



## **COUNCIL MEETING AGENDA**

**Tuesday, February 5, 2019**

**7:00 P.M.**

**COUNCIL CHAMBERS – CIVIC SQUARE**

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**1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:30 p.m.)  
(See yellow tab)**

- A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value:
  - *Regional Governance Review update.*
- Personal matters about an identifiable individual, including municipal or local board employees: Citizens Appointments for the following Committee:
  - *Committee of Adjustment/Committee of Revision.*
  - *Property Standards Committee/Dog Control Appeal Committee.*
  - *Welland Public Library Board.*
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
  - *Hunters Pointe Pumping Station.*
- Security of the property of the municipality or local board:
  - *City owned lands former Railway lands.*

**2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:55 p.m.)**

**3. OPEN COUNCIL MEETING (7:00 p.m.)**

**3.1 NATIONAL ANTHEM**

**3.2 OPENING REMARKS**

**3.3 ADDITIONS/DELETIONS TO AGENDA**

**3.4 ADOPTION OF MINUTES**

Regular Council Meetings of December 18, 2018, January 15, 2019 and Special Council Meeting of January 22, 2019 (*Previously Distributed*).

**3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**

**3.6 DISCLOSURES OF INTEREST**

**3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**



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### **4. ORAL REPORTS AND DELEGATIONS**

#### **4.1 PRESENTATION(S) - Nil**

#### **4.2 DELEGATION(S) (maximum 5/10/5 policy) - Nil**

#### **4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORTS**

**99-90** Representatives, Welland Downtown Business Improvement Area re: 2019 Budget and Levy.  
**(Background information included in Council member's package).**

**19-4** Councillor McLeod, Chair, Budget Review Committee re: meetings of January 14 and 21, 2019.

**16-61** Councillor DiMarco, Chair, Human Resources Committee re: meeting of January 17, 2019.

#### **4.4 LEGISLATED PUBLIC MEETING UNDER THE *BUILDING CODE ACT*.**

**11-100** Brandon Widener, Spriet Associates will speak to the Browns Tap Drain Report.

### **5. COMMITTEE-OF-THE-WHOLE (OPEN) (to discuss items removed from Agenda Block)**

### **6. BY-LAWS (SEE AGENDA INDEX)**

### **7. NOTICES OF MOTION**

#### **7.1 Councillor matters discussed with staff for reporting purposes**

#### **7.2 Notices of Motion (previously submitted for discussion)**

##### **(Councillor Speck)**

**18-38** THAT THE COUNCIL OF THE CITY OF WELLAND reconsiders Report LEG-018-01: Annual Review of Fees and Charges for various services and use of municipal facilities/amendment to By-law 2006-193; and further THAT this item be placed on the February 19, 2019 Council Meeting agenda.



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### **(Councillor Spinosa)**

- 19-41** THAT THE COUNCIL OF THE CITY OF WELLAND initiates the public project by directing staff to install one piano at Civic Square by May 1<sup>st</sup>, 2019 for use by the public; and further  
THAT staff create a survey via YourChannel to seek input from the public on future locations of additional public pianos to be installed.

### **(Councillor Chiocchio)**

- 19-22** THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to explore options to a city-wide remedy for excessive speeding on Welland streets. Solutions or options like speed bumps, bump outs or calming measure and costs associates with them.

### **(Councillor DiMarco)**

- 19-50** THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to provide legal representation to support and defend the September 19, 2018 decision of the Committee of Adjustment.  
The Local Planning Appeal Tribunal hearing will take place on February 8, 2019 in regards to the severance application and its decision regarding the property at 61 Adah Court, Lot 11 Plan 59M-249.

### **7.3 Call for Notices of Motion (for introduction at the meeting)**

## **8. CORPORATION REPORTS**

### **8.1 Mayor's Report**

### **8.2 Chief Administrative Officer's Report**

## **9. CONFIRMATORY BY-LAW**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 5<sup>th</sup> day of February, 2019. Ref. No. 19-1

## **10. ADJOURNMENT**



## **COUNCIL MEETING AGENDA INDEX**

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**COUNCIL CHAMBERS – CIVIC SQUARE**

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### **AGENDA BLOCK**

#### **1. BUSINESS ARISING FROM MINUTES, PREVIOUS MEETINGS AND OTHER ITEMS REFERRED FROM COUNCIL FOR DISCUSSION:**

**Deferred from the January 15, 2019 Council Meeting**

**1 - 12**      **99-90**      Welland Downtown Business Improvement Area re: Approval of its proposed 2019 Budget.  
**Remove From**  
**Block**

#### **2. COMMITTEE AND STAFF REPORTS**

**1. Business Arising from Committee-of-the-Whole (closed)**

**13**      **2. General Committee Report to Council - January 22, 2019**

**14 - 33**      **ENG-2019-02**      Gen. Mgr., Infrastructure and Development Services/City Engineer,  
E. Nickel - Region of Niagara 2020 Waste Collection Contract Proposed  
Changes and Welland Enhanced Collection Services. Ref. No.16-109

#### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves Report ENG-2019-02 regarding Region of Niagara 2020 Waste Collection Contract - Proposed Changes and Welland Enhanced Collection Services; and further

THAT Welland City Council approve of recommendations as follows:

1. That every-other-week (EOW) garbage collection be implemented for all residential properties and for those IC&I and MU properties located outside DBAs as a base service. Current garbage container limits would double for all properties, on an EOW basis. The recycling and organic bin collection for all properties shall remain weekly collection. Those IC&I and MU properties located inside the DBAs would continue to receive weekly garbage, recycling and organics collection as a base service.
2. That the establishment of a four (4) item limit per residential unit, per collection, for large item collection at LDR properties be approved as a base service.
3. That the appliance and scrap metal pick-up be discontinued at LDR properties.
4. That the number of garbage bags/containers for IC&I and MU properties inside DBAs be reduced from seven (7) to four (4) per week, as a base service.
5. That the number of garbage bags/containers for MU properties outside DBAs be reduced from six (6) to four (4) per week, or eight (8) containers per week under EOW garbage collection, as a base service.





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6. That the City's enhanced service and extra payment for front-end garbage collection at multi-residential properties (currently a total of 12 containers) continue.

7. That the provision of a new enhanced service for large item collection (parallel to the service approved for LDR properties) to those households in MR buildings with seven (7) or more residential units and MU properties with one (1) or more residential unit, that receive the Region's base curbside or enhanced front-end garbage collection service, be approved; and further

THAT Welland City Council directs the Clerk to inform the Region of the City's position on the proposed waste collection service changes.

34 - 37

**ENG-2019-03** Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Canal Redevelopment Strategy Phase II - Welland Community Boathouse. Ref. No.99-99

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2019-03 Canal Redevelopment Strategy Phase II – Welland Community Boathouse Update: and further

THAT Welland City Council direct staff to proceed with completion of architectural plans and specifications, and subsequently issue a tender for construction of a shipping container facility to serve as a canoe/kayak rental facility at the Lincoln St Docks location at the soonest opportunity.

38 - 42

**CAO-2019-01** Chief Administrative Officer, G. Long - Review of Regional Government. Ref. No. 19-48

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CAO-2019-01: Review of Regional Government.

### 3. Budget Review Committee Report to Council - Nil

### 4. Staff Reports

43 - 49

**TRAF-2019-01** Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Animals At Large By-law. Ref. No. 06-156 (See By-law 1)

50 - 56

**TRAF-2019-02** Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Parking Restrictions on White Avenue. Ref. No. 19-22 (See By-law 2)

57 - 97

**P&B-2019-04** Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Application for Zoning By-law Amendment (File No. 2018-06) and Official Plan Amendment (OPA 19) Zelinka Priamo Ltd. for lands on the east side of Primeway Drive, the south side of River Road, north of Woodlawn Road, and west of Highway 406, municipally known as 158 and 210 Primeway Drive and 790 River Road. Ref. No. 18-96



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|------------------|-------------------------------|--|
| <b>98 - 100</b>  | <b><u>P&amp;B-2019-05</u></b> | Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Community Improvement Plan Incentive Applications - Quarterly Summary Report for Fourth Quarter of 2018. Ref. No. 03-133/11-108  |
| <b>101 - 107</b> | <b><u>P&amp;B-2019-06</u></b> | Gen. Mgr., Infrastructure and Development Services/City Engineer, E. Nickel - Request for Redline Revision of Draft Plan of Subdivision - Welland High Garden - 200 West Main Street - north side of East Main Street, west side of Denistoun Street (File No. 26T-14-17005). Ref. No. 09-83 |
| <b>108- 110</b>  | <b><u>R&amp;C-2019-01</u></b> | Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Awarding of Contract for 10-Year Parks, Recreation & Culture Master Plan. Ref. No. 19-19   |
| <b>111 - 113</b> | <b><u>CLK-2019-04</u></b>     | Gen. Mgr., Human Resources and Legislative Services, R. Mantesso - Amended 2019 Council Meeting Calendar. Ref. No. 18-29   |

### **3. NEW BUSINESS**

- 114 - 128**      1. Donna Woiceshyn, Chief Executive Officer, Niagara Regional Housing (NRH) re: NRH 2018 3<sup>rd</sup> Quarter Report to Board of Directors. Ref. No. 10-130

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from Niagara Regional Housing (NRH) dated November 16, 2018 regarding the NRH 2018 3<sup>rd</sup> Quarter Report.

- 129 - 130**      2. Bonnie Nistico-Dunk, City Clerk, City of St. Catharines re: Support for Ontario Wine and Beer in Retail Stores as Part of Modernizing Alcohol Sales. Ref. No. 19-40

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from City of St. Catharines dated January 15, 2019 regarding support for Ontario Wine and Beer in Retail Stores as Part of Modernizing Alcohol Sales.

- 131**              3. Cathy Boyko and Peter Van Caulart, Co-Chairs, 2019 ARC Terminus Committee re: Request to declare the week of June 19 - 24, 2019 as “Air Race Week”. Ref. No. 19-6

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND declares the week of June 19-24, 2019 as “Air Race Week” in the City of Welland.

- 132**              4. Memorandum from Tara Stephens, City Clerk re: Delegations appearing before Council/General Committee. Ref. No. 02-160/18-28

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the memorandum dated January 31, 2019 regarding delegations appearing before Council/General Committee.



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### **Page No.**

- 133 - 152**      5. Ann-Marie Norio, Regional Clerk, Region of Niagara re: Notice of Passing of By-law to Amend By-law 112-2013 - Being a By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke - Triple Majority Requirement PHD 02-2019, January 8, 2019. Ref. No. 08-36

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND consents to amend By-law 112-2013 being a By-law to protect children and vulnerable persons from exposure to outdoor second-hand smoke.

- 153 - 158**      6. Ann-Marie Norio, Regional Clerk, Region of Niagara re: Report CSD 6-2019: Approval of Interim Levy Dates and Amounts. Ref. No. 19-4

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated January 21, 2019 regarding Report CSD 6-2019: Approval of Interim Levy Dates and Amounts.

### **4. BY-LAWS**

**MAY BE VIEWED IN THE CLERK'S DIVISION PRIOR TO THE MEETING IF DESIRED.**

1. A By-law to prohibit and regulate animals being at large. Ref. No. 06-156  
(See Report TRAF-2019-01)
2. A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland (Schedule XXXIV). Ref. No. 19-22  
(See Report TRAF-2019-02)
3. A By-Law to appoint Traffic Enforcement Officers of the Corporation of the City of Welland to enforce the provisions of Traffic and Parking By-Law 89-2000 at Seaway Mall and to repeal By-Law 2007-151. Ref. No. 19-22  
(By-law to appoint Traffic Enforcement Officers for Seaway Mall security operations).



Welland Downtown Business Improvement Area  
195 East Main Street, Unit 4C  
Welland ON L3B 3W7

November 15<sup>th</sup>, 2018

City of Welland  
60 East Main Street  
Welland ON 3X4

Attention: Carmela Radice, Acting City Clerk

RE: Welland Downtown BIA 2019 Operating Budget

Dear Ms. Radice:

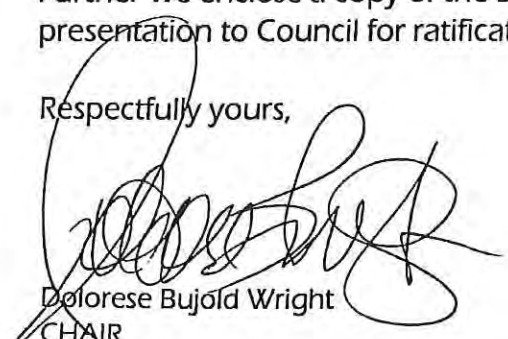
The following motion was made at the General Meeting of the WDBIA for the month of October 2018 following presentation from the Finance and Audit Committee of the Board.

**"BE IT RESOLVED That the Board of Management of the Welland Downtown Business Improvement Area accept the proposed budget and request the 2019 levy in the amount of \$108,000."**

Motion carried unanimously

Further we enclose a copy of the Budget as approved by the Board for reference and presentation to Council for ratification.

Respectfully yours,



Dolores Bujold Wright  
CHAIR  
[chair@downtownwelland.ca](mailto:chair@downtownwelland.ca)  
[www.downtownwelland.ca](http://www.downtownwelland.ca)  
289-820-7467

Encl.

99-90/18-4

<b>Welland Downtown BIA</b> <b>2019 Budget</b>
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**Revenue**

Member Levy	108,000
Event Revenue, Sponsorship, and Grants	9,631
Fundraising	10,000
HST rebate (second half of 2017)	4,500

<b>Total Revenue</b>	<b>132,131</b>
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**Expenses**

<b>Administration</b>	<b>70,211</b>
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<b>Beautification</b>	<b>33,913</b>
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**Community Events**

Hosted Events	11,631
Sponsored Events	2,000

<b>Total Community Events</b>	<b>13,631</b>
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<b>Marketing</b>	<b>5,519</b>
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<b>Governance</b>	<b>460</b>
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**One-time expenses/projects:**

Marketing	2,300
Beautification	4,599

<b>Total One-time Expenses/Projects:</b>	<b>6,899 ***</b>
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<b>Total Expenses:</b>	<b>130,633</b>
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<b>Net Operating Income:</b>	<b>1,498</b>
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<b>Debt Repayment:</b>	<b>-7,500</b>
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<b>Net Cash Flow Projection:</b>	<b>-6,002</b>
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\*\*\* These expenses were deemed appropriate given net annual surplus of \$19,821 on 2017 audited financial statements, and anticipated annual surplus for 2018.

Financial statements of

**City of Welland  
Welland Downtown Business  
Improvement Area**

December 31, 2017

**City of Welland**  
**Welland Downtown Business Improvement Area**  
December 31, 2017

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www.deloitte.ca

## Independent Auditor's Report

To the Board Members, Members of Council, Inhabitants and Taxpayers of  
The Corporation of the City of Welland

We have audited the accompanying financial statements of the Welland Downtown Business Improvement Area, which comprise the statement of financial position as at December 31, 2017, and the statements of operations, change in net debt and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### **Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian public sector accounting standards and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### **Auditor's Responsibility**

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



**Opinion**

In our opinion, the financial statements present fairly, in all material respects, the financial position of the Welland Downtown Business Improvement Area as at December 31, 2017, and the results of its operations, change in net debt and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

A handwritten signature in black ink that reads "Deloitte LLP". The word "Deloitte" is written in a cursive script, and "LLP" is written in a simpler, blocky font.

Chartered Professional Accountants  
Licensed Public Accountants  
May 7, 2018

**City of Welland**  
**Welland Downtown Business Improvement Area**

Statement of operations  
 year ended December 31, 2017

	Budget 2017	Actual 2017	Actual 2016
	\$	\$	\$
<b>Revenue</b>			
Grants	3,500	17,005	9,815
Tax levy	95,424	95,424	95,424
Sponsorship	10,000	8,506	10,701
Other revenue	-	57,612	-
	<b>108,924</b>	<b>178,547</b>	<b>115,940</b>
<b>Expenses</b>			
Amortization	-	-	486
Beautification	21,643	38,359	43,803
Professional fees	2,600	2,447	2,886
Insurance	1,820	1,894	1,700
Wages	41,320	44,795	45,593
Memberships	815	1,049	775
Office supplies and miscellaneous	4,805	5,785	2,855
Rent	3,750	3,734	3,112
Community events and promotional activities	24,671	60,663	15,453
Loss on sale of tangible capital assets	-	-	373
	<b>101,424</b>	<b>158,726</b>	<b>117,036</b>
Annual surplus (deficit)	7,500	19,821	(1,096)
Accumulated deficit, beginning of year	(81,665)	(81,665)	(80,569)
<b>Accumulated deficit, end of year</b>	<b>(74,165)</b>	<b>(61,844)</b>	<b>(81,665)</b>

The accompanying notes to the financial statements are an integral part of this financial statement.

**City of Welland**  
**Welland Downtown Business Improvement Area**

Statement of change in net debt  
 year ended December 31, 2017

	Budget 2017	Actual 2017	Actual 2016
	\$	\$	\$
<b>Annual surplus (deficit)</b>	<b>7,500</b>	<b>19,821</b>	<b>(1,096)</b>
Amortization of tangible capital assets	-	-	486
Proceeds from sale of tangible capital assets	-	-	4,000
Loss on sale of tangible capital assets	-	-	373
		-	4,859
Use of prepaid expenses	-	<b>803</b>	2,241
Acquisition of prepaid expenses	-	-	(2,423)
		<b>803</b>	(182)
Decrease in net debt	<b>7,500</b>	<b>20,624</b>	3,581
Net debt, beginning of year	<b>(82,468)</b>	<b>(82,468)</b>	(86,049)
<b>Net debt, end of year</b>	<b>(74,968)</b>	<b>(61,844)</b>	(82,468)

The accompanying notes to the financial statements are an integral part of this financial statement.

**City of Welland**  
**Welland Downtown Business Improvement Area**  
Statement of financial position  
as at December 31, 2017

	2017	2016
	\$	\$
<b>Financial assets</b>		
Cash	85,775	70,117
<b>Financial liabilities</b>		
Accounts payable and accrued liabilities	20,119	3,387
Due to City of Welland (Note 3)	127,500	135,000
	<b>147,619</b>	<b>138,387</b>
Net debt	<b>(61,844)</b>	<b>(82,468)</b>
<b>Non-financial assets</b>		
Prepaid expenses	-	803
	-	803
<b>Accumulated deficit (Note 5)</b>	<b>(61,844)</b>	<b>(81,665)</b>

Approved by the Board

\_\_\_\_\_ Director

\_\_\_\_\_ Director

The accompanying notes to the financial statements are an integral part of this financial statement.

**City of Welland**  
**Welland Downtown Business Improvement Area**  
 Statement of cash flows  
 year ended December 31, 2017

	2017	2016
	\$	\$
<b>Operating activities</b>		
Annual surplus (deficit)	19,821	(1,096)
Non-cash items		
Amortization	-	486
Loss on sale of tangible capital assets	-	373
Decrease (increase) in prepaid expenses	803	(182)
Increase (decrease) in accounts payable and accrued liabilities	16,732	(2,779)
	<b>37,356</b>	<b>(3,198)</b>
<b>Financing activity</b>		
Repayment of due to City of Welland	<b>(7,500)</b>	<b>(15,000)</b>
<b>Investing activity</b>		
Proceeds on sale of tangible capital assets	-	4,000
Net increase (decrease) in cash	<b>29,856</b>	<b>(14,198)</b>
Cash, beginning of year	<b>55,919</b>	<b>70,117</b>
<b>Cash, end of year</b>	<b>85,775</b>	<b>55,919</b>

The accompanying notes to the financial statements are an integral part of this financial statement.

# City of Welland

## Welland Downtown Business Improvement Area

Notes to the financial statements

December 31, 2017

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### 1. Description of the organization

The Welland Downtown Business Improvement Area (the "BIA" or the "organization") was established by the Council of the City of Welland (the "City") and has been entrusted with the improvement, beautification and maintenance of City owned lands, buildings and structures in the improvement area, beyond such expenditure by the City. The BIA is also responsible for the promotion of this improvement area for business and shopping.

The BIA is largely financed by a special levy charged upon businesses in the improvement area.

### 2. Accounting policies

The financial statements of the BIA have been prepared by management in accordance with Canadian public sector accounting standards, and reflect the following policies:

#### *Reporting entity*

The financial statements reflect the financial assets, liabilities, non-financial assets, revenues, expenses and changes in accumulated surplus of the BIA.

#### *Budgeted figures*

The budget approved by the BIA for 2017 is reflected in the statements of operations and change in net financial debt.

#### *Revenue recognition*

Revenues are reported on the accrual basis of accounting which recognizes revenues as they become available and measurable. Expenses are recorded on the accrual basis of accounting which recognizes expenses as they are incurred and measurable as a result of a receipt of goods or services and the creation of a legal obligation to pay.

#### *Use of estimates*

The preparation of financial statements in conformity with Canadian public sector accounting standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Significant estimates include useful lives of tangible capital assets and accrued liabilities. Actual results could differ from those estimates.

### 3. Due to City of Welland

The amount due to the City of Welland relates to the construction of the skating rink at the new Civic Centre owned by the City of Welland at a cost of \$300,000. The BIA agreed to contribute this amount over twenty years at \$15,000 per year commencing in 2006. The amount is non-interest bearing. The City of Welland has agreed to extend the remaining term of payment and reduce the annual repayments from \$15,000 to \$7,500, effective January 1, 2017.



# City of Welland

## Welland Downtown Business Improvement Area

Notes to the financial statements

December 31, 2017

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#### 4. Tangible capital assets

	2017	2016
	\$	\$
Decorations		
Cost, beginning of year	-	16,960
Disposals during the year	-	(16,960)
Cost, end of year	-	-
Accumulated amortization, beginning of year	-	12,101
Amortization for the year	-	486
Disposals during the year	-	(12,587)
Accumulated amortization, end of year	-	-
Net book value	-	-

#### 5. Accumulated deficit

	2017	2016
	\$	\$
Operating surplus	65,656	53,335
Due to City of Welland (Note 3)	(127,500)	(135,000)
	(61,844)	(81,665)

#### 6. Related party transactions

The BIA recognized \$95,424 in tax levies from the City of Welland in 2017 (2016 - \$95,424) during the year. The BIA paid \$7,500 to the City of Welland in 2017 (2016 - \$15,000) in respect of a non-interest bearing loan (Note 3).

