1

February to March 2022

Meetings with Municipal Staff & Revisions to Calculations

2

March 30, 2022

Release of Background Study and Draft Amending By-law

3

April 26, 2022

Public Meeting of Council

4

May 31, 2022

Council Consideration of Amending by-law

Development Charges (D.C.)



Purpose:

- To recover the capital costs associated with residential and non-residential growth within a municipality
- The capital costs are in addition to what costs would normally be constructed as part of a subdivision (i.e. internal roads, sewers, watermains, roads, sidewalks, streetlights, etc.)
- Municipalities are empowered to impose these charges via the Development Charges Act (D.C.A.)

Current Development Charges (2020\$)



Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	5,979	3,495	3,057	2,362	1,974	2.66	5,979	2.66
Public Works	566	331	289	224	187	0.25	-	-
Fire Protection Services	711	416	364	281	235	0.31	711	0.31
Policing Services	106	62	54	42	35	0.05	106	0.05
Parks and Recreation Services	3,754	2,194	1,919	1,483	1,240	0.17	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	460	269	235	182	152	0.20	460	0.20
Total Municipal Wide Services/Classes of Services	11,576	6,767	5,918	4,574	3,823	3.63	7,256	3.22
Urban Services								
Wastewater Services	10,391	6,074	5,312	4,105	3,431	4.46	-	-
Water Services	4,222	2,468	2,159	1,668	1,394	1.82	-	-
Total Urban Services	14,613	8,542	7,471	5,773	4,825	6.28	-	-
GRAND TOTAL RURAL AREA	11,576	6,767	5,918	4,574	3,823	3.63	7,256	3.22
GRAND TOTAL URBAN AREA	26,189	15,309	13,389	10,347	8,648	9.91	7,256	3.22

Updates to Wastewater Services



- The expansion to the Denis St. Pierre Water Pollution Control Plant was identified in the 2020 D.C. study at a capital cost of approximately \$30 million (2020 dollars).
- Updated construction/tender prices have resulted in a revised estimate of \$54 million (or \$47 million in 2020 dollars).
- There is no anticipated change in the scope of the project.
- Financing costs of approximately \$5.1 million have also been identified for this project.
- These additional costs have been included in the D.C. calculation.

By-Law Amendments



- To reflect recent changes to legislation, D.C. policies in the by-law are being updated with respect to:
 - Mandatory exemption for new ancillary units;
 - Mandatory exemption for universities receiving operating funds from the Government; and
 - Additional and refined definitions, where required.

Calculated D.C. Rates (2020\$)



Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	5,979	3,495	3,057	2,362	1,974	2.66	5,979	2.66
Public Works	566	331	289	224	187	0.25	-	-
Fire Protection Services	711	416	364	281	235	0.31	711	0.31
Policing Services	106	62	54	42	35	0.05	106	0.05
Parks and Recreation Services	3,754	2,194	1,919	1,483	1,240	0.17	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	460	269	235	182	152	0.20	460	0.20
Total Municipal Wide Services/Classes of Services	11,576	6,767	5,918	4,574	3,823	3.63	7,256	3.22
Urban Services								
Wastewater Services	14,116	8,251	7,217	5,577	4,662	6.05	-	-
Water Services	4,222	2,468	2,159	1,668	1,394	1.82	-	-
Total Urban Services	18,338	10,719	9,376	7,245	6,056	7.87	-	-
GRAND TOTAL RURAL AREA	11,576	6,767	5,918	4,574	3,823	3.63	7,256	3.22
GRAND TOTAL URBAN AREA	29,914	17,486	15,294	11,819	9,879	11.50	7,256	3.22

Calculated D.C. Rates (2022\$)



Service/Class of Service	RESIDENTIAL					NON-RESIDENTIAL	Wind Turbines & Communication Towers (per Turbine/Tower)	Solar Farm (per sq. ft.)
	Single and Semi-Detached Dwelling	Other Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom	Special Care/Special Dwelling Units	(per sq.ft. of Gross Floor Area)		
Municipal Wide Services/Classes of Services:								
Services Related to a Highway	6,844	4,001	3,499	2,704	2,260	3.04	6,844	3.04
Public Works	648	379	331	256	214	0.28	-	-
Fire Protection Services	814	476	417	322	269	0.35	814	0.35
Policing Services	121	71	62	48	40	0.06	121	0.06
Parks and Recreation Services	4,297	2,511	2,197	1,698	1,419	0.19	-	-
Library Services	-	-	-	-	-	-	-	-
Growth Studies	527	308	269	208	174	0.23	527	0.23
Total Municipal Wide Services/Classes of Services	13,251	7,746	6,774	5,236	4,376	4.16	8,306	3.68
Urban Services								
Wastewater Services	16,158	9,445	8,261	6,384	5,337	6.93	-	-
Water Services	4,833	2,825	2,471	1,909	1,596	2.08	-	-
Total Urban Services	20,991	12,270	10,733	8,293	6,932	9.00	-	-
GRAND TOTAL RURAL AREA	13,251	7,746	6,774	5,236	4,376	4.16	8,306	3.68
GRAND TOTAL URBAN AREA	34,242	20,016	17,507	13,529	11,308	13.16	8,306	3.68

Note: based on indexing of 14.47%

Rate Comparison – Residential (Single-detached Units)



Service/Class of Service	Current (By-law 89-2020) (2020\$)	Calculated (D.C. Update) (2020\$)
Municipal Wide Services/Classes of Services:		
Services Related to a Highway	5,979	5,979
Public Works	566	566
Fire Protection Services	711	711
Policing Services	106	106
Parks and Recreation Services	3,754	3,754
Library Services	-	-
Growth Studies	460	460
Total Municipal Wide Services/Classes	11,576	11,576
Urban Services:		
Wastewater Services	10,391	14,116
Water Services	4,222	4,222
Total Urban Services	14,613	18,338
Grand Total - Urban Area	26,189	29,914

Rate Comparison – Non- Residential (per sq.ft. of gross floor area)

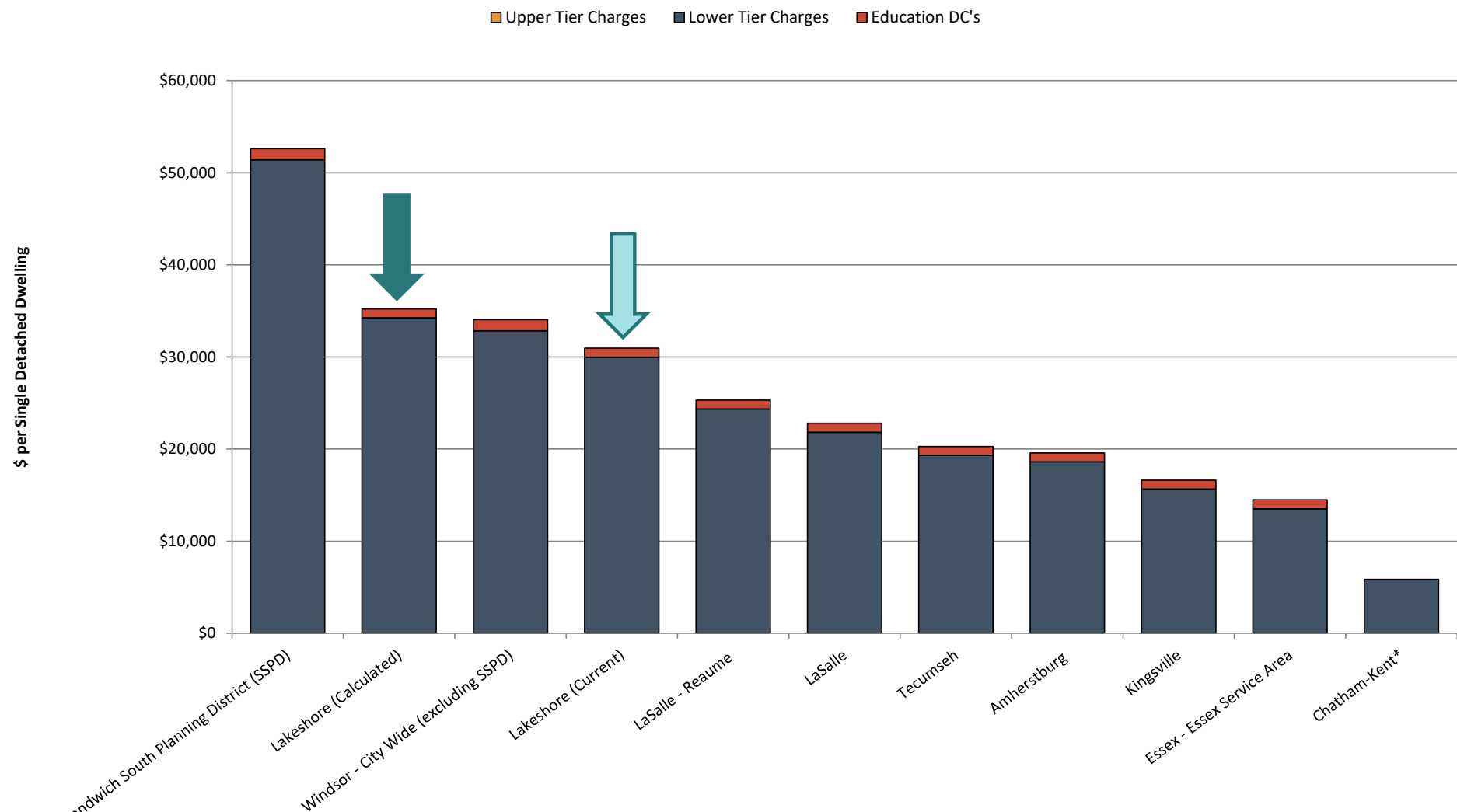


Service/Class of Service	Current (By-law 89-2020) (2020\$)	Calculated (D.C. Update) (2020\$)
Municipal Wide Services/Classes of Services:		
Services Related to a Highway	2.66	2.66
Public Works	0.25	0.25
Fire Protection Services	0.31	0.31
Policing Services	0.05	0.05
Parks and Recreation Services	0.17	0.17
Library Services	-	-
Growth Studies	0.20	0.20
Total Municipal Wide Services/Classes	3.63	3.63
Urban Services:		
Wastewater Services	4.46	6.05
Water Services	1.82	1.82
Total Urban Services	6.28	7.87
Grand Total - Urban Area	9.91	11.50

Survey of D.C. Rates – Residential



Development Charge Rates for Lakeshore and Select Municipalities Single Detached and Semi-Detached Dwellings



Windsor - Sandwich South Planning District (SSPD)
Lakeshore (Calculated)
Windsor - City Wide (excluding SSPD)
Lakeshore (Current)
LaSalle - Reaume
LaSalle
Tecumseh
Amherstburg
Kingsville
Essex - Essex Service Area
Chatham-Kent*

*Water & Wastewater Services Only

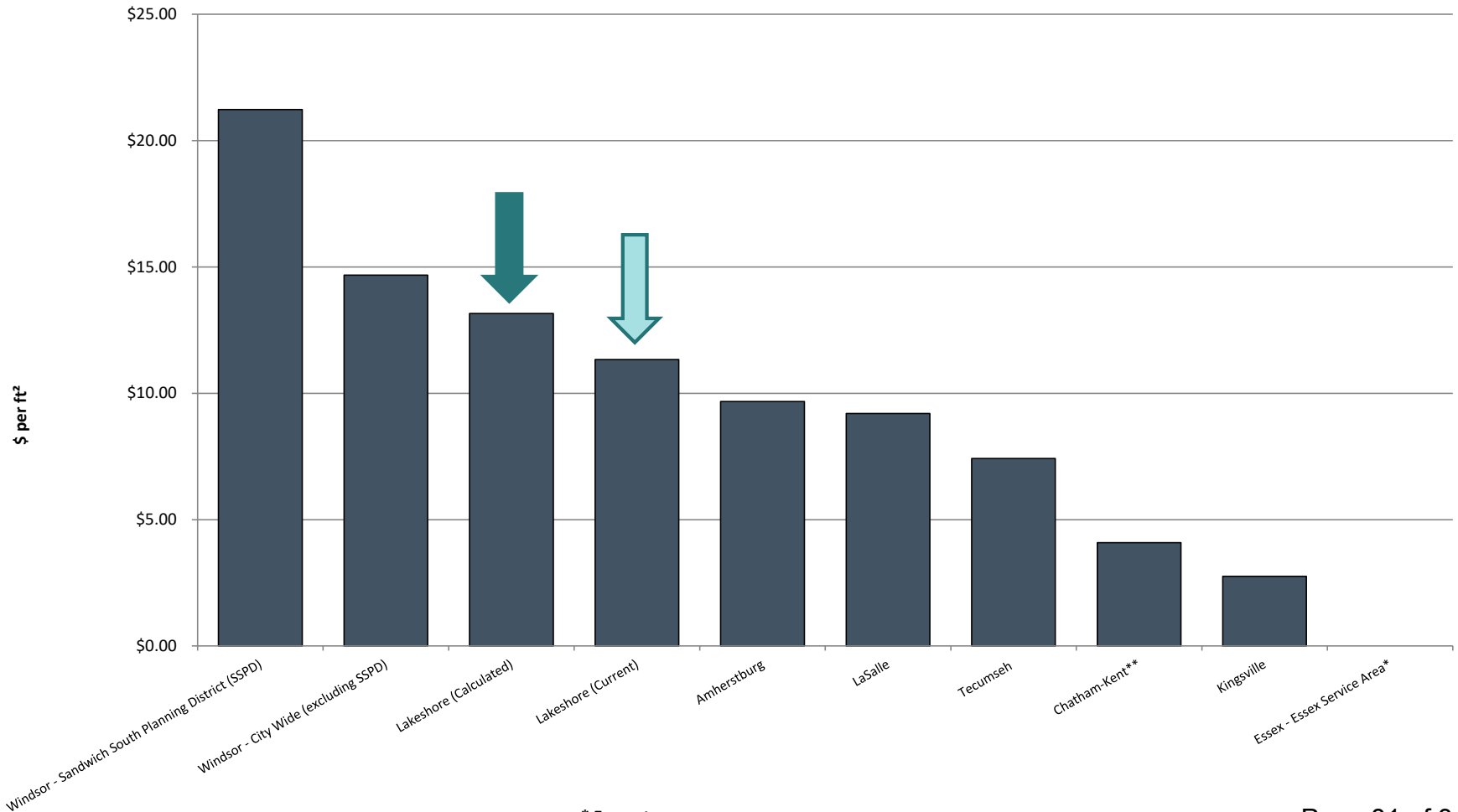
Survey of D.C. Rates – Commercial



Development Charge Rates for Lakeshore and Select Municipalities

Commercial Development - per sq.ft.

Upper Tier Charges Lower Tier Charges Education DC's



* Exempt

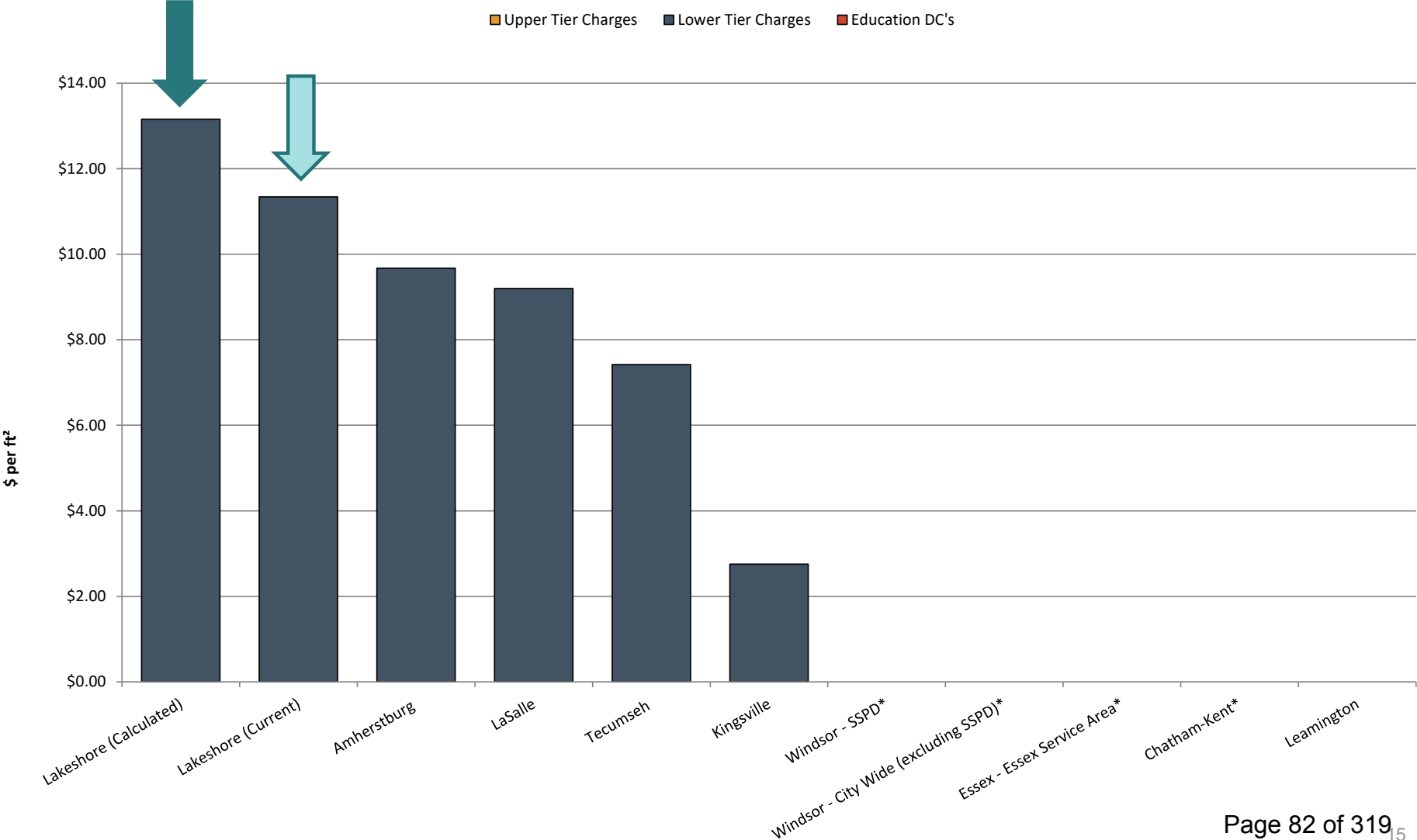
**Water & Wastewater Services Only

Survey of D.C. Rates – Industrial



Development Charge Rates for Lakeshore and Select Municipalities

Industrial Development - per sq.ft.



* Exempt

Study Process & Timelines



February to March 2022

Meetings with Municipal Staff & Revisions to Calculations



March 30, 2022

Release of Background Study and Draft Amending By-law



April 26, 2022

Public Meeting of Council



May 31, 2022

Council Consideration of Amending by-law

Next Steps



By-law
Passage
(May 31,
2022)

Municipality of Lakeshore

Minutes of the Special Council Meeting

Monday, March 7, 2022, 6:00 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer Truper McBride, Corporate Leader – Chief Financial Officer Justin Rousseau, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Community Services Frank Jeney, Division Leader - Roads, Parks & Facilities Jeff Wilson, Division Leader - Water Management Albert Dionne, Division Leader - Workplace Development Lisa Granger, Fire Chief Don Williamson, IT Technologist Mark Donlon

1. Call to Order

Mayor Bain called the meeting to order at 6:04 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Land Acknowledgement

3. Moment of Reflection

4. Disclosures of Pecuniary Interest

5. Delegations

1. St. Clair Shores Neighbourhood Park Plan

Jeffery Lee, resident, was present electronically and requested that safety lighting be considered in the final design.

Kamaljit Singh Dhillon, resident, was present electronically and requested that a washroom facility be added to the final design.

6. Reports for Information

79-03-2022

Moved By Councillor McKinlay

Seconded By Councillor Wilder

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

1. 2021 Drinking Water Annual Summary Reports

2. DWQMS Management Review Meeting

7. Reports for Direction

1. Transition of Integrity Commissioner Services

80-03-2022

Moved By Councillor Walstedt

Seconded By Deputy Mayor Bailey

Direct the Clerk to read By-law 24-2022 appointing Principles Integrity as the Municipality's integrity commissioner commencing July 1st and transitional integrity commissioner for the period of March 8, 2022 through to and including June 30, 2022; and

Authorizing the Mayor and Clerk to execute the necessary instruments to retain Principles Integrity as the integrity commissioner, all as described in the March 7, 2022 Council meeting.

In Favor (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

3. **St. Clair Shores Neighbourhood Park Plan**

81-03-2022

Moved By Councillor Wilder

Seconded By Councillor Janisse

Defer consideration of the St. Clair Shores Neighbourhood Park Plan pending a report at the June 2022 Council meeting or earlier, in order for Administration to provide information regarding the addition of lighting, particulars regarding the pavilion and dry pond and a washroom facility.

In Favor (5): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, and Councillor Santarossa

Opposed (3): Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Carried

2. **2022 Fire Department Vehicle Replacement**

82-03-2022

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Award the purchase of two – 2022 Ford Police Utility Explorers (1 hybrid and 1 gasoline) to Lally Ford for the sum of \$96,959.98, including non-refundable HST; and approve \$52,040.03 for the installation of emergency lighting, communication equipment, required upfitting, and reflective identification markings for the vehicles, as further described in the March 7, 2022 Council report.

Carried Unanimously

8. **Consideration of By-laws**

83-03-2022

Moved By Councillor Janisse

Seconded By Deputy Mayor Bailey

Defer the reading of By-law 19-2022 until Administration has an opportunity to meet with the Heavy Construction Association of Windsor.

In Favor (6): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, and Councillor McKinlay

Opposed (2): Councillor Kerr, and Councillor Walstedt

Carried

84-03-2022**Moved By** Councillor Santarossa**Seconded By** Councillor McKinlay

By-laws 23-2022 and 24-2022 be read and passed in open session on March 7, 2022.

In Favor (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

1. **By-law 19-2022, Being a By-law to Amend By-law 2-2002, Being a By-law to Regulate Traffic on Highways under the Jurisdiction of the Municipality of Lakeshore**
 2. **By-law 23-2022, Being a By-law to Adopt the Tax Rates and to Provide for Penalty and Interest in Default of Payment for the year 2022**
 3. **By-law 24-2022, Being a By-law to Appoint an Integrity Commissioner and Execute Agreements Related Thereto**
9. **Closed Session**

85-03-2022**Moved By** Councillor McKinlay**Seconded By** Councillor Wilder

Council move into closed session in Council Chambers at 7:15 PM in accordance with:

- a. Paragraph 239(2)(b) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees, relating to the Chief Administrative Officer performance evaluation.

Carried Unanimously

10. Adjournment

The meeting was adjourned in closed session at 7:55 PM.

Tom Bain
Mayor

Kristen Newman
Clerk

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, March 29, 2022, 4:30 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer Truper McBride, Corporate Leader - Chief Financial Officer Justin Rousseau, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Division Leader - Civic Affairs Brianna Coughlin, Division Leader - Community Planning Aaron Hair, Division Leader - Community Services Frank Jeney, Division Leader - Roads, Parks & Facilities Jeff Wilson, Division Leader - Water Management Albert Dionne, Division Leader - Digital Transformation & Cloud Services Michael Martin, IT Technologist Mark Donlon, Planner II Urvi Prajapati

1. Call to Order

Mayor Bain called the meeting to order at 4:35 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Closed Session

97-03-2022

Moved By Councillor McKinlay

Seconded By Councillor Santarossa

Council move into closed session in Council Chambers at 4:30 PM in accordance with:

- a. Paragraph 239(2)(b) and (d) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and advice that is subject to solicitor-client privilege, including

communications necessary for that purpose, relating to the 2020 Financial Audit;

- b. Paragraph 239(2)(d) of the *Municipal Act, 2001* to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose, relating to access to Lake St. Clair for winter recreation;
- c. Paragraph 239(2)(c) of the *Municipal Act, 2001* to discuss a proposed or pending acquisition of land by the municipality, relating to County Road 27.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt and Councillor McKinlay

Carried

Councillor Wilder joined the meeting in closed session at 4:37 PM.

3. Return to Open Session

Council returned to open session at 5:18 PM.

4. Land Acknowledgement

5. Moment of Reflection

6. Disclosures of Pecuniary Interest

7. Recognitions

12. Completion of Unfinished Business

1. Consent Agenda

- 1. February 15, 2022 Regular Council Meeting Minutes
- 2. March 7, 2022 Special Council Meeting Minutes

98-03-2022

Moved By Councillor Kerr

Seconded By Councillor McKinlay

Defer consideration of the March 7, 2022 Special Council Meeting minutes to the April 5, 2022 Special Council Meeting, pending a review of the video recording regarding resolution #81-03-2022 and whether a motion should be on the table.

Carried Unanimously

3. Town of Tecumseh - Consideration of Support for Windsor-Essex Workers

99-03-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Support the January 6, 2022 County of Essex letter to the Deputy Prime Minister and Minister of Finance requesting support for Windsor-Essex workers.

Carried Unanimously

4. Town of Tecumseh - Small Business Support in Essex - Windsor

100-03-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Support the January 7, 2022 County of Essex letter to the Premier of Ontario regarding support for Small Business in Windsor-Essex.

Carried Unanimously

5. Township of Clearview - Funding Support for Infrastructure Projects - Bridge/Culvert replacements in Rural Municipalities

101-03-2022

Moved By Councillor Wilder

Seconded By Councillor Santarossa

Support the resolution of the Township of Clearview regarding Funding Support for Infrastructure Projects – Bridge/Culvert Replacements in Rural Municipalities.

Carried Unanimously

6. Town of Bracebridge - Item for Discussion - Hospital Capital Funding
7. Chair Tom Allwood - Multi-Municipal Wind Turbine Working Group
8. Municipality of Shuniah - Expansion of Northern Ontario School of Medicine

102-03-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Approve minutes of the February 15, 2022 Regular Council Meeting and receive correspondence as listed on the Consent Agenda.

Carried Unanimously

2. Reports for Information

103-03-2022

Moved By Councillor Kerr

Seconded By Councillor Walstedt

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

1. Drainage Board Meeting February 7, 2022
2. Access to Lake St. Clair for Winter Recreation

3. Reports for Direction

1. ATRC Splash Pad – Exterior Shade Screens and Re-Opening

104-03-2022

Moved By Councillor Janisse

Seconded By Councillor Wilder

Direct Administration to proceed with acquiring retractable screens to cover the 22 windows located adjacent to the ATRC Splash Pad and shaded seating in accordance with the Municipal Procurement By-law; and

When Retractable Screens are in place, reopen the ATRC Splash Pad, all as described in the ATRC Splash Pad – Exterior Shade Screens and Re-Opening report to Council report presented at the March 29, 2022 Council meeting.

Carried Unanimously

2. Digital Modernization RFP Award

105-03-2022

Moved By Deputy Mayor Bailey

Seconded By Councillor Kerr

Award the RFP for the Digital Modernization Project to Optimus Tech Solutions as the respondent with the highest total score, as presented at the March 29, 2022 Council meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Kerr, Councillor Walstedt and Councillor McKinlay

Opposed (1): Councillor Janisse

Carried

3. Bulk Water Fill Station - Comber Survey

106-03-2022

Moved By Councillor Wilder

Seconded By Councillor McKinlay

Defer consideration of the Bulk Water Fill Station - Comber Survey report until Administration is able to investigate potential opportunities with the Comber Fairground or other external properties within the Comber area.

In Favour (5): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Santarossa, and Councillor McKinlay

Opposed (3): Deputy Mayor Bailey, Councillor Kerr, and Councillor Walstedt

Carried

10. Public Presentations

1. Essex Region Conservation Authority - 2022 Draft Budget

ERCA Vice Chair Kieran McKenzie, CAO/Secretary-Treasurer Tim Byrne and CFO/Director Finance and Corporate Services Shelley McMullen presented the 2021 Annual Report, 2022 Draft Budget and Transition Plan, as well as a video as overview of activities of the organization for 2021.

8. **Public Meeting under the Municipal Act, 2001**

1. **Tax Adjustment under the Municipal Act, 2001, s.357**

Mayor Bain opened the public meeting at 6:29 PM.

There were no members of the public registered to speak regarding the proposed reduction of taxes.

The public meeting concluded at 6:30 PM.

107-03-2022

Moved By Councillor Janisse

Seconded By Councillor Santarossa

Authorize the reduction of taxes under s. 357 of the *Municipal Act, 2001* totaling \$7,012.02 for adjustments affecting the 2019, 2020, and 2021 taxation year, as outlined in the report from Finance Services presented at the March 29, 2022 Council meeting.

Carried Unanimously

9. **Public Meetings under the Planning Act**

1. **Zoning By-law Amendment ZBA-27-2021 – 1431 County Road 31**

Mayor Bain opened the public meeting at 6:30 PM.

The Planner provided a PowerPoint presentation as overview of the application and recommendation of Administration.

The Applicant, Diane Trepanier, was present electronically to answer any questions of Council but did not speak to the application.

The public meeting concluded at 6:35 PM

108-03-2022

Moved By Councillor Walstedt

Seconded By Deputy Mayor Bailey

Approve Zoning By-law Amendment Application ZBA-27-2021 (By-law No. 28-2022) to amend Municipality of Lakeshore By-law 2-2012 to prohibit the construction of a residential dwelling on the remnant farmland located at 1431 County Road 31 (legally described as Part of Lot 14, Concession 4, Rochester, as in R363445, except Part 1 on Plan 12R8827; subject to R586339; subject to an easement in gross over Parts 1-6, inclusive, Plan 12R22390; Town of Lakeshore being all of the Property Identifier Number 75053-0111(LT)) by changing the zoning from Agriculture (A) to

Agriculture Zone Exception 1 (A-1) to allow for agriculture uses only, as presented at the March 29, 2022 Council meeting.

Carried Unanimously

11. Delegations

1. Shoreline Management Plan Final Report (continued from March 15, 2022 meeting)

Amelia Sloan of Stantec Consulting and Peter Zuzek of Zuzek Inc. were present to answer questions relating to the Shoreline Management Plan. Members of the Essex Region Conservation Authority and the Lower Thames Valley Conservation Authority were also present electronically to answer any technical questions.

109-03-2022

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

Adopt the Shoreline Management Plan, as presented at the March 15 and March 29, 2022 Council Meetings; and

Direct Administration to forward the final report to the Essex Region Conservation Authority and the Lower Thames Conservation Authority for their formal review and adoption.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, and Councillor McKinlay

Opposed (2): Councillor Kerr, and Councillor Walstedt

Carried

2. Wallace Woods Secondary Plan Update

Gregory Bender of WSP was present electronically and provided a PowerPoint presentation as overview of the report.

110-03-2022

Moved By Councillor Walstedt

Seconded By Councillor Janisse

Direct Administration to conduct public consultation, including a public open house, and make the Wallace Woods Secondary Plan documents publicly available for comment, as presented at the March 29, 2022 Council meeting.

Carried Unanimously

Mayor Bain called a recess at 8:15 PM and reconvened the meeting at 8:30 PM.

12. Completion of Unfinished Business

3. Reports for Direction

4. Use of Municipal Resources during Election Policy

111-03-2022

Moved By Councillor Walstedt

Seconded By Councillor Santarossa

Approve the Use of Municipal Resources during Election Policy, as presented at the March 29, 2022 Council meeting; and

Direct the Clerk to prepare the necessary by-law for adoption.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

4. Notices of Motion

1. Deputy Mayor Bailey - Hydro One

112-03-2022

Moved By Deputy Mayor Bailey

Seconded By Councillor McKinlay

Whereas Hydro One's Chatham to Lakeshore preferred line cuts through 220 acres of prime employment land situated on the 401 interchange, restricting the use of this land and strongly interfering with the Community of Comber;

Whereas this engagement done by Hydro One in selecting their preferred route was insufficient;

Whereas hydro lines in close proximity to residential districts lowers property value and creates health concerns;

Whereas hydro lines seriously impede farm machinery from operating their GPS equipment;

Whereas the proposed 2A line chosen by Hydro One affects far more commercial and residential stakeholders than the existing line north of the 401;

Whereas Council of the Municipality of Lakeshore resolved November 9, 2021 by motion #381-11-2021 that they will only accept an alignment travelling west along the existing Hydro One corridor North of the 401 to the West side of the Rochester Townline Road. From here, travel south to the Substation

Therefore, be it resolved now that the Council of the Municipality of Lakeshore formally share Motion #381-11-2021 and request the support from the Municipality of Chatham-Kent.

Carried Unanimously

2. Councillor Walstedt - Accessible Swings

113-03-2022

Moved By Councillor Walstedt

Seconded By Deputy Mayor Bailey

Administration review the accessible swing costs and potential use in Lakeshore Parks.

Carried Unanimously

3. Councillor Kerr - Lakeview Park

114-03-2022

Moved By Councillor Kerr

Seconded By Councillor Santarossa

Whereas, The Lakeshore Parks Master Plan, the Lakeview Park/West Beach Master Plan recommend a multi-year strategic plan for funding the Regional Park;

And Whereas, The Waterfront Park Report to Council in September 2020 for \$1.5 mil to be put into reserves each year for the next 6 to 8 years;

And Whereas, Lakeshore Council has not given specific direction to Administration to make a multi-year savings plan;

Be it resolved that, Council direct Administration to develop a funding model to deliver Lakeshore's Waterfront Park, to be presented to Council in the draft 2023 Budget with a goal of Constructing first phase in 2023.

Carried Unanimously

22. Consideration of By-laws

115-03-2022

Moved By Councillor Santarossa

Seconded By Councillor Walstedt

By-laws 26-2022 and 28-2022 be read and passed in open session on March 29, 2022.

Carried Unanimously

1. **By-law 26-2022, Being a By-law to Repeal By-law 78-2020, Being a By-law to Require the Use of Face Coverings during the COVID-19 Pandemic**
2. **By-law 28-2022, Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-27-2021)**
3. **By-law 30-2022, Being a By-law to Confirm the Proceedings of the Council of the Municipality of Lakeshore for February 15, March 7 and March 15, 2022**

15. Reports for Direction

1. **Janitorial Services Contract Two Year Extension**

116-03-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Approve an extension to the existing Janitorial Services Contract for an additional 2-year term with Krautner Janitorial Inc. in the amount of \$188,022.78 (including non-recoverable HST), as presented at the March 29, 2022 Council meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Janisse

Carried

2. Tender Award - Life Cycle Surface Treatment Resurfacing Program 2022

117-03-2022

Moved By Councillor Walstedt

Seconded By Councillor Wilder

Award the tender for the 2022 Surface Treatment Resurfacing Program contract to Shepley Road Maintenance Ltd. in the amount of \$654,151.84 including applicable HST, as presented at the March 29, 2022 Council meeting.

Carried Unanimously

3. Ruston Drive North Shoreline Proposed Access Alterations

118-03-2022

Moved By Councillor Kerr

Seconded By Deputy Mayor Bailey

Approve \$40,000 including applicable HST to complete the proposed access alterations at the north shoreline at Ruston Drive, as presented at the March 29, 2022 Council meeting.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

23. Adjournment

119-03-2022

Moved By Councillor McKinlay

Seconded By Councillor Kerr

Council adjourn its meeting at 9:32 PM.

In Favour (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

Tom Bain
Mayor

Kristen Newman
Clerk

Municipality of Lakeshore

Minutes of the Special Council Meeting

Tuesday, April 5, 2022, 5:00 PM

Electronically hosted from Town Hall, 419 Notre Dame Street, Belle River



Members Present: Mayor Tom Bain, Deputy Mayor Tracey Bailey, Councillor Steven Wilder, Councillor Len Janisse, Councillor Kelsey Santarossa, Councillor John Kerr, Councillor Kirk Walstedt, Councillor Linda McKinlay

Staff Present: Chief Administrative Officer Truper McBride, Corporate Leader - Chief Financial Officer Justin Rousseau, Corporate Leader - Growth & Sustainability Tammie Ryall, Corporate Leader - Operations Krystal Kalbol, Corporate Leader - Strategic & Legal Affairs Kristen Newman, Division Leader - Bylaw Robert Sassine, Division Leader - Civic Affairs Brianna Coughlin

1. Call to Order

Mayor Bain called the meeting to order at 5:07 PM in Council Chambers. All other members of Council participated in the meeting through video conferencing technology from remote locations.

2. Closed Session

120-04-2022

Moved By Councillor Santarossa

Seconded By Councillor McKinlay

Council move into closed session in Council Chambers at 5:07 PM in accordance with:

- a. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals, affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality regarding an application under the *Municipal Conflict of Interest Act* and associated litigation.
- b. Paragraph 239(2)(e), (f) and (k) of the *Municipal Act, 2001* to discuss litigation or potential litigation, including matters before administrative tribunals,

affecting the municipality, advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality, regarding an application under the *Municipal Conflict of Interest Act* and associated litigation.

- c. Paragraph 239(2)(f) of the *Municipal Act, 2001* to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding animal care and control.

Carried Unanimously

3. Return to Open Session

Council returned to open session at 6:40 PM.

4. Land Acknowledgement

5. Moment of Reflection

6. Disclosures of Pecuniary Interest

7. Reports for Direction

1. Animal Care and Control By-law – Special Meeting

Mayor Bain advised that in closed session, Council directed that the draft by-law be amended to update the definition of “service animal” to reflect the wording found in the *Accessibilities for Ontarians with Disabilities Act, 2005* and associated regulations.

121-04-2022

Moved By Councillor Kerr

Seconded By Councillor Wilder

Direct Administration to include a provision in the draft by-law to comply with "A Code of Practice for Canadian Kennel Operations" that will expire after 1 year which may be renewed by Council prior to the end of that year.

In Favor (2): Councillor Wilder, and Councillor Kerr

Opposed (6): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Lost

122-04-2022

Moved By Councillor Kerr

Seconded By Deputy Mayor Bailey

Direct Administration to include a provision in the draft by-law to require that the Kennel Operator reside on the premises on which a Kennel is operated.

In Favor (2): Deputy Mayor Bailey, and Councillor Kerr

Opposed (6): Mayor Bain, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Lost

123-04-2022

Moved By Councillor Kerr

Seconded By Councillor Janisse

Direct Administration to include the prohibition of cats at large except in designated areas.

In Favor (4): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, and Councillor Kerr

Opposed (4): Mayor Bain, Councillor Santarossa, Councillor Walstedt, and Councillor McKinlay

Lost

124-04-2022

Moved By Councillor Kerr

Seconded By Councillor Santarossa

Direct Administration to include the following provision in the draft by-law:
"Every person who keeps one or more animals shall be responsible to ensure that the owner's property upon which the animal or animals are kept are maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard."

In Favor (6): Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Kerr, and Councillor McKinlay

Opposed (2): Mayor Bain, and Councillor Walstedt

Carried

125-04-2022

Moved By Councillor Walstedt

Seconded By Councillor Santarossa

Direct Administration to bring forward draft By-law 27-2022 as amended, known as the Animal Care and Control By-law, to a subsequent Council meeting for adoption.

In Favor (7): Mayor Bain, Deputy Mayor Bailey, Councillor Janisse, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (1): Councillor Wilder

Carried

Mayor Bain called a recess at 8:21 PM and reconvened the meeting at 8:30 PM.

8. Reports for Information

1. Review of March 7, 2022 Special Council Meeting Minutes

126-04-2022

Moved By Councillor Wilder

Seconded By Councillor Janisse

Amend the minutes of the March 7, 2022, Council meeting to reflect what was recorded, which is reflected in the April 12, 2022 agenda, page 96, 8th paragraph from the bottom, second line: 'I'll make a motion to defer this item to allow the plan to come back that includes lighting, includes a washroom, and provide some estimation of the pavilion. It'll also hopefully give us some time to get more information on that stormwater dry pond as well.'

In Favor (3): Mayor Bain, Councillor Wilder, and Councillor Janisse

Opposed (5): Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Lost

9. Adjournment**127-04-2022**

Council adjourn its meeting at 9:00 PM.

In Favor (7): Mayor Bain, Deputy Mayor Bailey, Councillor Wilder, Councillor Janisse, Councillor Santarossa, Councillor Kerr, and Councillor Walstedt

Opposed (1): Councillor McKinlay

Carried

Tom Bain
Mayor

Kristen Newman
Clerk

Municipality of Lakeshore – Report to Council

Operations

Capital Projects



To: Mayor & Members of Council
From: Jill Fiorito, Drainage Superintendent
Date: April 11, 2022
Subject: Drainage Board Meeting - April 4, 2022

Recommendation

This report is for information only.

Background

The draft minutes from the April 4th, 2022, Drainage Board meeting are attached.

Comments

Mr. Gerard Rood, P.Eng., was in attendance to provide a summary of his drainage reports for West Townline Drain – Nehme Bridge dated January 13, 2022 and Hermes Moison Drain (North Branch) dated March 18, 2022.

The Drainage Board recommended that By-law 32-2022 be recommended for first and second reading and By-law 14-2022 be recommended for third reading.

Others Consulted

Essex Regional Conservation Authority has been consulted on these projects.

Financial Impacts

All costs associated with these works will be assessed out according to the proportions outlined in the engineer's report.

Attachments Draft Drainage Board minutes dated April 4, 2022.

