

Municipality of Lakeshore

Regular Council Meeting Agenda



Tuesday, May 10, 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	
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7.	Public Presentations	
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1.	Enbridge Gas Panhandle Regional Expansion Project	6
1.	Brian Chauvin, Enbridge Gas Inc.	9
9.	Completion of Unfinished Business	
10.	Consent Agenda	
	Recommendation:	
	Approve minutes of the previous meetings and receive correspondence as listed on the Consent Agenda.	
1.	April 12, 2022 Regular Council Meeting Minutes	17
2.	Integrity Commissioner - Advisory Bulletin Regarding Pecuniary Interest in Land	27
3.	Belle River On The Lake BIA Board Meeting Minutes - April 11, 2022	33
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6.	City of Vaughan - Affordable Housing	42
7.	Township of Lakes of Bays - Floating Accommodations	50
11.	Reports for Information	
	Recommendation:	
	Receive the Reports for Information as listed on the agenda.	
1.	Flood Prevention Task Force Committee Draft Minutes - March 23, 2022	52
2.	Short-term Accommodations – Regulating and Licensing Options	58
12.	Reports for Direction	
1.	Request for Designation of Municipally Significant Event – Lighthouse Cove & District Lions Club – June 18, 2022	79
	Recommendation:	
	Designate the Lighthouse Cove & District Lions Club fundraising event, scheduled for Saturday June 18, 2022, as “municipally significant”, as presented at the May 10, 2022 Council meeting.	
2.	Lakeside Estates Subdivision Agreement Amending Agreement (Phase 2)	83
	Recommendation:	
	Approve the request to amend the Lakeside Estates Phase 2 (Part 1, Plan 12R27736) Subdivision Agreement with Amico Properties Inc. to extend the time limit for the Owner to construct a storm and sanitary sewer system to two years after the execution of the Amending Agreement; and	
	Direct the Clerk to read By-law 29-2022 to amend the Subdivision Agreement, as presented at the May 10, 2022 Council meeting.	
3.	2021 Provincial Offences Office Annual Report and Renewal Agreement	88
	Recommendation:	
	Direct the Clerk to read By-Law 49-2022 to authorize the Mayor and Clerk to sign an extension to the Intermunicipal Court Services Agreement, all as described at the May 10, 2022 Council meeting.	

4. Ministry of Transportation (MTO) Highway 3 Widening - Project Update 122

Recommendation:

Direct the Clerk to read By-law 50-2022 being a by-law to Stop up and Close a Portion of Ellis Sideroad, as described in the report presented at the May 10, 2022 Council meeting.

5. Disconnect from Work Policy 126

Recommendation:

Direct the Clerk to read By-law 52-2022 adopting a Disconnect from Work Policy, as presented at the May 10, 2022 Council meeting.

13. Announcements by Mayor

14. Reports from County Council Representatives

15. Report from Closed Session

16. Notices of Motion

Recommendation:

Whereas residents of Lakeshore and users of the pathway along Old Tecumseh Road, have raised significant safety concerns about the pathway;

Whereas previous resolutions were passed by Lakeshore to work in conjunction with the County of Essex, to support improving safety and separation along the Old Tecumseh Road pathway;

Whereas the County of Essex conducted community consultation about the operation of the pathway along Old Tecumseh Road in 2021, the results of which indicated an ongoing concern for safety and a desire for separation between users of the pathway and vehicular traffic travelling along Old Tecumseh Road, in addition to other improvements;

Whereas the County of Essex previously installed bollards along the length of the pathway along Old Tecumseh Road, which created a physical barrier between users of the pathway and vehicular traffic travelling along Old Tecumseh Road; and

Whereas it is understood that the County of Essex does not plan to install the bollards this year, due to operational concerns and the frequency with which the bollards are hit by vehicular traffic travelling along Old Tecumseh Road.

Now therefore be it resolved that the County of Essex be requested to proceed with installing bollards again this year, along the full length of the pathway along Old Tecumseh Road;

Therefore be it resolved that the County of Essex be requested to continue investigating better solutions to enhance the separation and to protect users of the pathway along Old Tecumseh Road.

17. Question Period

18. Non-Agenda Business

19. Consideration of By-laws

Recommendation:

By-law 32-2022 be read a third time and adopted; and

By-laws 29-2022, 49-2022, 50-2022, 51-2022 and 52-2022 be read and passed in open session on May 10, 2022.

1.	By-law 29-2022, Being a By-law to authorize the execution of a Subdivision Amending Agreement pertaining to Lakeside Estates (Phase 2)	133
2.	By-law 32-2022, Being a By-law for the Hermas Moison Drain North Branch	139
3.	By-law 49-2022, Being a By-law to Authorize the Mayor and Clerk to Execute an Intermunicipal Court Services Agreement pursuant to the Provincial Offences Act	140
4.	By-law 50-2022, Being a By-law to Stop Up and Close a portion of Ellis Sideroad (Highway 3 Widening Project)	142
5.	By-law 51-2022, Being a By-law to Confirm the Proceedings of the April 12, 2022 Council Meeting	
6.	By-law 52-2022, Being a By-law to Adopt a Disconnect from Work Policy for the Municipality of Lakeshore	145

20. Closed Session

Recommendation:

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

- a. Paragraph 239(2)(b), (d) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, relating to an employee.
- 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 or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding an appeal under the *Drainage Act*.

21. Adjournment

Recommendation:

Council adjourn its meeting at ____ PM.

Municipality of Lakeshore – Report to Council

Operations

Engineering & Infrastructure



To: Mayor & Members of Council

From: Marco Villella, Division Leader – Engineering and Infrastructure

Date: April 28, 2022

Subject: Enbridge Gas Panhandle Regional Expansion Project

Recommendation

This report is for information only.

Background

Enbridge Gas is proposing to increase the capacity of the Panhandle Transmission System, which serves residential, commercial, industrial, greenhouse and power generation customers in Windsor, Essex County and Chatham-Kent.

The project includes the following:

- **Panhandle Loop:** Approximately 19 kilometers of new pipeline (approximately 3 km in Lakeshore jurisdiction). The new 36-inch pipeline will be located adjacent to an existing pipeline corridor (on private property) between Richardson Side Road in Lakeshore and Dover Transmission Station in Chatham-Kent. The Panhandle Loop includes a new station with access off Richardson Side Road.
- **Leamington Interconnect:** Approximately 12 kilometers of new pipeline (approx. 6 km in Lakeshore jurisdiction). The new 16-inch pipeline will be adjacent to or within an existing road allowance (County Road 8).

The Panhandle Loop is planned for construction in 2023. The Leamington Interconnect component is planned for construction in 2024.

Further, Enbridge Gas presented to Council at the December 14, 2021 Council Meeting related to the alternatives. None of the presented alternatives included pipeline running within (along) Lakeshore Roads, except for crossing of roadways and drains.

Through the Environmental Assessment (EA) process, Engineering provided comments related to the project and the preferred alternatives on December 15, 2021.

The comments addressed Lakeshore's concerns related to potential conflicts with existing Municipal infrastructure and the use of Lakeshore Roads for hauling routes during construction.

Comments

Since finalization of the EA process, Administration has had meetings with Enbridge Gas to further discuss the project's scope of work, approvals, and permit requirements.

An entrance permit will be required for the new access to the station site off Richardson Side Road and will require a road crossing permit across Richardson Side Road to install the new pipeline up to the new station.

Enbridge Gas has also been in discussion with the Municipality's Drainage Division with respect to the impact on municipal drains within the project limits. The Panhandle Loop pipeline is being proposed to cross two drains: Tremblay Creek Drain and Thibert Drain.

The Leamington Interconnect pipeline section along County Road 8 will require further drain crossing approvals at a future date as the project gets further along the design stage for construction in 2024.

Haul routes will be confirmed for the use of construction traffic associated with the project to reduce impact on municipal roads. Any road closures and detours will need to be submitted for Lakeshore's approval.

A Road User Agreement will be required for this project.

Administration will continue to work with Enbridge Gas as the project moves forward to ensure all municipal requirements are being met with respect to standards, permits, and agreements.

Based on the above, there is little concern with the preferred alternative, as outlined.

Enbridge has requested to be a delegate at this May 10, 2022 Council Meeting to seek a letter or resolution of support from Council for purposes of Ontario Energy Board filing of application for leave to construct.

Others Consulted

Enbridge Gas was consulted.

Financial Impacts

There are no financial impacts associated with this project as all costs for the design, construction and permit/approvals will be incurred by Enbridge Gas.

Report Approval Details

Document Title:	Enbridge Gas Panhandle Regional Expansion Project.docx
Attachments:	
Final Approval Date:	May 5, 2022

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

Prepared by Marco Villella

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Enbridge Gas Panhandle Regional Expansion Project Municipality of Lakeshore

May 10, 2022

Why are we here tonight?



- To present you with details on an energy project of significance in Essex County: Panhandle Regional Expansion Project.
- To ask for your support for this project, in the form of a resolution or letter, that would be included in our project application filing to the Ontario Energy Board (OEB).

Panhandle Regional Expansion Project

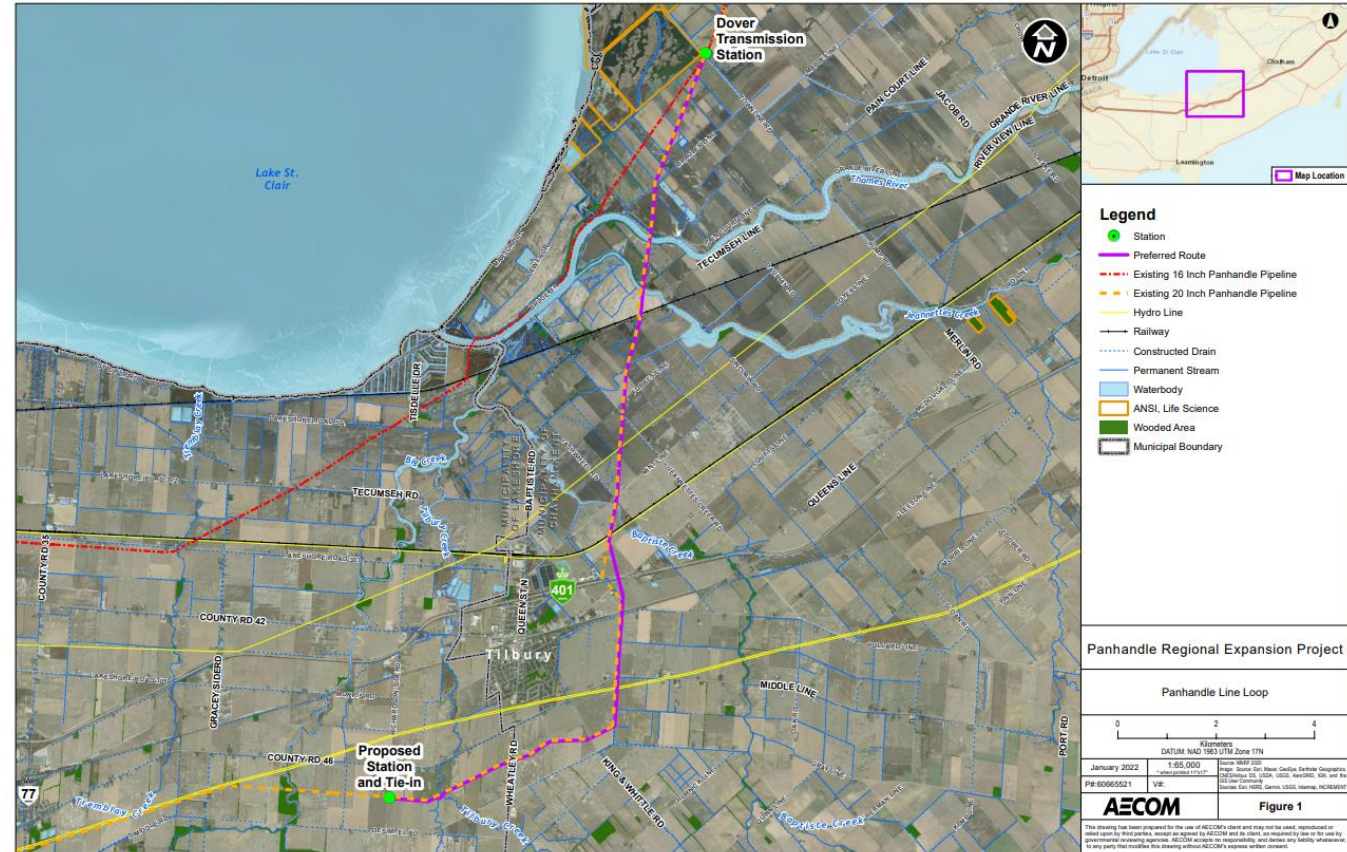


- To serve an increased demand for energy, Enbridge Gas is proposing to increase the capacity of our Panhandle Transmission System, which serves residential, commercial, industrial, greenhouse and power generation customers in Chatham-Kent, Windsor and Essex County.
- Ontario Energy Board (OEB) approval of the project is required prior to beginning construction.
- OEB application to be filed in mid-June 2022.
- If approved by the OEB, construction would begin in early 2023 and be complete by the end of 2023 for some components, and other components would be constructed in 2024.
- **Estimated project cost is nearly \$300M.**
 - Creating hundreds of temporary local construction jobs over the next two years.

Panhandle Regional Expansion Project

Panhandle Reinforcement component

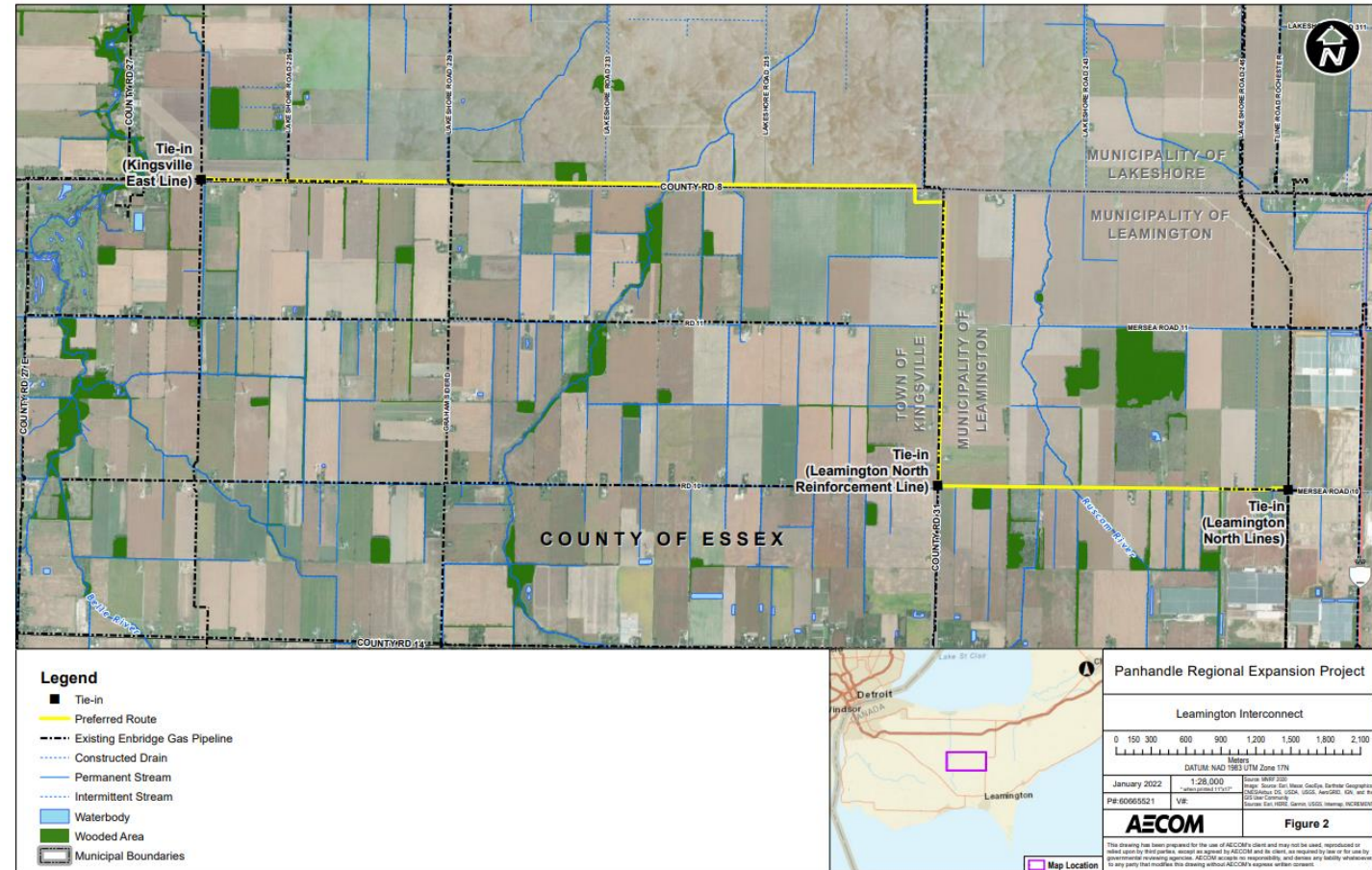
- Construction of approximately 19 km of new pipeline.
- The new pipeline will be 36 inches in diameter and located adjacent to an existing pipeline corridor between the Dover Transmission Station, located at Balmoral Line and Town Line Road in the Municipality of Chatham-Kent, and a to-be-constructed new station in the Municipality of Lakeshore near Richardson Side Road and Middle Line.
- To be constructed in private easement, with road crossings required.
- Construction: 2023



Panhandle Regional Expansion Project

Leamington Interconnect component

- Construction of a new pipeline, 16 inches in diameter.
- This will connect the existing Leamington North Line to both the existing Kingsville East Line and Leamington North Reinforcement Line and be approximately 12 km in length.
- To be constructed primarily in private easement, with road crossings required.
- Private easement follows County Road 8 and County Road 31.
- Mersea Road 10 may require road allowance.
- Construction: 2024



Our commitment

- We will work with Municipal staff on all project permits and requirements.
- We will keep Council informed with updates as the projects progress.
- We will keep the community informed.

Your voice can make a difference

Panhandle Regional Expansion Project



- A letter or resolution of support for the Panhandle Regional Expansion Project will help demonstrate support and need.
- The OEB application process for the project will review the need and community support for the proposed infrastructure.

Thank You

Municipality of Lakeshore

Minutes of the Regular Council Meeting

Tuesday, April 12, 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 - Capital Projects Wayne Ormshaw, 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 - Workplace Development Lisa Granger, Planner I Ian Search, Team Leader - Revenue Michelle Heslop, IT Technologist Mark Donlon, Planner II Urvi Prajapati

1. Call to Order

Mayor Bain called the meeting to order at 6:00 PM in Council Chambers and read the Land Acknowledgement statement. All other members of Council participated in the meeting through video conferencing technology from remote locations.

Councillor Steven Wilder joined the meeting at 6:03 PM.

2. Moment of Reflection

3. Disclosures of Pecuniary Interest

4. Recognitions

5. Public Meetings under the *Planning Act*

1. Zoning By-law Amendment Application ZBA-21-2020, Jeremy St John

Mayor Bain opened the public meeting at 6:03 PM.

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

The Applicant, Jeremy St. John, was present electronically to answer questions of Council.

The public meeting concluded at 6:15 PM.

128-04-2022

Moved By Deputy Mayor Bailey

Seconded By Councillor Janisse

Support Zoning By-law Amendment Application ZBA-21-2020 to amend the current zone category R2-21, Residential Type 2 Zone Exception 21 to permit a Stacked Dwelling containing a maximum of six dwelling units as an additional permitted use on the “Subject Property” (Appendix 1), including site-specific zone regulations, and introduce a holding provision (h29) which will only permit existing uses until site plan approval has been granted, and a site plan agreement has been entered into that adequately addresses sanitary capacity, until the applicant confirms that there is conveyance capacity for sewage flows to support the development, all as presented at the April 12, 2022 Council meeting.

In Favour (2): Deputy Mayor Bailey, and Councillor Walstedt

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

Lost

129-04-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Defer Zoning By-law Amendment Application ZBA-21-2020 to amend the current zone category R2-21, Residential Type 2 Zone Exception 21 to permit a *Stacked Dwelling* containing a maximum of six dwelling units as an additional permitted use on the “Subject Property” (Appendix 1), including site-specific zone regulations, and introduce a holding provision (h29) which will only permit existing uses until site plan approval has been granted, and a site plan agreement has been entered into that adequately

addresses sanitary capacity, until the applicant confirms that there is conveyance capacity for sewage flows to support the development, all as presented at the April 12, 2022 Council meeting.

Carried Unanimously

2. ZBA-5-2022 Removal of Holding Symbol - Serenity Bay

Mayor Bain opened the public meeting at 6:34 PM.

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

Mary-Ann Keefner and John Evola, representing the applicant, were present electronically to answer questions of Council.

The public meeting concluded at 6:40 PM.

130-04-2022

Moved By Councillor Walstedt

Seconded By Councillor Janisse

Direct the Clerk to read By-law 33-2022 to remove the Holding Provision (h4) from Lots 1-13, Block 14-35 on Plan of Subdivision 12M-673 (Serenity Bay), during the Consideration of By-laws, as presented at the April 12, 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

131-04-2022

Moved By Councillor Wilder

Seconded By Councillor Walstedt

Move forward Item 11.6 as noted in the agenda.

Carried Unanimously

11. Reports for Direction

6. Subdivision Agreement Amendment & Part Lot Control Exemption By-law (PLC-1-2022) – Serenity Bay

132-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Approve the amendment to the Serenity Bay Subdivision Agreement; and

Approve the application for Part Lot Control exemption for Blocks 14 - 32 (inclusive) on Registered Plan 12M-673 in the Municipality of Lakeshore as presented at the April 12, 2022 Council meeting; and

Direct the Clerk to read By-law 35-2022 and By-law 36-2022 during the “Consideration of By-laws”.

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

Opposed (1): Councillor Wilder

Carried

6. Public Presentations

7. Delegations

Mr. Chris Girard was present electronically and requested that Council consider the gravel conversion of Lakeshore Road 115 from Walls Road to Highway 401.

133-04-2022

Moved By Councillor Walstedt

Seconded By Deputy Mayor Bailey

Add Lakeshore Road 115 from Walls Road to Highway 401 to the gravel conversion construction in 2022, with the cost to be taken from the Gravel Conversion reserve.

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

Opposed (1): Councillor Kerr

Carried

8. Completion of Unfinished Business

1. Consent Agenda

134-04-2022

Moved By Deputy Mayor Bailey

Seconded By Councillor Santarossa

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

Carried Unanimously

1. March 15, 2022 Regular Council Meeting Minutes
2. Town of Wasaga Beach - County of Simcoe Regional Government Review Service Delivery Task Force - Fire Services
3. Municipality of Mississippi Mills - Abandoned Cemeteries
4. Municipality of Mississippi Mills - Joint and Several Liability Reform
5. City of Barrie - Joint and Several Liability Reform

2. Reports for Information

135-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Receive the Reports for Information as listed on the agenda.

Carried Unanimously

1. Treasurer's Statement – 2021 Council and Appointee Remuneration and Expenses
2. Council Requested Report Tracking - March 2022

9. Consent Agenda

136-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

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

Carried Unanimously

1. **Municipality of Clarington - Comprehensive Zoning Bylaw Review**
2. **City of Port Colborne - Year of the Garden**
3. **City of Cambridge - Request to Impose a Moratorium on Gravel Applications**

10. Reports for Information

137-04-2022

Moved By Councillor McKinlay

Seconded By Councillor Wilder

Receive the Reports for Information as listed on the agenda and bring back the report from the Ministry of Transportation relating to the golf cart pilot project when it becomes available.

Carried Unanimously

1. **Golf Cart Pilot Project – Status Update**
2. **Quarterly Building Activity Report – 2022 Q1**

11. Reports for Direction

1. **Tender Award – 2022- 2024 Grass Cutting Contract**

138-04-2022

Moved By Councillor Wilder

Seconded By Councillor Janisse

Award the Grass Cutting Contracts for the 2022 to 2024 seasons to Creative Homescapes (Section A) in the amount of \$197,404.67 (including applicable HST); A1 Properties (Section B & Section C) in the amount of \$75,841.73 (including applicable HST); 1866885 Ont Ltd o/a Quality Turf (Section D) in the amount of \$94,428.19 (including applicable HST); TDE Groupe Inc. (Section E) in the amount of \$25,703.35 (including applicable HST); for a total of \$393,377.95 (including applicable HST) to deliver the 2022 program, with a total budget overage of \$37,327.95, as presented at the April 12, 2022 Council meeting.

Carried Unanimously

2. Tender Award – 2022 Gravel Conversion Program

139-04-2022

Moved By Councillor Santarossa

Seconded By Councillor Walstedt

Award the tender for the 2022 Gravel Conversion Program to Shepley Road Maintenance Ltd. in the amount of \$827,236.80 including applicable HST and approve \$130,000 including applicable HST from the budgeted amount to undertake field assessments on Lakeshore Road 111, as presented at the April 12, 2022 Council meeting.

Carried Unanimously

3. Tender Award - 2022 Supply and Place Gravel Program

140-04-2022

Moved By Councillor Wilder

Seconded By Councillor Janisse

Remove Road 309 (see wording of Option 2)

In Favour (3): Councillor Wilder, Councillor Janisse, and Councillor Santarossa

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

Lost

141-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Direct Administration to award the 2022 Supply and Place Gravel Program to Shepley Excavating & Road Maintenance Ltd. in the amount of \$430,529.77, as per Option 1 with the excess amount of \$97,210.31, funded from the road reserves, as presented at the April 12, 2022 Council meeting.

In Favour (6): Mayor Bain, Deputy Mayor Bailey, Councillor Santarossa, Councillor Kerr, Councillor Walstedt, and Councillor McKinlay

Opposed (2): Councillor Wilder, and Councillor Janisse

Carried

4. Award for Professional Services for Hood Drain & Leffler Pump Upgrades

142-04-2022

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Award for Professional Services for Hood Drain and Leffler Pump Station Upgrades to Stantec Consulting Ltd. at a total cost of \$127,200.00 including applicable HST, as presented at the April 12, 2022 Council meeting.

Carried Unanimously

5. Award for Professional Services for Bridge Rehabilitation at Lakeshore Road 129 over Ruscom River

143-04-2022

Moved By Councillor Walstedt

Seconded By Councillor McKinlay

Award the Professional Services for Bridge Rehabilitation at Lakeshore Road 129 over Ruscom River to Landmark Engineers Inc. for a total cost of \$101,760.00 including applicable HST, as presented at the April 12, 2022 Council meeting.

Carried Unanimously

7. Half Load Designation on Class B Roads - Update

144-04-2022

Moved By Councillor Walstedt

Seconded By Councillor Wilder

Receive the letter of support from the Heavy Construction Association of Windsor; and

Direct the Clerk to read the draft by-law related to Half Load Designation on Class B roads for consideration, and Approve a transfer of \$46,500.00 (including applicable HST) to purchase and install signage for all of the Class B roads, as described in the report presented at the April 12, 2022 Council meeting.