#### 7. Commitment

The BIA entered into a lease agreement for office space that expires on February 28, 2018, for total monthly payments of \$381.

**GENERAL COMMITTEE REPORT TO COUNCIL**

On Tuesday, January 22, 2019, the General Committee met with the following members in attendance: Chair, L. Van Vliet, F. Campion, J. Chiochio, T. DiMarco, B. Fokkens, B. Green, J. Larouche, D. McLeod, A. Moote, C. Richard, G. Speck and L. Spinosa.

**The General Committee recommends Council approval on the following matters:**

**16-109**

THAT GENERAL COMMITTEE receives for information the presentation by Catherine Habermehl, Acting Commissioner, Public Works and Brad Whitelaw, Program Manager, Policy & Planning, Waste Management Services both from the Niagara Region regarding Waste Collection Service Level Options and Stakeholder Consultation Results.

Respectfully submitted,

A handwritten signature in black ink that reads "Tara Stephens". The signature is written in a cursive, flowing style.

TARA STEPHENS  
City Clerk



**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**REPORT ENG-2019-02**  
**JANUARY 22, 2019**

**SUBJECT: REGION OF NIAGARA 2020 WASTE COLLECTION  
CONTRACT - PROPOSED CHANGES AND WELLAND  
ENHANCED COLLECTION SERVICES**

16-109

**AUTHOR: ERIK NICKEL, P. ENG.,  
GENERAL MANAGER, INFRASTRUCTURE AND  
DEVELOPMENT SERVICES / CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND approve REPORT ENG-2019-02 regarding Region of Niagara 2020 Waste Collection Contract – Proposed Changes and Welland Enhanced Collection Services; and further,

THAT Welland City Council approve of recommendations 1 through 8 as follows:

1. That every-other-week garbage collection be implemented for all residential properties and for those Industrial, Commercial and Institutional properties and Mixed Use properties located outside Designated Business Areas as a base service. Current garbage container limits would double for all properties, on an every-other-week basis. The recycling and organic bin collection for all properties shall remain weekly collection. Those Industrial, Commercial and Institutional properties and Mixed Use properties located inside the Designated Business Areas would continue to receive weekly garbage, recycling and organics collection as a base service.
2. That switching to clear bags be approved.
3. That the establishment of a four (4) item limit per residential unit, per collection, for large item collection at Low Density Residential properties be approved as a base service.
4. That the appliance and scrap metal pick-up be discontinued at Low Density Residential properties.
5. That the number of garbage bags/containers for Industrial Commercial and Institutional properties and Mixed Use properties inside Designate Business Areas be reduced from seven (7) to four (4) per week, as a base service.

6. That the number of garbage bags/containers for Mixed Use properties outside Designate Business Areas be reduced from six (6) to four (4) per week, or eight (8) containers per week under every-other-week garbage collection, as a base service.
7. That the City's enhanced service and extra payment for front-end garbage collection at multi-residential properties (currently a total of 12 containers) continue.
8. That pricing of a new enhanced service for large item collection (parallel to the service approved for Low Density Residential properties) to those households in Multi Residential buildings with seven (7) or more residential units and Mixed Use properties with one (1) or more residential unit, that receive the Region's base curbside or enhanced front-end garbage collection service, be included in the upcoming Regional tender.

and further,

THAT Welland City Council direct the Clerk to inform the Region of the City's position on the proposed waste collection service changes.

#### **ORIGIN AND BACKGROUND:**

The Region of Niagara oversees all aspects of Waste Management for the Local Area Municipalities (LAM).

This includes, but is not limited to, curbside collection of waste, recycling and organics collection as well as the disposal of these materials (Landfill sites, household hazard waste, recycling facility and organic processing locations).

The annual cost for the Region's Waste Management is charged back to the LAM's based on the municipality's percentage of the total Regional households. For Welland, the 2018 waste management levy totalled \$3,898,322.

The Region is preparing for a new collection contract that will be awarded in 2020 and will start in 2021. Prior to the approval of the new contract and its proposed changes, the Region is consulting with Niagara residents, businesses, the local municipalities and other stakeholders.

Responses by the local municipalities to the Region are required by February 20, 2019 in order to achieve their proposed tender award scheduled for 2020.

#### **COMMENTS AND ANALYSIS:**

The proposed options being considered by Niagara Region for the 2021 contract are categorized into base collection options and enhanced collections options.

Terminology used throughout to describe the different property sectors are as follows:

LDR – Low Density Residential property (i.e.: 1 to 6 residential units)

MR – Multi Residential property (greater than 6 residential units)



IC&I – Industrial, Commercial and Institutional property

MU – Mixed Use property (i.e. IC&I with a residential component)

Inside DBAs – Property is located within the Designated Business Areas (includes most of the Downtown BIA and North Welland BIA - see appendix I and II for maps)

Outside DBAs – Property is located outside of the Designate Business Areas

### Base Collection Options

1. Every-other-week (EOW) garbage collection for all properties located outside DBAs. Properties located inside DBA's will continue with weekly service.

Weekly collection of recycling and organics to continue for all properties both inside and outside of DBA's. Garbage container limit would double for those with EOW collection.

Many Ontario municipalities (i.e.: Barrie, Durham, Halton, Markham, Ottawa, Toronto, Vaughn, Peel and Waterloo) already provide EOW garbage collection.

The benefits of EOW garbage collection include:

- Increased participation/capture rates in diversion programs (i.e.: recycling and organics) to extend lifespan of Niagara Region's landfill site. Diversion rates increased between 6% and 16% in those municipalities that implemented EOW garbage collection.
- Potential cost avoidance. Based on the Region of Waterloo's implementation of EOW garbage collection in 2017, their annual contract savings were approximately \$1.5 million.

2. Mandatory use of clear bags for garbage with optional opaque privacy bag (i.e. grocery bag) within the clear bag for all sectors.

The intent of this change is to improve source separation (and waste diversion rates) and increase enforcement/awareness of what is placed inside the garbage bag by allowing the collection person to identify recycling, organics and unacceptable materials in the bag and then not picking up that bag.

However, recent concerns about plastic bags is seen by the Region as beneficial to make a positive step to take plastic bags out of our waste stream.

3. Establishment of a four (4) item limit per residential unit, per collection, for large item collection at LDR properties.

Currently, there is no limit on the number of large items that can be set out per residential unit, per collection. The proposed four-item limit will meet the set-out

needs, as most residents set out an average of less than two (2) items per collection.

4. Discontinuation of appliances and scrap metal collection at LDR properties.

These items can be recycled, at no cost, at Niagara Region's Drop-off Depots, or at scrap metal dealers. Only 6% of Niagara's LDR properties are currently using the curbside collection of appliances and scrap metal. Many of these items are scavenged before the Region's collection contractor is able to collect them.

5. Change weekly garbage container limits for IC&I and MU properties located inside DBAs from seven (7) containers to four (4) containers per property.

This would standardize the base collection limits across similar sectors as well as increase participation in the Region's diversion programs. The average number of garbage containers placed out per week at IC&I and MU properties inside DBAs across the region is two (2).

The Region's historic audits for the North Welland BIA (See Appendix I, page 2) indicates the average number of garbage bags/containers set out is 1.4 (ICI) and 3.9 per pick-up day.

The same audit for the Downtown BIA (See Appendix II, Page 2) indicates the average number of garbage bags/containers set out is 2.1 (ICI) and 2.7 (MU) per pick-up day.

6. Change weekly garbage container limits for MU properties located outside DBAs from six (6) to four (4) containers under weekly collection, or to eight (8) containers under EOW garbage collection.

This would standardize the base collection limits across similar sectors, as well as increase participation in the Region's diversion programs. The average number of garbage containers placed out per week at MU properties outside DBAs across the region is two (2)

#### Enhanced Collection Options

7. Continuation of collection of the twelve (12) multi-residential (MR) recycling cart and garbage disposal dumpsters located at eight (8) condominium complexes at a cost to the municipality of \$16,214.89 (2018).
8. Provision of a new enhanced service for large item collection to those households in MR buildings and MU properties that receive the Region's base curbside or enhanced front-end garbage collection service.

These properties must be participating in the Region's diversion programs (i.e.: recycling and organics), in order to qualify to receive this service.

This service would be provided in a manner that is parallel to the approved service for the LDR sector.

Applies to the following properties:

Property Type	No. of Buildings/Properties
Curbside MU with one or more residential units	175
Curbside MR with 7+ residential units	50
Front-End MU with one or more residential units	0
Front-End MR with 7+ residential units	8
<b>Total</b>	<b>233</b>

9. Any other additional enhanced collection options such as additional garbage container limits, increased garbage or recycling collection frequency, street litter, front-end garbage, etc.

Other additional enhanced collection options requested by Welland City Council will come at an increased cost to the Municipality over-and-above the base service collection cost.

Upon request, Regional Staff are willing to include other options in the upcoming tender, in order to obtain pricing. These items will come back to Welland Council for approval.

The explanation and reason for the proposed changes are fully explained in Attachment III to this Report (FAQ for Proposed Collection Service Options for Welland's Designated Business Areas).

Based on discussion with the Region, changes three (3), five (5), six (6), are based on audits of actual numbers of large items/appliances or bags/containers actually put out and should have little to no impact to users, but will provide a reduction in the quantities to be tendered in the 2021 contract.

#### **FINANCIAL CONSIDERATION:**

Overall, if accepted by Regional Council, the proposed base service changes will help reduce Waste Management costs in the new collection tender to the LAMs and our taxpayers. Other municipalities that implemented EOW garbage collection realized annual contract savings between \$200,000 and \$12 million, depending on the size of their contract and other contract changes that were implemented. For example, Region of Waterloo's annual contract savings by switching over to EOW garbage collection was \$1.5 million.



The 2018 Enhanced Collection Services to the City were \$16,214.89. Additional costs would be incurred for the new enhanced service for bulky goods collection to those households in MR buildings with seven (7) or more residential units and MU properties with one (1) or more residential unit, that receive the Region's curbside base garbage collection or that receive the Region's enhanced front-end garbage collection service.

We should assume that the 2021 Waste Collection contract will see an overall increased cost due to inflation and wages; however, the proposed base service recommendations listed below will help reduce this increase.

**OTHER DEPARTMENT IMPLICATIONS:**

There are no other department implications caused as a result of this report.

**SUMMARY AND CONCLUSION:**

It is recommended that the following Regional proposed collection changes to the 2021 collection contract be approved by Welland City Council:

1. That every-other-week (EOW) garbage collection be implemented for all residential properties and for those IC&I and MU properties located outside DBAs as a base service. Current garbage container limits would double for all properties, on an EOW basis. The recycling and organic bin collection for all properties shall remain weekly collection. Those IC&I and MU properties located inside the DBAs would continue to receive weekly garbage, recycling and organics collection as a base service.
2. That switching to clear bags be approved.
3. That the establishment of a four (4) item limit per residential unit, per collection, for large item collection at LDR properties be approved as a base service.
4. That the appliance and scrap metal pick-up be discontinued at LDR properties.
5. That the number of garbage bags/containers for IC&I and MU properties inside DBAs be reduced from seven (7) to four (4) per week, as a base service.
6. That the number of garbage bags/containers for MU properties outside DBAs be reduced from six (6) to four (4) per week, or eight (8) containers per week under EOW garbage collection, as a base service.
7. That the City's enhanced service and extra payment for front-end garbage collection at multi-residential properties (currently a total of 12 containers) continue.
8. That pricing of a new enhanced service for large item collection (parallel to the service approved for LDR properties) to those households in MR buildings with seven (7) or more residential units and MU properties with one (1) or more residential unit, that receive the Region's base curbside or enhanced front-end garbage collection service, be included in the upcoming Regional tender.

**ATTACHMENTS:**

Appendix I – North Welland DBA Audit Summary

Appendix II – Downtown Welland DBA Audit Summary

Appendix III – FAQ for the Proposed Collection Service Options for Welland's Designated Business Areas (Downtown and North End)

Welland North End Designated Business Area (DBA) IC&I and MU Base Collection Audit Results

Section A: Overview of Audit

DBA Info			
DBA Name	Municipality	Collection Type	Service Level
Welland North End	Welland	ICI	Base
Welland North End	Welland	Mixed-Use	Base

Audit Info					
Sector	Audit Month	Audit Year	# of Weeks of Audits	Site Visits Conducted?	Post-Site Visit Audits Conducted?
ICI	May	2018	2	No	No
Mixed-Use	August/September	2016	2	No	No

Participation Info					
Sector	Total # of Properties Audited	Average # of Properties Observed to be Participating in the Region's Curbside Collection	% of Properties Participating in the Region's Curbside Collection Programs	Average # of Properties Observed with No Set-Out	% of Properties with No Set-Out
ICI	60	10	17%	50	83%
Mixed-Use	14	5	36%	9	64%



**Section B: Regional Garbage Collection Program**

Weekly Curbside Garbage Collection	ICI	Mixed-Use
Average # of Properties Using Garbage	10	4.5
% of Total Audited Properties Using Garbage	17%	32%
% of Properties Participating in Regional Collection Using Garbage	100%	90%
Average # of Properties Participating in Regional Collection Not Using Garbage	0	0.5
% of Properties Participating in Regional Collection Not Using Garbage	0%	10%
Average # of Garbage Containers (Bags/Cans) Per Set-Out at Participating Properties	1.4	3.9

Averaged Exceedances of Garbage Container Limits	ICI	Mixed-Use
Average # of Containers Exceeding Weekly Limit	0.0	0.0
% of Properties Exceeding Weekly Limits	0%	0%

Individual Set-out Exceedances of Garbage Container Limits	ICI	Mixed-Use
# of Exceedances Observed in Length of Audit	0.0	0.0
# of Properties with Set-Out Exceedances	0.0	0.0
Average # of Set-Out Exceedances per Exceeding Property	0.0	0.0
% of Exceedances per Total # of Set-Outs During Length of Audit	0%	0%
% Total # of Participating Properties with Garbage Exceedances	0%	0%

**Section C: Regional Diversion Programs**

Recycling (Blue/Grey Box/Cart) Collection Program	ICI	Mixed-Use
Average # of Properties Participating in Regional Collection Using Recycling	5.0	5.0
% of Properties Participating in Regional Collection Using Recycling	50%	100%
Average # of Properties Participating in Regional Collection Not Using Recycling	5.0	0.0
% of Participating Properties Not Using Recycling	50%	0%
Average # of Properties Participating in Regional Collection Using Blue Boxes	5.0	5.0
Average # of Blue Boxes per Set-Out at Participating Properties	1.2	1.3
Average # of Participating Properties Using Grey Boxes	0.0	3.0
Average # of Grey Boxes per Set-Out at Participating Properties	0.0	1.7
Average # of Participating Properties Using Only Boxes	4.0	5.0
Average # of Blue/Grey Boxes per Set-Out at Participating Properties	1.2	2.3
Average # of Participating Properties Using Blue Carts	2.0	0.0
Average # of Blue Carts per Set-Out at Participating Properties	1.0	0.0
Average # of Participating Properties Using Grey Carts	0.0	0.0
Average # of Grey Carts per Set-Out at Participating Properties	0.0	0.0
Average # of Participating Properties Using Only Carts	1.0	0.0
Average # Blue/Grey Carts per Set-Out at Participating Properties	1.0	0.0
Average # of Participating Properties Using Carts & Boxes	1.0	0.0
Average # of Containers (Boxes/Carts Grey/Blue) per Set-out at Participating Properties	1.6	2.3
Average # of Participating Properties Using Bundled Cardboard	2.0	1.5

Organics (Green Bin/Cart) Collection Program	ICI	Mixed-Use
Average # of Properties Participating in Regional Collection Using Organics	1.0	1.5
% of Properties Participating in Regional Collection Using Organics	10%	30%
Average # of Properties Participating in Regional Collection Not Using Organics	9.0	3.5
% of Properties Participating in Regional Collection Not Using Organics	90%	70%
Average # of Participating Properties Using Green Bins	1.0	1.5
Average # of Green Bins per Set-Out at Participating Properties	0.5	1.0
Average # of Participating Properties Using Only Green Bins	1.0	1.5
Average # of Participating Properties Using Green Carts	0.0	0.0
Average # of Green Carts per Set-Out at Participating Properties	0.0	0.0
Average # of Participating Properties Using Only Green Carts	0.0	0.0
Average # of Participating Properties Using Green Bins & Green Carts	0.0	0.0
Average # of Containers (Bin/Cart) Set-Out at Participating Properties	0.5	1.0



**Welland Downtown Designated Business Area (DBA) IC&I and MU Base Collection Audit Results**

**Section A: Overview of Audit**

DBA Info			
DBA Name	Municipality	Collection Type	Service Level
Welland Downtown	Welland	ICI	Base
Welland Downtown	Welland	Mixed-Use	Base

Audit Info					
Sector	Audit Month	Audit Year	# of Weeks of Audits	Site Visits Conducted?	Post-Site Visit Audits Conducted?
ICI	May	2018	2	No	No
Mixed-Use	August/ September	2016	2	No	No

Participation Info					
Sector	Total # of Properties Audited	Average # of Properties Observed to be Participating in the Region's Curbside Collection	% of Properties Participating in the Region's Curbside Collection Programs	Average # of Properties Observed with No Set-Out	% of Properties with No Set-Out
ICI	105	58.0	55%	47.0	45%
Mixed-Use	79	49.5	63%	29.5	37%

**Section B: Regional Garbage Collection Program**

Weekly Curbside Garbage Collection	ICI	Mixed-Use
Average # of Properties Using Garbage	52.0	45.0
% of Total Audited Properties Using Garbage	50%	57%
% of Properties Participating in Regional Collection Using Garbage	90%	91%
Average # of Properties Participating in Regional Collection Not Using Garbage	6.0	4.5
% of Properties Participating in Regional Collection Not Using Garbage	10%	9%
Average # of Garbage Containers (Bags/Cans) Per Set-Out at Participating Properties	2.1	2.7

Averaged Exceedances of Garbage Container Limits	ICI	Mixed-Use
Average # of Containers Exceeding Weekly Limit	2.0	1.5
% of Properties Exceeding Weekly Limits	4%	3%

Individual Set-out Exceedances of Garbage Container Limits	ICI	Mixed-Use
# of Exceedances Observed in Length of Audit	3.0	6.0
# of Properties with Set-Out Exceedances	3.0	4.0
Average # of Set-Out Exceedances per Exceeding Property	1.0	1.5
% of Exceedances per Total # of Set-Outs During Length of Audit	3%	3%
% Total # of Participating Properties with Garbage Exceedances	6%	9%



**Section C: Regional Diversion Programs**

Recycling (Blue/Grey Box/Cart) Collection Program	ICI	Mixed-Use
Average # of Properties Participating in Regional Collection Using Recycling	39.0	34.5
% of Properties Participating in Regional Collection Using Recycling	67%	70%
Average # of Properties Participating in Regional Collection Not Using Recycling	19.0	15.0
% of Participating Properties Not Using Recycling	33%	30%
Average # of Properties Participating in Regional Collection Using Blue Boxes	16.0	28.0
Average # of Blue Boxes per Set-Out at Participating Properties	2.6	1.2
Average # of Participating Properties Using Grey Boxes	32.0	27.5
Average # of Grey Boxes per Set-Out at Participating Properties	1.0	1.2
Average # of Participating Properties Using Only Boxes	36.0	31.5
Average # of Blue/Grey Boxes per Set-Out at Participating Properties	1.9	2.0
Average # of Participating Properties Using Blue Carts	6.0	5.0
Average # of Blue Carts per Set-Out at Participating Properties	1.1	1.4
Average # of Participating Properties Using Grey Carts	4.0	4.0
Average # of Grey Carts per Set-Out at Participating Properties	1.0	1.6
Average # of Participating Properties Using Only Carts	3.0	3.0
Average # Blue/Grey Carts per Set-Out at Participating Properties	1.8	3.3
Average # of Participating Properties Using Carts & Boxes	3.0	1.0
Average # of Containers (Boxes/Carts Grey/Blue) per Set-out at Participating Properties	2.2	2.3
Average # of Participating Properties Using Bundled Cardboard	19.0	13.0

Organics (Green Bin/Cart) Collection Program	ICI	Mixed-Use
Average # of Properties Participating in Regional Collection Using Organics	0.0	8.0
% of Properties Participating in Regional Collection Using Organics	0%	16%
Average # of Properties Participating in Regional Collection Not Using Organics	58.0	41.5
% of Properties Participating in Regional Collection Not Using Organics	100%	84%
Average # of Participating Properties Using Green Bins	5.0	7.5
Average # of Green Bins per Set-Out at Participating Properties	2.8	0.9
Average # of Participating Properties Using Only Green Bins	0.0	7.0
Average # of Participating Properties Using Green Carts	0.0	1.5
Average # of Green Carts per Set-Out at Participating Properties	0.0	1.2
Average # of Participating Properties Using Only Green Carts	0.0	1.0
Average # of Participating Properties Using Green Bins & Green Carts	0.0	0.5
Average # of Containers(Bin/Cart) Set-Out at Participating Properties	0.0	1.0



**Public Works**

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## FAQ for the Proposed Collection Service Options for Welland's Designated Business Areas (Downtown and North End)

### Key Proposed Collection Service Options:

#### 1. What are the key proposed collection service options that will affect Welland's Designated Business Areas (DBAs):

- Change the weekly garbage container (bag/can) limits for Industrial, Commercial & Institutional (IC&I) and Mixed-Use (MU) properties located inside DBAs from **seven (7) containers to four (4) containers per property, as a base service.**
- **Mandatory use of clear bags for garbage**, with the option of allowing an opaque privacy bag to be placed inside the clear bag. The clear bag program will be for all sectors (both inside and outside DBAs), as a base service.