Report Approval Details

Document Title:	Drainage board minutes April 4, 2022.docx
Attachments:	- 4 - April 4 2022 Drainage Board Minutes.docx
Final Approval Date:	Apr 20, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Jill Fiorito

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

MUNICIPALITY OF LAKESHORE

MINUTES OF THE DRAINAGE BOARD

PRESENT:	Chairman	-	Dave Armstrong
	Board members	-	Horst Schmidt
		-	Maurice Janisse
		-	Norbert Poggio
	Engineer	-	Gerard Rood
	Drainage Superintendent	-	Jill Fiorito
	Asst. Drainage Superintendent	-	Kyle Emery

1. CALL TO ORDER AT 5:00 PM

The Chair called the meeting to order at 5:00 p.m.

2. DISCLOSURES OF CONFLICT OF INTEREST AND THE GENERAL NATURE THEREOF

There were no disclosures of conflicts of interest.

3. APPROVING THE MINUTES OF PREVIOUS DRAINAGE BOARD MEETING

Drainage Board Meeting Minutes of February 7th, 2022.

Board Member Poggio moved, and Board Member Schmidt seconded

That:

The Board approve the minutes of the Drainage Board Meeting dated February 7th, 2022

Motion Carried

4 ENGINEERING AND INFRASTRUCTURE SERVICES

COURT OF REVISION

Opening of the Court of Revision.

Board Member Schmidt and Board Member Janisse seconded:

It is recommended that:

The Drainage Board move into Court of Revision to consider appeals respecting By-law No.014-2022 in the Municipality of Lakeshore, in the County of Essex.

Motion Carried

West Townline Drain (Nehme Bridge)

Mr. Gerard Rood, P.Eng was in attendance and briefly outlined the key points of the schedule of assessment in his report dated January 13th, 2022.

Mr. Rood explained that he had not received any concerns from landowner's regarding this new drain enclosure. The Drainage board has not received any questions or appeals for this assessment.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Janisse moved, and Board Member Poggio seconded:

That:

The Schedule of Assessment to provide for the West Townline Drain (Nehme Bridge) in the Municipality of Lakeshore, in the County of Essex as prepared by Rood Engineering Inc., dated January 13th, 2022, be approved and By-Law No. 014-2022 be recommended for third reading.

Motion Carried

Closing of the Court of Revision

Board Member Poggio moved, and Board Member Schmidt seconded:

That:

The Drainage Board moves to close the Court of Revision.

Motion Carried

READING OF THE REPORT

Hermas Moison Drain – North Branch

Mr. Gerard Rood, P.Eng was in attendance and briefly outlined the key points of the report dated March 18th, 2022.

Mr. Rood explained that he had not received any questions or concerns from landowners regarding the new drain enclosure.

The Drainage Board had not received any questions or concerns.

The Chairman opened the floor for questions.

There were no concerns.

Board Member Poggio moved, and Board Member Janisse seconded:

That:

The Engineer's considered report prepared by Rood Engineering Inc., dated March 18th, 2022, for the Hermas Moison Drain – North Branch in the Municipality of Lakeshore, in the County of Essex be adopted and By-Law No. 032-2022 be recommended for the first and second reading.

Motion Carried

5. ADJOURNMENT

Board Member Janisse moved, and Board Member Poggio seconded:

That:

The Drainage Board adjourn its meeting at 6:00 p.m.

Motion Carried

DAVID ARMSTRONG
CHAIRMAN

JILL FIORITO
DRAINAGE SUPERINTENDENT

NEXT SCHEDULED MEETING

The next Drainage Board Meeting is schedule for 5:00pm on May 2nd, 2022, in the Municipality of Lakeshore.

Municipality of Lakeshore – Report to Council

Operations

Water Management



To: Mayor & Members of Council

From: Albert Dionne, C.E.T. Division Leader – Water Management

Date: March 23, 2022

Subject: 2021 MECP Drinking Water Inspections

Recommendation

This report is for information only.

Background

Lakeshore has four (4) drinking water systems as follows:

1. Lakeshore Drinking Water System (DWS# 260091507) - The Lakeshore drinking water system delivers drinking water to the north-west part of the Municipality, generally bound by Lake St. Clair to the south to Highway 401 from County Road 19 (Manning Road) to Rochester Townline Road. Water is supplied from the Lakeshore Water Treatment plant on Lakeview Drive in Belle River. The water treatment plant and the water distribution system were inspected.
2. Tecumseh Distribution System (DWS# 260004982) - Under a service agreement between the Municipality of Lakeshore and the Town of Tecumseh, water is supplied to two small areas within the Municipality of Lakeshore both off County Road 19 (Manning Road). The first area is along Little Baseline Road for approximately 700 meters east from County Road 19 (Manning Road) while the second area is the rural area between County Road 42 and Highway 401 immediately west of County Road 19 (Manning Road) along Scott Sideroad and Walls Road. These service areas have a total equivalent population of approximately 200 people. The Tecumseh Water Supply System is supplied with water from the Windsor Water Supply System (under a service agreement between the Town of Tecumseh and the Windsor Utilities Commission).
3. Union Distribution System (DWS# 260004995) - The Union Distribution drinking water system delivers drinking water to the south-west part of the municipality, generally bound by Highway 401 from County Road 19 (Manning Road) to Rochester Townline Road. Water is supplied from the Union Water Supply System Water Treatment plant in Ruthven.

4. Stoney Point Drinking Water System (DWS# 220003396) - The Stoney Point Drinking Water System delivers drinking water to most of the eastern part of the municipality and is generally bound by Lake St. Clair to County Road 8 and from Rochester Townline to just west of Richardson Sideroad. Water is supplied from Lakeshore's Water Treatment plant on St. Clair Road in Stoney Point. The water treatment plant and the water distribution system were inspected.

The Ministry of Environment, Conservation and Parks (MECP) conducts inspections of the Municipality's water systems annually.

The Ministry of Environment, Conservation and Parks (MECP) 2021 Annual Drinking Water Inspections for the Municipality of Lakeshore's following systems have been provided for information:

1. Lakeshore Drinking Water System – Report dated December 10, 2021
2. Tecumseh Distribution System – Report dated July 7, 2021
3. Union Distribution System – Report dated September 21, 2021
4. Stoney Point Drinking Water System – Report dated February 10, 2022

Comments

This report confirms that Council (as the owner of the drinking water system) has been informed when an MECP inspection takes place and the results of the inspections and these reports are provided to Council in fulfilment of regulatory requirements under the Safe Drinking Water Act, 2002.

The results of the inspection for each system are summarized below:

1. Lakeshore Drinking Water System

An announced inspection of the Lakeshore Drinking Water System was carried out by the MECP on December 10, 2021. The inspection report gives an overall rating of 96.4% and is appended to this report.

There were (2) non-compliance/non-conformances reported during the inspection of Lakeshore's Drinking Water System. These are summarized below, including the resolution:

- 1) Documentation was not complete

Commissioning Forms for the two new watermain were reviewed. Documentation was not complete/included in the commissioning forms for pre-disinfection.

- CAUSE: this non-compliance was due to missing information on watermain commissioning forms to be compliant with the regulation.

- **EFFECT:** the watermain commissioning report form has since been updated to comply with the “Watermain Disinfection Procedure” for Ontario (adopted November 21, 2021) and training on the update has been provided. The training was completed on March 11, 2022, and record of the training was sent to the MECP inspector.

2) No disinfection of sampling equipment was conducted

On January 26, 2021, a sample of the filter media was physically collected from filter #3. As per Schedule B, section 2.3 of the Permit, disinfection should have been conducted in accordance with the Ministry's and AWWA's disinfection procedures.

- **CAUSE:** The MECP Inspector found that operators were not following AWWA procedure C653-20 for completing annual filter sampling for maintenance. Any object that encounters a piece of equipment that touches water within the water treatment plant must be disinfected prior to use. Due to the nature of our filters, staff have not used this disinfection procedure in the past for the filter because the chlorine residual could adversely impair the filter media, however it was determined that the equipment still required disinfection prior to sampling.
- **EFFECT:** C653-20 procedure has been implemented and signage has been developed to inform operators of their responsibilities to disinfect equipment prior to sampling as per ANSI/AWWA procedure C653- 20.

2. Tecumseh Distribution System

An announced inspection of the Tecumseh Distribution System was carried out by the MECP on July 7, 2021. The inspection report gives an overall inspection rating of 100% and is appended to this report.

There are no items noted under **Non-Compliance/Non-Conformance Items**.

3. Union Distribution System

An announced inspection of the Union Distribution System was carried out by the MECP on September 21, 2021. The inspection report gives an overall inspection rating of 100% and is appended to this report.

There are no items noted under **Non-Compliance/Non-Conformance Items**.

4. Stoney Point Drinking Water System

An announced inspection of the Stoney Point Drinking Water System was carried out by the MECP on February 10, 2022. The inspection report gives an overall inspection rating of 100% and is appended to this report.

There are no items noted under **Non-Compliance/Non-Conformance Items**.

All reports have been appended herein in their entirety.

Financial Impacts

There are no financial impacts based on the findings of the inspection reports.

Attachments

- Lakeshore Drinking Water System – Report dated December 10, 2021
- Lakeshore DWS – 2021 – 22 - IRR
- Tecumseh Distribution System – Report dated July 7, 2021
- Tecumseh DWS – 2021 – 22 - IRR
- Union Distribution System – Report dated September 21, 2021
- Union DWS – 2021 – 22 - IRR
- Stoney Point Drinking Water System – Report dated February 10, 2022
- Stoney Point DWS – 2021 – 22 - IRR

Report Approval Details

Document Title:	2021-2022 MECP Drinking Water Inspections.docx
Attachments:	<ul style="list-style-type: none">- Lakeshore (Tecumseh DS) - 2021-22 Inspection Report - EA.pdf- Lakeshore (Tecumseh DS) IRR - 2021-22.pdf- Lakeshore (Union) DS - 2021-22 Inspection Report-EAs.pdf- Lakeshore DWS - 2021-22 Inspection Report - EAs.pdf- Lakeshore DWS - 2021-22- IRR.pdf- Stoney Pt. WTP - 2021-22-Inspection Report.pdf- Stoney Pt. WTP - 2021-22-IRR.pdf- Lakeshore (Union) IRR-2021-22.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Albert Dionne

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

July 13, 2021

Town of Lakeshore
419 Notre Dame St.
Belle River, ON N0R 1A0

File: SI-ES-LA-540

Attention: Mr. Truper McBride, CAO

**Re: Municipality of Lakeshore Drinking Water System – Tecumseh Distribution System;
Inspection Report**

Please find enclosed the Inspection Report for the inspection of the Lakeshore (Tecumseh) Distribution System (DWS# 260004982) on July 7, 2021.

The format of the enclosed report has been updated, and you will note that the non-compliance and/or non-conformance items are now detailed at the beginning of the report. All questions that were assessed are included in the Inspection Details Section.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Rating Report (IRR) provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report.

Please note that due to a change in IT systems, the Inspection Rating Report (IRR) cannot be generated at the same time as the inspection report. The IRR will be sent separately and prior to any public release (typically within 1-2 month of the completion of the inspection).

If you have any questions or concerns regarding this report, please call me at (226) 280-1406.

Yours truly,



Emily Awad
Water Inspector, Provincial Officer #1823
Drinking Water and Environmental Compliance Division
Sarnia/Windsor District

Encl.

cc: Garry Punt, Team Leader – Water Management, Krystal Kalbol, Corporate Leader – Operations, Albert Dionne, Division Leader – Water Management, Town of Lakeshore;
Dr. Wajid Ahmed, Medical Officer of Health (A), Nicole Dupuis, Chief Executive Officer, Kristy McBeth, Director of Health Protection, Phil Wong, Manager, Health Inspection Department, Victoria Peczulis, Manager, Environmental Health, Windsor-Essex County Health Unit;
Marc Bechard, Supervisor, Ministry of the Environment, Conservation and Parks.



MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM -
TECUMSEH DS

Inspection Report

System Number: 260004982
Inspection Start Date: 06/11/2021
Inspection End Date: 07/13/2021
Inspected By: Emily Awad
Badge #: 1823

A handwritten signature in cursive script, appearing to read "Emily Awad".

(signature)

NON-COMPLIANCE/NON-CONFORMANCE ITEMS

This should not be construed as a confirmation of full compliance with all potential applicable legal requirement and BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the undersigned Provincial Officer.

INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

Ministry Program: Regulated Activity: DRINKING WATER : DW Municipal Residential

Question ID	MRDW1001000		
Question	Question Type	Legislative Requirement	
What was the scope of this inspection?	Information	Not Applicable	
Observation			
<p>The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.</p> <p>This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.</p> <p>This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.</p> <p>This review also includes an assessment of compliance/conformance in relation to the following:</p> <ul style="list-style-type: none">• Drinking Water Operator and Water Quality Analyst Certification Regulation (O. Reg. 128/04)• Drinking Water System Licence 031-101, Issue Number 4, May 21, 2021• Drinking Water Works Permit 031-201, Issue Number 5, May 21, 2021• Ontario Drinking Water Quality Standards (ODWQS; O. Reg. 169/03) based on water quality data generated since the previous inspection. <p>A remote inspection was conducted on July 7, 2021 for the inspection period August 1, 2020 to June 30, 2021. The inspection included a review of the documentation provided and interview of staff.</p>			

Question ID	MRDW1000000		
Question		Question Type	Legislative Requirement
Does this drinking water system provide primary disinfection?		Information	Not Applicable
Observation			
This Drinking Water System provides for only secondary disinfection and distribution of water.			

Primary disinfection is undertaken by another regulated Drinking Water System which provides treated water to this Drinking Water System.

Question ID	MRDW1034000	
Question	Question Type	Legislative Requirement
Is the secondary disinfectant residual measured as required for the small municipal residential distribution system?	Legislative	SDWA O. Reg. 170/03 7-2 (5), SDWA O. Reg. 170/03 7-2 (6)
Observation		
<p>The secondary disinfectant residual was measured as required for the distribution system.</p> <p>Secondary disinfection is supplied entirely by the City of Windsor Drinking Water System via the Tecumseh Distribution System. No re-chlorination takes place after entering the Lakeshore (Tecumseh) Distribution System.</p> <p>Logs show that distribution system chlorine residuals were taken and measured seven times per week as required; taken on two different days, 48 hours apart, at four and then three stations. Free chlorine measurements ranged from 0.42 to 1.51 mg/L during the inspection period.</p>		

Question ID	MRDW1062000	
Question	Question Type	Legislative Requirement
Do records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?	Legislative	SDWA O. Reg. 170/03 7-5
Observation		
<p>Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.</p> <p>Free chlorine residual monitoring is conducted by Lakeshore Water Distribution/Treatment operators, all of whom are properly certified.</p>		

Question ID	MRDW1060000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)
Observation		

The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.

The master copy of the standard operating procedures (SOPs) is maintained at the Lakeshore DWS Belle River water plant. Selected procedures are maintained in the "Lakeshore Water Supply System - Operations & Maintenance/Contingency Plan Manual" binder maintained for the distribution group. There were no updates to the SOPs or Operations Manual during the inspection period.

Copies of the Municipal Drinking Water System Licence and Drinking Water Works Permit are kept in a separate binder available to operators.

Question ID	MRDW1071000		
Question		Question Type	Legislative Requirement
Has the owner provided security measures to protect components of the drinking water system?		BMP	Not Applicable
Observation			
The owner had provided security measures to protect components of the drinking water system.			
This is a standalone distribution system with no treatment, rechlorination, booster or storage facilities. All sampling stations and boundary meters are locked.			

Question ID	MRDW1073000		
Question	Question Type	Legislative Requirement	
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 23 (1)	
Observation			
The overall responsible operator has been designated for each subsystem.			
The overall responsible operator (ORO) for the distribution system holds Class 3 certification; exceeding the water distribution subsystem Class 1 certification of the Lakeshore (Tecumseh) Distribution System.			

Question ID	MRDW1074000		
Question	Question Type	Legislative Requirement	
Have operators in charge been designated for all subsystems for which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 25 (1)	
Observation			
Operators-in-charge had been designated for all subsystems which comprised the drinking water system.			

Operators-in-charge (OIC) for each shift are required to be identified in a designated field in the Daily Operational Log book.

Question ID	MRDW1075000	
Question	Question Type	Legislative Requirement
Do all operators possess the required certification?	Legislative	SDWA O. Reg. 128/04 22
Observation		
All operators possessed the required certification.		

Question ID	MRDW1099000	
Question	Question Type	Legislative Requirement
Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg.. 169/03)?	Information	Not Applicable
Observation		
Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).		

Question ID	MRDW1096000	
Question	Question Type	Legislative Requirement
Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?	Legislative	SDWA O. Reg. 170/03 6-3 (1)
Observation		
Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.		

Question ID	MRDW1081000	
Question	Question Type	Legislative Requirement
Are all microbiological water quality monitoring requirements for distribution samples being met?	Legislative	SDWA O. Reg. 170/03 10-2 (1),SDWA O. Reg. 170/03 10-2 (2),SDWA O. Reg. 170/03 10-2 (3)

Observation
<p>All microbiological water quality monitoring requirements for distribution samples were being met.</p> <p>For a Small Municipal Residential drinking water system, O. Regulation 170/03 requires the owner and operating authority to take a minimum of one sample every two weeks from the distribution system. All samples must be analysed for E. coli, total coliforms and heterotrophic plate count (HPC).</p> <p>The distribution system was sampled at a minimum of two locations every week, from four routine sample locations, resulting in 8 to 10 samples per month. Each of the samples taken was analysed for HPC.</p>

Question ID	MRDW1086000	
Question	Question Type	Legislative Requirement
Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6.1 (1),SDWA O. Reg. 170/03 13-6.1 (2),SDWA O. Reg. 170/03 13-6.1 (3),SDWA O. Reg. 170/03 13-6.1 (4),SDWA O. Reg. 170/03 13-6.1 (5),SDWA O. Reg. 170/03 13-6.1 (6)
Observation		
All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.		
As required under Sch. 13-6.1 of O. Regulation 170/03, samples must be taken and analysed for haloacetic acids in every calendar quarter (60 to 120 days apart). The Running Annual Average (RAA) was 7.3 ug/L.		

Question ID	MRDW1087000	
Question	Question Type	Legislative Requirement
Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6 (1)
Observation		

All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.

As required under Sch. 13-6 of O. Regulation 170/03, samples must be taken and analysed for Trihalomethanes in every calendar quarter (60 to 120 days apart). The RAA was 20.2 ug/L.

Question ID	MRDW1100000		
Question		Question Type	Legislative Requirement
Did any reportable adverse/exceedance conditions occur during the inspection period?		Information	Not Applicable
Observation			
There were no reportable adverse/exceedances during the inspection period.			

Question ID	MRDW1113000		
Question	Question Type	Legislative Requirement	
Have all changes to the system registration information been provided to the Ministry within ten (10) days of the change?	Legislative	SDWA O. Reg. 170/03 10.1 (3)	
Observation			
All changes to the system registration information were provided within ten (10) days of the change.			
Minor updates have been identified and a profile update form has been submitted to the MECP.			

Question ID	MRDW1059000		
Question	Question Type	Legislative Requirement	
Do the operations and maintenance manuals contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the system?	Legislative	SDWA O. Reg. 128/04 28	
Observation			
The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.			
Water distribution operators have access to maps produced on the owner's GIS system on their own tablet. The GIS maps identify locations of mains, hydrants and valves. Curb-stops are also entered each summer to complete the map set, although locating services and old archived maps are still needed for identifying older services. All as-built drawings are scanned into electronic files and hyperlinks to those files have been incorporated onto the GIS distribution maps. Hydrant and valve asset data are also hyperlinked.			

Question ID	MRDW1061000		
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Question	Question Type	Legislative Requirement
Are logbooks properly maintained and contain the required information?	Legislative	SDWA O. Reg. 128/04 27 (1), SDWA O. Reg. 128/04 27 (2), SDWA O. Reg. 128/04 27 (3), SDWA O. Reg. 128/04 27 (4), SDWA O. Reg. 128/04 27 (5), SDWA O. Reg. 128/04 27 (6), SDWA O. Reg. 128/04 27 (7)
Observation		
Logbooks were properly maintained and contained the required information.		
Operators conducting compliance and operational testing record their activities in a Daily Operational Log, used as a shift log. Work orders, repair records and log sheets are used to document details of these activities.		

DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM - TECUMSEH DS
DWS Number: 260004982
DWS Owner: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Jun-11-2021
Ministry Office: Windsor Area Office

Maximum Risk Rating: 150

Inspection Module	Non Compliance Rating
Treatment Processes	0 / 21
Operations Manuals	0 / 28
Logbooks	0 / 18
Certification and Training	0 / 28
Water Quality Monitoring	0 / 51
Reporting & Corrective Actions	0 / 4
Overall - Calculated	0 / 150

Inspection Risk Rating: 0.00%

Final Inspection Rating: 100.00%

DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM - TECUMSEH DS
DWS Number: 260004982
DWS Owner Name: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Jun-11-2021
Ministry Office: Windsor Area Office

All legislative requirements were met. No detailed rating scores.

Maximum Question Rating: 150

Inspection Risk Rating:	0.00%
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FINAL INSPECTION RATING:	100.00%
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September 29, 2021

Town of Lakeshore
419 Notre Dame St.
Belle River, ON N0R 1A0

File: SI-ES-LA-540

Attention: Mr. Truper McBride, CAO

**Re: Municipality of Lakeshore Drinking Water System – Union Distribution System;
Inspection Report**

Please find enclosed the Inspection Report for the inspection of the Lakeshore (Union) Distribution System (DWS# # 260004995) on September 21, 2021.

The format of the enclosed report has been updated, and you will note that the non-compliance and/or non-conformance items are now detailed at the beginning of the report. All questions that were assessed are included in the Inspection Details Section.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Rating Report (IRR) provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report.

Please note that due to a change in IT systems, the Inspection Rating Report (IRR) cannot be generated at the same time as the inspection report. The IRR will be sent separately and prior to any public release (typically within 1-2 month of the completion of the inspection).

If you have any questions or concerns regarding this report, please call me at (226) 280-1406.

Yours truly,



Emily Awad
Water Inspector, Provincial Officer #1823
Drinking Water and Environmental Compliance Division
Sarnia/Windsor District

Encl.

cc: Garry Punt, Team Leader – Water Management, Krystal Kalbol, Corporate Leader – Operations, Albert Dionne, Division Leader – Water Management, Kyle Davis, Water Compliance, Town of Lakeshore;
Samuel Wen, Process & Compliance Technician, OCWA;
Nicole Dupuis, Chief Executive Officer, Kristy McBeth, Director of Health Protection, Phil Wong, Manager, Health Inspection Department, Victoria Peczulis, Manager, Environmental Health, Windsor-Essex County Health Unit;
Marc Bechard, Supervisor, Ministry of the Environment, Conservation and Parks.



MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM -
UNION DS

Inspection Report

System Number: 260004995
Inspection Start Date: 09/07/2021
Inspection End Date: 09/29/2021
Inspected By: Emily Awad
Badge #: 1823

A handwritten signature in cursive script, appearing to read "Emily Awad".

(signature)

NON-COMPLIANCE/NON-CONFORMANCE ITEMS

This should not be construed as a confirmation of full compliance with all potential applicable legal requirement and BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the undersigned Provincial Officer.

INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

Ministry Program: Regulated Activity: DRINKING WATER : DW Municipal Residential

Question ID	MRDW1001000		
Question	Question Type	Legislative Requirement	
What was the scope of this inspection?	Information	Not Applicable	
Observation			
<p>The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.</p> <p>This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.</p> <p>This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.</p> <p>Additionally, this review includes an assessment of compliance/conformance in relation to the following:</p> <ul style="list-style-type: none">• Drinking Water Operator and Water Quality Analyst Certification Regulation (O. Reg. 128/04)• Drinking Water System Licence 031-101, Issue Number 4, issued May 21, 2021• Drinking Water Works Permit 031-201, Issue Number 5, issued May 21, 2021• Ontario Drinking Water Quality Standards (ODWQS; O. Reg. 169/03) based on water quality data generated since the previous inspection. <p>A remote inspection was conducted on September 21, 2021 for the inspection period November 1, 2020 to August 31, 2021. The inspection included a review of the documentation provided and interview of staff.</p>			

Question ID	MRDW1000000		
Question		Question Type	Legislative Requirement
Does this drinking water system provide primary disinfection?		Information	Not Applicable
Observation			

This Drinking Water System provides for only secondary disinfection and distribution of water. Primary disinfection is undertaken by another regulated Drinking Water System which provides treated water to this Drinking Water System.

Question ID	MRDW1033000	
Question	Question Type	Legislative Requirement
Is the secondary disinfectant residual measured as required for the large municipal residential distribution system?	Legislative	SDWA O. Reg. 170/03 7-2 (3), SDWA O. Reg. 170/03 7-2 (4)
Observation		
<p>The secondary disinfectant residual was measured as required for the distribution system.</p> <p>Secondary disinfection is supplied entirely by the Union Water Supply System (UWSS). No re-chlorination takes place after entering the Lakeshore distribution system.</p> <p>Logs show that distribution system chlorine residuals were taken and measured seven times per week as required; four and three samples on separate days, at least 48 hours apart.</p> <p>Records from the inspection period show that none of the samples had free chlorine residuals (FCR) less than 0.05 mg/L during the inspection period. FCR measurements ranged from 0.41 to 1.96 mg/L. An audit sample was taken on September 23, 2021 at LS-09 and the secondary disinfectant residual was sufficient (FCR= 0.86 mg/L; total chlorine residual (TCR)=1.08 mg/L).</p>		

Question ID	MRDW1025000	
Question	Question Type	Legislative Requirement
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		
<p>All parts of the drinking water system were disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.</p> <p>According to the Watermain Break Repair Standard Operating Procedure (SOP #2000397), all parts of the drinking water system are disinfected in accordance with the ministry's Watermain Disinfection Procedure and other procedures.</p>		

Question ID	MRDW1062000	
Question	Question Type	Legislative Requirement
Do records or other record keeping mechanisms confirm that	Legislative	SDWA O. Reg.

operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?		170/03 7-5
Observation		
Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.		
Chlorine residual monitoring, conducted during regular compliance sampling, was done by certified operators from OCWA. Chlorine residual sampling during maintenance flushing of hydrants and blow-offs is conducted by the Lakeshore Water Distribution operators.		

Question ID	MRDW1060000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)
Observation		
The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.		
The Contingency binder and the standard operating procedures meet the requirements of Condition 16.2, Schedule B of the Drinking Water System Licence.		
Copies of the Municipal Drinking Water System Licence and Drinking Water Works Permit are kept in a separate binder available to operators.		

Question ID	MRDW1071000	
Question	Question Type	Legislative Requirement
Has the owner provided security measures to protect components of the drinking water system?	BMP	Not Applicable
Observation		
The owner had provided security measures to protect components of the drinking water system.		
This is a standalone distribution system with no treatment, rechlorination, booster or storage facilities.		
It was noted by the operating authority that all sampling stations, boundary meters and the one (1) auto flusher are locked.		

Question ID	MRDW1073000	
Question	Question	Legislative

	Type	Requirement
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 23 (1)
Observation		
The overall responsible operator has been designated for each subsystem.		
The ORO for the distribution system holds class 3 certification; exceeding the water distribution subsystem class 1 certification of the Lakeshore (Union) distribution system.		

Question ID	MRDW1074000	
Question	Question Type	Legislative Requirement
Have operators in charge been designated for all subsystems for which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 25 (1)
Observation		
Operators-in-charge had been designated for all subsystems which comprised the drinking water system.		
OICs for each shift are identified in a designated field in the Daily Operational Logbook.		

Question ID	MRDW1075000	
Question	Question Type	Legislative Requirement
Do all operators possess the required certification?	Legislative	SDWA O. Reg. 128/04 22
Observation		
All operators possessed the required certification.		

Question ID	MRDW1099000	
Question	Question Type	Legislative Requirement
Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg.. 169/03)?	Information	Not Applicable
Observation		
Records did not show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg. 169/03).		
A total coliform count of 1 was reported in a sample collected on April 26, 2021 from sample station LS-09.		

Question ID	MRDW1096000		
Question		Question Type	Legislative Requirement
Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?		Legislative	SDWA O. Reg. 170/03 6-3 (1)
Observation			
Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.			

Question ID	MRDW1081000		
Question	Question Type	Legislative Requirement	
Are all microbiological water quality monitoring requirements for distribution samples being met?	Legislative	SDWA O. Reg. 170/03 10-2 (1),SDWA O. Reg. 170/03 10-2 (2),SDWA O. Reg. 170/03 10-2 (3)	
Observation			
All microbiological water quality monitoring requirements for distribution samples were being met.			
As required under Sch 10-2, O. Regulation 170/03, a minimum of one sample per week, and at least 12 samples per month must be taken and analysed for E. coli and total coliforms. In addition, at least 25% of the distribution microbiological samples must be analysed for heterotrophic plate count (HPC).			
The operating authority surpassed the minimum sampling requirements. The distribution system was sampled at a minimum of four locations every week from nine sample stations, on a rotational basis, resulting in a minimum of 16 samples per month. Half of the samples taken were analysed for HPC.			

Question ID	MRDW1086000		
Question	Question Type	Legislative Requirement	
Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6.1 (1),SDWA O. Reg. 170/03 13-6.1 (2),SDWA O. Reg. 170/03 13-6.1 (3), SDWA O. Reg.	

		170/03 13-6.1 (4),SDWA O. Reg. 170/03 13-6.1 (5),SDWA O. Reg. 170/03 13-6.1 (6)
Observation		
All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.		
As required under Sch. 13-6.1 of O. Regulation 170/03, samples must be taken and analysed for haloacetic acids in every calendar quarter (60-120 days after previous sample). Samples were taken as required, and within the prescribed time frame. The running annual average for the last four quarters is 16.75 ug/L.		

Question ID	MRDW1087000	
Question	Question Type	Legislative Requirement
Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6 (1)
Observation		
All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.		
As required under Sch. 13-6 of O. Regulation 170/03, samples must be taken and analysed for Trihalomethanes in every calendar quarter (60-120 days after previous sample). Samples were taken as required, and within the prescribed time frame. The running annual average for the last four quarters is 45.75 ug/L.		

Question ID	MRDW1100000	
Question	Question Type	Legislative Requirement
Did any reportable adverse/exceedance conditions occur during the inspection period?	Information	Not Applicable
Observation		
There were reportable adverse/exceedances during the inspection period.		
A total coliform count of 1 was reported in a sample collected on April 26, 2021 from sample station LS-09.		

Question ID	MRDW1101000	
Question	Question Type	Legislative Requirement

Have corrective actions (as per Schedule 17) been taken to address adverse conditions, including any other steps as directed by the Medical Officer of Health?	Legislative	SDWA O. Reg. 170/03 17-1, SDWA O. Reg. 170/03 17-10 (1),SDWA O. Reg. 170/03 17-10 (2),SDWA O. Reg. 170/03 17-11,SDWA O. Reg. 170/03 17-12,SDWA O. Reg. 170/03 17-13,SDWA O. Reg. 170/03 17-14,SDWA O. Reg. 170/03 17-2,SDWA O. Reg. 170/03 17-3,SDWA O. Reg. 170/03 17-4,SDWA O. Reg. 170/03 17-5,SDWA O. Reg. 170/03 17-6,SDWA O. Reg. 170/03 17-9
Observation		
Corrective actions (as per Schedule 17) had been taken to address adverse conditions, including any other steps that were directed by the Medical Officer of Health.		
The Windsor-Essex County Health Unit required that two sets of resamples be taken 24 hours apart. The resamples were taken at LS-09 and upstream and downstream stations. There was no detection of total coliform in the resamples.		

Question ID	MRDW1104000	
Question	Question Type	Legislative Requirement
Were all required verbal notifications of adverse water quality incidents immediately provided as per O. Reg. 170/03 16-6?	Legislative	SDWA O. Reg. 170/03 16-6 (1),SDWA O. Reg. 170/03 16-6 (2),SDWA O. Reg. 170/03 16-6 (3),SDWA O. Reg. 170/03 16-6 (3.1),SDWA

		O. Reg. 170/03 16-6 (3.2), SDWA O. Reg. 170/03 16-6 (4),SDWA O. Reg. 170/03 16-6 (5),SDWA O. Reg. 170/03 16-6 (6)
Observation		
All required notifications of adverse water quality incidents were immediately provided as per O. Reg. 170/03 16-6.		

Question ID	MRDW1059000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the system?	Legislative	SDWA O. Reg. 128/04 28
Observation		
<p>The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.</p> <p>The distribution system manuals contain general and specific procedures and directions related to distribution maintenance and repair activities, as well as contingencies. Distribution operators have access to maps produced on the owner's GIS system. The GIS maps identify locations of watermains, water services, hydrants, valves, blow-offs, and curb-stops as well as archived drawings and maps. Water distribution operators access this system via tablets or the garage computer.</p>		

Question ID	MRDW1061000	
Question	Question Type	Legislative Requirement
Are logbooks properly maintained and contain the required information?	Legislative	SDWA O. Reg. 128/04 27 (1), SDWA O. Reg. 128/04 27 (2), SDWA O. Reg. 128/04 27 (3), SDWA O. Reg. 128/04 27 (4), SDWA O. Reg. 128/04 27 (5), SDWA O. Reg. 128/04 27 (6),

		SDWA O. Reg. 128/04 27 (7)
Observation		
<p>Logbooks were properly maintained and contained the required information.</p> <p>The Daily Operational Log includes the operators on each shift, the operator in charge (OIC) and the overall responsible operator (ORO), as well as general details on the work completed by each operator. More specific information, including the time and date, can be found in the work order system as well as the valve maintenance and hydrant maintenance spreadsheets.</p>		

February 15, 2022

Town of Lakeshore
419 Notre Dame St.
Belle River, ON N0R 1A0

File: SI-ES-LA-540

Attention: Mr. Truper McBride, CAO

Re: Municipality of Lakeshore Drinking Water System - Inspection Report

Please find enclosed the Inspection Report for the inspection of the Lakeshore Drinking Water System (DWS# # 260091507) on December 10, 2021.

The format of the enclosed report has been updated, and you will note that the non-compliance and/or non-conformance items are now detailed at the beginning of the report. All questions that were assessed are included in the Inspection Details Section.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Rating Report (IRR) provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report.

Please note that due to a change in IT systems, the Inspection Rating Report (IRR) cannot be generated at the same time as the inspection report. The IRR will be sent separately and prior to any public release (typically within 1-2 month of the completion of the inspection).

If you have any questions or concerns regarding this report, please call me at (226) 280-1406.

Yours truly,



Emily Awad
Water Inspector, Provincial Officer #1823
Drinking Water and Environmental Compliance Division
Sarnia/Windsor District

Encl.

cc: Garry Punt, Team Leader – Water Management, Krystal Kalbol, Corporate Leader – Operations, Albert Dionne, Division Leader – Water Management, Kyle Davis, Water Compliance, Town of Lakeshore;
Nicole Dupuis, Chief Executive Officer, Kristy McBeth, Director of Health Protection, Phil Wong, Manager, Health Inspection Department, Victoria Peczulis, Manager, Environmental Health, Windsor-Essex County Health Unit;
Marc Bechard, Supervisor, Ministry of the Environment, Conservation and Parks;
Katie Stammier, Project Manager Source Water Protection, Essex Region Conservation Authority.



MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM
492 LAKEVIEW DR, LAKESHORE, ON, N0R 1A0

Inspection Report

System Number: 260091507
Inspection Start Date: 12/06/2021
Inspection End Date: 02/15/2022
Inspected By: Emily Awad
Badge #: 1823

A handwritten signature in black ink, appearing to read "Emily Awad".

(signature)

NON-COMPLIANCE/NON-CONFORMANCE ITEMS

The following item(s) have been identified as non-compliance/non-conformance, based on a "No" response captured for a legislative or best management practice (BMP) question (s), respectively.

Question Group: Treatment Processes

Question ID	MRDW1025000		
Question	Question Type	Legislative Requirement	
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	Legislative	SDWA 31 (1)	
Observation/Corrective Action(s)			
<p>All parts of the drinking water system were not disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.</p> <p>Commissioning Forms for the two new watermain were reviewed. Documentation was not complete; the following information was not included: pre-disinfection swabbing and flushing completed, method of disinfection (e.g. spray, slug, tablet/continuous feed), initial and/or final chlorine concentration, disinfection chemical meets the AWWA and NSF/ANSI/CAN 60 Standards, decrease in chlorine concentration, and schematic showing location microbiological samples were taken. Therefore it could not be determined if the watermain was disinfected as per the Watermain Disinfection Procedure (2015).</p> <p>As per the new Permit, Schedule B, Condition 2.3, the new Watermain Disinfection Procedure, dated August 1, 2020, was to be adopted by November 21, 2021 (6 months after the date of the Permit). By March 15, 2022, the Watermain Commissioning Form shall be updated to meet the requirements of the 2020 Watermain Disinfection Procedure and training on this procedure shall be provided to all operational staff.</p> <p>On January 26, 2021, a sample of the filter media was physically collected from filter #3. No disinfection of the sampling equipment was conducted. As per Schedule B, section 2.3 of the Permit, disinfection should have been conducted in accordance with the Ministry's and AWWA's disinfection procedures. Condition 2.3.1 of the Permit states: For greater clarity, where an activity has occurred that could introduce contamination, including but not limited to repair, maintenance, or physical/video inspection, all equipment that may come in contact with the drinking water system shall be disinfected in accordance with the requirements of condition 2.3. above. Due to the fact that the filter consists of granular activated carbon (GAC), disinfection of the filter with chlorine is not recommended. Because of this, the equipment should have been disinfected prior to use as per ANSI/AWWA procedure C653-20 (Section 4.4.3.5).</p>			

INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

Ministry Program: Regulated Activity: DRINKING WATER : DW Municipal Residential

Question ID	MRDW1001000		
Question	Question Type	Legislative Requirement	
What was the scope of this inspection?	Information	Not Applicable	
Observation			
<p>The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.</p> <p>This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.</p> <p>This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.</p> <p>This review also includes an assessment of compliance/conformance in relation to the following:</p> <ul style="list-style-type: none">• Drinking Water Operator and Water Quality Analyst Certification Regulation (O. Reg. 128/04)• Drinking Water System Licence 031-101, Issue Number 4, issued May 21, 2021• Drinking Water Works Permit 031-201, Issue Number 5, issued May 21, 2021• Ontario Drinking Water Quality Standards (ODWQS; O. Reg. 169/03) based on water quality data generated since the previous inspection. <p>An unannounced inspection was conducted on December 10, 2021. The undersigned officer took a chlorine residual sample from the distribution system on January 18, 2022. A follow-up phone interview took place on January 21, 2022. The inspection covers the period from November 1, 2020 to November 30, 2021.</p>			

Question ID	MRDW1000000		
Question		Question Type	Legislative Requirement
Does this drinking water system provide primary disinfection?		Information	Not Applicable
Observation			

This Drinking Water System provides for both primary and secondary disinfection and distribution of water.

Question ID	MRDW1011000	
Question	Question Type	Legislative Requirement
Does the owner have a harmful algal bloom monitoring plan in place?	BMP	Not Applicable
Observation		
The owner had a harmful algal bloom monitoring plan in place.		

Question ID	MRDW1012000	
Question	Question Type	Legislative Requirement
Does the owner have a harmful algal bloom monitoring plan in place that meets the requirements of the MDWL?	Legislative	SDWA 31 (1)
Observation		
<p>The owner had a harmful algal bloom monitoring plan in place.</p> <p>The harmful algal bloom plan was completed by the required date in the MDWL (November 15, 2021). Operator training on the new HAB plan took place in November 2021. Two cameras were installed at the lowlift for HAB monitoring; one facing the lake and the other facing the shoreline. The cameras filter out sunlight and have extensive zoom capabilities. The recordings are on a 14-day loop.</p> <p>On July 22, 2021, the Municipality reported a total microcystin result of 0.29 ug/L in a raw sample collected on July 19, 2021. There was also a detection in the raw sample from the Stoney Point WTP intake. There were no detections of total microcystin in the treated water from either plant. The Municipality notified the Windsor-Essex County Health Unit (WECHU) and the undersigned officer notified the downstream WTP (Windsor) and the Essex Region Conservation Authority (ERCA). WECHU had been to the nearby Belle River beach on July 19th for microbiological sampling but a bloom was not observed at that time. The Municipality also indicated that no bloom was visible in the lake at that point. The subsequent raw sample collected on July 23 at the Lakeshore WTP also had a detection of total microcystin (0.70 ug/L). A bloom was now visible in Lake St. Clair near the intake. The plant began reducing filter run times. On July 30th, the undersigned officer directed the Municipality to increase visual monitoring to daily and microcystin sampling to twice per week. Based on these results, WECHU issued a microcystin advisory, as a precaution, due to the upcoming long weekend.</p> <p>Provincial Officer D. Racz collected a shoreline sample at Belle River Beach on August 3, 2021. The sample was analysed at the Ministry lab for total microcystin using the enzyme-linked immunosorbent assay (ELISA) method (E3469), the same method that the private lab uses for the samples taken by the Municipality; the result was 11.02 ug/L. The sample was also analysed using the time-of flight mass spectrometry (QToF/MS) method (E3450), which quantifies 12 of the known microcystin variants. Three variants were detected: Microcystin-LR=0.58, Microcystin-</p>		

LA=0.51 and Microcystin-RR=0.084 ug/L. The Ontario Drinking Water Quality Standard for Microcystin-LR in treated or distribution samples is 1.5 ug/L, based on Health Canada's maximum acceptable concentration. All of the treated samples collected by the Water Treatment Plant were below method detection limits.