Carried Unanimously

8. Revenue Division Staffing

145-04-2022

Moved By Councillor Santarossa

Seconded By Councillor Wilder

Direct Administration to implement Option #1, as described in the report presented at the April 12, 2022 Council meeting.

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

Opposed (1): Deputy Mayor Bailey

Carried

12. Announcements by Mayor

13. Reports from County Council Representatives

Deputy Mayor Bailey provided an overview of matters from County of Essex Council.

19. Closed Session

146-04-2022

Moved By Councillor Wilder

Seconded By Deputy Mayor Bailey

Council move into closed session in Council Chambers at 7:42 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)(d), (e) and (f) of the *Municipal Act, 2001* to discuss labour relations or employee negotiations, litigation affecting the municipality and advice that is subject to solicitor-client privilege relating to mandatory vaccinations.
- c. 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 labour relations or employee negotiations, relating to pay equity.

- d. Paragraph 239(2)(b), (d) and (f) of the *Municipal Act, 2001* to discuss personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose, relating to an employee.
- e. 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 the Hydro One Chatham to Lakeshore Transmission Corridor.
- f. 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 labour relations or employee negotiations, regarding employee recruitment.
- g. Paragraph 239(2)(f) and (k) of the *Municipal Act, 2001* to discuss 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 the Union Water Supply System.

Carried Unanimously

A resolution was passed in closed session to extend the meeting past the 9:30 PM deadline.

21. Adjournment

The meeting was adjourned in closed session at 9:59 PM.

Tom Bain
Mayor

Kristen Newman
Clerk



ADVISORY BULLETIN REGARDING PECUNIARY INTEREST IN LAND

Bruce P. Elman LL.D.
Integrity Commissioner
2 May 2022

PURPOSE OF THE BULLETIN

- [1] This Bulletin is intended to further assist Members of Council, Local Boards, and Committees (“Members”) in understanding their obligations regarding conflicts of pecuniary interest, as explained in the previously posted *Advisory Bulletin Regarding Conflict of Interest* (June 15, 2021), especially as it relates to pecuniary (financial) interest in land and real property.
- [2] The Integrity Commissioner is a confidential resource available for clarification and advice on conflicts of interest. Pursuant to section 8.3 of the **Code of Conduct for Members of Council, Local Boards, and Committees (“Code of Conduct”)**, the Integrity Commissioner may provide oral and written advice to Members concerning the interpretation of, and compliance with, the **Code of Conduct** and the *Municipal Conflict of Interest Act (MCIA)* as well as other ethical questions facing Members.

INTEREST IN LAND

- [3] As explained in the *Advisory Bulletin Regarding Conflict of Interest*, the meaning of “conflict of interest” in the *MCIA* includes direct, indirect, or deemed pecuniary interests. The *MCIA* is concerned with pecuniary (financial) interests **only**.
- [4] If a Member owns property that may either increase or decrease in value as a result of a decision by Council, a Local Board, or a Committee, as the case may be, it is considered a direct pecuniary interest because it expressly has an impact on the Member’s own finances, economic prospects, or property value. A direct pecuniary interest in land includes rental properties or any property owned by the Member, even if the Member does not reside on that land.
- [5] As noted, pecuniary interests can be direct or indirect (See *MCIA*, section 2(1) and **Code of Conduct**, sections 8.1 and 8.4). An indirect interest arises if the Member (or his or her

nominee) (1) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public (See *MCIA*, section 2(a)(i)); (2) has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public (See *MCIA*, section 2(a)(ii)); or (3) is a Member of a body that has a pecuniary interest in the matter before Council, a Committee or Local Board, as the case may be (See *MCIA*, section 2(a)(iii)). Further, if the Member is a partner of a person or is in the employment of a person who has a pecuniary interest in the matter, an indirect interest arises (See *MCIA*, section 2(b) and **Code of Conduct**, section 8.4(b)).

- [6] A pecuniary interest – direct or indirect -- may, also, be “deemed”. The pecuniary interest of a parent or the spouse or any child of the Member shall, if known to the Member, be deemed to be the pecuniary interest of the Member. (*MCIA*, section 3 and **Code of Conduct**, section 8.4(b)).
- [7] Therefore, a pecuniary interest in land could include situations where, for example, a Member’s father or child is an abutting owner to the subject property; a Member’s wife or child owns a farm adjacent to a subject property; a Member’s husband or child is a Director of a corporation that owns land in the subject area; a Member’s employer owns land that is part of a development proposal; or a Member’s business partner is the owner of land that the Town is considering purchasing. This list is not exhaustive but illustrates possible conflicts of interest because of a direct, an indirect or a deemed pecuniary interest.
- [8] Notices for Planning applications are regulated by the *Planning Act*. (See: *The Planning Act*: <https://www.ontario.ca/laws/statute/90p13>.) There are several different *Planning Act* applications. Each type has an associated Ontario Regulation on how to provide Notice of an application. For a zoning by-law amendment, *Ont. Reg 545/06* applies. (See: *Ont. Reg. 545/06*: <https://www.ontario.ca/laws/regulation/060545>.) Pursuant to this regulation, all property owners within 120 meters of the parcel which is the subject of the application, are to be sent Notice by mail. Various “Notice zones” exist under the *Planning Act* and its Regulations, but none is greater than 120 meters.
- [9] One might think that this “Notice zone” of 120 meters delineates the geographical area for determining a pecuniary interest. However, there is no reference in the *MCIA* or the **Code of Conduct**, or the case law, that fixes a definitive distance or zone within which a landowner would be deemed to have a pecuniary interest. Although the zone for Notice may be helpful, the specific facts and context of each situation must be examined to determine whether there is a conflict of interest. The nature of the development, the configuration of the properties, the topography of the land, where structures are placed on the development, and the location of the entrances and exits, among other things, must be considered. **There is NO bright-line rule.**

- [10] There is one rule of thumb: the closer one's property is to the property under consideration, the more likely one is to have a pecuniary conflict; the farther away, the less the likely. Furthermore, if a Member is within the zone, it is extremely likely that they will have a pecuniary interest in the Application. However, just because the Member is outside the zone, doesn't mean the Member may not have a pecuniary interest in the Application. **The "Notice Zone" is NOT definitive nor determinative.**

CASE LAW

- [11] *Doug Craig v. Her Majesty the Queen in Right of Ontario*, 2013 ONSC 5349 (CanLII) is an example of a case where a Member's pecuniary interest was found to be exempt under Section 4(k) of the *MCIA*. The Mayor of Cambridge's son owned property within 600 metres of a proposed transit hub. Properties near these transit hubs were expected to become more desirable and undergo a "land value uplift." However, in this case, the judge found that the Mayor's pecuniary interest was *too remote or insignificant in its nature and, therefore, it could not reasonably be regarded as likely to influence his decisions*.
- [12] In this case, the judge looked at the following factors in making his decision:
- The potential for "land value uplift" was uncertain and might not be realized;
 - The property was likely not to be retained by the Mayor's son on a long-term basis, so any "land value uplift" would probably not be realized by him;
 - The Mayor's long and distinguished record of community service, without any breaches of ethical guidelines, policies, or laws;
 - The Mayor brought this matter before the Court to represent the interests of his constituents; and
 - The Mayor's desire to participate in the discussions, debates, and votes on the mass transit issue was not motivated by the fact his son owned property in proximity to a proposed transit station but, rather, by his longstanding interest in, and support for, public transportation.
- [13] In *Foster v. VanLeeuwen*, 2021 ONMIC 3, a decision from the Integrity Commissioner of the Township of Centre Wellington, Council considered a recommendation from the Heritage Committee to designate a bridge as heritage property. Councillor VanLeeuwen owned real estate and operated five businesses approximately half a kilometre from the bridge. The issue was whether the Councillor stood to benefit from replacing the bridge instead of designating it a heritage property because a stronger bridge would provide his customers with a more efficient route to tow their heavy equipment to and from his businesses.

- [14] The Integrity Commissioner determined that although the bridge had significance to the community, that, in itself, did not establish the presence of an interest that engaged the *MCIA*. The interest must be specific to the Member and related to or involving money. Pecuniary interest does not arise from speculation based on hypothetical circumstances; it must be real and present.
- [15] It was determined that the facts did not establish that Councillor VanLeeuwen's businesses would experience increased revenue and profits if there was no heritage designation. There was, also, no evidence to establish that the value of his home would increase if the bridge was given a heritage designation.
- [16] The Integrity Commissioner further noted that: (1) the *MCIA* does not distinguish between decisions that positively or negatively affect a Member's pecuniary interest in land; and (2) how a Member voted on a matter (i.e. for or against) is irrelevant. Similarly, the ultimate decision of Council, Local Board, or Committee, as the case may be, is also irrelevant.
- [17] *Davis v. Carter*, 2020 ONMIC 5 (CanLII) briefly describes an example of a direct pecuniary interest in land. The Mayor declared an interest in a letter from the Downtown BIA, which requested amendments to a By-law, because the Mayor owned property within 500 feet (approx.152 meters) of the subject property.
- [18] In *Davidson v. Christopher*, 2017 ONSC 4047, the Mayor of Belleville was found to have a pecuniary interest in a matter of property acquisition. The Mayor was a shareholder and director of a company that owned vacant property, a portion of which the City of Belleville needed to acquire in order to construct a roundabout. The Mayor had previously declared an interest when the roundabout project first came before Council and, also, in a later meeting that discussed the potential land acquisition. However, a Special Council Meeting was held regarding a possible budget increase for the project at which the Mayor failed to declare his pecuniary interest.
- [19] The Judge found that the Mayor had breached Section 5(1) of the *MCIA* when he spoke to, and voted on, the matter at the Special Council Meeting. Had the roundabout been voted down in this meeting, his property would not have been acquired by the City. By casting a vote in favour of the budget, he, in essence, supported the project moving forward, which included the acquisition of his property. The Judge found that a reasonable elector would, on the balance of probabilities, view the Mayor's interest as an influence on his actions and decisions.
- [20] The exemptions under Sections 4(j) and 4(k) of the *MCIA* did not apply in this case. The Judge determined that the Mayor had committed an error in judgment by not declaring his interest

at the Special Council Meeting. Evidence showed that the Mayor had an honest belief that the meeting did not affect his pecuniary interest since property acquisition was neither on the agenda nor discussed at the meeting. Thus, pursuant to the saving provision of Section 10(2) of the *MCIA*, the Judge decided that the Mayor should not be removed from his position.

- [21] Lastly, in *Tuchenhagen v. Mondoux*, 2011 ONSC 5398 (CanLII), a Councillor in the City of Thunder Bay was found to have contravened Section 5 of the *MCIA* by not disclosing a pecuniary interest in a tax sale by the City.
- [22] When the Councillor became aware of the proposed tax sale, he sent an email asking for a copy of the advertisement for the property, stating that he might be interested in bidding on the property. He made an appointment to view the property and submitted a bid through a corporation he owned. It was not until he submitted his bid that he disclosed his pecuniary interest. He had not disclosed, at any prior meetings, his interest in making an appointment to view the property or in buying the property.
- [23] The Court found that the Councillor's pecuniary interest crystallized as soon as he became interested in making a bid for the property as he was no longer looking at the sale only from his perspective as a Council Member. He was examining the situation to see how it could advance his own private interests. The Councillor should have disclosed his interest at the meetings that took place after he became interested in the property and before he actually entered a bid on it. Neither the exemptions nor the saving provision under the Act applied here and the Councillor was disqualified from being a Member of Council for 4 years.

ROLE OF THE INTEGRITY COMMISSIONER

- [24] The above cases demonstrate the vast range of scenarios that might bring a Member's interest in land into question and how the outcomes vary widely depending on the specific facts and circumstances of each case.
- [25] The decision to declare a conflict is the responsibility of the Member who believes they might have pecuniary interest in land or real estate. Although there is no bright line test, Members can use the factors outlined in the above noted examples to help determine whether there will be a pecuniary interest that results in a conflict.
- [26] Complaints may be brought to the Integrity Commissioner under **Complaint Management Protocol** (<https://www.lakeshore.ca/en/municipal-services/resources/106-2019---Adopt-an-Integrity-Commissioner-Complaint-Management-Protocol.pdf>.) Further, an elector may petition the Integrity Commissioner to apply to a judge for a determination of whether a

Member has breached the *MCIA*. The Integrity Commissioner has the discretion to either make such an application or decline to do so.

- [27] Complaints may be brought to the Integrity Commissioner under the **Complaint Management Protocol** alleging that a Member has violated the **Code of Conduct**. Further, an elector may petition the Integrity Commissioner to apply to a judge for a determination of whether a Member has breached the *Municipal Conflict of Interest Act (MCIA)*. The Integrity Commissioner has the discretion to either make such an application or decline to do so.

FURTHER INFORMATION

This Advisory Bulletin is intended to provide general information. To rely on the advice of the Integrity Commissioner with respect to specific situations, Members of Council, Local Boards, and Committees must seek written advice consistent with the provisions of Sections 8.3 and 19.0 of the **Code of Conduct**.

Members of Council, Local Boards, and Committees who seek clarification of any part of the **Code of Conduct**, should consult with the Integrity Commissioner.

Bruce P. Elman LL.D.

Integrity Commissioner

c/o Clerks Office,

Municipal Office

419 Notre Dame, Belle River, Ontario N0R 1A0

Tel: 519-728-1975 x 219

Email: integrity@lakeshore.ca

**Minutes of BIA Board of Management Meeting
Monday, April 11th, 2022 at 12:00 pm
at Belle River Family Restaurant**

BIA Board	<p><u>Ward 4 Council Representative:</u> John Kerr <u>Chairman:</u> Moe Mailloux, Moe Mailloux Financial Services Inc <u>Vice Chair:</u> Laura Tremblay, National Bank <u>Directors:</u> Jay Coulter, Coulter Software Inc Dale Sanger, New Life Ray Tetreault, Tetreault valu mart Derek Trepanier, North 42 Landscaping Shawn Sauve, RONA Sauvé's Home Centre BIA Coordinator Janel Gagnier REGRETS: Rachelle Crevatin, Labelle Fromage , Sandy Pepper, Accessorize It Tina Roy, TRU Real Estate Group, Lakeshore Economic Development Officer Ryan Donally</p>
	<u>Agenda Items</u>
	<u>Declaration Of Conflict of Interest - None</u>
#1	<p>Motion: Adoption of the Minutes of the BIA Board Meeting on March 14, 2022 Laura Moved and Ray Seconded: That the minutes from the BIA Board Meeting of March 14, 2022 be adopted as presented. Motion # 2022 – 05 All in favour. Motion Carried</p>
#2	<p>Lakeshore has had a number of enquires about setting up mobile food trucks and / or carts as a permitted use. Defer to next meeting as Ryan was unable to attend. They might benefit the community but they would not benefit our businesses.</p>
#3	<p>Motion: To Approve Advertising for our BIA Businesses by category, STS and Sunsplash Events and Locations with a Belle River Map Dale Moved and Shawn Seconded: That the BIA place an order with The Business Observers for 2,500 maps that are 11' x 17" at the quoted price of \$855.00 plus hst. Motion # 2022 – 06 All in favour. Motion Carried</p>
#4	<p>Banners need to be replaces as there are about 15 of them missing out of the 39 locations. Janel to get a quote for replacing banners as well as banner design samples if we want to change the look with a different photo of the waterfront. In the past businesses purchased a banner for \$125 but this year banner prices will have increased.</p>

#5	<p>2022 BIA Dollar Budget is \$7000.</p> <p>\$1000 to be used for Sunsplash Giveaways and Promotions on Social Media.</p> <p>Motion: To approve a Pay for Your Purchase Promotion</p> <p>Shawn Moved and Ray Seconded: That the BIA spend \$6000 in total paying for random purchases at local BIA businesses with a limit of \$100 per purchase and capturing it on video or with photos to post on social media.</p> <p>Motion # 2022 – 07 All in favour. Motion Carried</p>
#6	<p>Sunsplash Festival – July 14-17</p> <p><u>Cope Amusement Carnival</u>- Thursday to Sunday rides for the little kids</p> <p><u>Music at Amphitheatre</u> – All bands have been asked to provide sound and lights themselves.</p> <p>Thursday - Crystal Gage and husband Ryan \$1000 host Sunsplash Idol</p> <p>Friday - Leave Those Kids Alone Band \$1200</p> <p>Saturday – Band Choices - 519 Band \$1500</p> <p>Classic Cruise Car Show – Friday afternoon from 4pm to 8pm. Notre Dame Closed 3pm to 9pm <u>Jay Coulter to Chair the Committee</u>. John Kerr and Pam Trepanier will sit on committee and Moe and LouAnne Sylvestre will help with registration the day of.</p> <p><u>Sunsplash Parade</u> – Kelsey Santarossa Parade Marshall – Take place on Saturday Morning</p> <p>Vendors Registration will be online as well as paper forms at town hall for registration and payment.</p> <p><u>Fishing Derby</u> – <u>Derek Trepanier to Chair the Committee</u> Sunday Morning 8am to 10am</p> <p><u>Jet Ski Races</u> can take place with proper funding sponsorship of \$15,000</p> <p>BIA to help plan Chalk Art/ Sandcastle Contest</p>
	<p>Meeting Adjourned</p> <p>Next Meeting is on May 2, 2022</p>
	<p>BIA Minute Approval by: <u>Moe McIlroy</u></p> <p>Date: <u>May 3/2022</u></p>



Town of Arnprior Support for Humanitarian Efforts in Ukraine

To Whom it may concern,

Council of the Corporation of the Town of Arnprior passed the following resolution regarding supporting Ukraine in these difficult times. Council at their meeting, requested staff provide this resolution to all municipalities in the province of Ontario for their information.

Whereas the Council of the Corporation of the Town of Arnprior supports our Federal, Provincial and local municipalities in condemning the aggression and violent acts that Russia is taking upon Ukraine; and

Whereas on March 2, 2022 Mayor Stack issued a press release voicing the Town's support of "the Ukrainian people, who are fighting bravely against the invading Russian forces" and asked that everyone in Arnprior keep "these brave souls in our hearts and minds, and hope for a swift end to this conflict," and

Whereas the clock at the D.A. Gillies (Museum) will stay lit in blue and yellow until the attacks cease.

Therefore Be It Resolved That:

1. That Council support the humanitarian efforts in Ukraine with a \$1000.00 donation to the Canadian Red Cross Ukraine Humanitarian Crisis Appeal.
2. That the Mayor send a letter to the Ukrainian Embassy in Ottawa in support and solidarity of those in Ukraine, their friends and families across the globe and those of Ukrainian heritage within our community.

The Town of Arnprior has sent a donation to the Canadian Red Cross Ukraine Humanitarian Crisis Appeal, and the Mayor has issued a letter to the Ukrainian Embassy in Ottawa, as noted.

Sincerely,

Kaila Zamojski
Deputy Clerk
Town of Arnprior
613-623-4231 Ext. 1818



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Sincerely,

Kaila Zamojski
Deputy Clerk
Town of Arnprior
613-623-4231 Ext. 1818



CORPORATION OF THE TOWNSHIP OF ZORRA

274620 27th Line, PO Box 306 Ingersoll, ON, N5C 3K5

Ph. 519-485-2490 • 1-888-699-3868 • Fax 519-485-2520

Item 9(a)

Date: **April 20, 2022**

43-04-2022

Moved by Paul Mitchell

Seconded by Steve MacDonald

WHEREAS the Township of Zorra has experienced annual cost of premium increase of 17%, 24% and 20% in the last three years for insurance coverage for the municipality;

THEREFORE the Township of Zorra supports resolution 22-6-064 entitled "Request to the Province of Ontario for a Plan of Action to Address Joint and Several Liability," passed by the City of Barrie;

AND THAT the Township of Zorra supports resolution 080-22 passed by the Municipality of Mississippi Mills, regarding the Association of Municipalities of Ontario (AMO) submission entitled "Towards a Reasonable Balance: Addressing Growing Municipal Liability and Insurance Costs;"

AND THAT this motion of support and the two resolutions list above, be forwarded to Premier Doug Ford, Minister of Finance Peter Bethlenfalvy, Minister of Municipal Affairs and Housing Steve Clark, MPP for Oxford Ernie Hardeman, AMO and all Ontario municipalities.

☒ Carried

☐ Defeated

☐ Recorded Vote

☐ Deferred

Recorded Vote:

	Yea	Nay
Mayor Ryan		
Councillor Forbes		
Councillor Davies		
Councillor Mitchell		
Councillor MacDonald		

Mayor

March 17, 2022

File: C00

The Honourable Doug Ford, MPP
Premier of Ontario
Premier's Office, 1 Queen's Park
Legislative Building, Room 281
Toronto ON M7A 1A1
premier@ontario.ca

Dear Premier Ford:

**Re: REQUEST TO THE PROVINCE OF ONTARIO FOR A PLAN OF ACTION
TO ADDRESS JOINT AND SEVERAL LIABILITY**

On behalf of the Council of The Corporation of the City of Barrie, I wish to advise that on March 7, 2022, City Council adopted the following resolution regarding a Plan of Action to Address Joint and Several Liability:

**22-G-064 REQUEST TO THE PROVINCE OF ONTARIO FOR A PLAN OF ACTION TO ADDRESS
JOINT AND SEVERAL LIABILITY**

WHEREAS the cost of municipal insurance in the Province of Ontario has continued to increase with especially large increases going into 2022; and

WHEREAS Joint and Several Liability continues to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimum fault; and

WHEREAS these increases are unsustainable and unfair and eat at critical municipal services; and

WHEREAS the Association of Municipalities of Ontario outlined seven recommendations to address insurance issues including:

1. That the Provincial Government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.

5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims and deductible limit changes which support its own and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

NOW THEREFORE BE IT RESOLVED that the Council for the Corporation of the City of Barrie call on the Province of Ontario to immediately review these recommendations despite COVID-19 delays, as insurance premiums will soon be out of reach for many communities and

BE IT FURTHER RESOLVED that this motion be provided to the Honourable Doug Ford, Premier of Ontario, the Honourable Peter Bethlenfalvy, Minister of Finance, the Honourable Doug Downey, Attorney General of Ontario and MPP for Barrie-Springwater, the Honourable Andrea Khanjin, MPP for Barrie-Innisfil, and all Ontario municipalities.

If you have any questions, please do not hesitate to contact the undersigned, wendy.cooke@barrie.ca or (705) 739.4220, Ext. 4560.

Yours truly,



Wendy Cooke
City Clerk/Director of Legislative and Court Services

WC/bt

Cc:

- The Honourable Peter Bethlenfalvy, Minister of Finance
- The Honourable Doug Downey, Attorney General and MPP for Barrie-Springwater
- The Honourable Andrea Khanjin, MPP for Barrie-Innisfil
- All Ontario municipalities



**The Corporation of the
Municipality of Mississippi Mills**

Council Meeting

Resolution Number 080-22

Title: Information List #05-22 Town of Bracebridge Resolution re: Joint and Several Liability Reform

Date: Tuesday, March 15, 2022

Moved by Councillor Holmes

Seconded by Councillor Dalgity

WHEREAS municipal governments provide essential services to the residents and businesses in their communities; and

WHEREAS the ability to provide those services is negatively impacted by exponentially rising insurance costs; and

WHEREAS one driver of rising insurance costs is the legal principle of “joint and several liability”, which assigns disproportionate liability to municipalities for an incident relative to their responsibility for it; and

WHEREAS the Government of Ontario has the authority and responsibility for the legal framework of “joint and several liability”; and

WHEREAS the Premier of Ontario committed to review the issue in 2018 with a view to helping municipal governments manage their risks and costs; and

WHEREAS the Provincial Review was conducted in 2019 with AMO and municipalities fully participating; and

WHEREAS the results of the Provincial Review have not been released and municipalities are still awaiting news of how the Attorney General will address this important matter; and

WHEREAS the Association of Municipalities of Ontario (AMO) on behalf of municipal governments has provided recommendations in their document “Towards a Reasonable Balance – Addressing Growing Municipal Liability and Insurance Costs” to align municipal liability with the proportionate responsibility for incidents and capping awards; and

WHEREAS The Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) has written to the Attorney General in support of the abovementioned recommendations provided by AMO;

NOW THEREFORE BE IT RESOLVED THAT THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS RESOLVES AS FOLLOWS:

1. That the Municipality of Mississippi Mills calls on the Attorney General of Ontario to work with municipal governments to put forward a plan of action to address “joint and several liability” before the end of the government’s current term.
2. That the Municipality of Mississippi Mills supports the seven (7) recommendations contained in the AMO submission “Towards a Reasonable Balance – Addressing Growing Municipal Liability and Insurance Costs” to re-establish the priority for provincial action on this issue.
3. That a copy of this resolution be forwarded to Attorney General, the Honourable Doug Downey; the Minister of Municipal Affairs and Housing, the Honourable Steve Clark; AMO President, Jamie McGarvey, AMCTO President, Sandra MacDonald; and all Municipalities in Ontario.

CARRIED

I, Casey Munro, Deputy Clerk for the Corporation of the Municipality of Mississippi Mills, do hereby certify that the above is a true copy of a resolution enacted by Council.