#### 2. Why is Niagara Region considering these proposed collection service options inside the DBAs?

- The proposed options for Niagara Region's next collection contract are being considered as a way to:
  - Standardize garbage container limits across all IC&I and MU properties, which use the Region's base curbside collection service;
  - Increase participation in Region's diversion programs;
  - Align with results of curbside audits and other collection monitoring/measurements; and
  - Improve program communication and services provided to residents and businesses.

### Stakeholder Consultation:

#### 1. How will input from organizations representing businesses and property owners affect whether the Region adopts the proposed collection options?

- This input will be used to help determine whether there is sufficient support for the proposed collection options, and whether to proceed with any further consultation with those businesses using the Region's curbside garbage collection service.



**2. What other consultation activities are being conducted related to the proposed collection service options?**

- Niagara Region will also be obtaining input from IC&I and MU property owners on these proposed collection options in late October and November 2018:
  - An URL address for an on-line survey will be provided through social media, targeted letters, and other communication methods.
  - Public Open Houses and Community Events will be held in all 12 Local Area Municipalities (LAMs).

**3. When would the proposed collection service options take effect?**

- No decisions will be made until after the stakeholder consultation is complete and staff report back to Regional Council in early 2019.
- If the proposed collection service options are approved by Regional Council, they would take effect with the commencement of the Region's next collection contract in March 2021.

**Proposed Base Service Garbage Container Limit Changes:****1. What is the difference between base and enhanced collection service?**

- Niagara Region provides base collection services (i.e. weekly garbage, recycling, organics, etc.) to all property types, including IC&I and MU properties inside and outside DBAs, in all 12 LAMs.
- The current base garbage container collection limit for IC&I and MU properties located inside and outside DBAs are, as follows:

<b>Property Type and Location</b>	<b>Max. Garbage Containers per Week</b>
IC&I properties <u>inside</u> DBAs	7
MU properties <u>inside</u> DBAs	7
IC&I properties <u>outside</u> DBAs	4
MU properties <u>outside</u> DBAs	6

- Niagara Region also provides enhanced collection services, at the request of each local area municipality. Each local area municipality directly pays for the cost associated with providing the enhanced collection services. Enhanced collection services include additional garbage container limits, increased garbage or recycling collection frequency, front-end garbage and street litter pick-up.

**2. Which base collection services are currently provided to IC&I and MU properties inside the Welland DBAs?**

Collection Service	Weekly Collection Frequency	Collection Days & Times
Curbside Waste	One day-per-week (max. of 7 containers per property)	Thurs (North End) (7:00 am) Fri (Downtown) (10:00 am)
Curbside Recycling	One day-per-week	Thurs (North End) (7:00 am) Fri (Downtown) (10:00 am)
Curbside Organics	One day-per-week	Thurs (North End) (7:00 am) Fri (Downtown) (10:00 am)

**3. Why is the Region proposing the new base garbage container limits for IC&I and MU properties inside the DBAs, and MU properties outside the DBAs?**

- The proposed four (4) garbage container limits for these properties would align with existing four (4) garbage container limit for IC&I properties outside DBAs.
- It would align with current average garbage containers set-out:
  - Based on the results from the 2018 curbside audits inside Welland's Downtown and North End DBAs, the average number of garbage containers set out each week, for base collection at IC&I properties was 2.1 and 1.4 containers. This is below the Region's current allowable limit of seven (7) containers per week.
  - Although an average of 4% of IC&I properties inside Welland's Downtown DBA exceeded their weekly set-out limit of 7 garbage containers, there were 3 individual properties that had exceeded the 7 container limit on an average of 1 day during the 2 week audit period.
  - Based on the results from the 2016 curbside audits inside Welland's Downtown and North End DBAs, the average number of garbage containers set out each week, for base collection at MU properties was 2.7 and 3.9 containers. This is below the Region's current allowable limit of seven (7) containers per week.
  - Although an average of 3% of MU properties exceeded their weekly set-out limit of 7 garbage containers, there were 2 individual properties that had exceeded this limit on an average of 1 day during the 2 week audit period.



Sector	Average % of Participating Properties Using Regional Base Garbage Collection Service Inside DBA	Avg. No. Base Garbage Containers Set-out	Avg. % of Properties Exceeding Base Garbage Container Limit
IC&I - Downtown	90%	2.1	4%
IC&I - North End	100%	1.4	0%
MU - Downtown	91%	2.7	3%
MU - North End	90%	3.9	0%

- Based on the results from the 2014 curbside audits outside Welland's DBAs, the average number of garbage containers set out each week, for base collection at MU properties, was 2.0 containers. This is below the Region's current allowable limit of six (6) containers per week.
- Although an average of 2% of MU properties exceeded their total weekly set-out limit of 6 garbage containers, there were 4 individual properties that had exceeded the 6 garbage container limit, at least once during the 2 day audit period.

Sector	Average % of Participating Properties Using Regional Base Garbage Collection Service Outside DBA	Avg. No. Base Garbage Containers Set-out	Avg. % of Properties Exceeding Base Garbage Container Limit
MU	74%	2.0	2%

- It would encourage participation in diversion programs, which are under-utilized, and preserve existing landfill capacity:
  - Based on the results from the 2018 curbside audits inside Welland's Downtown DBA, of the IC&I properties which use Regional base collection services:
    - 67% are participating in the recycling collection program;
    - 0% are participating in the organics collection program.
  - Based on the results from the 2018 curbside audits inside Welland's North End DBA, of the IC&I properties which use Regional base collection services:
    - 50% are participating in the recycling collection program;
    - 10% are participating in the organics collection program.

- Based on the results from the 2018 curbside audits inside Welland's Downtown DBA, of the MU properties which use Regional base collection services:
  - o 70% are participating in the recycling collection program;
  - o 16% are participating in the organics collection program.
- Based on the results from the 2018 curbside audits inside Welland's North End DBA, of the MU properties which use Regional base collection services:
  - o 100% are participating in the recycling collection program;
  - o 30% are participating in the organics collection program.
- Based on the results from the 2014 curbside audits outside Welland's DBA, of the MU properties which use Regional base collection services:
  - o 63% are participating in the recycling collection program;
  - o 19% are participating in the organics collection program.

**4. Who would be affected by the proposed new garbage container limit?**

- All IC&I and MU properties located inside the DBAs, and MU properties located outside the DBAs, which use Niagara Region's base curbside garbage collection service, would be affected.

**5. What happens if a property owner does not/cannot comply with the proposed container limits?**

- If a property owner sets out more garbage containers than the limit allows, the additional bags would be tagged and left behind by the collection contractor.
- Regional staff would follow-up with the property owner regarding the proper set out of material for collection to avoid re-occurrence of uncollected garbage.
- If a property owner is consistently unable to meet the garbage container limit and is not using the Region's diversion programs, it would be recommended that the Region's unlimited recycling and organics collection services be fully utilized to reduce the amount of waste being placed in garbage containers.

**6. What happens if property owners dispose of their waste in non-designated areas (i.e. vacant lots, public property, ditches, etc.) because it was rejected or they choose not to comply with the rules?**

- This is considered illegal dumping and it is a serious offence with penalties. The Region's by-law will be enforced in any cases of illegal dumping.
- Experience in other municipalities has shown that property owners readily adapt to collection changes and if there is an increase in illegal dumping after the change in collection is implemented, it is temporary and short-lived.



**Mandatory Clear Bags for Garbage:****1. Why is the Region proposing the mandatory use of clear bags for garbage?**

- Increased Waste Diversion: Implementing clear garbage bags resulted in a 6% increase in Markham's 2014 diversion rate, for a total diversion rate of 81%. There is motivation to recycle, due to social pressure.
- Enforcement/Safety: Clear bags increase the awareness of what is placed in the garbage, due to the visibility of the bag contents.
- Eliminates or minimizes the option of concealing hazardous or non-acceptable materials (e.g. recyclables and organics) in the garbage
- Facilitates education and enforcement of Niagara's Waste Management By-law, where necessary.

**2. Who would be affected by the use of clear garbage bags?**

- The clear bag program would be mandatory for all sectors (i.e. low-density residential, multi-residential, IC&I and MU), both inside and outside the DBAs.

**3. What about privacy or security concerns?**

- To conceal private or sensitive materials, the Region will be allowing an opaque privacy bag to be placed inside the clear bag.
- Confidential documents should be shredded and placed inside a clear plastic bag before being placed inside the Grey Box or Grey Cart.

**4. Would garbage bags be left behind (not collected) if they are not in compliance with the clear bag program?**

- Garbage would not be collected in the following situations:
  - If the garbage bag contains non-acceptable materials such as recyclables, organics, hazardous waste; or,
  - If a clear bag is not used (note: one opaque/coloured privacy bag (e.g. grocery bag size) will be allowed inside each clear bag for personal items).
- Regional staff will follow-up with the property owner regarding the proper set out of material for collection to avoid re-occurrence of uncollected garbage.

**5. What are the key implications for an IC&I or MU property, other than having to use a clear bag for garbage set out at the curb?**

- Properties may need to better sort recyclables and organics from their garbage stream.
- Property owners and staff will have to be aware of what is recyclable, or otherwise not acceptable in the garbage; training may be required.
- Suitable recycling and organics containers for curbside collection are available for purchase from the Region.

- Supporting promotion and education material would be provided by the Region (i.e. listing of acceptable materials for recycling and organics programs).
- 6. If a clear garbage bag program is approved, will property owners still be able to use their reusable garbage containers?**
- Reusable garbage containers will be considered for dealing with pests and rodents.
- 7. Do clear garbage bags cost more than traditional opaque (black) plastic garbage bags?**
- The cost of clear plastic bags is similar to that of opaque plastic bags. Price differences may occur, based on individual bag size, closure type, packaging size or brand name.
  - Clear bags would be available for purchase at the same local retailers as traditional opaque bags.



**GENERAL COMMITTEE**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**ENGINEERING DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**REPORT ENG-2019-03**  
**JANUARY 22, 2019**

**SUBJECT: CANAL REDEVELOPMENT STRATEGY PHASE II - WELLAND COMMUNITY BOATHOUSE**

99-99

**AUTHOR: ERIK NICKEL, P. ENG.,  
GENERAL MANAGER, INFRASTRUCTURE AND  
DEVELOPMENT SERVICES / CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report ENG-2019-03 Canal Redevelopment Strategy Phase II – Welland Community Boathouse Update; and further,

THAT Welland City Council direct Staff to proceed with completion of architectural plans and specifications, and subsequently issue a tender for construction of a shipping container facility to serve as a canoe/kayak rental facility at the Lincoln St Docks location at the soonest opportunity.

**ORIGIN AND BACKGROUND:**

In September 2018, the Council of the City of Welland voted in favour of a motion to proceed with the design/build of a new community boathouse, at the Lincoln St Docks, as part of the Phase 2 Canal Redevelopment Strategy.

Staff immediately responded and issued RFP 18-13 in October of 2018, for design/build services for a new community boathouse, and two submissions were received. Staff reviewed the submissions and although both met the criteria, it was felt that other alternatives could be explored in order to fulsomely evaluate options, and recommend an effective solution that will both meet the city's technical requirements, along with being both cost effective, and attractive to visitors.

**COMMENTS AND ANALYSIS:**

During the evaluation of RFP submissions for the design/build of the new community boathouse, staff were presented with a unique and contemporary alternative to conventional building techniques, and are currently exploring this option.

The new option being evaluated for feasibility is a structure built out of shipping containers, which would allow for storage of rental boats, along with office and retail space needed to operate the summer boat rental program. Shipping containers have a very low upfront cost, and are structurally strong, which gives them the advantage of a low cost per square

foot. Being made out of steel, they are easily adaptable to a variety of shapes, and current architectural practices have developed some unique and cutting edge buildings that are attracting both national and international attention. The unique aspect of a building constructed out of shipping containers further blends with the history of Welland and the shipping canal, being a reminder of the shipping industry that was the foundation of our city.

The analysis of a shipping container building also includes the ability of the facility to grow in the future if popularity of the attraction is realized, and growth of the rental program is required. Due to the modularity of the shipping containers, and the ease of connecting additional units, future expansion would be more cost effective than retrofitting a conventional building with an addition. The initial structure will be built to suit the immediate needs of the rental program, without the additional cost of integrating future needs into the design/build plans of a conventional building.

The potential exists to construct a unique and functional landmark that will serve as a reminder of the city's past, while creating a modern attraction that helps market and expand the success of the city's boat rental program.

Staff recommend proceeding with the completion of architectural drawings and specifications for the tendering of this construction at the soonest opportunity, but recognize that due to this being a relatively new and unique construction methodology, it is unknown at this time what the response will be from the construction industry. Alternatively, should Council so desire, Staff are prepared to take direction to report back to council for award of the design/build assignment for conventional construction.

#### **FINANCIAL CONSIDERATION:**

Budgetary prices for the design/build request for proposal are in the range of \$500,000 to \$700,000 depending on the submission.

#### **OTHER DEPARTMENT IMPLICATIONS:**

Contract preparation for tendering have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal departments.

#### **SUMMARY AND CONCLUSION:**

RFP for design/build of a new community boathouse rental facility was issued in the fall of 2018 and resulted in the submission of two conventional facilities in the budgetary ranges of \$500,000 to \$700,000.

Upon review of the submissions, Staff were presented with the idea to explore the unique opportunity to construct the rental facility from shipping containers.

Staff recommend to proceed with completion of architectural plans and specifications, and to subsequently issue a tender for construction of a shipping container facility to serve as a canoe/kayak rental facility at the Lincoln St Docks location at the soonest opportunity.

#### **ATTACHMENTS:**

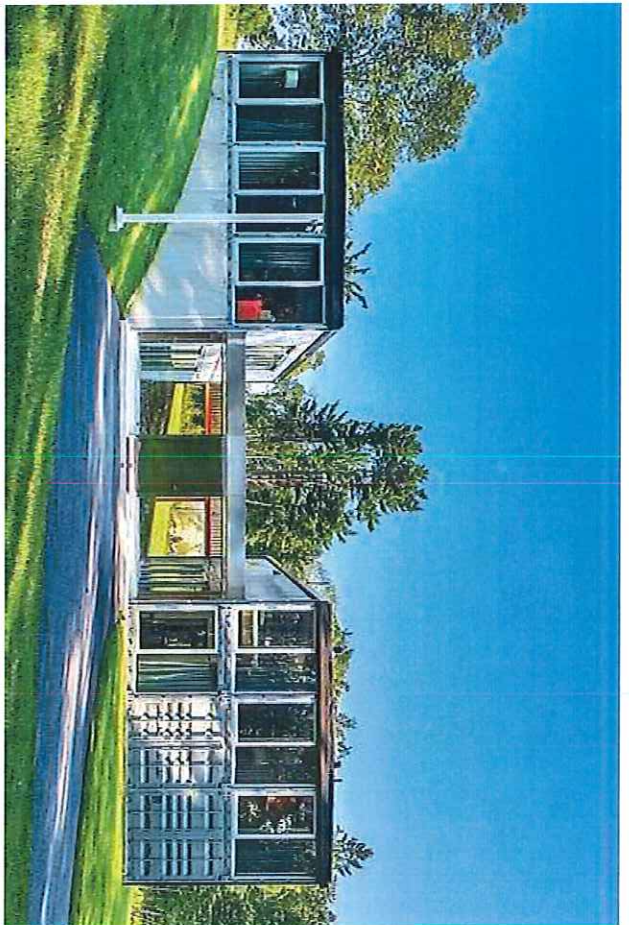
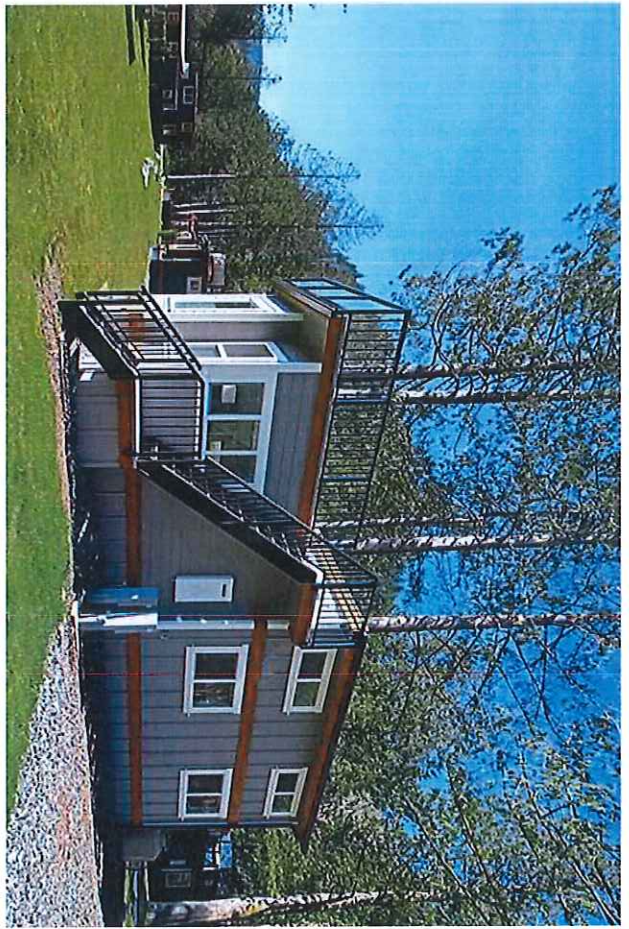
Shipping Container Design Portfolio





	DRAWN BY: <b>RY</b> DATE: <b>11/20/15 12:54 PM</b> SCALE: <b>1/4" = 1'-0"</b> PROJECT NO: <b>15410</b> CHECKED: <b>PER</b>	<b>WELLAND CANOE CLUB BATHHOUSE</b> <b>CITY OF WELLAND</b> WELLAND, OH		<b>RAIMONDO + ASSOCIATES</b> ARCHITECTS INC. 4321 Green Street, Suite 2, Hagers Park, Okla. 74103 TEL: 405.271.4443 FAX: 405.271.4111 WWW: www.raimondoassociates.com E-MAIL: rai@raimondoassociates.com	A 231845-11
	CONCEPTUAL DRAWINGS	CONCEPTUAL REVIEW			







**GENERAL COMMITTEE**  
**OFFICE OF THE CAO**

APPROVALS	
GENERAL MANAGER	✓
CFO	✓
CAO	✓

**REPORT CAO-2019-01**  
**JANUARY 22, 2019**

**SUBJECT: REVIEW OF REGIONAL GOVERNMENT**

**AUTHOR: GARY LONG, CAO**

19-48

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information REPORT CAO-2019-01, Review of Regional Government.

**ORIGIN AND BACKGROUND:**

The Minister of Municipal Affairs and Housing, the Honourable Steve Clark, announced on January 15, 2019, that the province will be reviewing regional governments in Ontario. A copy of Minister Clark's email letter to Mayor Campion and the province's announcement is attached to this staff report. This review is limited to the following nine upper tiers and lower tier municipalities: Waterloo Region, Niagara Region, Halton Region, Peel Region, York Region, Durham Region, Oxford County, Simcoe County, and Muskoka District. Minister Clark has indicated that the focus of the review is governance, decision-making, and service delivery.

Michael Fenn and Ken Seiling have been appointed as special advisers to conduct this review and provide advice and recommendations to the Minister this summer. Mr. Fenn is a former Ontario Deputy Minister, previous municipal CAO in several Ontario cities, and founding CEO of Metrolinx. Mr. Seiling is a former Chair of Waterloo Region who held that position from 1985 to 2018 and was a Councillor and Mayor in Woolwich.

**COMMENTS AND ANALYSIS:**

Each jurisdiction will receive information on the consultation and elected officials, appointed officials, interested parties, and residents will have opportunities to provide comments. It is recommended that Welland City Council participate in this process and provide comments, once more specific details are provided by the special advisers.

This announcement was anticipated as Minister Clark made brief comments during last year's AMO Conference that the province intended to review municipal governance and there have been informal discussions since then.

**FINANCIAL CONSIDERATIONS:**

There are no financial implications with this recommendation.

**OTHER DEPARTMENT IMPLICATIONS:**

The City's Corporate Leadership Team have had initial discussions regarding the regional government review and we will continue to stay informed and engaged in this process and look forward to working with Council. City staff will also be kept informed.

**SUMMARY AND CONCLUSION:**

The Hon. Steve Clark, Minister of Municipal Affairs & Housing, has announced the provincial government's intention to review regional governments in Ontario including Niagara. This topic has been discussed by the Corporate Leadership Team who are committed to participating in the upcoming consultations. More details will be provided by the special advisers.

**ATTACHMENTS:**

Appendix I – A Message from Minister Steve Clark  
Appendix II – News Release

**Subject:** A Message From Minister Steve Clark

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

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**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

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Télééc. : 416 585-6470



Ontario

January 15, 2019

Dear Mayor Campion:  
[mayor@welland.ca](mailto:mayor@welland.ca)

As you are aware, our government is undertaking a review of regional government in Ontario. Regional governments have been in place in Ontario for 50 years. In that time populations have changed, infrastructure pressures have increased, and taxpayers' dollars have been stretched. Building on what's working well, the review will identify improvements to make better use of taxpayer dollars while ensuring government works efficiently and effectively for the people.

Today, I announced our government's plan to move forward on this commitment with the appointment of two special advisors who will conduct the review and provide me with recommendations. These two advisors are Michael Fenn and Ken Seiling.

Michael and Ken have extensive knowledge and experience in municipal government and I am confident in their ability to deliver on this important commitment.

As the head of council, you are responsible for making local decisions and providing high-quality service to the residents of your community. Your participation in this review is crucial to help us understand the unique needs of your region.

You can expect to hear from the advisors shortly regarding the review and how you will be engaged. I look forward to hearing your opinions and ideas to ensure municipalities in your region are working for the people.

Sincerely,

A handwritten signature in cursive script that reads "Steve Clark".

Steve Clark  
Minister  
c: Gary Long, CAO  
[gary.long@welland.ca](mailto:gary.long@welland.ca)



APPENDIX II -  
CAO-2019-01

## News Release

# Special Advisors Appointed to Begin Regional Government Review

## Consultations to start in early 2019

January 15, 2019 1:00 P.M. | [Ministry of Municipal Affairs and Housing](#)

**TORONTO** — The Ontario government is moving ahead with a review of regional government by appointing Michael Fenn and Ken Seiling as Special Advisors. The regional government model has been in place for almost 50 years in Ontario and we are taking steps to ensure that regional governments are working efficiently and effectively. These advisors will consult broadly over the coming months and provide recommendations to improve governance, decision-making and service delivery.