On August 12, 2021, the Municipality reported that they had adjusted the coagulant dosage to optimize the clarifier retention time. The bloom was no longer visible by September 17th so the Municipality was directed to revert back to one sample per week. Raw sample total microcystin ranged from below method detection limit to a high of >5 ug/L on August 20, 2021 (see Appendix A).

During review of historical microcystin results, a detection in a treated sample (0.30 ug/L) from September 2, 2019 was discovered. The corresponding raw sample result was >5 ug/L. The operating authority confirmed with the lab that this treated sample result was accurate. For the raw result, the lab indicated that any result over 3 ug/L has increasing error ratios and therefore they report it with the ">" qualifier as they cannot be sure of the accuracy. The operating authority indicated that a pilot study on the performance and life of the filter media will be commencing in 2022. The filter media is the original media since the commissioning of the plant in 2009. This bench test study will determine when the filter media will need to be replaced. The Municipality is also trying to determine a raw water microcystin concentration that should trigger operational changes, in order to prevent microcystin from getting through the filters and into the treated water. It is recommended that this raw concentration trigger point should initiate the addition of the powdered activated carbon, which will aid in the removal of microcystins at the clarifier stage of treatment, prior to the filters.

Question ID	MRDW1014000		
Question	Question Type	Legislative Requirement	
Is there sufficient monitoring of flow as required by the MDWL or DWWP issued under Part V of the SDWA?	Legislative	SDWA 31 (1)	
Observation			
There was sufficient monitoring of flow as required by the Municipal Drinking Water Licence or Drinking Water Works Permit issued under Part V of the SDWA.			
Condition 2.1, Schedule C of MDWL 031-101 for Municipality of Lakeshore Drinking Water System requires continuous flow measurement and recording to be undertaken for:			
<ul style="list-style-type: none">• The flow rate and daily volume of treated water that flows from the treatment subsystem to the distribution system,• The flow rate and daily volume of water that flows into the treatment subsystem.			
Endress & Hauser Promag magnetic type meters are installed on each of the raw inlet supplies to the upflow clarifiers, four in total; raw flow is the sum of these meters. At the site inspection, the raw flow into the plant (viewed on the SCADA screen) was 116.7 L/s. Endress & Hauser Promag meters are also installed on each filter effluent line and the two filter effluent headers which draw water into the UV reactor units. An Endress & Hauser magnetic type meter is installed on the high-lift discharge header to the distribution system. At the site inspection, the treated flow into			

the distribution system (from the high lift pumping station) was 182.6 L/s. Additionally flow meters are installed to measure filter backwash and waste residual treatment flows. Flows from these meters are recorded on the SCADA system Historian server.

Question ID	MRDW1016000	
Question	Question Type	Legislative Requirement
Is the owner in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)
Observation		
The owner was in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the Municipal Drinking Water Licence issued under Part V of the SDWA.		
Condition 1.1, Schedule C of MDWL 031-101 prescribes a maximum allowable daily volume of treated water from the treatment subsystem to the distribution system of 36,400 m ³ /day. Record review indicates the maximum flow (15,757 m ³ /day) from treatment to distribution during the inspection period occurred in May 2021 at 43% of the rated capacity of the plant.		

Question ID	MRDW1030000	
Question	Question Type	Legislative Requirement
Is primary disinfection chlorine monitoring being conducted at a location approved by MDWL and/or DWWP issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved?	Legislative	SDWA O. Reg. 170/03 7-2 (1), SDWA O. Reg. 170/03 7-2 (2)
Observation		
Primary disinfection chlorine monitoring was conducted at a location approved by Municipal Drinking Water Licence and/or Drinking Water Works Permit issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved.		
In the new MDWL, chlorine has been added to the log removal credits in Schedule E. A ProMinent D1C continuous chlorine monitor/controller with CLE probe measures free chlorine on the reservoir outlet line. This location is prior to the post-reservoir injection point for free chlorine top-up/trim which is periodically employed to boost the concentration of secondary disinfectant directed to the distribution system. Free chlorine residual data from this location was provided at 3 minute intervals, and ranged from 0.034 to 2.14 mg/L. At the inspection, the free chlorine residual at this location (from the continuous meter) was 1.46 mg/L. At the inspection, the free chlorine was measured at the plant effluent location and was 1.26 mg/L (continuous analyser: 1.43 mg/L).		

Question ID	MRDW1032000	
Question	Question Type	Legislative Requirement
If the drinking water system obtains water from a surface	Legislative	SDWA O. Reg.

water source and provides filtration, is continuous monitoring of each filter effluent line being performed for turbidity?		170/03 7-3 (2)
Observation		
<p>Continuous monitoring of each filter effluent line was being performed for turbidity.</p> <p>Filter effluent turbidity values are measured by Hach 1720E turbidity sensors with SC100 controllers. Results are recorded by the SCADA Historian system and each has an SD card backup. During the inspection, all four filters had operating turbidimeters (Filter #1=0.022, Filter #2=0.018, Filter #3=0.018, and Filter #4=0.027 NTU). Filter turbidity data was provided at 3 minute intervals for the inspection period. Data review showed that turbidity was monitored continuously and any shutdowns due to power failure or maintenance were documented in the logbooks.</p>		

Question ID	MRDW1033000	
Question	Question Type	Legislative Requirement
Is the secondary disinfectant residual measured as required for the large municipal residential distribution system?	Legislative	SDWA O. Reg. 170/03 7-2 (3), SDWA O. Reg. 170/03 7-2 (4)
Observation		
<p>The secondary disinfectant residual was measured as required for the distribution system.</p> <p>Logs show that distribution system free chlorine residuals were taken and measured at least seven times per week as required; four and three times on separate days, with the sets of measurements being made at least 48 hours apart.</p>		

Question ID	MRDW1037000	
Question	Question Type	Legislative Requirement
Are all continuous monitoring equipment utilized for sampling and testing required by O. Reg.170/03, or MDWL or DWWP or order, equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10,SDWA O. Reg. 170/03 6-5 (1.1)
Observation		
<p>All continuous monitoring equipment utilized for sampling and testing required by O. Reg.170/03, or Municipal Drinking Water Licence or Drinking Water Works Permit or order, were equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6.</p> <p>The low chlorine alarm setting for the CT analyser is 0.75 mg/L. Low and low-low alarms for secondary disinfection free chlorine level leaving the plant are also set at 1.0 and 0.8 mg/L,</p>		

respectively. Filter turbidity alarm and filter-to-waste set-points are similarly setup in SCADA to respond to measured tests from these analysers, including high and high-high alarms of 0.3 NTU and 1.0 NTU and a filter to waste set point of 0.9 NTU. The 1.0 NTU setting triggers a filter shutdown. Operational alarms for clarifier effluent turbidity prior to filtration are set at 3 NTU. Alarms are enunciated via SCADA as an audible horn in the plant and visual display at the SCADA terminal. Critical alarms are also alarmed out to a security company who is required to contact a sequence of contact numbers starting with the on-call operator's phone. The plant is not staffed 24 hours per day, but an operations shift is conducted from 7:00 AM to 3:30 PM.

In response to the two incidents where UV was lost due to power outages (detailed below), and due to the fact that chlorine can now be used for primary disinfection log removal credits, the ministry recommended the addition of a CT alarm to alert operators when the required CT is not being met. On October 27, 2021, the operating authority confirmed that the CT monitoring via SCADA had been reviewed and an alarm on the CT calculation in SCADA was added. This alarm was tested by removing the chlorine sensor from reservoir 2 and allowing the reading to drop to a point that CT was not achieved. The audible alarm in the plant and a callout to Security One was verified.

Question ID	MRDW1038000	
Question	Question Type	Legislative Requirement
Is continuous monitoring equipment that is being utilized to fulfill O. Reg. 170/03 requirements performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4
Observation		
Continuous monitoring equipment that was being utilized to fulfill O. Reg. 170/03 requirements was performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format.		
O. Reg. 170, Section 6-5(1), requires the continuous monitoring equipment to record the date, time, sampling location and result of every test for the parameter with at least the minimum frequency prescribed as follows:		
1. Free chlorine residual required to achieve primary disinfection: 5 minutes;		
2. Filter effluent turbidity: 15 minutes.		
Free chlorine residual at the Reservoir #2 outlet (for CT) was provided in 3 minute intervals. Filter turbidity was also provided in 3 minute intervals. The operating authority reported that on August 5, 2021, the PLC shutdown, which then caused the plant to shutdown. Continuous monitoring equipment continued to operate while the PLC was down.		

Question ID	MRDW1039000	
Question	Question Type	Legislative Requirement

If primary disinfection equipment that does not use chlorination or chloramination is provided, has the owner and operating authority ensured that the equipment has a recording device that continuously records the performance of the disinfection equipment?	Legislative	SDWA O. Reg. 170/03 1-6 (3)
Observation		
The owner and operating authority ensured that the primary disinfection equipment had a recording device that continuously recorded the performance of the disinfection equipment.		
As per Condition 1.6 in Schedule C of the Licence, the UV disinfection equipment monitors UV calculated dose, flow rate, transmittance and lamp status continuously.		

Question ID	MRDW1042000	
Question	Question Type	Legislative Requirement
If UV disinfection is used were duty sensors and reference UV sensors checked and calibrated as per the requirements of Schedule E of the MDWL or at a frequency as otherwise recommended by the UV equipment manufacturer?	Legislative	SDWA 31 (1)
Observation		
All UV sensors were checked and calibrated as required.		
As per "EPA Disinfection Guidance Manual for the Final LT2ESWTR" (2006), UV sensors were calibrated monthly by H2flow for TrojanUV. The reference sensor was validated on July 17, 2020 and is scheduled to be revalidated prior to June 2023.		

Question ID	MRDW1035000	
Question	Question Type	Legislative Requirement
Are operators examining continuous monitoring test results and are they examining the results within 72 hours of the test?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10
Observation		
Operators were examining continuous monitoring test results and they were examining the results within 72 hours of the test.		
Operators examine continuous monitoring data daily. In accordance with the operating authority's Routine Plant Rounds standard operating procedure, and as reflected in the project logs, reviews of continuous monitoring results are completed once per day and recorded in the operating logbook.		

Question ID	MRDW1040000	
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Question	Question Type	Legislative Requirement
Are all continuous analysers calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10
Observation		
All continuous analysers were calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation.		
Records show that continuous chlorine and turbidity analysers, as well as handheld meters, are verified/calibrated on a regular basis. Maintenance and calibrations are tracked in the Antero work order system and documented in the operating authority's logbooks and instrument calibration logs. Continuous analysers are verified monthly against a lab bench test and a handheld meter, respectively; maintenance is completed if required (e.g. flushing and cleaning of sensors). Calibration certificates were provided for the annual instrument calibrations and maintenance by the manufacturer and/or instrument supplier representatives: filter turbidimeters (July 14/21); chlorine analysers in the plant and at the Belle River tower (July 13-14/21); flowmeters (July 13/21); and portable turbidimeters/colorimeters (July 15/21).		

Question ID	MRDW1108000	
Question	Question Type	Legislative Requirement
Where continuous monitoring equipment used for the monitoring of free chlorine residual, total chlorine residual, combined chlorine residual or turbidity, required by Regulation 170, an Order, MDWL, or DWWP issued under Part V, SDWA, has triggered an alarm or an automatic shut-off, did a qualified person respond in a timely manner and take appropriate actions?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10,SDWA O. Reg. 170/03 6-5 (1.1)
Observation		
Where required continuous monitoring equipment used for the monitoring of chlorine residual and/or turbidity triggered an alarm or an automatic shut-off, a qualified person responded in a timely manner and took appropriate actions.		
Water plant operating logs reviewed indicate that certified operators responded to alarms in a timely manner and took appropriate actions.		

Question ID	MRDW1109000	
Question	Question Type	Legislative Requirement
If the system uses equipment for primary disinfection other than chlorination or chloramination and the equipment has malfunctioned, lost power or ceased to provide the	Legislative	SDWA O. Reg. 170/03 1-6 (1)

appropriate level of disinfection, causing an alarm or an automatic shut-off, did a qualified person respond in a timely manner and take appropriate actions?		
Observation		
<p>When the primary disinfection equipment, other than that used for chlorination or chloramination, has failed causing an alarm to sound or an automatic shut-off to occur, a certified operator responded in a timely manner and took appropriate actions.</p> <p>UV reactor units shutdown as designed on abnormal conditions and alarms. The UV system SCADA control incorporates an auto-start and switchover function to the standby unit. Nonetheless, a UV critical alarm requires an operator's immediate attendance to confirm the status of operations. Critical alarms are documented in the Critical Control Limit Exceedances Binder. There were 7 instances recorded of critical alarms for low UV calculated dosage. Upon review of the logbooks, there were two instances (Nov. 29, 2020 and July 23, 2021), where a critical UV alarm was noted in the logbook but was not included in the Critical Control Limit Exceedance log. In most cases, the response to plant and UV alarm conditions documented in the logbook were sufficient. Operators are reminded to document alarms and corrective actions in the Facility Logbook as well as in the Critical Control Limit Exceedances Binder. In addition, as per Condition 1.6.4, Schedule C of the Licence, a monthly UV alarm summary report shall be prepared, and include the time, date and duration of each UV equipment alarm.</p>		

Question ID	MRDW1018000	
Question	Question Type	Legislative Requirement
Has the owner ensured that all equipment is installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		
<p>The owner had ensured that all equipment was installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit.</p> <p>UV valve actuators (as described below) were observed on both UV trains during the site inspection. Only UV2 was in service during the inspection.</p> <p>On September 8, 2021, the Municipality notified the Director that they would be switching polymer coagulant aid within the next 30-45 days. The polymer aid Superfloc C-1592 PG was replaced with Zeta 8812 (US), both of which are polyacrylamide polymers.</p> <p>The pH study has been completed. There are no plans to proceed with any pH adjustments at this time.</p>		

Question ID	MRDW1020000	
Question	Question Type	Legislative Requirement
Is the owner/operating authority able to demonstrate that,	Legislative	SDWA 31 (1)

when required during the inspection period, Form 1 documents were prepared in accordance with their Drinking Water Works Permit?		
Observation		
<p>The owner/operating authority was in compliance with the requirement to prepare Form 1 documents as required by their Drinking Water Works Permit during the inspection period.</p> <p>A Form 1 "Record of Watermains Authorized as a Future Alteration" document was prepared for:</p> <ol style="list-style-type: none"> 1. Watermain replacement of existing cast iron watermain on Mill Street from existing 600 mm diameter watermain on Cty Rd. 22 to the north end of the Mill St. cul-de-sac. Work includes installation of 157m of 150mm diameter PVC watermain, new appurtenances, and new water services. Date: Dec. 9, 2021. 2. Watermain replacement on Railway Ave., Sixth St. and Seventh St., including valves, hydrants and services. Date: Aug. 18, 2021. <p>The operating authority is reminded that as per Condition 3.3 in Schedule B of the Permit, Form 1's should be completed prior to the watermain addition, modification, replacement or extension being placed into service.</p>		

Question ID	MRDW1021000	
Question	Question Type	Legislative Requirement
Is the owner/operating authority able to demonstrate that, when required during the inspection period, Form 2 documents were prepared in accordance with their Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		
<p>The owner/operating authority was in compliance with the requirement to prepare Form 2 documents as required by their Drinking Water Works Permit during the inspection period.</p> <p>A Form 2 "Record of Minor Modifications or Replacement to the Drinking Water System" document was prepared for:</p> <ol style="list-style-type: none"> 1. Installation of AUMA actuator's, control system and UPS system on existing Trojan UV effluent control valves ("PWBUV2" and "PWBUV4"). These actuator allow for closing capabilities in the event of a prolonged power outage. Valves tested successfully at 2 min closure. Date: Sept. 22, 2021; 2. Replacement of prominent "Reservoir Influent Free Chlorine", "Reservoir 1 Free Chlorine" and "Reservoir 1 Total Chlorine" chlorine analysers with new Prominent Dulcometer multi parameter controller dialog DACb units. Date: August 12, 2021. <p>The operating authority is reminded that as per Condition 4.6 in Schedule B of the Permit, Form 2's should be completed prior to the modified or replaced components being placed into service.</p>		

Question ID	MRDW1023000	
Question	Question	Legislative

	Type	Requirement
Do records indicate that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a DWWP and/or MDWL issued under Part V of the SDWA at all times that water was being supplied to consumers?	Legislative	SDWA O. Reg. 170/03 1-2 (2)
Observation		
<p>Records indicated that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a Drinking Water Works Permit and/or Municipal Drinking Water Licence issued under Part V of the SDWA at all times that water was being supplied to consumers.</p> <p>Operating logs and continuous monitoring data from November 2020 to November 2021 were reviewed. SCADA data was provided in 3 minute intervals for the parameters below.</p> <p>In order to claim applicable Cryptosporidium oocyst and Giardia cyst removal credits, the Procedure for Disinfection of Drinking Water Supplies in Ontario states that performance must meet filtered water turbidity of less than or equal to 0.3 NTU in 95% of the turbidity measurements each month. The performance standard was met at each filter in each month (99.25% to 100% of the time).</p> <p>The Disinfection Procedure requires that in order to be considered conventional filtration and meet or exceed the 2.5 log Giardia cyst removal, the 2.0 log Cryptosporidium oocyst removal and 2.0 log virus removal credits, the filtration process must use a chemical coagulant at all times when the treatment plant is in operation. Review of the coagulant flow data showed that all instances of prolonged coagulant interruption or low flow corresponded to plant shutdowns or calibrations.</p> <p>Review of UV calculated dosage data indicated that adequate UV disinfection was consistently provided, with the exception of two reported instances. In general, when the UV equipment is not operating as designed, flow should automatically shutdown. On August 13, 2021, there was a brief power outage which caused flow to pass through UV untreated for approximately 8 minutes. On October 10, 2021, there was another loss of UV due to intermittent power outages, in which flow continued for approximately 50 minutes. Upon review of the Critical Control Point Limit Exceedances, another such incident was noted on February 4, 2021. The logs showed that 28 m3 passed through the UV untreated, lasting approximately 4 minutes.</p> <p>For the August 13th incident, the lack of power prevented the valve that stops flow through the UV system from closing, and water continued to flow through UV1 without any treatment. The free chlorine residuals upstream of the reservoir (1.45 mg/L) and downstream of the reservoir (1.57 mg/L) were sufficient. In addition, there was 38.3 hours of retention time in the reservoir. On September 21, 2021, the UV valve actuators were installed to address this issue, which was highlighted during the last inspection (see description below). In addition, chlorine was added to the log removal credits in Schedule E of the new licence. For the October 10th incident, both of the UV trains shut down and their safety valves closed preventing water flow to the reservoir. When power was restored via the generator, the UV2 train failed to start, triggering the UV1 train to start and the safety valve re-opened. However, UV2 train's safety valve also opened and allowed approximately 168 m3 of non-UV treated water to enter the reservoir. It was unknown</p>		

why this had occurred. The logbook noted that UV2 valve only closed to 93% and continued to feed water through both UV trains causing a vacuum on chlorine which resulted in elevated chlorine in the reservoir influent. The operating authority provided the manually calculated CT removal in 5 minute intervals for the time period that the UV was down and review indicated that CT was met throughout this incident. The undersigned officer directed the operating authority to monitor and manually calculate the CT achieved versus required in 5 minute intervals during any future power outages, to ensure that CT is being met at all times, until the valve issue was investigated and resolved. A contractor installed some additional safety hardware on the UV system on October 27, 2021 to resolve this issue.

On all other occasions, the UV disinfection equipment maintained a continuous passthrough UV dose of at least 40mJ/cm² while operating as required by Condition 1.6 in Schedule C of the Licence.

The reservoir #2 free chlorine residual, which the CT is based on, and plant effluent free chlorine residual data showed that chlorine was maintained above the alarm setpoints and only dropped below those limits during analyser calibrations, generator tests, or power outages, all of which were documented in the logbook. Manual CT calculations are completed by operators daily for the hours 12am to 7am. At all other times, the SCADA system calculates the CT achieved to ensure it is meeting the required CT. As described above, a CT alarm was added to the SCADA in October 2021.

Question ID	MRDW1024000		
Question		Question Type	Legislative Requirement
Do records confirm that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined?		Legislative	SDWA O. Reg. 170/03 1-2 (2)
Observation			
Records confirmed that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined.			
On August 30, 2021, a free chlorine residual of 0.04 mg/L was measured during routine trihalomethane (THM) sampling at dead-end station LSW-005 at County Rd. 31/Hwy 401. The sampling station was flushed and the free chlorine residual increased to 0.48 mg/L at 10:39 and then to 0.93 mg/L at 10:42am. An autoflusher was installed at the station. The Municipality also indicated that autoflushers were installed at two other dead-end stations in the distribution system during this inspection period.			
Other than this incident, free chlorine residuals ranged from 0.37 to 2.00 mg/L in the distribution system, never falling below 0.05mg/L. On January 18, 2022, the undersigned officer measured chlorine residuals at Station LSW-005. The free chlorine residual was 0.97 mg/L and the total chlorine residual was 1.36 mg/L.			

Question ID	MRDW1025000	
Question	Question Type	Legislative Requirement
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		
<p>All parts of the drinking water system were not disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.</p> <p>Commissioning Forms for the two new watermains were reviewed. Documentation was not complete; the following information was not included: pre-disinfection swabbing and flushing completed, method of disinfection (e.g. spray, slug, tablet/continuous feed), initial and/or final chlorine concentration, disinfection chemical meets the AWWA and NSF/ANSI/CAN 60 Standards, decrease in chlorine concentration, and schematic showing location microbiological samples were taken. Therefore it could not be determined if the watermain was disinfected as per the Watermain Disinfection Procedure (2015).</p> <p>As per the new Permit, Schedule B, Condition 2.3, the new Watermain Disinfection Procedure, dated August 1, 2020, was to be adopted by November 21, 2021 (6 months after the date of the Permit). By March 15, 2022, the Watermain Commissioning Form shall be updated to meet the requirements of the 2020 Watermain Disinfection Procedure and training on this procedure shall be provided to all operational staff.</p> <p>On January 26, 2021, a sample of the filter media was physically collected from filter #3. No disinfection of the sampling equipment was conducted. As per Schedule B, section 2.3 of the Permit, disinfection should have been conducted in accordance with the Ministry's and AWWA's disinfection procedures. Condition 2.3.1 of the Permit states: For greater clarity, where an activity has occurred that could introduce contamination, including but not limited to repair, maintenance, or physical/video inspection, all equipment that may come in contact with the drinking water system shall be disinfected in accordance with the requirements of condition 2.3. above. Due to the fact that the filter consists of granular activated carbon (GAC), disinfection of the filter with chlorine is not recommended. Because of this, the equipment should have been disinfected prior to use as per ANSI/AWWA procedure C653-20 (Section 4.4.3.5).</p>		

Question ID	MRDW1026000	
Question	Question Type	Legislative Requirement
If primary disinfection equipment that does not use chlorination or chloramination is provided, is the equipment equipped with alarms or shut-off mechanisms that satisfy the standards described in Section 1-6 (1) of Schedule 1 of Ontario Regulation 170/03?	Legislative	SDWA O. Reg. 170/03 1-6 (1)
Observation		

The primary disinfection equipment was equipped with alarms or shut-off mechanisms that satisfied the standards described in Section 1-6 (1) of Schedule 1 of Ontario Regulation 170/03.

The two Trojan UV Swift units are equipped with four manufacturer supplied photodiode sensors (one per lamp) which monitor UV intensity within the reactors. A low UV dosage alarm setting of 50 mJ/cm² (internal alarm) and a low-low setting of 40 mJ/cm², which shuts down the units are programmed (default from manufacturer). Reactor lockout on low dosage or failure is accomplished via motorized valves located just downstream of the reactor units. The alarms are enunciated audibly and visually at the site and via SCADA to the operator on-call pager through the security company.

During the site inspection, the new UV valve actuators and the battery backup were observed. This newly installed hardware ensures that the UV flow valves can close in the event of a power outage. During a brief power outage, the relay timer is triggered so that the actuators will complete a full cycle (to closed position) by means of the battery backup. Once the actuator has closed the valve, and the predetermined delay time has been achieved, the actuator will be returned to utility power and the UV start-up sequence can begin with the valves opening.

Question ID	MRDW1062000	
Question	Question Type	Legislative Requirement
Do records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?	Legislative	SDWA O. Reg. 170/03 7-5
Observation		
Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.		
For the calibration and lab analysis records reviewed, operational testing such as total chlorine residual, pH, temperature, conductivity, hardness, colour and aluminum residual, conducted during regular compliance, operational and additional program sampling, was done by the operating authority's certified operators.		

Question ID	MRDW1060000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)
Observation		
The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.		

The SOPs meet the requirements of Condition 16.2, Schedule B of the Licence. Copies of the Licence and Permit are kept in a separate binder which is available to operators in the control room. Similarly, standard operating procedures and contingencies are maintained for the distribution group within the "Lakeshore Water Supply System - Operations & Maintenance/Contingency Plan Manual" binder. A copy of the UV validation certificate, as required by Condition 16.2.3, Schedule B of the Licence, was provided at a previous inspection.

The operating authority indicated that they do not have an SOP for filter maintenance. The operating authority shall review the manufacturer manuals and create an SOP containing the instructions for filter maintenance (frequency of inspection, replacement, etc) as well as procedures to ensure there is no cross contamination during maintenance and inspection/sampling.

Question ID	MRDW1071000		
Question		Question Type	Legislative Requirement
Has the owner provided security measures to protect components of the drinking water system?		BMP	Not Applicable
Observation			
The owner had provided security measures to protect components of the drinking water system.			
The John George Facility is gated around the perimeter and all outer doors are locked with keycard access. Visitors must be buzzed in for access. The facility is equipped with security cameras monitored by operators in the SCADA room. The low lift building is in a separate brick structure which is not fully fenced, although it has security fencing with padlocked gates installed to prevent access to the side and rear of the compound. The outward facing walls are windowless walls and are equipped with lockable steel security doors. The building is equipped with remote camera monitoring, intruder door contact alarms and keycode access.			

Question ID	MRDW1073000		
Question	Question Type	Legislative Requirement	
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 23 (1)	
Observation			
The overall responsible operator has been designated for each subsystem.			
The plant supervisor is the designated overall responsible operator (ORO) for the system and he holds a class 3 water treatment certification matching the water treatment subsystem 3 classification of the plant. The backup ORO for the treatment system also holds a class 3 certification and the backup ORO for the distribution system holds a class 3 certification exceeding the water distribution subsystem 2 classification of the distribution system.			

Question ID	MRDW1074000		
Question	Question	Legislative	

	Type	Requirement
Have operators in charge been designated for all subsystems for which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 25 (1)
Observation		
Operators-in-charge had been designated for all subsystems which comprised the drinking water system.		
The operator on call each week is the designated Operator in Charge (OIC) of Operations. For both treatment and distribution subsystems, the OIC for each shift is identified in the designated field in the Daily Operational Log book.		

Question ID	MRDW1075000	
Question	Question Type	Legislative Requirement
Do all operators possess the required certification?	Legislative	SDWA O. Reg. 128/04 22
Observation		
All operators possessed the required certification.		

Question ID	MRDW1076000	
Question	Question Type	Legislative Requirement
Do only certified operators make adjustments to the treatment equipment?	Legislative	SDWA O. Reg. 170/03 1-2 (2)
Observation		
Only certified operators made adjustments to the treatment equipment.		

Question ID	MRDW1099000	
Question	Question Type	Legislative Requirement
Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg.. 169/03)?	Information	Not Applicable
Observation		
Records did not show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg. 169/03).		
On March 15, 2021, a treated sample had a total coliform of 1 CFU/100ML. The other duplicate sample was clear and the chlorine residual was 1.62 mg/L free, 1.82 mg/L total. Resamples were taken on March 16th and 17th and no total coliforms were detected.		

Question ID	MRDW1094000		
Question	Question Type	Legislative Requirement	
Are all water quality monitoring requirements imposed by the MDWL and DWWP being met?	Legislative	SDWA 31 (1)	
Observation	All water quality monitoring requirements imposed by the MDWL or DWWP issued under Part V of the SDWA were being met.		
Condition 1.6 under Schedule C of the Drinking Water System Licence requires the owner and operating authority to continuously monitor and record flow rate, calculated UV dose, UV transmittance and UV lamp status with a minimum testing/reading and recording frequency of every five minutes. Data output includes the recording of all of these parameters at a frequency of at least every three minutes.			
Condition 4.4 under Schedule C of the Drinking Water System Licence requires monthly sampling of composite samples of total suspended solids (TSS) from the waste residual discharge point. The annual average cannot exceed 15 mg/L. The annual average for 2020 was 5.98 mg/L. The average for this portion of 2021 (January to November) was 6.4 mg/L.			

Question ID	MRDW1096000		
Question	Question Type	Legislative Requirement	
Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?	Legislative	SDWA O. Reg. 170/03 6-3 (1)	
Observation	Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.		
Chlorine residual measurements were observed on all laboratory chain of custody sheets.			

Question ID	MRDW1081000		
Question	Question Type	Legislative Requirement	
Are all microbiological water quality monitoring requirements for distribution samples being met?	Legislative	SDWA O. Reg. 170/03 10-2 (1),SDWA O. Reg. 170/03 10-2 (2),SDWA O. Reg. 170/03 10-2 (3)	
Observation			
All microbiological water quality monitoring requirements for distribution samples were being met.			

O. Regulation 170/03, Sch.10-2 requires the owner and operating authority to take a minimum of one sample per week and at least 36 samples per month from the distribution system. All samples must be analysed for E. coli and total coliforms. In addition, at least 25% of the distribution microbiological samples must be analysed for heterotrophic plate count (HPC). The operating authority collected 40-56 samples per month from 77 sampling stations throughout the distribution system. Samples were analysed for E.coli, total coliform, and more than 25% of the samples (16-25 samples/month) were tested for HPC.

Question ID	MRDW1083000		
Question		Question Type	Legislative Requirement
Are all microbiological water quality monitoring requirements for treated samples being met?		Legislative	SDWA O. Reg. 170/03 10-3
Observation			
All microbiological water quality monitoring requirements for treated samples were being met.			
O. Regulation 170/03, Sch. 10-3 requires the owner and operating authority to sample treated water once per week and analyse them for E. coli, total coliforms and HPC. For the period reviewed, duplicate treated water samples were taken at the High Lift pump building each week.			

Question ID	MRDW1084000		
Question		Question Type	Legislative Requirement
Are all inorganic water quality monitoring requirements prescribed by legislation conducted within the required frequency?		Legislative	SDWA O. Reg. 170/03 13-2
Observation			
All inorganic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.			
Provided that previous sample results haven't exceeded one-half the maximum acceptable concentration (MAC) for any parameter under O. Regulation 170/03, Schedule 23, Schedule 13-2 requires that samples must be taken and analysed for Schedule 23 parameters every 12 months (+/- 30 days) for a surface water supply. The required samples were taken December 16, 2020 and then again November 23, 2021, within the prescribed time frame. No parameters exceeded one-half the MAC listed in O. Reg. 169/03.			

Question ID	MRDW1085000		
Question	Question Type	Legislative Requirement	
Are all organic water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-4 (1),SDWA O. Reg. 170/03 13-	

		4 (2),SDWA O. Reg. 170/03 13-4 (3)
Observation		
<p>All organic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.</p> <p>Provided that previous sample results haven't exceeded one-half the MAC for any parameter under O. Regulation 170/03, Schedule 24, Schedule 13-4 requires that samples must be taken and analysed for Schedule 24 parameters every 12 months (+/- 30 days) for a surface water supply. The required samples were taken December 1, 2020, within the prescribed time frame. Another sample was taken November 23, 2021. Benzo(a)pyrene was below the method detection limit (0.006 ug/L); however, this detection limit exceeded half of the MAC. No other parameters exceeded one-half the MAC listed in O. Reg. 169/03.</p>		

Question ID	MRDW1086000	
Question	Question Type	Legislative Requirement
Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6.1 (1),SDWA O. Reg. 170/03 13-6.1 (2),SDWA O. Reg. 170/03 13-6.1 (3), SDWA O. Reg. 170/03 13-6.1 (4),SDWA O. Reg. 170/03 13-6.1 (5),SDWA O. Reg. 170/03 13-6.1 (6)
Observation		
<p>All haloacetic acid water quality monitoring requirements prescribed by legislation are being conducted within the required frequency and at the required location.</p> <p>As required under O. Regulation 170/03, Schedule 13-6.1, samples must be taken and analysed for haloacetic acid quarterly (60-120 days after previous sample). Samples were taken within the prescribed time frame. The running annual average (RAA) was 5.55 ug/L.</p>		

Question ID	MRDW1087000	
Question	Question Type	Legislative Requirement
Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted	Legislative	SDWA O. Reg. 170/03 13-6 (1)

within the required frequency and at the required location?		
Observation		
All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.		
As required under O. Regulation 170/03, Schedule 13-6 (2), samples must be taken and analysed for trihalomethanes quarterly (60-120 days after previous sample). Samples were taken within the prescribed time frame. The RAA was 32.5 ug/L. Due to the low chlorine measured at sample station LSW-005 on August 31, 2021, the THM sample was taken at LSW-004 instead. All the other samples were taken at LSW-005. Samples were also taken from treated water at the High Lift pump building quarterly and the RAA was 16.75 ug/L.		

Question ID	MRDW1088000	
Question	Question Type	Legislative Requirement
Are all nitrate/nitrite water quality monitoring requirements prescribed by legislation conducted within the required frequency for the DWS?	Legislative	SDWA O. Reg. 170/03 13-7
Observation		
All nitrate/nitrite water quality monitoring requirements prescribed by legislation were conducted within the required frequency for the DWS.		
During the inspection review period, one treated water sample was collected quarterly (from the high lift pump station) for nitrate and nitrite, as prescribed in Schedule 13-7 of O.Regulation 170/03. Nitrate concentrations ranged from 0.1 to 1.4 mg/L, well below the standard of 10 mg/L, and nitrite concentrations were all below the method detection limit (0.01-0.1 mg/L), as well as the standard of 1 mg/L.		

Question ID	MRDW1089000	
Question	Question Type	Legislative Requirement
Are all sodium water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-8
Observation		
All sodium water quality monitoring requirements prescribed by legislation were conducted within the required frequency.		
O. Regulation 170/03, Schedule 13-8 requires sampling and analysis of sodium every 60 months. The sample for sodium was last taken on November 23, 2021 and the result was 8.7 mg/L. The previous sample was taken on November 13, 2019. A sample was also taken from the distribution system for sodium on December 1, 2020 and the result was 12.1 mg/L.		

Question ID	MRDW1090000	
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Question	Question Type	Legislative Requirement
Where fluoridation is not practiced, are all fluoride water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-9
Observation		
All fluoride water quality monitoring requirements prescribed by legislation were conducted within the required frequency.		
O. Regulation 170/03, Schedule 13-9 requires sampling and analysis of fluoride every 60 months. The sample for fluoride was taken on November 23, 2021 and the result was 0.1 mg/L (below the method detection limit). The previous sample was taken on December 1, 2020. A sample was also taken from the distribution system for fluoride on the same day and the result was also below detection (0.1 mg/L).		

Question ID	MRDW1100000	
Question	Question Type	Legislative Requirement
Did any reportable adverse/exceedance conditions occur during the inspection period?	Information	Not Applicable
Observation		
There were reportable adverse/exceedances during the inspection period.		

Question ID	MRDW1101000	
Question	Question Type	Legislative Requirement
Have corrective actions (as per Schedule 17) been taken to address adverse conditions, including any other steps as directed by the Medical Officer of Health?	Legislative	SDWA O. Reg. 170/03 17-1, SDWA O. Reg. 170/03 17-10 (1),SDWA O. Reg. 170/03 17-10 (2),SDWA O. Reg. 170/03 17-11,SDWA O. Reg. 170/03 17-12,SDWA O. Reg. 170/03 17-13,SDWA O. Reg. 170/03 17-14,SDWA O. Reg. 170/03 17-2,SDWA O. Reg. 170/03 17-3,SDWA O.

		Reg. 170/03 17-4,SDWA O. Reg. 170/03 17-5,SDWA O. Reg. 170/03 17-6,SDWA O. Reg. 170/03 17-9
Observation		
Corrective actions (as per Schedule 17) had been taken to address adverse conditions, including any other steps that were directed by the Medical Officer of Health.		

Question ID	MRDW1113000	
Question	Question Type	Legislative Requirement
Have all changes to the system registration information been provided to the Ministry within ten (10) days of the change?	Legislative	SDWA O. Reg. 170/03 10.1 (3)
Observation		
All changes to the system registration information were provided within ten (10) days of the change.		

Question ID	MRDW1104000	
Question	Question Type	Legislative Requirement
Were all required verbal notifications of adverse water quality incidents immediately provided as per O. Reg. 170/03 16-6?	Legislative	SDWA O. Reg. 170/03 16-6 (1),SDWA O. Reg. 170/03 16-6 (2),SDWA O. Reg. 170/03 16-6 (3),SDWA O. Reg. 170/03 16-6 (3.1),SDWA O. Reg. 170/03 16-6 (3.2),SDWA O. Reg. 170/03 16-6 (4),SDWA O. Reg. 170/03 16-6 (5),SDWA O. Reg. 170/03 16-6 (6)
Observation		
All required notifications of adverse water quality incidents were immediately provided as per O. Reg. 170/03 16-6.		

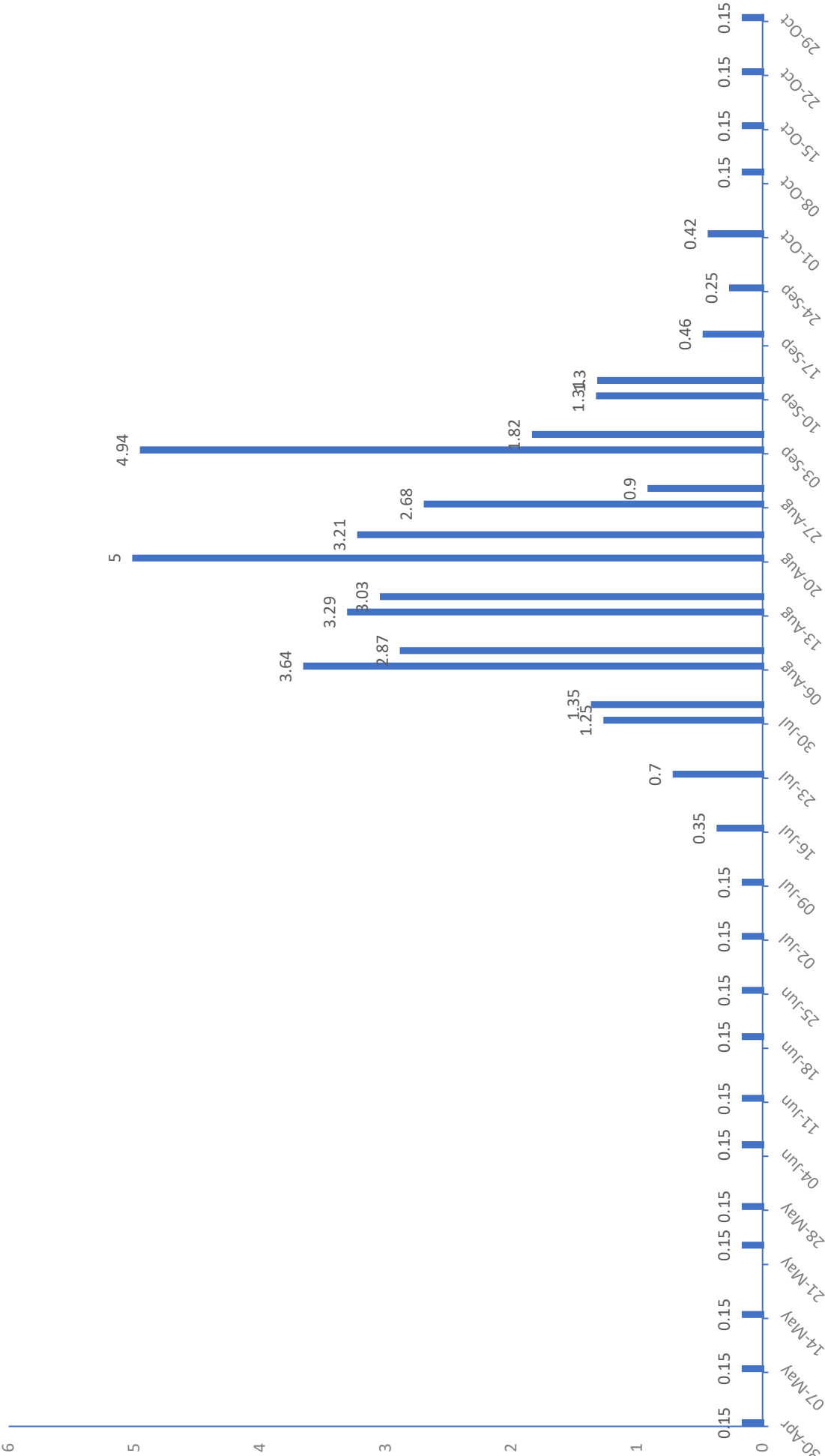
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Question ID	MRDW1059000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals contain plans, drawings and process descriptions sufficient for the safe and efficient operation of the system?	Legislative	SDWA O. Reg. 128/04 28
Observation		
<p>The operations and maintenance manuals contained plans, drawings and process descriptions sufficient for the safe and efficient operation of the system.</p> <p>The operations manual, created by the plant's design engineer, details unit operations. The associated record drawings for the water plant, including process and instrumentation diagrams, are available for reference by operators on map racks in the boardroom. Distribution system manuals contain general and specific procedures and directions related to distribution maintenance and repair activities, and contingencies. Distribution operators have access to maps produced on the owner's GIS system. The GIS maps identify locations of watermain, water services, hydrants, valves, blow-offs, and curb-stops as well as archived drawings/maps. Water distribution operators access this system via tablets or the garage computer.</p>		

Question ID	MRDW1061000	
Question	Question Type	Legislative Requirement
Are logbooks properly maintained and contain the required information?	Legislative	SDWA O. Reg. 128/04 27 (1), SDWA O. Reg. 128/04 27 (2), SDWA O. Reg. 128/04 27 (3), SDWA O. Reg. 128/04 27 (4), SDWA O. Reg. 128/04 27 (5), SDWA O. Reg. 128/04 27 (6), SDWA O. Reg. 128/04 27 (7)
Observation		
<p>Logbooks were properly maintained and contained the required information.</p> <p>The Municipality began using electronic logbooks in November 2021, in conjunction with the physical logbooks.</p>		

2021 Microcystin Results

Total Microcystin in Raw Samples from Lakeshore WTP
2021



DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM
DWS Number: 260091507
DWS Owner: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Dec-6-2021
Ministry Office: Windsor Area Office

Maximum Risk Rating: 578

Inspection Module	Non Compliance Rating
Source	0 / 0
Capacity Assessment	0 / 30
Treatment Processes	21 / 257
Operations Manuals	0 / 28
Logbooks	0 / 18
Certification and Training	0 / 42
Water Quality Monitoring	0 / 112
Reporting & Corrective Actions	0 / 91
Overall - Calculated	21 / 578

Inspection Risk Rating: 3.63%

Final Inspection Rating: 96.37%

DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM
DWS Number: 260091507
DWS Owner Name: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Dec-6-2021
Ministry Office: Windsor Area Office

Non-Compliant Question(s)	Question Rating
Treatment Processes	
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	21
Overall - Total	21

Maximum Question Rating: 578

Inspection Risk Rating: 3.63%

FINAL INSPECTION RATING: 96.37%

March 8, 2022

Town of Lakeshore
419 Notre Dame St.
Belle River, ON N0R 1A0

File: SI-ES-LA-540

Attention: Mr. Truper McBride, CAO

Re: Municipality of Lakeshore – Stoney Point Inspection Report

Please find enclosed the Inspection Report for the inspection of the Stoney Point Drinking Water System (DWS# # 220003396) on February 10, 2022.