Casey Munro, Deputy Clerk

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Item 2, Report No. 11, of the Committee of the Whole (Working Session), which was adopted, as amended, by the Council of the City of Vaughan on March 22, 2022, as follows:

By approving the recommendation contained in Communication C276, resolution from Councillor Alan Shefman and Councillor Marilyn Lafrate, dated March 8, 2022, as an amendment, to read as follows:

Whereas, the City of Vaughan recognizes the urgency of developing a comprehensive province-wide policy to address the urgent issue of affordability of housing;

Whereas, the City has embarked on developing its own policy on affordable housing;

Whereas, the City of Vaughan has an Official Plan that establishes a desired urban structure to guide its land uses throughout the city;

Whereas, the City undertakes regular reviews of its Official Plan, as required by the Planning Act, to ensure land use decisions are consistent with the Provincial Policy Statement and reflective of the community visions;

Whereas, the City's Official Plan encourages significant growth to the urban growth Centre, mobility hubs and major transit station areas to take advantage of mass transit services and protect the character of established residential areas;

Whereas, the City's Official Plan designates sufficient lands to meet its future growth needs based on provincial growth forecasts and serves as a critical policy document to coordinate between infrastructure and growth;

Whereas, the City's Official Plan is developed and updated based on technical studies and thorough extensive community and stakeholder consultations as required by the Planning Act;

Whereas, the province has established a Housing Affordability Task Force, without municipal representation, that has released 55 recommendations in its draft report on January 25, 2022, that could significantly impact land use planning at municipal level;

Whereas, there are many factors that can influence housing affordability, e.g. lack of Provincial infrastructure investment, immigration policy, backlog of cases at OLT, labour and material costs, income and inflation, as well as complex and sometimes conflicting Provincial policies; and

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Whereas, many of the recommendations of the Housing Affordability Task Force would result in both local planning decisions being fundamentally undermined and download the burdens of the housing crisis to municipalities and their residents to the point that the quality of life of our residents would be seriously threatened;

NOW THEREFORE BE IT RESOLVED:

- 1. That as a first step in the process of developing a policy on housing affordability, that a fulsome and comprehensive definition of “affordable housing” be developed in consultation with municipalities and other interested parties;**
- 2. That the City of Vaughan support all efforts at all levels of government to increase housing supply that is fair to both existing and future residents;**
- 3. That the City of Vaughan be fully committed to working with all levels of government to develop an effective strategy to provide affordable housing;**
- 4. That the City of Vaughan express its grave concerns to the local MPPs and the Province of Ontario about the Housing Affordability Task Force report for lack of municipal involvement and consultation; and**
- 5. That the Province of Ontario be requested to conduct, with all due haste, a thorough consultation with municipalities and appropriate interested parties prior to developing and releasing any policy based on the Housing Affordability Task Force recommendations; and**
- 6. BE IT FURTHER RESOLVED That a copy of this Motion and Communication C280 (attached), memorandum from the Deputy City Manager, Planning & Growth Management, dated March 15, 2022, be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors’ Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and**
- 7. BE IT FINALLY RESOLVED That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for consideration.**

By approving the recommendation contained in Communication C285, resolution from Councillor Alan Shefman and Councillor Marilyn Iafrate, dated March 22, 2022, as follows:

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

Whereas an Official Plan is developed through extensive public consultation to ensure, “that future planning and development will meet the specific needs of (our) community”;

Whereas the Vaughan Official Plan includes provisions that encourage development of all forms of housing including the need for attainable housing in our community;

Whereas our Official Plan is ultimately approved by the province;

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the City of Vaughan Official Plan;

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the City of Vaughan Official Plan;

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board) an appointed body that is not accountable to the residents of Vaughan;

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans or the needs of the community;

Whereas all decisions - save planning decisions - made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process;

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans;

Whereas municipalities across this Province are forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time-consuming OLT hearings; and

Whereas lengthy and costly OLT hearings add years to the development approval process and acts as a barrier to municipal development; and

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

NOW THEREFORE BE IT RESOLVED that the Government of Ontario be requested to immediately establish a comprehensive and wide-ranging process that includes the participation of municipalities and other interested parties, to determine an alternative land use planning appeals process to replace the OLT in order to establish a fair and efficient appeal process in Ontario; and

BE IT FURTHER RESOLVED that a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors' Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and

BE IT FINALLY RESOLVED that a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for consideration; and

By receiving the following Communications:

C149. Mario Marmora, South Maple Ratepayers Association, dated March 1, 2022; and

C280. Memorandum from the Deputy City Manager, Planning & Growth Management, dated March 15, 2022.

2. RESOLUTION SUPPORTING MUNICIPAL FINAL AUTHORITY FOR DEVELOPMENT PLANNING (REFERRED FROM FEBRUARY 15, 2022 COUNCIL MEETING)

The Committee of the Whole (Working Session) recommends:

- 1. That the recommendation contained in the following report of the Deputy City Manager, Legal and Administrative Services & City Solicitor, and Deputy City Manager, Planning and Growth Management, dated March 2, 2022, be approved;**
- 2. That in accordance with Communication C6., the recommendations contained in the resolution of Councillor lafrate and Councillor Shefman, dated February 8, 2022, be approved, subject to the following changes:**
 - 1. That Recommendation 1 be replaced with the following:**
 - 1. That the Government of Ontario be requested to immediately engage municipalities to determine**

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2022

an alternative land use planning appeals process in order to dissolve the OLT and eliminate one of the most significant sources of red tape delaying the development of more attainable housing in Ontario;

3. That staff draft a response to the Report of the Ontario Housing Affordability Task Force, in the form of a resolution or letter, which outlines staff and Council's concerns with its recommendations, to be considered at the Council meeting of March 22, 2022;
4. That the staff presentation and Communication C7., presentation material, entitled *"Resolutions Supporting Municipal Final Authority for Development Planning"*, dated March 2, 2022, be received; and
5. That the following communications be received:
 - C2. Robert Kenedy, Mackenzie Ridge Ratepayers' Association, Georgia Crescent, Vaughan, dated February 28, 2022;
 - C3. Heidi Last, dated February 28, 2022;
 - C4. Catherine Lazaric, dated February 28, 2022; and
 - C5. Ron Moro, Tasha Court, Vaughan, dated March 1, 2022.

Recommendations

1. That Council receive this report for information.

DATE: March 15, 2022

TO: Mayor and Members of Council

FROM: Haiqing Xu, Deputy City Manager, Planning & Growth Management

RE: **COMMUNICATION – March 22, 2022, Council**
Item #2, Report #11, Committee of the Whole (WS)
RESOLUTION SUPPORTING MUNICIPAL FINAL AUTHORITY
FOR DEVELOPMENT PLANNING
Additional Staff Input on the Housing Affordability Task Force Report

Purpose

To provide further staff analyses/opinions in addition to the staff comments presented to Committee of the Whole Working Session on March 2, 2022, with respect to the recommendations contained within the Affordability Task Force report released on February 8, 2022.

Analysis

The Housing Crisis Has Complex Causes

Population growth, low supply of new homes, decreasing rental units, record low interest rate, increasing material and labour costs, and the general desire to live in or near the city can all be factors that may change the balance between housing supply and demand. Thus, a collective effort from all levels of government, as well as developers and communities, is needed to address the current housing crisis.

Municipalities have a significant role to play to help increase the supply of new homes through expediting planning approvals, infrastructure developments and issuance of building permits. In the meantime, municipalities also have the responsibility to protect community characters and ensure quality of living in existing communities.

Staff support all efforts to increase housing supply. Planning staff have been working closely with colleagues of other departments to explore in detail opportunities to streamline the development approval process and will be reporting to Council our findings and the progress of ongoing efforts next month. Through the process, we have discovered some other factors contributed to missed deadlines and slow processing, which include the province's own reply to circulations, timely input from required agencies and stakeholders and the quality of the initial applications and subsequent submissions. Staff believe the province should consider simplifying its own regulations,

delegating certain approval authorities, and leading by policy – no micromanaging municipalities - to help speed up development approval process, cut red tape, and get homes built quicker.

“As-of-right” Approvals Allow Intensification to Spread to Existing Communities

Staff are gravely concerned with the following recommended "as of right" developments and approvals:

- Up to four units and up to four storeys on a single residential lot;
- Secondary suites, multi-tenant housing, conversion of underutilized or redundant commercial properties to residential or mixed residential and commercial use;
- Zoning up to unlimited height and unlimited density in the immediate proximity of individual major transit stations within two years if municipal zoning remains insufficient to meet provincial density targets;
- Zoning of 6 to 11 storeys with no minimum parking requirements on any streets utilized by public transit (including streets on bus and streetcar routes).

These recommendations would lower design standard and allow intensification to spread to the existing neighbourhoods where there is no major infrastructure improvement to support such a growth. If implemented, municipal councils will no longer have the authority to decide on these developments, and instead they will receive all complaints about reduced quality of life, e.g. lowered water pressure, excessive street parking, and shadowed backyards.

Staff believe “as-of-right” permissions need to be fully and carefully re-assessed to ensure conformity, good planning, and the best interests of the public are protected. Limited site specific “as-of-right” approvals may be considered, but not a broad application as recommended.

Treating All Municipalities Homogeneously is not Good Planning

The City of Vaughan has convenient access to highways and passenger GO rail services. It is also the only municipality that has a TTC subway station outside the City of Toronto. Its preferred location together with major infrastructure improvements allows the City to plan and support significant intensifications in areas such as the Vaughan Metropolitan Centre, Yonge and Steeles area, and many Major Transit Station Areas. These developments have already contributed and will continue to significantly contribute to the housing supply and thus help ease the housing crisis.

What the City has been experiencing is not easily transferrable to another municipality. The recommended province-wide zoning standards or prohibitions by the task force would cause all municipalities to consider their land use regulations homogeneously, and limit their authorities to regulate minimum lot sizes, maximum building setbacks, minimum heights, angular planes, shadow rules, front doors, building depth, landscaping, floor space index, heritage view cones, and parking requirements based on planning merit and in accordance with their respective Official Plans.

Official Plan Authority Must be Protected

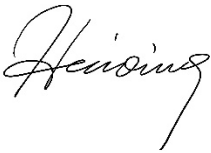
Official Plan is a very important local planning tool to establish the desired urban structure and land uses throughout the City. It is used to direct growth to urban growth centres, mobility hubs and major transit station areas while maintain and protect the character of established residential areas.

The City's Official Plan designates lands that are sufficient to meet future growth needs based on provincial growth forecasts. Also, it is a critical policy document that helps coordinate between infrastructure and growth. The City undertakes regular reviews of the Official Plan, as required by the *Planning Act*, to ensure land use decisions are consistent with the Provincial Policy Statement.

Staff believe the City's Official Plan, once update and approved, should not be subject to further appeals, so that its policies can be immediately translated to zoning regulations to guide and expedite development approvals.

For more information, contact Christina Bruce, Director, Policy Planning & Special Programs at ext. 8231.

Approved by

A handwritten signature in black ink, appearing to read 'Haiqing Xu', written in a cursive style.

Haiqing Xu, Deputy City Manager,
Planning & Growth Management

April 12, 2022

Via email: TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca

Minister of Transport Canada
5th Floor
777 Bay St.
Toronto, ON
M7A 1Z8

Dear Hon. Omar Alghabra,

RE: Notice of Motion – Floating Accommodations

On behalf of the Council of the Corporation of the Township of Lake of Bays, please be advised that the above-noted motion was presented at the last regularly scheduled Council meeting on April 12, 2022 and the following resolution was passed.

“Resolution #8(a)/04/12/22

WHEREAS floating accommodations have become a growing concern in that they will affect the environment, character, tranquillity and the overall enjoyment of Lake of Bays and regulating these floating accommodations is a top priority for the Township of Lake of Bays;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Lake of Bays hereby requests that Transport Canada amend the Canada Shipping Act 2001 by adding the following to the Act:

- **All vessel greywater be discharged into a holding tank and disposed of as per Provincial regulations for new vessels; and**
- **All floating accommodations are required to conform to all Provincial and municipal regulations and by-laws.**

...2

Page 2

AND FURTHER THAT the Council of the Corporation of the Township of Lake of Bays hereby requests that Northern Development, Mines, Natural Resources and Forestry (NDMNRF) amend Ontario Regulation 161/17 to include the following:

- **Post signs to restrict floating accommodation/camping on the water in southern Ontario (Muskoka south) and that a permit from the NDMNRF is required and a permit will not be granted without the consent of the local municipality;**
- **Camping is reduced from 21 days to 7 days;**
- **Not permit any camping on the water within 300m of a developed lot or within a narrow water body of 150m; and**
- **Should a municipality have more restrictive by-laws related to camping, these by-laws would apply.**

AND FURTHER, THAT Council hereby directs the Clerk to forward this resolution to the Minister of Transport Canada, the Premier of Ontario, Scott Aitchison, MP, Norm Miller, MPP, Minister of Northern Development, Mines, Natural Resources and Forestry (NDMNRF), Association of Municipalities of Ontario and all municipalities in Ontario.

Carried.”

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

Please do not hesitate to contact me should you have any questions or require clarification in this regard.

Sincerely,



Carrie Sykes, *Dipl. M.A., CMO, AOMC*,
Director of Corporate Services/Clerk

CS/lv

Copy to: Premier of Ontario
Member of Parliament,
Local member of Provincial Parliament
Minister of Northern Development, Mines, Natural Resources & Forestry
Association of Municipalities
Municipalities in Ontario

Municipality of Lakeshore – Report to Council
Operations
Engineering & Infrastructure



To: Mayor & Members of Council
From: Marco Villella, Division Leader - Engineering and Infrastructure
Date: April 25, 2022
Subject: Flood Prevention Task Force Committee Draft Minutes - March 23, 2022

Recommendation

This report is for information only.

Background

The draft minutes from the March 23, 2022 Flood Prevention Task Force Committee Meeting are attached.

Comments

Administration provided an update to the Flood Prevention Task Force Committee which included the below:

1. 2022 Budget Overview (Flooding & Mitigation Measures)
2. Flood Mitigation and Protection Framework Update
3. Shoreline Management Plan Update
4. 2022 Storm Water Master Plan – Phase 1
5. Additional Measures

Financial Impacts

There are no financial impacts resulting from the meeting.

Attachments

Meeting Minutes – March 23, 2022 Flood Prevention Task Force

Report Approval Details

Document Title:	Flood Prevention Task Force Committee Draft Minutes, March 23, 2022.docx
Attachments:	- Meeting Minutes - March 23, 2022- Flood Prevention Task Force.docx
Final Approval Date:	May 5, 2022

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

Prepared by Marco Villella

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore

Minutes of the Flood Prevention Task Force Meeting



Wednesday, March 23, 2022, 6:00 PM

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

Members Present: Chair Steven Wilder, Councillor Len Janisse, Member Francis Kennette, Member Jacqueline Morreau, Member Donald Polak, Member Erin Bates,

Members Absent: Member Phil Dorner, Member Brian Rivait, Member Robert Roy, Mayor Tom Bain

Staff Present: Corporate Leader of Operations -Krystal Kalbol,
Division Leader of Engineering and Infrastructure -Marco Villella,
Drainage Superintendent -Jill Fiorito,
Division Leader of Capital Projects -Wayne Ormshaw,
Corporate Leader of Growth and Sustainability -Tammie Ryall

1. Call to Order

Chair Wilder called the meeting to order at 6:13 PM.

2. Disclosures of Pecuniary Interest

None

3. Approval of Previous Meeting Minutes

a. December 8, 2021 Meeting Minutes

Moved By Member Francis Kennette

Seconded By Member Donald Polak

Approve minutes of the previous meeting as listed on the agenda.

Carried Unanimously

4. Project Updates

A. 2022 Budget Overview (Flooding & Mitigation Measures)

Marco Villella gave an overview of the 2022 Budget regarding the Flooding & Mitigation measures. Major projects include: Flood Outreach and Education Program, Flood Mitigation Program, I & I Consulting and Repairs Program, Storm Sewer Flood Modelling, Dewatering Pump, Storm Water Sediment Removal, Remote Monitoring Systems for 10 Storm Pump Stations, and Leffler Pump Station Sluice Gate. The budget amount for these projects is \$1,480,500.00.

There are also four drainage projects that are underway which include: 4th Concession Pump, Corbett Pumping Scheme, Lefaive Drain Pump, and the Monarch Meadows Pumping Scheme. Jill Fiorito clarified that these projects will be completed under the Drainage Act and be assessed as required.

Discussion took place on why some drainage systems fall under the Drainage Act (where residents are assessed for improvements) and other systems are maintained and operated by the Municipality (are included in Lakeshore's budget process).

Steven Wilder asked if the previous report that went to Council outlining this be brought forward to the next meeting.

Jill Fiorito advised that the report will be provided prior to the next meeting.

B. Flood Mitigation and Protection Framework Update

Marco Villella provided updates on the Flood Mitigation and Protection Framework. Smoke testing from Phase 1 & 2 has been completed, this includes Old Tecumseh, Puce, Emeryville, and River Ridge areas. Enforcement with by-law has begun to get these issues rectified. Residents were notified of broken caps and the Municipality is providing them free of charge, but the homeowner is responsible for installing it. The deadline for having that complete is the end of June.

Marco Villella provided an update for the Flood Response Plan. The Municipality has been working with the consultant, Stantec and the goal is to have this finalized within the next month.

Marco Villella provided an update to the new roles that were budgeted for this year. Team Lead for Flood Mitigation has been a challenging role to fill. Operations will be reposting this roll. Marco Villella advised that the focus is on

recruiting the Engineering Technologist for Stormwater, with a hope to have this position filled by the end of April/early May.

C. Shoreline Management Plan Update

Tammie Ryall gave a summary for the Shoreline Management Plan by providing an overview of the presentation that went to council on March 15, 2022. The next step is to bring the report forward to Lakeshore Council on March 29, 2022.

D. 2022 Storm Water Master Plan – Phase I

Wayne Ormshaw provided an update to the Storm Water Master Plan.

- Amy Croft area has been completed as part of the Lanoue Street extension as per the plan.
- Croft Drive modeling is complete. The next stage is design and construction to follow.
- Seasons of the Creek is in the analysis stage with design commencing soon.
- Terra Lou options and are being assessed to move forward.
- Country Walk is estimated to be complete in the Fall of 2022 for final design and construction.
- First Street pump station is anticipated to be designed and tendered this summer. Construction would likely be completed in the Spring of 2023.
- Leffler Pump Station is commencing with design and should be tendered for construction this year. Construction is estimated to be complete either this year or early next spring.

E. Additional Measures

Marco Villella discussed additional measures that are a focus for 2022:

- Monitoring of Pump Stations, this will allow for advanced capabilities for Operations during storm events. Investigation in incorporating this technology in Lakeshore's sanitary pump stations as well.
- Additional I&I work with consultants who specialize in this area. The Municipality is investigating consultants that have done previous work in other regions, with respect to I&I and flooding.
- The Municipality has launched a Capital Project Map which has all approved budgeted projects listed. This can be found on the Lakeshore website and it has details and costs associated with each project across the municipality.

5. New Business

No new business

6. Date of Next Meetings

Tentatively scheduled for Wednesday, June 8th.

7. Adjournment

Moved By Member Don Polak

Seconded By Member Len Janisse

The Flood Prevention Task Force adjourn its meeting at 8:11 PM.

Carried Unanimously

Steven Wilder
Chair

Marco Villella
Municipal Liaison

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 29, 2022
Subject: Short-term Accommodations – Regulating and Licensing Options

Recommendation

This report is for information only.

Background

During the Special meeting held July 28, 2020, Council received a petition with a request to restrict daily vacation rentals in residential areas. Following the presentation of the petition, Council passed the following resolution:

Resolution #252-07-2020

Direct Administration to prepare a report for the first meeting in September regarding prohibiting short-term accommodation rentals.

Following this direction, Administration presented a report at the September 1, 2020 which included the results of an environmental scan of municipalities that prohibit, regulate and/or license short-term accommodation rentals as well as a brief analysis of the rental market in Lakeshore. Council considered the report and passed the following resolution:

Resolution #292-09-2020

Direct Administration to proceed with Option #1 – public consultation in 2021, as described in the report by the Manager of Legislative Services and Manager of Development Services, presented September 1, 2020.

As directed, Administration undertook a public engagement process for short-term accommodations in the spring of 2021. Administration met with members of the public virtually for two separate information sessions relating to short-term accommodations. An online survey was also conducted through Placespeak and advertised on the

Municipality's website and social media. Two hundred and fifty-three surveys were submitted through Placespeak and 6 hard copy surveys were submitted. Twenty-two respondents self-identified as short-term accommodation providers, while 83 respondents self-identified as short-term users (primarily renting entire units rather than individual rooms).

At the September 28, 2021 meeting, Council was presented with the results of the public consultation relating to short-term rental accommodations. Following the presentation of the report, Council passed the following resolution:

Resolution #313-09-2021

Defer consideration of the report pending a further report regarding regulatory options for short term rentals, including business licensing, number of permitted short term rentals, definition of primary residence and types of dwelling.

Comments

There are four broad policy options for Council to consider in relation to short-term accommodations (STAs):

1. Maintain Status Quo – do not prohibit, regulate or licence STAs; continue with existing enforcement framework and by-laws
2. Prohibit – do not allow STAs in all or part of the Municipality
3. Regulate – permit STAs in all or part of the Municipality with conditions
4. Licence – permit STAs in all or part of the Municipality and require approval prior to and ongoing operation

A brief analysis of each option is described below.

1. Maintain Status Quo – do not prohibit, regulate or licence STAs

The Municipality of Lakeshore does not currently prohibit, regulate or licence STAs. The Zoning By-law speaks only to traditional “bed & breakfast establishments” which are allowed in several zones throughout the municipality, subject to specific constraints. In addition, housekeeping cottages are permitted in the RW2-7 zone (Residential Waterfront – Lake St. Clair Zone Exception 7). This site-specific zoning is limited to one property on Caille Avenue.

Maintaining the status quo means that the Municipality will not introduce any legislation to prohibit, regulate or licence STAs. Should Council wish to continue with the status quo, no resolution is needed at this time. Administration could actively monitor enforcement complaints to determine if there is an increase in community concern and could revisit the matter in five years.

Administration is supportive of this option. In addition, Council could direct Administration to include resources in the 2023 Budget for education and enforcement relating existing noise, parking and property standards by-laws, particularly relating to short-term accommodations.

2. Prohibit – do not allow STAs in all or part of the Municipality

This option would mean that the Municipality would not allow STAs in all or designated parts of the Municipality.

There are very few municipalities that prohibit all forms of short-term accommodations, many municipalities choose instead to regulate and/or licence STAs.

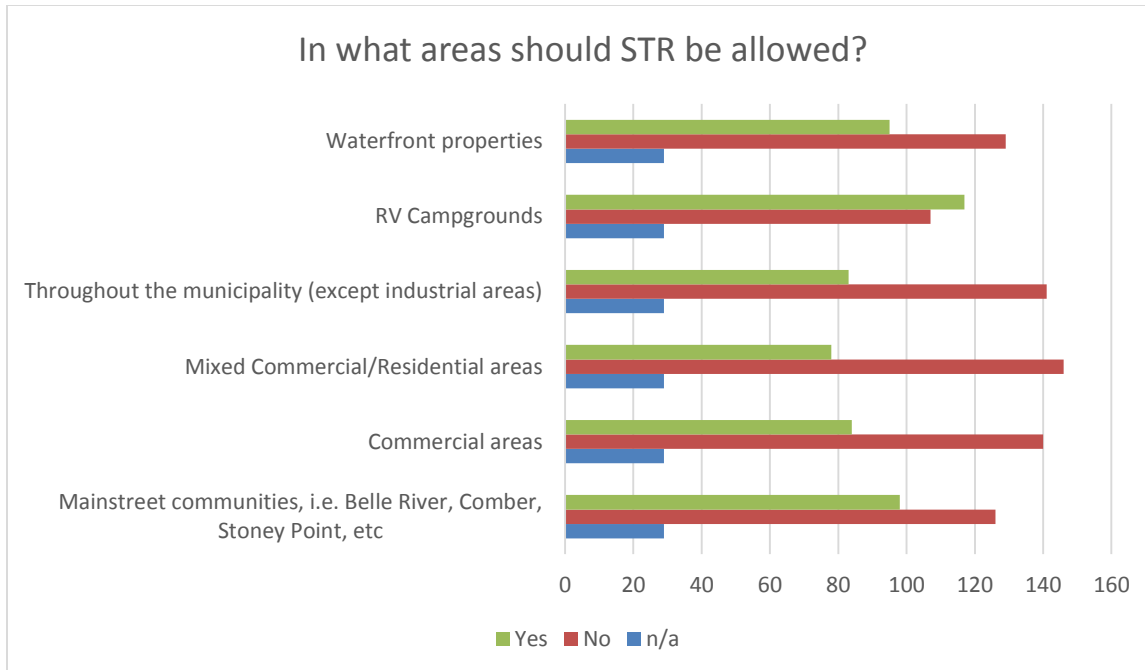
The Town of Collingwood has the most stringent prohibition of STAs, allowing them in hotels, motels and bed and breakfast establishments only. The Town's Zoning By-law defines Short Term Accommodation as:

“the use of a dwelling unit, or any part thereof, that is operating or offering a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period of 30 consecutive calendar days or less, throughout all or any part of a calendar year.ⁱ”

Both the Town of The Blue Mountains and the Town of Niagara-On-The-Lake, identified as examples in The Home Sharing Guide for Ontario Municipalitiesⁱⁱ, have chosen to regulate short-term accommodations in specific areas while prohibiting them in others. The Town of The Blue Mountains prohibits short-term accommodations in low density residential areas and traditionally single-family-dwelling neighbourhoods (R1, R2 and R3 zones). The Town of Niagara-On-The-Lake restricts certain types of short-term accommodations to certain zones and requires that the building be occupied as a single detached dwelling for a minimum of 4 years before being eligible for a licence as a short-term accommodation.

The Town of Wasaga Beach includes STAs as “Tourist Establishments” in their Zoning By-law and are prohibited in residential zones, directing instead to commercial areas.

As part of Lakeshore's public consultation process, survey respondents were asked in what areas short-term accommodations should be allowed.



The results show a slight preference for allowing accommodations in RV campgrounds, which is already an established use. The least popular area was in the mixed commercial/residential areas, which usually tend to accommodate additional parking and noise.

A full-scale prohibition of STAs is not recommended by Administration. Council could choose to prohibit STAs in certain zones of the Municipality, however Administration cannot point to an overwhelming public safety concern in any specific zone at this time that cannot already be addressed through the Noise By-law, Property Standards By-law or criminal enforcement measures.

3. Regulate – permit STAs in all or part of the Municipality with conditions

This option would mean allowing STAs in all or some of areas of the Municipality as a matter of right, often through provisions in the Zoning By-law. Regulation could also include conditions such as the types of facilities that could be use as STAs, requirements for regular safety inspections, etc.

Regulation alone would mean allowing the operation of these accommodations while not actively monitoring or licensing them. Enforcement would only be conducted should a complaint be submitted to the Municipality.

As part of the direction at the September 28, 2021 meeting, Council requested additional information relating to the types of dwellings that could be used as STAs as well as the restriction to primary residences only.

Definition of Primary Residence

Restricting short-term accommodation to primary residences only would mean that individuals or corporations could not purchase multiple properties for the sole purpose of STAs. This may have the effect of discouraging the purchase of affordable housing for accommodation purposes, however many STAs are higher-end homes in desirable locations that would not be considered “affordable housing”.

It is also important to note that restricting STAs to primary residences only would not prohibit other uses of the property, such as long-term rentals to tenants, which are currently allowed in the Zoning By-law.

Several municipalities have restricted STAs to primary or principal residences. A sample of definitions has been included in the table below:

Municipality	Definition of Primary/Principal Residence
City of Toronto	a dwelling unit owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident
City of Windsor	a dwelling unit owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident
City of Sarnia	a property that is owned, or rented alone or jointly with another person, where the person(s) is ordinarily a resident and has designated the property as their principal residence on their income tax filing and in other government records
City of Vancouver	the dwelling where an individual lives, makes their home and conducts their daily affairs, including, without limitation, paying bills and receiving mail, and is generally the dwelling unit with the residential address used on documentation related to billing, identification, taxation and insurance purposes, including, without limitation, income tax returns, Medical Services Plan documentation, driver’s licenses, personal identification, vehicle registration and utility bills ⁱⁱⁱ
City of Chicago	the dwelling unit where a person lives on a daily basis at least 245 days in the applicable calendar year. The failure of a person to claim a Cook County homeowner exemption for a dwelling unit shall create a rebuttable presumption that such dwelling unit is not the person’s primary residence. ^{iv}

It is important to consider the City of Toronto case as the City’s zoning by-law amendments were subject to an appeal to the Local Planning Appeal Tribunal (LPAT). The appellants and additional parties in this case were short-term accommodations operators who did not live on site, rather they wished to allow individuals or companies to purchase or lease properties for the sole purpose of offering short-term accommodations on a full-time basis.