The review will examine Ontario's eight regional municipalities (Halton, York, Durham, Waterloo, Niagara, Peel, Muskoka District, and Oxford County), the County of Simcoe, and their lower-tier municipalities.

"Our government committed to improving the way regional government works and we will be looking at ways to make better use of taxpayers' dollars and make it easier for residents and businesses to access important municipal services," said Steve Clark, Minister of Municipal Affairs and Housing. "Michael Fenn and Ken Seiling bring a wealth of experience that will help us examine if the way regions are governed is working for the people."

The advisors will work with the province to explore:

- Opportunities to make it easier for residents and businesses to access municipal services;
- Processes to deliver efficient and effective local services that respects taxpayers' money;
- Methods to make municipalities open for business; and,
- Possibilities to cut red tape and duplication, and save costs.

Local residents and businesses will be consulted in spring 2019.

### Quick Facts

- In total, 82 upper- and lower-tier municipalities are included in the review.

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### Media Contacts

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**COUNCIL MEETING**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**TRAFFIC DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

06-156

**REPORT TRAF-2019-01**  
**FEBRUARY 5, 2019**

**SUBJECT: ANIMALS AT LARGE BY-LAW**

**AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.**  
**SUPERVISOR, TRAFFIC, PARKING & BY-LAWS**

**APPROVING MANAGER: CHRIS ANDERS, P. ENG**  
**MANAGER, ENGINEERING SERVICES**

**APPROVING G.M.: ERIK NICKEL, P. ENG.,**  
**GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES / CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information **REPORT TRAF-2019-01** Animal at Large Bylaw; and further

That Welland City Council approve the Animal at large bylaw attached with report as Appendix I.

**ORIGIN AND BACKGROUND:**

At the December 11, 2018 General Committee of Council, the following direction was given to Staff:

To prepare an Animal Control By-law that includes enforcement for roaming chickens.

**COMMENTS AND ANALYSIS:**

Currently, City Bylaws 2007-199 and 2012-111 pertaining to dogs and cats allows Welland SPCA staff to handle calls related to cats and dogs at large. However, there is no bylaw for other animals such as chickens, and other farm animals. The proposed bylaw for animals at large has been prepared in close consultation with the SPCA staff. Proposed bylaw will enable SPCA staff to handle all issues related to animals at large in the City. Proposed bylaw will prove beneficial for protecting the residents of the City of Welland. All complaints regarding animals at large will be tackled by the Welland SPCA. Complaints can be filed with them by calling 905-735-1552.



**FINANCIAL CONSIDERATION:**

At this time, there are no financial or budgeting implications to the City. The Welland SPCA will have the ability to recover all costs from the property owner. For example, a property owner with cattle at large may receive an invoice for the transportation and boarding of the cattle as this would be done by a third party contractor under the direction of the Welland SPCA. Should the owner fail to remit payment, all costs incurred will be added to the property taxes.

**OTHER DEPARTMENT IMPLICATIONS:**

There are no other departments affected by the implementation of this by-law.

**SUMMARY AND CONCLUSION:**

Animals at large Bylaw will allow Welland SPCA Staff to address calls related to animals (chickens, horses, cattle, etc.) at large. This draft Animals at large bylaw is consistent with Municipal best practices and will prove beneficial for protecting the residents of Welland.

**ATTACHMENTS:**

APPENDIX I – Proposed By-law 2019-01– A By-law to prohibit and regulate animals being at large.

## Appendix I

**THE CORPORATION OF THE  
CITY OF WELLAND  
BYLAW NO. 2019-XX**

Being a bylaw to prohibit and regulate animals being at large.

**WHEREAS** pursuant to Section 11(3)(9) of the Municipal Act, S.O. 2001, c.M.25 (the "Act"), municipalities have jurisdiction to pass bylaws with respect to animals;

**AND WHEREAS** Section 446 of the Act, a municipality may enact a by-law to require that a matter or thing be done and in default, the matter or thing may be done by the municipality at the person's expense and further that the costs of doing so may be added to the tax roll and collected in the same manner as taxes;

**AND WHEREAS** pursuant to Section 103 of the Act, municipalities may pass bylaws regulating or prohibiting animals being at large or the trespassing of animals, including, but not limited to, the seizure or impounding of animals;

**AND WHEREAS** Section 436 of the Act provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not, among other things, a by-law passed under this Act has been complied with;

**AND WHEREAS** it has been deemed by the Council of the Corporation of the City of Welland necessary to pass a By-law to regulate and prohibit animals being at large, including being at large on a highway;

**BE IT ENACTED** as a Bylaw of the Corporation of the City of Welland as follows:

**1. DEFINITIONS**

- (a) **"Animal"** shall mean any animal as defined in Section 11.1 of the Act, other than a domestic dog or cat.
- (b) **"City"** shall mean The Corporation of the City of Welland.
- (c) **"OWNER"** shall mean the registered or beneficial owner of an animal, and any person possessing, harbouring, or keeping an animal and, where the Owner is a minor, the person responsible for the custody of the minor, and includes a person who is temporarily the keeper or is in control of the animal and the word "Owns" has a corresponding meaning.
- (d) **"Pound Keeper"** means the person or organization appointed for the purposes of enforcing animal control in the City.
- (e) **"Running at Large"** shall mean being any other place than the owners land or premises.



- (f) **“Trespass”** means being on private property without permission of the owner of the private property or being at large on property owned by the City.
- (g) **“Welland and District Humane Society”** shall mean the Welland and District Humane Society which is the local affiliated society of the OSPCA that provides animal shelters and pounds at 60 Provincial Street, Welland, Ontario, L3B 5W7
- (h) **“Under the Control”** shall mean the any animal shall be leashed, tethered or harnessed while off of the owner’s property.

## 2. **Keeping of Animals**

No person shall keep animals on any premise in the City unless the premises are zoned to permit the keeping of animals by the City of Welland Zoning Bylaw No. 2017-117, as amended, and any successor thereto.

## 3. **Prohibition**

- (a) No owner shall allow, permit or cause any animal to run at large in the City.
- (b) No owner or person in charge of any animal shall permit an animal to trespass.

## 4. **Impounding**

- (a) Where an animal is found to be running at large, the pound keeper may try to contact the owner to retrieve their animal.
- (b) Where any animal is running at large contrary to this bylaw the animal may be impounded by the Pound Keeper.
- (c) Any animal seized by the Pound Keeper may be placed in a suitable shelter for the type of animal until the animal is claimed.

## 5. **Claiming**

- (a) The Pound Keeper shall make reasonable efforts to determine the identity of the owner of the animal and to inform the owner and the municipal clerk that an animal has been impounded, in accordance with the Pounds Act, R.S.O. 1990, c P. 17.
- (b) The owner of any animal impounded pursuant to this bylaw may obtain the release of said animal upon payment of the fees incurred for the capturing, impounding and care of the animal.
- (c) Where an animal is injured before or after being seized or impounded, and in the opinion of the Pound Keeper should be destroyed without delay for humane reasons or for reasons of safety to persons or animal, the Pound

Keeper may destroy the animal in a humane manner as soon after being seized or impounded.

- (d) Where an animal is seized or impounded by the Pound Keeper, and the services of a veterinarian are required, the owner shall pay to the Pound Keeper all fees and charges of the veterinarian services in addition to the costs incurred for the capturing, impounding and care of the Animal.
- (e) If any animals impounded by the Pound Keeper pursuant to this bylaw are not claimed within eight (8) days after impounding, or if the damages, penalties and expenses imposed by this bylaw or otherwise payable bylaw are not paid, the Pound Keeper may sell such animal(s).

#### **6. Sale Procedures**

A sale of animals by the Pound Keeper shall be made in accordance with the provisions of the Pounds Act, except that:

- (a) the notices for the sale thereof under Section 10 of the Pounds Act shall be given by the Pound Keeper within two (2) days after impounding, and
- (b) a copy of the notice of sale shall be mailed by prepaid ordinary mail to the last known address of the owner, if such owner is known to the Pound Keeper;

#### **7. Appointment of Pound Keeper**

Welland and District Humane Society is hereby appointed as Pound Keeper for the purposes of this Bylaw:

#### **8. Remediation**

- (a) Where the owner is in default of doing any matter or thing directed or required to be done under this by-law, an officer may direct the completion and enforcement of such matter or thing at the owner's expense.
- (b) The City may recover the costs incurred pursuant to this by-law in accordance with Section 446 of the Act.
- (c) The City may, prior to recovering costs incurred invoice owners requesting voluntary payment of said costs.
- (d) The City may place a lien on the property as per Section 446 of the Act.

#### **9 Enforcement**

- (a) Where a person fails to comply with the requirements of this Bylaw, the City may give the person notice and direction to comply. Further, where a person is directed and fails or neglects to comply with such notice, upon conviction shall be liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.



- (b) A Pound Keeper may enter upon land at any reasonable time for the purpose of carrying out an inspection to determine whether or not:
  - i) The provisions of this Bylaw are being complied with; or
  - ii) A direction or notice under this Bylaw is being complied with
- (c) No Person shall hinder or obstruct any Pound Keeper, or any Persons lawfully acting in the aid of such Pound Keeper, in the executions of their duties under this Bylaw.

## **10 Offences and Penalties**

Every person who contravenes any provision of this bylaw is guilty of an offence and upon conviction is liable to fines as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended.

## **11 Force and Effect of Bylaw**

- (a) This By-law shall come into full force and effect upon approval of the set fines by order of the Chief Justice of Ontario.

BYLAW READ AND PASSED THIS DAY OF , 2019.

\_\_\_\_\_  
Frank Campion, MAYOR

\_\_\_\_\_  
Tara Stephens, CLERK

## CITY OF WELLAND

## PART I PROVINCIAL OFFENCES ACT

CITY OF WELLAND BY-LAW 2019-XX, BEING A BY-LAW TO PROHIBIT AND  
REGULATE ANIMALS AT LARGE WITHIN THE CITY OF WELLAND

ITEM	Column 1 Short Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1.	Permit animal to run at large	3(a)	\$125.00
2.	Permit animal to trespass	3(b)	\$125.00
3.	Obstructing an Officer of Agent	9(c)	\$125.00

NOTE: The penalty provision for the offences listed is Section 10) of By-law 2019-XX, a certified copy of which has been filed and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33

**COUNCIL**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICE**  
**TRAFFIC DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-22

**REPORT TRAF-2019-02**  
**DATE: FEBRUARY 05, 2019**

**SUBJECT: PARKING RESTRICTIONS ON WHITE AVENUE**

**AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.**  
**SUPERVISOR, TRAFFIC, PARKING & BY-LAWS**

**APPROVING MANAGER: CHRIS ANDERS, P. ENG**  
**MANAGER, ENGINEERING SERVICES**

**APPROVING G.M.: ERIK NICKEL, P. ENG**  
**GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES / CITY ENGINEER**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information **REPORT TRAF-2019-02** Parking Restrictions on White Avenue; and further

THAT Welland City Council directs the City Clerk to amend Traffic and Parking By-law 89-2000 as follows:

ADD the following to Schedule "XXXIV" – RESIDENTIAL PARKING PERMIT ONLY

COLUMN 1 HIGHWAY	COLUMN 2 SIDE	COLUMN 3		COLUMN 4 PERIOD (TIMES/DAYS)
		FROM	TO	
White Avenue	East Side	East Main Street a point 39 metres northerly	Major Street	ANY TIME
White Avenue	West Side	East Main Street a point 75m northerly	to 42 metres southerly of Major Street	ANY TIME

**ORIGIN AND BACKGROUND:**

Schedule XXXIV – RESIDENTIAL PARKING PERMIT ONLY



To add Residential Permit Parking Only Any Time – White Avenue east side - East Main Street a point 39 metres northerly to Major Street and White Avenue west side East Main a point 75m northerly to Major Street.

**COMMENTS AND ANALYSIS:**

The proposed amendments to the Traffic and Parking By-law 89-2000 are necessary to define the traffic and parking regulations on the City's roadways. The Residential Parking restriction is a request of a petition received by the City from the residents of White Avenue.

Due to the increased on-street parking by motorists that do not live on White Avenue, it is making it difficult for residents to park. Residents have requested Residential Permit Parking on White Avenue between East Main Street and Major Street. These restrictions will accommodate parking for residents and their guests.

Staff supports this recommendation for Residential Permit Parking at Any Time on White Avenue in areas fronting residential properties between East Main Street and Major Street.

The proposed amendments to the Traffic and Parking By-law 89-2000 are necessary to define the traffic and parking regulations on the City's roadways. The Parking Restrictions is a request of a petition received from a resident of this street with the majority in support.

**FINANCIAL CONSIDERATION:**

Sign installation will be absorbed by the operating budget.

**OTHER DEPARTMENT IMPLICATIONS:**

Clerks department will be required to update By-law 89-2000 with the changes noted above.

Public Works Department will be required to install/remove signage.

**SUMMARY AND CONCLUSION:**

To ensure the appropriate regulations and wording of By-law 89-2000, with on-site signage and enforcement operations, the Traffic and Parking Operations Division recommends the modifications as outlined in this report. This report was discussed with the lead petitioner (Mr. Disher) which is in agreement with the recommendations.

**ATTACHMENTS:**

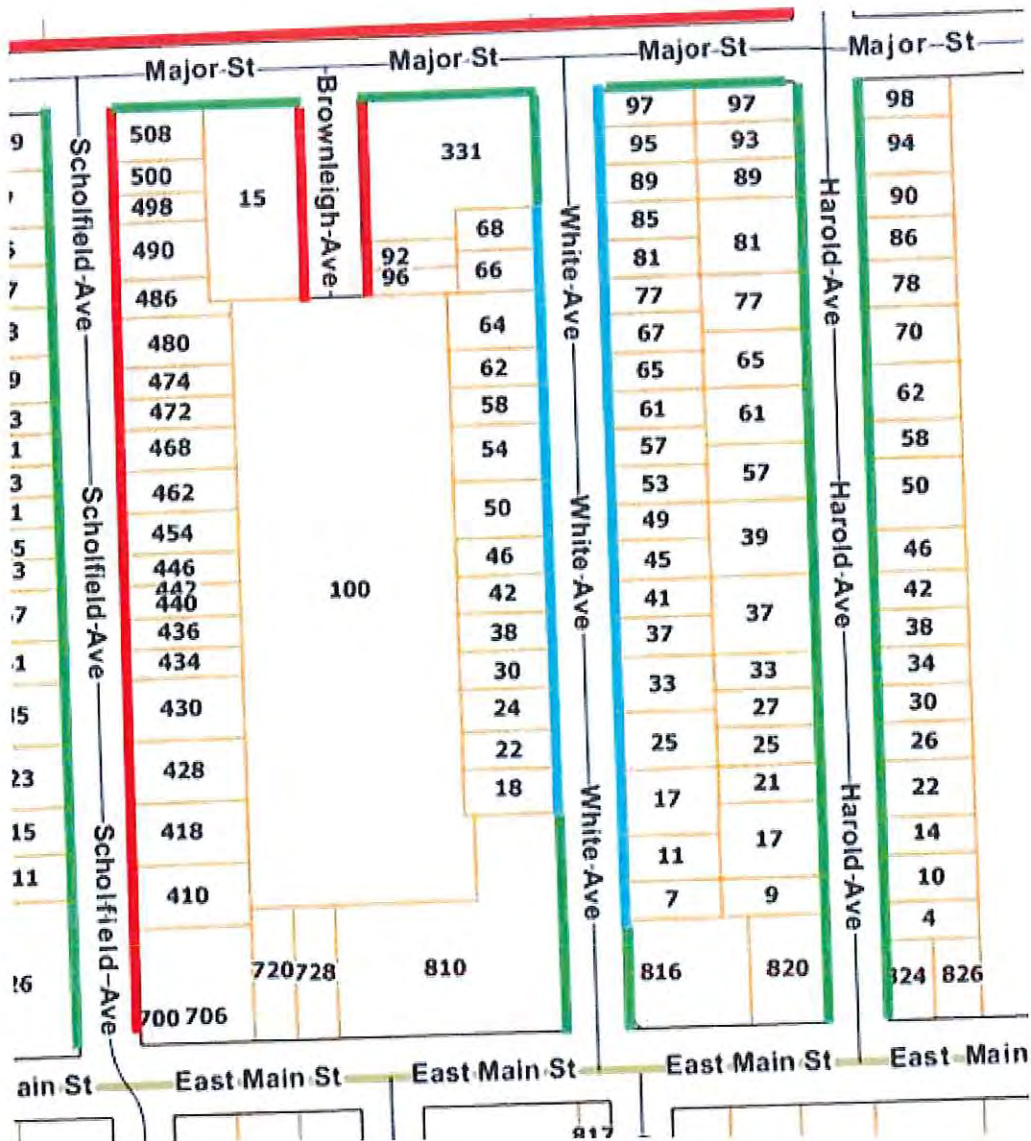
Appendix A: Diagram –Proposed Residential Permit Parking on White Avenue at Any Time (as shown)

Appendix B: Petition from Residents on White Avenue

Appendix A: White Avenue – Existing Conditions with Proposed Residential Parking

White Ave - Existing Conditions with Proposed Residential Parking

- █ NO PARKING
- █ Existing Parking
- █ Proposed Residential Parking (White Ave east side - 39 metres northerly from East Main Street to Major Street and White Ave west side 75m northerly from East Main to 42 metres southerly of Major Street)





Appendix B: Petition from Residents on White Avenue as received (4 pages)



*January 9, 2019*

TO WHOM IT MAY CONCERN

We are petitioning all residents of White Ave. to ask City Council to give us Resident only parking on White Ave. As many of you are aware, there are many others parking on our street that do not live on our street and it is making it difficult to find places to park our cars that live on the street, as well as our families, friends, visitors, contractors or many people that may try to visit us. We are especially bothered on White Ave. towards Main St. as we have drug store employees and Methadone clinic clients, at times the overflow of the French medical clinic and most recently an abundance of cars from the people who live in Brownleigh Apartments, that vary from 5 to 12 or more and I assume this will increase if we continue to let it go on.

We are suggesting that the City post resident only signs on our street on both sides which means parking for cars only directly related to residents. Each home will get one free sticker per year to park one car and if you have an additional car it will cost around \$20.00 per vehicle per year.

We are asking for your signature in support of this petition to further to City Hall for approval by council.

We are trying to look after the residents of our street as we are the ones paying the taxes here. We are asking for your signature accordingly for your approval, thank you.

*I respectfully submit this petition on behalf of the residents of White Ave. in Welland to apply for resident only parking on both sides of our street*

*Howard Cisher*  
*January 22, 2019*







We the undersigned, petition the Council of the City of Welland as follows:

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
CATHY CRICHTON	46 WHITE AVE	Cathy Crichton
RUBY HARPWOOD	46 WHITE AVE	Ruby Harpwood
Patti Eller	42 White Ave	Patti Eller
Phillip Eller	42 White Ave	Phillip Eller
DON CAPRANTO	24 White Ave	Don Capranto
AMANDA LOUWS	72 WHITE AVE	Amanda Louws
Johanne Valiquette	68 White Ave	Johanne Valiquette
Gabrielle Valiquette	68 white Avenue	Gabrielle Valiquette
Dan Valiquette	68 white Ave	Dan Valiquette
Alex Valiquette	68 white Ave	Alex Valiquette
NEIL PORTER	38 WHITE AVE	Neil Porter
Michelle Ciccarelli	95 White Ave	Michelle Ciccarelli
NEIL OLEMAN	77 WHITE AVE	Neil Oleman
Steven Carver	62 White Ave	Steven Carver
Mario Chiavrol	64 White Ave	Mario Chiavrol
Debbie Kitchen	85 White Ave	Debbie Kitchen
Amanda Boucher	66 White Ave	Amanda Boucher

e undersigned, petition the Council of the City of Welland as follows:

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
HOWARD DISHER	17 WHITE AVE	Howard Disher
Michelle Metcalfe	25 White Ave	m. metcalfe
Debbie & Scott Desjardins	45 White Avenue.	Debbie
KRIS & KARLY SCHAEFER	49 white ave	Kris
Sherby Dawson	53 White Ave	Sherby Dawson
ELIZABETH MANNELLA	57 WHITE AVE.	Betty Mannello
RICHARD LAMAR	41 WHITE AVE	Richard Lamar
LUCILLE POPP	65 WHITE AVE.	Lucille Popp
Karen Lennert	67 WHITE AVE	Karen Lennert
maria Gomez	33 White Ave	maria Gomez
Michael Cvetkovich	18 White Ave	Michael Cvetkovich
Angela Watson	30 White Ave	Angela Watson
Sihyung Lee	25A White Ave	Sihyung Lee
LINDA LOISELLE	54 WHITE AVE	Linda Loisele
TENDAI MANYERE	50 WHITE AVE	Tendai Manyere
MATHIA ARSHAW	17 White Ave	MATHIA ARSHAW
Jim Davidson	97 WHITE AVE	JIM DAVIDSON
TJ Hewitt	50 White Ave	TJ Hewitt



APPROVALS	
GENERAL MANAGER	<i>per</i> <i>CA</i>
CFO	<i>[Signature]</i>
CAO	<i>[Signature]</i>

18-96

**COUNCIL****INFRASTRUCTURE AND DEVELOPMENT SERVICES**

**REPORT P&B-2019-04  
FEBRUARY 5, 2019**

**SUBJECT: APPLICATION FOR ZONING BY-LAW AMENDMENT (FILE NO. 2018-06) AND OFFICIAL PLAN AMENDMENT (OPA 19) ZELINKA PRIAMO LTD. FOR LANDS ON THE EAST SIDE OF PRIMEWAY DRIVE, THE SOUTH SIDE OF RIVER ROAD, NORTH OF WOODLAWN ROAD, AND WEST OF HIGHWAY 406, MUNICIPALLY KNOWN AS 158 AND 210 PRIMEWAY DRIVE AND 790 RIVER ROAD**

**AUTHOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
PLANNING SUPERVISOR**

**APPROVING SUPERVISOR: GRANT MUNDAY, B.A.A., MCIP, RPP  
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: ERIK NICKEL, P. ENG.  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY  
ENGINEER**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND Adopts Official Plan Amendment No. 19 to designate the lands on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road and west of Highway 406, more specifically described as Lot 3, Plan 59M-391, Subject to an Easement as in SN241892, Subject to an Easement as in SN241893; and Lot 4, Plan 59M-391, Subject to an Easement as in SN241892, Subject to an Easement as in SN241893; City of Welland, municipally known as 210 Primeway Drive and 790 River Road from Gateway Economic Centre to Special Policy Gateway Economic Centre; and,

THAT, Welland City Council Approves Zoning By-law Amendment to Zoning By-law 2667 for lands on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road, and west of Highway 406, more specifically described as Lot 2, Plan 59M377, Welland; S/T Easement in gross as in SN240644; S/T easement in gross as in SN240645; subject to an easement of LT 2PL 59M377 in favour of LT 1PL 59M377 as in SN264720 (easement SN264720 released as to PT LT 1 PL 59M377, PTS 6-11, 59R14084 as in SN292812); together with an easement over LT 1PL 59M377 as in SN264720 (easement SN264720 released as to PTS 6-11, 59R14084 as in SN292811), City of Welland, municipally known as 158 Primeway Drive from Site Specific Highway Commercial C4-X13 to Site Specific C4-X13; and further,



THAT Welland City Council Approves Zoning By-law Amendment to Zoning By-law 2017-117 for lands on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road and west of Highway 406, more specifically described as Lot 3, Plan 59M391; Subject to an Easement as in SN241892; Subject to an easement as in SN241893; City of Welland. Lot 4, Plan 59M391; Subject to an Easement as in SN241892; Subject to an easement as in SN241893; City of Welland, municipally known as 210 Primeway Drive and 790 River Road from Gateway Economic Centre to Site Specific Gateway Economic Centre.