The format of the enclosed report has been updated, and you will note that the non-compliance and/or non-conformance items are now detailed at the beginning of the report. All questions that were assessed are included in the Inspection Details Section.

In order to measure individual inspection results, the Ministry has established an inspection compliance risk framework based on the principles of the Inspection, Investigation & Enforcement (II&E) Secretariat and advice of internal/external risk experts. The Inspection Rating Report (IRR) provides the Ministry, the system owner and the local Public Health Units with a summarized quantitative measure of the drinking water system's annual inspection and regulated water quality testing performance. IRR ratings are published (for the previous inspection year) in the Ministry's Chief Drinking Water Inspectors' Annual Report.

Please note that due to a change in IT systems, the Inspection Rating Report (IRR) cannot be generated at the same time as the inspection report. The IRR will be sent separately and prior to any public release (typically within 1-2 month of the completion of the inspection).

If you have any questions or concerns regarding this report, please call me at (226) 280-1406.

Yours truly,



Emily Awad
Water Inspector, Provincial Officer #1823
Drinking Water and Environmental Compliance Division
Sarnia/Windsor District

Encl.

cc: Garry Punt, Team Leader – Water Management, Krystal Kalbol, Corporate Leader – Operations, Albert Dionne, Division Leader – Water Management, Kyle Davis, Water Compliance, Town of Lakeshore;
Nicole Dupuis, Chief Executive Officer, Kristy McBeth, Director of Health Protection, Phil Wong, Manager, Health Inspection Department, Victoria Peczulis, Manager, Environmental Health, Windsor-Essex County Health Unit;
Marc Bechard, Supervisor, Ministry of the Environment, Conservation and Parks;
Katie Stammier, Project Manager Source Water Protection, Essex Region Conservation Authority.



MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM -
STONEY POINT
6011 ST CLAIR RD, LAKESHORE, ON,
Inspection Report

System Number: 220003396
Inspection Start Date: 02/07/2022
Inspection End Date: 03/07/2022
Inspected By: Emily Awad
Badge #: 1823

A handwritten signature in cursive script, appearing to read "Emily Awad".

(signature)

NON-COMPLIANCE/NON-CONFORMANCE ITEMS

This should not be construed as a confirmation of full compliance with all potential applicable legal requirement and BMPs. These inspection findings are limited to the components and/or activities that were assessed, and the legislative framework(s) that were applied. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.

If you have any questions related to this inspection, please contact the signed Provincial Officer.

INSPECTION DETAILS

This section includes all questions that were assessed during the inspection.

Ministry Program: Regulated Activity: DRINKING WATER : DW Municipal Residential

Question ID	MRDW1001000		
Question	Question Type	Legislative Requirement	
What was the scope of this inspection?	Information	Not Applicable	
Observation			
<p>The primary focus of this inspection is to confirm compliance with Ministry of the Environment, Conservation and Parks (MECP) legislation as well as evaluating conformance with ministry drinking water policies and guidelines during the inspection period. The ministry utilizes a comprehensive, multi-barrier approach in the inspection of water systems that focuses on the source, treatment, and distribution components as well as management practices.</p> <p>This drinking water system is subject to the legislative requirements of the Safe Drinking Water Act, 2002 (SDWA) and regulations made therein, including Ontario Regulation 170/03, "Drinking Water Systems" (O.Reg. 170/03). This inspection has been conducted pursuant to Section 81 of the SDWA.</p> <p>This inspection report does not suggest that all applicable legislation and regulations were evaluated. It remains the responsibility of the owner to ensure compliance with all applicable legislative and regulatory requirements.</p> <p>This review also includes an assessment of compliance/conformance in relation to the following:</p> <ul style="list-style-type: none">• Drinking Water Operator and Water Quality Analyst Certification Regulation (O. Reg. 128/04)• Drinking Water System Licence 031-101, Issue Number 4, issued May 21, 2021• Drinking Water Works Permit 031-201, Issue Number 5, issued May 21, 2021• Ontario Drinking Water Quality Standards (ODWQS; O. Reg. 169/03) based on water quality data generated since the previous inspection. <p>A focused inspection was conducted on February 10, 2022 at the Stoney Point Water Treatment Plant (WTP). A follow-up visit to the WTP was conducted on March 3, 2022. The inspection covers the period from February 1, 2021 to January 31, 2022.</p>			

Question ID	MRDW1000000		
Question		Question Type	Legislative Requirement
Does this drinking water system provide primary disinfection?		Information	Not Applicable
Observation			
This Drinking Water System provides for both primary and secondary disinfection and			

distribution of water.

Question ID	MRDW1011000		
Question		Question Type	Legislative Requirement
Does the owner have a harmful algal bloom monitoring plan in place?		BMP	Not Applicable
Observation			
The owner had a harmful algal bloom monitoring plan in place.			

Question ID	MRDW1012000		
Question		Question Type	Legislative Requirement
Does the owner have a harmful algal bloom monitoring plan in place that meets the requirements of the MDWL?		Legislative	SDWA 31 (1)
Observation			
The owner had a harmful algal bloom monitoring plan in place.			
The harmful algal bloom (HAB) plan was completed by the required date in the MDWL (November 15, 2021). Operator training on the new HAB plan took place in November 2021. A camera with extensive tilt and zoom capabilities and a UV filter was installed at the lowlift for HAB monitoring. The recordings are on a 14-day loop.			
On July 22, 2021, the Municipality reported a total microcystin result of 0.29 ug/L in a raw sample collected on July 18, 2021. There was also a detection in the raw sample from the Lakeshore WTP intake. There were no detections of total microcystin in the treated water from either plant. The subsequent raw sample collected on July 24, 2021 at the Stoney Point WTP also had a detection of total microcystin (1.44 ug/L). The plant continued to use powdered activated carbon in the treatment process and if the pre-filter chlorine demand increased, they increased the chlorine dose. On July 30, 2021, the undersigned officer directed the Municipality to increase visual monitoring to daily and microcystin sampling to twice per week.			
The bloom was no longer visible by September 17, 2021 so the Municipality was directed to revert back to one sample per week. Raw sample total microcystin ranged from below method detection limit to a high of 4.04 ug/L on August 9, 2021 (see Appendix A). All of the treated samples collected by the Water Treatment Plant were below method detection limits.			

Question ID	MRDW1014000		
Question		Question Type	Legislative Requirement
Is there sufficient monitoring of flow as required by the MDWL or DWWP issued under Part V of the SDWA?		Legislative	SDWA 31 (1)
Observation			
There was sufficient monitoring of flow as required by the Municipal Drinking Water Licence or			

Drinking Water Works Permit issued under Part V of the SDWA.

Condition 2.1, Schedule C of the Licence for the Municipality of Lakeshore Drinking Water System requires the continuous flow measurement and recording to be undertaken for:

- The flow rate and daily volume of treated water that flows from the treatment subsystem to the distribution system
- The flow rate and daily volume of water that flows into the treatment subsystem

ABB Watermaster magnetic type meters measure the raw water discharge (19.75 L/s at the inspection) as well as treated water: high-lift discharge header to the north (18.69 L/s at the inspection) and the Comber line to the south (7.1 L/s at the inspection) for a total of 25.79 L/s treated water flow at the inspection.

Question ID	MRDW1016000		
Question	Question Type	Legislative Requirement	
Is the owner in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)	
Observation			
The owner was in compliance with the conditions associated with maximum flow rate or the rated capacity conditions in the Municipal Drinking Water Licence issued under Part V of the SDWA.			
Condition 1.1 of Schedule C of the Licence states that the maximum daily volume of treated water that flows from the treatment subsystem to the distribution system at the Stoney Point Water Treatment Plant shall not exceed 4,546 m3/day.			
During the inspection period the maximum day flow of treated water, which occurred on July 30, 2021, was 3000 m3/d, or approximately 66% of the approved rated capacity. The peak flow of 262 L/s occurred on November 5, 2021.			

Question ID	MRDW1030000		
Question	Question Type	Legislative Requirement	
Is primary disinfection chlorine monitoring being conducted at a location approved by MDWL and/or DWWP issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved?	Legislative	SDWA O. Reg. 170/03 7-2 (1), SDWA O. Reg. 170/03 7-2 (2)	
Observation			
Primary disinfection chlorine monitoring was conducted at a location approved by Municipal Drinking Water Licence and/or Drinking Water Works Permit issued under Part V of the SDWA, or at/near a location where the intended CT has just been achieved.			
ProMinent D1C continuous chlorine monitor/controllers with CLE probes measure free chlorine on both the reservoir outlet (CRA-4) and the high-lift outlet (CRA-6). Depending on the use of the			

post-chlorination system for providing free chlorine top-up/trim, results from one or the other analyser can be used for measuring primary disinfection CT, consistent with the Ministry's "Procedure for Disinfection of Drinking Water in Ontario". Free chlorine top-up/trim can be employed to boost the concentration of secondary disinfectant directed to the distribution system at either the inlet to the high-lift well or into the high-lift discharge header. Pre-chlorination prior to the filters provides the majority of the disinfection.

Question ID	MRDW1032000		
Question	Question Type	Legislative Requirement	
If the drinking water system obtains water from a surface water source and provides filtration, is continuous monitoring of each filter effluent line being performed for turbidity?	Legislative	SDWA O. Reg. 170/03 7-3 (2)	
Observation	Continuous monitoring of each filter effluent line was being performed for turbidity. Filter effluent turbidity values are measured by Hach TU5300sc turbidity sensors with a SC200 controller on filters 1 and 2. Results are recorded by SCADA Historian.		

Question ID	MRDW1033000		
Question	Question Type	Legislative Requirement	
Is the secondary disinfectant residual measured as required for the large municipal residential distribution system?	Legislative	SDWA O. Reg. 170/03 7-2 (3), SDWA O. Reg. 170/03 7-2 (4)	
Observation			
The secondary disinfectant residual was measured as required for the distribution system.			
Logs show that weekly distribution system free chlorine residuals were taken and measured from at least four and three stations on separate days, at least 48 hours apart.			

Question ID	MRDW1037000		
Question		Question Type	Legislative Requirement
Are all continuous monitoring equipment utilized for sampling and testing required by O. Reg.170/03, or MDWL or DWWP or order, equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6?		Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10,SDWA O. Reg. 170/03 6-5 (1.1)
Observation			

All continuous monitoring equipment utilized for sampling and testing required by O. Reg. 170/03, or Municipal Drinking Water Licence or Drinking Water Works Permit or order, were equipped with alarms or shut-off mechanisms that satisfy the standards described in Schedule 6.

At the follow-up site visit on March 3, 2021, the alarm settings were reviewed. The low chlorine alarm setting for the CT analyser (CRA4) is 1.4 mg/L. A low alarm for secondary disinfection free chlorine level leaving the plant is set at 1.5 mg/L (however, it was set at 1.4 mg/L previously, as per logs). High turbidity operational alarms of 0.25 NTU are set for each filter effluent turbidimeter. Additionally, high turbidity operational set points are used to establish filter to waste controls during the filter backwash sequence and filter shutdown in response to elevated readings. Filter shutdown is currently set at 1 NTU. An adjustable operational alarm for clarifier effluent turbidity prior to filtration can also be set. It is currently set at 2.3 NTU.

During the hours the facility is staffed, operators are alerted to alarms through the SCADA system screen and audible alarms. Critical alarms that occur after-hours are routed to a security company who notifies the on-call operator.

Question ID	MRDW1038000		
Question	Question Type	Legislative Requirement	
Is continuous monitoring equipment that is being utilized to fulfill O. Reg. 170/03 requirements performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4	
Observation			
Continuous monitoring equipment that was being utilized to fulfill O. Reg. 170/03 requirements was performing tests for the parameters with at least the minimum frequency specified in the Table in Schedule 6 of O. Reg. 170/03 and recording data with the prescribed format.			
O. Regulation 170 sub-section 6-5(1), paragraph 1 requires the continuous monitoring equipment to record the date, time, sampling location and result of every test for the parameter with at least the minimum frequency prescribed as follows:			
1. Free chlorine residual required to achieve primary disinfection: 5 minutes			
2. Filter effluent turbidity: 15 minutes			
The Historian data recording system records these values at a frequency at least as often as that required under the Regulation.			
On August 4, 2021, there was an issue with the battery supply on the PLC for the highlift pumps. Replacement of the battery caused a loss of all plant communication. Plant processes were shut down and only the high lifts continued to operate in manual mode. This resulted in a loss of data trending and Historian operation between 15:15 to 18:52 hrs. Plant online data (plant effluent free chlorine residual, discharge pressure, and plant effluent turbidity) was recorded by the operators every five minutes for the duration of the PLC shutdown.			
Another trending data loss was noted during data and logbook review. On October 1, 2021, a			

Historian error was observed at 15:25 hrs but trending continued. The system was rebooted but the error continued and after troubleshooting, the connection was re-established at 16:40 hrs and the system was operating normally. Plant online data was recorded every five minutes during this outage.

Question ID	MRDW1035000		
Question	Question Type	Legislative Requirement	
Are operators examining continuous monitoring test results and are they examining the results within 72 hours of the test?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10	
Observation			
Operators were examining continuous monitoring test results and they were examining the results within 72 hours of the test.			
In accordance with the operating authority's Routine Plant Rounds standard operating procedure (PEN-292), and as reflected in the project logs, reviews of continuous monitoring results are completed once per day and recorded in the operational logbook.			

Question ID	MRDW1040000		
Question	Question Type	Legislative Requirement	
Are all continuous analysers calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10	
Observation			
All continuous analysers were calibrated, maintained, and operated, in accordance with the manufacturer's instructions or the regulation.			
Calibration records provided showed that Flowmetrix calibrated all level meters, flow meters and continuous chlorine and turbidity analyzers in July 2021. Flowmetrix also calibrated the handheld meters.			
Internal checks/verifications against standards were performed on the handheld meters (chlorine, turbidity, pH and the lab spectrophotometer) approximately once per month. Operators also checked/verified continuous turbidity, chlorine and pH analyzers approximately once per month.			
As recommended in the last inspection, all continuous meters that measure the parameters used to calculate CT were calibrated.			

Question ID	MRDW1108000		
Question	Question Type	Legislative Requirement	
Where continuous monitoring equipment used for the monitoring of free chlorine residual, total chlorine residual, combined chlorine residual or turbidity, required by Regulation 170, an Order, MDWL, or DWWP issued under Part V, SDWA, has triggered an alarm or an automatic shut-off, did a qualified person respond in a timely manner and take appropriate actions?	Legislative	SDWA O. Reg. 170/03 6-5 (1) 1-4,SDWA O. Reg. 170/03 6-5 (1)5-10,SDWA O. Reg. 170/03 6-5 (1.1)	
Observation			
Where required continuous monitoring equipment used for the monitoring of chlorine residual and/or turbidity triggered an alarm or an automatic shut-off, a qualified person responded in a timely manner and took appropriate actions.			
Water plant operating logs reviewed indicate that certified operators responded to alarms in a timely manner and took appropriate actions. Critical alarms are documented in the Critical Control Limit Exceedances Binder. There were 5 critical alarms during the inspection period, including high clarifier well turbidity, plant effluent turbidity, as well as low plant effluent free chlorine. Appropriate actions were documented in the logbooks.			

Question ID	MRDW1018000		
Question		Question Type	Legislative Requirement
Has the owner ensured that all equipment is installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit?		Legislative	SDWA 31 (1)
Observation			
The owner had ensured that all equipment was installed in accordance with Schedule A and Schedule C of the Drinking Water Works Permit.			
It was noted during the inspection that Schedule A of the Permit lists equipment used for zebra mussel removal (chlorine dosing) which is not part of this drinking water system. During the next Licence and Permit renewal, the owner shall identify and remove any equipment that should not be listed in the Permit.			
The owner indicated that an engineering study is underway for the replacement of the watermain between the Stoney Point WTP and Haycroft Pumping Station ("Government Line"). The first phase is estimated to begin in 2023.			

Question ID	MRDW1021000		
Question	Question Type	Legislative Requirement	
Is the owner/operating authority able to demonstrate that, when required during the inspection period, Form 2	Legislative	SDWA 31 (1)	

documents were prepared in accordance with their Drinking Water Works Permit?		
Observation		
<p>The owner/operating authority was in compliance with the requirement to prepare Form 2 documents as required by their Drinking Water Works Permit during the inspection period.</p> <p>A Form 2 "Record of Minor Modifications or Replacement to the Drinking Water System" document was prepared for:</p> <ol style="list-style-type: none"> 1. Replacement of intermediate pump #1 with a new (Gould) pump, Model # VIT-DITM. Phasor electrical performed the installation. Date: May 11, 2021. 2. Replacement of old plant effluent chlorine analyzers with new prominent CL2 and pH analyzer - Dulcometer multi-parameter controller dialog DACb. Date: May 11, 2021. 3. Intermediate pumps VFD controls connected and programmed. No change to pumps/valves; just a change to the programming to allow the VFDs to control the flow to the filter inlet tank. Date: Sept. 2, 2021. 4. Updated Filter #1 and #2 prominent CRA to a newer model. Date: Dec. 1, 2021. <p>The owner is reminded to complete the Form 2 as per Sch. B, S. 4.6.1 of the Permit, "prior to the modified or replaced components being placed into service".</p>		

Question ID	MRDW1023000	
Question	Question Type	Legislative Requirement
Do records indicate that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a DWWP and/or MDWL issued under Part V of the SDWA at all times that water was being supplied to consumers?	Legislative	SDWA O. Reg. 170/03 1-2 (2)
Observation		
<p>Records indicated that the treatment equipment was operated in a manner that achieved the design capabilities required under Ontario Regulation 170/03 or a Drinking Water Works Permit and/or Municipal Drinking Water Licence issued under Part V of the SDWA at all times that water was being supplied to consumers.</p> <p>Schedule E of the Licence stipulates that the Stoney Point facility must utilize chemically assisted filtration and primary disinfection using chlorination to meet log removal credits.</p> <p>In order to claim applicable Cryptosporidium oocyst and Giardia cyst removal credits, the Procedure for Disinfection of Drinking Water Supplies in Ontario states that performance must meet filtered water turbidity of less than or equal to 0.3 NTU in 95% of the turbidity measurements each month. Filter turbidity reports show that 99.8 to 100% of the time, turbidity values were less than 0.3 NTU. The criteria was met at each filter in each month.</p> <p>The Disinfection Procedure requires that in order to be considered conventional filtration and meet or exceed the 2.5 log Giardia cyst removal, the 2.0 log Cryptosporidium oocyst removal and 2.0 log virus removal credits, the filtration process must use a chemical coagulant at all times</p>		

when the treatment plant is in operation. Regular jar testing (once per week or as required) is conducted to determine the optimum coagulant dosage. Coagulant flow is metered to directly alert the operator to flow interruptions and the system is equipped with flow/pressure regulating valves to eliminate dosing rate variability caused by the head pressure (level) in the bulk alum tank. Review of alum flow data (in 3 minute intervals) indicated that alum was flowing at all times.

Primary disinfection using chlorine accounted for at least 0.5 log inactivation credits for Giardia. To meet inactivation credits, CT must be achieved at all times. Records demonstrated that CT was achieved for the duration of the review period.

Question ID	MRDW1024000	
Question	Question Type	Legislative Requirement
Do records confirm that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined?	Legislative	SDWA O. Reg. 170/03 1-2 (2)
Observation		
Records confirmed that the water treatment equipment which provides chlorination or chloramination for secondary disinfection purposes was operated so that at all times and all locations in the distribution system the chlorine residual was never less than 0.05 mg/l free or 0.25 mg/l combined.		
Available chlorine residual measurements taken during routine microbiological sampling and the weekly residual checks showed that free chlorine residuals in the distribution system ranged from 0.22 to 1.93 mg/L, never falling below 0.05mg/L.		

Question ID	MRDW1025000	
Question	Question Type	Legislative Requirement
Were all parts of the drinking water system that came in contact with drinking water (added, modified, replaced or extended) disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit?	Legislative	SDWA 31 (1)
Observation		
All parts of the drinking water system were disinfected in accordance with a procedure listed in Schedule B of the Drinking Water Works Permit.		
According to the Watermain Break Repair Standard Operating Procedure (SOP #2000397), all parts of the drinking water system are disinfected in accordance with the ministry's Watermain Disinfection Procedure and the other required procedures. The operating authority is reminded that, as per Schedule B, Condition 2.3 of the new Permit, the new Watermain Disinfection Procedure, dated August 1, 2020, was to be adopted by November 21, 2021 (6 months after the date of the Permit).		

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Question ID	MRDW1062000	
Question	Question Type	Legislative Requirement
Do records or other record keeping mechanisms confirm that operational testing not performed by continuous monitoring equipment is being done by a certified operator, water quality analyst, or person who meets the requirements of O. Reg. 170/03 7-5?	Legislative	SDWA O. Reg. 170/03 7-5
Observation		
Records or other record keeping mechanisms confirmed that operational testing not performed by continuous monitoring equipment was being done by a certified operator, water quality analyst, or person who suffices the requirements of O. Reg. 170/03 7-5.		
Operational testing is conducted daily and recorded on the Daily Plant Lab Analysis logsheets.		

Question ID	MRDW1060000	
Question	Question Type	Legislative Requirement
Do the operations and maintenance manuals meet the requirements of the DWWP and MDWL issued under Part V of the SDWA?	Legislative	SDWA 31 (1)
Observation		
The operations and maintenance manuals met the requirements of the Drinking Water Works Permit and Municipal Drinking Water Licence issued under Part V of the SDWA.		
The master copy of the standard operating procedures is maintained at the Stoney Point water plant. Selected procedures are included in the "Lakeshore Water Supply System - Operations & Maintenance/Contingency Plan Manual" binder maintained for the distribution group. Copies of the Municipal Drinking Water System Licence and Drinking Water Works Permit are also kept in the Contingency binder. Current electronic versions of the standard operating procedures are available in the Compliance Science Programme.		
As required in the last inspection report, SOP#2000957: Transfer of Treated Water was created before May 3, 2021 and was reviewed and revised on November 8, 2021.		

Question ID	MRDW1071000	
Question	Question Type	Legislative Requirement
Has the owner provided security measures to protect components of the drinking water system?	BMP	Not Applicable
Observation		
The owner had provided security measures to protect components of the drinking water system.		

All components of the drinking water system are fully fenced and doors are locked, with keycard access. The plant is staffed between 7am and 3:30pm during the week and for four hour shifts on the weekends. Video monitoring of the main plant and lowlift station is conducted.

Question ID	MRDW1073000		
Question	Question Type	Legislative Requirement	
Has the overall responsible operator been designated for all subsystems which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 23 (1)	
Observation			
The overall responsible operator has been designated for each subsystem.			
The overall responsible operator (ORO) for the treatment and distribution system has class 3 water treatment certification and class 3 water distribution certification.			

Question ID	MRDW1074000		
Question	Question Type	Legislative Requirement	
Have operators in charge been designated for all subsystems for which comprise the drinking water system?	Legislative	SDWA O. Reg. 128/04 25 (1)	
Observation			
Operators-in-charge had been designated for all subsystems which comprised the drinking water system.			
Any certified operator on shift is designated the Operator-in-charge and is identified in the sign-in logbook.			

Question ID	MRDW1075000		
Question		Question Type	Legislative Requirement
Do all operators possess the required certification?		Legislative	SDWA O. Reg. 128/04 22
Observation			
All operators possessed the required certification.			

Question ID	MRDW1076000				
Question			Question Type	Legislative Requirement	
Do only certified operators make adjustments to the treatment equipment?			Legislative	SDWA O. Reg. 170/03 1-2 (2)	
Observation					
Only certified operators made adjustments to the treatment equipment.					

Question ID	MRDW1099000		
Question		Question Type	Legislative Requirement
Do records show that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O. Reg.. 169/03)?		Information	Not Applicable
Observation			
Records showed that all water sample results taken during the inspection review period did not exceed the values of tables 1, 2 and 3 of the Ontario Drinking Water Quality Standards (O.Reg. 169/03).			

Question ID	MRDW1094000		
Question	Question Type	Legislative Requirement	
Are all water quality monitoring requirements imposed by the MDWL and DWWP being met?	Legislative	SDWA 31 (1)	
Observation	All water quality monitoring requirements imposed by the MDWL or DWWP issued under Part V of the SDWA were being met.		
Solids removed from the clarifier and filters were pumped to a residue management facility that consisted of two (2) settling ponds. Condition 1.5 under Schedule C of the Licence requires monthly sampling of composite samples of total suspended solids (TSS) from the point of discharge. The composite samples were collected from the discharge from either the north or south settling pond, whichever was discharging that month, or both. The annual average cannot exceed 25 mg/L. The annual average TSS for 2021 was 4.6 mg/L, much lower than in 2020 when the Suez Ultrafiltration unit was in use. For the inspection period, TSS ranged from below method detection to 12 mg/L.			

Question ID	MRDW1096000		
Question		Question Type	Legislative Requirement
Do records confirm that chlorine residual tests are being conducted at the same time and at the same location that microbiological samples are obtained?		Legislative	SDWA O. Reg. 170/03 6-3 (1)
Observation			
Records confirmed that chlorine residual tests were being conducted at the same time and at the same location that microbiological samples were obtained.			

Question ID	MRDW1081000		
Question	Question Type	Legislative Requirement	

Are all microbiological water quality monitoring requirements for distribution samples being met?	Legislative	SDWA O. Reg. 170/03 10-2 (1),SDWA O. Reg. 170/03 10-2 (2),SDWA O. Reg. 170/03 10-2 (3)
Observation		
All microbiological water quality monitoring requirements for distribution samples were being met.		
O. Reg. 170/03, Sch.10-2 requires the owner and operating authority to take a minimum of one sample per week, and at least 15 samples per month from the distribution system. All samples must be analysed for E. coli and total coliforms. In addition, at least 25% of the distribution microbiological samples must be analysed for heterotrophic plate count (HPC).		
The owner/operating authority collected 20-25 samples per month from 26 sample stations throughout the distribution system. Samples were analysed for E.coli, total coliform, and more than 25% of the samples (8-10 samples/month) were tested for HPC.		

Question ID	MRDW1083000	
Question	Question Type	Legislative Requirement
Are all microbiological water quality monitoring requirements for treated samples being met?	Legislative	SDWA O. Reg. 170/03 10-3
Observation		
All microbiological water quality monitoring requirements for treated samples were being met.		
O. Reg. 170/03, Sch. 10-3 requires the owner and operating authority to sample treated water once per week and analyse them for E. coli, total coliforms and heterotrophic plate count (HPC).		
For the period reviewed, treated water microbiological samples were taken each week. For each sampling event, two treated water samples were collected.		

Question ID	MRDW1084000	
Question	Question Type	Legislative Requirement
Are all inorganic water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-2
Observation		
All inorganic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.		
Provided that previous sample results haven't exceeded one-half maximum acceptable		

concentration (MAC) for any parameter under O. Reg. 170/03, Schedule 23, Sch. 13-2 requires that samples must be taken and analysed for Sch. 23 parameters every 12 months for a surface water supply. The required samples were collected November 29, 2021. No parameters exceeded one-half the MAC listed in O.Reg. 169/03.

Question ID	MRDW1085000	
Question	Question Type	Legislative Requirement
Are all organic water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-4 (1),SDWA O. Reg. 170/03 13-4 (2),SDWA O. Reg. 170/03 13-4 (3)
Observation		
All organic water quality monitoring requirements prescribed by legislation were conducted within the required frequency.		
Provided that previous sample results haven't exceeded one-half MAC for any parameter under O. Reg. 170/03, Schedule 24, Sch. 13-4 requires that samples must be taken and analysed for Sch.24 parameters every 12 months for a surface water supply. The required samples were collected November 29, 2021. Benzo(a)pyrene was below the method detection limit (0.006 ug/L); however, this detection limit exceeded half of the MAC. No other parameters exceeded one-half the MAC listed in O.Reg. 169/03.		

Question ID	MRDW1086000	
Question	Question Type	Legislative Requirement
Are all haloacetic acid water quality monitoring requirements prescribed by legislation conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6.1 (1),SDWA O. Reg. 170/03 13-6.1 (2),SDWA O. Reg. 170/03 13-6.1 (3), SDWA O. Reg. 170/03 13-6.1 (4),SDWA O. Reg. 170/03 13-6.1 (5),SDWA O. Reg. 170/03 13-6.1 (6)
Observation		
All haloacetic acid water quality monitoring requirements prescribed by legislation are being		

conducted within the required frequency and at the required location.

As required under O. Reg. 170/03, Sch. 13-6 (2), samples must be taken and analysed for haloacetic acids (HAAs) quarterly. The Ontario drinking water quality limit for HAAs is 0.080 mg/L; calculated as a running annual average (RAA) of quarterly test results. Samples were taken within the prescribed time frame. The RAA was 0.0144 mg/L.

Question ID	MRDW1087000	
Question	Question Type	Legislative Requirement
Have all trihalomethane water quality monitoring requirements prescribed by legislation been conducted within the required frequency and at the required location?	Legislative	SDWA O. Reg. 170/03 13-6 (1)
Observation		
All trihalomethane water quality monitoring requirements prescribed by legislation were conducted within the required frequency and at the required location.		
As required under O. Reg. 170/03, Sch. 13-6(2), samples must be taken and analysed for trihalomethanes (THMs) quarterly. The Ontario drinking water quality limit for THMs is 0.100 mg/L; calculated as an RAA of quarterly test results. Samples were taken within the prescribed time frame. The RAA was 0.0345 mg/L. Treated water samples were also taken quarterly and the RAA was 0.019 mg/L.		

Question ID	MRDW1088000	
Question	Question Type	Legislative Requirement
Are all nitrate/nitrite water quality monitoring requirements prescribed by legislation conducted within the required frequency for the DWS?	Legislative	SDWA O. Reg. 170/03 13-7
Observation		
All nitrate/nitrite water quality monitoring requirements prescribed by legislation were conducted within the required frequency for the DWS.		
During the inspection review period, one treated sample was collected quarterly for nitrate and nitrite, as prescribed in Sch. 13-7 of O.Reg. 170/03. Nitrate concentrations ranged from below the method detection limit (MDL; 0.1 mg/L) to 2.2 mg/L, well below the standard of 10 mg/L, and nitrite concentrations were all below the MDL (0.1 mg/L) and well below the standard of 1 mg/L.		

Question ID	MRDW1089000	
Question	Question Type	Legislative Requirement
Are all sodium water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-8

Observation
All sodium water quality monitoring requirements prescribed by legislation were conducted within the required frequency.
O. Reg. 170/03, Sch. 13-8 requires sampling and analysis of sodium every 60 months. The sample for sodium was taken on November 29, 2021 and the result was 8.2 mg/L.

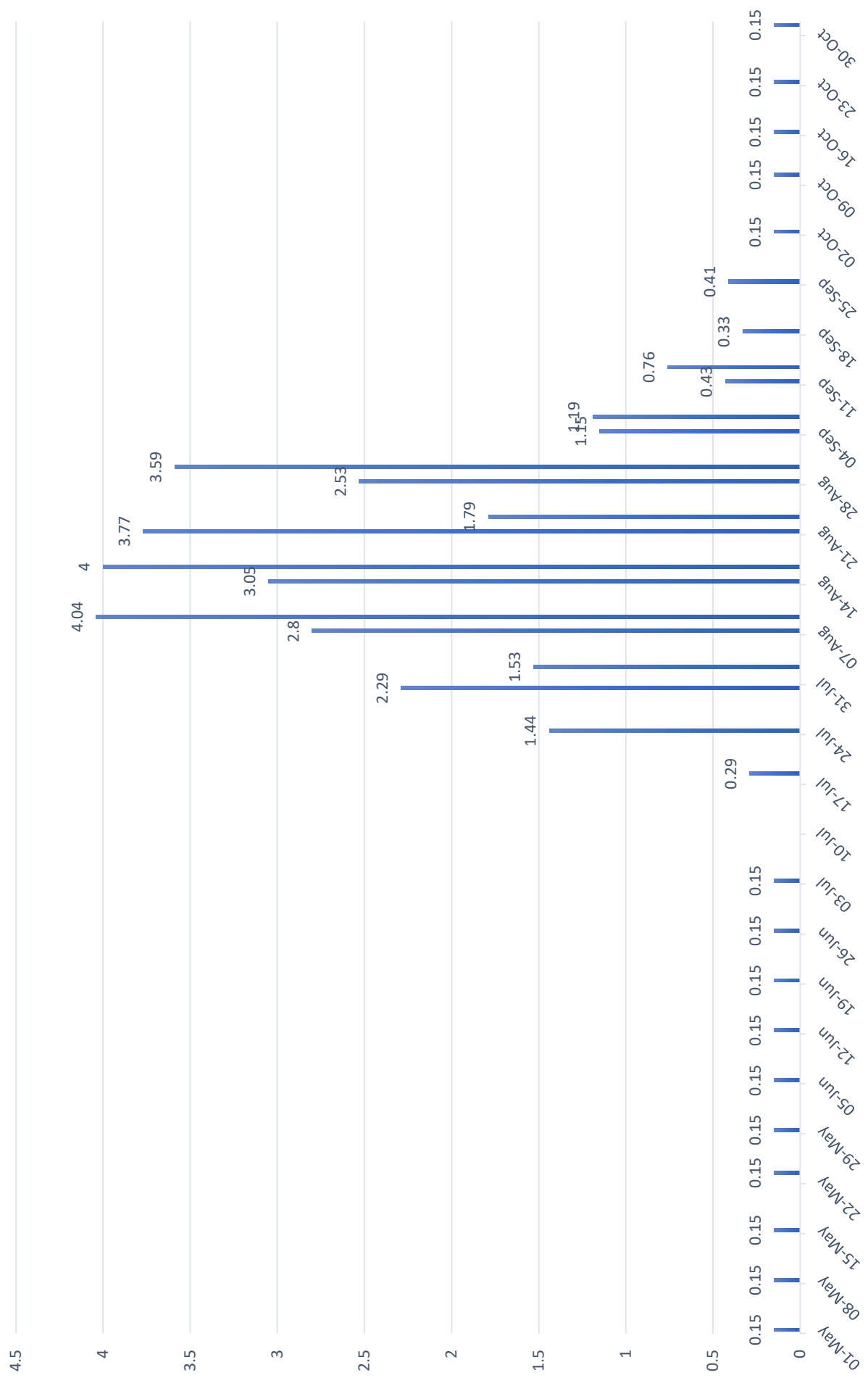
Question ID	MRDW1090000		
Question	Question Type	Legislative Requirement	
Where fluoridation is not practiced, are all fluoride water quality monitoring requirements prescribed by legislation conducted within the required frequency?	Legislative	SDWA O. Reg. 170/03 13-9	
Observation	All fluoride water quality monitoring requirements prescribed by legislation were conducted within the required frequency. O. Reg. 170/03, Sch. 13-9 requires sampling and analysis of fluoride every 60 months. The sample for fluoride was taken on November 29, 2021 and the result was below detection (<0.10 mg/L).		

Question ID	MRDW1100000		
Question		Question Type	Legislative Requirement
Did any reportable adverse/exceedance conditions occur during the inspection period?		Information	Not Applicable
Observation			
There were no reportable adverse/exceedances during the inspection period.			

Question ID	MRDW1113000		
Question	Question Type	Legislative Requirement	
Have all changes to the system registration information been provided to the Ministry within ten (10) days of the change?	Legislative	SDWA O. Reg. 170/03 10.1 (3)	
Observation			
All changes to the system registration information were provided within ten (10) days of the change.			

2021 Microcystin Results

Total Microcystin (ug/g) in Raw Samples from Stoney Point WTP 2021



DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM - STONEY POINT
DWS Number: 220003396
DWS Owner: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Feb-7-2022
Ministry Office: Windsor Area Office

Maximum Risk Rating: 451

Inspection Module	Non Compliance Rating
Source	0 / 0
Capacity Assessment	0 / 30
Treatment Processes	0 / 214
Operations Manuals	0 / 14
Logbooks	0 / 14
Certification and Training	0 / 42
Water Quality Monitoring	0 / 112
Reporting & Corrective Actions	0 / 25
Overall - Calculated	0 / 451

Inspection Risk Rating: 0.00%

Final Inspection Rating: 100.00%

DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM - STONEY POINT
DWS Number: 220003396
DWS Owner Name: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Feb-7-2022
Ministry Office: Windsor Area Office

All legislative requirements were met. No detailed rating scores.

Maximum Question Rating: 451

Inspection Risk Rating:	0.00%
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FINAL INSPECTION RATING:	100.00%
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DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM - UNION DS
DWS Number: 260004995
DWS Owner: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Sep-7-2021
Ministry Office: Windsor Area Office

Maximum Risk Rating: 212

Inspection Module	Non Compliance Rating
Treatment Processes	0 / 42
Operations Manuals	0 / 28
Logbooks	0 / 18
Certification and Training	0 / 28
Water Quality Monitoring	0 / 51
Reporting & Corrective Actions	0 / 45
Overall - Calculated	0 / 212

Inspection Risk Rating:	0.00%
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Final Inspection Rating:	100.00%
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DWS Name: MUNICIPALITY OF LAKESHORE DRINKING WATER SYSTEM - UNION DS
DWS Number: 260004995
DWS Owner Name: MUNICIPALITY OF LAKESHORE
Municipal Location: LAKESHORE

Regulation: O.REG. 170/03
DWS Category: DW Municipal Residential
Type of Inspection: Focused
Inspection Date: Sep-7-2021
Ministry Office: Windsor Area Office

All legislative requirements were met. No detailed rating scores.

Maximum Question Rating: 212

Inspection Risk Rating:	0.00%
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FINAL INSPECTION RATING:	100.00%
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Municipality of Lakeshore – Report to Council

Operations

Roads, Parks & Facilities



To: Mayor & Members of Council

From: Jeff Wilson, Division Leader – Roads, Parks & Facilities

Date: April 18, 2022

Subject: Tender Award – 2022 Mowing Tractor and Bush Hog Mower

Recommendation

Award the 2022 Mowing Tractor & Bush Hog Mower contract to Delta Power Equipment Essex Ltd (Essex) in the amount of \$137,884.80, including applicable HST, with a total budget overage of \$12,884.80 to be funded from the equipment reserve, as presented at the April 26, 2022 Council meeting.

Background

The request for tender to supply a new 2022 Mowing Tractor (4-wheel drive, 100 hp) and a new 2022 Bush Hog Mower (model 3810) was publicly advertised on Bids & Tenders on Friday March 18, 2022. Tenders closed on Friday April 8, 2022.

The tender was to replace unit #325 a 2007 New Holland TL100 Tractor and a 2007 Bush Hog Mower (model 3710), both 15 years old.