The LPAT dismissed the appeal in November, 2019 and noted the following in its decision:

The provision of housing as places to live for residents is a provincial and City priority. The provision of accommodation as places to stay for visitors must also be addressed, but does not receive the same policy emphasis. In keeping with policy, the ZBAs regulate the primary use of a dwelling unit as a principal residence (“PR”) for a household, while also allowing for the provision of accommodation within a PR to travelers and others requiring short-term accommodation.

[...] the ZBAs prohibit the use of dwelling units and secondary suites for STR purposes that are not the PR of the operator. The ZBAs intend to stop persons or companies from purchasing or leasing a dwelling unit for the sole purpose of offering STR accommodations year-round.

[...] Owners and tenants who reside in a unit as their PR may provide STR accommodations under the ZBAs. Residents of a unit may offer STR accommodations while they are present in the dwelling or while they are away. Both arrangements are referred to as “home sharing”^v.

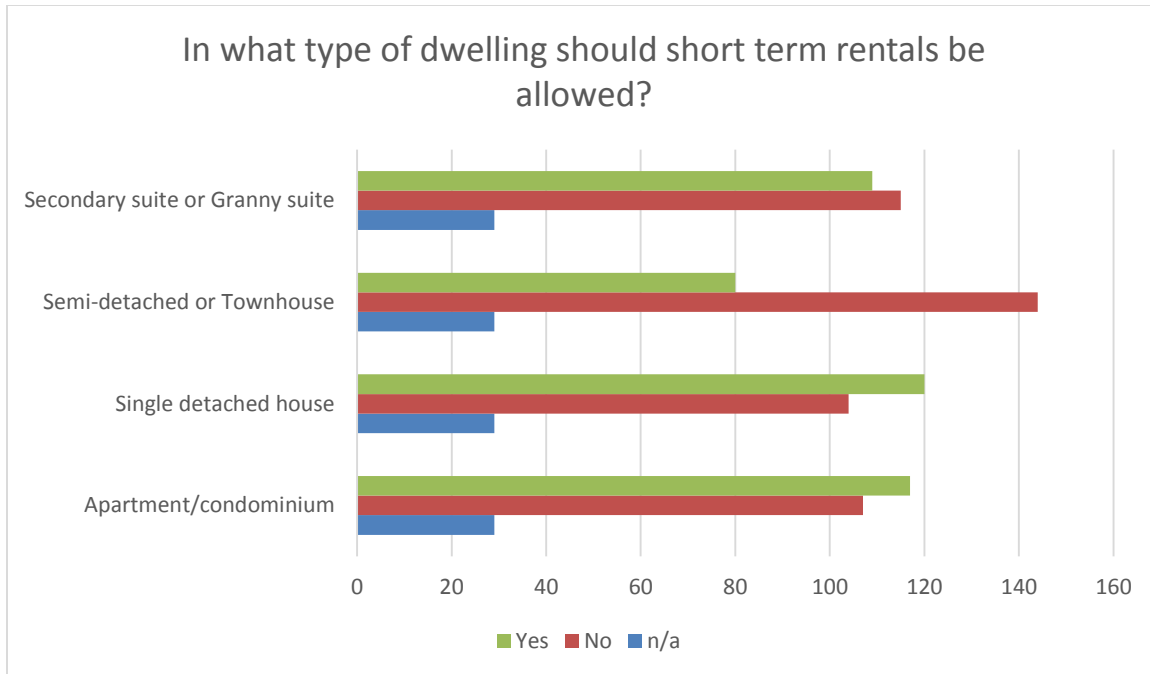
The effect of including the provision of principal residences only in a Zoning By-law amendment is that property owners cannot offer short-term use of accommodations where they do not reside. In the case of Toronto, this allows residents to lower the cost of their housing by allowing them to supplement their income through home-sharing, while at the same time ensuring that affordable housing is not purchased solely by owners wishing to offer continuous home-sharing as a business.

Should Council wish to restrict STAs to primary residences only, Administration would recommend a definition similar to City of Toronto regulation, as noted in the table above.

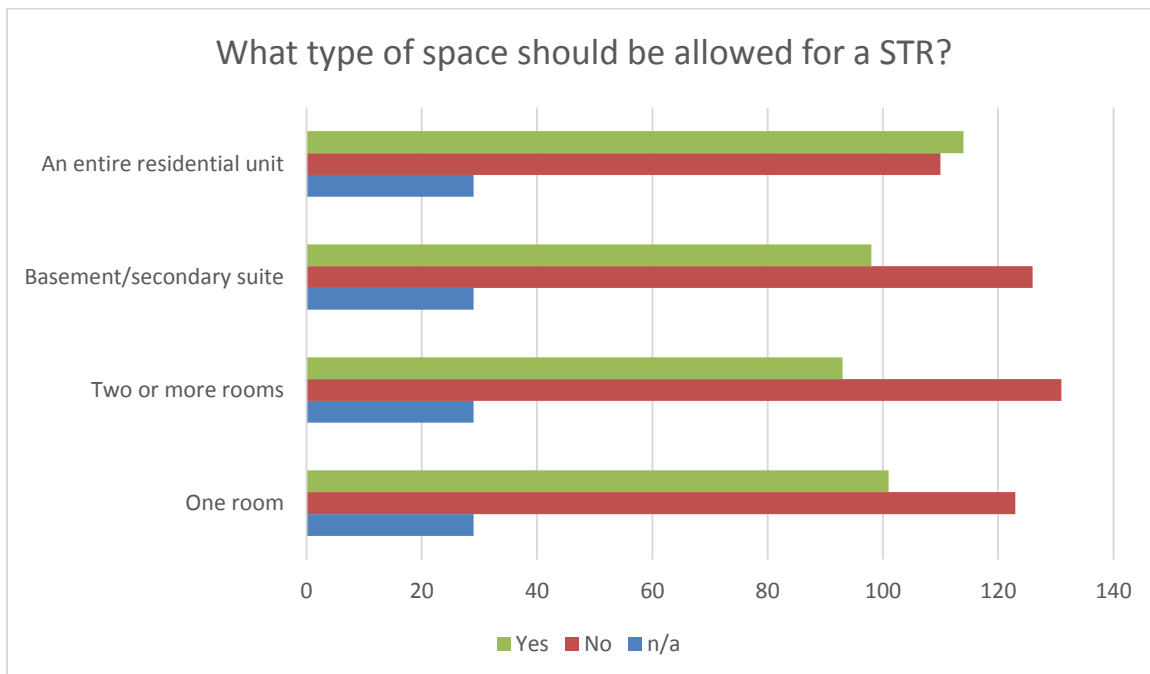
Type of Dwelling and/or Time Restrictions

Regulations could allow STAs in all types of dwellings or restrict them to certain types of dwellings.

As part of the public consultation process, survey respondents were asked in what types of dwellings short-term accommodations should be allowed.

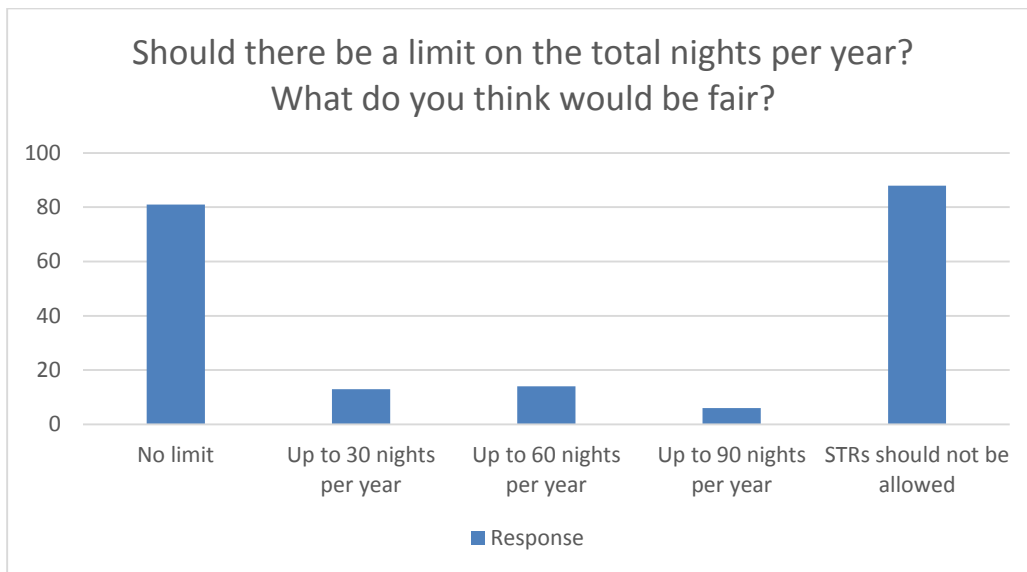


The responses received through the survey do not show a marked preference for any type of dwelling, however do indicate a slight resistance relating to semi-detached or townhouse dwellings.



The responses indicate a slight preference for allowing the use of entire residential units versus individual or multiple rooms.

In addition, survey respondents were asked to consider the amount of time accommodations could be used throughout a year. The results were divisive, showing either a preference to prohibit STAs or to allow them without a specific time limit.



4. Licence – permit STAs in all or part of the Municipality and require approval prior to and ongoing operation

Municipalities that license short-term accommodations generally do so as part of their overall business licensing program. The Municipality of Lakeshore does not currently have a business licensing program.

Business licensing is authorized pursuant to section 151 of the *Municipal Act, 2001* and includes specific constraints. A municipality may provide for a system of licences with respect to a business and may,

- (a) prohibit the carrying on or engaging in the business without a licence;
- (b) refuse to grant a licence or to revoke or suspend a licence;
- (c) impose conditions as a requirement of obtaining, continuing to hold or renewing a licence;
- (d) impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
- (e) impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence; and
- (f) license, regulate or govern real and personal property used for the business and the persons carrying it on or engaged in it.

It is noted that business licensing is not the same as a business registry. Licensing consists of compulsory applications, licences and renewals, including fees and penalties, while a business registry is a list of those businesses voluntarily self-identifying to the Municipality. Business licences generally also include mandatory conditions that need to be fulfilled and can vary between the type of business, such as the provision of documentation (i.e. corporate by-laws or vulnerable sector police clearances) or regular inspections.

When considering any type of business licensing, it is important to ask why and how businesses will be licensed. Licensing cannot be used as a way to prohibit a certain type of business or to impose a punitive “tax”. In fact, business licensing cannot be a money-making program; it can only be cost-neutral at best.

Introducing a licensing program would require additional resources for coordination of the program, including annual building and fire inspections, as well as additional resources for enforcement and licence appeals. While cost-recovery can be built into the program, the process of licensing requires significant time from all departments involved and would require additional staff.

Should Council wish to pursue a business licensing program, Administration would need to calculate the full cost-recovery of expenses for the program. Although the exact number of businesses operating within the Municipality of Lakeshore is unknown, it is estimated that there are approximately 700 businesses operating at this time.

The expenses to implement a fully operational business licensing program would likely include, at minimum:

- One full-time Licensing Coordinator position (coordination of all applications, renewals and appeals)
- Additional resources for Planning review (initial application only)
- Two additional Building Inspectors (for annual inspections)
- Two additional Fire Inspectors (for annual inspections)
- At least one additional By-law Compliance Officer, as well as resources for education and enforcement expenses, including licence suspensions, revocations and appeals

A recent local example of licensing short-term accommodations can be found with the City of Windsor^{vi}. It is noted that short-term accommodations will be restricted to primary residences and licensing will be included as part of the City’s overall business licensing program.

Municipal Accommodation Tax

It is noted that, while not a punitive tax, Council could choose to implement a Municipal Accommodation Tax for accommodations only, pursuant to section 400.1 of the *Municipal Act, 2001* and Ontario Regulation 435/17.

Council received a report regarding a proposed Municipal Accommodation Tax at the March 23, 2021 Council meeting and has been attached as Appendix A for reference. Following consideration of the report, Council passed the following resolution:

Resolution #100-03-2021

Defer consideration of the Municipal Accommodations Tax (MAT) Report until after the public consultation process for Short Term Rentals.

As part of the public consultation process for short-term accommodations, survey respondents were asked the following question:

A Municipal Accommodations Tax (MAT) is a 4% tax applied to the cost of the room rental on any short term accommodation including hotels, motels, bed and breakfasts, or online booked short term rentals for stays under 30 days. If imposed, revenues from the MAT would go directly to supporting tourism development in Lakeshore and the surrounding region. The imposition of MAT is quite commonplace as most cities in Ontario charge a MAT to visitors. These cities include, but are not limited to: London, Sarnia, Toronto, Ottawa, Sudbury, and many more. Additionally, smaller Municipalities such as Prince Edward County, Kenora, the Town of Marathon and Huntsville also charge a MAT to visitors. Do you think that Lakeshore should impose this MAT on tourists/visitors to our Municipality to help support additional tourism into our area?

One hundred and sixteen (116) responses were received in favour of a MAT and 82 respondents were opposed.

Financial Impacts

Option 1 – Maintain Status Quo will have no financial impacts. However, Council could direct Administration to include resources in the 2023 Budget for education and enforcement relating existing noise, parking and property standards by-laws, particularly relating to short-term accommodations.

Option 2 – Prohibit STAs would include the cost of developing and implementing a Zoning By-law Amendment, as well as education, enforcement, and potential legal costs of appeal.

Option 3 – Regulating STAs would include the cost of developing and implementing a Zoning By-law Amendment, as well as education, enforcement, and potential legal costs of appeal.

Option 4 – Business licensing would require undertaking a full public consultation process, including stakeholder meetings with each class of business. This will require

dedicated resources from Civic Affairs, By-law, Building, Fire, Community Planning and Economic Development & Mobility divisions throughout 2023 and a minimum implementation date of 2024.

Attachments

Attachment A – Municipal Accommodations Tax (MAT) Report

Report Approval Details

Document Title:	Short-term Rental Accommodation - Regulating and Licensing Options.docx
Attachments:	- Attachment A – Municipal Accommodations Tax (MAT) Report.pdf
Final Approval Date:	May 5, 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

ⁱ Town of Collingwood Zoning By-law 2010-40. Found at <https://www.collingwood.ca/town-services/law-enforcement/short-term-accommodations>

ⁱⁱ The Home-Sharing Guide for Ontario Municipalities. Found at <https://files.ontario.ca/home-sharing-guide-for-ontario-municipalities.pdf>

ⁱⁱⁱ The Home-Sharing Guide for Ontario Municipalities. Found at <https://files.ontario.ca/home-sharing-guide-for-ontario-municipalities.pdf>

^{iv} City of Chicago Shared Housing Ordinance. Found at <https://www.chicago.gov/content/dam/city/depts/bacp/Small%20Business%20Center/sharedhousingordinanceamendments.pdf>

^v Local Planning Appeal Tribunal case PL180082, decision issued November 18, 2019. Found at <http://www.omb.gov.on.ca/e-decisions/pl180082-Nov-18-2019.pdf>

^{vi} City of Windsor Council Report C 16/2022 Draft By-law for Municipal Licensing of Short Term Rentals – City Wide. Found (p.120-158) at <https://www.citywindsor.ca/cityhall/City-Council-Meetings/Meetings-This-Week/Documents/public%20agenda%20February%2014%202022%20with%20item%20number%20and%20footer%20v3.pdf>

Municipality of Lakeshore - Report to Council

Community & Development Services

Economic Development



To: Mayor & Members of Council
From: Ryan Donally, Economic Development Officer
Date: March 3, 2021
Subject: Municipal Accommodations Tax (MAT) Report

Recommendation

Approve in principle, the imposition of Municipal Accommodations Tax (MAT) on appropriate properties;

Direct Administration to bring back a report recommending administrative procedures and prepare a draft by-law;

Direct Administration to include the concept of a Municipal Accommodations Tax in the public consultation for Short Term Rentals; and,

Direct Administration to send a letter to the Premier of Ontario in support of the proposal by Airbnb for the implementation of a common Municipal Accommodation Tax across all areas of the Province of Ontario, as presented in the March 23, 2021 report to Council.

Background

At the October 8, 2019 Council meeting, the following motion was passed:

457-10-2019

That Administration be directed to bring back a report regarding a MAT tax for fixed room short-term accommodation.

Comments

Council directed Administration to explore the imposition of a Municipal Accommodation Tax (MAT) on appropriate properties in October of 2019.

As the Holiday Inn Express & Suites Lakeshore is set to open in Spring of 2021, and a General Manager and Director of Sales has been hired, Administration is prepared to provide recommendations on this matter after consulting with key stakeholders.

Related to the MAT is the issue of MAT for Short Term Rentals (STR) through online booking sites. Administration is planning to include questions pertaining to MAT in the upcoming STR public engagement sessions (Spring 2021).

Legislation

The introduction of the Municipal Accommodations Tax (MAT) follows the Province of Ontario passing of [Bill 127: Stronger, Healthier Ontario Act \(Budget Measures\) 2017](#), which allows lower or single tier municipalities in Ontario to charge a mandatory MAT, often referred to as a “Hotel Tax.” The addition to the *Ontario Municipal Act, 2001* (the Act) and accompanying *Ontario Regulation 435/17, [Transient Accommodations Tax](#)* came into effect on December 1, 2017. A four percent (4%) Municipal Accommodations Tax is recommended under the legislation to be imposed on all transient accommodations including hotel, motel, inn, bed and breakfast, resorts, and short term rentals for stays of 30 days or less.

Short-term rentals (STRs) are loosely defined as individuals renting out their residence, or part thereof, for short periods of time. As per the legislation, a municipality must spend the proceeds of the MAT on tourism related promotion.

Current State of Short Term Rentals and MAT

Airbnb has stated in the attached report, [Ontario MAT Proposal, Airbnb](#) it will not enter into agreements with all 444 municipalities in Ontario to collect MAT. This was confirmed during a conversation with Nathan Rotman, Public Policy, Canada and the Northeast US, Airbnb.

A blanket agreement across all of Essex County cannot be created as each municipality must enter into its own agreement.

Airbnb does have individual agreements with the following larger municipalities: Windsor, Barrie, Brockville, Sudbury, Mississauga, Ottawa, Toronto, and Waterloo Region.

Airbnb is encouraging Ontario to pass legislation similar to that of [Quebec](#) and [British Columbia](#) whereby the province mandates a tax, which is collected by Airbnb, then distributed back to the appropriate regions based on rentals.

Airbnb has requested local municipalities to draft a letter of support, directed towards the appropriate provincial government agencies and officials requesting a ‘blanket MAT’ is imposed on all transient and short term rentals throughout the province of Ontario. While Lakeshore Council has yet to provide direction related to the status of short term rentals in Lakeshore, this letter would signify that Council is requesting that all short term accommodation options are being treated equally in regard to levies.

Recommendation 4 is proposed to support the proposal by Airbnb for an implementation of a common Municipal Accommodation Tax across all areas of Ontario.

Council may elect to pass by-laws to regulate short term rentals within the municipality. A MAT would apply to all short term rentals.

Regional Comparators

Administration contacted municipalities in the region on whether they are collecting Municipal Accommodation Tax and found the following:

	<u>MAT in place (Y/N)</u>	<u>Traditional hotel in Municipality (Y/N)</u>
Windsor	Y	Y
Tecumseh	N	N
Leamington	N	Y
Kingsville	N	Y
Essex	N	N
Amherstburg	N	N
Peelee Island	N	N
LaSalle	N	N
Chatham-Kent	N	Y
Sarnia	Y	Y
London	Y	Y

Proposed Exemptions¹:

To assist in implementation, a By-law would list accommodations that would be exempted from the payment of Municipal Accommodation Tax. The list of exemptions used in the City of Ottawa is as follows.

- Accommodations that are rented by the month, 30+ days
- Every hospital referred to in the list of hospitals and their grades and classifications maintained by the minister of Health and Long-Term Care under the *Public Hospitals Act* and every private hospital operated under the authority of a license issued under the *Private Hospitals Act*
- Every long-term care home as defined in subsection 2(1) of the *Long-Term Care Homes Act, 2007*, retirement home and hospices
- Accommodations paid for by a School Board as defined in subsection 1 (1) of the *Education Act*.
- Treatment centres that receive provincial aid under the Ministry of Community and Social Services Act
- Every house of refuge, or lodging for the reformation of offenders

¹ <https://ottawa.ca/en/living-ottawa/taxes/hotel-and-short-term-Accommodations-tax>

- Every charitable, non-profit philanthropic corporation organized as shelters for the relief of the poor or for emergency
- Every tent or trailer sites supplied by a campground, tourist camp or trailer park that is not listed on short term rental websites
- Every Accommodations supplied by employers to their employees in premises operated by the employer
- Every hospitality room in an establishment that does not contain a bed and is used for displaying merchandise, holding meetings, or entertaining

Analysis

Administration undertook consultation with various key stakeholders in the tourism and accommodation industry. The detailed comments are included in Attachment 1. From these conversations, it was found that there exists unanimous support of OHRMA, the local ORHMA representative, the General Manager of the Holiday Inn Express and Suites Lakeshore and the Owner of Iron Kettle Bed and Breakfast.

Stakeholders seek Council to create an 'equal playing field' related to the imposition of MAT on all short term stays, in traditional hotels or otherwise.

The potential revenue generated from MAT will fund the municipality's tourism product and tourism infrastructure development which will further grow the municipality's attractions, restaurants, retail, and services and products.

Based on best practice from other jurisdictions, Administration proposes the creation of a tourism advisory group, organized by the Economic Development Officer and comprised of tourism related stakeholders, to advise the Municipality as to the best use of the revenue generated from MAT to support tourism development in the municipality.

The establishment and enhancement of tourism efforts fits well with multiple strategic priorities of Council, including: 1.1 Promote Lakeshore as the premier place to live, work, and play in southern Ontario; 1.4 & 5.4 Encourage Economic Development and Tourism.

Conclusion

Based on the research undertaken, Administration recommends the passing of a by-law imposing a Municipal Accommodation Tax (MAT) at 4% of rental rate to all transient accommodations including hotel, motel, inn, bed and breakfast, resorts, and short-term rentals for stays of 30 days or less. If Council supports this recommendation in principle, Administration will bring back a report with details on the recommended process for Administration of the process of MAT with the necessary by-law.

Others Consulted

Tony Elenis, President & CEO, Ontario Restaurant Hotel and Motel Association

Stacy King, General Manager, Holiday Inn Express & Suites - Lakeshore,

Nathan Rotman, Public Policy, Canada and Northeast US, Airbnb

Benjamin Leblanc-Beaudoin, Owner, Iron Kettle Bed and Breakfast

Dharmesh Patel, Regional Chair Ontario Restaurant Hotel and Motel Association (ORHMA), General Manager, Quality Inn Leamington

Shannon Pavia, Municipality of Chatham Kent – Tourism

Lynnette Bain, Tourism Windsor Essex Pelee Island

Financial Impacts

As per the Transient Accommodations Tax regulation, the intent of the revenue generated is intended to “promote tourism” in the municipality. Fifty percent (50%) of revenue, less reasonable costs of collecting and administering the tax, is to be directed to an eligible tourism entity whose mandate includes the promotion of tourism in Ontario. If implemented, Tourism Windsor Essex Pelee Island (TWEPI) is the official Destination Marketing Organization (DMO) for the Municipality of Lakeshore and the County of Essex and would receive 50% of the revenue. The remaining funds would be held by the Municipality of Lakeshore and would be used exclusively for tourism related activities within the municipality.

Potential Revenue Model:

<u>Type</u>	<u>Assumptions</u>	<u>Annual Projected Guest Revenue</u>	<u>MAT (4%)</u>
Hotel	105 Rooms, 60% Occupancy, \$120 per night	\$ 2,759,400.00	\$ 110,376.00
Motels	20 rooms, 30% Occupancy, \$50 per night	\$ 109,500.00	\$ 4,380.00
Traditional B&B's	6 Rooms, 30% Occupancy, \$100 per night	\$ 65,700.00	\$ 2,628.00
Short Term Rentals	1664 nights, \$215 per night	\$ 357,760.00	\$ 14,310.40
TOTAL Annual MAT Revenue			\$ 131,694.40
TWEPI 50%			\$ 65,847.20
Lakeshore 50%			\$ 65,847.20

*** The revenue model is based on projected occupancy and rental rates. Data has been supported by either the hotel management, or secondary research. External factors (COVID-19, competition, etc.) may adjust actual revenues and subsequent MAT revenue.

As mentioned above, the total remitted MAT could be in the range of \$131,000 per year. Of this total 50% of the revenue would be re-allocated to Tourism Windsor Essex Pelee Island, and 50% would be maintained within the Municipality and earmarked specifically to tourism efforts and tourism development. Depending on the model of implementation, there will be staff time that would need to be allocated to collecting the MAT. As with any by-law, enforcement would be required. A process to provide for administering this program including processing remittances, providing for routine financial audits, verification of remittances and monitoring timing of remittances, would be required. This may lead to the need for additional staffing resources.

Alternatively, Council can direct Administration to procure a vendor such as Ontario Restaurant, Hotel and Motel Association (ORHMA) who could collect the tax on behalf of the Municipality for a fee. Based on the proposed revenue chart above, the anticipated annual fee for this service is expected to be approximately \$2,200 per year. The fee is based on the volume of MAT remittances and would be shared equally by TWEPI and the Municipality.

Attachments:

- 1 – Comments from stakeholders
- 2 – ORHMA's Direction to the Municipal Accommodation Tax
- 3 – Ontario MAT Proposal, Airbnb

Report Approval Details

Document Title:	Municipal Accommodations Tax Report .docx
Attachments:	- Appendix 1- Comments from Stakeholders.pdf - ORHMA's Direction to the Municipal Accommodation Tax.pdf - Ontario MAT proposal.pdf
Final Approval Date:	Mar 18, 2021

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

Tammie Ryall

Rosanna Pellerito

Kristen Newman

Truper McBride

To: Mayor and Members of Council
From: Ryan Donally, Economic Development Officer
Date: March 23, 2021
Subject: Municipal Accommodations Tax (MAT) Short Term Rental Report

Appendix 1- Comments from Stakeholders

**Tony Elenis, President & CEO, Ontario Restaurant Hotel and Motel Association
December 18, 2020**

See attached ORHMA's Direction on the Municipal Accommodations Tax (MAT).

**Stacy King, General Manager, Holiday Inn Express & Suites, Lakeshore,
January 22, 2021**

The stance of Ms. King is in favour of the Municipal Accommodation Tax. She was the President of the London Hotel Association for the past 8 years, is current Chair for the Ontario Restaurant Hotel Motel Association London Region and has been on the Municipal Accommodation Tax Adjudication Committee with Tourism London since it was implemented in October 2018. She has been a strong advocate and leader in the adoption of the Municipal Accommodation Tax in London and is expecting to provide feedback to Lakeshore Tourism and Tourism Windsor Essex Pelee Island for creative and valuable ways to leverage the funding for additional tourism stays.