**ORIGIN AND BACKGROUND:**

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted on August 15, 2018 and were deemed complete on August 21, 2018 for lands on the east side of Primeway Drive, south side of River Road and north of Woodlawn Road. One of the properties is currently developed with a Canadian Tire Store.

The purpose of the Official Plan Amendment is to allow for the expansion of the existing Canadian Tire Store onto 210 Primeway Drive and 790 River Road. The Official Plan Amendment is required to allow commercial uses to be permitted within the Gateway Economic Centre (GEC) designation. The approximate area of the expansion onto these properties is 5,550 square metres (59,740 square feet), with the majority of that (3,329 square metres/35,833 square feet) being used for warehousing, which is a permitted use in the Gateway Economic Centre (GEC) designated area.

The Zoning By-law Amendment has been submitted to amend both Zoning By-laws 2667 and 2017-117. The purpose of the amendment to Zoning By-law 2667 is to amend the existing Site Specific Highway Commercial - C4-X13 Zone to allow the following:

- Increase the current "Maximum Home and Auto Supply/Home Improvement Store" from 9,379 square metres to 11,750 square metres;
- Increase the current "Total Maximum Gross Leasable Floor Area for Site" from 30,004 square metres to 32,500 square metres;
- Decrease the minimum required parking spaces from 3.75 spaces per 93 square metres of building area to 2.5 spaces per 93 square metres of building area;
- Permit a Minimum North (rear) Yard of 0 metres;
- Permit a Minimum Landscaped Open Area of 5.0%;
- Permit 6 accessible parking spaces as existing, instead of the required 12;
- Permit the existing 2 loading spaces to be relocated to 210 Primeway Drive and 790 River Road, and therefore provide 0 loading spaces in the C4-X13 instead of the required 2 loading spaces; and,
- Notwithstanding Zoning By-law 2667, Section 22.2.23.4, the Minimum Landscaped Open Space and the Minimum required Parking Spaces apply to lands known municipally as 158 Primeway Drive.

The requested amendments to the Gateway Economic Centre (GEC) Zone in Zoning By-law 2017-117 are as follows:

- In addition to any GEC use, a home and auto sales and supply establishment is also permitted, with a maximum GFA of 5,550 square metres;



- Permit a Minimum Rear Yard of 0 metres;
- Permit a Minimum Side Yard of 4 metres; and,
- Permit 0 Barrier Free parking spaces.

### **The Site**

The site is located on the east side of Primeway Drive, south side of River Road, north of Woodlawn Road, and west of Highway 406. 158 Primeway Drive is currently developed with the existing Canadian Tire store and associated parking areas. The properties at 210 Primeway Drive and 790 River Road are currently vacant and have a total lot area of 2.15 hectares (5.3 acres). 210 Primeway Drive has a lot area of 0.99 hectares (2.4 acres) and 790 River Road has a lot area of 1.15 hectares (2.8 acres). The existing Canadian Tire site has a lot area of 2.95 hectares (7.3 acres).

### **Surrounding Uses**

To the north of the properties run River Road, the former Atlas Landfill and the Welland River. To the east is the Niagara Centre Subdivision and the existing Walmart Supercentre. Further to the east is Highway 406. To the south of the property runs an internal street and further south a small plaza with a Dollar Tree and Mark's store, as well as Woodlawn Road. To the west is Primeway Drive, as well as a Rona store and a number of vacant parcels.

### **Development and Agency Comments**

- |  |   |   |
|--|---|---|
| City of Welland Fire and Emergency Services<br>(January 23, 2019)  | - | Fire Department comments will be provided through Site Plan review.   |
| City of Welland Infrastructure and Development Services - Building Department<br>(January 7, 2019)                   | - | No objection to the applications. Additional comments may be made at the time of building permit.   |
| City of Welland Infrastructure and Development Services – Traffic, Parking and By-laws Division<br>(January 4, 2019) | - | No objection to the applications.   |
| City of Welland Infrastructure and Development Services – Engineering Division<br>(January 15, 2019)                 | - | Engineering has no objection, comments, or requirements for the OPA and ZBA changes, subject to site plan application.  |
| Region of Niagara – Development Services Division  | - | The lands are located within the Welland Urban Area, as defined by the Regional Official Plan, and are considered to be within a Settlement Area in the 2014 Provincial |

(November 22, 2018)

Policy Statement.

- The lands are within an area identified as being part of the Gateway Economic Zone and Centre, and as being within a Strategic Location for Investment. Lands within these areas are encouraged to be used for warehousing, transportation, logistics, food processing, advanced manufacturing, and wholesale trade activities.
- The Region reviewed the Retail Market & Demand Analysis prepared by urbanMetrics, and agree with the findings that the expansion to the existing store will have minimal impact on the existing retailers in the trade area, and that there is sufficient market demand to support the expansion.
- Region Staff are of the opinion that the applications to allow for the expansion of the existing building for warehousing and commercial purposes is consistent with the intent of Regional and Provincial Land Use policies.
- The expansion supports the efforts in promoting long term economic prosperity for both the Region and City of Welland within the Gateway Economic Centre.
- Regional Planning and Development Services staff supports the approval of the Official Plan Amendment and Zoning By-law Amendment.

Enbridge Gas  
(October 3, 2018)

- No objections to the applications.

**Public Comments Received**

A Public Information Meeting was held on November 8, 2018 and two (2) residents attended the meeting. Questions were raised:

- Looking for clarification regarding the requested amendments for landscaping allowances;
- Requests for justification for the reduction of parking requirements; and,
- Questions regarding when the Peer Review of the Retail Market Analysis and Demand would be available.

Three separate letters were received from the same group (Doral Holdings) regarding the applications, and raising questions and comments regarding the application, including the following:



- Lack of justification for the reduction in the parking ration to 2.5 spaces per 93 square metres of floor space from 3.75 spaces per 93 square metres of floor space.
- There is no justification to identify why there is a proposed reduction in the amount of landscaped open space to 5%, and whether it will apply only to the C4-X13 Zone, or also to the GEC Zone.
- The Walmart site and the Canadian Tire site were treated as one in the original Zoning By-law Amendment and the subsequent Ontario Municipal Board Hearing, the proposed amendments should be confirmed to apply to only the subject lands, and should not allow for any changes to the Walmart site.
- There were a number of errors in the Retail Market Analysis that should be corrected or confirmed.

Comments were received from Doral Holdings identifying that they had reviewed the findings in the Peer Review of the Retail Market Analysis and had no further questions or concerns. No other comments were received from members of the public.

#### **COMMENTS AND ANALYSIS:**

##### ***Provincial and Regional Policy***

The property is within a Settlement Area as defined by the Provincial Policy Statement (PPS) which is to be the focus of growth and development for the municipality. Settlement areas are to encourage a mix of uses and services for residents. The subject lands are within what can be classified as Employment Lands within the PPS. The PPS encourages that these lands provide a range and mix of employment and institutional uses to meet the long term needs of the community, and to promote economic development and competitiveness. It also encourages that land and infrastructure be available to meet current and future needs of new and existing businesses.

The proposal meets the intent of these policies as the existing Canadian Tire store is looking to expand their existing retail store, as well as substantially increase their warehouse space. The Official Plan Amendment and Zoning By-law Amendments are required to allow for the retail uses to be expanded onto 210 Primeway Drive and 790 River Road. The PPS encourages municipalities to have land available for new and expanding employment uses. The proposed applications are consistent with the PPS.

The subject lands are within the Built Boundary as identified in the Places to Grow Plan (P2G). The P2G further identifies that this area is within a Gateway Economic Centre, which is identified as such due to the proximity of the lands to international border crossings and have a unique economic importance to the region. The expansion to the existing Canadian Tire building into the Gateway Economic Centre designation and zone is primarily for warehousing purposes. The expansion of the commercial space is limited in size and is secondary to the warehousing use. The proposed expansion maintains the intent of the P2G policies for the Gateway Economic Centre, as well as protects and promotes employment uses in these areas.

The Region's Official Plan (ROP) designates these lands as being within the City of Welland's Settlement Area, and within the 406 Corridor Strategic Investment Area. The purpose of these areas is to promote warehousing, transportation, logistics, food processing, advanced manufacturing, and wholesale trade activities, in addition to those



uses that are permitted in local Official Plans. As the proposed applications are to facilitate the expansion of an existing use, and because the primary use of the expansion in the Gateway Economic Centre is for warehousing, the applications can be deemed to be consistent with the policies in the Regional Official Plan.

**City of Welland Official Plan**

The subject lands are within two separate designation areas in the City's Official Plan. 158 Primeway Drive is designated as Eastern Approach and is currently developed with a Canadian Tire Store and associated parking. The Eastern Approach policies allow for big box retail uses, including one 9,383 square metre (101,000 square foot) home and auto supply store, which is the existing Canadian Tire store. The policies allow for expansions to the uses in the Eastern Approach that are greater than 2,787 square metres (30,000 square feet) without an amendment to the Official Plan so long as a Market Impact Study is completed. The City will also require that a Peer Review of this study is completed. The applicant has submitted the Market Impact Study which was peer reviewed on behalf of the City of Welland. The findings of the Peer Review was that the assumptions and basis for expansion outlined in the Retail Market Demand & Impact Analysis were correct, and the expansion is appropriate and will not negatively impact other commercial areas within the City. Based on this analysis, an Official Plan Amendment to expand the Canadian Tire Store on the property at 158 Primeway Drive is not required.

The properties at 790 River Road and 210 Primeway Drive are designated as Gateway Economic Centre in the City's Official Plan. The Gateway Economic Centre designation allows for a range of employment uses, including transportation and logistics, warehousing, light manufacturing, major office spaces, laboratories, etc.. The policies also allow for minor retail, professional and personal service commercial uses which are scaled to meet the needs of employees within the immediate area are also permitted. The Official Plan Amendment is required because the area proposed for commercial use is greater than what can be deemed to serve only the needs of employees in the immediate area. The total gross floor area of the expansion is 7,868 square metres (84,685 square feet), with approximately 5,527 square metres of the expansion being constructed on 210 Primeway Drive and 790 River Road. The proposed expansion area is primarily for the warehousing use, which is permitted in the GEC designation. The applicant has proposed that wording be placed in the Official Plan Amendment to ensure that the expansion is limited to what is currently proposed, and to include a maximum gross floor area of 5,550 square metres for this area. This will ensure that the expansion is limited to what is proposed at this time. Should future expansions be needed, the applicant will need to apply for an additional Official Plan and Zoning By-law Amendment.

Staff are satisfied that the proposed Official Plan Amendment to allow for the retail component as a permitted use in the GEC designation for 210 Primeway Drive and 790 River Road is appropriate. The applicant has identified through the Retail Market Analysis and Planning Justification Report that the expansion is appropriate and will not have any negative impact on other commercial areas within the City. As such, staff supports the application for Official Plan Amendment.

**City of Welland Zoning By-law 2667**

The property known as 158 Primeway Drive is zoned as Site Specific Highway Commercial (C4-X13) in this Zoning By-law. This site specific zoning applies to this property as well as the to the Walmart site to the east and the Mark's and Dollar Tree



plaza to the south. The amendments requested will apply only to the Canadian Tire site, with the exception of one amendment, and are listed as follows:

- Under Section 22.3.23.3, increase the current "Maximum Home and Auto Supply/Home Improvement Store" from 9,379 square metres to 11,750 square metres;
- Under Section 22.3.23.3, increase the current "Total Maximum Gross Leasable Floor Area for Site" from 30,004 square metres to 32,500 square metres;
- Under Section 22.3.23.7, decrease the minimum required parking spaces from 3.75 parking spaces per 93 square metres of building area to 2.5 parking spaces per 93 square metres of building area;
- Under Section 22.3.23.3, permit a Minimum North (rear) Yard of 0.0 metres;
- Under Section 22.3.23.3, permit a Minimum Landscaped Open Area of 5%;
- Under Section 5.20.5, permit 6 accessible parking spaces as existing, instead of the required 12;
- Under Section 5.22, allow the existing 2 loading spaces to be relocated to 210 Primeway Drive and 790 River Road, and therefore providing 0 loading spaces in C4-X13 instead of the required 2 (commercial use over 2,320 square metres); and,
- Notwithstanding Zoning By-law 2667, Section 22.2.23.4, the Minimum Landscaped Open Space and the Minimum required Parking Spaces apply to lands known municipally as 158 Primeway Drive.

The only requested amendment that will apply to the entire site is regarding the request for the total maximum Gross Leasable Floor Area (GLFA) be increased. In order to permit the expansion of the Canadian Tire Store in the C4-X13 zone, the maximum GLFA will need to be increased. All other amendments to the Zoning By-law that have been requested will apply only to 158 Primeway Drive.

The requested amendment to reduce the parking ratio from 3.75 spaces per 93 square metres of building area is to recognize only the parking that is provided on the Canadian Tire site. The parking is currently calculated based on the number of parking spaces on the Canadian Tire, Walmart, and plaza sites. The requested amendment will reduce the ratio that parking is provided on the subject lands, but will not result in a decrease in the current parking that is on-site. Further, parking will be provided on the 210 Primeway Drive and 790 River Road sites, resulting in a total of 673 parking spaces over the entire site. As such, staff is satisfied that sufficient parking will be available with a reduced parking ratio of 2.5 spaces per 93 square metres.

The request to reduce the rear yard setback to 0.0 metres is to allow the construction of the addition to cross over the lot line. The elimination of this requirement is technical in nature. The properties will be in the same ownership, and the requested reduction is to reflect the proposed location of the new building. Staff have no objection to this amendment.

The request for the reduction in the total landscaped area from the required 10% to 5% is as a result of the lands that were previously used for landscaping to now be in the expansion area. Based on the proposed site plan that's been prepared, the landscaping



that is provided surrounding the existing parking lot will be maintained. The landscaping along Primeway Drive will also remain. The reduction to the landscaped area will not impact the site as the landscaping that will be removed was at the rear of the existing building, and not impact the building façade.

The request to reduce the number of required accessible parking spaces from twelve (12) to six (6) has been made to reflect the number of accessible spaces that are currently provided on-site. The required number of parking spots, including accessible parking, was calculated and provided over the entire site (Canadian Tire, Walmart, Mark's, and Dollar Tree). The request has been made to apply the regulations only to the Canadian Tire site, and as such, a reduction to the parking is required to recognize what is currently existing on-site. There are currently only six (6) accessible parking spots on the property, and based on accessible parking calculations, twelve (12) spaces are required. The requested reduction in accessible parking spaces will not result in the loss of existing spaces, but simply reflects what is existing.

The request to provide zero (0) loading spaces in the C4-X13 is for technical purposes as loading spaces will be provided, but will be located on the properties to the north (790 River Road and 210 Primeway Drive). Loading spaces will continue to be provided to serve the Canadian Tire facility, but as the property has a split zoning, the loading spaces will be provided in the GEC Zone. Staff are satisfied that that this request will not negatively impact the delivery of goods to the site.

A number of amendments to Zoning By-law 2017-117 were also requested to allow for the expansion of the Canadian Tire store into the existing GEC-13 Zone. The requested amendments are:

- Under Schedule B – Special Exceptions, Section 13.1, in addition to any GEC use, a home and auto supply store is permitted, with a maximum GFA of 5,550 square metres;
- Under Schedule B – Special Exceptions, Section 13.2, permit a Minimum Rear Yard of 0.0 metres;
- Under Schedule B – Special Exceptions, Section 13.2, permit a minimum side yard of 4.0 metres;
- Under Section 6.5.1, permit 0 barrier free parking spaces.

In addition to the amendments requested, staff are also proposing to include the definition of a Home and Auto Supply Store which reflects the definition in Zoning By-law 2667. This additional amendment has been included based on comments received.

The request to allow for a home and auto supply store in the Site Specific GEC Zone, as well as to put a limit on the size is appropriate. The information submitted in support of the application has identified that the expansion is needed to provide more warehousing, display, and sales area for the existing Canadian Tire store. The maximum GFA will ensure that the intent of the GEC Zone is maintained and warehousing remains the primary use of the expansion, rather than sales area.

The requested rear yard and side yard setbacks are to allow the expansion of the store and garden centre area. The request for the 0.0 metre rear yard setback is to allow the new building to cross the zone lines for the new construction. The requested side yard setback of 4.0 metres is to allow for the expansion of the existing garden centre at the



same setback as the C4-X13 Zone. The proposed amendments are appropriate and will allow for the expansion for the use as the same setback as currently is used.

The requested amendment to allow for zero (0) barrier free parking spots in the GEC Zone on the property is to recognize that the main entrance will remain in the current location. Access to the seasonal garden centre will be available from the GEC zoned area, but there will not be any direct access to the store from this location. As the main entrance will remain in the same location, and store access from the rear of the property will be limited, it was deemed appropriate to provide all the barrier free parking at the front of the store in the C4-X13 Zone.

Upon reviewing the requested amendments to both Zoning By-law 2667 and 2017-117, are appropriate and can be supported.

**FINANCIAL CONSIDERATION:**

All costs associated with the expansion and the development of the sites will be borne by the applicant.

**OTHER DEPARTMENT IMPLICATIONS:**

The applications have been circulated to City Departments for review and comment. Their comments have been included, where appropriate.

**SUMMARY AND CONCLUSION:**

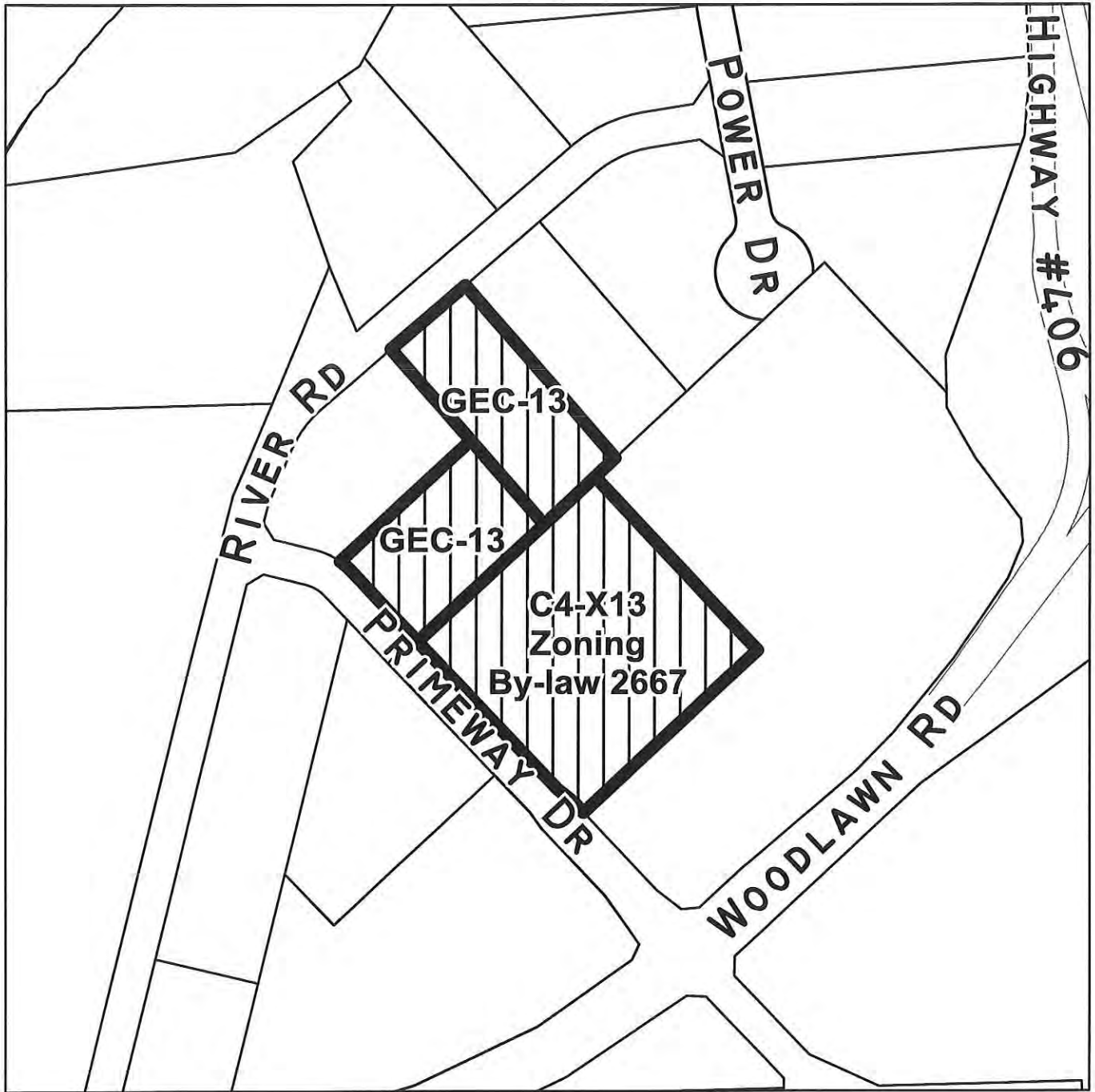
The subject applications are for an Official Plan Amendment to allow for a retail and warehousing use with a maximum Gross Floor Area of 5,550 square metres to expand into the Gateway Economic Centre Designation, and to rezone the lands to Site Specific C4 in By-law 2667 and Site Specific GEC in By-law 2017-117 represents good planning because:

1. Is consistent with policies in the Provincial Policy Statement and Places to Grow Plan encourage the creation and expansion of employment uses.
2. Efficiently uses lands within the City's Urban and Built Boundaries, as well as takes advantage of existing municipal infrastructure.
3. Will not negatively impact surrounding commercial uses.
4. Allows for the existing store to expand to better meet the needs of residents.