There was a total of six (6) tenders received for the 2022 Mowing Tractor and Bush Hog Mower outline below:

Tenderer	Tendered Amount (excluding HST)	Tender Amount (including applicable HST)
Delta Power Equipment Essex Ltd (Essex)	\$135,500.00	\$137,884.80
Delta Power Equipment Essex Ltd (Chatham)	\$135,500.00	\$137,884.80
Advantage Farm Equipment Ltd. (Essex)	\$146,500.00	\$149,078.40
Kucera Farm Supply (Tecumseh)	\$147,733.00	\$150,333.10
C.L. Benninger Equipment (1995) Ltd (Essex)	\$141,910.00	\$144,407.62
C.L. Benninger Equipment (1995) Ltd (Leamington)	\$141,925.00	\$144,422.88

As with previous equipment tenders, Administration provides an option for the bidder to supply pricing for a slightly used or demo unit, however, no pricing was submitted by any of the bidders for this option.

Comments

The approved 2022 budget amount was \$125,000.00.

The Mowing Tractor unit completes our roadside mowing and some of the pond cutting throughout the summer months.

It also serves as a power plant for auxiliary PTO pumps stationed at the Leffler, River Ridge and Browns Creek stormwater pumping stations. These auxiliary PTO pumps are utilized as additional pumps during heavy rainfall events or during power outages at the above-mentioned stations. A minimum of 100 hp is required to operate the PTO lift pumps.

Administration recommends the approval of the total tendered amount of \$137,884.80.

Financial Impacts

The table below provides a summary of the costs:

Tenderer	2022 Budget	Contract (excluding HST)	Contract Cost (including applicable HST)	Difference
Delta Power Equipment Essex Ltd (Essex)		\$135,500.00	\$137,884.80	
Total Cost	\$125,000.00	\$135,500.00	\$137,884.80	-\$12,884.80

The cost difference between the approved 2022 budget amount is \$12,884.80, to be funded from the equipment reserve budget.

Report Approval Details

Document Title:	Tender Award Mowing Tractor and Bush Hog Mower 2022.docx
Attachments:	
Final Approval Date:	Apr 20, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Jeff Wilson

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Operations

Roads, Parks & Facilities



To: Mayor & Members of Council

From: Jeff Wilson, Division Leader - Roads, Parks & Facilities

Date: April 14, 2022

Subject: Tender Award – 2022 Asphalt Roads Resurfacing Program

Recommendation

Award the tender for the 2022 Asphalt Road Resurfacing Program to Mill-Am Corporation in the of amount of \$1,277,210.11, including applicable HST, with the excess amount of \$134,651.11 to be funded from the roads reserve (Option 1), as presented at the April 26, 2022 Council meeting.

Background

In the 2022 budget, Council approved a total of \$1,142,559.00 for the 2022 Lifecycle Asphalt Road Resurfacing Program.

The 2022 Lifecycle Asphalt Road Resurfacing Program included costs to complete eight (8) road sections as identified in the 5-year resurfacing program and two (2) roads from the 2021 resurfacing program (Taylor Avenue and Emerson Avenue), which were deferred due to the reconstruction of Main Street in Comber undertaken by the Ministry of Transportation (MTO). The 2022 program budget included a total of ten (10) roadways.

Geotechnical work was completed in late 2021 to confirm adequacy of the planned resurfaced roadways. The geotechnical results identified inadequate asphalt depth for both West Belle River Road and Cleophas Drive. Based on these results, the original proposed mill and pave approach will not be a sufficient level of rehabilitation for both these roadways and will require full depth asphalt removal, contributing to additional asphalt removal quantities and in turn, an increase in costs.

The 2022 Asphalt Road Resurfacing request for tenders included the following roads:

#	ROAD NAME	LENGTH (km)
1	Taylor Ave- from Main Street to County Road 46 (deferred from 2021)	1.001
2	Emerson Ave in Comber (deferred from 2021)	0.149
3	Terra Lou Drive - from George Crescent to Lambert Court	0.97
4	Lambert Court – from Terra Lou Drive to the South Limit	0.42
5	Fourth Street – from Broadway Street to Railway Ave	0.158
6	West Belle Rive Road – from Notre Dame to Parklane Drive	0.547
7	Cleophas Drive – from Morceri Crescent to Russell Woods Drive	0.119
8	Russel Woods Drive- from Cleophas Drive to Majestic Drive	0.106
9	Majestic Drive – from Russel Woods Drive to Cleophas Drive	0.226
10	Rochester Town Line – from Tecumseh Road to Lange Ave	0.304
Total Length		4.0 km

The request for tender for the 2022 Asphalt Road Resurfacing Program as outlined above was publicly advertised on Bids & Tenders on Monday March 7, 2022.

Comments

The following tenders were received prior to tender closing on Friday March 25, 2022:

Tenderer	Price (excluding HST)	Price (including applicable HST)
Mill – Am Corporation	\$1,255,120.00	\$1,277,210.11
Coco Paving Ltd.	\$1,441,426.50	\$1,466,795.61

The total tender price for the 2022 Asphalt resurfacing program \$1,277,210.11 (including applicable HST).

The budget approved for the 2022 Asphalt Road Resurfacing program is \$1,142,559.00. The total amount tendered would create a budget shortfall of **\$134,651.11** (including applicable HST).

Lakeshore's tender documents include the following clause:

“Where Bids received exceed the Council Approved Budget for the Work, the Municipality reserves the right to negotiate with the Bidder providing the Best Value where, in the Municipality’s sole discretion, the changes required to achieve an acceptable Bid are of a minor nature and will not change the general nature of the Work. No Bidder shall have any rights against the Municipality arising from such discussions or negotiations”.

This clause is a reservation of Lakeshore’s right to negotiation to decrease the total tender price based on approved budget.

To remain within the 2022 budget (through the reduction of tender quantities) and based on the condition of the roadways identified in the 2022 Asphalt Roads Resurfacing Program, Russel Woods Drive and Majestic Drive would be required to be removed from the contract, deferring these roadways until 2023.

Administration is satisfied that the bidder with the lowest tender has the required equipment and labour expertise to undertake this project and recommends that Council award the above-noted work to Mill-Am Corporation.

Based on the foregoing, Administration recommends that Council award the tender to Mill-Am Corporation in the total tendered amount and in doing so would bring the Asphalt Road Resurfacing Program up to date at the end of 2022.

Financial Impacts

The financial impact has been summarized below:

2021 Asphalt Road Resurfacing Program Items	Total Cost	Budget
Tender Price - Mill Am Corporation	\$1,255,120.00	
Non-Refundable HST	\$22,090.11	
Approved Funding in the 2022 Asphalt Road Resurfacing Program		\$1,142,559.00
Total Approved Funding		\$1,142,559.00
Total Tendered Cost (including applicable HST)	\$1, 277,210.11	
Budget Shortfall (including applicable HST)		(\$134,651.11)

Based on the above budget shortfall, 2 options have been included below:

- 1) Option 1: Approve the total tender amount of \$1,277.210.11 (including applicable HST) whereby the financial impact is the excess amount of \$134,651.11, to be funded from the roads reserve;

OR

- 2) Option 2: Through negotiation, approve a reduction of the tender price to decrease the tender amount to \$1,133,423.23 (including applicable HST) which falls within the approved 2022 budget amount but would defer Russel Woods Drive and Majestic Drive from the program in 2022.

Attachments

Appendix A: Asphalt Roads Resurfacing Program 2022 Map

Report Approval Details

Document Title:	Tender Award – Asphalt Roads Resurfacing Program 2022.docx
Attachments:	- Tender Award - Asphalt Road Resurfacing Program 2022 Map.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Jeff Wilson

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride



Legend

Street Centreline

- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 1,669



Notes: Emerson Ave

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

Street Centreline

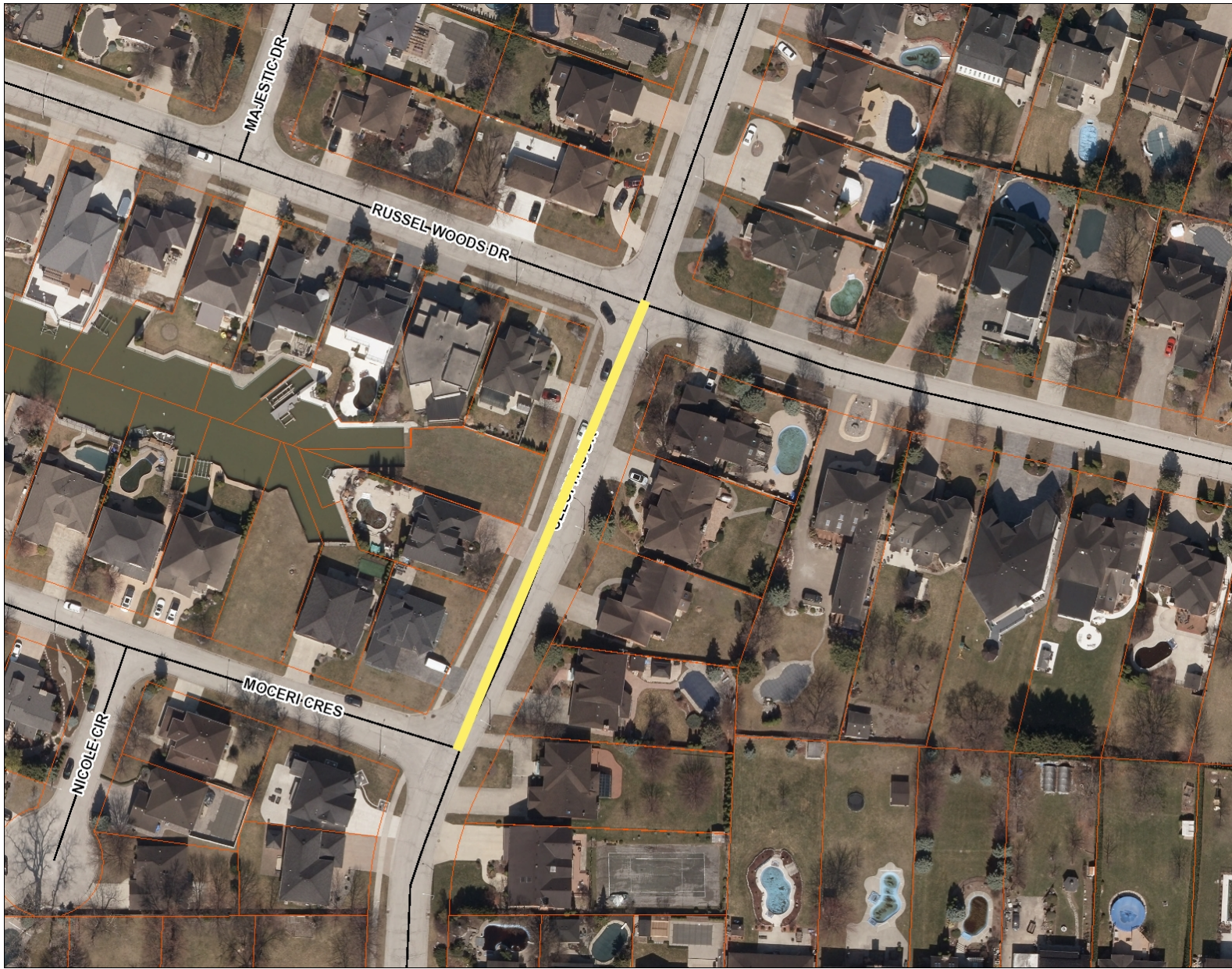
- <all other values>
- CNTY
- LAK
- PRIV
- PROV

1: 9,751



Notes: Taylor Ave from Main Street to County Rd 46

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 1,459



Notes: Cleophas from Russel Woods to Moceri

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 1,537



Notes: Fourth St from Railway to Broadway

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

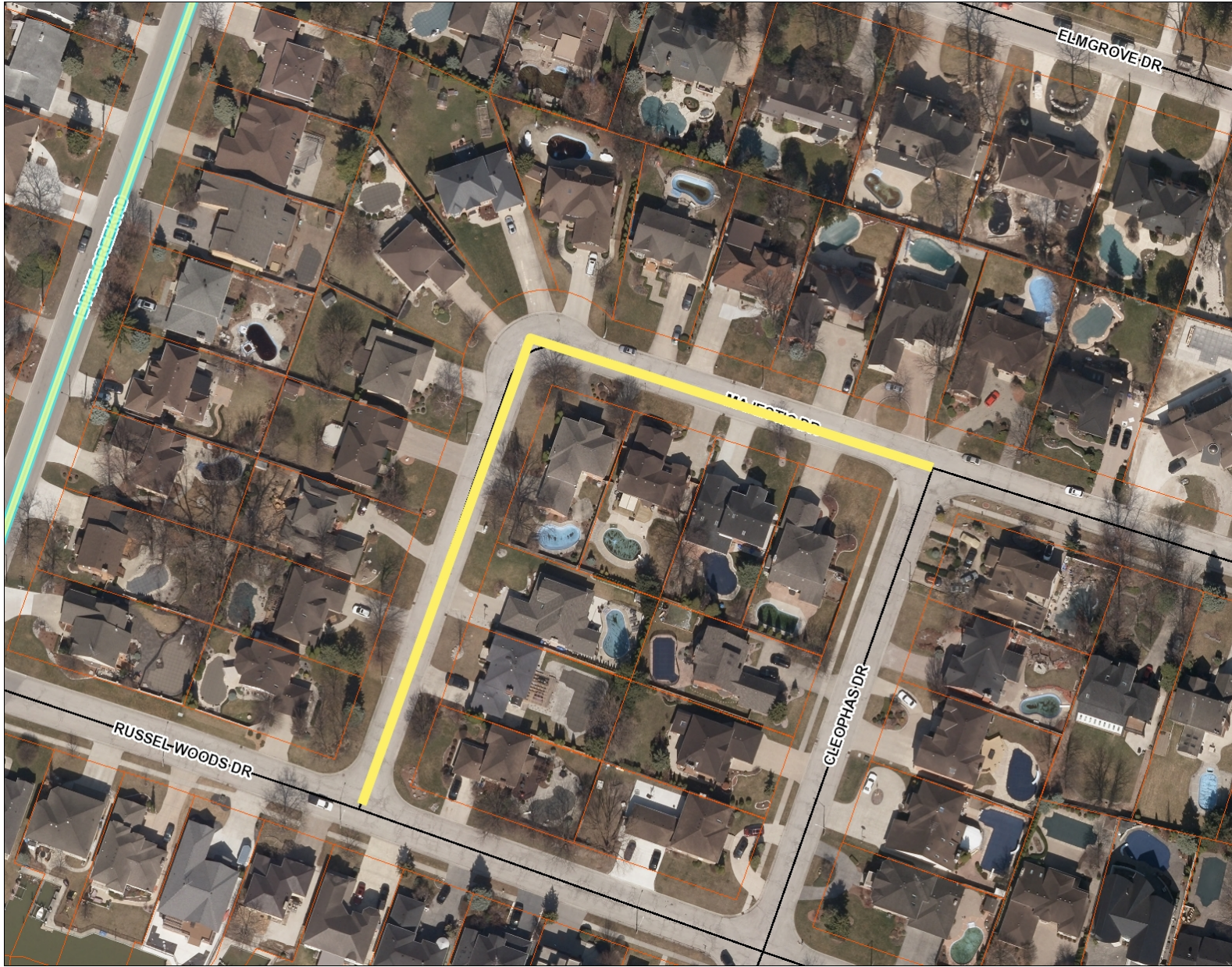
- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 1,429



Notes: Lambert Court from Terra Lou Dr to End

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

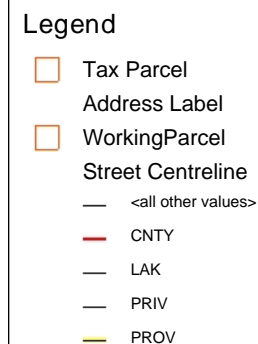
- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 1,459



Notes: Majestic from Russel Woods to Cleophas

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1:1,459



Notes: Russel Woods from Majestic to Cleophas

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Legend

- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 1,429



Notes: Terra Lou Dr from Lambert to George

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION



Legend

- Tax Parcel
- Street Centreline
 - <all other values>
 - CNTY
 - LAK
 - PRIV
 - PROV

1: 4,256



Notes: W Belle River Rd from Notre Dame to Parklane

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Municipality of Lakeshore – Report to Council

Operations

Capital Projects



To: Mayor & Members of Council

From: Wayne Ormshaw, P.Eng., Division Leader – Capital Projects

Date: April 13, 2022

Subject: Rourke Line Road Reconstruction and Denis St. Pierre Sewer Outfall Tender Award

Recommendation

Approve the tender amount of \$7,960,406.99, including applicable HST, and award the Rourke Line Reconstruction and Denis St Pierre Sewer Outfall construction tender to J&J Lepera Infrastructures Inc. subject to further negotiations with the successful proponent with a contract reduction in the amount of \$1,039,247.41, including HST; and,

Authorize an additional \$791,438.99, including applicable HST to be funded from the roads reserve, as presented at the April 26, 2022 Council meeting.

Background

Council awarded the construction of the Denis St. Pierre Water Pollution Control Plant (the Plant) expansion on September 16, 2021. The project was executed in the fall of 2021 and is currently under construction with an expected completion in the spring of 2023. This report included the budget related to the Denis St. Pierre Sewer Outfall.

As part of the design for the Plant expansion a separate set of design and tender documents were completed to include for a replacement of the effluent sewer outfall and relocation of a watermain as part of a road reconstruction project along Rourke Line Road from the Plant, heading north toward the lake. The watermain relocation was necessary to accommodate the new sewer outfall location provided by the tender design documents.

Following tender close, Stantec Consulting was contacted to review potential removal of provisional items from the contract, as well as to provide a review of potential contract negotiable items to reduce the overall tender amount. The outcome of this exercise identified an alternative location for the sewer outfall that would provide a potential costs savings of \$1,039,247.41, including applicable HST, through the removal of the watermain relocation item from the project tender.

The new sewer outfall is to be installed below the road grade adjacent to the existing sewer to allow for ongoing operations at the plant. It will be connected to the existing outfall sewer in Rourke Line Parkette and replace the existing diffusers at the existing termination end of the outfall sewer located approximately 750 m from shoreline.

The design documents for Rourke Line Road Reconstruction and Denis St Pierre Sewer Outfall were completed in March of 2022. ERCA and Via Rail permits are anticipated to be available in early May 2022. As a requirement of the tender, construction is required to be completed in the spring of 2023, in line with the completion of the Plant expansion.

The Rourke Line Road Reconstruction and Denis St. Pierre Sewer Outfall tender was publicly advertised on Bids & Tenders on March 15, 2022 and tenders closed on Thursday April 14, 2022.

Comments

The below tender was received prior to tender closing and opened in accordance with the online bidding process:

Vendor	Price (excluding HST)	Price (including applicable HST)
J&J Lepera Infrastructures Inc.	\$8,844,000.00	\$8,999,654.40

Although only one (1) vendor closed the tender, three (3) other companies began the process of submitting a bid but did not complete the process. All three (3) of the companies were contacted requesting if there were any reason for not completing the bid submission. The reply received from one (1) company cited a lack of available resources to complete the contract if awarded.

Administration is satisfied that J&J Lepera Infrastructures Inc. has the required equipment and labour expertise to undertake this project and recommends the award of the Rourke Line Reconstruction and Denis St Pierre Sewer Outfall construction project to J&J Lepera Infrastructures Inc.

Others Consulted

Stantec Consulted was consulted as part of this project.

Financial Impacts

Both the Municipality and the Consultant have identified a continued trend in prices being higher than project estimates as well as a reduction in bidders for infrastructure tenders. The general reasoning for higher prices appears to be due to limited resources and volatile material costs

The watermain relocation item includes a cost of \$1,039,247.41, including applicable HST, within the tender bid value. With the relative items removed from the contract it is expected that a total contract value of \$7,960,406.99, including applicable HST, can be negotiated with the vendor.

The tender was structured with provisional items in many sections in lieu of contingencies and was structured to allow for negotiation with the successful proponent for a reduction of the tendered amount, without penalty.

A detailed breakdown of the project costs and budget are included below:

Rourke Line Road Reconstruction and Denis St Pierre Sewer Outfall	Budget	Total Project Cost (excluding HST)	Total Project Cost (including applicable HST)	Variance
Tender bid		\$8,844,000.00	\$8,999,654.40	
Watermain relocation (to be removed)		(\$1,021,273.00)	(\$1,039,247.41)	
Contract Amount		\$7,822,727.00	\$7,960,406.99	
Outfall Sewer		\$5,739,849.74	\$5,840,871.10	
Approved Outfall Funding – September 14, 2021 Council Report	\$4,800,000.00			
Total Outlet Variance				(\$1,040,871.10)
Road Reconstruction		\$2,082,877.26	\$2,119,353.90	
Approved Funding - 2022 Roads Budget	\$2,368,698.00	,		
Total Road Variance				\$249,162.10
Total	\$7,168,698.00	\$7,822,727.00	\$7,960,406.99	(\$791,438.99)

On-site & Contract administration (Engineering) fees during construction were included in the Denis St. Pierre Plant Expansion budget at the September 14, 2021 Council meeting.

The total shortfall for the Denis St. Pierre outfall is \$1, 040,871.10 to be funded through the DC wastewater reserve fund.

The unspent dollars from the approved roads budget for this project is \$249,162.10 and will go back to the roads reserve.

Report Approval Details

Document Title:	Tender Award - Rourke Line Road Reconstruction and Denis St Pierre Sewer Outfall .docx
Attachments:	
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Wayne Ormshaw

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Operations

Capital Projects



To: Mayor & Members of Council

From: Wayne Ormshaw, P.Eng. - Division Leader – Capital Projects

Date: April 11, 2022

Subject: Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek

Recommendation

Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek to Landmark Engineers Inc. for a total cost of \$99,724.80 including applicable HST, as presented at the April 26, 2022 Council meeting

Background

This project was identified in the 2021 Bridge and Culvert Needs Study by Keystone Bridge Management Corp. to require rehabilitation in 2022. The Professional Services will establish and provide details and specification as to the extent of the rehabilitation needed for construction. The budget for construction will be brought forward in 2023, as required.

The project comprises the following:

- Inspection, survey and investigation of the bridge to confirm the required bridge repairs and rehabilitation;
- Preliminary design including hydraulic analysis as necessary at the bridge in line with the Ministry and the Conservation Authority requirements;
- Assist the municipality in the Regulatory Agency approval and permitting process;
- Preparation of design drawings and specifications for tender and construction; and
- On-site inspection and contract administration during construction.

Council approved a total of \$300,000 in the 2022 to undertake the design and engineering for the Bridge Rehabilitation at Lakeshore Road 129 over Ruscom River as well as the Bridge Rehabilitation at Lakeshore Road 309 over Big Creek. The two projects were anticipated to be of similar scope, and as such Administration allocated \$150,000 for each project.

At the April 12, 2022 meeting, Council approved the award of the Bridge Rehabilitation at Lakeshore Road 129 over Ruscom River to Landmark Engineers Inc. for \$101,760.00 with \$45,792.00 being allocated toward Geotechnical Investigations, Permits and Approvals for a total of \$147,552.00, including applicable HST.

Comments

The Request for Proposal (RFP) for this project was placed on Bids and Tenders on Tuesday March 1, 2022.

Prior to tender closing on Thursday April 14, 2022 two (2) compliant bids were received.

The tender amounts received are shown below:

Tenderer	Price (excluding HST)	Price (including applicable HST)
Lea Consulting Ltd.	\$117,895	\$119,969.95
Landmark Engineers Inc.	\$98,000.00	\$99,724.80

Landmark Engineers Inc. have confirmed that the engineering and design work can commence within a few weeks of award. The project is expected to go to tender, pending budget approval, in early 2023.

Administration is satisfied that Landmark Engineers Inc. has the required resources and expertise to undertake this project and recommends that Council award the above-noted project to Landmark Engineers Inc.

Financial Impacts

A detailed breakdown of the project costs and budget are included below:

Bridge Rehabilitation at Lakeshore Road 309 over Big Creek Project	Budget (included Lakeshore Road 309 over Big Creek)	Total Project Cost (excluding HST)	Total Project Cost (including applicable HST)	Difference (over)/ under
Engineering Design, Tender and Approvals		\$98,000.00	\$99,724.80	
Geotechnical Investigation (estimated)		\$40,000.00	\$40,704.00	

Permits and Approval costs (estimated)		\$5,000.00	\$5,088.00	
Allocated to Bridge Rehabilitation at Lakeshore Road 129 over Ruscom River (as awarded at the April 12, 2022 Council meeting)		\$145,000.00	\$147,552.00	
Total Cost	\$300,000.00	\$288,000.00	\$293,068.80	\$6,931.20

The funding required for the 2022 bridge rehabilitation projects is under the budgeted amount by \$6,931.20 and, as such, any surplus should remain available pending potential overages of the estimated costs.

Report Approval Details

Document Title:	Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 309 over Big Creek.docx
Attachments:	
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Waybe Ormshaw

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Operations

Engineering & Infrastructure



To: Mayor & Members of Council

From: Krystal Kalbol, P. Eng., Corporate Leader – Operations

Date: April 11, 2022

Subject: Water & Wastewater Master Plan Update

Recommendation

Direct Administration to redirect the approved 2022 budget allocated to complete the Transportation Master Plan in the amount of \$150,000 to undertake an update to the 2018 Water & Wastewater Master Plan, as presented at the April 26, 2022 Council meeting.

Background

Lakeshore completed an update in 2018 to the Water & Wastewater Master Plan. Since this update to the Master Plan was undertaken, there has been a significant demand for growth as well as an increase in density through both development applications and the further development of secondary plans.

Comments

This update will support continued growth through the central area to the westerly limits within the Denis St. Pierre Drainage boundary.

This study will look at alternatives to support growth along the western portion of the Municipality, allow for increased density within the Wallace Woods Planning Area and intercept areas south of County Road 22 to alleviate the sanitary trunk main along County Road 2. This project will also review increasing servicing capacity within the County Road 22 Corridor from IC Roy to West Belle River Road.

Financial Impacts

Currently, there is no financial impact related to redirecting the funds.

Requests for proposals to undertake this work will be required. Once proposals are received, Administration will confirm if additional funds will be required to complete the update

Report Approval Details

Document Title:	Water and Wastewater Master Plan Update.docx
Attachments:	
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Operations

Engineering & Infrastructure



To: Mayor & Members of Council

From: Krystal Kalbol, P. Eng., Corporate Leader – Operations

Date: April 6, 2022

Subject: Great Lakes Waterfront Trail, Closing the Gap – Caille Avenue

Recommendation

Support the application made by the Waterfront Regeneration Trust, on behalf of Great Lakes Waterfront Trail, to receive funding through Infrastructure Canada under the Active Transportation Fund (ATF) for the construction of an asphalt pathway along Caille Avenue, as presented at the April 26, 2022 Council meeting.

Background

The Great Lakes Waterfront Trail is shared by a partnership of 155 communities organized by the Waterfront Regeneration Trust. Since 1992, the Waterfront Regeneration Trust has led the work to create the Great Lakes Waterfront Trail.

The existing trail network in this area can be seen in the attached map.

The vision for a completed trail system has put emphasis on closing the gap for the trail system which will include an active transportation facility along Caille Avenue.

The reconstruction of Caille Avenue is not included in Lakeshore's current 5-year capital program.

Comments

Pedestrians (and cyclists) are currently utilizing the roadway along Caille Avenue to engage in active transportation which has the potential to impact traffic flow and create unsafe conditions for both pedestrians, cyclists, and motorists.

The preliminary design of the Caille Avenue Waterfront Trail would be a 3.0 metre wide multi-use pathway with a total distance of 1.85 kilometres located between Rourke Line and West River Street. The proposed project would provide a safe separation for trail users from roadway traffic and create a designated space in the boulevard that would allow for increased safety and a more convenient active transportation link.

The proposed multi-use pathway would expand the active transportation system within Lakeshore from the future Rourke Line pedestrian facility (to be constructed in 2022) to the existing facility along West River Street, as well as expand the Great Lakes Waterfront Trail system. This system would connect residents to various amenities such as the marina, park, and beach and provide further connection to business amenities along Notre Dame Street in the Belle River downtown corridor.

Administration has supported the Waterfront Regeneration Trust in applying for federal funding through Infrastructure Canada under the Active Transportation Fund (ATF). The ATF grant cover would cover up to 60% of the estimated construction costs. A preliminary letter was provided (as attached) for support but will require Council endorsement for the application to be considered.

Further, the Municipality will be required to work alongside VIA Rail to obtain approval for this project as a significant amount of this land is leased through VIA Rail and within proximity to their rail corridor.

Others Consulted

Waterfront Regeneration Trust and VIA Rail were consulted.

Financial Impacts

Currently there is no financial impact.

If the application is successful, the remaining costs of the project will need to be coordinated between the residents as part of a local improvement petition.

Attachments

Attachment 1) Waterfront Trail Map along the north shore (Belle River)

Attachment 2) Administrations letter of Support

Report Approval Details

Document Title:	Great Lakes Waterfront Trail, Closing the Gap in the Municipality of Lakeshore.docx
Attachments:	- Waterfront Trail Map along the north shore (Belle River).pdf - Letter of Support - Caille Avenue Trail.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

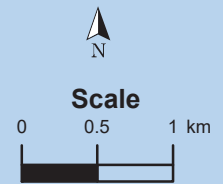
Prepared by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride



Great Lakes Waterfront Trail

Lake St. Clair
Lac Sainte-Claire



Private road may
not be maintained
*Route privée pouvant
ne pas être entretenue.*

Busy road crossing
Traversée de rue acalendée

Ruscom Shores
Conservation Area

Railway
crossing
*Passage
à niveau*

Bridge crossing, no shoulder
Traversée de pont, pas d'accotement

Tecumseh Rd / County Rd 2:
narrow road, no shoulders,
high speed traffic
(60-80 km/h)
*Tecumseh Rd / County Rd 2:
route étroite, pas d'accotement,
circulation à haute vitesse
(60-80 km/h)*

Belle River

Essex

Ontario

Legend / Légende

On-road / Sur la route	Campground / Camping	Winery / Vinicole
Off-road / Hors route	Information / Renseignements	Conservation Area / Zone de protection de la nature
Alerts / Alertes	Lookout / Vue panoramique	Provincial Park / Parc provincial de l'Ontario
Distance / Distance (km)	Marina / Marina	Built-up / Secteur bâti
Connection / Liaison	Parking / Stationnement	Cemetery / Cimetière
Hospital / Hôpital	Town Hall / Hôtel de ville	Park, Natural Area / Parc, Espace naturel
Attraction / Attraction	Washrooms / W.-C.	Marsh / Marais
Beach / Plage		



March 28, 2022

Marlaine Koehler, Executive Director
Waterfront Regeneration Trust
4195 Dundas Street West, Suite 327
Toronto, ON M8X 1Y4

RE: Letter of Support – Great Lakes Waterfront Trail - Caille Avenue

Dear Ms. Koehler:

Administration is pleased to write this letter of support to the Waterfront Regeneration Trust for being the lead applicant for the grant application with Infrastructure Canada to support the Caille Avenue Waterfront Trail Project.

This project coincides with the Municipality's Official Plan as indicated below:

Official Town Plan
3.3.4 Waterfront Area

- e) The Town will promote opportunities for public access to the waterfront and the development of a waterfront trail system and open space linkages along Lake St. Clair and Waterfront Areas throughout the Town.

If successful, this project will require a partnership and agreement to ensure the goals of both organizations and the local residents are achieved in providing a safe accessible multi-use path and with closing the gap in the Great Lakes waterfront trail system.

This project will allow residents to access the amenities in this vicinity, such as the marina, beach, and park, through active transportation. In addition, the proposed multi-use path will link the existing pedestrian facilities along West River Street and Notre Dame Street where the main commercial district exists in Belle River.

As you are aware, if successful, this project will require Council support and additional funding will be required to be confirmed for the remainder of the project and Administration will be recommending this project to Council.



The Municipality will also be required to work with VIA rail to obtain approval as part of this project.

In conclusion, Administration supports the Waterfront Regeneration Trust to make an application to seek funding to initiate the Caille Avenue Waterfront Trail project.

Kind Regards,

Krystal Kalbol

Krystal Kalbol, P. Eng.
Corporate Leader, Operations

Municipality of Lakeshore – Report to Council

Finance & Technology

Financial Planning & Analysis



To: Mayor & Members of Council

From: Justin Rousseau, Corporate Leader-Chief Financial Officer

Date: April 13, 2022

Subject: Maidstone and Area Historical Society Grant Support – Mini-Barn

Recommendation

Support the Maidstone & Area Historical Society's 2022 grant application to Farm Credit Canada's Agri-Spirit Fund for the purchase and installation of a mini-barn;

Direct Administration to act as the trustee for the grant funding, if approved; and

Authorize the Corporate Leader-Chief Financial Officer, in consultation with the Corporate Leader – Strategic & Legal Affairs, to execute any agreements or instruments required in support of or to receive the funding, all as further described in the April 26, 2022 Council meeting report.

Background

The Maidstone Bicentennial Museum is a community museum which houses unique collections of artifacts that have been donated by the community or purchased by the Maidstone and Area Historical Society. This collection includes an impressive WW1 Naval and Army collection, artifacts of Joseph, Daniel and Zoe Ouellette, Rum Running, the War of 1812, including the Aboriginal Contribution to the War of 1812 and much more. The museum grounds are also home to beautiful Native Heritage Gardens, a collection of plants, trees, and shrubs that are native to the Essex County area. These gardens in the past have served several purposes from food, medicinal medicines and dying of cloth. As well they play an important part in the life cycle of butterflies. Several of the trees are rare including Paw Paw, Kentucky Coffee, and Cucumber trees.

The Museum has long been a part of the Lakeshore community and receives annual financial grants from Lakeshore.

Administration has been approached to lend support to the Museum with an application to Farm Credit Canada as part of the Agri Spirit Fund.

The Agri Spirit fund provides between \$5,000 to \$25,000 to projects that qualify in city or town of fewer than 150,000 people or an indigenous community.

The deadline for the application to FCC is April 29th, 2022

Comments

The Maidstone and Area Historical Society are asking the Municipality of Lakeshore to partner on the FCC Agri Spirit Fund grant application and act as MAHS trustee to accept and hold the funding to purchase a 10x10 mini barn. The purpose of this portable mini barn is to give the MAHS a seasonal place to display the many great posters and education material that the Canadian Wildlife Federation has donated to MAHS to further the endeavours of our Heritage Native Gardens. The mini barn can also double as much needed winter storage area for the MAHS garden benches and planters.

Administration is seeking a resolution of Council in support of the grant application (as requested by the Historical Society) and seeking the necessary direction to ensure that authority is delegated to sign any documents required to obtain and receive the funding.

Others Consulted

Victoria Beaulieu, Maidstone and Area Historical Society

Financial Impacts

The Maidstone and Area Historical Society will be responsible for the cost of the building, and it will be funded by the grant application should it be successful.

Based on quotes obtained, the cost of the barn the estimated cost is \$8,100.

Attachments

Submission Documents from MAHS

Report Approval Details

Document Title:	Maidstone and Area Historical Society Grant Support.docx
Attachments:	- Maidstone and Area Historical Society submission.pdf
Final Approval Date:	Apr 20, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Justin Rousseau

Approved by Truper McBride

Maidstone & Area Historical Society
Pollinator Info Centre
Phase #3 of the Maidstone Museum Renovations

April 8, 2022

Municipality of Lakeshore
419 Notre Dame St
Belle River, On N0R 1A0

Att: Justin Rousseau

Dear Mr. Rousseau

MAHS is looking to complete the final phase of its renovations. Along with the museum the MAHS houses a beautiful established Heritage Native Garden Program that was started 15 years ago in partnership with ERCA and a watershed grant. The gardens recently were certified in 2020 by the Canadian Wildlife Federation as a wildlife friendly habitat. There are now over 50 different species of native trees, shrubs and plants all with a purpose of medicinal, edible or dying of fabric. Many of the plants are used in Indigenous medicines. In this native collection MAHS is very proud of some rare species flourishing such as fruit bearing Paw Paw trees and a Cucumber tree.

MAHS has developed a number of educational programs based on the gardens not just from heritage aspect but also the conservation aspect of how important these species play in the live of pollinators and how by creating these types of environment we are assisting in a healthy environment especially being in a rural area where farming relays on the cross pollination to ensure crops. MAHS hold annual Butterfly, Bee and Hummingbird Days for families in the Essex County communities. These educational fun family days provide information about pollinators and information on how to start a native garden anything from a pot to a yard garden. The gardens also provide a tranquil setting for people to just come and enjoy nature.

This year MAHS is pleased to announce the completion of a metamorphous observation unit where you can watch nature at its best as butterflies go from eggs to butterflies a welcome addition to our butterfly garden.

To complete this 15 year project and to further educate our community we are asking the Municipality of Lakeshore to partner on the FCC Agri Spirit Fund grant application and act as MAHS trustee to accept and hold the funding to purchase a 10x10 mini barn from Old Hickory Buildings of Canada. The purpose of this portable mini barn is to give the MAHS a seasonal place to display the many great posters and education material that the Canadian Wildlife Federation has donated to us to further the endeavours of our Heritage Native Gardens. The mini barn can also double as much needed winter storage area for the MAHS garden benches and planters.

MAHS is looking forward to working with the Municipality of Lakeshore once again to offer new and exciting amenities for families in our vibrant community.

Sincerely yours,



Victoria Beaulieu, Pres
Maidstone and Area Historical Society



FCC AgriSpirit Fund

Do you have a capital project that will enrich lives in your rural community? The FCC AgriSpirit Fund may provide between \$5,000 to \$25,000 to projects that qualify in a city or town of fewer than 150,000 people, or an Indigenous community.

Applications are closed and will re-open April, 2022.

Types of projects we consider:

- Refrigeration and equipment to support food waste reduction and recovery
- Construction of or upgrades to a hospital, medical centre, childcare facility, rink or sportsplex
- Firefighting and rescue equipment
- Play structures and recreation areas
- Renovations or upgrades that reduce a building's energy footprint

[View all past projects](#)

Who can apply?

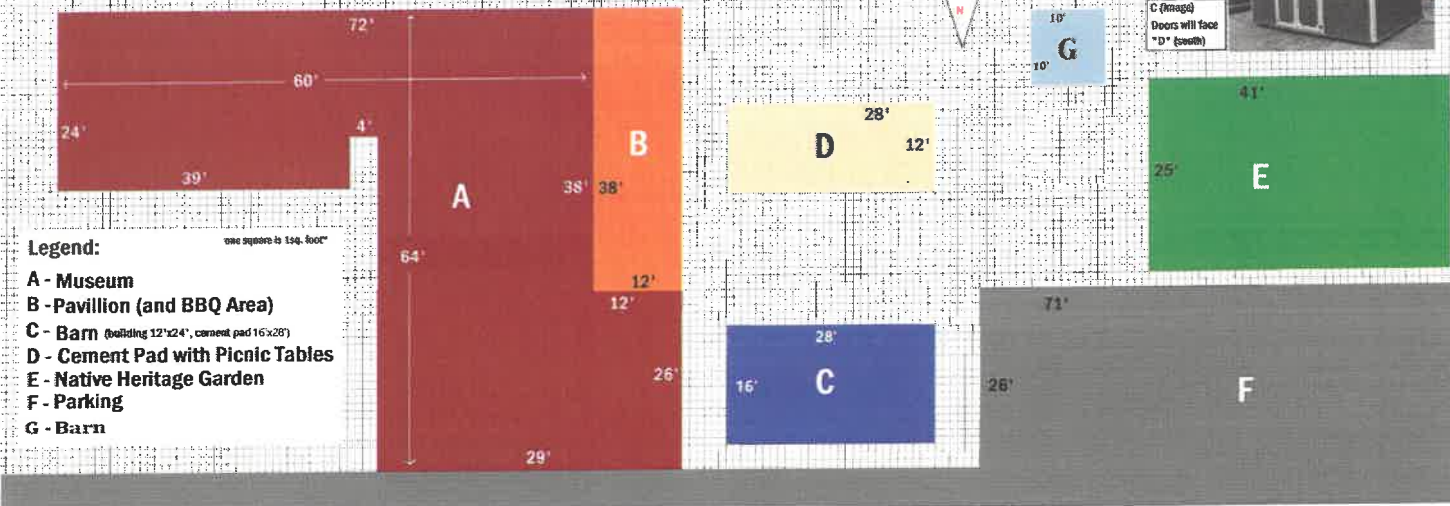
- [Charities registered with the Canada Revenue Agency](#)
- Non-profit organizations who partner with a municipal body, territorial or provincial government; the municipal body must agree to receive contributed money
- Town or city under 150,000 people, rural municipality
- First Nations band or Métis settlement
- Organizations that have not received AgriSpirit funding in the past four years
- Note: FCC employees and their immediate family members cannot apply on behalf of an organization

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Phase 3 - Renovations **Maidstone Bicentennial Museum**



Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Kristina Brcic, Team Leader – Development Approvals

Date: April 14, 2022

Subject: Bill 109 and Proposed Changes to the Planning Act

Recommendation

Direct Administration to submit official comments on behalf of the Municipality of Lakeshore to inform the Ministry of Municipal Affairs and Housing that the Municipality of Lakeshore does not support the incremental refund scale for land use planning applications as proposed in the *More Homes for Everyone Act, 2022*, due to the negative impact on municipal revenue, as presented at the April 26, 2022 Council meeting.

Background

In 2019, the Ontario government implemented the More Homes, More Choice: Ontario's Housing Supply Action Plan. In late 2021, nine industry leaders and experts were appointed to create the Task Force and provide the government with recommendations on further opportunities to address housing affordability. The Task Force's core area of focus is reduced red tape and accelerate timelines for home construction. These same points were raised in the Ontario Housing Affordability Task Force report to the Minister of Municipal Affairs and Housing dated February 8, 2022.