**Nathan Rotman, Public Policy, Canada and Northeast US, Airbnb
January 14, 2020**

Except from Ontario MAT Proposal, Airbnb (attached): "The Municipal Accommodation Tax (MAT) is an opportunity for municipalities to raise much-needed revenue. However, the system doesn't work for a global platform like Airbnb. With 444 municipalities in the province, we cannot enter into hundreds of individual MAT collection agreements"

"While we absolutely support paying an accommodation tax and supporting the communities and tourism development of the municipalities where we operate, the current system is cumbersome and isn't working for municipalities or platforms like ours."

"Join us in calling on the Ontario government to create a province-wide system."

**Dharmesh Patel, Regional Chair Ontario Restaurant Hotel and Motel Association
(ORHMA), General Manager, Quality Inn Leamington
December 12, 2020**

“I fully support the MAT tax only because our region needs to be competitive with other regions. The funds are needed to truly support tourism campaigns.”

“ORHMA has been assisting with implementation and even offer collection services to reduce the burden and headache on municipalities. Currently we run the program in several areas including London.”

“As a hotelier it can be seen two ways – from one point it can be viewed as a tax grab for customers but our research shows most guests don’t mind as they know that it’s going towards supporting the local tourism economy and grow jobs.”

Benjamin Leblanc-Beaudoin, Owner, Iron Kettle Bed and Breakfast

Mr. Leblanc-Beaudoin is in favour of creation of a Municipal Accommodation Tax so long as the imposition of the MAT is remitted from all short term accommodations and short term rentals. Additionally, the MAT should only be used for the development of tourism related activities and developments to drive additional tourism in the Municipality.

Others Consulted

Shannon Pavia, Municipality of Chatham Kent – Tourism

Lynnette Bain, Tourism Windsor Essex Pelee Island



ORHMA's Direction on the Municipal Accommodations Tax (MAT)

In 2017, the Ontario government, through legislation, provided municipalities with the ability to add a **Municipal Accommodations Tax (MAT)** and each Ontario municipality will now have the option to implement such a tax. ORHMA strongly opposed this and unsuccessfully advocated against a MAT. It is ORHMA's belief that, with the exemption of large metro areas that draw new business from markets outside of the province, a MAT will only shift current Ontario business from one destination to another and, with a few exemptions a MAT will not generate incremental revenues to Ontario's tourism industry.

Municipalities across Ontario are starting to embrace a MAT and with a minimum of 50 per cent of the funding collected aimed to be used for tourism promotion and development it will create tourism business shifts between destinations. Those with larger tourism budgets will steal market share from the others.

It's not about not wanting to apply a MAT to one's hotel rate. The industry advocated against a government hotel tax, however, this battle was lost. Now it's about evaluating your market ensuring your municipality's tourism budget has the capacity to prevent erosion of the existing city tourism business and having the ability to generate new business. Competition between municipalities will be fiercer.

Taking the right steps to put heads in beds:

- While a MAT will be entertained by municipalities, it is advantageous for tourism organizations and the hotel community to work together demanding that the largest portion of the MAT go towards funding tourism sales and marketing and the remaining for tourism product/infrastructure development.
- The City portion of the MAT is spend in tourism product and infrastructure development which will further grow the municipality's economy.
- When tourism development is included in the funding it is essential that it supports new business growth to hotels
- Able time for implementation of MAT given to the hotel industry to ensure efficient preparation.
- Proper consultations taking place.
- The hotel sector is represented on the tourism organization's Board of Directors to influence and impact decisions and activities aimed to support a destination's hotel success. An empowered and influential hotel steering committee is highly recommended.
- A tourism strategic plan to be in place for MAT spending.
- The hotel community should work with the tourism organization in support of maintaining existing city tourism funding.
- The local tourism organization's performance should be measured through established metrics and held accountable.

Hotels will be generating the funding thus it is important in supporting a municipal room tax that the destination has the ability to generate revenue to support the hotel industry's success. Hotel growth supports job growth and the local economy including attractions, restaurants, retail and many services and products. Furthermore the funding generated from hotels located in rural areas must be used to promote their own destination.

The MAT is an option a municipality in need of dollars can initiate and they do have the legal power to implement. It is important that synergies are established between tourism organizations and the hotel community to support a destination's overall tourism success.



TAX REVENUE - SUPPORTING MUNICIPALITIES

The sharing economy provides Ontarians with real opportunities to invest in themselves, become entrepreneurs, and support the growing tourist economy. Prior to the COVID-19 pandemic, Ontario's tourism industry was booming and regular people became a big part of that economic success. While employment in the industry was up 0.6% from October 2018 to October 2019, overall border crossings into the province were up 6.7% in the same period. Moreover, U.S. travel was up 4.3% and international visitors increased by 16.2%.¹ Although the pandemic has put this growth on pause, there is no doubt that tourism will bounce back when the pandemic threat has abated.

With almost 3 million guest arrivals into Ontarians' homes last year, Airbnb hosts are earning extra income to support their families. With many people facing insecurity due to the pandemic, this is more important than ever.

PROPOSAL FOR MUNICIPALITIES

The Municipal Accommodation Tax (MAT) is an opportunity for municipalities to raise much-needed revenue. However, the system doesn't work for a global platform like Airbnb. With 444 municipalities in the province, we cannot enter into hundreds of individual MAT collection agreements.

While we absolutely support paying an accommodation tax and supporting the communities and tourism development of the municipalities where we operate, the current system is cumbersome and isn't working for municipalities or platforms like ours.

Similar systems work well in other provinces:

- In Quebec, we collect and remit the accommodation tax to the province and they distribute it back out to regional tourism organizations from where the tax was collected.
- In British Columbia, we collect and remit the accommodation tax to the province and they transfer those funds to municipalities where the tax was collected.

Join us is calling on the Ontario government to create a province-wide system.

Minister Clark, Municipal Affairs

Minister.mah@ontario.ca

Minister Macleod, Tourism

Minister.MacLeod@ontario.ca

Minister Phillips, Finance

Minister.fin@ontario.ca

¹ <http://www.mtc.gov.on.ca/en/research/performance/performance.shtml>

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 28, 2022

Subject: Request for Designation of Municipally Significant Event – Lighthouse Cove & District Lions Club – June 18, 2022

Recommendation

Designate the Lighthouse Cove & District Lions Club fundraising event, scheduled for Saturday June 18, 2022, as “municipally significant”, as presented at the May 10, 2022 Council meeting.

Background

Attached (Appendix A) is a copy of the correspondence received from the Lighthouse Cove & District Lions Club relating to the fundraising event scheduled for June 18, 2022. While the letter speaks primarily to lottery licensing, the event organizers have advised that alcohol will be served at the event, therefore a Special Occasion Permit (SOP) will be required.

Comments

The Alcohol and Gaming Commission of Ontario (AGCO) administers the SOP program, which includes the sale and service of alcohol on special occasions such as charity fundraisers.

There are three types of special occasions for which a permit may be issued:

1. Private Event: for events where only invited guests will attend. These events cannot be advertised and there can be no intent to gain or profit from the sale of alcohol at the event.
2. Public Events: for events that are open to the public. These events can be advertised and allow for fundraising including profit from the sale of alcohol.

3. Industry Promotional Events: for events held to promote a manufacturer's product through sampling. There can be no intent to gain or profit from the sale of alcohol at the event.

The Lighthouse Cove & District Lions Club intend to host the public fundraising event at Lighthouse Cove Lions Park, located at 999 Quenneville Drive.

Public Event permits can only be issued for events by registered charities or non-profits, or for events of "municipal significance". In order to be deemed an event of municipal significance, it requires a designation by the municipality in which the event will take place. SOP applications for a municipally significant Public Event must be accompanied by either a municipal resolution or a letter from a delegated municipal official designating the event as municipally significant.

The Building Services, By-law and Fire Services Divisions were consulted and advised that there are no concerns relating to the event, provided that the event organizers ensure access is maintained up to the facility as best they can for emergency services in case a medical or other unforeseen emergency occurs, must help ensure that smoking occurs in accordance with the *Smoke-Free Ontario Act* and that the event complies with the provisions of the Municipality's Noise By-law.

In addition, the event organizers must provide:

- a site plan to denote the location of stages, portables, additional bathroom facilities, tents or fencing, if installed, as well as the designated area being used to serve alcohol (with dimensions);
- a description of materials used to identify the designated area (i.e. snow or chain link fencing); and
- the location, number and size of exits from the designated area.

The Municipality of Lakeshore will not assume any responsibility for the event by recognizing it as "municipally significant".

Financial Impacts

The event organizers have paid the \$50.00 application fee for consideration of the designation of the event. There is no further financial impact to the Municipality by way of designating an event as "municipally significant".

Attachments

Appendix A – Lighthouse Cove & District Lions Club letter of request

Report Approval Details

Document Title:	Request for Designation of Municipally Significant Event - Lighthouse Cove and District Lions Club - June 18, 2022.docx
Attachments:	- Request for Municipally Significant Event - June 18 2022_Redacted.pdf
Final Approval Date:	May 5, 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

LIGHTHOUSE COVE & DISTRICT LIONS CLUB



R.R. No. 5
TILBURY, ONTARIO, CANADA N0P 2L0

Date: 2-18-22

Municipal Clerks Office

On behalf of the LIGHTHOUSE COVE LIONS we plan to host a
ELIMINATION DRAW (fundraising event, community event, or significant event
reception) located at 999 QUEEN VILLE DR. TILBURY
LIGHTHOUSE COVE LIONS PARK

The date of this event is scheduled for JUNE 18, 2022. This event will be
attended by 100-125 people WEATHER PERMITTING
1-6pm.

This event is to raise funds for
PARK IMPROVEMENTS & MAINTENANCE. We will be receiving all
proceeds from this event.

Thank you,

Signature [Handwritten Signature]

copy Local Police
Local Fire Department
Local Building Inspector
Local Health Unit

Municipality of Lakeshore – Report to Council

Growth & Sustainability

Community Planning



To: Mayor & Members of Council

From: Aaron Hair, Division Leader – Community Planning

Date: April 22, 2022

Subject: Lakeside Estates Subdivision Agreement Amending Agreement (Phase 2)

Recommendation

Approve the request to amend the Lakeside Estates Phase 2 (Part 1, Plan 12R27736) Subdivision Agreement with Amico Properties Inc. to extend the time limit for the Owner to construct a storm and sanitary sewer system to two years after the execution of the Amending Agreement; and

Direct the Clerk to read By-law 29-2022 to amend the Subdivision Agreement, as presented at the May 10, 2022 Council meeting.

Background

The existing subdivision agreement for the subject lands known as the “Lakeside Estates Phase 2” (Part 1, Plan 12R27736) was approved and executed by the Municipality of Lakeshore on August 11, 2020. The subdivision received final approval from the County of Essex on October 8, 2020.

Under Section 3.2 of the original subdivision agreement, Lakeshore has the authority to withdraw and redirect sanitary treatment capacity originally allocated to the Owner if the owner fails to complete a sanitary and storm sewage system within two years of the execution of the original agreement. Since the date of execution for the Original Agreement was August 11, 2020, the Owner would need to complete the works by August 11, 2022.

The owner submitted a request for a two-year extension to this requirement, explaining that a related drainage project being carried out by the Municipality to facilitate Phase 2B of the Lakeside Estates Subdivision, pursuant to the *Drainage Act*, was delaying the owner’s ability to complete the sewer system. The owner further requested that a best-efforts clause be included to allow the Municipality to recover any associated costs, which would be returned to the developer (Attachment 2 – Owner’s Extension Request).

Administration advised the owner that the costs associated with the *Drainage Act* improvements, are not tied to the subdivision agreement, but are dealt with separately as part of the *Drainage Act* works. On February 25, 2022, the owner advised that they are supportive of proceeding without the best-efforts clause being incorporated.

Comments

Provincial Policy Statement and County of Essex Official Plan

The application raises no concerns relative to the PPS. The proposal conforms to the County of Essex Official Plan.

Official Plan

The proposal conforms to the Municipality of Lakeshore Official Plan. The subject lands are designated as Residential.

Zoning

The subject lands are zoned for Residential Uses in accordance with the R1, Residential – Low Density in the Municipality of Lakeshore Zoning By-law.

Others Consulted

Drainage Services and Engineering Services are in support of the extension.

Financial Impacts

There are no financial impacts resulting from the recommendation.

Attachments

Attachment 1 – Key Map

Attachment 2 – Owner's Extension Request

Report Approval Details

Document Title:	Lakeside Estates Amending Agreement (Phase 2).docx
Attachments:	- Attachment 1 – Key Map.pdf - Attachment 2 – Owner's Extension Request.pdf
Final Approval Date:	May 5, 2022

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

Prepared by Aaron Hair

Submitted by Tammie Ryall

Approved by Justin Rousseau and Truper McBride





November 30th, 2021

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

**Re: Lakeside Estates Phase 2
Subdivision Agreement Amendment Request**

Please accept this letter as our formal request to amend the subdivision agreement for Lakeside Estates Phase 2 registered as instrument number CE959999. Pursuant to the subdivision agreement, item 3.2 states that "Lakeshore agrees to allocate sanitary sewage treatment capacity for the Plan to a maximum of 71 single unit detached dwellings. The Owner acknowledges and agrees that Lakeshore may, in its sole discretion, withdraw the aforementioned treatment capacity allocation and redirect it if the Owner fails to complete the Works, in accordance with the terms and conditions of this Agreement, within two years of the execution of this agreement". This agreement was registered August 11, 2020 which means the aforementioned two-year timeframe expires August 11, 2022.

Given the circumstances associated with the ongoing Drainage Act process required to facilitate the final phase of the subdivision, a process entirely outside the developer's control, we feel it is prudent at this time to request an extension to this provision of the agreement for an additional two-year period. The two-year window would commence upon registration of the amending agreement. While a consensus regarding the scope of the required improvements has been achieved, we are still required to follow the necessary Drainage Act process to legalize the Works. This process can take upwards of two years to finalize.

As mentioned, direction with respect to the scope of the Drainage Act improvements necessary to facilitate Lakeside Estates Phase 2B has been made. The upstream landowners within the watershed have opted out of any benefitting improvements required for their lands to develop at this time. For this reason, should there be any additional stormwater capacity identified after Lakeside Estates Phase 2B has been fully built out, this capacity will have been subsidized by Amico Properties Inc. with the drain improvements, but used by other developers in the future.

It is for this reason, that we are requesting that a best-efforts clause be included within the amending subdivision agreement allowing the municipality to recover the costs associated with the improvements from those benefitting and return the collected funds to Amico Properties Inc. We would be willing to work with the municipality on appropriate language to address this provision.

We have enclosed a cheque in the amount of \$684.00 at the request of the municipality as the fee required to process the amendment. Kindly confirm if there is anything additional required to facilitate this request.

Yours truly,
AMICO PROPERTIES INC.

Gudrin Beggs
Manager of Planning Services

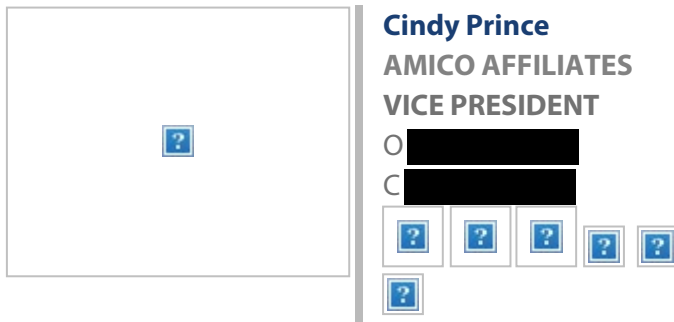
From: [Cindy Prince](#)
To: [Aaron Hair](#)
Cc: [Tammie Ryall](#)
Subject: RE: Lakeside Phase 2 re: Request to Amend Subdivision Agreement
Date: February 25, 2022 10:08:06 AM
Attachments: ~WRD1525.jpg

[EXTERNAL EMAIL] CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Aaron:

Thanks for forwarding this email to me. I confirm that Amico is in agreement with proceeding with the extension without the best efforts clause. Arrangements are being made to pay the fee today. Thanks for your help with it.

Cindy



From: Aaron Hair <ahair@lakeshore.ca>
Sent: Thursday, February 10, 2022 8:48 AM
To: Cindy Prince <[REDACTED]>
Cc: Tammie Ryall <tryall@lakeshore.ca>
Subject: FW: Lakeside Phase 2 re: Request to Amend Subdivision Agreement

Hi Cindy,

Please see the below email that was sent to Gudrin. Can you please advise if Amico is in agreeance with proceeding with the extension without the best efforts clause. If you are, please arrange to have the fee provided, the 2022 fee is \$697.00.

Best regards,

Aaron Hair, MCIP, RPP
Division Leader - Community Planning
Municipality of Lakeshore | Growth and Sustainability - Community Planning
419 Notre Dame Street, Belle River, ON, N0R 1A0
T: 519-728-2700 ext 256
Connect with us online at [Lakeshore.ca/Connect](https://lakeshore.ca/Connect)

The Municipality of Lakeshore places the highest priority on the security and privacy of our residents and stakeholders. Therefore, we have put our

Municipality of Lakeshore – Report to Council

Finance

Accounting & Revenue



To: Mayor & Members of Council

From: Justin Rousseau, Corporate Leader – Chief Financial Officer

Date: April 25, 2022

Subject: 2021 Provincial Offences Office Annual Report and Renewal Agreement

Recommendation

Direct the Clerk to read By-Law 49-2022 to authorize the Mayor and Clerk to sign an extension to the Intermunicipal Court Services Agreement, all as described at the May 10, 2022 Council meeting.

Background

In 1998, the Province enacted Bill 108 which amended the *Provincial Offences Act* ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor Licence Act*, and the *Trespass to Property Act*, to name a few. The transfer of POA responsibilities included court support and administration functions, the prosecution of ticketed offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Lakeshore's Part II matters (also known as parking ticket) and the collections of those tickets are handled by the individual municipalities and not managed through the court administration.. The POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province.

The Windsor/Essex Provincial Offences Program was created as a special- purpose vehicle to accept the transfer of POA responsibilities from the Province. It functions as a self-funding, net revenue positive operating division of the City of Windsor, having been established for the express purpose of locally implementing the POA Transfer at the regional level.

The Municipality of Lakeshore is a member of the Windsor/Essex Provincial Offences Program, the program is administered by the City of Windsor and reports to each lower tier municipality in Essex County and the City via an annual reporting process.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the following agreements:

- The Transfer Agreement between the City and the province of Ontario as represented by the Ministry of the Attorney General (“MAG”), consisting of 2 contracts, namely a generic Memorandum of Understanding (“MOU”) and a Local Side Agreement (“LSA”). The Transfer Agreement sets forth the City’s responsibilities and duties, inclusive of various guidelines and standards; and,
- The Intermunicipal Court Service Agreement (“ISA”) entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area (“Area”), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves to outline the roles and responsibilities of the POA Program and the 9 serviced municipalities.

The Intermunicipal Court Services Agreement (ISA) provided for an initial term of six fiscal years, commencing on March 5, 2001 (the live transfer date) through December 31, 2006. The ISA has been renewed three times since the original agreement each time for a period of 5 years.

The ISA requires an extension agreement for a 5-year period from January 1, 2022, to December 31, 2026. This agreement is presented in By-Law 49-2022 for passage at the May 10th, 2022, Council meeting.

Comments

The 2021 Annual Report was presented to Windsor City Council April 25th, 2022, a copy of the annual report is attached as well as the City of Windsor report to Council.

To be compliant with the region it is recommended that By-Law 49-2022 be passed to extend the ISA for a term of 5 years.

Others Consulted

Melissa Ryan, Manager of Provincial Offences

Financial Impacts

For 2021 final distributions of revenue amounted to \$72,870 and had a budget of 160,000 creating a budget shortfall of \$(87,130). This was due to COVID-19 and court back up issues caused by the fire at the Westcourt building and renovations for new space.

Attachments

City of Windsor Council Report.

2021 Annual Report

Report Approval Details

Document Title:	2021 POA Annual Report and Renewal Agreement.docx
Attachments:	- City of Windsor Council Report.pdf - POA 2021 Annual Report.pdf
Final Approval Date:	May 5, 2022

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

Submitted by Justin Rousseau

Approved by Truper McBride

Subject: 2021 Provincial Offences (POA) Annual Report - City Wide

Reference:

Date to Council: April 25, 2022
Author: Melissa Ryan
Manager of Provincial Offences
519-255-6555 ext.2303
mryan@citywindsor.ca

Report Date: April 1, 2022
Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

THAT the report of the Manager of Provincial Offences dated March 31, 2022 regarding the 2021 Windsor/Essex Provincial Offences (POA) Annual Report submitted for information be **BE NOTED AND FILED.**

Executive Summary:

The 2021 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

Background:

In 1998, the province enacted Bill 108 which amended the Provincial Offences Act ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities. The transfer included court support and administrative functions, and the prosecution of ticketable provincial offences.

The Windsor/Essex Provincial Offences Program ("POA Program") was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City. The

bulk of the POA Program's revenues are generated from fines received as a result of persons violating legislation.

Discussion:

The 2021 Annual Report (attached as Appendix A) will detail the following:

1. The operational functions of POA;
2. POA's caseload and charging document volumes for 2021 compared year over year;
3. Defaulted POA fines enforcement in conjunction with active collection efforts, and;
4. The financial results and distributions for 2021.

In 2021, the Windsor/Essex Provincial Offences (POA) department continued to operate effectively and provide court services activities and various types of court proceedings (remand/first appearance court, early resolution court and trial court) for the public.

The POA team members had an ambitious task of getting through the backlog of POA work but they were up for the task and worked diligently throughout the year to support continued court operations. We tackled the backlog of court matters and ramped up collections activities once the POA timelines were reinstated. Despite the numerous pandemic obstacles, we ended the year in a net revenue surplus position and continued to provide exceptional service to the public to ensure they had equal access to Justice.

In 2021, the POA Program took in a total of 20,701 charging documents, for a monthly average intake of approximately 1,725 tickets.

Recognizing that POA has little to no control over charging volumes, considerable efforts and resources were directed towards collections once the POA timelines were reinstated. We continued to collect fine payments through execution of writs, municipal tax roll, garnishment of wages, 3rd party collections and Service Ontario.

Regardless of how effective the active collection efforts are, there still remains a significant number of outstanding fines. As of December 31, 2021, there were approximately 71,801 records of unpaid fines for a total outstanding amount of \$43,612,203. This amount is not just a Windsor issue; it's a province wide concern. The vast majority of these outstanding fines have been outstanding for more than a decade,

and in many cases relate to corporations that are no longer operating, individuals that cannot be traced and may be deceased, and out of country residents.

Many of these are older fines and all reasonable measures to collect have been made. POA administration will be looking to adopt a write off policy in 2022, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. It is important to note that a write off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never forgiven.

Risk Analysis:

There are no significant risks identified

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The Provincial Offences program ended the year with a net operating income of \$594,933. This was an increase from the prior year, however, we are not back to pre pandemic levels.

Since the local POA Transfer date of March 5, 2001 through to the end of the subject reporting year, this area's POA Program has realized total combined net revenues of \$47,802,000.

In accordance with the approved weighted assessment formula for 2021, distributions of net operating results over the course of the subject year resulted in \$294,144 allocated to the City of Windsor, and \$300,789 allocated to the County and Pelee.

It is noted that in 2020, each municipality received Municipal COVID Relief Funding from the Province to mitigate against the negative financial impacts of COVID-19 including, amongst others, such items as the loss of POA revenues.

Although the City of Windsor again received a COVID-19 Safe Restart Municipal funding allocation in 2021, the opportunity to apply for further funding for 2021 is unknown at the time of writing. The Safe Restart Funding allows the City of Windsor and each municipality the same opportunity to offset COVID-19 related POA revenue shortfalls.

POA reported an estimated deficit of \$300,000 in 2021 from Covid-19. Using the weighted assessment formula rates, this means the total estimated Covid-19 variance was \$606,777, of which \$306,777 would be attributed to the County and Pelee.

Consultations:

This annual report was provided to the Liaison Committee members at the meeting held on March 31, 2022, and was unanimously approved. Members were encouraged to bring this report to their respective council members for communication.

Conclusion:

Despite another challenging year, the POA team worked diligently throughout the year to support continued court operations and ended the year in a net revenue position.

In 2022, the department will move to its permanent public space, which includes modernized courtrooms with the ability to host hybrid court and AODA compliant wickets and meeting rooms to serve the public. We anticipate and look forward to continued legislated changes aimed at modernizing the provincial offences court system.

Planning Act Matters:

N/A

Approvals:

Name	Title
Dana Paladino	Deputy City Solicitor
Shelby Askin-Hager	Commissioner Legal & Legal Services
Joe Mancina	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
Tracey Prince	271 Sandwich Street South, Amherstburg, ON N9V 2A5	tprince@amherstburg.ca
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Robert Auger	33 Talbot Street South, Essex ON, N8M 1A8	rauger@essex.ca

Name	Address	Email
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Michelle Feltz	1045 West Shore Rd, Pelee Island, ON, N0R 1M0	Michelle.feltz@pelee.ca
Tom Kitsos	917 Lesperance Rd, Tecumseh, ON, N8N 1W9	tkitsos@tecumseh.ca
Dale Langlois	5950 Malden RD, LaSalle, ON, N9H 1S4	dlanglois@lasalle.ca

Appendices:

- 1 Appendix A-2021 POA Annual Report

Windsor/Essex Provincial Offences (POA) Annual Report

2021

The 2021 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee Members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

Issued on:
March 31,
2022

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MESSAGE TO OUR MUNICIPAL PARTNERS

In 2021, the Windsor/Essex Provincial Offences (POA) department continued to operate effectively and provide court services activities and various types of court proceedings (remand/first appearance court, early resolution court and trial court) for the public.

The POA team members had an ambitious task of getting through the backlog of POA work but they were up for the task and worked diligently throughout the year to support continued court operations. We tackled the backlog of court matters and ramped up collections activities once the POA timelines were reinstated. Despite the numerous pandemic obstacles, we ended the year in a net revenue surplus position and continued to provide exceptional service to the public to ensure they had equal access to Justice.

Some of the key highlights include:

- Despite continuous challenges brought about by the Pandemic and suspension of POA timelines for the first two months of the year, we were able to end the year in a net revenue position.
- Red Light Cameras (RLC) were installed at 10 different locations in Windsor to continue to promote safety on our roads.
- Legislative changes experienced from the initiation of Bill 177, specifically clerk review reforms, was enacted which shifted administrative Justice duties such as approval of extension of times to pay and convicting fail to respond to the clerks of the court. This change has allowed POA to process court paperwork in a more expedient manner.
- The POA staff moved to their permanent administrative area in the 400 building located at the City Hall campus.