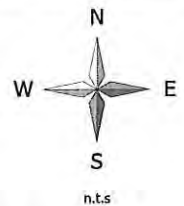
**ATTACHMENTS:**

Appendix I	-	Key Map
Appendix II	-	Aerial Photo of Subject Lands
Appendix III	-	Draft Site Plan
Appendix IV	-	Relevant Correspondence
Appendix V	-	Official Plan Amendment

# 2018-06 & OPA



## KEY MAP



**SUBJECT LANDS**



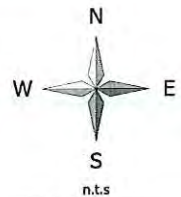
*Infrastructure and  
Development Services*  
Planning Division





# AERIAL PHOTO OF THE SUBJECT LANDS

2018-06 & OPA

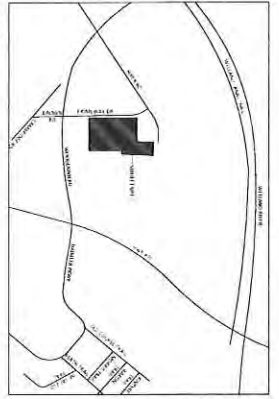


**SUBJECT LANDS**

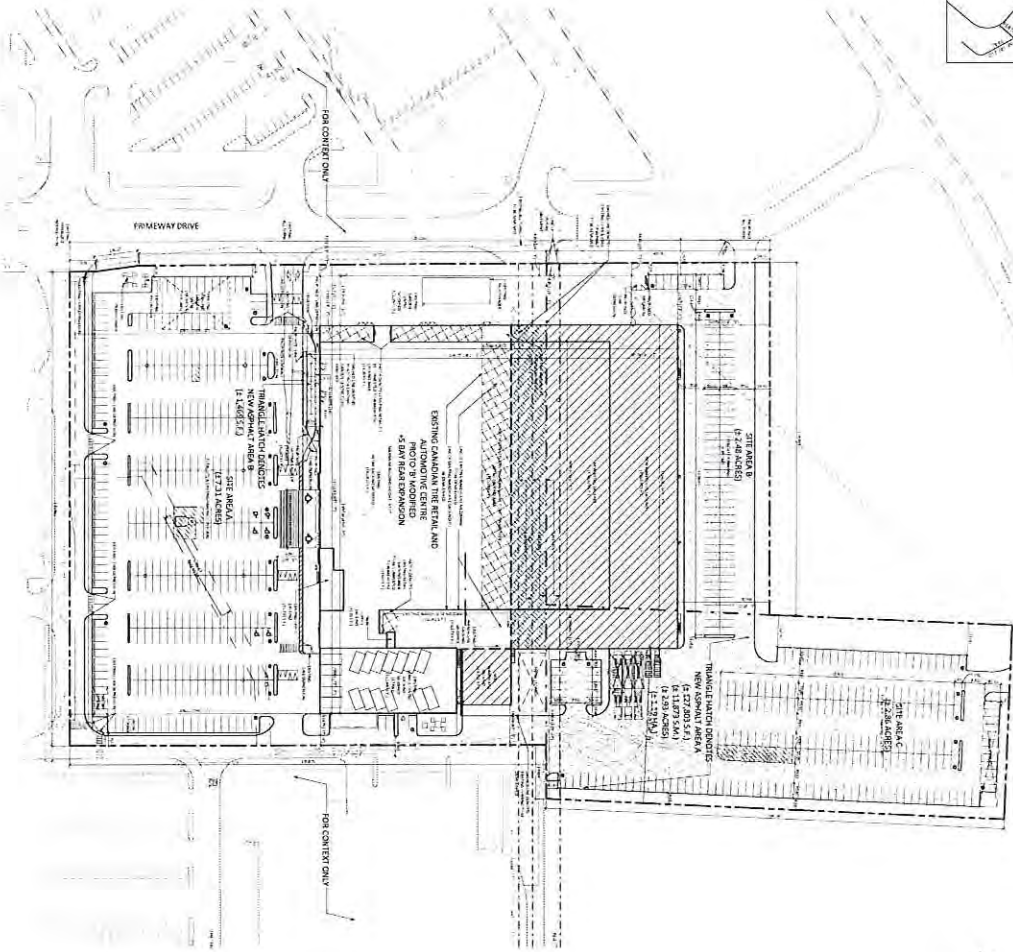


*Infrastructure and  
Development Services*  
Planning Division





1 SITE PLAN  
1/8" = 1' 00"



**GENERAL NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE RAILROAD UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE AIRWAY UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CANAL UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRAINAGE CANAL UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRENCH UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE UTILITY UNLESS OTHERWISE NOTED.
11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE STRUCTURE UNLESS OTHERWISE NOTED.
12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED.
13. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS OTHERWISE NOTED.
14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PLANTER UNLESS OTHERWISE NOTED.
15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BIKEWAY UNLESS OTHERWISE NOTED.
16. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRAIL UNLESS OTHERWISE NOTED.
17. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PATH UNLESS OTHERWISE NOTED.
18. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE WALKWAY UNLESS OTHERWISE NOTED.
19. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BIKEWAY UNLESS OTHERWISE NOTED.
20. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE TRAIL UNLESS OTHERWISE NOTED.

**GENERAL SITE DATA**

Item	Value
Site Area A	17,731 SQ. FT.
Site Area B	2,448 SQ. FT.
Site Area C	2,346 SQ. FT.
Total Site Area	22,525 SQ. FT.
Existing Building Area	10,000 SQ. FT.
New Building Area	12,525 SQ. FT.
Total Building Area	22,525 SQ. FT.
Parking Area	10,000 SQ. FT.
Landscaping Area	2,000 SQ. FT.
Utility Area	1,000 SQ. FT.
Drainage Area	1,000 SQ. FT.
Trench Area	1,000 SQ. FT.
Utility Area	1,000 SQ. FT.
Drainage Area	1,000 SQ. FT.
Trench Area	1,000 SQ. FT.

**GENERAL SITE DATA**

Item	Value
Site Area A	17,731 SQ. FT.
Site Area B	2,448 SQ. FT.
Site Area C	2,346 SQ. FT.
Total Site Area	22,525 SQ. FT.
Existing Building Area	10,000 SQ. FT.
New Building Area	12,525 SQ. FT.
Total Building Area	22,525 SQ. FT.
Parking Area	10,000 SQ. FT.
Landscaping Area	2,000 SQ. FT.
Utility Area	1,000 SQ. FT.
Drainage Area	1,000 SQ. FT.
Trench Area	1,000 SQ. FT.
Utility Area	1,000 SQ. FT.
Drainage Area	1,000 SQ. FT.
Trench Area	1,000 SQ. FT.

**GENERAL SITE DATA**

Item	Value
Site Area A	17,731 SQ. FT.
Site Area B	2,448 SQ. FT.
Site Area C	2,346 SQ. FT.
Total Site Area	22,525 SQ. FT.
Existing Building Area	10,000 SQ. FT.
New Building Area	12,525 SQ. FT.
Total Building Area	22,525 SQ. FT.
Parking Area	10,000 SQ. FT.
Landscaping Area	2,000 SQ. FT.
Utility Area	1,000 SQ. FT.
Drainage Area	1,000 SQ. FT.
Trench Area	1,000 SQ. FT.
Utility Area	1,000 SQ. FT.
Drainage Area	1,000 SQ. FT.
Trench Area	1,000 SQ. FT.

**GENERAL SITE DATA**

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Trench Area	1,000 SQ. FT.
Utility Area	1,000 SQ. FT.
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Trench Area	1,000 SQ. FT.

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Utility Area	1,000 SQ. FT.
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Trench Area	1,000 SQ. FT.

**TURNER FLEISCHER**  
 TURNER FLEISCHER ARCHITECTS INC.  
 1000 WEST 10TH AVENUE, SUITE 1000  
 DENVER, CO 80202  
 (303) 733-1000  
 www.turnerfleischer.com

**counterpoint**  
 ENGINEERING  
 1000 WEST 10TH AVENUE, SUITE 1000  
 DENVER, CO 80202  
 (303) 733-1000  
 www.counterpointeng.com



PROPOSED EXPANSION  
 158 PRIMEWAY DRIVE  
 CITY OF WELLAND REGIONAL MUNICIPALITY OF  
 WELLAND

**SITE PLAN**

DATE: 01/03/2010  
 DRAWN BY: J. BROWN  
 CHECKED BY: M. C. HARRIS  
 PROJECT NO: A1-36



Enbridge Gas Distribution  
500 Consumers Road  
North York, Ontario M2J 1P8  
Canada

October 3, 2018

Grant Munday, BAA  
Manager of Development Approvals  
Infrastructure and Development Services  
City of Welland  
Planning Division  
60 East Main Street  
Welland, ON L3B 3X4

Dear Grant,

Re: Official Plan Amendment & Zoning By-Law Amendment  
Canadian Tire Real Estate Limited  
158 & 210 Primeway Drive  
City of Welland  
File No.: 2018-06

Enbridge Gas Distribution does not object to the proposed application(s).

Enbridge Gas Distribution reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in cursive script that reads 'Alice Coleman'.

Alice Coleman  
Municipal Planning Coordinator  
Long Range Distribution Planning

**ENBRIDGE GAS DISTRIBUTION**  
TEL: 416-495-5386  
[MunicipalPlanning@enbridge.com](mailto:MunicipalPlanning@enbridge.com)  
500 Consumers Rd, North York, ON, M2J 1P8  
[enbridgegas.com](http://enbridgegas.com)  
**Integrity. Safety. Respect.**

AC/jh

**Rachelle Larocque**

---

**From:** Ali Khan  
**Sent:** January 5, 2019 9:40 AM  
**To:** Rachelle Larocque  
**Subject:** Re: Canadian Tire Expansion Comments

Rachelle,

I have no issues with this application.

Regards  
Ali Khan

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

**From:** Rachelle Larocque <rachelle.larocque@welland.ca>  
**Date:** 2019-01-03 12:41 PM (GMT-05:00)  
**To:** Jack Tosta <jack.tosta@welland.ca>, Scott Richardson <scott.richardson@welland.ca>, Ali Khan <ali.khan@welland.ca>  
**Subject:** Canadian Tire Expansion Comments

----- Original message -----

**From:** Rachelle Larocque <rachelle.larocque@welland.ca>  
**Date:** 2019-01-03 12:41 PM (GMT-05:00)  
**To:** Jack Tosta <jack.tosta@welland.ca>, Scott Richardson <scott.richardson@welland.ca>, Ali Khan <ali.khan@welland.ca>  
**Subject:** Canadian Tire Expansion Comments

Good afternoon,

If you could please forward me your comments regarding the Canadian Tire Expansion OPA & ZBA, it would be greatly appreciated.

Thanks,



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

**Hours:** 8:30am-4:30PM**Phone:** (905)735-1700 Ext. 2310 **Fax:** (905)735-8772**www.welland.ca**

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**Via E-mail Only**

November 22, 2018

 Files: D.10.11.OPA-18-033  
 D.18.11.ZA-18-110

 Mr. Grant Munday, MCIP, RPP  
 Manager of Development Approvals  
 Infrastructure and Development Services  
 Corporation of the City of Welland  
 60 East Main Street  
 Welland, ON L3B 3X4

Dear Mr. Munday:

**Re: Regional and Provincial Review Comments  
 Official Plan Amendment & Zoning By-law Amendment  
 158 Primeway Drive (Canadian Tire Expansion)  
 City of Welland**

Regional Planning and Development Services staff has reviewed the above noted applications and supporting materials submitted by Zelinka Priamo Ltd. on behalf of Canadian Tire Real Estate Ltd. for an Official Plan and Zoning By-law Amendment for lands known municipally as 158 & 210 Primeway Drive and 790 River Road in the City of Welland.

The Official Plan Amendment proposes to redesignate the subject property from Gateway Economic Centre to Site Specific Gateway Economic Centre to allow the lands to be used as a home and auto supply store as part of the expansion of the existing permitted use (Canadian Tire Store). The concurrent Zoning By-law Amendment application is to increase the ground floor retail space, increase the warehousing space, decrease the required parking spaces, reduce the rear yard setbacks and landscaped open area and relocate 2 existing loading spaces etc. in order to facilitate the proposed expansion.

A Pre-Consultation meeting was held on March 15, 2018, at Welland City Hall with City, Regional staff, as well as the applicant's agent in attendance. As outlined below, Regional staff is supportive of the proposed development, and provides the following detailed comments to execute Regional Council's Strategic Priority to Do Business Differently. By commenting on conformity with Provincial and Regional policy, the Region maintains accountability to the public and improves transparency, and aims to assist the City in their consideration of the applications from a Provincial and Regional perspective.

**Regional and Provincial Policies**

The subject lands are located within the Welland Urban Area, as defined by the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS).



The ROP, 2014 PPS and 2017 Growth Plan for the Greater Golden Horseshoe (Growth Plan) together direct development to take place in urban areas and delineated built-up areas to support intensified development and to build upon existing servicing and infrastructure.

#### The Gateway

The Gateway Economic Centre designation applies to all employment lands within the urban area in the City of Welland as per the Niagara Economic Gateway Zone and Centre policies and mapping in the Regional Official Plan.

The subject lands are located within a Strategic Location for Investment (406 Economic Gateway). As outlined in Regional Policy 3.A.3.5, lands within the 406 Economic Gateway are intended to be developed for the purposes of warehousing, transportation, logistics, food processing, advanced manufacturing and wholesale trade activities. Regional Policies also permit the development of other uses that are set out in the City's Official Plan.

#### Retail Market Demand

A *Retail Market Demand & Impact Analysis* prepared by urbanMetrics Inc. (dated August 14, 2018) was submitted in support of the applications. The report's analysis confirms that the expansion of the existing Canadian Tire store will have minimal impact on the existing retailers in the trade area (if any) and that there is sufficient market demand available to support the proposed expansion.

Regional staff is satisfied with the Official Plan Amendment and Rezoning of the subject lands to facilitate the expansion of an existing permitted use into the Gateway Economic Centre lands to allow for additional warehousing and office space (which are permitted uses in the Gateway) and therefore is considered consistent with the Regional and Provincial land use policies. The expansion supports efforts in promoting long term economic prosperity for both the Region and City of Welland within the Gateway Economic Centre.

#### **Conclusion**

Based on the discussion above, the designation and rezoning of the subject lands to facilitate an expansion to an existing permitted use is considered consistent with the Regional and Provincial land use policies. Accordingly, Regional Planning and Development Services staff supports the approval of the Official Plan Amendment and Zoning By-law Amendment.

Given the site specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities.

If City staff would like to discuss these comments, please contact me at extension 3387. Please send notice of City Council's decision on these applications.

Sincerely,



Lindsay Earl, MCIP, RPP  
Senior Development Planner



**Rachelle Larocque**

---

**From:** Scott Richardson  
**Sent:** January 15, 2019 9:18 AM  
**To:** Rachelle Larocque  
**Subject:** 158 Primeway Drive CTC

Rachelle,

Engineering has no objection, comments or requirements for the OPA and ZBA changes for the above subject site plan application.

Regards,

**C. Scott Richardson, C.E.T.**

Engineering Technician - Development  
Infrastructure Services - Engineering Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4  
**Phone:** (905)735-1700 Ext. 2222  
[www.welland.ca](http://www.welland.ca)



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**Rachelle Larocque**

---

**From:** Scott Richardson  
**Sent:** January 15, 2019 9:18 AM  
**To:** Rachelle Larocque  
**Subject:** 158 Primeway Drive CTC

Rachelle,

Engineering has no objection, comments or requirements for the OPA and ZBA changes for the above subject site plan application.

Regards,

**C. Scott Richardson, C.E.T.**

Engineering Technician - Development  
Infrastructure Services - Engineering Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4  
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## Rachelle Larocque

---

**From:** Travers Fitzpatrick  
**Sent:** November 30, 2018 3:57 PM  
**To:** Rachelle Larocque  
**Subject:** Comments Regarding Zelinka Priamo Ltd Response

The following comments are submitted on behalf of Doral Holdings/Seaway Mall relative to the responses provided to the City by Zelinka Priamo Ltd by letter dated 26 November, 2016 in response to my questions at the Public Information meeting of 8 November, 2016 concerning the Official Plan and Zoning By-law amendments sought by Canadian Tire Real Estate Limited.

Doral Holdings/Seaway Mall has no additional comments, as of this time concerning the responses made on behalf of urbanMetrics which clarified the description of the "big box retail facilities" in and around the Seaway Mall and which are described as the following: Staples, Winners, SportChek and Hart as well as ValuVillage. Further that response indicated that the food component of Walmart is included in the department store category and not in the Supermarkets & Other Grocery category.

However, with respect to the responses to the parking ratio sought of 2.5 spaces per 93 square metres (down from the current ratio of 3.75 spaces per 93 square metres of floor area) and the requested reduction in the minimum landscaped open space by 50% from 10% to 5%, we offer the following comments.

- 1) ***There is still no justification whatsoever given for the requested reduction in parking requirements from 3.75 to 2.5 parking spaces per 93 square metres of floor space.*** Yet the response reiterates that there will be additional parking provided which will produce a parking ratio of 3.5 parking spaces per 93 square metres of floor area. Our question is why is a parking ratio being proposed at re-zoning which does not correspond with what the supporting site plan indicates? Is it the intention at Site Plan approval to submit a site plan with a ratio of 2.5 spaces per 93 square metres of floor area if the re-zoning application is approved with a 2.5 spaces per 93 square metres of floor area? To ensure that what is submitted at both stages (re-zoning and site plan approval, assuming the re-zoning application is approved) and ***absent any justification whatsoever for the requested reduction***, we would recommend that the amending by-law provide for a parking ratio of 3.5 parking spaces per 93 square metres of floor area, again assuming the re-zoning is approved. Such a ratio would correspond with what is presently proposed in the application drawings and commentary. Our previous comments about the adjoining site (Walmart) being assumed to be one lot for by-law purposes are again brought forward the purposes of writing an amending by-law, assuming the application is approved.
- 2) With respect to the landscaped open space issue, there again is no justification for the requested 50% reduction in the required landscaped open space provision other than if you include sidewalks the 10 % requirement is met. The response notes that the definition of landscaped open space in the Zoning By-law does not include hard landscaping. However, there is no justification for the requested reduction and no attempt whatsoever to provide for the ***minimum*** 10% landscaped open space provision in the application even though there is sufficient area on the entire site to meet the 10% ratio as required in the C4-X13 Zone or the 15% ***minimum*** ratio required in the GEC-13 Zone. As a consequence, our previous comments on this matter remain.

Finally, we also reserve the right to make further submissions once we have received the peer review of the Market Analysis.

Travers Fitzpatrick



## Rachelle Larocque

---

**From:** Travers Fitzpatrick  
**Sent:** November 22, 2018 5:14 PM  
**To:** Rachelle Larocque  
**Cc:** Grant Munday  
**Subject:** Doral Holdings/Seaway Mall Comments on CTC OPA & Zoning By-law Applications

On behalf of Doral Holdings/Seaway Mall, I submit the following comments on the Official Plan and Zoning By-law amendments filed by Zelinka Priamo Ltd on behalf of Canadian Tire Real Estate Limited (Files 2018-06 & OPA). Further, as noted below, Doral Holdings/Seaway Mall reserves the right to make further comments and/or submissions on these applications once the required peer review of the Retail Market Demand & Impact Analysis report is available for review. Finally, I would request a copy of the staff report(s) on these amendments when the said report(s) becomes/become available.

### Comments:

At page 30 of the Retail Market Demand & Impact Analysis (Market Analysis), prepared by urbanMetrics inc. and submitted in support of the applications the authours state: ***“it is our understanding that the primary purpose of this expansion will be to increase display areas and to allow for demonstration of products on the main sales floor area, as well as to improve storage/warehousing capacity. In particular, the current operator of the store would like to ensure that all product lines are maintained in-stock throughout the year, including major seasonal items (e.g., holiday decorations, patio furniture, etc.), as well as providing warehouse space for on-site tire storage.”***

If this is in fact the primary purpose of the expansion, Doral Holdings/Seaway Mall has no objections to the proposals. That being said, there are a number of matters which deserve attention and provisions made for in any amending by-law the most important of which ***would be to prohibit a “stand alone” clothing or sporting goods store, either by designated space or label, in the expanded store.***

In addition, there are a number of errors/oversights in the documents supporting the applications which raise some questions about the accuracy of the reports and the conclusions stated in those documents. Those errors/oversights are set out below and should be addressed.