As a result, Bill 109 was read a first time on March 30, 2022 which included proposed changes to the Planning Act as part of the *More Homes for Everyone Act, 2022*. The proposed changes to the current land use planning system in Ontario would primarily benefit businesses by expediting development approval processes, increasing certainty, removing barriers, and enabling more timely

The *More Homes for Everyone Act, 2022* (Bill 109) received royal assent on April 14, 2022. However, some provisions come into force immediately while others come into force July 1, 2022 or January 1, 2023.

The public comment period, through the Ministry of Municipal Affairs and Housing, remains open until April 29, 2022.

Comments

Schedule 5 of Bill 109 (Appendix A) identifies the amendments and impacts that Bill 109 will have on the current *Planning Act*. Below is a brief explanation on the proposed key legislative changes to the *Planning Act* affecting the Municipality of Lakeshore.

Incremental Application Refunds

Bill 109 would implement changes in the current time frames for making decisions on amendments to the zoning by-law and official plan, as well as site plan applications. The Bill will also introduce an incremental refund scale in which the municipality would be responsible for providing a refund for the planning fees paid, based on no decision shown in the table below. This would apply to applications made on or before January 1, 2023.

Refund amount	Days following application of no decision		Days following failure to approve Site Plan
	Zoning By-law Amendment	Zoning By-law and concurrent Official Plan Amendment	
50%	90	120	60
75%	150	180	90
100%	180	240	120

Site Plan and Subdivision

Bill 109 intends to extend the clock for site plan approval from 30 days to 60 days before an applicant can appeal the site plan application to the Ontario Land Tribunal (OLT). In order to streamline development, decisions on site plan applications will be delegated to staff for applications made on or after July 1, 2022. With that, municipalities would be required to declare whether a site plan application is complete within 30 days of submission. In the case where the applicant is not informed of a complete application in 30 days, and the OLT determines whether a complete application has been submitted. Additionally, municipalities will be able to reinstate draft plans of subdivision that have lapsed within the past five years.

Community Infrastructure and Housing Accelerator

Bill 109 would establish a new Community Infrastructure Housing Accelerator (CIHA) tool to expedite zoning outside of the Greenbelt for priority community and housing projects. The CIHA tool would enable local municipalities to request a Community Infrastructure and Housing Accelerator order to regulate the use of land in a defined area and include other site specifics to permit certain types of development. The zoning order would not have to be consistent with the Provincial Policy Statement or conform to

any official plan or provincial plans. However, the CIHA tool will outline the requirements for involving the public through consultation and notice.

Official Plans and Amendments

Bill 109 looks to provide the Minister of Municipal Affairs and Housing the authority to “stop the clock” if additional time is required to decide on all official plan matters subject to the Minister’s approval, in comparison to the 120 days currently permitted under the Act. Thus, the Minister would be able to refer an official plan or official plan amendment to the Tribunal to either make a recommendation back to a Minister or make a final decision.

Financial Impacts

Currently, there are no financial impacts. However, once Bill 109 receives Royal Assent, we can expect changes will be required to our current application processes and increased volume of applications which will require more staff time to implement.

Should Council wish to provide comments to the province prior to the deadline of April 29, 2022, it is recommended that comments be submitted which state that Lakeshore does not support the incremental refund scale for land use planning applications, as it would have a negative impact on Municipal revenue, as per the Recommendation section of this report.

Attachments

Appendix A – Bill 109

Report Approval Details

Document Title:	Memo on Bill 109 and Proposed Changes to the Planning Act.docx
Attachments:	- Appendix A - Bill 109.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Kristina Brcic

Submitted by Aaron Hair

Approved by Tammie Ryall, Justin Rousseau and Truper McBride

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

2ND SESSION, 42ND LEGISLATURE, ONTARIO
71 ELIZABETH II, 2022

Bill 109

**An Act to amend the various statutes with respect to housing,
development and various other matters**

The Hon. S. Clark

Minister of Municipal Affairs and Housing

Government Bill

1st Reading March 30, 2022

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

SCHEDULE 1 CITY OF TORONTO ACT, 2006

The Schedule makes various amendments to section 114 of the *City of Toronto Act, 2006*. Here are some highlights:

1. Subsection (4) is replaced with a number of subsections that set out the rules respecting consultations with the City before plans and drawings are submitted for approval and respecting completeness of applications made under this section.
2. New subsection (5.1) provides for the appointment of an authorized person for the purposes of subsection (5). Various related amendments are made to section 114.
3. New subsection (14.1) provides for rules respecting when the City is required to refund fees paid to it pursuant to the *Planning Act*.

An associated provision respecting regulations is also added to the Act as section 122.2.

SCHEDULE 2 DEVELOPMENT CHARGES ACT, 1997

The Schedule amends the *Development Charges Act, 1997* with respect to the publication of the statement of the treasurer under section 43 of the Act.

SCHEDULE 3 NEW HOME CONSTRUCTION LICENSING ACT, 2017

The Schedule amends the *New Home Construction Licensing Act, 2017* as follows:

1. Section 38 is amended to provide that the registrar may consider whether the activities of an applicant are, or will be if issued a licence, in contravention of the Act, the regulations or prescribed legislation.
2. Section 56 is amended to preserve the registrar's powers to receive complaints, request information from licensees about complaints and mediate or resolve complaints. Section 56.1 is added to give certain powers to the registrar if the registrar believes a licensee has contravened the Act, the regulations or prescribed legislation.
3. Section 57 is amended to increase the maximum fine to \$50,000 if a licensee is an individual and \$100,000 if a licensee is not an individual. Also, the discipline committee may impose a fine above the maximum amount if the licensee received a monetary benefit from failing to comply with the code of ethics. Last, the committee must consider any prior determination of the committee that a licensee failed to comply with the code of ethics and, subject to the maximum fine amount, may impose a more severe fine on the licensee.
4. Section 71 is amended to provide that in addition to any other penalty imposed by the court and despite the maximum fine, the court that convicts a person or entity of an offence may increase a fine imposed on the person or entity if the person or entity received a monetary benefit as a result of the commission of the offence.
5. Section 76 is amended to provide that an assessor may impose an administrative penalty if a person has contravened or is contravening a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it. This section is also amended to increase the maximum administrative penalty to \$25,000 and to provide that an assessor may impose a penalty against a person above the maximum amount if the person received a monetary benefit as a result of a contravention.
6. Section 84 is amended to grant the Minister the power to make regulations governing fines that the discipline committee or the appeals committee may impose.

SCHEDULE 4 ONTARIO NEW HOME WARRANTIES PLAN ACT

The Schedule amends the *Ontario New Home Warranties Plan Act*.

Clause 22.1 (1) (j) is amended to provide that the Lieutenant Governor in Council may make regulations extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3).

Section 23 is amended in two ways with respect to the by-law making power of the Corporation designated under the Act. First, clause 23 (1) (j) is amended to provide that the Corporation may specify warranties under clause 13 (1) (c) and the time of expiration of those warranties. Second, clause 23 (1) (j.1) is added to provide for a similar amendment as in clause 22.1 (1) (j), but the Corporation's power is subject to a regulation made under clause 22.1 (1) (j) and the approval of the Minister.

Technical amendments to update cross-references in the Act are also made.

**SCHEDULE 5
PLANNING ACT**

The Schedule makes various amendments to the *Planning Act*. Here are some highlights:

1. New subsections 17 (40.1) to (40.1.3) provide rules respecting when the Minister as an approval authority can provide notice to suspend the period of time after which there may be appeals of the failure to make a decision in respect of a plan.
2. New subsections 17 (55) to (64) provide a process for the Minister as an approval authority to refer plans to the Ontario Land Tribunal for a recommendation or a decision.
3. New subsection 34 (10.12) provides rules respecting when municipalities are required to refund fees in respect of applications under that section.
4. An additional type of Minister's order is added to the Act in section 34.1. These orders are made by the Minister at the request of a municipality. This section sets out the process and rules respecting such orders.
5. New subsections 37 (54) to (59) require regular reviews of community benefits charge by-laws and provide rules respecting such reviews.
6. A number of amendments are made to section 41. A number of subsections are added that set out the rules respecting consultations with municipalities before plans and drawings are submitted for approval and respecting completeness of applications made under this section. New subsection (4.0.1) provides for the appointment of an authorized person for the purposes of subsection (4). New subsection (11.1) provides for rules respecting when municipalities are required to refund fees.
7. Amendments are made to sections 42 and 51.1 with respect to parkland requirements on land designated as transit-oriented community land under the *Transit-Oriented Communities Act, 2020*.
8. New rules are added to section 51 with respect to extensions of approvals by approval authorities.
9. New section 70.3.1 provides the Minister with authority to make certain regulations respecting surety bonds and other instruments in connection with approvals with respect to land use planning.

**An Act to amend the various statutes with respect to housing,
development and various other matters**

CONTENTS

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	City of Toronto Act, 2006
Schedule 2	Development Charges Act, 1997
Schedule 3	New Home Construction Licensing Act, 2017
Schedule 4	Ontario New Home Warranties Plan Act
Schedule 5	Planning Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Contents of this Act

1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.

Commencement

2 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) The Schedules to this Act come into force as provided in each Schedule.

(3) If a Schedule to this Act provides that any of its provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.

Short title

3 The short title of this Act is the *More Homes for Everyone Act, 2022*.

**SCHEDULE 1
CITY OF TORONTO ACT, 2006**

1 (1) Subsection 114 (4) of the *City of Toronto Act, 2006* is repealed and the following substituted:

Consultation

(4) The City may, by by-law, require applicants to consult with the City before submitting plans and drawings for approval under subsection (5).

Same

(4.1) Where a by-law referred to in subsection (4) does not apply, the City shall permit applicants to consult with the City as described in that subsection.

Prescribed information

(4.2) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the City.

Other information

(4.3) The City may require that an applicant provide any other information or material that the City considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.

Refusal and timing

(4.4) Until the City has received the plans and drawings referred to in subsection (5), the information and material required under subsections (4.2) and (4.3), if any, and any fee under section 69 of the *Planning Act*,

- (a) the City may refuse to accept or further consider the application; and
- (b) the time period referred to in subsection 114 (15) of this Act does not begin.

Response re completeness of application

(4.5) Within 30 days after the applicant pays any fee under section 69 of the *Planning Act*, the City shall notify the person or public body that the plans and drawings referred to in subsection 114 (5) of this Act and the information and material required under subsections (4.2) and (4.3), if any, have been provided, or that they have not been provided, as the case may be.

Motion re dispute

(4.6) Within 30 days after a negative notice is given under subsection (4.5), the applicant or the City may make a motion for directions to have the Ontario Land Tribunal determine,

- (a) whether the plans and drawings and the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (4.3) is reasonable.

Same

(4.7) If the City does not give any notice under subsection (4.5), the applicant may make a motion under subsection (4.6) at any time after the 30-day period described in subsection (4.5) has elapsed.

Final determination

(4.8) The Ontario Land Tribunal's determination under subsection (4.6) is not subject to appeal or review.

(2) Subsection 114 (5) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Approval of plans or drawings

(5) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (5.1) or, where an appeal has been made under subsection (15), the Ontario Land Tribunal has approved one or both, as the authorized person may determine, of the following:

.

(3) Section 114 of the Act is amended by adding the following subsection:

Authorized person

(5.1) If the City passes a by-law under subsection (2), the City shall appoint an officer, employee or agent of the City as an authorized person for the purposes of subsection (5).

(4) Section 114 of the Act is amended by adding the following subsection:

Refund

(14.1) With respect to plans and drawings referred to in subsection (5) that are submitted on or after the day subsection 1 (4) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force, the City shall refund any fee paid pursuant to section 69 of the *Planning Act* in respect of the plans and drawings in accordance with the following rules:

1. If the City approves the plans or drawings under subsection 114 (5) of this Act within the time period referred to in subsection 114 (15) of this Act, the City shall not refund the fee.
2. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within the time period referred to in subsection 114 (15) of this Act, the City shall refund 50 per cent of the fee.
3. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within a time period that is 30 days longer than the time period referred to in subsection 114 (15) of this Act, the City shall refund 75 per cent of the fee.
4. If the City has not approved the plans or drawings under subsection 114 (5) of this Act within a time period that is 60 days longer than the time period referred to in subsection 114 (15) of this Act, the City shall refund all of the fee.

(5) Subsection 114 (15) of the Act is amended by striking out “30” and substituting “60”.

(6) Subsection 114 (17) of the Act is repealed and the following substituted:

Classes of development, delegation

(17) Where the City has designated a site plan control area under this section, the City may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (5).

(7) Subsection 114 of the Act is amended by adding the following subsection:

Transition

(18) This section as it read immediately before the day subsection 1 (7) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (5) of this Act before that day.

(8) Subsection 114 of the Act is amended by adding the following subsection:

Same

(19) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (5) on or after the day subsection 1 (7) of Schedule 1 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.

2 The Act is amended by adding the following section:

Regulations re s. 114 (4.2)

122.2 The Minister of Municipal Affairs and Housing may make regulations prescribing information and materials for the purposes of subsection 114 (4.2).

Commencement

3 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Subsections 1 (2), (3), (6) and (8) come into force on the later of July 1, 2022 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(3) Subsection 1 (4) comes into force on the later of January 1, 2023 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 2
DEVELOPMENT CHARGES ACT, 1997

1 Subsection 43 (2.1) of the *Development Charges Act, 1997* is repealed and the following substituted:

Statement available to public

(2.1) The council shall ensure that the statement is made available to the public,

- (a) by posting the statement on the website of the municipality or, if there is no such website, in the municipal office; and
- (b) in such other manner and in accordance with such other requirements as may be prescribed.

2 Subsection 60 (1) of the Act is amended by adding the following clause:

(t.0.1) prescribing the manner in which a statement is to be made available and other requirements for the purposes of clause 43 (2.1) (b);

Commencement

3 This Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 3
NEW HOME CONSTRUCTION LICENSING ACT, 2017

1 Clause 38 (1) (c) of the *New Home Construction Licensing Act, 2017* is repealed and the following substituted:

- (c) neither the applicant, nor any interested person in respect of the applicant, has carried on or is carrying on activities,
 - (i) that are in contravention of this Act or the regulations, or that will be in contravention of this Act or the regulations if the applicant is issued a licence, or
 - (ii) that are in contravention of prescribed legislation, or that will be in contravention of prescribed legislation if the applicant is issued a licence;

2 Section 56 of the Act is repealed and the following substituted:

Complaints

56 (1) The registrar may,

- (a) receive complaints concerning conduct that may be in contravention of this Act, the regulations or prescribed legislation;
- (b) make written requests to licensees for information regarding complaints; and
- (c) attempt to mediate or resolve complaints, as appropriate, concerning any conduct that comes to the registrar's attention that may be in contravention of this Act, the regulations or prescribed legislation.

Request for information

(2) A request made under clause (1) (b) shall indicate the nature of the complaint.

Duty to comply

(3) A licensee who receives a request made under clause (1) (b) shall provide the requested information to the registrar.

Registrar's powers

56.1 If the registrar is of the opinion, whether as a result of a complaint or otherwise, that a licensee has contravened any provision of this Act, the regulations or prescribed legislation, the registrar may do any of the following, as the registrar considers appropriate:

1. Give the licensee a written warning, stating that if the licensee continues with the activity that led to the alleged contravention, action may be taken against the licensee.
2. Require the licensee to take further educational courses.
3. Require the licensee, in accordance with the terms, if any, that the registrar specifies, to fund educational courses for persons that the licensee employs or to arrange and fund the courses.
4. Refer the matter, in whole or in part, to the discipline committee.
5. Take an action under section 40, subject to section 43.
6. Take further action as is appropriate in accordance with this Act.

3 (1) Paragraph 3 of subsection 57 (4) of the Act is repealed and the following substituted:

3. Impose such fine as the committee considers appropriate, subject to subsections (4.1), (4.2) and (4.3), to be paid by the licensee to the regulatory authority or, if there is no regulatory authority, to the Minister of Finance.

(2) Section 57 of the Act is amended by adding the following subsections:

Maximum fines

(4.1) Subject to subsection (4.2), the maximum amount of the fine mentioned in paragraph 3 of subsection (4) is,

- (a) \$50,000, or such lesser amount as may be prescribed, if the licensee is an individual; or
- (b) \$100,000, or such lesser amount as may be prescribed, if the licensee is not an individual.

Same, monetary benefit

(4.2) The total amount of the fine referred to in subsection (4.1) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the licensee as a result of a failure to comply with the code of ethics.

Same, prior determination

(4.3) In making its order to impose a fine under paragraph 3 of subsection (4), the discipline committee shall consider any prior determination of the committee that the licensee failed to comply with the code of ethics and, subject to the maximum amount of the fine referred to in subsection (4.1), may impose a more severe fine having regard to the prior determination.

4 Section 71 of the Act is amended by adding the following subsection:

Same, monetary benefit

(4.1) In addition to any other penalty imposed by the court and despite the maximum fine referred to in subsection (4), the court that convicts a person or entity of an offence under this section may increase a fine imposed on the person or entity by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person or entity as a result of the commission of the offence.

5 (1) Subsection 76 (1) of the Act is repealed and the following substituted:

Order

76 (1) An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

- (a) a prescribed provision of this Act or the regulations;
- (b) a condition of a licence, if the person is the licensee;
- (c) a prescribed provision of the *Ontario New Home Warranties Plan Act* or the regulations or the by-laws of the warranty authority made under it; or
- (d) a prescribed provision of the *Protection for Owners and Purchasers of New Homes Act, 2017* or the regulations made under it.

(2) Subsection 76 (4) of the Act is repealed and the following substituted:

Amount

(4) Subject to subsection (4.1), the amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed \$25,000.

Same, monetary benefit

(4.1) The total amount of the administrative penalty referred to in subsection (4) may be increased by an amount equal to the amount of the monetary benefit acquired by or that accrued to the person as a result of the contravention.

6 Subsection 84 (1) of the Act is amended by adding the following clause:

- (g.1) governing fines that the discipline committee or the appeals committee may impose, including the criteria to be considered in determining the amount, the procedure for making an order for a fine and the rights of the parties affected by the procedure;

Rebuilding Consumer Confidence Act, 2020

7 Section 17 of Schedule 4 to the *Rebuilding Consumer Confidence Act, 2020* is repealed.

Commencement

8 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Section 5 comes into force on the later of the day section 76 of Schedule 1 to the *Strengthening Protection for Ontario Consumers Act, 2017* comes into force and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 4
ONTARIO NEW HOME WARRANTIES PLAN ACT

1 Clause 22.1 (1) (j) of the *Ontario New Home Warranties Plan Act* is repealed and the following substituted:

- (j) extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3);

2 (1) Clause 23 (1) (g) of the Act is amended by striking out “22.1 (l) or (v)” and substituting “22.1 (1) (l) or (v)”.

(2) Clause 23 (1) (j) of the Act is repealed and the following substituted:

- (j) subject to the approval of the Minister, specifying warranties under clause 13 (1) (c) and the time of expiration of those warranties;

(3) Subsection 23 (1) of the Act is amended by adding the following clause:

- (j.1) subject to a regulation described in clause 22.1 (1) (j) and to the approval of the Minister, extending the time of expiration of a warranty provided for under subsection 13 (1), including establishing any conditions for such an extension, in respect of an item that is missing or remains unfinished or work performed or materials supplied after the date specified in the certificate under subsection 13 (3);

(4) Clause 23 (1) (m.1) of the Act is amended by striking out “22.1 (t)” and substituting “22.1 (1) (t)”.

Commencement

3 This Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

SCHEDULE 5 PLANNING ACT

1 Section 17 of the *Planning Act* is amended by adding the following subsections:

Notice to suspend time period

(40.1) If the approval authority in respect of a plan is the Minister, the Minister may suspend the time period described in subsection (40) by giving notice of the suspension to the municipality that adopted the plan and, in the case of a plan amendment adopted in response to a request under section 22, to the person or public body that requested the amendment.

Same

(40.1.1) The effect of a suspension under subsection (40.1) is to suspend the time period referred to in subsection (40) until the date the Minister rescinds the notice, and the period of the suspension shall not be included for the purposes of counting the period of time described in subsection (40).

Same

(40.1.2) For greater certainty, the Minister may make a decision under subsection (34) in respect of a plan that is the subject of a notice provided under subsection (40.1) even if the notice has not been rescinded.

Same, retroactive deemed notice

(40.1.3) If a plan was received by the Minister on or before March 30, 2022, a decision respecting the plan has not been made under subsection (34) before that day and no notice of appeal in respect of the plan was filed under subsection (40) before that day,

- (a) the plan shall be deemed to have been received by the Minister on March 29, 2022; and
- (b) the Minister shall be deemed to have given notice under subsection (40.1) on March 30, 2022.

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Referral to Tribunal for recommendation

(55) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer all or part of the plan to the Tribunal for a recommendation.

Record to Tribunal

(56) If the Minister refers all or part of a plan to the Tribunal under subsection (55) or (61), the Minister shall ensure that a record is compiled and provided to the Tribunal.

Recommendation

(57) If the Minister refers all or part of a plan to the Tribunal under subsection (55), the Tribunal shall make a written recommendation to the Minister stating whether the Minister should approve the plan or part of the plan, make modifications and approve the plan or part of the plan as modified or refuse the plan or part of the plan and shall give reasons for the recommendation.

Hearing or other proceeding by Tribunal

(58) Before making a recommendation under subsection (57), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

- (a) the municipality that adopted the plan; and
- (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council.

Copy of recommendation

(59) A copy of the recommendation of the Tribunal shall be sent to each person who appeared before the Tribunal and to any person who in writing requests a copy of the recommendation.

Decision on plan

(60) After considering the recommendation of the Tribunal, the Minister may proceed to make a decision under subsection (34).

Referral to Tribunal for decision

(61) If the approval authority in respect of a plan is the Minister, the Minister may, before making a decision under subsection (34), refer the plan to the Tribunal for a decision.

Hearing by Tribunal

(62) If the Minister refers a plan to the Tribunal under subsection (61), the Tribunal may hold a hearing or other proceeding and if the Tribunal does so, it shall provide notice of such hearing or other proceeding to,

- (a) the municipality that adopted the plan; and
- (b) any person or public body who, before the plan was adopted, made oral submissions at a public meeting or made written submissions to the council.

Decision by Tribunal

(63) Subsections (50) and (50.1) apply, with necessary modifications, to a referral for a decision made under subsection (61).

Referral of matters in process

(64) For greater certainty, a plan that was submitted to the Minister for approval prior to the day section 1 of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force may be the subject of a referral under subsection (55) or (61) if a decision respecting the plan has not yet been made under subsection (34).

2 Section 19.1 of the Act is amended by striking out “34 to 39” and substituting “34, 35 to 39”.

3 Subsection 21 (3) of the Act is repealed and the following substituted:

Exception

(3) Subsection 17 (36.5) applies to an amendment only if it is,

- (a) an amendment that has been the subject of a referral to the Tribunal for a recommendation pursuant to subsection 17 (55); or
- (b) a revision that is adopted in accordance with section 26.

4 (1) Clause 34 (10.3) (b) of the Act is amended by adding “or (11.0.0.0.1), as the case may be,” after “subsection (11)”.

(2) Section 34 of the Act is amended by adding the following subsection:

Refund of fee

(10.12) With respect to an application received on or after the day subsection 4 (2) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the application in accordance with the following rules:

1. If the municipality makes a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall not refund the fee.
2. If the municipality fails to make a decision on the application within the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 50 per cent of the fee.
3. If the municipality fails to make a decision on the application within the time period that is 60 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund 75 per cent of the fee.
4. If the municipality fails to make a decision on the application within the time period that is 120 days longer than the time period referred to in subsection (11) or (11.0.0.0.1), as the case may be, the municipality shall refund all of the fee.

5 The Act is amended by adding the following section:

Minister’s order at request of municipality

Request for order

34.1 (1) The council of a municipality may pass a resolution requesting that the Minister,

- (a) make an order that involves the exercise of the municipality’s powers under section 34, or that may be exercised in a development permit by-law; or
- (b) amend an order made under subsection (9) of this section.

No delegation

(2) A council may not delegate its powers under subsection (1).

Content of resolution

(3) A resolution referred to in clause (1) (a) shall identify,

- (a) the lands to which the requested order would apply; and

- (b) the manner in which the exercise of the municipality's powers under section 34, or that may be exercised in a development permit by-law, would be exercised in respect to the lands.

Same

- (4) A resolution referred to in clause (1) (b) shall identify the requested amendments to the order.

Same

- (5) For greater certainty, the inclusion of a draft by-law with the resolution shall be deemed to satisfy the requirements of clause (3) (b) or subsection (4), as the case may be.

Consultation

- (6) Before passing a resolution referred to in subsection (1), the municipality shall,
- (a) give notice to the public in such manner as the municipality considers appropriate; and
 - (b) consult with such persons, public bodies and communities as the municipality considers appropriate.

Forwarding to Minister

- (7) Within 15 days after passing a resolution referred to in subsection (1), the municipality shall forward to the Minister,
- (a) a copy of the resolution;
 - (b) a description of the consultation undertaken pursuant to clause (6) (b);
 - (c) a description of any licences, permits, approvals, permissions or other matters that would be required before a use that would be permitted by the requested order could be established; and
 - (d) any prescribed information and material.

Other information

- (8) The Minister may require the council to provide such other information or material that the Minister considers necessary.

Orders

- (9) The Minister may make an order,
- (a) upon receiving a request from a municipality under subsection (1), exercising the municipality's powers under section 34, or that may be exercised in a development permit by-law, in the manner requested by the municipality with such modifications as the Minister considers appropriate; and
 - (b) upon receiving a request from the municipality or at such other time as the Minister considers advisable, amending the order made under clause (a).

Lands covered by orders

- (10) An order under subsection (9) shall apply to the lands requested by the municipality with such modifications as the Minister considers appropriate.

Non-application to Greenbelt Area

- (11) An order under subsection (9) may not be made in respect of any land in the Greenbelt Area.

Non-application to order

- (12) Despite any Act or regulation, the following do not apply to the making of an order under subsection (9):
- 1. A policy statement issued under subsection 3 (1).
 - 2. A provincial plan.
 - 3. An official plan.

Conditions

- (13) The Minister may, in an order under subsection (9), impose such conditions on the use of land or the erection, location or use of buildings or structures as in the opinion of the Minister are reasonable.

Same

- (14) When a condition is imposed under subsection (13),
- (a) the Minister or the municipality in which the land in the order is situate may require an owner of the land to which the order applies to enter into an agreement with the Minister or the municipality, as the case may be;
 - (b) the agreement may be registered against the land to which it applies; and

- (c) the Minister or the municipality, as the case may be, may enforce the agreement against the owner and, subject to the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.

Application of subs. (12) to licences, etc.

(15) If a licence, permit, approval, permission or other matter is required before a use permitted by an order under subsection (9) may be established and the resolution referred to in subsection (1) includes a request that the Minister act under this subsection, the Minister may, in an order under subsection (9), provide that subsection (12) applies, with necessary modifications, to such licence, permit, approval, permission or other matter.

Coming into force

(16) An order made under subsection (9) comes into force in accordance with the following rules:

1. If no condition has been imposed under subsection (13), the order comes into force on the day the order is made or on such later day as is specified in the order.
2. If a condition has been imposed under subsection (13), the order comes into force on the later of,
 - i. the day the Minister gives notice to the clerk of the municipality that the Minister is satisfied that all conditions have been or will be fulfilled, and
 - ii. the day specified in the order.

Copy of order to clerk

(17) After making an order under subsection (9), the Minister shall provide a copy of the order to the clerk of the municipality in which the land in the order is situate.

Same, conditions fulfilled

(18) When the Minister gives notice to the clerk for the purposes of subparagraph 2 i of subsection (16), the Minister shall provide a copy of the order that does not include the conditions imposed under subsection (13).

Same, not revocation

(19) For greater certainty, the provision of a copy of the order that does not include the conditions imposed under subsection (13) is not a revocation of the order originally provided to the clerk.

Publication and availability

(20) The following publication rules apply with respect to an order under subsection (9):

1. Within 15 days after receiving a copy of the order pursuant to subsection (17) or (18), as the case may be, the clerk shall,
 - i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
 - ii. make the order available to the public in accordance with the regulations, if any.
2. The clerk shall ensure that the order remains available to the public until such time as the order is revoked.
3. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website.

Revocation order

(21) The Minister may, by order, revoke an order under subsection (9).

Copy of revocation order to clerk

(22) The Minister shall provide a copy of an order under subsection (21) to the clerk of the municipality in which the land is situate.

Publication of revocation order

(23) The following publication rules apply with respect to an order under subsection (21):

1. Within 15 days after receiving a copy of the order pursuant to subsection (22), the clerk shall,
 - i. provide a copy of the order to the owner of any land subject to the order and to any other prescribed persons or public bodies, and
 - ii. make the order available to the public in accordance with the regulations, if any.
2. If the municipality in which the lands subject to the order are situate has a website, the clerk shall ensure that the order is published on such website.

Conflict

(24) In the event of a conflict between an order under subsection (9) and a by-law under section 34 or 38 or a predecessor of those sections, the order prevails to the extent of the conflict, but in all other respects the by-law remains in full force and effect.

Guidelines

(25) Before an order may be issued under subsection (9), the Minister must establish guidelines respecting orders under subsection (9) and publish the guidelines in accordance with subsection (26).

Same, publishing

(26) The Minister shall publish and maintain the guidelines established under subsection (25) on a website of the Government of Ontario.

Same, content

(27) Guidelines under subsection (25) may be general or particular in application and may, among other matters, restrict orders to certain geographic areas or types of development.

Non-application of *Legislation Act, 2006*, Part III

(28) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order under subsection (9) or (21) or to a guideline under subsection (25).

Deemed zoning by-law

(29) An order under subsection (9) that has come into force is deemed to be a by-law passed under section 34 for the purposes of the following:

1. Subsections 34 (9), 41 (3) and 47 (3) of this Act.
2. Sections 46, 49, 67 and 67.1 of this Act.
3. Subsection 114 (3) of the *City of Toronto Act, 2006*.
4. The *Building Code Act, 1992*.
5. Any other prescribed Act, regulation or provision of an Act or regulation.

6 Section 37 of the Act is amended by adding the following subsections:**Regular review of by-law**

(54) If a community benefits charge by-law is in effect in a local municipality, the municipality shall ensure that a review of the by-law is undertaken to determine the need for a revision of the by-law.

Same, consultation

(55) In undertaking the review required under subsection (54), the municipality shall consult with such persons and public bodies as the municipality considers appropriate.

Resolution re need for revision

(56) After conducting a review under subsection (54), the council shall pass a resolution declaring whether a revision to the by-law is needed.

Timing of review

(57) A resolution under subsection (56) shall be passed at the following times:

1. Within five years after the by-law was first passed.
2. If more than five years have passed since the by-law was first passed, within five years after the previous resolution was passed pursuant to subsection (56).

Notice

(58) Within 20 days of passing a resolution pursuant to subsection (56), the council shall give notice, on the website of the municipality, of the council's determination regarding whether a revision to the by-law is needed.

Failure to pass resolution

(59) If the council does not pass a resolution pursuant to subsection (56) within the relevant time period set out in subsection (57), the by-law shall be deemed to have expired on the day that is five years after the by-law was passed or five years after the previous resolution was passed pursuant to subsection (56), as the case may be.

7 (1) Subsection 41 (3.1) of the Act is repealed and the following substituted:

Consultation

(3.1) The council may, by by-law, require applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4).

Same

(3.2) Where a by-law referred to in subsection (3.1) does not apply, the municipality shall permit applicants to consult with the municipality as described in that subsection.

Prescribed information

(3.3) If information or materials are prescribed for the purposes of this section, an applicant shall provide the prescribed information and material to the municipality.

Other information

(3.4) A municipality may require that an applicant provide any other information or material that the municipality considers it may need, but only if the official plan contains provisions relating to requirements under this subsection.

Refusal and timing

(3.5) Until the municipality has received the plans and drawings referred to in subsection (4), the information and material required under subsections (3.3) and (3.4), if any, and any fee under section 69,

- (a) the municipality may refuse to accept or further consider the application; and
- (b) the time period referred to in subsection (12) of this section does not begin.

Response re completeness of application

(3.6) Within 30 days after the applicant pays any fee under section 69, the municipality shall notify the person or public body that the plans and drawings referred to in subsection (4) and the information and material required under subsections (3.3) and (3.4), if any, have been provided, or that they have not been provided, as the case may be.

Motion re dispute

(3.7) Within 30 days after a negative notice is given under subsection (3.6), the applicant or municipality may make a motion for directions to have the Tribunal determine,

- (a) whether the plans and drawings and the information and material have in fact been provided; or
- (b) whether a requirement made under subsection (3.4) is reasonable.

Same

(3.8) If the municipality does not give any notice under subsection (3.6), the applicant may make a motion under subsection (3.7) at any time after the 30-day period described in subsection (3.6) has elapsed.

Final determination

(3.9) The Tribunal's determination under subsection (3.7) is not subject to appeal or review.

(2) Subsection 41 (4) of the Act is amended by striking out the portion before paragraph 1 and substituting the following:

Approval of plans or drawings

(4) No person shall undertake any development in an area designated under subsection (2) unless the authorized person referred to in subsection (4.0.1) or, where an appeal has been made under subsection (12), the Tribunal has approved one or both, as the authorized person may determine, of the following:

.

(3) Section 41 of the Act is amended by adding the following subsection:

Authorized person

(4.0.1) A council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).

(4) Subsection 41 (6) of the Act is amended by striking out "the council of".

(5) Section 41 of the Act is amended by adding the following subsection:

Refund

(11.1) With respect to plans and drawings referred to in subsection (4) that are submitted on or after the day subsection 7 (5) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force, the municipality shall refund any fee paid pursuant to section 69 in respect of the plans and drawings in accordance with the following rules:

1. If the municipality approves the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall not refund the fee.
2. If the municipality has not approved the plans or drawings under subsection (4) within the time period referred to in subsection (12), the municipality shall refund 50 per cent of the fee.
3. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 30 days longer than the time period referred to in subsection (12), the municipality shall refund 75 per cent of the fee.
4. If the municipality has not approved the plans or drawings under subsection (4) within a time period that is 60 days longer than the time period referred to in subsection (12), the municipality shall refund all of the fee.

(6) Subsection 41 (12) of the Act is amended by striking out “30” and substituting “60”.

(7) Subsection 41 (13) of the Act is repealed and the following substituted:

Classes of development, delegation

(13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5).

(8) Section 41 of the Act is amended by adding the following subsection:

Transition

(15.1) This section as it read immediately before the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) of this section before that day.

(9) Section 41 of the Act is amended by adding the following subsection:

Same

(15.2) This section as it read immediately before July 1, 2022 continues to apply with respect to plans and drawings that were submitted for approval under subsection (4) on or after the day subsection 7 (8) of Schedule 5 to the *More Homes for Everyone Act, 2022* comes into force but before July 1, 2022.

8 Section 42 of the Act is amended by adding the following subsections:

Exception, transit-oriented community land

(3.2) Subsections (3.3) and (3.4) apply to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

Same, alternative requirement

(3.3) A by-law that provides for the alternative requirement authorized by subsection (3) shall not require a conveyance or payment in lieu that is greater than,

- (a) in the case of land proposed for development or redevelopment that is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; and
- (b) in the case of land proposed for development or redevelopment that is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.

Deemed amendment of by-law

(3.4) If a by-law passed under this section requires a conveyance or payment in lieu that exceeds the amount permitted by subsection (3.3), the by-law is deemed to be amended to be consistent with subsection (3.3).

.

Encumbered land, identification by Minister of Infrastructure

(4.27) The Minister of Infrastructure may, by order, identify land as encumbered land for the purposes of subsection (4.28) if,

- (a) the land is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*;
- (b) the land is,
 - (i) part of a parcel of land that abuts one or more other parcels of land on a horizontal plane only,
 - (ii) subject to an easement or other restriction, or
 - (iii) encumbered by below grade infrastructure; and

- (c) in the opinion of the Minister of Infrastructure, the land is capable of being used for park or other public recreational purposes.

Same, conveyance of described land

(4.28) If land proposed for development or redevelopment includes land identified as encumbered land in an order under subsection (4.27), the encumbered land,

- (a) shall be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under this section, shall be deemed to count towards any requirement, set out in the by-law, applicable to the development or redevelopment.

Same, non-application of *Legislation Act, 2006*, Part III

(4.29) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order made under subsection (4.27).

9 (1) Section 51 of the Act is amended by adding the following subsection:

Same, exception

(25.1) With respect to an application made on or after the day a regulation made pursuant to this subsection comes into force, despite subsection (25), the approval authority may not impose conditions respecting any prescribed matters.

(2) Subsection 51 (33) of the Act is repealed and the following substituted:

Extension

(33) The approval authority may extend the approval for a time period specified by the approval authority, but no extension under this subsection is permissible if the approval lapses before the extension is given, even if the approval has been deemed not to have lapsed under subsection (33.1).

Deemed not to have lapsed

(33.1) If an approval of a plan of subdivision lapses before an extension is given, the approval authority may deem the approval not to have lapsed unless,

- (a) five or more years have passed since the approval lapsed;
- (b) the approval has previously been deemed not to have lapsed under this subsection; or
- (c) an agreement had been entered into for the sale of the land by a description in accordance with the draft approved plan of subdivision.

Same

(33.2) Before an approval is deemed not to have lapsed under subsection (33.1), the owner of the land proposed to be subdivided shall provide the approval authority with an affidavit or sworn declaration certifying that no agreement had been entered into for the sale of any land by a description in accordance with the draft approved plan of subdivision.

Same, new time period

(33.3) If an approval authority deems an approval not to have lapsed under subsection (33.1), the approval authority shall provide that the approval lapses at the expiration of the time period specified by the approval authority.

10 Section 51.1 of the Act is amended by adding the following subsections:

Conveyance of described land

(2.4) If land proposed for a plan of subdivision includes land identified as encumbered land in an order under subsection 42 (4.27), the encumbered land,

- (a) shall be conveyed to the local municipality for park or other public recreational purposes; and
- (b) despite any provision in a by-law passed under section 42, shall be deemed to count towards any requirement applicable to the plan of subdivision under this section.

.

Exception, transit-oriented community land

(3.3) Subsection (3.4) applies to land that is designated as transit-oriented community land under subsection 2 (1) of the *Transit-Oriented Communities Act, 2020*.

Limits on subs. (2) re conveyance percentage

(3.4) The amount of land a municipality may require to be conveyed under subsection (2) or the amount of a payment in lieu a municipality may require under subsection (3.1) shall not exceed,

- (a) if the land included in the plan of subdivision is five hectares or less in area, 10 per cent of the land or the value of the land, as the case may be; or
- (b) if the land included in the plan of subdivision is greater than five hectares in area, 15 per cent of the land or the value of the land, as the case may be.

11 The Act is amended by adding the following section:

Reporting on planning matters

64 A council of a municipality or planning board, as the case may be, shall,

- (a) if requested by the Minister, provide such information to the Minister on such planning matters as the Minister may request; and
- (b) report on the prescribed planning matters in accordance with the regulations.

12 Subsection 70.1 (1) of the Act is amended by adding the following paragraphs:

- 26. prescribing conditions for the purposes of subsection 51 (25.1);

30.0.1 for the purposes of section 64,

- i. prescribing the planning matters in respect of which municipalities and planning boards must report and the information about the planning matters that must be included in a report,
- ii. identifying the persons to whom a report must be provided,
- iii. specifying the frequency with which reports must be produced and provided, and
- iv. specifying the format in which a report must be provided;

13 The Act is amended by adding the following section:

Regulations re surety bonds and other instruments

70.3.1 (1) The Minister may make regulations,

- (a) prescribing and defining surety bonds and prescribing and further defining other instruments for the purposes of this section;
- (b) authorizing owners of land, and applicants for approvals in respect of land use planning matters, to stipulate the specified types of surety bond or other instrument to be used to secure an obligation imposed by the municipality, if the municipality requires the obligation to be secured as a condition to an approval in connection with land use planning, and specifying any particular circumstances in which the authority can be exercised.

Definition

(2) In this section,

“other instrument” means an instrument that secures the performance of an obligation.

Commencement

14 (1) Except as otherwise provided in this section, this Schedule comes into force on the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(2) Subsections 4 (2) and 7 (5) come into force on the later of January 1, 2023 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(3) Subsections 7 (2), (3), (7) and (9) come into force on the later of July 1, 2022 and the day the *More Homes for Everyone Act, 2022* receives Royal Assent.

(4) Section 13 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Municipality of Lakeshore – Report to Council

Strategic & Legal Affairs

Civic Affairs



To: Mayor & Members of Council
From: Brianna Coughlin, Division Leader – Civic Affairs
Date: April 16, 2022
Subject: Delegation of Authority during Restricted Period

Recommendation

Direct the Clerk to read By-law 38-2022, Being a By-law to Delegate Authority during a Restricted Council Period, during the “Consideration of By-laws”, as presented at the April 26, 2022 Council meeting.

Background

Section 275 of the *Municipal Act, 2001* prohibits municipal councils from undertaking certain acts after Nomination Day in a municipal election year and prior to a new Council taking office, subject to specific conditions. This legislative restriction is referred to as “Restricted Acts”, or more commonly referred to as the “lame duck” period.

Council can be in this situation for the 2022 Municipal Election during one or both of the following time periods:

1. The period from Nomination Day (August 19, 2022) to Voting Day (October 24, 2022); and
2. The period from Voting Day (October 24, 2022) to the end of the 2018-2022 term of Council (November 14, 2022).