In 2022, the department will move into its permanent public space which includes modernized courtrooms with the ability to host hybrid court (in person and virtual simultaneously) and AODA compliant wickets and meetings rooms to serve the public. Additional Bill 177 changes are expected to be implemented which will allow staff to have greater control over administrative court paperwork. We will also focus on transitioning to our long term home within the City Hall campus and implementing in person courtroom activity since the halt of in person courts in March of 2020. We anticipate and look forward to continued legislative changes aimed at modernizing the provincial offences court system.

Sincerely,

Melissa Ryan

Manager of Provincial Offences

SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

In 1998, the province enacted Bill 108 which amended the *Provincial Offences Act* ("POA") thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor License Act*, and the *Trespass to Property Act*, to name a few. The transfer of POA responsibilities included court support and administration functions, the prosecution of ticketed offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II matters (also known as parking ticket) and the collections of those tickets are handled by the Parking Enforcement division of the City of Windsor under the administrative penalty system. The POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province.

The Windsor/Essex Provincial Offences Program ("POA Program") was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City of Windsor ("City"), having been established for the express purpose of locally implementing the POA Transfer at the regional level.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the following agreements:

- The Transfer Agreement between the City and the province of Ontario as represented by the Ministry of the Attorney General ("MAG"), consisting of 2 contracts, namely a generic Memorandum of Understanding ("MOU") and a Local Side Agreement ("LSA"). The Transfer Agreement sets forth the City's responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Court Service Agreement ("ISA") entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area ("Area"), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves to outline the roles and responsibilities of the POA Program and the 9 serviced municipalities.

The ISA provided for an initial term of six fiscal years, commencing on March 5, 2001 (the live transfer date) through December 31, 2006. The ISA has been renewed three times since the original agreement each time for a period of 5 years. The current agreement which was renewed in 2021 commenced January 1, 2022 and expires December 31, 2026.

In June of 2021 the POA Program's administrative staff moved to the City Hall Campus located specifically at the 400 City Hall Square building in suite 404B and 404C. This new permanent location for staff has been a welcome change and will allow us to serve the public more effectively by being housed in a building with other City, Provincial and Federal services.

The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where the POA Court presided the 1st, 3rd and 5th Thursday of every month prior to the pandemic. At the time of writing this report the Leamington courthouse operations has not commenced. The proceedings that would typically be held in Leamington are being held virtually in Windsor courts. Leamington POA courts are being held on the 1st and 3rd Thursdays of every month. If and when the Leamington courts open back up to in person proceedings, Windsor/Essex POA will review its operations and determine the best course of action moving forward with hosting POA matters at this location.

The POA Program provides services and facilities to various stakeholders within the administration of justice system. These stakeholders include law enforcement personnel whose mandates entail the initiation of proceedings against defendants alleged to have violated provincial legislation and municipal by-laws, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall into four functional categories. These four sections together constitute the operational aspects of the POA Program:

Court Administration: This area has general carriage of the POA Court office. Responsibilities include the intake, processing, filing and preservation of charging documents (i.e. tickets) and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation and processing of payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*; staffing of cashier stations to handle payments and queries; generation of POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution; setting of trials; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network ("ICON"); enforcement of delinquent fines via driver's license suspensions; processing of daily financial matters; procurement of equipment/supplies; and overall maintenance of the operations. Due to changes enacted by Bill 177, court administration, as clerks of the court, are able to review and approve extensions of time to pay and convict fail to respond matters as of November 1, 2021.

Court Support: This area is composed of POA Court monitors, being a combination of

court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices of the Peace in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including disposal of same in accordance with judicial directions or retention requirements. Due to changes enacted by Bill 177, court clerk reporters, as clerks of the court, are able to convict 9.1.b convictions for fail to respond individuals in an early resolution setting.

Prosecution: The Municipal Prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to Defendants and their Representatives and they appear in the higher courts on both prosecution and defence appeals. All area municipalities except for Windsor continue to prosecute their own by-laws. In 2021 Part III matters under the POA remained the prosecutorial responsibility of the Crown Attorney's office &/or specialist Prosecutors provided by various ministries.

On December 14, 2017, Bill 177 – *Stronger, Fairer Ontario Act* - was passed by the Legislative Assembly of Ontario that enables the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry's Criminal Law Division under Part III of the POA. An exact date of the transfer to the municipal prosecutors has not been communicated and was previously expected sometime in 2020. However, due to continued negotiations between the Province and municipalities through the POA Part III Transitional Planning Working Group, as well as the need to address pandemic-induced priorities, any Part III transfer will be delayed. Based on the current wording of the legislation, a Part III transfer is permissible, but not mandatory, and municipalities have made it clear to the Ministry that taking on this transfer would need to be approved by their respective councils. If Part III offences are transferred to the municipalities the Crown Attorney's office will continue to monitor the more serious cases. Based on a preliminary review of the statistics regarding Part III matters it is expected that an additional prosecutor would need to be added to the permanent staff establishment. Further incentives would need to be provided in order to recommend the transfer to Council.

The prosecution of City of Windsor By-laws was transferred to the POA Municipal Prosecutors from the Legal Department in 2017. The Municipal Prosecutors are also prosecuting charges laid by any of the Fire Services in Essex County.

Fines Enforcement (Collections): One POA Fines Enforcement Supervisor along with one

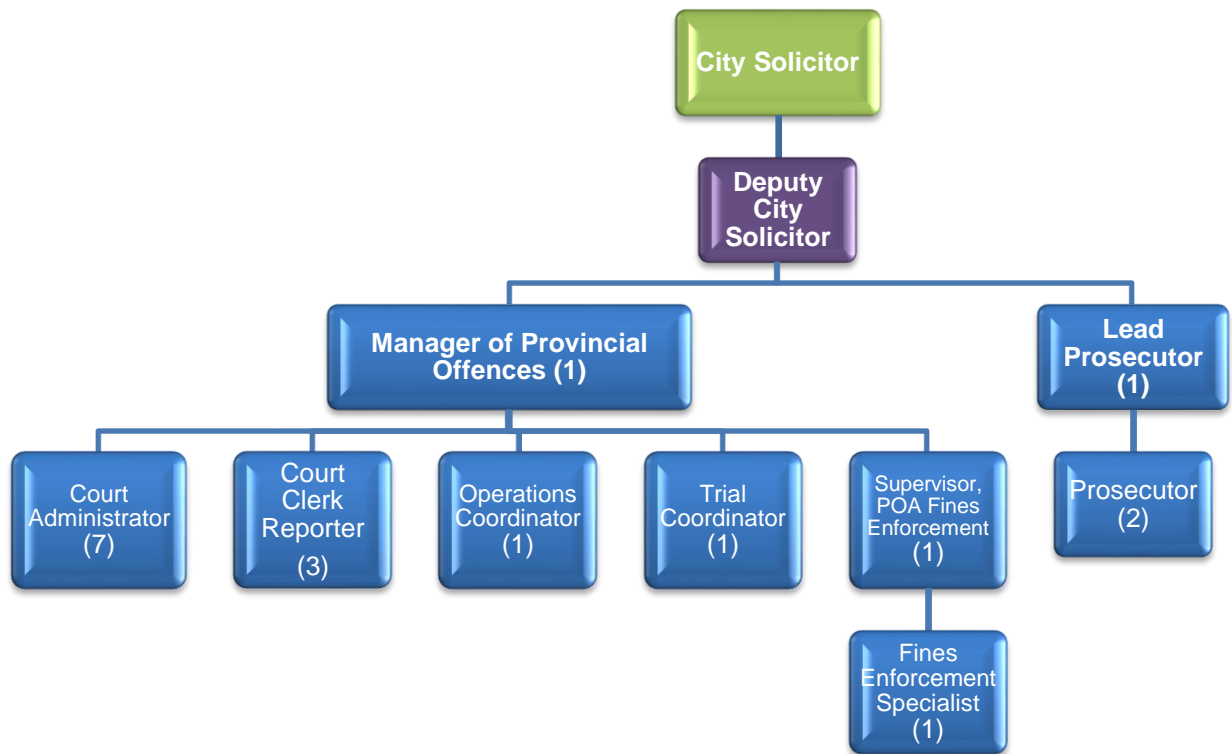
POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Superior Court of Justice; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; and for liaising with collection agencies and credit bureaus with which the POA Program has relationships.

The Windsor POA facility also houses a satellite office of the Police Court Services Branch. Among other things, that office works closely with the Prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals. The Court Services office also advises Police Officers of trial dates, summons lay witnesses, arranges for personal service of court documents, provides disclosure to Defendants and their legal representatives, and procures necessary official documentation for use in court as evidence.

An organizational diagram of the POA Program is included and identified as CHART A-1, which was in effect for the subject reporting period.

CHART A-1

ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



SECTION B - LIAISON COMMITTEE

The ISA calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee ("Liaison Committee"), composed of one representative from each participating municipality. Among other things, the 10-person Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor and Deputy City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets
- Generates an annual report for review by the respective councils of the participants

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative currently being the City Solicitor. The latter is also the Chair.

For 2021, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Tracey Prince	Treasurer
Essex (County)	Sandra Zwiers	Director of Financial Services/Treasurer
Essex (Town)	Kate Giurissevich	Treasurer
Kingsville	Ryan McLeod	Director of Financial & IT Services
Lakeshore	Justin Rousseau	Director of Finance
LaSalle	Dale Langlois	Director of Finance/ Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Peelee	Michelle Feltz	Treasurer/Tax Collector
Tecumseh	Tom Kitsos	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Melissa Ryan	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2021, there were two meetings that were held on the following dates and locations:

Date

March 31, 2021

October 14, 2021

Location

Remote Meeting through Zoom

Remote Meeting through Zoom

SECTION C – CASELOADS & STATISTICS

The POA Program's caseload is dependent upon charges laid by professional law enforcement personnel and agencies. The workflow of the POA Program commences with the initiation by Police and other Officers of legal proceedings against alleged violators of provincial legislation and municipal by-laws. Legal proceedings are instituted by personal service upon the Defendant of either a Provincial Offence Notice (also known as a Part I ticket) or a more formal Summons to Defendant requiring attendance at court (also known as a Part III ticket). These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges, provided that the fine revenue is not "dedicated" to some special purpose. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional Police forces, being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation or under certain municipal bylaws
- Charges laid by specialized Police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most Provincial Ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by Municipal Inspectors and Police Officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and provincial statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments, or by certain Provincial Ministries or bodies in situations where the fines are statutorily "dedicated" to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees.

In 2021, the POA Program took in a total of 20,701 charging documents, for a monthly average intake of approximately 1,725 tickets. TABLE C-1 which follows below depicts the absolute charging volume and the percentage of total volume over a three year period, by enforcement agency.

NOTE: The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important along with the final resolution of the fines.

Table C-1: 2020 ABSOLUTE CHARGING VOLUMES

Agency	2021	% Chg. YTD '21 vs. '20	2020	% Chg. YTD '20 vs. '19
Windsor Police	10,686	-14.2%	12,454	-19.4%
Ministry of Transportation	1,315	-21.5%	1,676	-12.0%
Windsor Police-Amherstburg	519	-32.0%	763	-59.3%
Essex OPP	3,451	61.0%	2,143	-17.4%
Tecumseh OPP	266	-68.9%	855	-16.7%
Leamington OPP	787	-47.4%	1,495	19.5%
Lakeshore OPP	527	-42.2%	912	-31.1%
Essex Town OPP	166	-57.4%	390	-44.0%
Kingsville OPP	330	-66.4%	983	-17.1%
LaSalle Police	665	-54.6%	1,465	21.3%
Essex Detachment Heat Unit	8	-89.7%	78	-58.1%
Canadian Pacific Rail Police	614	354.8%	135	26.2%
Ministry of Natural Resources	202	-31.8%	296	96.0%
Windsor Fire Department	18	-50.0%	36	-42.9%
Casino OPP	6	0.0%	6	-76.9%
Windsor Essex County Health Unit	199	145.7%	81	17.4%
Windsor Bylaw	129	34.4%	96	-47.8%
Ministry of Finance	7	133.3%	3	N/A
Ministry of Labour	91	911.1%	9	-94.2%
Ministry of Environment	73	1360.0%	5	-90.7%
Lakeshore Fire	3	50.0%	2	-50.0%
Humane Society – Windsor	0	-100.0%	3	-76.9%
Amherstburg Bylaw	18	-14.3%	21	16.7%
Amherstburg Fire Department	4	300.0%	1	#DIV/0!
Lakeshore Bylaw	4	100.0%	2	-75.0%
Canadian Heritage Parks	27	0.0%	27	170.0%
OPP-Traffic Mgt/Ride London	28	7.7%	26	#DIV/0!
Kingsville Bylaw	7	N/A	0	N/A
Ontario Motor Vehicle Industry Council	47	-20.3%	59	293.3%
Kingsville Fire	1	N/A	0	N/A
Leamington Bylaw	70	366.7%	15	200.0%
London-Heat Unit	4	N/A		
Alcohol & Gaming Commission	9	N/A		
Tecumseh Bylaw	12	1100.0%	1	N/A
Public Health Agency of Canada	406	100.0%		
Ministry of Agriculture & Food	2	-66.7%	6	200.0%
TOTALS	20,701	-14.0%	24,065	#DIV/0!
Average Mthly Charging Volumes	1,725		2,005	

EXTERNAL BENCHMARKING OF CASELOADS

Windsor experienced a substantial decrease in charges filed in 2021 even compared to the first pandemic year of 2020. Windsor ended the year with 20,518 charges which is a -16.3% decrease in charges compared to 2020. The provincial total was 15.7% more than 2020. TABLE C-2 below provides details on the charging volumes of various municipalities as well as Windsor and the total provincial charges filed. It is speculated that Red Light Camera (RLC) offences and Automated Speed Enforcement (ASE) charges significantly impacted the large increase in the Provincial average for 2021.

Table C2: 2021 CHARGING VOLUME COMPARATOR

Agency	2021 YTD	% Change '21 vs. '20	2020 YTD	% Change '20 vs. '19	2019 YTD	% Change '19 vs. '18
Windsor	20,518	-16.3%	23,867	-22.9%	29,336	16.3%
Barrie	46,669	1.1%	46,134	-28.7%	59,354	10.5%
Durham	79,640	12.5%	69,672	28.6%	49,743	-7.9%
Hamilton	88,514	0.5%	88,057	3.3%	85,158	5.1%
London	24,443	-3.2%	25,231	-32.0%	33,296	-11.2%
Niagara	26,393	-3.5%	27,308	-28.2%	35,000	12.5%
Ottawa	158,478	21.6%	124,323	18.5%	101,361	2.6%
Thunderbay	13,495	2.7%	13,135	-23.8%	16,267	-4.8%
Toronto	580,460	31.7%	396,544	17.5%	327,084	-4.5%
Waterloo	43,289	-3.4%	44,746	-2.6%	45,897	-11.9%
York	106,346	5.8%	100,126	-38.7%	138,858	-7.5%
Brampton	77,315	38.9%	47,221	-38.8%	65,525	-8.5%
Brantford	8,749	2.7%	8,512	-13.9%	9,693	-15.2%
Caledon	32,954	19.0%	26,692	-21.6%	32,465	-3.0%
Chatham	9,523	-51.5%	14,429	-27.8%	18,445	57.4%
Guelph	13,513	-4.8%	14,155	-37.9%	19,526	-0.4%
Lambton	9,221	0.2%	9,206	-15.4%	10,624	-7.5%
Provincial	1,650,915	15.7%	1,391,357	-9.7%	1,478,986	-3.3%

Operational Statistics

In addition to having accepted and dealt with the filings of over 20,000 charges over the course of the year and despite virtual courts providing some significant obstacles that slow down court proceedings (technical difficulties, repetitive information provided to each participant) the POA Program processed approximately:

- 6,572 Early Resolution meetings (Part I)

- 46,883 Matters heard in court (Parts I & III)

Section D- Defaulted Fines Enforcement

Under the Transfer Agreement with MAG, the responsibilities of the City include the collection and enforcement of POA fines for and on behalf of the area. The POA Fines Enforcement area currently has 2 full-time employees.

POA was impacted greatly by Ministry ordered court closures and suspension of POA timelines due to the Covid-19 pandemic. The substantial impact to revenue is attributed to the order not allowing conviction of fines or suspension of driver's licenses, and therefore no action was required by any new defendants to pay their fines. This suspension of timelines lasted from March of 2020 until February 26, 2021. The months of backlog was difficult to get through, however, by the end of 2021 the POA team was able to get caught up to a point where we were only 1 month behind in suspending licenses. There was a significant decline in revenue collected in the year due to the impact of the suspended POA timelines for an extended period of time.

Ongoing efforts to enforce these defaulted fines continue to be aggressive and at the same time very challenging. Enforcement constitutes a highly labour-intensive activity which consumes a lot of resources and time. There are a variety of enforcement tools that are readily available and frequently used by the collection staff in order to encourage payment and/or to legally enforce payment of defaulted fines. Some of these include:

- Selectively adding defaulted fines to the tax roll of sole property owners for collection pursuant to section 441.1 of the Municipal Act.
- Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- Filing and maintaining wage garnishment proceedings where the employer has been identified and the offender's employment status has been verified.
- Use of Collection Agencies. In addition to skip tracing and making the usual contacts with debtors, our collection agencies have reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of the offenders.
- Filing and maintaining Writs of Seizure and Sale with sheriff's offices, thereby erecting judicial liens against present and future proprietary interests.
- Driver's License suspensions and plate denials under various statutes and regulations.
- Intercepting indemnity deposits with permit-issuing City departments, by redirecting the indemnity refunds to POA where the indemnitors have defaulted fines
- Exercise of prosecutorial discretion to encourage defendants presenting

themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.

Although not frequently used due to operational challenges and privacy legislation, there are other enforcement tools that can be applied to ensure collection efforts are maximized:

- Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP's etc.
- Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- Garnishment proceedings whereby bank accounts, rentals from tenants, RRSP's etc. are attached as information and used for enforcement.
- Monitoring of death notices in the hopes of collecting from estates.
- Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles whose operations perennially default on fines.

ACTIVE COLLECTION EFFORTS

We recognize the fact that the POA department has little to no control over charging volumes therefore considerable efforts and resources are redirected towards implementing an active and aggressive collection model and procedures. These include an increased focus on adding fines to municipal taxes, garnishment of wages and the use of three collection agencies. While old fines were not significantly affected by the suspension of POA timelines, any new fines were precluded from being collected on until after February 26, 2021. At that time efforts were made to get through the backlog of outstanding fines, suspend the licenses of those defendants when warranted, and continue robust collection efforts on these new fines. The results of these efforts are summarized in the following sub-sections below.

Municipal Tax Rolling

Under Section 441.1 of the *Municipal Act, 2001*, a local municipality is permitted to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine. Accordingly, a Defaulted Fine can only be added if the offender in default is the sole owner of the property. The

Defaulted Fine is collected in the same manner as municipal taxes at the request of a municipality.

The tax roll process continued to be a supplementary collection tool to utilize in 2021. An additional 16 accounts were added in 2021 and we collected \$18,174 through this method of collection in 2021.

Garnishment of Wages

The process of finding where an offender is employed is one of the most challenging tasks due to the limited amount of information that is available to our staff. In many cases the offenders are either unemployed, working for cash, or on some form of assistance which cannot be garnished. However, when employment is confirmed and the garnishment documents are in place, it becomes one of the most effective enforcement tools. In 2021 we also collected \$33,289 in revenue from garnishments. The Fines and Enforcement staff will continue to focus on further enhancing garnishments efforts in 2022 to bring garnishment revenue back to pre-pandemic levels.

3rd Party Collections

On July 1, 2021 changes to our 3rd party collection vendors was made as a result of an RFP issued in late 2020. Three collection agencies, General Credit Services, International Credit Experts and Gatestone, were procured. Table D-1 summarizes the year over year results of third party vendor collection of POA fines.

Table D-1: Third Party Agency Collection Summary- Year Over Year Comparison			
Description	As of December 31, 2021	As of December 31, 2020	Increase/ (Decrease)
Revenues Collected from Third Party Agencies	\$547,914	\$539,990	\$7,924

There was an increase of \$7,924 in collected revenue from Third Party Agencies in 2021 compared to 2020. With the new 3rd party collections vendors procured in July we expect an increase in third party collections in 2022 as the old cases were redistributed to new agencies in 2021. Revenue from 3rd party collections represents approximately 11% of overall revenue collected in the year.

Fines Paid at Service Ontario

In May of 2017, a plate renewal program was implemented by the Ministry of Transportation (MTO) whereby all outstanding defaulted driver fines have to be paid in full before one can renew their plates. In 2021, 1,320 fines were collected at MTO through this

program. From these payments, revenue of \$389,183 was received. Collection at Service Ontario significantly increased in the latter part of 2021 once the suspension of POA timelines was released and suspension of license lists were processed. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise.

In February of 2022, the provincial government made a decision to eliminate the costs associated with renewing license plates. Plates will still need to be renewed every one or two years — to ensure car insurance and any outstanding tolls or municipal fines are paid — but it will be free to do so with no sticker required. The full impact of this decision cannot be quantified at this time but it is assumed that it will cause a decrease on the number of offences issued for expired plates and will cause a delay in the requirement for people to pay their fines.

Outstanding Fines Paid

Regardless of how effective the active collection efforts are, there remains a significant number of outstanding fines. As of December 31, 2021, there were approximately 71,801 records of unpaid fines for a total outstanding amount of \$43,612,303. (See Table D-2 for further details). The significant number of outstanding fines is not just a Windsor specific issue, it is experienced province wide.

Table D-2: Number of Unpaid Fines				
Description	2021		2020	
	#	% Change	#	% Change
Pre-Transfer	28,689	-1.9%	29,257	-1.3%
Post- Transfer	43,112	1.7%	42,410	1.5%
Total	71,801	-0.3%	71,667	0.2%

Table D-3: Dollar Value of Unpaid Fines				
Description	2021		2020	
	#	% Change	#	% Change
Pre-Transfer	\$5,154,148	-4.9%	\$5,419,160	-1.5%
Post- Transfer	\$38,458,155	-5.6%	\$40,748,833	1.9%
Total	\$43,612,303	-10.5%	\$46,167,993	0.4%

Many of these older fines (i.e. pre-transfer) have been 'scrubbed' multiple times and all reasonable and appropriate measures to collect have been made. Therefore, it is prudent that a write-off policy be developed in order to address these efforts. POA administration will be looking to adopt a write off policy in 2022, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. It's important to note that a write-off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never

forgiven.

Section E: Financial Results

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share approximately \$1.2 million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments (See SECTION F for more details). In 2021 the net profit was allocated as follows:

County Contribution	50.290%
Pelee Contribution	0.268%
<u>City of Windsor Contribution</u>	<u>49.442%</u>
TOTAL	100.00%

In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program still enjoys a successful self-funding model, delivering a net positive revenue budget which benefits all of our local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

TABLE E-1 provides a high level five year financial summary which can be used for internal benchmarking and comparative purposes.

TABLE E-1: ANNUAL FINANCIAL RESULTS - 5 YEAR SUMMARY

Description	2021 Actuals (\$)	2020 Actuals (\$)	2019 Actuals (\$)	2018 Actuals (\$)	2017 Actuals (\$)
Revenue:					
Court Fines	\$ 4,757,901.00	\$ 4,001,907.00	\$ 6,349,877	\$5,512,531	\$5,490,364
User Fees	\$ -	\$ -	-	159	-
By-Law Fines	\$ 21,728.00	\$ 22,401.00	53,198	43,890	42,192
TOTAL REVENUE	\$ 4,779,629	\$ 4,024,308	\$ 6,403,075	\$5,556,580	\$5,532,556
% Inc./(Dec.) YOY	19%	-37%	15%	0.43%	-12.38%
Expenditures:					
Salaries & Wages	1,824,393	1,845,637	1,850,825	1,811,772	1,710,070
Administrative Overhead	318,446	277,888	354,341	354,957	374,992
Materials & Services	347,615	347,280	378,267	365,545	356,411
Provincial Charges	1,378,242	981,033	1,589,165	1,444,503	1,446,084
Facility Rental	316,000	328,315	308,389	328,495	332,889
TOTAL EXPENDITURES	\$ 4,184,696	\$ 3,780,153	\$ 4,480,987	\$4,305,272	\$4,220,446
NET SURPLUS	\$ 594,933	\$ 244,155	\$ 1,922,088	\$1,251,308	\$1,312,110
% Inc./(Dec.) YOY	144%	-87%	54%	-4.63%	-34.20%

TABLE E-2 depicts the POA Program's operating results for 2021, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$594,933.