1. At page 21 of the Market Analysis under section 4.1 Existing Retail Facilities the report states: “ Node 2 – Seaway Mall – includes the only enclosed shopping centre in Welland. ***This node also includes the big box retail facilities located on the mall property that are adjacent to the enclosed component of the centre.***” (emphasis added) When queried about this description at the public information meeting and told that there were no “big box” facilities located on the mall property the response given by the agent for the applicant said that the reference was to Staples.( The former Staples store is in fact located on a separate parcel of land from the Seaway Mall) Further, as Council members are aware, Staples has relocated into the Mall and the former store is now a Value Village. While this may not seem to be a big issue it is one of several errors/oversights/shortcomings in the supporting documents.
2. At page 23 of the Market Analysis under Figure 4-2: Primary Trade Area Commercial Inventory the document states that there is 0 (ZERO) Supermarket & Other Grocery facilities at Smart Centres which is described elsewhere as ***“Node 4 – Smart Centres – Includes the subject Canadian Tire store, as well as a range of commercial retail/service businesses in a suburban power centre format, which includes the Walmart department store.”*** Clearly, this is an error in that it totally disregards the very large food store component of the existing Walmart. Again, this may not be a fatal error in the report as the



application does not deal with food store issues, but it does again call into question the care with which the report was prepared.

3. Turning to the Planning Justification Report (Planning Report), prepared by Zelinka Priamo Ltd., page 31 of that report sets out the proposed Zoning By-law amendment. In that proposed amendment the parking standard requested is 2.5 spaces per 93 square metres of building area down from the existing standard of 3.75 spaces per 93 square metres of building area. ***There is no justification whatsoever provided for this proposed reduction in the Planning Report and none was offered at the public meeting on the applications.*** However, at page 3 of the Planning Report section 1.3 The Proposal states in part: " The existing parking lot with 353 parking spaces is provided in the front of the Canadian Tire Store, and two additional parking lots with 319 spaces total (96 spaces and 223 spaces) are proposed in the rear of the store on the expansion lands, for a total of 673 parking spaces." The parking ratio which results from the proposed parking provision is 3.5 parking spaces per 93 square metres of building area. So while the requested parking ratio is 2.5 spaces per 93 square metres of building area ( with no justification or rationale for the request) the proposal as set out in the Planning Study provides for a parking ratio of 3.5 parking spaces per 93 square metres of building area. Consequently, absent a compelling justification for the reduction to 2.5 parking spaces per 93 square metres of building area Doral would suggest and support a parking ratio of 3.5 parking spaces per building area for ***this proposal only and does not include the Walmart site.*** It must be noted that the Canadian Tire site and Walmart site are treated as one lot in the current Zoning By-law notwithstanding land ownership. This provision, among others was the result of an OMB decision (OMB Board Order PL 111171 dated June 24, 2014.)
4. Additionally, the proposed Zoning by-law amendment set out at page 31 proposes a minimum landscaped open space provision of 10%. (It should be noted that the Notice of the application for the Zoning By-law amendment also sets out a 10% landscaped Open space provision.) However, at the public meeting, the information set out stated that the minimum landscaped open space requirement should be reduced to 5% which evidently the covering letter (or other documentation) to the proposal requested. This again begs the question about the care that has been taken in filing the applications. Further, the existing landscaped open space requirement for the rear or expansion lands which are zoned GEC -13 Zone is 15%. The proposed Zoning By-law amendment is silent on this provision for the GEC -13 Zone. Consequently so as to properly ensure that sufficient landscaped open space is provided for the development, it is suggested that an absolute calculation be made as to the amount of land which should be set aside for landscaped open space, at a ratio of 15%, be made and that area, in absolute terms, be set as the amount of landscaped open space for the entire site. Further, as the site and the Walmart site are considered as one lot care must be taken to ensure that any reduction in landscaped open space should apply only to the subject lands.
5. As of the submission of these comments the required peer review of the Market Study has yet to be completed and made available for review and comment. As a consequence, Doral Holdings/Seaway Mall reserves the right to make further comments and submissions on these application having had the opportunity to review the required peer review of the Market Study.

Travers Fitzpatrick,  
P.O. Box 872,  
Fonthill, ON.,  
L0S 1E0

**Rachelle Larocque**

---

**From:** Travers Fitzpatrick  
**Sent:** December 7, 2018 12:32 PM  
**To:** Rachelle Larocque  
**Cc:** Grant Munday; Councillor Michael Belcastro (Home); Alanna  
**Subject:** Canadian Tire Real Estate Limited OPA & Zoning By-law Applications

Further to my comments of 22 and 30 November, 2018 concerning the above captioned applications, I wish to submit the following additional comment for your consideration on behalf of Doral Holdings/Seaway Mall.

In my comments of 22 November, 2018, I noted that if the intention of the applicant is as stated in the Market Analysis i.e. ***“ to increase display areas and to allow for demonstration of products on the main sales floor area, as well as to improve storage/warehousing capacity. In particular, the current operator of the store would like to ensure that all product lines are maintained in-stock throughout the year, including major seasonal items (e.g., holiday decorations, patio furniture, etc.), as well as providing warehouse space for on-site tire storage.”*** then Doral Holdings/Seaway Mall has no objections to the proposals.

That being said, there are a number of matters which deserve attention and provisions made for in any amending by-law the most important of which would be to prohibit a “stand alone” clothing or sporting goods store, either by designated space or label, in the expanded store.

To allay our concerns concerning the “stand alone” issues, we would recommend that the following definition be included in the amending by-law:

***“HOME AND AUTO SUPPLY STORE” means a retail store devoted to the sale of merchandise for the home and automobile including such goods as paint, hardware, electrical, plumbing, housewares, home appliances, sporting goods, lawn and garden supplies, and automobile supplies, and may include an associated automobile repair garage, gas bar, car wash and/or garden centre.”***

We note that there is presently no definition of a Home and Auto Supply Store in the existing Zoning By-law nor in the carry over provisions from By-law 2667.

We trust this additional comment will be of assistance to you in this matter.

Travers Fitzpatrick  
 PO Box 872  
 Fonthill, ON  
 L0S 1E0



**Rachelle Larocque**

---

**From:** Cheri Busch  
**Sent:** January 23, 2019 3:07 PM  
**To:** Rachelle Larocque  
**Cc:** Paula Albano  
**Subject:** RE: Canadian Tire OPA & ZBA

Hi Rachelle:

FD comments re: Canadian Tire OPA and ZBA: Fire Dept comments will be provided through Site Plan Review.

Regards, Cheri

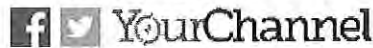
**Cheri Busch**

Director of Fire Prevention

Welland Fire and Emergency Services

636 King Street, Welland, Ontario L3B 3L1

Phone: (905)735-1700 Ext. 2405 Fax: (905)732-2818

[www.welland.ca](http://www.welland.ca)

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---

**From:** Rachelle Larocque  
**Sent:** January-22-19 10:38 AM  
**To:** Cheri Busch  
**Cc:** Paula Albano  
**Subject:** Canadian Tire OPA & ZBA

Hi Cheri,

I seem to have misplaced your comments regarding the Canadian Tire OPA and ZBA – can you please send them again?

Thanks!



**Rachelle Larocque, BES, M.Sc., MCIP, RPP**

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

Phone: (905)735-1700 Ext. 2310 Fax: (905)735-8772

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**AMENDMENT NO. 19**  
**to the**  
**OFFICIAL PLAN**  
**of the**  
**CORPORATION OF THE CITY OF WELLAND**



**THE CORPORATION OF THE CITY OF WELLAND  
BY-LAW NUMBER**

**A BY-LAW TO AUTHORIZE THE ADOPTION  
OF OFFICIAL PLAN AMENDMENT NO. 19**

**WHEREAS** the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

**AND WHEREAS** the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

**AND WHEREAS** the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

**AND WHEREAS** the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

**AND WHEREAS** the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

**AND WHEREAS** the Regional Municipality of Niagara has exempted Official Plan Amendment No. 19 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:**

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 19 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 19 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS  
5TH DAY OF FEBRUARY, 2019.**

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK

**Amendment No. 19**  
**to the**  
**Official Plan**  
**of the**  
**Corporation of the City of Welland**

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on February 5, 2019 and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

Date: .....

\_\_\_\_\_

**GRANT MUNDAY, B.A.A.**  
**MANAGER OF DEVELOPMENT APPROVALS**  
**INFRASTRUCTURE AND DEVELOPMENT SERVICES**  
**THE CORPORATION OF THE CITY OF WELLAND**

**AMENDMENT NO. 19 TO THE OFFICIAL PLAN OF THE  
CORPORATION OF THE CITY OF WELLAND**

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## **PART A - THE PREAMBLE (This does not constitute part of the Amendment)**

### **TITLE AND COMPONENTS**

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 19 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

### **PURPOSE OF THE AMENDMENT**

The proposed site specific Official Plan Amendment for the lands known municipally as 210 Primeway Drive and 790 River Road entails amendments to the Gateway Economic Centre designation to add permission for a home and auto supply store with a maximum gross floor area of 5,550 square metres. This will enable the existing home and auto supply store on lands known municipally as 158 Primeway Drive to be expanded onto the vacant lands known municipally as 210 Primeway Drive and 790 River Road.

### **LOCATION**

The lands subject to this Amendment are located on to the east side of River Road, north of Woodlawn Road and west of Highway 406. The lands are legally described as Lots 3 & 4 on Plan 59M-391, in the City of Welland, and are known municipally as 210 Primeway Drive and 790 River Road.

### **BASIS**

The subject lands are within the urban boundary of the City of Welland and are currently designated as Gateway Economic Centre in the City of Welland Official Plan. A proposal has been put forth for the expansion of the existing home and auto supply store at 158 Primeway Drive.

## **PART B - THE AMENDMENT**

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 19 to the Official Plan of the Corporation of the City of Welland.

### **MAP CHANGES**

1. Schedule B Land Use Map, is hereby amended by adding an exemption to the lands shown on Schedule 'A', attached hereto from Gateway Economic Centre to Gateway Economic Centre – Special Policy Area.

### **LAND USE POLICIES**

1. The Official Plan of the City of Welland is hereby amended by adding the following:

#### 4.3.3.9 Exceptions

- 4.3.3.9 B Notwithstanding Section 4.3.2.4.B, a home and auto supply store with a maximum gross floor area of 5,550 square metres is permitted on the approximately 2.16 hectare (5.34 acre) land parcel known municipally as 210 Primeway Drive and 790 River Road, as an expansion of a home and auto supply store located on lands known municipally as 158 Primeway Drive.

**SCHEDULE "A" LAND USE PLAN**



## **PART C - THE APPENDICES**

The following appendices do not constitute part of Amendment No. 19 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

- APPENDIX I - Affidavit
- APPENDIX II - Notice of Adoption
- APPENDIX III - Minutes of Public Meeting
- APPENDIX IV - Staff Report
- APPENDIX V - Council Resolution (Certified)

**APPENDIX I - AFFIDAVIT**

IN THE MATTER OF SECTION 7, ONTARIO  
REGULATION 543/06

AND

IN THE MATTER OF THE ADOPTION OF  
OFFICIAL PLAN AMENDMENT NO. 19 BY BY-  
LAW 2019-X PASSED BY COUNCIL OF THE  
CORPORATION OF THE CITY OF WELLAND  
ON

I, Grant Munday of the City of Welland in the Regional Municipality of Niagara, make oath and say as follows:

1. I am the Manager of Development Approvals, Infrastructure and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Welland Tribune on Thursday, October 4, 2018 and November 1, 2018. I hereby certify that the required Public Meeting was held on Tuesday, December 18, 2018 by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland  
in the Regional Municipality of Niagara,  
this \_\_\_th day of February, 2019.

---

**SCHEDULE "A" TO APPENDIX 1 - AFFIDAVIT**

List of individuals who made oral submission at the Statutory Public Meeting conducted December 18, 2018 concerning Amendment No. 19 to the Official Plan of the Corporation of the City of Welland .

Jonathan Rodger, Zelinka Priamo Ltd. and James Daniel, Canadian Tire Corporation both spoke in support of the application.

Travers Fitzpatrick spoke regarding the application. He had a number of questions and clarifications regarding the by-law, and asked for the definition of Home and Auto Supply/Home Improvement Store be included in the By-law.

No one spoke in opposition to the Application.



**APPENDIX II - NOTICE OF ADOPTION**

**CITY OF WELLAND  
NOTICE OF ADOPTION OF  
AMENDMENT NO. 19 TO THE  
OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND**

Take notice that the Council of the Corporation of the City of Welland passed By-law 2019-x, being a By-law to adopt Amendment No. 19 to the Official Plan on February 5, 2019 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 19 is to redesignate the lands described as Lots 3 and 4 on Plan 59M-391, known municipally as 210 Primeway Drive and 790 River Road, in the City of Welland from Gateway Economic Centre to a Site Specific Gateway Economic Centre allowing for additional uses.

The Effect of the redesignation is to allow for the expansion of an existing home and auto supply store onto the property with a maximum gross floor area of 5,550 square metres.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Any person or agency may appeal, to the Local Planning Appeal Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than DATE, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$300.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

The proposed Amendment to the Official Plan is exempt from approval by the Regional Municipality of Niagara and the Decision of Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Only individuals, Corporations or public bodies may appeal a Decision of the municipality to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by

an unincorporated Association or Group. However, a notice of appeal may be filed in the name of an individual who is a member of the Association or the Group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the Plan was adopted, the person or public body made oral submissions at a Public Meeting or written submissions to the Council or, in the opinion of the Local Planning Appeal Tribunal, there are reasonable grounds to add the person or public body as a party.

The land to which this proposed Amendment to the Official Plan applies is also the subject of Zoning By-law Amendment No. 2018-06.

A copy of the Amendment and Staff Report are available for inspection by the public as of the 4th day of February, 2019 at Infrastructure and Development Services - Planning Division, 60 East Main Street, Welland during regular office hours.

Dated at the City of Welland this \_\_th day of February, 2019.

GRANT MUNDAY, B.A.A.  
MANAGER OF DEVELOPMENT APPROVALS  
INFRASTRUCTURE AND DEVELOPMENT SERVICES  
OF THE CORPORATION OF THE CITY OF WELLAND

**APPENDIX III**

-

**MINUTES OF PUBLIC MEETING -**



**APPENDIX IV - STAFF REPORT**

**APPENDIX V - COUNCIL RESOLUTION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**COUNCIL****INFRASTRUCTURE AND DEVELOPMENT SERVICES**

REPORT P&B-2019-05  
FEBRUARY 5, 2019

03-133  
11-108

**SUBJECT:** COMMUNITY IMPROVEMENT PLAN INCENTIVE APPLICATIONS – QUARTERLY SUMMARY REPORT FOR FOURTH QUARTER OF 2018

**AUTHOR:** CHRISTINE ROSSETTO, B.A. (Hons.)  
PLANNING ASSISTANT

**APPROVING SUPERVISOR:** ROSE DI FELICE, M.Pl., M.Sc., MCIP, R.P.P.  
MANAGER OF POLICY PLANNING

**APPROVING G.M.:** ERIK NICKEL, P. ENG.  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY  
ENGINEER

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2019-05 being a quarterly summary Report of approved 2018 Community Improvement Plan Incentive Applications between October 1, 2018 and December 31, 2018.

**ORIGIN AND BACKGROUND:**

On July 19, 2016, Council delegated, by By-law, Community Improvement Plan (CIP) Incentive Grant Approvals to Staff and adopted procedures for the processing of the Applications subject to the Delegated Authority. This Report deals with the Incentive Applications that were approved in the fourth quarter of 2018.

**COMMENTS AND ANALYSIS:**

Five (5) Community Improvement Plan Incentive Applications were approved in the fourth quarter of 2018. All five (5) Applications were within the Downtown and Health and Wellness Cluster Project Area. There were no Brownfield Incentive Applications approved in the fourth quarter.

The following table outlines the Grant details for the five (5) Applications approved under the Downtown and Health and Wellness Cluster CIP.



LOCATION, INCENTIVE PROGRAM AND TYPE OF WORK	ESTIMATED PROJECT OR STUDY COST	MAXIMUM ELIGIBLE GRANT	CITY PORTION OF GRANT	REGIONAL PORTION OF GRANT
<b>591-597 King Street</b> Building Improvement Grant Program roof Façade Improvement Grant Program front facade Residential Grant Program 4 eligible dwelling units Planning and Building Fees Grant Program building permit fee	\$322,271.00	\$61,086.00	\$33,043.00	\$28,043.00
<b>214 King Street</b> Building Improvement Grant Program heating and ventilation system	\$175,000.00	\$12,500.00	\$6,250.00	\$6,250.00
<b>232 East Main Street</b> Building Improvement Grant Program roof	\$27,500.00	\$12,500.00	\$6,250.00	\$6,250.00
<b>583-585 King Street</b> Building Improvement Grant Program roof	\$25,356.00	\$12,500.00	\$6,250.00	\$6,250.00
<b>12 East Main Street</b> Building Improvement Grant Program roof	\$29,800.00	\$12,500.00	\$6,250.00	\$6,250.00
<b>TOTAL</b>	\$579,927.00	\$111,086.00	\$58,043.00	\$53,043.00

As per Council's request, the following information for 2018 is included:

- A total of 69 general and specific inquiries were received regarding the Downtown and Health and Wellness Cluster CIP Incentive Programs;
- A total of 28 pre-Application meetings were held by Staff;
- All 16 Downtown and Health and Wellness Cluster Incentive Applications submitted in 2018 were approved; and,
- Two (2) inquiries resulted in non-eligibility as the work (sign repair) for one had been completed and work (façade repair) on the other had commenced.

**FINANCIAL CONSIDERATION:**

The City's portion of the Grants for these Approvals, upon completion, will be covered with funds from the Incentives Program Fund.

**OTHER DEPARTMENT IMPLICATIONS:**

The Finance Division, upon completion of the approved works, will be involved with all financial aspects associated with the issuance of these Grants.

The Building Division will be involved with the issuance of the required Permits.

**SUMMARY AND CONCLUSION:**

Council delegated CIP Incentive Grant Approvals to Staff. As part of the approval procedures contained within the Delegation By-law, a Report outlining the Incentive Grant Applications that have been approved is to be prepared for Council's information on a quarterly basis. As noted in this Report, a total of five (5) CIP Incentive Applications were approved in the fourth quarter of 2018.

**ATTACHMENTS:**

None.

APPROVALS	
GENERAL MANAGER	CA
CFO	
CAO	HL

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

REPORT P&B-2019-06  
FEBRUARY 5, 2019

**SUBJECT:** REQUEST FOR REDLINE REVISION OF DRAFT PLAN OF SUBDIVISION – WELLAND HIGH GARDEN – 200 WEST MAIN STREET – NORTH SIDE OF EAST MAIN STREET, WEST SIDE OF DENISTOUN STREET (FILE NO. 26T-14-17005)

**AUTHOR:** RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
PLANNING SUPERVISOR

**APPROVING SUPERVISOR:** GRANT MUNDAY, B.A.A., MCIP, RPP  
MANAGER OF DEVELOPMENT APPROVALS

**APPROVING G.M.:** ERIK NICKEL, P. ENG.  
GENERAL MANAGER,  
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY ENGINEER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Red-line Draft Plan for the Welland High Garden Plan of Subdivision (File No. 26T-14-17005) developed by 1969578 Ontario Inc., more specifically described as Lots 42, 44, 45 and Part of Lot 43, Plan 556, Lot J.L. and Part of Block H.A.R., Plan 564, Lots 19, 20, 21 & 22, Part of the Raceway Reserve and Part of the unnamed road allowance between Lot 22 and the Raceway Reserve, Plan 569, in the City of Welland, known municipally as 200 West Main Street, based on a plan prepared by Quartek Group and dated January 24, 2019, subject to the following:

1. That the existing Condition 8 be removed, and the following new conditions be added:
  1. The developer shall replace the old cast iron watermain on Denistoun Street with a new 200mm PVC watermain as per the approved engineering drawings, at the City of Welland's cost.
  2. The developer shall be responsible for a future services reserve payment of half of the road fronting onto the development in accordance with the approved cost estimate provided by their consulting engineering firm.
  3. The developer shall be responsible for all costs associated with the installation of all services to support the Development on the west side of



Denistoun Street as well as the internal condominium development in the future.

**ORIGIN AND BACKGROUND:**

The Welland High Garden Plan of Subdivision consists of 5 blocks for residential development, one block of environmental lands, and one block for the Region's servicing easement. The first phase of development will be for the creation of 17 townhome units fronting onto Denistoun Street, and the future phases will be for the creation of condominium townhomes and a condominium tower. The development received Draft Plan Approval on June 19, 2018.

The request for redline revision has been made to match the block lines with the floodplain and natural environment boundaries. This will increase the amount of developable area within the development. The proposed redline revisions are minor in nature and appropriately reflect the area for residential development from the natural environment lands. The increased area will also provide more flexibility for dwelling and roadway locations. The revisions to the plan have also eliminated Block 7, which represented the location of the Region's sewer easement. It was determined that the sewer did not need to be on its own block as it will be identified as an easement when the plan is registered.

The requested change in conditions have been made by the City's Engineering Division based on long-term road-works plans. The Region has plans to upgrade West Main Street in front of this property in the next five (5) years, and it is more efficient to wait to upgrade Denistoun Street at the same time as the works on West Main Street. The requested change in conditions is to require that the owner pay upfront for half of the costs of upgrades to Denistoun Street, which will be completed by the City at a later date, rather than the Owner completing the required road works. The conditions will now require that only the watermain be upgraded prior to the development of the site to ensure that the site can appropriately be serviced with City water. No other changes to conditions have been requested.

**COMMENTS AND ANALYSIS:**

The application for Draft Plan of Subdivision will lapse in 2021. The Owners are currently working at meeting the conditions of consent so that they can move forward with the development of Phase 1, the townhomes fronting onto Denistoun Street. The future Phases 2 & 3 will be developed through Plan of Condominium at a future time. The proposed change in conditions will recognize the works and financial contributions that are required prior to the development of the site. The redline revisions are minor changes to increase the developable area, and to reduce the total number of blocks.

**FINANCIAL CONSIDERATION:**

All costs associated with the development of the property, as well as 50% of the costs to upgrade Denistoun Street in front of the development will be at the expense of the Owner.