If, during the above-noted periods, it can be determined with certainty that the new Council will include less than three-quarters of the outgoing Council Members (i.e. less than 6 members), then the Restricted Acts provision apply. Council will be statutorily restricted from taking certain actions until the new term of Council begins on November 15, 2022.

Nothing in this section of the Act prevents a municipality from taking any action in the event of an emergency.

Comments

If the Restricted Acts provision is engaged, Council will be subject to the restriction from performing the following actions, as provided in section 275(3) of the Act:

- a) the appointment or removal from office of any officer of the municipality;
- b) the hiring or dismissal of any employee of the municipality;
- c) the disposition of any real or personal property of the municipality which had a value exceeding \$50,000 at the time of disposal; and
- d) making any expenditures or incurring any other liability which exceeds \$50,000.

Paragraphs 275(3)(c) and (d) only apply if the disposition or liability was not included in the 2022 Budget.

By-law 38-2022 has been prepared for Council's consideration, which delegates authority to the Chief Administrative Officer to exercise the actions listed in subsection 275(3). The Chief Administrative Officer already has delegated authorities through various by-laws (for example, the Procurement By-law and Chief Administrative Officer By-law). These delegations of authority remain in effect during this restricted period.

In the event that the Chief Administrative Officer exercises any of the authorities delegated under subsection 275(3), the by-law requires the Chief Administrative Officer to provide a report on the matter to Council.

Financial Impacts

There are no financial impacts as a result of this report. Should any expenditures or liabilities be incurred as noted in subsection 275(3)(c) or (d) of the Act, a report will be brought to Council identifying the financial impacts of the action.

Report Approval Details

Document Title:	Delegation of Authority during Restricted Period (Lame Duck).docx
Attachments:	
Final Approval Date:	Apr 19, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Brianna Coughlin

Submitted by Kristen Newman

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Strategic & Legal Affairs

Civic Affairs



To: Mayor & Members of Council
From: Brianna Coughlin, Division Leader – Civic Affairs
Date: April 14, 2022
Subject: Adoption of Animal Care and Control By-law

Recommendation

Direct the Clerk to read By-law 27-2022, known as the draft Animal Care and Control By-law, during the “Consideration of By-laws”, as presented at the April 26, 2022 Council meeting.

Background

Council held a special meeting on April 5, 2022 for the purpose of providing comments on the draft Animal Care and Control By-law. At that meeting, Council passed the following resolutions:

Resolution #124-04-2022

Direct Administration to include the following provision in the draft by-law: "Every person who keeps one or more animals shall be responsible to ensure that the owner's property upon which the animal or animals are kept are maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard."

Resolution #125-04-2022

Direct Administration to bring forward draft By-law 27-2022 as amended, known as the Animal Care and Control By-law, to a subsequent Council meeting for adoption.

Comments

By-law 27-2022 has been included in the agenda, under the Consideration of By-laws section, for Council adoption.

As per the direction of Council through resolution #124-04-2022, a provision has been included regarding animal excrement, which can be found at section 53(1). The wording in the resolution was incorporated and modified slightly in order to ensure that the language is consistent with the terms (and defined in the by-law).

The definition of “Service Dog” has also been amended to “Service Animal” and updated to be consistent with the *Accessibility for Ontarians with Disabilities Act, 2005*.

Once adopted by Council, the by-law will come into effect on January 1, 2023.

Financial Impacts

There are no financial impacts as a result of this report. Administration will advise members of the public of the adoption of the by-law through existing engagement mediums, such as the municipal website and Lakeshore Waves newsletter.

Licensing and enforcement costs will continue to be provided to Council through the annual budget process.

Report Approval Details

Document Title:	Adoption of Animal Care and Control By-law.docx
Attachments:	
Final Approval Date:	Apr 20, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Brianna Coughlin

Submitted by Kristen Newman

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Operations

Roads, Parks & Facilities



To: Mayor & Members of Council

From: Krystal Kalbol, P.Eng., Corporate Leader - Operations

Date: April 21, 2022

Subject: Notice of Action under Ontario Regulation 199/03, West Nile Virus Response – Larviciding

Recommendation

Authorize the Mayor and Clerk to execute the resolution in support the Windsor Essex County Health Unit (WECHU) West Nile Virus Response – Larviciding annually, subject to the annual approval in the budget, as presented at the April 26, 2022 Council meeting.

Background

Every year the WECHU coordinates the West Nile Virus Response – Larviciding program in an effort to reduce the risk of West Nile Virus. In the past, Lakeshore has supported this program. This program includes permitting through the Ministry of the Environment, Conservation and Parks (MECP) and a licensed exterminator to apply a larvicide into the catch basins or surface water within Lakeshore (and other participating municipalities).

The WECHU invoices each municipality for their shared costs, as required.

Comments

Each year, Lakeshore is required to provide confirmation via a formal letter (as per the attached template provided) to confirm support and authorize the permit process and costs associated with the program.

Others Consulted

WECHU was consulted.

Financial Impacts

There is no financial impact as this cost \$5,000 is included annually in the operations budget under the Solid Waste Division.

Attachments

Letter from WECHU - Notice of Action under Ontario Regulation 199/03, West Nile Virus Response – Larviciding

Report Approval Details

Document Title:	Notice of Action, West Nile Virus Response, Larviciding.docx
Attachments:	- Notice of Action - WNV 2022.pdf
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

2022 March 11

To: Mayors and Chief Administrative Officers

RE: **Notice of Action under Ontario Regulation 199/03**
West Nile Virus Response – Larviciding

On May 31, 2003, the Province of Ontario published Ontario Regulation 199/03 that requires the Medical Officer of Health to make a determination based on a local risk assessment whether action is required by municipalities to decrease the risk of West Nile Virus (WNV). Ontario Regulation 199/03 provides a table to guide in the determination of a WNV response. A copy of this Regulation and Table is attached.

From 2003 through 2021, the Health Unit conducted a comprehensive WNV surveillance program. This program included an assessment of disease burden in humans, mosquitos and larvae. The number of WNV human cases in Windsor-Essex County from 2005-2021 is presented in the attached Appendix A.

The majority of humans infected with WNV are asymptomatic. Some can have non-neurological symptoms, such as fever or rash. A few patients will have neurological symptoms such as encephalitis. It is estimated that less than one percent of infections will have neurological complications.

In accordance with Ontario Regulation 199/03, the WECHU is making a formal Notice of Action required to decrease the risk of West Nile Virus to persons in the Health Unit area of Windsor-Essex County. Given the virus continues to be found in the mosquito population, larviciding is a prudent measure to undertake at this time. It has been determined that, in accordance with Table 1 of Ontario Regulation 199/03, it is appropriate to larvicide catch basins and standing/surface water indicated as potential breeding sites within two kilometers of an urban area. This Notice of Action mandates action by the municipalities for lands under their jurisdiction and supports applications to the Ministry of Environment for the application of larvicide on private lands.

GDG Canada (GDG) has been selected as the Consultant/Provider for the 2021 WNV Larviciding Program for Windsor-Essex. As in previous years, Municipalities will be required to pay for the program in advance. Once the program funding/budget is formally approved by the Ministry, the Health Unit will then be able to reimburse municipalities a portion of cost, consistent with the provincial contribution. As in past years, the Health Unit is willing to coordinate this program and invoice each municipality for their shared costs. Any cost above and beyond the approved ministry budget will be billed at hundred percent of the cost to the municipalities.

Please find enclosed a template that can be used to document your municipality's consent for larviciding. This will be needed by GDG to support the specific permit application to the Ministry of Environment. The application to the Ministry of Environment will form the details of the requirements for action under Ontario Regulation 199/03. Please forward a copy of your signed letter to the WNV program secretary at etroy@wechu.org by Friday, April 15th, 2022.

continued...

Page 2

Letter to Mayors and Chief Administrative Officers
Re: Notice of Action under Ontario Regulation 199/03
West Nile Virus Response – Larviciding

As was the case in previous years, the WECHU will continue with a coordinated strategy for larviciding.

Please note that if Windsor-Essex continues to experience record-breaking milder than normal weather conditions, this will affect the strategy/commencement of the program.

Furthermore, the WECHU will continue to steer the WNV program planning meetings consisting of members of the health unit management team, the service provider 'GDG', and a representative(s) from your municipality.

Thank you for your continued assistance in this important issue. If you have any questions, please reach out to Kristy McBeth, Program Director at 519-258-2146, ext. 3402.

Sincerely,



Shanker Nesathurai, MD, MPH, FRCPC
Acting Medical Officer of Health



Nicole Dupuis
Chief Executive Officer

Attachments: Ontario Reg. 199/03
Appendix A
Municipal Template to Support Larviciding/Pesticide Application (email to etroy@wechu.org by April 15th, 2022).

cc: WNV Program Planning Representatives
Windsor – Mayor, CAO
Tecumseh – Mayor, CAO
Amherstburg – Mayor, CAO
Essex – Mayor, CAO
Kingsville – Mayor, CAO
Lakeshore – Mayor, CAO
LaSalle – Mayor, CAO
Leamington – Mayor, CAO
County of Essex – CAO
GDG Environmental

**Health Protection and Promotion Act
Loi sur la protection et la promotion de la santé**

**ONTARIO REGULATION 199/03
CONTROL OF WEST NILE VIRUS**

Consolidation Period: From December 15, 2017 to the [e-Laws currency date](#).

Last amendment: [500/17](#).

Legislative History: [231/03](#), [322/04](#), [413/06](#), [422/07](#), [229/08](#), [241/09](#), [500/17](#).

This Regulation is made in English only.

Determination if action required

1. A medical officer of health shall make a determination whether action is required by a municipality to decrease the risk of West Nile Virus to persons either inside or outside the health unit served by the medical officer of health, based upon a local risk assessment. O. Reg. 231/03, s. 1; O. Reg. 322/04, s. 1; O. Reg. 413/06, s. 1; O. Reg. 422/07, s. 1; O. Reg. 229/08, s. 1; O. Reg. 241/09, s. 1.

Notice to municipality

2. (1) Where the medical officer of health has determined that action is required, he or she may give notice to the municipality of the required action. O. Reg. 199/03, s. 2 (1).

(2) In determining required actions under subsection (1), the medical officer of health shall have regard to,

- (a) the guidelines published by the Minister under section 7 of the Act; and
- (b) the generally accepted practices in the field of public health with regard to decreasing the risk of West Nile virus to persons. O. Reg. 199/03, s. 2 (2); O. Reg. 241/09, s. 2.

Must comply

3. A municipality shall comply with any requirements set out in the notice. O. Reg. 199/03, s. 3.

What may be required

4. Action required under this Regulation may include, without being limited to,

- (a) requirements respecting source reduction measures;
- (b) requirements respecting surveillance;
- (c) requirements respecting public awareness campaigns about personal protection;
- (d) requirements respecting control measures for larviciding and adulticiding; and
- (e) requirements respecting the time within which the action shall be taken.

TABLE 1
LARVICIDING AND ADULTICIDING IN ONTARIO — WEST NILE VIRUS RESPONSE

“Triggers” based on surveillance of WNV positive humans, birds, mosquito pools or mammals (horses)

Current-Year WNV findings in Health Unit or municipality	Last Year's WNV findings in Health Unit or municipality	Preparatory Status (Larval surveys, mosquito trapping, mapping, training, etc.)	Larviciding ACTION	Adulticiding ACTION
No West Nile virus found yet	No West Nile virus found; virus found in adjacent Health Unit(s)	Not yet done	Do the preparatory work, then larvicide where indicated	Not indicated
No virus found yet	Virus found	Not yet done	Do the preparatory work, then larvicide where indicated	Not indicated
No virus found yet	Virus found	Done last year and under way this year	Larvicide where indicated	Not indicated
Virus found in <u>non</u> -human (dead bird, mosquito pool or mammal) — isolated or as a “hot spot”	Virus found or not found	Done or under way this year	If a “hot spot” and larvae are present, larvicide around this “hot spot” (if not too late in the season)	Adulticide a 3-km “Zone” ONLY IF there are high-risk indicators of transmission to humans*
<u>Human</u> case(s) — one or a few in a space-time “cluster”	Virus found or not found	Done or under way this year	Larvicide around the case or cluster if larvae are present (and if not too late in season)	Adulticide a 3-km radius Zone around the case or cluster
Human cases continue to occur; continued high-risk indicators*	Virus found or not found	Done or under way this year	Larvicide widely where larvae are found (if not too late in season)	Adulticide 3-km Zones — may be contiguous or overlapping

Note: Public education efforts and non-pesticide means of mosquito source reduction should be in place, and increased as increasing evidence of virus is found (especially human cases) in the current year.

* **High-risk indicators of transmission to humans:** increasing dead bird sightings; high mosquito infection rates; abundant bridge vector populations; increasing mammal (horse) cases; proximity of mosquito breeding sites to human populations (especially large population centres) and weather conditions that favour mosquito breeding.

1. These are minimum activity standards. Medical Officers of Health may increase the Zone size to be treated or take additional mosquito control actions, if justified by scientific data or recommendations.
2. Medical Officer of Health will maintain a means to record, investigate, and report any confirmed or likely adverse or unintended human health effects attributed to mosquito control actions, and will report any non-human environmental adverse effects that he or she knows about to the Ministry of the Environment and/or other relevant local or provincial authorities.

O. Reg. 199/03, Table 1.

APPENDIX A

Confirmed and probable cases of West Nile virus illness in humans in Windsor-Essex County, Ontario, and Canada (2005-2021).

Year	Number of cases in Windsor-Essex	Number of cases in Ontario	Number of cases in Canada
2005	23	101	238
2006	6	43	151
2007	3	18	2,401
2008	0	10	37
2009	2	4	14
2010	1	9	5
2011	6	81	124
2012	22	271	454
2013	5	57	114
2014	1	13	23
2015	1	34	84
2016	4	54	162
2017	20	159	202
2018	13	138	437
2019	1	19	43
2020	3	77	Not Available
2021	3	23	35
Total	111	1090	4489

Note (1): National WNV data make no distinction between confirmed and probable case count. Since 2002, both confirmed and probable cases have been included in analyses of WNV in Ontario.

Note (2): In addition to clinical cases, provincial analyses include asymptomatic infections. For comparability, the national counts reported here also include asymptomatic infections. National counts have been ascertained from the various sources listed below.

Source (Windsor-Essex and Ontario): Public Health Ontario. Surveillance of West Nile virus. Last updated 06 Nov. 2021. Accessed Mar 8, 2022.

Source (Canada-2005 to 2021): Public Health Agency of Canada: Surveillance of West Nile virus. Last updated 18 Nov. 2021 Accessed Mar 8, 2022.

MUNICIPALITY LETTERHEAD

Date : [Insert Date]

Ministry of Environment Conservation and Parks
Southwestern Region
733 Exeter Road
London, ON
N6E 1L3

Attention: Regional Pesticide Specialist

To Whom It May Concern:

Re: West Nile Virus – Application of Larvicides

The [name of town, city, or municipality.] supports local action by the Windsor-Essex County Health Unit to reduce the risk of West Nile virus. As a result The [name of town, city, or municipality.] authorizes any permit application for West Nile virus control submitted to the Ministry of Environment, Conservation and Parks from an appropriately licensed exterminator to apply a larvicide into the catch basins or surface water:

- Located within and owned by [name of town, city, or municipality.]; and
- Located on municipal and private land that drain into storm drain system or waterways located within [name of town, city, or municipality.]

Sincerely,

[Signature/Title] of official representative of the [name of town, city, or municipality.]

Municipality of Lakeshore – Report to Council

Operations

Engineering & Infrastructure



To: Mayor & Members of Council

From: Krystal Kalbol, P. Eng., Corporate Leader – Operations

Date: April 18, 2022

Subject: Assumption of Developed Roadways - Lakeshore New Centre Estates Phase 2d, Woodslee Estates Phases 2 & 3, and Lakeside Estates Phase 1

Recommendation

Direct the Clerk to read By-law 31-2022 during the Consideration of By-laws, for the assumption of developed roadways and municipal services for Lakeshore New Centre Estates Phase 2d, Woodslee Estates Phases 2 & 3, and Lakeside Estates Phase 1 , as presented at the April 26, 2022 Council meeting.

Background

Upon completion of developments, which include the assumption of new Municipal roadways and services, Council is required to pass a by-law to formally assume ownership and responsibility of any new established rights of ways and infrastructure.

Based on the current subdivision agreement language, the following is identified:

Section 7 – ASSUMPTION OF PLAN OF SUBDIVISION

7.2 Within 30 days following the expiration of the maintenance period contemplated by section 6.1 of this agreement, Lakeshore's Department of Engineering and Infrastructure Services shall prepare a written report stating whether the Works were completed in a satisfactory fashion and remain in good working order. In addition, Lakeshore's Finance Department shall prepare a written report stating whether all financial requirements have been met. If the aforementioned reports state that the requirements of this Agreement have been satisfactorily met, Lakeshore's Director of Engineering and Infrastructure Services (now Corporate Leader, Operations) shall recommend that Lakeshore Council pass a by-law assuming the Works.

In the event that the by-law is passed, Administration will implement the close-out of the development agreement including the reduction of final maintenance securities and assume responsibility of the rights of way and municipal services.

Comments

By-law 31-2022 has been prepared for the assumption of the following developed roadways and Municipal services:

- Lakeshore New Centre Estates Phase 2D (Arkona Court)
- Woodslee Estates Phase 2 & 3 (Mullins Drive)
- Lakeside Estates Phase 1 (Rafih Crescent and Water Avenue)

The services and roadway are completed for the above noted developments and the subdivision agreement conditions have been fulfilled.

Financial Impacts

All the required maintenance securities will be released for the above noted developments upon passing of the by-law, as per the below amounts.

The total estimated construction value of the assumed assets are provided below.

These assets will be added to the Municipality's Tangible Capital asset listing and to the Asset Management Plan to plan for future replacement cost.

Development	Construction Costs (including HST)	Original Security Amount	Remaining Securities (to be released)
Woodslee Estates Phase 2, Mullins Drive	\$209,000.00	\$104,500.00	\$11,010.00
Woodslee Estates Phase 3, Mullins Drive	\$346,610.56	\$173,305.28	\$7,614.79
Lakeside Estates Phase 1, Rafih Crescent	\$3,098,352.46	\$1,549,022.23	\$29,014.46
Lakeshore New Centre Estates Phase 2D, Arkona Court	\$284,091.04	\$142,045.52	\$6,094.37

Report Approval Details

Document Title:	Assumption of Developed Roadways and Municipal Services.docx
Attachments:	
Final Approval Date:	Apr 21, 2022

This report and all of its attachments were approved and signed as outlined below:

Prepared by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore

By-law 27-2022

Being a By-law Respecting Animal Care and Control in the Municipality of Lakeshore

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Recitals

Whereas sections 8, 9 and 11 of the *Municipal Act, 2001* authorize the Municipality of Lakeshore to pass by-laws necessary or desirable for municipal purposes, and in particular paragraphs 5 and 8 of subsection 11(2) and paragraph 9 of subsection 11(3) authorize by-laws respecting: the economic, social and environmental well-being of the municipality; the protection of Persons and property; and animals;

And whereas subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 11 of that Act respecting a matter may regulate or prohibit and, as part of the power to regulate or prohibit respecting the matter, may require a Person to do things respecting the matter, or may provide for a system of licences respecting the matter;

And whereas subsection 103(1) of the *Municipal Act, 2001* provides that if a by-law is passed regulating or prohibiting with respect to the being at large of animals, the by-law may provide for the seizure and impounding of animals being at large and the sale of impounded animals;

And whereas section 425 of the *Municipal Act, 2001* authorizes the Municipality of Lakeshore to pass by-laws providing that a Person who contravenes a by-law of the Municipality of Lakeshore passed under that Act is guilty of an offence;

And whereas subsection 391(1) of the *Municipal Act, 2001* further authorizes the Municipality of Lakeshore, amongst other things, to delegate its authority, to impose fees or charges, to provide for inspections, and to make orders to discontinue activity or to do work;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

Terminology

1. In this by-law:

"Altered" when used in reference to a Dog means the Dog has been spayed or neutered and "Unaltered" means the Dog has not been spayed or neutered;

"Animal" means any member of the animal kingdom other than a human;

"At Large" in relation to a Dog means:

- (i) somewhere other than the Dog Keeper's Premises or Dwelling Unit, or the Premises or Dwelling Unit of another Person with the consent of that Person; and,
- (ii) not wearing a leash and under the physical control of a Person;

"Attack" in reference to a Dog means aggressive behaviour resulting in unwanted physical contact resulting in harm to a Person or Domestic Animal, such as bleeding, bone breakage, sprains, serious bruising, multiple injuries or damage to clothing and "Attacked" or "Attacking" have similar meanings;

"Bite" means the bruising, breaking, or puncturing of the skin of a Person or Domestic Animal caused by the tooth or teeth of a Dog and "Biting" has a similar meaning;

"By-law Compliance Officer" means a person appointed by the Municipality as a By-law Compliance Officer pursuant to the *Provincial Offences Act*;

"Business Day" means Monday to Friday, except for a Holiday;

"Cat" means any breed of domesticated cat or cross-breed of domesticated cat;

"Clerk" means the clerk of the Municipality appointed pursuant to the *Municipal Act, 2001*;

"Council" means the municipal council of the Municipality of Lakeshore;

"Dangerous Dog" means a Dog determined to be dangerous pursuant to Division 2 of this by-law;

"Dangerous Dog Tag" means a Tag issued by the Licence Issuer as proof of a Dog Licence for a Dangerous Dog;

"Dangerous Dog Warning Sign" means a sign designed, made, and issued by the Licence Issuer;

"Dog" means any breed of domesticated canine or crossbreed of a domesticated canine;

"Dog Licence" means a Licence issued pursuant to Division 2 and includes a renewal Dog Licence;

"Domestic" when referring to an Animal refers to a pet which is generally understood to be domesticated;

"Dwelling Unit" means one or more habitable rooms, each of which is accessible from the others and which function as an independent or separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the use of the occupants, with a private entrance from outside the building or from a common hallway or stairway inside the building;

"Fee" means a fee prescribed in the User Fee Bylaw;

“Hearing Committee” means a committee appointed by Council to which Council has delegated the authority to handle appeals pursuant to this by-law;

“Holiday” means a Statutory or civic holiday;

"Keep" means to own, harbour, possess or have control over, whether temporary or permanent, and “Keeper”, “Keeping” or “Kept” have similar meanings, and “Keeper” in relation to a Person that is a minor under the age of 18 years and owns, harbours, possesses, or has control over and if the Person is a minor under the age of 18 years the Person responsible for the custody of the minor;

“Kennel” means any building or structure, or part thereof used or intended for use for the purpose of breeding, boarding or raising three or more Dogs;

“Kennel Licence” means a licence issued to operate a Kennel pursuant to Division 7, and includes a renewal licence;

"Leash" means a restraining device not exceeding 1 metre in length in the case of a Dog found to be a Dangerous Dog under this by-law and, otherwise, not exceeding 2 metres in length which is attached to the collar or harness worn by a Dog and of sufficient strength to restrain the Dog;

"Licence Issuer" means the Person appointed as the Clerk and includes their authorized designate or designates with respect to any authority delegated by the Licence Issuer to such designate;

“Livestock” has the same meaning as in the Zoning By-law;

"Microchip" means an approved Canadian Standard encoded identification device implanted into a Dog which is programmed to store a unique and permanent identification number that permits access to Keeper information which is stored in a central data base accessible to the Licence Issuer and "Microchipped" when used in reference to a Dog means a Microchip has been implanted into the Dog;

“Municipality” means the Municipality of Lakeshore, or the geographic area of the Municipality of Lakeshore, depending on the context;

"Muzzle" means a humane fastening or covering device that is strong enough and fitted to prevent the Dog from Biting, without interfering with the breathing, panting or vision of the Dog or with the Dog's ability to drink and "Muzzling" means to cause the Dog to wear a Muzzle and "Muzzled" means the Dog is wearing a Muzzle;

“Off-Leash Dog Park” means an area designated as a leash free area by Municipal by-law where a Dog with a valid Dog Licence Dog Licence is permitted to allow the Dog to be off Leash;

"Person" includes an individual, a corporation, a partnership, and an unincorporated association, as the context requires;

"Police" means the police force contracted to provide local policing for the Municipality pursuant to the *Police Services Act*;

"Police Dog" means a Dog trained to aid police officers or peace officers and used by police officers or peace officers in the execution of their duties;

"Pound" means premises that are used for the detention, maintenance or disposal of dogs or cats that have been impounded pursuant to this by-law or the *Dog Owners' Liability Act*, R.S.O. 1990, c. D.16;

"Pound Operator" means the operator of a Pound;

"Premises" means a building or part of a building and any land appurtenant to the building or part of the building and includes a vacant lot;

"Raptors" means a carnivorous medium- to large-sized bird that has a hooked beak and large sharp talons and that feeds wholly or chiefly on meat taken by hunting or on carrion and includes an eagle, hawk, falcon and owl;

"Rear Yard" has the same meaning as "Rear Yard" in the Zoning By-law;

"Redemption Period" means three days, excluding the day on which the Animal was impounded and Holidays shall not be included;

"Rescue Group" means a not-for-profit or charitable organization for which the mandate is predominantly the rescue and placement of Dogs and facilitating the Altering of Dogs for Animal welfare purposes and premises utilized by the Windsor-Essex County Humane Society;

Rodentia means an order of the division Eutheria comprising relatively small gnawing mammals having a single pair of incisors in each jaw that grow from persistent pulps and bear enamel chiefly in front to produce a chisel-shaped edge and includes a porcupine, prairie dog, nutria and chinchilla;

"Service Animal" means an Animal

- (i) that can be readily identified as one that is being used by a Person for reasons relating to the Person's disability, as a result of visual indicators such as the vest or harness worn by the Animal, or
- (ii) required by a Person with a disability for assistance

and the Person has documentation from one of the following regulated health professionals confirming that the Person requires the Animal for reasons relating to their disability:

- (a) A member of the College of Audiologists and Speech-Language Pathologists of Ontario;
- (b) A member of the College of Chiropractors of Ontario;
- (c) A member of the College of Nurses of Ontario;
- (d) A member of the College of Occupational Therapists of Ontario;
- (e) A member of the College of Optometrists of Ontario;
- (f) A member of the College of Physicians and Surgeons of Ontario;
- (g) A member of the College of Physiotherapists of Ontario;
- (h) A member of the College of Psychologists of Ontario; and,
- (i) A member of the College of Registered Psychotherapists and Registered Mental Health Therapists of Ontario;

“Squamata” means an order of reptiles comprising of snakes and lizards;

“Standards of Care” means the Standards of Care described in Schedule “A”;

"Tag" means an identification tag issued by the Licence Issuer as proof of a Dog Licence;

“User Fee By-law” means the Municipality’s By-law to Establish User Fees for Certain Services Provided by the Municipality; and,

“Zoning By-law” means the Municipality’s Comprehensive Zoning By-law 2-2012.

Application

2. The provisions of this by-law apply to the entire geographic area of the Municipality.
3. The requirements of this by-law are in addition to requirements contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations.
4. In the event that any set-back requirements in this by-law are inconsistent with the requirements set out in the Zoning By-law, the requirements of the by-law which are more onerous shall prevail.
5. If there is a conflict between a provision of this by-law and any other by-law of the Municipality or a provincial or federal statute or regulation, the most restrictive in relation to the regulation of animals prevails.
6. (1) The provisions of this by-law do not apply to:
 - (a) the Premises of a Pound except insofar as the Pound is referred to in particular;

- (b) Premises used by the Ontario Society for the Prevention of Cruelty to Animals or an affiliated society;
- (c) a supply facility Licenced in accordance with the *Animals for Research Act*;
- (d) a research facility registered in accordance with the *Animals for Research Act*;
- (e) an animal hospital or clinic operated and supervised by a veterinarian who has a licence to practise veterinary medicine issued under the *Veterinarians Act*;
- (f) a university or college;
- (g) any display held by an agricultural or horticultural organization incorporated under the *Agricultural and Horticultural Organizations Act* including but not limited to a fair, exhibition or competition held by the Comber Agricultural Society;
- (h) a temporary public display of animals including a circus, carnival or classroom display;
- (i) the Keeping of bees; and,
- (j) the Premises of slaughterhouses licenced pursuant to the *Meat Inspection Act (Ontario)*, R.S.O. 1990, c. M.5.

Interpretation

7. (1) The following rules of interpretation shall be applied to interpretation of this by-law:
 - (a) References to items in the plural include the singular, as applicable. "Their" may refer to both the singular and the plural and includes references to a Person or thing that is feminine, masculine or non-binary.
 - (b) The words "include", "including" and "includes" are not to be read as limiting the phrases or descriptions that precede them. Any examples provided are intended to be representative examples and not intended to be an exhaustive list.
 - (c) Headings are inserted for ease of reference only and are not to be used as interpretation aids.
 - (d) Specific references to laws or by-laws are meant to refer to the current laws applicable at the time that this by-law was enacted and shall be interpreted to include amendments, restatements and successor legislation.
 - (e) Any reference to periods of time, stated in numbers of days, shall be deemed applicable on the first Business Day after a Sunday or a Holiday if the expiration of the time period occurs on a Sunday or Holiday.

- (f) The obligations imposed by this by-law are in addition to obligations otherwise imposed by law or contract.
- (g) Where this by-law provides metric and imperial units of measure, the metric unit of measure shall prevail. For convenience only, approximate imperial measurements may be provided but are of no force or effect. The abbreviation "mm" stands for millimetres and "m" stands for metres.
- (h) Terms with capitals shall be read with the meaning in section 1 and other words shall be given their ordinary meaning.
- (i) Nothing in this by-law shall give any Person any right to Keep any Animal where it is not permitted by:
 - (1) a Zoning By-law regulating the Premises on which the Animals are Kept; or,
 - (2) federal or provincial statute or regulation thereunder.
- (j) If any court of competent jurisdiction finds any provision of this by-law is illegal or *ultra vires* of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
- (k) Nothing in this by-law relieves any Person from complying with any provision of any federal or provincial legislation or any other by-law of the Municipality.
- (l) Where a provision of this by-law conflicts with the provisions of another by-law in force in the Municipality, or any of the provisions of any federal or provincial states or regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.

Part 1: Dogs and Cats

- 8. (1) No Person shall Keep a Dog except in accordance with Part 1 of this by-law.
- (2) No Person shall Keep a Cat except in accordance with Part 1 of this by-law.

Division 1: Care of Dogs

Standards of Care for Dogs

- 9. (1) Every Keeper of a Dog shall ensure that they comply with the Standards of Care and this by-law.

Tethered Dogs

10. (1) Every Person that tethers a Dog shall ensure that the tether:

- (a) must be at least three metres long;
 - (b) must allow the Dog to move safely and unrestricted, except by its length; and
 - (c) must allow the Dog to have access to adequate and appropriate water and shelter.
- (2) the Tether does not permit the Dog to go beyond the property line of the Premises on which the Dog is Tethered;
- (3) the Dog is tethered for no more than a total of four hours in any one consecutive 24-hour period.

Dogs in Vehicles

11. (1) Subject to subsection (2), no Person shall allow a Dog to be outside of the passenger cab of a motor vehicle on a roadway, regardless of whether the motor vehicle is moving or parked.

(2) A Person may allow a Dog to be outside the passenger cab of a motor vehicle, including riding in the back of a pickup truck or flatbed truck if the Dog is:

- (a) in a fully-enclosed trailer;
- (b) in a topper enclosing the bed area of a truck;
- (c) contained in a ventilated kennel or similar device securely fastened to the bed of the truck; or
- (d) securely tethered in such a manner that it is not standing on bare metal, cannot jump or be thrown from the vehicle, is not in danger of strangulation and cannot reach beyond the outside edges of the vehicle.

12. (1) No Person shall leave a Dog unattended in a motor vehicle if the weather conditions are not suitable for containment of a Dog.

Division 2: Dog Licencing Licence Requirement

13. (1) No Person shall Keep a Dog without a current, valid Dog Licence.

(2) Despite subsection (1), no Licence for a Dog shall be required for:

- (a) a Dog which has not been weaned and which is under the age of 12 weeks; or
 - (b) a Dog which is temporarily Kept at a Kennel, if the Dog, when not being Kept at the Kennel, is Kept at Premises located outside of the Municipality.
14. (1) In addition to the requirements of Division 2, an applicant for a Dog Licence or renewal of a Dog Licence shall file with the Licence Issuer:
- (a) evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has a current and effective rabies vaccination;
 - (b) where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has been Altered;
 - (c) where applicable, evidence satisfactory to the Licence Issuer that that the Dog forming the subject of the application is a Service Dog or a Police Dog;
 - (d) where applicable, evidence satisfactory to the Licence Issuer that a Rescue Group is the applicant; and
 - (e) where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Keeper is compliant with the requirements of sections 34 to 39.

Dog to Wear Tag

15. (1) Every Keeper shall ensure that the Tag corresponding to the Licence issued for their Dog is attached to the Dog at all times.
- (2) Despite subsection (1), the Keeper is not required to ensure that the Dog Tag remains securely attached to a Dog if:
- (a) the Dog is on the Premises of its Keeper;
 - (b) a veterinarian has determined it is necessary to remove the Dog Tag for medical treatment of that Dog and evidence of such requirement is produced upon request of a By-law Compliance Officer; and
 - (c) the Dog is a Police Dog while the Police Dog is working.
- (3) No Person shall remove a Tag from a Dog without the consent of the Dog Keeper.
- (4) No Person shall attach a Tag to a Dog other than the Dog for which the Licence was provided.
- (5) No Keeper shall cause, allow or permit the Keeper's Dog to have a Tag attached to it other than the Tag provided for that Dog.

16. (1) Every Tag issued by the Licence Issuer remains the property of the Municipality and shall be surrendered upon request of the Licence Issuer or a By-law Compliance Officer after:

- (a) the death of the Dog to which the Tag corresponds;
- (b) a transfer of the Dog from one Keeper to another Person; or
- (c) the revocation of the Licence for a Dog for which the Tag was issued.

Application for Licence & Renewal of Licence

17. (1) An applicant for a Licence or renewal of a Licence under this by-law shall file with or provide to the Licence Issuer:

- (a) an application in the form established by the Licence Issuer from time to time;
- (b) evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has a current and effective rabies vaccination;
- (c) where applicable, evidence satisfactory to the Licence Issuer that the Dog forming the subject of the application has been Altered;
- (d) where applicable, evidence satisfactory to the Licence Issuer that that the Dog forming the subject of the application is a Service Dog or a Police Dog;
- (e) where a Dog has been found to be a Dangerous Dog, evidence satisfactory to the Licence Issuer that the Keeper has complied with sections 34 to 39; and,
- (f) payment of any Fees required pursuant to the User Fee By-law.

18. (1) Despite paragraph 1(f), a Fee for an application for a Licence or renewal is not required where the application for a Licence or a renewal is submitted:

- (a) by a Rescue Group for a Licence for a Dog; or,
- (b) for a Licence for a Service Dog or a Police Dog.

(2) No application Fee shall be refundable for any reason.

19. (1) Subject to any provision to the contrary, if an application satisfies the requirements of this by-law, the Licence Issuer may issue to the applicant, a Licence and Tag for the Dog that is the subject of the application.

Refusal to Issue Licence

20. (1) The Licence Issuer shall refuse to issue or renew a Licence for a Dog where the Licence Issuer is not satisfied that:

- (a) the Dog has a current rabies vaccination;
- (b) the applicant is 18 years of age or older;
- (c) the application is complete and applicable Fees have been paid; or
- (d) in the case of a Dangerous Dog, the Keeper does not provide proof of compliance with sections 34 to 39.

Expiry of Licence

21. (1) A Licence for a Dog shall expire upon the earliest of:

- (a) the transfer of the Dog from one Keeper to another Person;
- (b) the death of the Dog; and,
- (c) the date set out in the Licence as the expiry date.

Revocation of Licence

22. (1) The Licence Issuer shall have the right to revoke the Dog Licence in the event that:

- (a) the Dog Licence was issued in error or as a result of false information provided in the application;
- (b) the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or,
- (c) in the case of a Dog found to be a Dangerous Dog, the insurance required pursuant to section 39 expires or is cancelled or terminated for any reason, without being replaced.

Replace Lost Tag

23. (1) The Licence Issuer shall provide a replacement Tag to the Keeper of a Licenced Dog upon:

- (a) application in writing by the Keeper in the form established by the Licence Issuer that a replacement Tag is required; and,
- (b) payment of the applicable Fee.

Change in Information

24. (1) Except as provided to the contrary in section 17, the Keeper of a Licenced Dog shall advise the Licence Issuer in writing within 7 days of:

(a) a change in any information provided in the most recent application for a Licence or renewal of a Licence;

(b) the death of the Dog; and

(c) the sale or other transfer of the Dog.

(2) Every Keeper of a Dog which is Microchipped shall maintain the currency of the information recorded on the Microchip.

Division 3: Control of Dogs

Number of Dogs

25. (1) Unless licenced as a Dog Kennel pursuant to this by-law, No Person shall Keep in or about any Dwelling Unit or Premises more than three Dogs.

(2) The total number of Dogs shall not include any Dog under the age of 12 weeks.

(3) Despite subsection (1), any Person who, on the date of the passage of this by-law, was lawfully Keeping more than the total number of Dogs stated in subsection (1) may keep the any Dogs over the total number of Dogs permitted until they have died or are otherwise disposed.

(4) The onus shall be on the Person claiming an exemption from subsection (2) to satisfy the By-law Compliance Officer of the Person's entitlement to the exemption.

26. (1) Despite section 25, an authorized Person affiliated with a Rescue Group may Keep up to six Dogs in or about any Dwelling Unit or Premises provided that the Keeping of more than three Dogs lasts no more than 48 hours in any 90-day period.

(2) The onus shall be on the Person claiming an exemption from subsection (1) to satisfy the By-law Compliance Officer of the Person's entitlement to an exemption.

27. (1) No Keeper of a Dog shall cause, allow or permit their Dog to be At Large.

(2) Despite subsection (1), a Licenced Dog shall not be At Large if it is:

(a) within an Off-Leash Dog Park; or

(b) a Police Dog and is performing the duties for which it was trained.

Abandonment

28. (1) No Person shall leave a Dog in or about any municipal Premises without making provision for its continued care.

Control of Dogs Outdoors but Not At Large

29. (1) Every owner of a Premises that allows or permits a Dog to be outdoors shall ensure that the Dog is:

(a) confined to a pen or other enclosed structure or area, including an area enclosed by electronic fencing known as underground fencing;

(b) Tethered by a Tether no less than 3 metres in length and which does not permit the Dog to go beyond the property line of the Premises on which the Dog is Tethered; or

(c) under the control of a Person so as to prevent the Dog from leaving the Premises.

(2) For the purposes of subsection (1), the owner of the Premises on which the Dog is found shall be deemed to have allowed or permitted the Dog to be outdoors on that Premises.

(3) A Premises owner may be exempt from subsection (1), if the Dog is on Premises designated as Agricultural in the Zoning By-law that are more than 0.5 hectares in size and the Dog is sufficiently trained so as to remain on the Premises.

Not to Use Dog to Attack or Menace

30. (1) No Person shall cause, use or direct a Dog to Attack, Bite, chase, harass or threaten a Person or Domestic Animal.

(2) No Keeper of a Dog shall cause, allow or permit their Dog to behave in a manner that poses a menace to the safety of a Person or domestic Animal.

Not Torment Dog

31. (1) No Person shall tease, torment or annoy any Dog.

Remove Excrement

32. (1) Every Dog Keeper shall immediately remove excrement deposited by their Dog on municipal property and dispose of the excrement in a sanitary manner.

(2) Subsection (1) does not apply to a Keeper of a Dog where the Keeper is unable to remove the excrement due to a physical disability or a visual impairment.

Division 4: Dangerous Dogs

Investigation

33. (1) The Licence Issuer may conduct an investigation to determine if a Dog should be found to be a Dangerous Dog, where the By-law Compliance Officer receives:
- (a) a written complaint, signed by the complainant, that a Dog has Attacked or Bitten a Person or Domestic Animal without provocation or mitigating factors;
 - (b) particulars of the name and address of the Keeper of the Dog or adequate information to ascertain the Keeper of the Dog which is the subject of the complaint; and
 - (c) particulars of the incident or incidents giving rise to the complaint.
- (2) Where a form for such complaints has been established by the Licence Issuer, the prescribed form shall be used.
- (3) The Licence Issuer may decline to investigate a complaint received more than 72 hours after the Bite or Attack.
- (4) In conducting the investigation and making a determination of whether a Dog should be found to be a Dangerous Dog, a Licence Issuer shall consider all of the circumstances known to the Licence Issuer, including without limitation:
- (a) the severity of the Attack or Bite and any resulting injuries;
 - (b) any prior record of the Dog having Bitten or Attacked;
 - (c) the circumstances leading to the Bite or Attack and the location of the Dog at the time;
 - (i) the Dog acting in defence to a Bite or Attack by or menacing actions by a Person or Animal, whether or not such attack was directed towards the Dog in question;
 - (ii) the Dog acting in defence of its young;
 - (iii) the Dog reacting to a Person or a Domestic Animal trespassing on or entering on the Premises where the Dog was situate; or
 - (iv) the Dog being teased, provoked or tormented.
- (5) Where, after the investigation, the Licence Issuer is of the opinion that it is appropriate to do so, the Licence Issuer may make a finding that the Dog is a Dangerous Dog.