Table E-2: 2021 Provincial Offences Financial Summary - As of December 31, 2021

Acct. #	Account Description	Product #	Account Description	2021 Budget A	2021 Actuals B	Surplus/ (Deficit) C (A-B)
REVENUES						
6485	Bylaw Fines - Courts	5117	Provincial Fines	\$5,924,000	\$ 4,755,991	\$ 1,168,009
6485	Bylaw Fines - Courts	5115	Red Light Camera (RLC)	\$ 900,000	\$ -	
6485	Bylaw Fines - Courts	5118	Bylaw Fines	58,093	21,728	\$ 36,365
6485	Bylaw Fines - Courts	5613	Transcript Revenue	15,000	1,910	\$ 13,090
TOTAL REVENUES				\$6,897,093	\$ 4,779,629	\$ 2,117,464
EXPENSES						
Salary & Benefits						
8110	Base - Salary	5115	STD - Provincial Offences	\$1,426,940	\$ 1,303,895	\$ 123,045
8130	Overtime - Salary	5115	STD - Provincial Offences	1,000	(1,309)	\$ 2,309
8140		5115	STD - Provincial Offences	-	-	\$ -
8150	Temp - Part-Time - Salary	5115	STD - Provincial Offences	25,549	77,236	\$ (51,687)
8170	Service Pay	5115	STD - Provincial Offences	-	-	\$ -
8190	Other Pay	5115	STD - Provincial Offences	-	1,656	\$ (1,656)
8380	Workers Comp. - Admin.	5115	STD - Provincial Offences	-	-	\$ -
8381	Workers Comp. - Medical	5115	STD - Provincial Offences	-	-	\$ -
8382	Workers Comp. - Salary	5115	STD - Provincial Offences	-	(109)	\$ 109
8383	Workers Comp. - Pension	5115	STD - Provincial Offences	-	748	\$ (748)
8384	Workers Comp - Ergonomic	5115	STD - Provincial Offences	-	-	\$ -
8399	Fringe Benefits (Dept.)	5115	STD - Provincial Offences	474,980	442,276	\$ 32,704
Total Salary & Benefits				\$1,928,469	\$ 1,824,393	\$ 104,076.00
Materials & Services						
2145	Housekeeping Supplies	5115	STD - Provincial Offences	\$ 3,420	\$ -	\$ 3,420
3176	Facility Operations - Internal	5355	Caretaking	62,124	62,000	\$ 124
2215	Bldg. Maintenance Services	5115	STD - Provincial Offences	2,500	431	\$ 2,069
2920	Legal Services	5115	STD - Provincial Offences	3,000	2,888	\$ 112
2950	Other Professional - External	5115	STD - Provincial Offences	15,420	17,265	\$ (1,845)
2950	Other Professional - External	5341	Security Services -	259,960	259,960	\$ -
2950	Other Professional - External	5342	Security Services -	8,200	-	\$ 8,200
2951	Other Professional - Internal	5115	Maintenance- Internal	-	-	\$ -
2980	Contracted Services	5115	STD - Provincial Offences	540,000	1,034	\$ 538,966
2995	Other Purchased Services	5054	Language Line	4,000	4,037	\$ (37)
Total Materials & Services				\$ 898,624	\$ 347,615	\$ 551,009

Table E-2: Continued

Administrative Overhead						
2010	Office Supplies	5115	STD - Provincial Offences	\$ 16,500	\$ 11,189	\$ 5,311
2020	Postage & Courier	5115	STD - Provincial Offences	28,560	36,044	\$ (7,484)
2070	Outside Printing	5115	STD - Provincial Offences	12,000	14,026	\$ (2,026)
2085	Publications	5115	STD - Provincial Offences	18,500	11,372	\$ 7,128
2610	Travel Expense	5115	STD - Provincial Offences	3,000	-	\$ 3,000
2620	Car Allowance	5115	STD - Provincial Offences	2,500	786	\$ 1,714
2710	Telephone Equipment - Gener	5115	STD - Provincial Offences	7,160	315	\$ 6,845
2711	Cell Phones	5115	STD - Provincial Offences	950	1,009	\$ (59)
3120	Rental Expense - External	5115	STD - Provincial Offences	4,000	1,332	\$ 2,668
3175	Facility Rental - External	5115	STD - Provincial Offences	328,315	316,000	\$ 12,315
3210	Building Insurance	5115	STD - Provincial Offences	1,968	1,968	\$ -
3230	Liability Insurance	5115	STD - Provincial Offences	1,012	1,012	\$ -
4020	Membership Fees & Dues	5115	STD - Provincial Offences	8,900	7,264	\$ 1,636
4050	Training Courses	5115	STD - Provincial Offences	4,174	-	\$ 4,174
4155	Registrations & Conferences	5115	STD - Provincial Offences	2,500	22	\$ 2,478
4540	Bank Charges	5115	STD - Provincial Offences	59,500	74,244	\$ (14,744)
4560	Collection Charges	5115	STD - Provincial Offences	185,900	77,641	\$ 108,259
5125	Computers - PCs	5115	STD - Provincial Offences	8,715	2,394	\$ 6,321
2925	Computer Maintenance	5115	STD - Provincial Offences	18,360	19,780	\$ (1,420)
2927	Computer & SW Maint-Extern	5115	STD - Provincial Offences	7,100	15,079	\$ (7,979)
3180	Computer Rental - Internal	5115	STD - Provincial Offences	13,400	15,200	\$ (1,800)
5130	Office Furniture & Equipment	5115	STD - Provincial Offences	12,000	27,769	\$ (15,769)
Total Administrative Overhead				\$ 745,014	\$ 634,446	\$ 110,568
Provincial Charges						
2950	Other Professional - External	5509	ICON Fees	\$ 56,555	\$ 40,365	\$ 16,190
2950	Other Professional - External	5507	Adjudication Services	390,000	414,459	\$ (24,459)
2950	Other Professional - External	5510	Prosecution Fees	49,050	57,783	\$ (8,733)
2950	Other Professional - External	5511	Quality Assurance	45,748	44,594	\$ 1,154
2950	Other Professional - External	5116	Victim Fines	1,010,500	739,034	\$ 271,466
2950	Other Professional - External	5508	Dedicated Fines	65,000	82,007	\$ (17,007)
Total Provincial Charges				\$1,616,853	\$ 1,378,242	\$ 238,611
TOTAL EXPENSES (BEFORE COST SHARING)				\$5,188,960	\$ 4,184,696	\$ 1,004,264
Total Net Operating Revenue				\$1,708,133	\$ 594,933	\$ 1,113,200
RECONCILIATION						
Cost Sharing Payments						
4295	County Contribution (50.291%)	5115	STD - Provincial Offences	\$ 670,764	\$ 299,196	\$ 371,568
4295	Pelee Contribution (0.268%)	5115	STD - Provincial Offences	3,663	1,593	2,070
Total Cost Sharing Payments				\$ 674,427	\$ 300,789	\$ 373,638
Balance to City of Windsor (49.442%)				\$ 692,309	\$ 294,144	\$ 398,165
Total Net Operating Revenue				\$1,366,736	\$ 594,933	\$ 771,803

Note: 2021 Budget was based on 2020 WA rates as that was the only available information at the time of budget preparation.

Since the local POA Transfer date of March 5, 2001 through to the end of 2021, this Area's POA Program has realized total combined net revenue of approximately \$47,802,000. The calculation is broken down by year by municipal partner in TABLE E-3 below:

TABLE E-3: CUMULATIVE ANNUAL NET REVENUE DISTRIBUTIONS-\$000's

Year	Amher.	Essex	Kings.	Lake.	LaSalle	Leam.	Tec.	Pelee	Wind.	Total
1999	164.7	135.9	141.8	263.4	195.2	184.8	267.5	7.4	2,115.6	3,476.3
2000	182.8	150.8	157.4	292.3	216.7	205.1	296.9	8.2	2,348.0	3,858.2
2001	155.3	128.9	134.3	241.6	182.5	172.1	242.3	7.5	1,898.8	3,163.3
2002	124.8	103.5	108.9	199.0	152.4	138.3	194.0	6.0	1,523.8	2,550.7
2003	120.6	100.3	107.4	199.2	147.3	135.1	180.5	6.3	1,447.4	2,444.1
2004	96.0	79.8	86.0	168.1	123.9	106.8	148.3	5.3	1,134.3	1,948.5
2005	124.3	103.0	112.7	226.4	162.0	139.4	190.0	7.0	1,467.5	2,532.2
2006	114.0	94.5	105.2	214.8	151.5	127.4	172.1	7.1	1,342.0	2,328.6
2007	99.3	82.9	92.8	189.8	133.6	111.8	149.4	6.2	1,159.2	2,025.1
2008	95.9	80.3	90.5	187.8	130.2	109.2	143.6	6.0	1,112.0	1,955.6
2009	98.8	81.7	94.4	193.0	129.3	113.2	144.6	6.0	1,047.7	1,908.8
2010	124.7	102.3	119.3	243.7	161.2	141.8	178.7	7.6	1,286.9	2,366.1
2011	135.4	110.4	130.9	267.3	174.5	152.7	191.5	8.3	1,369.9	2,540.7
2012	111.8	90.2	108.6	221.5	143.4	126.4	154.6	6.9	1,117.2	2,080.5
2013	104.2	84.3	101.9	134.4	203.3	115.9	138.2	5.7	997.9	1,885.9
2014	85.4	70.0	84.7	169.1	111.6	94.8	112.4	4.4	807.7	1,540.1
2015	105.5	85.7	105.8	210.4	138.9	113.4	138.0	5.6	975.4	1,878.7
2016	112.4	91.3	114.5	226.0	150.1	120.4	145.7	5.9	1,027.8	1,994.0
2017	73.2	59.3	74.7	151.8	103.2	77.4	97.6	3.8	671.2	1,312.1
2018	69.3	56.1	72.0	101.3	147.6	73.8	93.9	3.5	633.6	1,251.1
2019	106.4	85.9	110.5	159.9	229.9	114.3	143.9	5.2	966.0	1,922.0
2020	13.5	10.8	14.2	20.7	29.7	14.9	18.2	0.6	121.5	244.1
2021	33.1	26.4	35.0	51.1	72.9	36.7	44.0	1.6	294.1	594.9
Total	2,452	2,014	2,303	4,332	3,391	2,726	3,586	132	26,866	47,802

There are a number of factors that must always be taken into consideration when reviewing the financial results for any fiscal year, as well as when projecting potential results for subsequent reporting periods:

- As ticketing and the laying of charges decline so do current fine revenues. This has been a consistent trend not just in Windsor but also in the province over the past five years. Although the POA Program has other sources of revenue (notably aggressive enforcement efforts targeting old or defaulted fines) the bulk of receipts is highly dependent upon the number, type and quality of new charges laid, as well as the attendance of trained officers at trials in disputed cases.
- Another significant and uncontrollable external revenue factor is the number of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of convictions.

- The POA Program is highly vulnerable to certain uncontrollable external expenses, notably the provincial charges for Victim Fines Surcharges, adjudication and those for Part III prosecutions, both of which are mandated by the Transfer Agreement.

SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2021, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth in TABLE F-1 below:

TABLE F-1: Net Revenue Distribution Summary

	Weighted Assessment (\$)	(%)	% of County	2021 Budget	Q1 Jan-March	Q2 April - June	Q3 July- Oct	Q4 Nov - Dec	2021 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 854,427.00	\$ 97,576.27	\$ 40,424.41	\$ 204,278.43	\$ (41,490.18)	\$ 300,788.93	\$ (553,638.07)
Net City of Windsor Revenue				\$ 853,706.00	\$ 95,420.62	\$ 39,531.35	\$ 199,765.53	\$ (40,573.58)	\$ 294,143.92	\$ (559,562.08)
TOTAL				\$ 1,708,133.00	\$ 192,996.89	\$ 79,955.76	\$ 404,043.96	\$ (82,063.75)	\$ 594,932.85	\$ (1,113,200.15)
<u>Allocation/Payment Summary</u>										
Amherstburg	2,540,618,346		11.20%	\$ 93,997.78	\$ 10,734.62	\$ 4,447.20	\$ 22,473.21	\$ (4,564.44)	\$ 33,090.59	\$ (60,907.19)
Essex	2,026,952,642		9.03%	\$ 74,993.18	\$ 8,564.28	\$ 3,548.06	\$ 17,929.55	\$ (3,641.60)	\$ 26,400.29	\$ (48,592.89)
Kingsville	2,690,022,145		11.62%	\$ 99,525.42	\$ 11,365.88	\$ 4,708.72	\$ 23,794.77	\$ (4,832.86)	\$ 35,036.51	\$ (64,488.90)
LaSalle	3,924,872,746		16.82%	\$ 145,212.41	\$ 16,583.38	\$ 6,870.25	\$ 34,717.73	\$ (7,051.38)	\$ 51,119.97	\$ (94,092.44)
Lakeshore	5,594,791,852		24.18%	\$ 206,996.06	\$ 23,639.12	\$ 9,793.34	\$ 49,489.11	\$ (10,051.54)	\$ 72,870.03	\$ (134,126.03)
Leamington	2,818,032,383		12.02%	\$ 104,261.54	\$ 11,906.75	\$ 4,932.79	\$ 24,927.10	\$ (5,062.84)	\$ 36,703.80	\$ (67,557.74)
Tecumseh	3,376,248,990		15.13%	\$ 124,914.43	\$ 14,265.33	\$ 5,909.92	\$ 29,864.84	\$ (6,065.73)	\$ 43,974.36	\$ (80,940.08)
Total County	22,971,539,104	50.291%	100.00%	\$ 849,900.82	\$ 97,059.38	\$ 40,210.26	\$ 203,196.30	\$ (41,270.39)	\$ 299,195.55	\$ (550,705.27)
Pelee	122,335,815	0.268%		\$ 4,526.18	\$ 516.89	\$ 214.14	\$ 1,082.13	\$ (219.79)	\$ 1,593.38	\$ (2,932.80)
Windsor	22,583,686,651	49.442%		\$ 853,706.00	\$ 95,420.62	\$ 39,531.35	\$ 199,765.53	\$ (40,573.58)	\$ 294,143.92	\$ (559,562.08)
TOTAL	45,677,561,570	100.0%		\$ 1,708,133.00	\$ 192,996.89	\$ 79,955.76	\$ 404,043.96	\$ (82,063.75)	\$ 594,932.85	\$ (1,113,200.15)
Total County & Pelee	23,093,874,919	50.6%								
County	99.47%									
Pelee	0.53%									

Notes:

2021 Budget was based on 2020 WA rates as that was the only available information at the time of budget preparation.

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	May 2021	\$91,632.95	\$492.17
Q2	N/A	\$0.00	\$0.00
Q3	N/A	\$0.00	\$0.00
Q4	February 2022	\$207,562.60	\$1,101.21
TOTAL		\$299,195.55	\$1,593.38

Due to the volatile pandemic environment and the uncertainty of revenue generation, the second and third quarter payments were put on hold. Upon final reconciliation of the program in February of 2022 the final revenue was distributed to county partners.

APPENDIX A – GLOSSARY OF TERMS

Area ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

ARO ~ ARO, Inc., one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Bill 108 ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

Bill 197 ~ amending legislation to the *Provincial Offences Act* which in 2020 added additional expansion of remote court functions.

City ~ The Corporation of the City of Windsor, a single tier municipality continued as such under the *Municipal Act, 2001*

Council ~ the elected City of Windsor Municipal Council

CAMS ~ A Collection Agency Management System installed in 2014 used to track, record and document newly issued as well as defaulted fines.

CBV ~ CBV Collections Services, LTD, one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Early Resolution ~ used to be known as First Attendance early resolution, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

Gatestone ~ Gatestone & Co International Inc., one of the registered collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

ICON ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

ISA ~ the Intermunicipal Court Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

Liaison Committee ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

LSA ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement

MAG ~ the Ministry of the Attorney General for the Province of Ontario

MOU ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

MBNCanada (previously OMBI) ~ The Municipal Benchmarking Network Canada (MBNCanada) is a groundbreaking initiative collecting data for more than 850 measures across thirty-seven (37) municipal service areas

Part I ~ that portion of the POA dealing with ticketing procedures for non-parking matters

Part II ~ that portion of the POA dealing with ticketing procedures for parking matters

Part III ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

POA ~ *Provincial Offences Act* (Ontario)

POA Court ~ referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

POA Office ~ the premises where the City executes the POA administration of justice functions

POA Program ~ the City's operational structure for the delivery of POA administration of justice functions

POA Transfer ~ the transfer by the province to the City of POA administration of justice functions

Serviced Municipalities ~ those 9 signatories to the ISA for which the City is the service

provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

Transfer Agreement ~ contractual arrangement between the City and MAG where the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

Victim Fine Surcharge ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government

Municipality of Lakeshore – Report to Council

Operations

Engineering & Infrastructure



To: Mayor & Members of Council

From: Marco Villella, P. Eng., Division Leader – Engineering and Infrastructure

Date: March 28, 2022

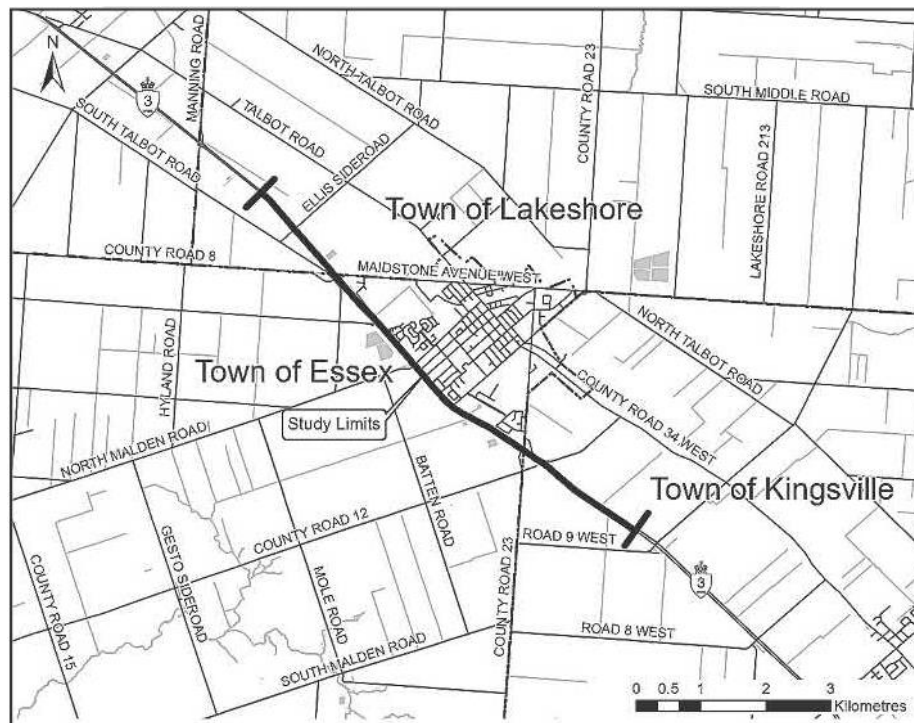
Subject: Ministry of Transportation (MTO) Highway 3 Widening - Project Update

Recommendation

Direct the Clerk to read By-law 50-2022 being a by-law to Stop up and Close a Portion of Ellis Sideroad, as described in the report presented at the May 10, 2022 Council meeting.

Background

The Highway 3 road widening project limits are as shown below and extend from 0.8 kilometres west of Ellis Side Road, easterly to 2.2 kilometers east of Essex County Road 23.



The project was completed following a Class Environmental Assessment (EA) for Provincial Transportation facilities as a Group B undertaking under the Ontario Ministry of Transportation (MTO).

At the regular Council meeting on July 14, 2020, Council unanimously passed the below resolution:

232-07-2020

The closure of Ellis Side Road on the southwest of Highway 3 and the modification of the access to Ellis Side Road northeast of Highway 3 to a right-in, right-out configuration be supported.

The MTO completed and published two (2) Design and Construction Reports in early 2021 (identified as Contract 1 and 2).

Construction began on portions of the project in 2021 related to Contract 1 and Contract 2.

Comments

The MTO has released the final Notice of Completion – Design and Construction Report (Contract 3) for public review.

The third and final construction contract for this stretch of the project will occur over the next two construction seasons.

The full project is scheduled to be completed in 2023.

The following construction activities fall under the remaining Design and Construction Report (Contract 3):

- Complete the remaining construction of the eastbound lanes and reconstruct the westbound lanes along Highway 3;
- Closure of Ellis Side Road on the south side of Highway 3 (with a cul-de-sac) and close the existing median opening and remove the left turn lanes on the north side of Highway 3;
- Milling and paving of the full surface course on County Road 8 (both north and south of Highway 3) including improvements to the County Road 8 (Maidstone Avenue) and Highway 3 intersection, rebuilding the W-S ramp, channelized island and the widening of County Road 8 (Maidstone Avenue) south of Highway 3;
- Construction of a multi-use trail (pedestrian and bicycle facility) adjacent to South Talbot Road North, north of Highway 3;

- Construction of both the north and south Highway 3 overpasses at Victoria Avenue/N Malden Road including removal of access/egress from Highway 3 and the removal of traffic signals; and
- Widening of County Road 23 (Gosfield Townline West) north of Highway 3 (including milling and paving of the full surface course) and reconstruction of County Road 23 (Arner Townline) south of Highway 3.

The project impact within Lakeshore will be limited to the work related to Ellis Side Road closure and modifications as Council supported:

- The north side of Ellis Side Road will be a right-in, right-out configuration with the closing of the existing median of Highway 3 to restrict all left turn maneuvers at the intersection of Highway 3 and Ellis Side Road; and
- The south side of Ellis Side Road will be permanently closed with a dead-end cul-de-sac to ensure traffic can adequately maneuver within the cul-de-sac. The scope of work at this location also includes minor drainage improvements to the Beattie Drain to accommodate the cul-de-sac.

All design and construction costs relating to the road modifications and the drainage improvements for this project will be incurred by the MTO.

Administration has reviewed the project's Design and Construction Report for Contract 3 and have no further concerns related to the project.

Others Consulted

The MTO and Dillon Consulting were consulted.

Financial Impacts

There are no financial impacts associated with this project as all costs for the design and construction shall be incurred by the MTO.

Report Approval Details

Document Title:	MTO Highway 3 Road Widening Project Update.docx
Attachments:	
Final Approval Date:	May 5, 2022

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

Prepared by Marco Villella

Submitted by Krystal Kalbol

Approved by Justin Rousseau and Truper McBride

Municipality of Lakeshore – Report to Council

Strategic & Legal Affairs

Workforce Development



To: Mayor & Members of Council
From: Lisa Granger, Division Leader – Workforce Development
Date: May 3, 2022
Subject: Disconnect from Work Policy

Recommendation

Direct the Clerk to read By-law 52-2022 adopting a Disconnect from Work Policy, as presented at the May 10, 2022 Council meeting.

Background

The Working for Workers Act, 2021 passed in December 2021 amending the *Employment Standards Act, 2000*. One of the key objectives of this amendment involved the right of employees to disconnect from work. When introducing the legislation, on November 25, 2021, the Honorable Monte McNaughton stated that the intent of the legislation was to address the “blurring work-life balance, a situation exacerbated during COVID-19 as people turned their home into their job site, with workers expected to be reachable and available 24/7. This legislation is a first step towards establishing clear boundaries between personal and work time to improve both physical and mental health outcomes [for workers].”

https://www.ola.org/en/legislative-business/house-documents/parliament-42/session-2/2021-11-25/hansard#P218_12276

The requirements in the legislation apply to all employers in Ontario that employ more than 25 people. The requirements include:

- 1) develop a policy regarding the right of employees to disconnect from work and implement the policy by June 2, 2022;
- 2) the policy includes defining disconnection from performing work-related duties outside of normal working hours including examples of how to disconnect from work;
- 3) defining hours of work and eating periods, vacation with pay and public holidays (if there are not already policies in place);

- 4) communication of availability of workers in relation to this policy;
- 5) terms of communication of this policy to employees;
- 6) retention requirements of the policy; and,
- 7) the process of contacting employees outside of normal working hours.

The attached Policy reflects the legislative requirements as it relates to the above stated requirements.

Comments

Policy requirements:

The attached policy entitled Disconnect from Work Policy will address the legislative requirements arising from the changes to the *Employment Standards Act, 2000, S.O. 2000, c. 41*. The intent of the legislation and the attached Policy is to address the work being performed outside the normal working hours of employees including management employees in order to allow employees a better work/life balance and mitigate burnout due to working excessive hours outside the normal working hours.

The Ministry of Labour recently released guidelines for Right to Disconnect policies. In addition to the requirements listed previously, the guidelines for the Disconnect from Work Policy indicate that the following information must be included:

- 1) Defining the Right to Disconnect as disconnecting from engaging in work-related communications, including emails, telephone class, video calls/conferencing or the sending or reviewing of other messages, so as to be free from the performance of work. This includes all staff including employees in management positions.
- 2) The Date which the policy is prepared.
- 3) The Policy must apply to all employees.
- 4) Provide written copy to all employees.
- 5) The Policy must be in place by June 2, 2022.
- 6) Provide 30 calendar days notice of changes to the policy.
- 7) Retain a copy of the policy for a minimum of 3 years after the policy is no longer in effect.

The Impacts of the Policy:

The intent of this policy is to assist employees, including management, to disconnect from work outside of normal working hours in order for employees to maintain healthy work/life balance and allow time for recharging to mitigate the health concerns associated with burnout. The directive from the policy is intended to have a significant impact on culture and expectation, particularly around the concept of how overtime and after hours work is worked especially involving non-union positions, while respecting on-call and emergencies may require response outside of normal working hours.. However, there will be emergencies and emerging crisis situations where the right to disconnect may be encroached upon. This policy will also not apply to “on call” situations such as with the Volunteer Firefighters or other designated positions where “on call” forms part of the job description.

Addressing the Impacts of the Policy through Guidelines, Procedures and Programs:

The intention of the Policy and the procedures to be developed under the policy are to ensure that employees are able to disconnect from work outside of normal work hours despite constant connection to technology and a rising service level expectation that has permeated all workplaces as technology increases and which was exacerbated by COVID-19. For the last several years, a large number of employees, especially those in non-union positions, have been performing work in excess of normal working hours to enable services to be delivered throughout the Municipality. That trend has continued during COVID, and it is anticipated to continue post COVID. As such, in keeping with the requirement to have a right to disconnect policy to be compliant with the Employment Standards Act, 2000, a number of procedures will be developed to ensure employees have a right to disconnect.

Employees in unionized positions have some language in the respective collective agreements enabling a right to disconnect which are reflected in the terms and conditions around working overtime, compensation for working overtime and the provision that overtime is voluntary. However, there are no guidelines for non-unionized employees. Traditionally, the expectation for management staff has been and still currently exists to some degree to work as many hours as it takes to get the work done. Increasing workloads have supported this traditional practice.

Workforce Development is currently drafting procedures to ensure compliance with this new policy and to address the work being completed outside of normal working hours.

Administration will conduct a review and develop procedures with a view to minimizing service level and productivity impacts while ensuring the right to disconnect.

The procedures will include:

- 1) Review of hours worked outside of normal working hours by management staff which would include, but not limited to:
 - a. Review the amount of work being completed outside of normal working hours.
 - b. Review the amount of hours being worked outside of normal working hours.
 - c. Review the hours of work policy and overtime policy:
 - i. Do the policies accurately reflect the amount of time worked outside of normal working hours especially for management positions?
 - ii. Do the policies promote good work life balance?
 - iii. Do the policies contribute positively to attracting and retaining employees?
- 2) Alternative work arrangement program(s) will be reviewed and may include consideration of the following practices:
 - a. Core hours and flexing the start and end time of a shift. A version of this already exists in the CUPE collective agreement.
 - b. Compressed work weeks
 - c. Flexing hours of work so that any hours of work outside of normal working hours balance with required number of hours worked. For example, if a Division Leader is required to attend a Council meeting after 4:30 pm, then the time spent at the Council meeting will result in a decrease in the number of hours to be worked another day over the next 2 weeks.
 - d. Hours worked outside of normal working hours will be taken as time off in lieu of payment of overtime wages.

3) Hybrid work location program

Administration will conduct a regional scan of what other municipalities are doing for the hours worked outside of normal working hours and also reviewed in relation to municipalities that were used to benchmark practices in the Employer of Choice review.

- a. Staffing and resourcing analysis to support business cases as evidence when requesting Council to consider additional resources (right sizing).

Recommendations to address these impacts from this new Policy will be forthcoming through the results of the review of relevant policies (such as Hours of Work Policy and the Overtime Policy) and the results from the Employer of Choice Review.

Current Regional Scan:

All the municipalities in the region are required to develop and implement a Disconnect from Work Policy. Other municipalities in the region are addressing some of the challenges of addressing the amount of hours worked outside of normal working hours by doing and/or piloting any combination of the following programs:

- 1) Implementing core hours of work with flexible start and end times. For example, the employee must be working Monday to Friday, 10 am to 2:30 pm where the start time could be any time between 6:30 am and 10 am and end the shift between 2:30 pm to 6 pm depending on the start time. The employee will still be required to work the full amount of hours of a regular shift.
- 2) 2 weeks in lieu of the first 70 hours of overtime worked. Then any hours worked outside of normal working hours would be flexed in over the following 2 weeks of being worked. For example, the first 70 hours of overtime worked may be scheduled to be taken off of work any time during the year once it has been worked. After this cap is reached, the rest of the overtime must be taken within 2 weeks of being worked such as if a Division Leader attended a Council meeting for 4 hours, then the Division Leader would take 4 hours off later in the week to balance the time worked attending the Council meeting.
- 3) Hybrid work locations: Work remotely up to 2 days per week.
- 4) Pay management employees the same overtime rates as the unionized employees and manage the amount of hours worked outside normal working hours through the budget.