Dangerous Dog Determination

34. (1) Where the Licence Issuer finds that a Dog is a Dangerous Dog, the Licence Issuer shall issue an order declaring the Dog a Dangerous Dog.

(2) The Licence Issuer may prescribe any such other conditions as the Licence Issuer deems appropriate to protect the health and safety, including but not limited to:

(a) prohibiting the Dangerous Dog from attending any or all Off-Leash Dog Parks or municipal lands;

(b) restricting the movement of the Dangerous Dog from certain areas or locations;

(c) requiring the Dangerous Dog to wear a Dangerous Dog Tag; and

(d) such other conditions as the Licence Issuer may deem appropriate.

(3) The Licence Issuer shall serve the Dangerous Dog Keeper with notice of the order and advise the Keeper of the following:

(a) the right of appeal of the order;

(b) the requirement to comply with sections 34 to 39 and any additional conditions imposed by the Licence Issuer; and,

(c) that the finding that the Dog is a Dangerous Dog shall continue in effect unless the Hearing Committee finds to the contrary.

Dangerous Dog Conditions

35. (1) Every Dangerous Dog Keeper shall comply with such other conditions as may be prescribed by the Licence Issuer.

36. (1) Every Dangerous Dog Keeper shall immediately and at all times, display a Dangerous Dog Warning Sign in such a manner that:

(a) it is displayed at the edge of the Premises or at the entrance to the Dwelling Unit where the Keeper keeps the Dangerous Dog so that is clearly visible to a Person approaching the entrance to the Dwelling Unit or Premises;

(b) it is erected or placed in a manner that cannot be easily removed by a passerby; and

(c) the Dangerous Dog Warning Sign is replaced from time to time in the event that the Sign is removed, defaced, lost or otherwise becomes illegible.

(2) A Keeper required to display a Dangerous Dog Warning Sign shall purchase the Sign from the Licence Issuer at the applicable Fee.

(3) No Person shall remove a Dangerous Dog Warning Sign required to be displayed pursuant to this by-law.

37. (1) Every Keeper of a Dangerous Dog shall ensure that at all times when the Dog is on the Keeper's Premises, the Dog is:

(a) securely confined inside the Keeper's Dwelling Unit; or

(b) if outside the Keeper's Dwelling Unit, Dog is securely confined within a pen or other enclosed structure constructed so as to prevent the Dog from leaving the premise and that is constructed in a manner such that the Dog is unable to come into contact with Persons or other Domestic Animals.

(2) For the purposes of this section, secure confinement does not include underground fencing.

38. (1) Every Keeper of a Dangerous Dog shall ensure that at all times when the Dog is not on the Keeper's Premises, the Dog is:

(a) Muzzled;

(b) Securely fitted with a collar or harness in a manner such that the Dog cannot detach from the collar or harness;

(c) Leashed securely to a collar or harness at all times in a manner such that the Dog cannot detach the Leash from the collar or harness with the Leash held by a Person who has the strength to control the Dog so as to not permit or allow unwanted contact with another Person or a Domestic Animal.

39. (1) Within 14 days of receipt of service of an order issued pursuant to section 34, every Keeper of a Dangerous Dog shall:

(a) provide evidence to the Licence Issuer that the Dog has a Microchip;

(b) obtain and maintain a policy of liability insurance with an insurer licenced to operate in Ontario providing:

(i) coverage in an amount not less than two million dollars per occurrence for losses arising from injuries caused by the Dog,

(ii) that the Municipality shall be notified in writing 30 days or more prior to any cancellation, termination or expiry of the policy, and

(iii) adding the Municipality as an additional named insured; and,

(c) provide proof of the insurance required in subsection (2) to the Licence Issuer.

(2) Prior to any sale or other transfer or change of a Dangerous Dog or change of residence of a Dangerous Dog, a Keeper shall provide the Licence Issuer with the new physical address of the Dangerous Dog and, if any, the telephone number and other contact information of the Dangerous Dog's new Keeper.

Appeal of Order

40. (1) Every Person who is served with an order under this by-law shall comply with the requirements of the order within the time period specified in the order, unless the Person files an appeal with the Clerk within 10 Business Days of the effective date of service of the order.

(2) An appeal shall be filed only if filed in the form and with the information required by the Clerk and, if filed with the applicable Fee.

(3) In the event that the Clerk determines that the appeal is not filed as required in subsections (1) or (2), the Clerk shall decline the request for a hearing.

(4) A request of the Keeper of a Dog for a hearing under this section does not act as a stay of the muzzling requirement.

Hearing Date

41. (1) If a request is compliant with this by-law, the Clerk shall set a date, time and place for a hearing before the Hearing Committee and give notice of the date, time and place of the hearing to the applicant by mail, addressed to the applicant at the address set out in the application and service of the notice of hearing shall be deemed effective on the third day after mailing, whether or not it is actually received.

Hearing

42. (1) On the date and time scheduled for the hearing, or such later date as may be set or consented to by the Hearing Committee, the Hearing Committee may hear and view any evidence provided by the Licence Issuer and appellant and may:

(a) reverse the order;

(b) uphold the order; or,

(c) modify any or all of the conditions of the order.

(2) The decision of the Hearing Committee is final.

(3) The appellant bears the onus of providing evidence satisfactory to the Hearing Committee that the relief being sought should be granted.

(4) Upon the Hearing Committee reaching a decision, the Clerk shall serve notice of the decision in writing to the appellant at the address for the applicant set out in the appeal form.

Division 5: Seizure and Impoundment of Dogs

Seizure and Impoundment

43. (1) A By-law Compliance Officer may seize any Dog found At Large.

(2) A By-law Compliance Officer may, in their sole discretion, deliver a seized Licenced Dog to its Keeper without impounding the Licenced Dog, provided:

(a) the By-law Compliance Officer is able to contact the Keeper and make satisfactory arrangements for return of the Licenced Dog; and

(b) the By-law Compliance Officer does not have a record of the Licenced Dog having been seized in the prior 12 months.

(3) Except as provided to the contrary in subsection (2), a Dog seized under subsection (1) shall be considered impounded at the time and place it is seized by the By-law Compliance Officer and may be delivered to the Pound Operator.

(4) The Keeper of a Dog impounded for being At Large shall be entitled to claim the Dog within the Redemption Period.

(5) Where a Dog that is impounded is not claimed by its Keeper within the Redemption Period, the Pound Operator may retain the Dog for such further time as they may consider proper and may:

(a) dispose of the Dog in accordance with the *Animals for Research Act*;

(b) transfer the Dog to the Windsor/Essex County Humane Society; or

(c) transfer the Dog to a Rescue Group.

(6) A Person that knowingly leaves a Dog at the Pound for longer than the Redemption Period shall be deemed to have surrendered the Dog.

(7) Where a Dog is impounded and a veterinarian deems it necessary to destroy the Dog without delay for humane reasons or for reasons of safety to Persons or Domestic Animals, a veterinarian may euthanize the Dog, and may do so without permitting any Person to reclaim the Dog.

(8) Where a Dog is impounded, and the services of a veterinarian are secured by the Pound Operator for the Dog, the Keeper shall pay to the Pound Operator all applicable Fees, whether the Dog is alive or dies.

(9) Where, in the opinion of a By-law Compliance Officer, a Dog cannot be captured and the safety of Persons or Domestic Animals are endangered, a Police Officer or other trained Person appointed by a By-law Compliance Officer, may euthanize the Dog and no damages or compensation shall be recovered by the Dog Keeper for the destruction.

(10) No compensation, damages, fees or any other sum of money paid by a Person on account of or by reason of the impoundment, euthanization or other disposal of a Dog in the course of the administration and enforcement of this by-law shall be recovered by any Keeper or other Person from the Municipality or the Pound Operator.

Division 6: Number of Cats in Dwelling or on Premises

44. (1) No Person shall Keep in or about any Dwelling Unit or Premises more than three Cats.

(2) The total number of Cats shall not include any Cat under the age of twelve weeks.

(3) Notwithstanding subsection (1), any Person who, on the date of the passage of this by-law, was lawfully Keeping more than the total number of Cats stated in subsection (1) may keep any Cats over the total number of Cats permitted until they have died or are otherwise disposed.

(4) The onus shall be on the Keeper of the Cat claiming an exemption from subsection (3) to satisfy the By-law Compliance Officer of the Keeper's entitlement to the exemption.

Division 7: Dog Kennels

Requirement for a Licence

45. (1) No Person shall operate a Kennel without a current, valid Kennel Licence.

46. (1) No Person shall operate a Kennel on a property that is not designated in the Zoning By-law to permit a Kennel in the Zoning By-law.

47. (1) Every Person operating a Kennel shall ensure that the Kennel is operated in accordance with the applicable Standards of Care.

Licence Application

48. (1) In addition to the requirements in Division 2, an applicant for a Kennel Licence or renewal of a Kennel Licence shall file with the Licence Issuer proof of membership in good standing with the Canadian Kennel Club.

Refusal to Issue Licence

49. (1) The Licence Issuer shall refuse to issue or renew a Kennel Licence where the Licence Issuer is not satisfied that:

- (a) the application does not comply with Division 2;
- (b) the applicant is in good standing with the Canadian Kennel Club;
- (c) the application is complete and applicable Fees have been paid; or
- (d) after inspection by a By-law Compliance Officer, the Kennel is found not to be in compliance with this by-law.

Expiry of Licence

50. (1) A Kennel Licence shall expire upon the earliest of:

- (a) the date that the Person operating the Kennel ceases to operate the Kennel; or,
- (b) the date set out in the Licence as the expiry date.

Revocation of Licence

51. (1) The Licence Issuer may revoke a Kennel Licence in the event that:

- (a) the Kennel Licence was issued in error or as a result of false information provided in the application;
- (b) the application Fee is not paid in full whether it be through error, as a result of a cheque being returned marked not sufficient funds, a credit card charge being refused, or for any other reason; or,
- (c) the Person operating the Kennel:
 - (i) after inspection by a By-law Compliance Officer, fails to satisfy the Standards of Care on more than 3 occasions in a 2-year period; or
 - (ii) is convicted of an offence under this by-law.

(2) In the event that a Person's licence is revoked pursuant to subsection (1), that Person shall not make application for a Kennel Licence on any Premises earlier than 1 year following the date of revocation.

Part 2: Keeping of Animals

Keeping of Specific Animals

52. (1) No Person shall Keep an Animal except in accordance with this by-law.

(2) Despite subsection (1), a Person may Keep Livestock if Kept on Premises designated Agricultural in the Zoning By-law.

(3) Despite subsection (1), a Person may Keep the following:

(a) a rabbit, mink or ferret;

(a) an Animal in the Raptor species, if the Keeper is licenced to practice falconry in the Province of Ontario;

(b) an Animal in the Rodentia species, if:

(i) the Animal will not weigh more than 1,500 grams at any time in its life; and,

(ii) the Animal is derived from a self-sustaining captive population;

(c) an Animal in the Squamata species, if:

(i) the Animal is a snake or a lizard;

(iii) in the case of a snake, it will not exceed 3 metres in length from nose to tip of tail at any time in its life; and

(iv) in the case of a lizard, it will not exceed 2 metres in length from nose to tip of tail at any time in its life.

(4) Despite anything to the contrary in this by-law, no Person shall do any of the following:

(a) Keep any insect, spider, Rodentia, or Squamata, except in an escape-proof enclosure;

(b) Keep any Animal that produces any poison, venom or toxin; and

(c) Keep more than 3 of any combination of the Animals described in this section.

Animal Excrement

53. (1) Every Keeper of an Animal shall be responsible to ensure that the property upon which the Animal or Animals are Kept is maintained in a sanitary condition and that excrement is not allowed to accumulate and is disposed of in a proper receptacle which will not create a nuisance or a health hazard.

Part 3: Inspection and Enforcement

Inspection Powers

54. (1) A By-law Compliance Officer may:

(a) at any reasonable time, enter onto land for the purpose of carrying out an inspection for the purpose of determining compliance with this by-law or the *Municipal Act, 2001*;

(b) during an inspection, require production for inspection of documents or things relevant to the inspection and inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts and photograph such documents or things;

(c) during an inspection require information from any Person concerning a matter related to the inspection;

(d) during an inspection be accompanied by a Person or Persons who has relevant or expert knowledge in relation to this by-law or matters regulated by this by-law;

(e) conduct or direct a Person possessing the relevant or expert knowledge to conduct such examinations or take tests, samples or photographs as the By-law Compliance Officer believes necessary for the purposes of inspection;

(f) conduct inspections prior to a determination as to whether to issue a licence or to confirm compliance with a Licence or conditions of a Licence; and

(g) require that a Licence holder or Keeper provide any such information as may be required for the enforcement of this by-law.

55. (1) In addition to any other provision of this by-law, and subject to the provisions of the *Municipal Act, 2001*, a provincial judge or justice of the peace may issue an order authorizing a By-law Compliance Officer and any Person under the Officer's direction to enter onto or into any Premises, including a room or place actually being used as a dwelling for the purpose of carrying out an inspection to determine compliance with this by-law, a Licence issued under this by-law, or an order made under section 431 of the *Municipal Act, 2001* in relation to the subject matter of this by-law.

56. (1) No Person shall refuse or neglect to produce for inspection any document or thing required by a By-law Compliance Officer pursuant to this by-law.

Enforcement

Prohibition

57. (1) No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person who is exercising a power or performing a duty under this by-law.

(2) No Person shall omit information or provide a false or intentionally misleading statement or representation in any application, agreement, investigation or inspection.

Order to Comply

58. (1) Where a By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, an order may be made requiring the Person who contravened this by-law or who caused or permitted the contravention to correct the contravention. The order shall set out:

- (a) reasonable particulars of the contravention;
- (b) particulars of the location where the contravention occurred;
- (c) any work to be done or steps to be taken to comply with this by-law;
- (d) the date by which the work must be done or steps taken; and
- (e) provide that if any work specified is not completed by the date specified to the satisfaction of the By-law Compliance Officer, that the By-law Compliance Officer may cause the work to be done at the expense of the owner of the Premises.

(2) Pursuant to subsection 445(3) of the *Municipal Act, 2001*, an order pursuant to subsection (1) may require the work to be done even though the facts which constitute the contravention of the by-law were present before this by-law making them a contravention came into force.

Offence

59. (1) Any Person who contravenes any provision of this by-law, a Licence, a condition to a Licence, or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time. A Person found guilty shall be liable upon conviction:

- (a) to a minimum fine of \$500 and a maximum fine of \$100,000 for a first conviction;
- (b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500 and a maximum fine of \$10,000 with the total of all daily fines not exceeding \$100,000; and,

(c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine of \$500 and a maximum fine not exceeding \$10,000, with the total of all daily fines not exceeding \$100,000.

(2) An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.

(3) Any director, employee or officer of a corporation who knowingly authorizes, permits or acquiesces in the contravention of this by-law, a Licence, a condition to a Licence, or an order issued pursuant to this by-law is guilty of an offence and subject to prosecution pursuant to the *Provincial Offences Act*.

(4) For the purposes of subsections (1) and (2), each day on which a Person, includes a director or officer of a contravention, contravenes any of the provisions of this by-law shall be deemed to constitute a separate offence under this by-law.

(5) The levying and payment of any fine as provided for under *the Provincial Offences Act* shall not relieve a Person from the necessity of compliance with the obligations under this by-law.

Prohibition Order

60. (1) If this by-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the by-law, the Court in which the conviction is entered and any court of competent jurisdiction thereafter may make an order:

(a) prohibiting the continuation or repetition of the offence by the Person convicted; and,

(b) requiring the Person convicted to correct the contravention in the manner and within the period that the Court considers appropriate.

Fees and Charges

Attendance Fee

61. (1) A Fee shall be payable for:

(a) an inspection conducted by a By-law Compliance to ascertain compliance with this by-law for the purpose of a Person applying for a licence; and,

(b) for the second and each subsequent inspection conducted by a By-law Compliance Officer to ascertain compliance with a notice, direction or order pursuant to this by-law that is conducted after the specified date for compliance.

Collection of Fees

62. (1) All Fees and charges payable under this by-law are due on demand and are a debt owing to the Municipality bearing interest at the rate established in the User Fee By-law from the date of demand until payment in full. The debt may be enforced by any means available to the Municipality, and without limiting the generality of the foregoing, the debt in the nature of fees may, if applicable, be added to the tax roll of any property for which all of the owners are responsible for payment of the debt, and thereafter collectable as property taxes. All remedies open to the Municipality are cumulative.

(2) All Fees and charges incurred under this by-law are payable whether or not there is a charge laid, and whether or not any charge laid leads to a conviction and whether or not a fine has been paid as a result of a charge being laid.

(3) Fines owing to the Municipality that are in default pursuant to section 69 of the *Provincial Offences Act* shall be added by the Treasurer to the tax roll for any property in the Municipality for which the owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

Part 4 - General

Administration & Delegation

63. (1) The administration of this by-law is assigned to the Licence Issuer who is delegated the authority to:

(a) make all decisions required of the Licence Issuer under this by-law;

(b) perform all administrative functions assigned under this by-law and those incidental to and necessary for the due administration and implementation of this by-law;

(c) establish and revise from time to time, such forms, documents, and such standards, protocols and procedures as the Licence Issuer may determine are required to implement and administer this by-law;

(d) develop, implement and promote programs and guidelines to encourage responsible ownership, care and control of Dogs and Cats provided that the programs and guidelines are consistent with the spirit of this by-law and within Council approved budgets; and,

(2) The Licence Issuer may delegate the performance of any one or more of his or her functions under this by-law to one or more Persons from time to time as the occasion requires and may impose conditions upon such delegation and may revoke any such delegation. The Licence Issuer may continue to exercise any function delegated during the delegation.

(3) Unless specifically provided to the contrary in this by-law, the decisions of the Licence Issuer are final and not subject to appeal.

(4) Without limiting the generality of subsection (2), the Licence Issuer may, from time to time enter into agreements, in a form established by the Licence Issuer to authorize Persons who are not Municipality employees to issue Licences on behalf of the Licence Issuer, pursuant to this by-law and subject to the terms and conditions of the Agreement. The Licence Issuer may authorize payment of such Persons of the applicable commission for such service, established by the Licence Issuer from time to time. The Licence Issuer may terminate any such agreement in writing, in accordance with the provisions of the Agreement.

64. (1) This by-law shall be enforced by any By-law Compliance Officer and, where provided in this by-law, the Licence Issuer.

(2) Unless specifically provided to the contrary in this by-law or otherwise at law, the decisions of the Licence Issuer and By-law Compliance Officer are final and not subject to appeal.

65. (1) The Licence Issuer may develop, implement and maintain in force, a program to control or monitor Cats which authorizes participants, in accordance with program guidelines to at their own cost and expense or in accordance with approved budgets to:

(a) trap feral Cats;

(b) cause the trapped feral Cat to be Altered; and,

(c) release the Altered Cat in the same area from which they were captured.

(2) Participation in any program to control or manage feral Cats shall be restricted to Persons approved by the Licence Issuer upon application in writing, in the form established by the Licence issuer, and in accordance with guidelines established by the Licence Issuer in establishing the program. The Licence Issuer may revoke any approval granted.

General Requirements - Licence Application Requirements

66. (1) Every Person applying for a License or renewal of a License under this by-law shall provide to the License Issuer:

(a) an application in the form established by the License Issuer from time to time;

(b) information including, but not limited to, name, date of birth, address where Dog will reside, email address, and phone number;

(c) such information, including evidence in support of the application, as may be deemed necessary by the Licence Issuer to process the application for a Licence; and

(d) except as provided to the contrary in this by-law, payment of the applicable fee for applying for a License.

(2) A Person applying for a licence under this by-law must be a minimum of 18 years in age.

Service of Notices and Orders

67. (1) An order under this by-law shall be deemed to have been served on a Person if:

(a) delivered to the Person Personally;

(b) by sending to the Person by regular mail;

(c) by sending to the Person by registered mail at the last known address of the Person, or by posting in a visible location on the Premises in a manner likely to bring it to the attention of the Person being served.

(2) Service of a notice or order under this by-law shall be effective:

(a) In the case of Personal service, on the date that Personal service is effected;

(b) In the case of regular or registered mail, 4 days following the date of mailing;

(c) In the case of posting, 2 days after the date of posting.

(3) Where the identity of the Dog Keeper is in question, the Licence Issuer or By-law Compliance Officer may:

(a) deem the last known Keeper of a Dog to be the Dog Keeper and serve that Person accordingly; or

(b) at such address as appears to be the address of the Dog Keeper.

Confidential Information

68. (1) Every Person authorized to conduct activities under this by-law is authorized to collect Personal Information for the purposes of administering and enforcing this by-law in accordance with this by-law. Questions regarding collection of personal information may be referred to the Licence Issuer.

(2) All information submitted to and collected by the Municipality in accordance with this by-law shall, unless the Clerk determines otherwise, be available for disclosure to the public in accordance with the MFIPPA.

Transition

69. (1) Any Dog Licence and Tag issued pursuant to By-law 46-2002 shall be continued under this by-law until its expiry on December 31st, 2021, despite the repeal of By-law 46-2002.

(2) An enforcement proceeding commenced under By-laws 46-2002 and 40-2004 shall continue despite the repeal of those by-laws.

Schedules

70. (1) A schedule attached to this by-law form part of this by-law.

Short Title

71. (1) This by-law shall be referred to as the “Animal Care and Control By-law”.

Repeal

72. (1) By-laws 46-2002 and 40-2004 and any amendments to those by-laws are repealed.

(2) Where a by-law is repealed by this by-law, the repeal does not:

(a) revive any by-law not in force or existing at the time of which the repeal takes effect;

(b) affect the previous operation of any by-law so repealed;

(c) affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed; or

(d) affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Enactment

73. (1) This by-law comes into force and effect on January 1, 2023.

Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

**Schedule “A”
to By-law 27-2022**

Standards of Care

General Standards of Care for Dogs

1. (1) Every Dog must:

- (a) be provided with adequate and appropriate food and water;
- (b) be provided with adequate and appropriate medical attention;
- (c) be provided with the care necessary for its general welfare;
- (d) be transported in a manner that ensures its physical safety and general welfare;
- (e) be provided with an adequate and appropriate resting and sleeping area; and
- (f) be provided with adequate and appropriate:
 - (i) space to enable the Dog to move naturally and to exercise;
 - (ii) sanitary conditions;
 - (iii) ventilation;
 - (iv) light; and
 - (v) protection from the elements, including harmful temperatures.

Standards of Care for Dogs that Live Outdoors

2. (1) Every Dog that lives primarily outdoors must be provided with a structurally sound enclosure for its use at all times.

(2) The enclosure must be weather-proofed and insulated.

(3) The size and design of the enclosure must be adequate and appropriate for the Dog.

Standards of Care for Dog Enclosures

3. (1) Every Person that confines a Dog to a pen or other enclosed structure or area shall ensure that:

- (a) the pen or other enclosed structure or area, and any structures or material in it, must be in a state of good repair;

(b) the pen or other enclosed structure or area, and any surfaces, structures and materials in it, must be made of and contain only materials that are:

(i) safe and non-toxic for the Dog, and

(ii) of a texture and design that will not bruise, cut or otherwise injure the Dog; and

(c) the pen or other enclosed structure or area must not contain one or more other animal that may pose a danger to the Dog.

4. (1) In addition to the provisions in Section 3.1, every Person that confines a Dog shall ensure that:

(a) the following minimum space requirements are met regarding primary enclosures:

Table 1: Minimum Primary Enclosure Space Requirements

Height of the dog measured at the shoulder (cm)	Area (m ²)	Width (m)	Height (m)
70 or greater	15	2.40	1.80
40 to 70	10	1.80	1.80
20 to 40	6	1.40	1.20
5 to 20	4	1	1.20

(b) the minimum primary enclosure space requirements in Section 4.1(a) apply to the keeping of one adult dog. Dams and their puppies up to eight weeks of age must be provided with an additional space of 10% per puppy. If two or more adult dogs are kept in one enclosure, the minimum dimensions for the enclosure specified are increased by 1.5 m² for each dog kept in the enclosure.

Municipality of Lakeshore

By-law 30-2022

**Being a By-law to Confirm the Proceedings of the
Council of the Municipality of Lakeshore**

Whereas in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

And whereas in accordance with said Act, the powers of a municipality shall be exercised by its Council;

And whereas municipal powers, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that the proceedings of the Council of the Municipality of Lakeshore at these sessions be confirmed and adopted by By-law.

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The actions of the Council of the Municipality of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other actions passed and taken by the Council of the Municipality of Lakeshore, documents and transactions entered into during the February 15, March 7 and March 15, 2022 sessions of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

Read and passed in an open session on April 26, 2022.

**Mayor
Tom Bain**

**Kristen Newman
Clerk**

Municipality of Lakeshore

By-law 31-2022

Being a By-law for the Assumption of Municipal Services in the Municipality of Lakeshore – Woodslee Estates Phases 2&3, Lakeshore New Centre Estates Phase 2D and Lakeside Estates Phase 1

Whereas pursuant to section 56(26) of the *Planning Act*, R.S.O. 1990, c.P.13, municipalities may enter into agreements imposed as a condition to the approval of a plan of subdivision;

And whereas the Municipality of Lakeshore has entered into subdivision agreements, more particularly described in Schedule “A” to this by-law, which provide for the installation of certain public services such as roads, sidewalk, sewers, streetlights and pump stations.

And whereas in accordance with the subdivision agreements, financial securities paid by the developer are held by the Municipality of Lakeshore until such time as the municipal services have been constructed and installed to the satisfaction of the Municipality and assumed as public services by by-law;

And whereas the Corporate Leader – Operations has received certification that the services in the registered plans, described in Schedule “A” to this by-law, have all been constructed and installed in accordance with Municipality of Lakeshore specifications and approval;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The municipal services, road allowances, highways, and streets in the registered plans of subdivision described in Column ‘A’ of Schedule “A” to this by-law are assumed as public services and the road allowances, highways, and streets are assumed and opened for public use.
2. Schedule “A” forms part of this by-law.
3. This By-law comes into force and effect upon passage.

Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

**Schedule “A”
to By-law 31-2022**

Subdivision Agreement	Registered Plan	Location of Roads and Services to be Assumed
Woodslee Estates Phase 2 (By-law #97-2003)	12M556	Mullins Drive
Woodslee Estates Phase 3 (By-law #97-2003)	12M556	Mullins Drive
Lakeshore New Centre Estates Phase 2D (By-law #112-2004)	12R21170	Arkona Court
Lakeside Estates Phase 1 (By-law #10-2017)	12M630	Rafih Crescent, Wallace Line

Note: roads and services are to be assumed in accordance with subdivision agreements and Municipality of Lakeshore specifications and approval.

Municipality of Lakeshore

By-law 38-2022

Being a By-law to Delegate Certain Authorities During a Restricted Period During the 2022 Municipal Election

Whereas section 275(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, states that a council of a local shall not take certain actions after the first day during the election for a new council on which it can be determined that one of the following applies to the new council that will take office following the election:

1. If the new council will have the same number of members as the outgoing council, the new council will include less than three-quarters of the members of the outgoing council.
2. If the new council will have more members than the outgoing council, the new council will include less than three-quarters of the members of the outgoing council or, if the new council will include at least three-quarters of the members of the outgoing council, three-quarters of the members of the outgoing council will not constitute, at a minimum, a majority of the members of the new council.
3. If the new council will have fewer members than the outgoing council, less than three-quarters of the members of the new council will have been members of the outgoing council or, if at least three-quarters of the members of the new council will have been members of the outgoing council, three-quarters of the members of the new council will not constitute, at a minimum, a majority of the members of the outgoing council.

And whereas section 275(2) of the *Municipal Act, 2001* provides that if a determination under subsection(1) is made:

- a) after nomination day but before voting day, the determination shall be based on the nominations to the new council that have been certified and any acclamations made to the new council; or
- b) after voting day, the determination shall be based on the declaration of the results of the election including declarations of election by acclamation;

And whereas section 275(3) of the *Municipal Act, 2001* provides that the restricted actions referred to in subsection (1) are:

- a) the appointment or removal from office of any officer of the municipality;
- b) the hiring or dismissal of any employee of the municipality;

- c) the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and
- d) making any expenditures or incurring any other liability which exceeds \$50,000;

And whereas Council deems it necessary to delegate certain limited authority for the purpose of ensuring the efficient operation of the Municipality in the event that Council is restricted as a result of section 275 of the *Municipal Act, 2001*, as recommended by the Division Leader – Civic Affairs at the April 26, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The delegated authorities identified in sections 4, 5 and 6 shall only come into effect if Council is restricted pursuant to section 275 of the *Municipal Act, 2001*.

Interpretation

2. In this by-law:

“Nomination Day” means the third Friday in August in the year of the election. For the 2022 municipal election, Nomination Day is August 19, 2022 at 2:00 PM.

“Voting Day” means the day on which the final vote is to be taken in an election. For the 2022 municipal election, Voting Day is October 24, 2022.

3. The delegations of authority in sections 4, 5 and 6 operate in addition to any other delegations of authority made by by-law, Council policy, or resolution. No delegation of authority in this by-law shall constrain or limit in any manner whatsoever any delegation of authority existing in any other by-law, Council policy, Council resolution, or otherwise available by law. In the event of inconsistency between this by-law and any other by-law or resolution, the provision that more broadly delegates authority shall prevail.

Delegation of Authority

4. The Chief Administrative Officer is delegated authority to make expenditures or incur liabilities exceeding \$50,000 that were not included in the most recent budget adopted by the Council before Nomination Day. This authority shall include the award of tenders and proposals conducted in accordance with the Municipality’s Purchasing By-law.
5. The Chief Administrative Officer is delegated authority, including authority to execute an agreement of purchase and sale, pertaining to the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, and that were not included in the most recent budget adopted by the Council before Nomination Day.

6. The Chief Administrative Officer is delegated authority to:
 - (a) appoint or remove from office, any officer of the municipality; and,
 - (b) hire or dismiss any employee of the municipality.
7. The Chief Administrative Officer shall inform Council of the exercise of an authority delegated under this by-law by way of an information report presented at a Regular Meeting of Council as soon as possible following the exercise the delegated authority.
8. This by-law shall come into force upon passage.
9. This by-law shall be referred to as the "Restricted Acts during an Election By-law".

Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Municipality of Lakeshore

By-law 39-2022

Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-32-2021)

Whereas By-law 2-2012 is the Municipality's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

And whereas the Council of the Municipality of Lakeshore deems it expedient and in the best interest of proper planning to further amend By-law 2-2012;

And whereas this amendment is in conformity with the Lakeshore Official Plan;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Schedule "A", Map 90 of By-law 2-2012, is amended as follows:
 - a) the zoning classification on the portion of 2744 County Road 31, legally described as Part West ½ Lot 27, Concession 6, Rochester; Lakeshore, being part of the Property Identified Number 75056-0046(LT), which is shown for reference only in Schedule "A" to this by-law, is changed from "Agriculture (A) Zone" to "Agriculture Zone Exception 1 (A-1)".
2. This by-law shall come into force in accordance with section 34 of the *Planning Act*, R.S.O. 1990, c. P. 13.

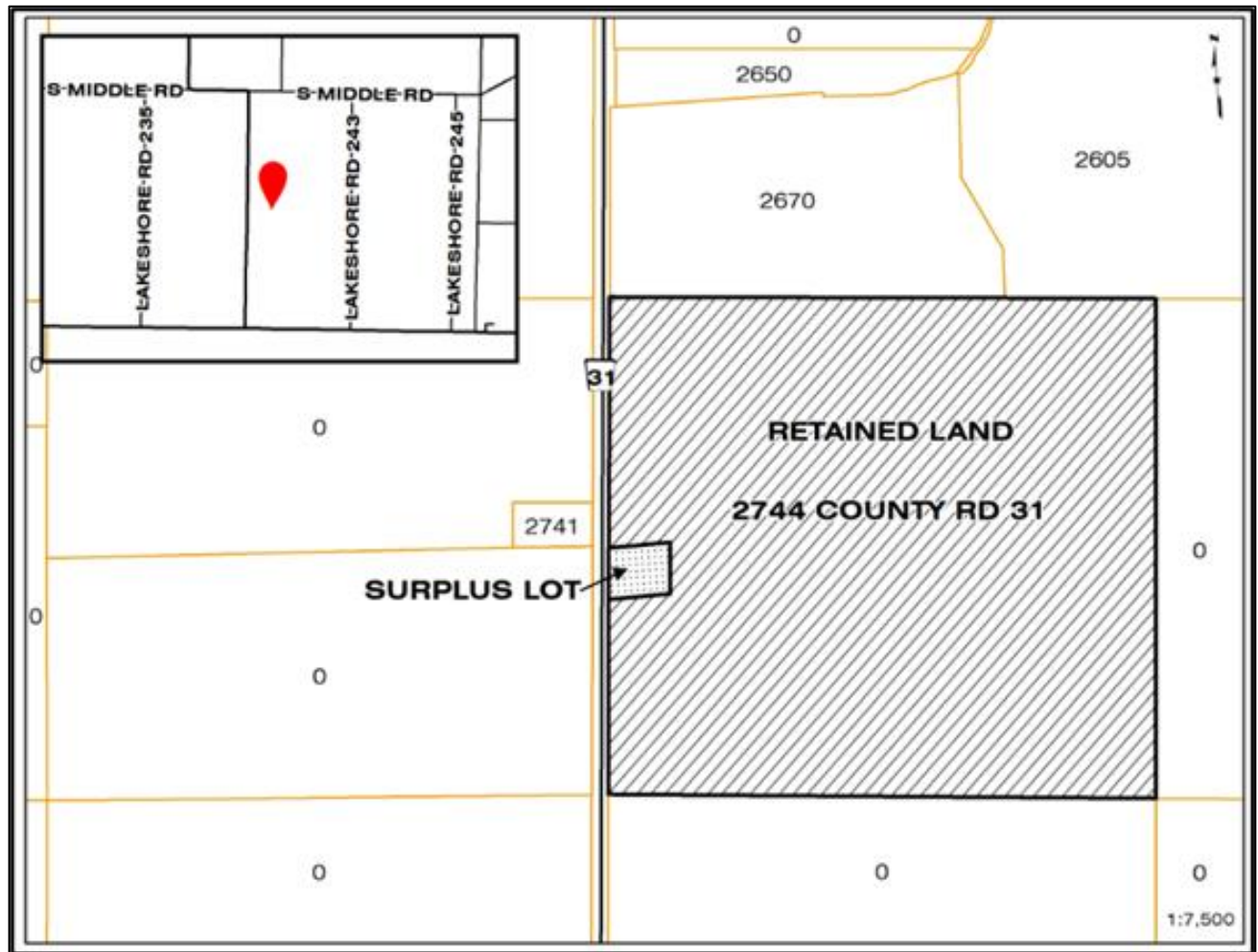
Read and passed in open session on April 26, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

**Schedule “A”
to By-law 39-2022**

Part West ½ Lot 27, Concession 6, Rochester; Lakeshore, being part of the Property
Identified Number 75056-0046(LT)
In the Municipality of Lakeshore



Amend from “A, Agricultural Zone” to “A-1, Agricultural Zone Exception 1 Zone”.

Municipality of Lakeshore

By-law 40-2022

Being a By-law to amend By-law 2-2012, Zoning By-law for the Municipality of Lakeshore (ZBA-6-2022)

Whereas By-law 2-2012 is the Municipality's comprehensive zoning by-law regulating the use of lands and the character, location and use of buildings and structures within the Municipality of Lakeshore;

And whereas the Council of the Municipality of Lakeshore deems it expedient and in the best interest of proper planning to further amend By-law 2-2012;

And whereas this amendment is in conformity with the Lakeshore Official Plan;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Schedule "A", Map 38 of By-law 2-2012, is amended as follows:
 - a) the zoning classification on land legally described as, Part of Lot 14, Concession 1, East of Belle River, Rochester designated as Parts 5-10, 14-65, 69-75 and 77 on Plan RD 131, being all of the Property Identifier Numbers 75028-0120 to 75028-0185 (LT), which is shown for reference only in Schedule "A" to this by-law, is changed from "Agriculture Zone A(h9)" to "Agriculture Zone (A)".
2. This by-law shall come into force in accordance with sections 34 and 36 of the *Planning Act*, R.S.O. 1990, c. P. 13.

Read and passed in open session on April 26, 2022.

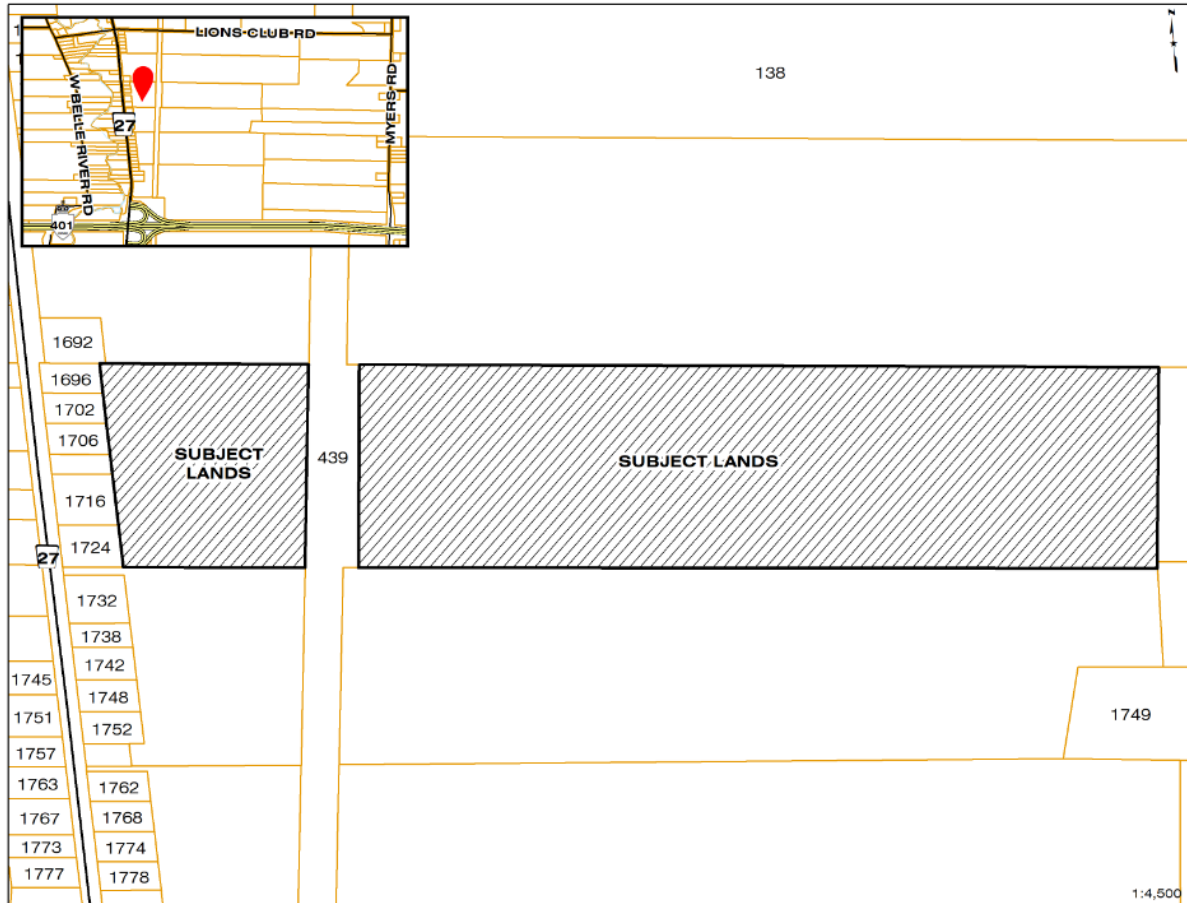
**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Schedule "A" to By-law 40-2022

Part of Lot 14, Concession 1, East of Belle River, Rochester designated as Parts 5-10, 14-65, 69-75 and 77 on Plan RD 131, being all of the Property Identifier Numbers 75028-0120 to 75028-0185 (LT).

In the Municipality of Lakeshore



Amend from "Agriculture Zone A(h9)" to "Agriculture Zone (A)".

Municipality of Lakeshore

By-law 43-2022

**Being a By-law to Confirm the Proceedings of the
Council of the Municipality of Lakeshore**

Whereas in accordance with the *Municipal Act 2001*, S.O. 2001, c. 25, municipalities are given powers and duties in accordance with this Act and many other Acts for purposes which include providing the services and other things that a municipality considers are necessary or desirable for the municipality;

And whereas in accordance with said Act, the powers of a municipality shall be exercised by its Council;

And whereas municipal powers, including a municipality's capacity, rights, powers and privileges shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that the proceedings of the Council of the Municipality of Lakeshore at these sessions be confirmed and adopted by By-law.

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The actions of the Council of the Municipality of Lakeshore in respect of all recommendations in reports of Committees, all motions and resolutions and all other actions passed and taken by the Council of the Municipality of Lakeshore, documents and transactions entered into during the March 29 and April 5, 2022 sessions of Council be adopted and confirmed as if the same were expressly embodied in this By-law.
2. The Mayor or the Deputy Mayor together with the Clerk are authorized and directed to execute all documents necessary to the action taken by this Council as described in paragraph 1 of this By-law and to affix the Seal of the Municipality of Lakeshore to all documents referred to in said paragraph 1 above.

Read and passed in an open session on April 26, 2022.

**Mayor
Tom Bain**

**Kristen Newman
Clerk**