All programs being piloted in the region require:

- 1) management approval prior to participating in the program
- 2) position evaluation to ensure that the position qualifies for the program
- 3) focus group meetings to address challenges
- 4) focus group meetings to determine effectiveness and develop further continuous improvements
- 5) full evaluation of each program after 12 months to determine if the program will continue or be eliminated.

Financial Impacts

There is no financial impact from adopting this policy. However, there may be financial impacts associated with the development of programs and procedures in relation to this policy. Administration will seek out approval for budget implications where a financial impact is anticipated.

Report Approval Details

Document Title:	Disconnect from Work Policy.docx
Attachments:	
Final Approval Date:	May 5, 2022

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

Prepared by Lisa Granger

Submitted by Kristen Newman

Approved by Justin Rousseau and Truper McBride

Notice of Motion submitted by Councillor Wilder regarding Bollards along Old Tecumseh Road

Whereas residents of Lakeshore and users of the pathway along Old Tecumseh Road, have raised significant safety concerns about the pathway;

Whereas previous resolutions were passed by Lakeshore to work in conjunction with the County of Essex, to support improving safety and separation along the Old Tecumseh Road pathway;

Whereas the County of Essex conducted community consultation about the operation of the pathway along Old Tecumseh Road in 2021, the results of which indicated an ongoing concern for safety and a desire for separation between users of the pathway and vehicular traffic travelling along Old Tecumseh Road, in addition to other improvements;

Whereas the County of Essex previously installed bollards along the length of the pathway along Old Tecumseh Road, which created a physical barrier between users of the pathway and vehicular traffic travelling along Old Tecumseh Road; and

Whereas it is understood that the County of Essex does not plan to install the bollards this year, due to operational concerns and the frequency with which the bollards are hit by vehicular traffic travelling along Old Tecumseh Road.

Now therefore be it resolved that the County of Essex be requested to proceed with installing bollards again this year, along the full length of the pathway along Old Tecumseh Road;

Therefore be it resolved that the County of Essex be requested to continue investigating better solutions to enhance the separation and to protect users of the pathway along Old Tecumseh Road.

Municipality of Lakeshore

By-law 29-2022

Being a By-law to authorize the execution of a Subdivision Amending Agreement pertaining to Lakeside Estates (Phase 2)

Whereas pursuant to the *Planning Act*, R.S.O. 1990, c.P.13, representatives of Amico Properties Inc. (the “Owner”) received Draft Plan Approval (File# 37-T-19002) for a plan of subdivision prepared by Verhaegen Land Surveyors Inc. and signed July 10, 2020 on lands legally described as Part lot gore or broken front concession West of River Puce, Maidstone, Designated as Part 1, 12R27736; Municipality of Lakeshore, Being all of PIN: 75004-0526 LT (the “Subject Lands”);

And whereas the parties entered into a Subdivision Agreement for the Original Development on August 11, 2020, and registered on August 26, 2020, as in instrument number CE959999 that is the subject to various amendments (the “Original Agreement”);

And whereas Section 3.2 of the Original Agreement states that Lakeshore may withdraw allocated sanitary sewage capacity if the Owner fails to complete a sanitary and storm sewer system within two years of the execution of the agreement – August 11, 2022;

And whereas Lakeshore is in the process of facilitating drainage facilities for the final phase of the Lakeshore Estates Subdivision, pursuant to the *Drainage Act*, R.S.O. 1990, c.D.17;

And whereas said drainage process has impeded the Owner’s ability to complete the sanitary and storm sewer system within the timeframe mandated in Section 3.2 of the Original Agreement;

And whereas the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to amend the Subdivision Agreement to extend the time limit to complete a sanitary and storm sewer system, in recognition of the ongoing *Drainage Act* process, as recommended by the Planner at the May 10, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The Mayor and Clerk are authorized to execute an agreement that is not intended to replace the Subdivision Agreement previously entered into with Amico Properties Inc. dated August 11, 2020, but to be an amendment to it.
2. The Original Agreement shall continue in force.

3. This by-law shall come into force and effect upon passage.

Read and passed in open session May 10, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

**Agreement to Amend Subdivision Agreement
(Lakeside Estates Phase 2)**

THIS AGREEMENT made this 29 day of March, 2022,

BETWEEN:

Municipality of Lakeshore
("Lakeshore"),

- and -

Amico Properties Inc.
(the "Owner"),

Whereas the Parties entered into a subdivision agreement dated August 11, 2020 and registered as instrument number CE959999 on August 26, 2020 (the "Original Agreement");

And Whereas Section 3.2 of the Original Agreement states that Lakeshore may withdraw allocated sanitary sewage capacity if the Owner fails to construct a complete sanitary and storm sewer system within two years of the execution of the agreement – August 11, 2022;

And Whereas Lakeshore is in the process of facilitating drainage facilities for the final phase of the Lakeshore Estates Subdivision, pursuant to the drainage Act;

And Whereas said process has impeded the Owner's ability to complete the sanitary and storm sewer system within the timeframe mandated in Section 3.2 of the Original Agreement;

And Whereas it has therefore become necessary to amend the Original Agreement to extend the time limit outlined in Section 3.2;

Now Therefore this agreement witnesseth that in consideration of the aforementioned premises, the covenants hereinafter contained and those contained in the Original Agreement, the parties hereto covenant and agree one with the other as follows:

- 1. The Parties agree that the above recitals are true and are incorporated into and form part of this agreement as though repeated herein.
- 2. The time limit for the Owner to complete a sanitary storm and sewer system, as outlined in Section 3.2 of the Original Agreement is hereby amended to **two years** after the execution of this Amending Agreement.

In Witness Whereof the Parties have respectively caused this agreement to be executed by the hands of their proper signing officers duly authorized in that behalf.

Signed, Sealed & Delivered)	Municipality of Lakeshore
in the presence of)	
)	<u>per:</u>
)	Tom Bain, Mayor

)
)
) per:
) Kristen Newman, Corporate Leader of
) Legal Services/Clerk
) We have authority to bind the Corporation.
)
)
)
) **Amico Properties Inc.**
)
)
) per:
) Cindy Prince, Vice President
) I have authority to bind the Corporation.
)

Schedule “A”

Legal Description

Land Titles Division of Essex (12)

- Legal: PLAN 12M672 LOT 49
PIN:750040586
- Legal: PLAN 12M672 LOT 40
PIN:750040578
- Legal: PLAN 12M672 LOT 39
PIN:750040577
- Legal: PLAN 12M672 LOT 38
PIN:750040576
- Legal: PLAN 12M672 LOT 37
PIN:750040575
- Legal: PLAN 12M672 LOT 36
PIN:750040574
- Legal: PLAN 12M672 LOT 35
PIN:750040573
- Legal: PLAN 12M672 LOT 34
PIN:750040572
- Legal: PLAN 12M672 LOT 33
PIN:750040571
- Legal: PLAN 12M672 LOT 32
PIN:750040570
- Legal: PLAN 12M672 LOT 31
PIN:750040569
- Legal: PLAN 12M672 LOT 30
PIN:750040568
- Legal: PLAN 12M672 LOT 29
PIN:750040567
- Legal: PLAN 12M672 LOT 28
PIN:750040566
- Legal: PLAN 12M672 LOT 27
PIN:750040565
- Legal: PLAN 12M672 LOT 26
PIN:750040564
- Legal: PLAN 12M672 LOT 25
PIN:750040563
- Legal: PLAN 12M672 LOT 24
PIN:750040562

- Legal: PLAN 12M672 LOT 67
PIN:750040605
- Legal: PLAN 12M672 LOT 68
PIN:750040606
- Legal: PLAN 12M672 LOT 59
PIN:750040597
- Legal: PLAN 12M672 LOT 69
PIN:750040607
- Legal: PLAN 12M672 LOT 60
PIN:750040598
- Legal: PLAN 12M672 LOT 70
PIN:750040608
- Legal: PLAN 12M672 LOT 61
PIN:750040599
- Legal: PLAN 12M672 LOT 71
PIN:750040609

**MUNICIPALITY OF LAKESHORE
BY-LAW 32-2022**

**BEING A BY-LAW FOR THE HERMAS MOISON DRAIN NORTH BRANCH
IN THE MUNICIPALITY OF LAKESHORE - IN THE COUNTY OF
ESSEX.**

WHEREAS, the Council of the Municipality of Lakeshore in the County of Essex in accordance with the provisions of the Drainage Act, R.S.O. 1990 C.D. 17 deems it expedient that the following drain be created in accordance with Section 4 of the said Act.

**HERMAS MOISON DRAIN NORTH BRANCH
IN THE MUNICIPALITY OF LAKESHORE –
IN THE COUNTY OF ESSEX.**

AND WHEREAS, the estimate cost of constructing the drainage works is \$72,000.00.

THEREFORE the Council of the Municipality of Lakeshore pursuant to the Drainage Act, 1990 enacts as follows:

1. The considered report dated March 18th, 2022 and attached hereto is hereby adopted and the drainage works as therein indicated and set forth is hereby authorized and shall be completed in accordance therewith.
2. The Municipality of Lakeshore may borrow on the credit of the Municipality the amount of \$72,000.00 being the amount necessary for construction of the drainage works.
3. The Municipality may issue debentures for the amount borrowed less the total amount of,
 - (a) Grants received under Section 85 of the Act;
 - (b) Commuted payments made in respect of the lands and roads assessed within the municipality;
 - (c) Monies paid under subsection 61 (3) of the Act, and;
 - (d) Monies assessed in and payable by another municipality.
4. Such debentures shall be made payable within five (5) years from the date of the debentures. If greater than \$10,000 and upon request for a ten (10) year debenture term, such debentures shall be made payable within a ten (10) year period from the date of the debentures. Debentures shall bear interest at a rate established at the date of issuance of such debentures.
5. A special equal annual rate sufficient to redeem the principal and interest on the debentures, shall be levied upon the lands and roads identified in the engineers report and will be collected in the same manner and at the same time as other taxes are collected in each year for five (5) and/or ten (10) years after the passing of this By-law.
6. All assessments of \$750.00 or less are payable in the year in which the assessment is imposed.
7. This By-law comes into force on the passing thereof and may be cited as Hermas Moison Drain North Branch

First Reading: April 21, 2022
Second Reading: April 21, 2022
Provisionally adopted this 21st day of April, 2022

Tom Bain,
Mayor

Kristen Newman,
Clerk

Third Reading this 10th day of May, 2022
Enacted this 10th day of May, 2022

Tom Bain,
Mayor

Kristen Newman,
Clerk

Municipality of Lakeshore

By-law 49-2022

Being a By-law to Authorize the Mayor and Clerk to Execute an Intermunicipal Court Services Agreement pursuant to the *Provincial Offences Act*

Whereas section 162(1) of the *Provincial Offences Act*, R.S.O. 1990, c. P.33 authorizes the Attorney General to enter into agreement with a municipality with respect to a specified area, authorizing the municipality to perform courts administration and court support functions, and conduct prosecutions, relating to the *Provincial Offences Act* and the *Contraventions Act* (Canada);

And whereas the Province of Ontario as represented by the Ministry of the Attorney General has entered into a Transfer Agreement with the City of Windsor relating to the Windsor/Essex Court Services Area;

And whereas the Municipality of Lakeshore has participated in an Intermunicipal Court Services Agreement pursuant to the *Provincial Offences Act* since March 5, 2001, in partnership with the City of Windsor, the County of Essex and Pelee Island municipalities;

And whereas it is deemed necessary to delegate authority to execute a five-year Intermunicipal Court Services Agreement pursuant to the *Provincial Offences Act*, as recommended by the Corporate Leader – Chief Financial Officer at the May 10, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The Mayor and the Clerk are authorized to execute an Intermunicipal Court Services agreement with participating municipalities from the Windsor/Essex Court Services Area, consisting of the City of Windsor, County of Essex and Pelee Island geographical area, with form and content approved by the Corporate Leader – Strategic & Legal Affairs and the Corporate Leader – Chief Financial Officer.
2. The delegated authority described in Section 1 includes the authority to execute any related amendments or agreements in furtherance of this agreement.
3. The delegation in this by-law is subject to any restrictions on such delegation under the *Municipal Act, 2001*, S.O. 2001, c.25 or any other Act.
4. This By-law comes into force upon passage.

Read and passed in open session on May 10, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Municipality of Lakeshore

By-law 50-2022

Being a By-law to Stop Up and Close a portion of Ellis Sideroad (Highway 3 Widening Project)

Whereas the Municipality of Lakeshore has the authority pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, to close, stop up or declare surplus lands that are owned by the Municipality;

And whereas on July 14, 2020, Council supported the closure of Ellis Sideroad southwest of Highway 3 and the modification of the access to Ellis Sideroad northeast of Highway 3 to a right-in, right-out configuration;

And whereas Council deems it necessary and desirable to stop up and close a portion of Ellis Sideroad more particularly described as Part of the Road Allowance between Lots 287 & 288, Concession South Talbot Road, Maidstone, also known as Ellis Sideroad, between County Rd 34 and South Talbot Rd; Lakeshore, being Part of the Property Identifier Number 75017-0088(LT), which lands abut the property legally described as Part of Lot 287, Concession South Talbot Road, designated as Part 1 on Plan CE974509, as recommended by the Division Leader – Engineering & Infrastructure at the May 10, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. The land legally described as Part of the Road Allowance between Lots 287 & 288, Concession South Talbot Road, Maidstone, also known as Ellis Sideroad, between County Rd 34 and South Talbot Rd; Lakeshore, being Part of the Property Identifier Number 75017-0088(LT), which lands abut the property legally described as Part of Lot 287, Concession South Talbot Road, designated as Part 1 on Plan CE974509, and are as more particularly shown outlined in green on the attached Plan of Expropriation CE974509 identified in Schedule A to this by-law, is permanently stopped up and closed.
2. The Mayor and Clerk are authorized and directed to execute all documents and instruments necessary to implement the intent of this by-law.
3. This by-law shall come into force and effect upon registration in the Land Registry Office for the Registry Division of Essex (No. 12).

Read and passed in open session on May 10, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**

Schedule A to By-law 50-2022

LEGEND

- | | |
|------|--|
| B | CONCRETE SURVEY MONUMENT SET |
| B | CONCRETE SURVEY MONUMENT FOUND |
| SSB | CONCRETE STANDARD IRON BAR |
| SSB | CONCRETE SHORT STANDARD IRON BAR |
| IR | CONCRETE IRON BAR |
| SSB | CONCRETE QUARTER STANDARD ROAD IRON BAR |
| RB | CONCRETE 0.150M LONG STANDARD IRON BAR IN ROCK |
| RP | CONCRETE 18mm DIAMETER ROCK POST |
| CR | CONCRETE OUT CROSS |
| CU | CONCRETE CROWN LAMPHORN |
| WT | CONCRETE WITNESS |
| M | CONCRETE |
| S | CONCRETE SET |
| SCB | CONCRETE PRECAST BENTONITE NUMBER |
| P1A | CONCRETE REINFORCED CONCRETE POINT |
| 1017 | CONCRETE CHALLOA, COTZ, 0.5x0.5 |
| MTD | CONCRETE MINISTRY OF TRANSPORTATION |
| P1 | CONCRETE PLAN 128-77710 (AUTO PLAN P-4077-11) |

NOTES

BEARINGS ARE WITH GRID DERIVED FROM SPECIFIED CONTROL POINTS
0081980480 AND 0081980433, MTN-11 MAG-1883ORIGINAL.
ALL DIMENSIONS SHOWN ARE MEASURED, UNLESS OTHERWISE NOTED.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY
MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9998.

INTEGRATION DATA

SPECIFIED CONTROL POINTS (BCP's): MTM-11, NAD83/ORIGINAL
COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF OREG. 218/10

POINT ID	NORTHING	EASTING
SCP 0081908408	4872247.32	274846.98
SCP 0081928403	4870082.53	278729.58

PLAN COORDINATES, MTM ZONE 11, NAD83 ORIGINAL

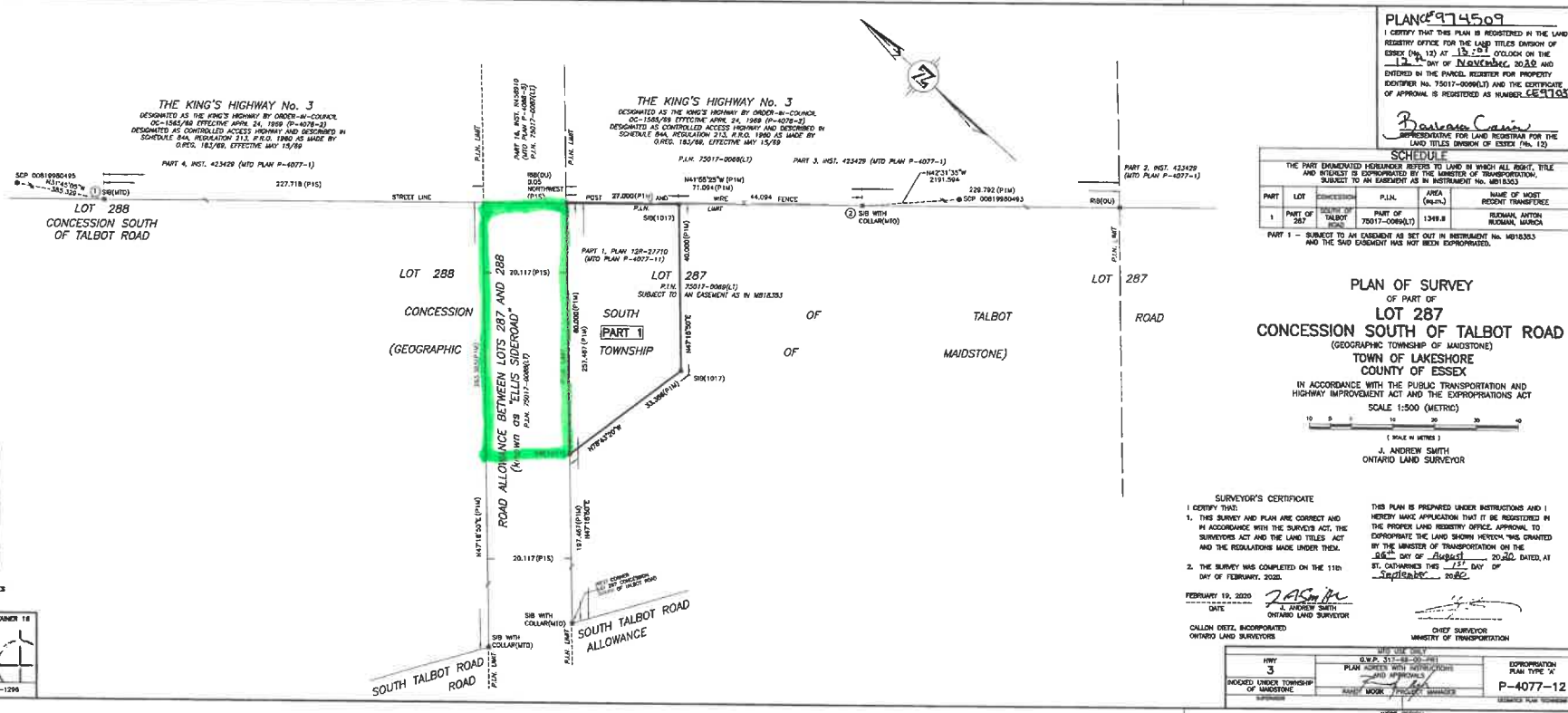
1	4871810.90	275046.75
2	4871887.52	275246.47

COORDINATES CANNOT, IN THEMSELVES, BE USED TO
RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

METRIC

METRIC DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

Callon & Dietz INCORPORATED ONTARIO LAND SURVEYORS CARLETON PLACE LONDON NORTH BAY info@callondietz.com callondietz.com		RETAINER 18 
SURVEY BY: BO	DRAWN BY: ML	FILE NO: 20-23194
		PLAN NO: P-1290



Municipality of Lakeshore

By-law 52-2022

Being a By-law to Adopt a Disconnect from Work Policy for the Municipality of Lakeshore

Whereas section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, provides that a municipality has the authority to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas the Council of the Municipality of Lakeshore passed a resolution directing the Clerk read a by-law to adopt a Disconnect from Work Policy for the Municipality of Lakeshore, as recommended by the Division Leader – Workforce Development at the May 10, 2022 Council meeting;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

1. Schedule "A" to this By-Law is adopted and shall be referred to as the "Disconnect from Work Policy".
2. This By-law comes into force upon passage.

Read and passed in open session on May 10, 2022.

**Mayor
Tom Bain**

**Clerk
Kristen Newman**



Schedule A to By-law 52-2022 **Disconnect from Work Policy**

Policy #

Date Last Reviewed:

1.0 Purpose and Scope

- 1.1** The Municipality recognizes the right of employees to disconnect from work outside of normal working hours to support the health, safety and mental wellbeing of employees by encouraging a good work-life balance.
- 1.2** This policy will inform procedures and guidance to ensure compliance with relevant legislation and the Municipality's commitment to support the health, safety and mental wellbeing of staff.

2.0 Interpretation

2.1 In this policy:

- 2.1.1** "Disconnect from Work" means not engaging in work-related communications, including emails, telephone calls, video calls, or sending or reviewing other messages, in order to be free from the performance of work. As the list of work-related communications is inclusive, and not exhaustive, other types of work-related communications could also fall under this definition.
- 2.1.2** "Employee" means all employees employed with the Municipality of Lakeshore.
- 2.1.3** "Normal Working Hours" means the regular schedule of the employee as listed in any of the following: the Hours of Work Policy, respective collective agreement, and the job description.

2.2 Conflicts

- 2.2.1** Where a conflict exists between this policy and a collective agreement, the collective agreement will prevail.
- 2.2.2** Where a conflict exists between this policy and another policy, the more specific policy shall prevail.

2.3 Application

- 2.3.1** The Municipality of Lakeshore is an equal opportunity employer. Accommodations under the requirements of the *Human Rights Code*, R.S.O. 1990, c. H.19 and *Accessibility for Ontarians with*



Disconnect from Work Policy

Policy #

Date Last Reviewed:

Disabilities Act, 2005, S.O. 2005, c. 11 (AODA) will be provided upon request in all employment practices.

2.3.2 This policy applies to all employees.

3.0 Policy

- 3.1** Employees shall have the right to Disconnect from Work subject to this policy.
- 3.2** While technology allows the flexibility to work anywhere and at any time, the Municipality recognizes that a constantly connected work culture has the potential to impact employee mental health including increased stress, anxiety, depression, burnout, and other mental health-related risks and conditions.
- 3.3** Recognizing the importance of the Right to Disconnect, there are circumstances that may occur where the Employer may contact an Employee outside of Normal Working Hours, including but not limited to:
 - 3.3.1** “on-call” schedules;
 - 3.3.2** Overtime opportunities;
 - 3.3.3** At short notice, replacing an unscheduled absence of a team member;
 - 3.3.4** Attending to urgent unforeseeable circumstances which may arise;
 - 3.3.5** Attending to an emergency which may arise;
 - 3.3.6** Attending to urgent operational matters requiring contact outside of normal working hours; and
 - 3.3.7** Wellness check-ins and other return to work/accommodation planning.
- 3.4** For positions where there is a requirement to respond to emergency situations, this Policy shall not restrict the Municipality from requiring performance of work-related duties during emergency situations when immediate action is required.
- 3.5** The Municipality shall have procedures to implement this policy which shall address, but are not limited to:
 - 3.5.1** Overtime and performance of duties outside of normal working hours;



Disconnect from Work Policy

Policy #

Date Last Reviewed:

- 3.5.2 Process on communicating with employees outside of normal working hours;
- 3.5.3 Automatic replies and other ways to communicate staff availability/normal working hours;
- 3.5.4 Meetings outside of normal working hours;
- 3.5.5 Use of technology as it relates to working outside of normal working hours; and,
- 3.5.6 Employee well-being as it relates to working outside of normal working hours.

4.0 Responsibilities

4.1 The Chief Administrative Officer:

- 4.1.1 Shall ensure the framework and procedures are developed and implemented accordingly.

4.2 The Workforce Development Division shall:

- 4.2.1 Develop procedures and provide training as required.
- 4.2.2 Ensure employees receive a copy of this policy or that the policy is accessible to all staff.
- 4.2.3 Communicate updates to staff as necessary.

4.3 Members of management shall:

- 4.3.1 Ensure employees are aware of their required working hours and terms and conditions of their employment, including normal working hours and schedules.
- 4.3.2 Support and encourage employees in taking their rest periods and vacation time/time off.
- 4.3.3 Ensure the employees within their team are able to disconnect from work outside of normal working hours.
- 4.3.4 Should an employee have concerns surrounding their working time, or be unable to disconnect from work, it is important that this is brought to the attention of their immediate supervisor in order to try to resolve any concerns.

4.4 Employees shall:

- 4.4.1 Manage their working time while at work to be productive and efficient in performing their duties.



Disconnect from Work Policy

Policy #

Date Last Reviewed:

- 4.4.2** Take reasonable care to protect their safety, health and welfare, and the health and safety of co-workers and residents.
- 4.4.3** Be mindful of a co-worker's, and all others, right to disconnect when communicating.
- 4.4.4** Be conscious of their work pattern and aware of their work-related well-being, and remedy if necessary.
- 4.4.5** If unable to disconnect, discuss with the respective member of management to determine role clarity.

5.0 Consequences

- 5.1** Failure to comply with this policy may result in a violation of the respective legislation.
- 5.2** Failure to comply with this policy may result in a negative impact to the health and wellness of employees.

6.0 Reference Documents

- 6.1** *Employment Standards Act, 2000,*
- 6.2** *Human Rights Code, R.S.O. 1990, c. H.19*
- 6.3** *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*
- 6.4** Hours of Work Policy
- 6.5** Overtime Policy
- 6.6** CUPE Local 702.4 collective agreement
- 6.7** IBEW Local 636 (full time) collective agreement
- 6.8** IBEW Local 636 (part time) collective agreement.

7.0 Communication and Training

- 7.1** The Policy will be communicated to all employees in accordance with the respective legislation.
- 7.2** The Policy will be included in the onboarding or orientation of each new employee.
- 7.3** Training will be provided as required.
- 7.4** This Policy will be made accessible to all staff.



Disconnect from Work Policy

Policy #

Date Last Reviewed:

8.0 Review/Revisions

8.1 The Policy will be reviewed every 5 years or as legislative or organizational changes require, whichever is earlier.

8.2 Revision Log:

#	Date Revised	Author	Section	Details of Change
1	May 10, 2022	Council		New policy based on new legislative changes to the <i>Employment Standards Act, 2000, S.O. 2000, c. 41</i> .
2				
3				
4				

Refer policy questions to: Division Leader – Workforce Development