**OTHER DEPARTMENT IMPLICATIONS:**

The request for change in conditions was made by the City's Engineering Division. There are no other implications for other City departments as a result of the redline revision or the requested change in conditions.

**SUMMARY AND CONCLUSION:**

Based on the foregoing information, Staff recommend approval of the requested change in conditions, as well as the redline modifications to the Draft Plan of Subdivision as they are technical in nature.

**ATTACHMENTS:**

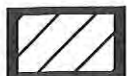
- Appendix I - Key Map
- Appendix II - Request for Change in Conditions
- Appendix III - Request for Redline Revision
- Appendix IV - Redline Revision



Appendix I  
26T-14-17005



# KEY MAP



**SUBJECT LANDS**



*Infrastructure and  
Development Services*  
Planning Division



## Rachelle Larocque

---

**From:** Scott Richardson  
**Sent:** January 16, 2019 10:42 AM  
**To:** Rachelle Larocque  
**Cc:** Marvin Ingebrigtsen  
**Subject:** 200 West Main St

Rachelle,

In relation to the 200 West main Street Development I provide the following changes;

1. The developer shall replace the old cast iron watermain on Denistoun with a new 200mm PVC watermain as per the Quartek Design drawings, at the City of Wellands cost.
2. The Developer shall be responsible for a future services reserve payment of half the road fronting the development in accordance with the approved cost estimate provided by Quartek.
3. The Developer shall be responsible for all costs associated with the installation of all services to support the Development on the west side of Denistoun St. as well as the internal condo development in the future.

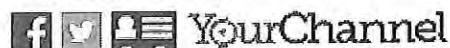
As discussed, if we can come to some arrangement where we can reduce the future services reserve payment in lieu of the developer paying for the installation of the watermain this would be beneficial for both parties. The City is working towards eliminating the regional trunk sewer fronting the Welland river but feel the actual abandonment won't be prior to 2021.

If you have any further questions please let me know.

Regards,



**C. Scott Richardson, C.E.T.**  
Engineering Technician - Development  
Infrastructure Services - Engineering Division  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4  
Phone: (905)735-1700 Ext. 2222  
[www.welland.ca](http://www.welland.ca)



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**Rachelle Larocque**

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**From:** Tara O'toole <totoole@quartekgroup.com>  
**Sent:** January 28, 2019 10:45 AM  
**To:** Rachelle Larocque  
**Subject:** 200 West Main - Redline revision to Draft Plan of Subdivision

Good Morning Rachelle,

Our clients are requesting a redline revision to the Draft Plan of Subdivision drawing, in which more developable lands can be incorporated in to Block 4.

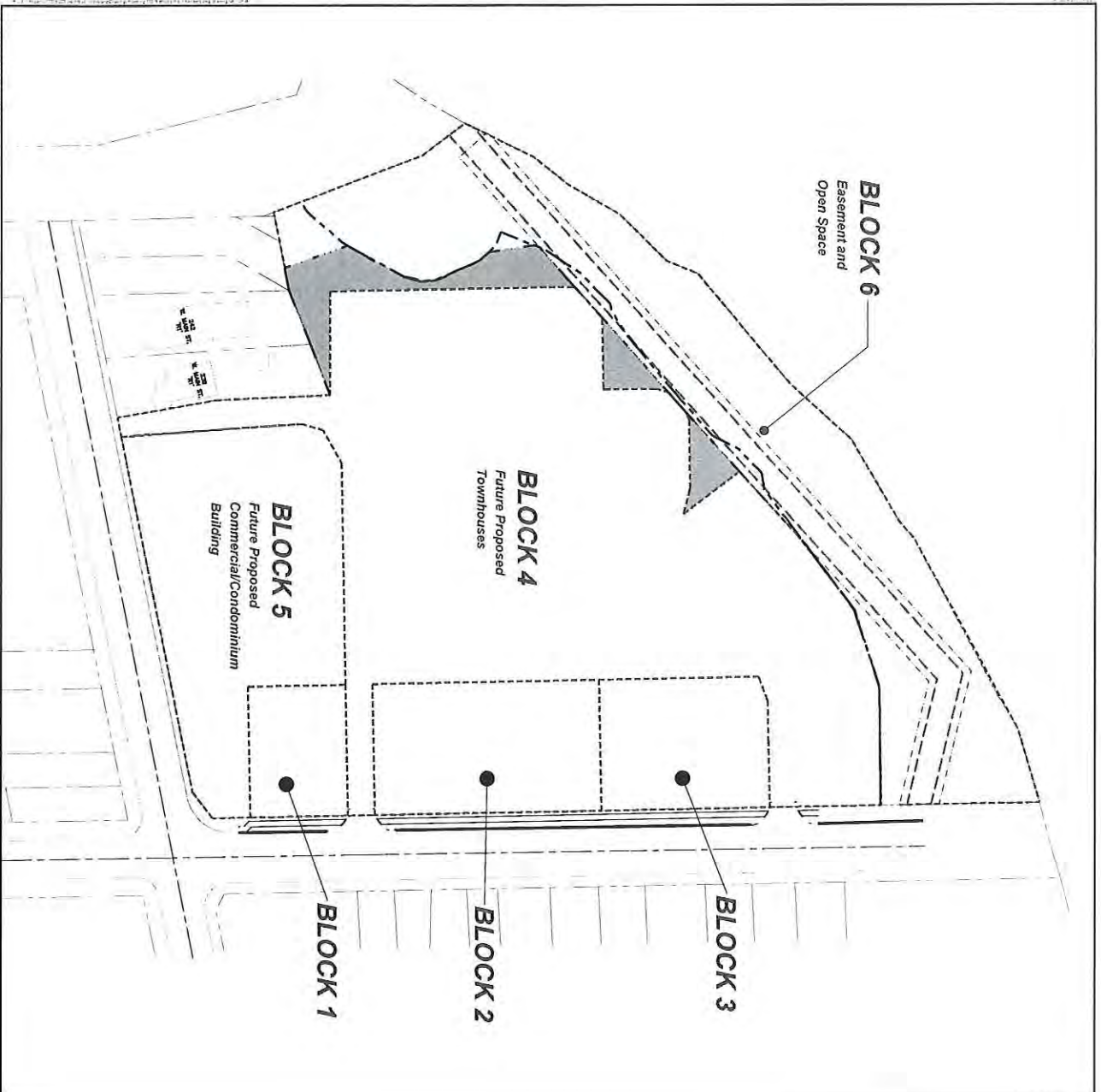
Regards,  
Tara

**Tara Lynn O'Toole**  
**Planner**

---

**Quartek**  
architects • engineers • planners • project managers  
89 - 91 St. Paul Street, Suite 100, St. Catharines, ON L2R 3M3  
T • 905 984 8676 x234     

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- EXISTING BLOCK BOUNDARY
- 10M EASEMENT BOUNDARY
- EASEMENT
- ENVIRONMENTAL BUFFER
- PROPOSED BLOCK BOUNDARY (BLOCK 4)
- PROPOSED AREA TO BE ADDED TO BLOCK 4

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LOTS AND LOTS ARE ACCURATELY AND CORRECTLY SHOWN.

**OWNER'S CERTIFICATE**  
 I HEREBY AUTHORIZE QUARTEK GROUP INC. TO PREPARE AND WELAND FOR APPROVAL.

DATE: 18/07/2018  
 SIGNATURE: [Signature]

**200 WEST MAIN STREET**  
 WELAND, ON

**BLOCK LAYOUT**

DATE: 24 Jan 2018  
 SCALE: 1:500  
 PROJECT: 1707S-CP-B

Quartek  
 200 West Main Street  
 Weland, ON

NO.	REVISION	DATE
1	ISSUE FOR PERMITTING	2018-07-18
2	ISSUE FOR APPROVAL	2018-07-18





**COUNCIL**  
**CORPORATE SERVICES**  
**RECREATION & CULTURE**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-19  
**REPORT R&C-2019-01**  
**FEBRUARY 5, 2019**

**SUBJECT:           AWARDING OF CONTRACT FOR 10-YEAR PARKS, RECREATION & CULTURE MASTER PLAN**

**AUTHOR:           RICHARD DALTON, B.Comm, OLY  
MANAGER, RECREATION & CULTURE**

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

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND select Monteith Brown Planning Consultants as the winning proponent of RFT 18-15; and further

THAT Welland City Council approve staff to enter a formal agreement with Monteith Brown to create of a 10-year Parks, Recreation & Culture Master Plan for the City of Welland; and further

THAT Welland City Council approves \$50,000 in funding from the Development Charges Reserve to finance the creation of a 10-year Parks, Recreation & Culture Master Plan and the prior approved Capital Funding allocation for this project in the amount of \$50,000 be closed and these funds be transferred to the Capital Closure account

**ORIGIN AND BACKGROUND:**

The most recent City of Welland Parks, Recreation & Culture Master Plan was approved by Council in 2005. In creating the 2005 plan, significant community consultation took place which was used to create a high quality and impactful document that served as a significant catalyst towards development of Welland's parks, recreation, and culture in the intervening years.

With the time horizon of the original plan now over, a new Master Plan is required to help guide and support the next 10 years of planning, prioritizing, investing, and supporting Welland's many activities in the parks, recreation, and cultural spaces.

A Request for Proposal (RFP) was issued in December 2018, seeking a well-qualified consulting firm to lead the creation of the new Master Plan. Following a review of submissions, Monteith Brown emerged as the highest ranked proponent.

**COMMENTS AND ANALYSIS:**

RFP 2018-15 received two submissions: Monteith Brown Planning Consultants, and a collaborative bid from three entities, led by Sierra Planning & Management. In accordance with the terms of procurement process the scoring criteria was based on the following four categories:

1. Conformance to Specifications
2. Technical support: Past performance, references, reliability
3. Total bid price, required to meet specifications
4. Quality of submission

After evaluation of the submissions, Monteith Brown was evaluated the leader in each category; the margin between proponents was small for items 1, 2, and 4. The margin was significant for item 3.

**FINANCIAL CONSIDERATION:**

In addition to being the highest scoring proposal, the proposal from Moneith Brown Planning Consultants was also the lowest-cost proposal at \$47,615 + HST.

During the 2018 budget process, Council approved \$50,000 from Transfer from Operating to fund the creation of the Parks, Recreation & Culture Master Plan; however, staff recommends the funding source for this contract be changed to the Development Charges Reserve and a prior approved Capital Project in the amount of \$50,000 be closed and funds returned to the Capital Closure account.

**OTHER DEPARTMENT IMPLICATIONS:**

Support and assistance in administering RFP 2018-15 will be provided by the Purchasing Department of the Finance Division.

Staff in the Parks Division, and Recreation & Culture Division will play a significant role in liaising with the winning proponent to create the Master Plan.

**SUMMARY AND CONCLUSION:**

The winning proponent of RFP 2018-15, Creation of a 10-Year Parks, Recreation & Culture Master Plan is Monteith Brown.

**ATTACHMENTS:**

Appendix I – RFP Evaluation Results



**RFPI8-15 DEVELOPMENT OF A PARKS, RECREATION AND CULTURE MASTER PLAN  
EVALUATION - SELECTION OF TOP RANKED PROPONENT**

PROPOONENT PROPOSALS / INTERVIEWS:  
RESULT IN RANKING AS FOLLOWS

STAGE 3 - 4 RFP CRITERIA	MAX. SCORE	SIERRA PLANNING				MONTEITH BROWN					
		A	B	C	D	A	B	C	D		
Conformance to Specifications/Requirements	25%	25	12.5	20	20	19	25	12.5	20	22.5	20
Technical Support: Past Performance, References and Proponent Reliability	25%	20	20	20	20	20	25	20	25	25	24
Total Bid Price required to meet Specifications, see Schedule B and Schedule C	25%	HIGH BID				13	LOW BID				25
Quality of the Proposal Submission	25%	25	17.5	17.5	17.5	19	20	20	20	20	20
Submission Evaluation Total	100%					<b>71%</b>					<b>89%</b>



**COUNCIL**  
**LEGISLATIVE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2019-04  
 FEBRUARY 5, 2019

18-09

**SUBJECT: AMENDED 2019 COUNCIL MEETING CALENDAR**

**AUTHOR: TARA STEPHENS, CITY CLERK**

**APPROVING G.M.: ROSANNE MANTESSO, GENERAL MANAGER  
 HUMAN RESOURCES AND LEGISLATIVE SERVICES**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2019-04 regarding the Amended 2019 Meeting Calendar for Council and amends the October Council/General Committee meeting dates for 2019 as set out in Appendix I.

**ORIGIN AND BACKGROUND:**

On December 4, 2018, Welland City Council approved the 2019 Meeting Calendar for Council. Following approval of the calendar, staff recognized the October meeting dates do not follow the procedural by-law 2017-6, article 10.6 which states Council Meetings are to be held on the first and third Tuesday of each month.

In addition, General Committee Meetings are scheduled on the second and fourth Tuesdays of each month, on an as-needed basis.

**COMMENTS AND ANALYSIS:**

The October dates that were approved on December 4, 2019, are as follows:

October 8, 2019	Council
October 15, 2019	General Committee
October 22, 2019	Council
October 29, 2019	General Committee

The amended October dates are as follows:

<b>October 1, 2019</b>	<b>Council</b>
<b>October 8, 2019</b>	<b>General Committee</b>
<b>October 15, 2019</b>	<b>Council</b>
<b>October 22, 2019</b>	<b>General Committee</b>

**FINANCIAL CONSIDERATION:**

There are no financial considerations other than the normal costs associated with publishing notice of meetings under the City's Procedural By-law 2017-6, Notice By-law 2013-127, and/or the By-laws of Welland Hydro, as required.

**OTHER DEPARTMENT IMPLICATIONS:**

Staff has reviewed the Amended 2019 Council Meeting Calendar at a recent Corporate Leadership Team (CLT) meeting and support the schedule being proposed.

**SUMMARY AND CONCLUSION:**

The early planning of a meeting schedule enables staff and Council to organize their priorities for meetings and agendas. It is recommended that Council support this staff recommendation.

**ATTACHMENT:**

Appendix I – Amended Schedule of 2019 Meeting Dates and various dates and events used in determining the Schedule.



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"APPENDIX I"

**AMENDED 2019 SCHEDULE OF MEETINGS**

All meetings commence at 7:00 p.m. (unless indicated otherwise on Agendas)

<i>Date</i>	<i>Meeting</i>
January 8, 2019	General Committee
January 15, 2019	Council
January 22, 2019	General Committee
February 5, 2019	Council
February 12, 2019	General Committee
February 19, 2019	Council
February 26, 2019	General Committee
March 5, 2019	Council
March 19, 2019	Council
March 26, 2019	General Committee
April 2, 2019	Council
April 9, 2019	General Committee
April 16, 2019	Council
April 23, 2019	General Committee
May 7, 2019	Council
May 14, 2019	General Committee
May 21, 2019	Council
May 28, 2019	General Committee
June 4, 2019	Council
June 11, 2019	General Committee
June 18, 2019	Council
June 25, 2019	General Committee /Welland Hydro Annual Shareholder Meeting
July 9, 2019	Council
August 6, 2019	Council
September 3, 2019	Council
September 10, 2019	General Committee
September 17, 2019	Council
September 24, 2019	General Committee
<b>October 1, 2019</b>	<b>Council</b>
<b>October 8, 2019</b>	<b>General Committee</b>
<b>October 15, 2019</b>	<b>Council</b>
<b>October 22, 2019</b>	<b>General Committee</b>
November 5, 2019	Council
November 12, 2019	General Committee
November 19, 2019	Council
November 26, 2019	General Committee
December 3, 2019	Council
December 10, 2019	General Committee
December 17, 2019	Council



18-176-4.2.  
November 16, 2018



## Q3 (July 1 to September 30, 2018) to Board of Directors

### Recommendation:

**That Niagara Regional Housing Quarterly Report July 1 to September 30, 2018 be APPROVED and FORWARDED to the Public Health and Social Services Committee and subsequently to Regional and Municipal Councils for information.**

Submitted by:

Donna Woiceshyn  
Chief Executive Officer

Approved by:

Henry D'Angela  
Chair

### Directors:

**Henry D'Angela, Chair**  
Regional Councillor  
Thorold

**James Hyatt, Vice-Chair**  
Community Director  
St. Catharines

**Karen Blackley, Treasurer**  
Community Director  
Thorold

**Betty Ann Baker - Secretary**  
Community Director  
St. Catharines

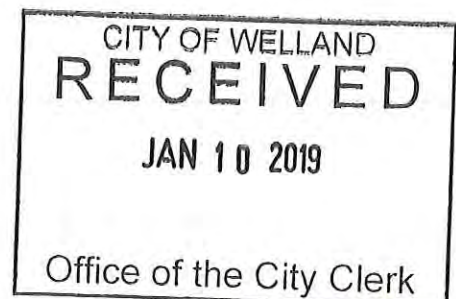
**Betty Lou Souter**  
Community Director  
St. Catharines

**Paul Grenier**  
Regional Councillor  
Welland

**Tim Rigby**  
Regional Councillor  
St. Catharines

**Walter Sendzik**  
Regional Councillor  
St. Catharines

**Selina Volpatti**  
Regional Councillor  
Niagara Falls



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Q3 (July 1 to September 30, 2018)

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**HIGHLIGHTS:**

**Application Activity**  
739 received & processed 

---

**Capital Program**  
32 jobs/projects ongoing  
6 public tenders closed  
40 contract orders issued 

---

**Community Resources & Partnerships**  
offered supports to  
240 new referrals  
45 partners 

---

**Rent Supplement / Housing Allowance**  
1,354 units 

---

**Welcome Home Niagara**  
14 homeowners received assistance 

---

**Appeals**  
= 15 9 upheld  
5 overturned 

**Work Orders**  
3,216 issued 


---

**Rent Arrears**  
= \$23,378.86   
or  
2.01% of the monthly rent charges

---

**Non-Profit Housing Programs**  
66% deemed HEALTHY 

---

**Niagara Renovates**  
49 homeowners were approved for funding.  
Repairs/renovations are underway. 

---

**Housing First Project**  
9 Individuals / families housed 

---

**New Development**  
Carlton - approx. 75% complete  
Roach - in the design phase 



## VISION

That the Niagara community will provide affordable, accessible and quality housing for all residents

## MISSION

To expand opportunities that make affordable housing an integral part of building healthy and sustainable communities in Niagara

As the administrator of social housing for Niagara Region, Niagara Regional Housing (NRH) works to fulfill our vision and mission through six main areas of responsibility:

1. [Public Housing \(NRH Owned Units\)](#)
2. [Non-Profit Housing Programs](#)
3. [Rent Supplement Program](#)
4. [Affordable Housing Program](#)
5. [Service Manager Responsibilities](#)
6. [Housing Access Centre and Centralized Waiting List](#)



**Definitions** can be found in the attached Reference Sheet.

## 1. Public Housing (NRH Owned Units)

### DAY-TO-DAY MAINTENANCE:

In Q3, **3,216 work orders** were issued, representing \$1,004,192.35. \$56,698.50 of this amount was charged back to tenants who were held responsible for damages.

	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
# of work orders issued	3,263	2,993	2,566	2,768	3,216





### Q3 (July 1 to September 30, 2018)

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#### CAPITAL PROGRAM:

The Capital Program is responsible for maintaining the Public Housing (NRH Owned Units) asset and planning for future sustainability.

In Q3, 40 contract orders were issued, six public tenders closed and purchase orders issued \$4,157,787.68. This total includes the purchase order for Roach Avenue New Build.

The Capital Program was responsible for 17 capital projects valued at \$ 2,660,416.32 and 15 Social Housing Apartment Improvement Program (SHAIP) funded Capital projects valued at \$1,606,976.65 including:

- Parking lot replacement – one project
- Installation of Heat Control System – eight projects
- Foundation repairs/Damproofing – three projects
- Design and preparation of tender for bathroom replacements – one project
- Balcony repair and railing replacement – two projects
- Design and Tender Domestic Hot Water replacements – five projects

As of September 30, 2018, \$3,500,000 of the \$7,000,000 budgeted (excluding emergency) has been committed and or actually spent (50%).

Reallocating SHAIP year two and three projects to be completed in year one funding.

#### TENANT MOVE OUTS:

##### Move Outs By Reason

Health	7
Long Term Care Facility	8
Deceased	20
Private Rental	2
Voluntarily Left Under Notice	0
Eviction – Tribunal	8

NRH Transfer	29
Moved to Coop or Non-Profit	1
Bought a House	0
Left Without Notice	0
Other/None Given	14
Cease to Qualify	0
<b>TOTAL</b>	<b>89</b>

In Q3, there were **89 move outs**. Eight involved eviction orders granted under the Ontario Landlord Tenant Board (LTB) – arrears (six), impaired safety (one), harassment (one). Seven of the evictions were enforced by the Sherriff.

	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
<b># of move outs</b>	75	81	67	83	89



## Q3 (July 1 to September 30, 2018)

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### ARREARS:

NRH Housing Operations actively works to reduce rent arrears and saw a decrease in Q3.

	Sept 30, 2017	Dec 31, 2017	Mar 31, 2018	Jun 30, 2018	Sept 30, 2018
<b>Rent charges for the month</b>	\$1,122,027.00	\$1,150,372.27	\$1,167,751.69	\$1,136,607.00	\$1,165,765.00
<b>Accumulated rent arrears</b>	\$44,326.67	\$49,045.27	\$48,660.91	\$35,055.56	\$23,378.86
<b>Arrears %</b>	3.95%	4.26%	4.17%	3.08%	2.01%

### INSURANCE:

Nothing to report in Q3.

### COMMUNITY RESOURCES AND PARTNERSHIPS:

In Q3, we had partnerships with **45 community agencies** across Niagara. As a result of these partnerships, more than 200 support and enrichment activities were offered to tenants at NRH sites. Each partnership contributes to tenant lives and, in turn, the success of the Public Housing community as a whole:

- Once again this year, NRH partnered with the RAFT to provide summer camps in Manchester, Old Pine Trail and Rykert (St. Catharines) and Warden and Waters (Niagara Falls) and Faith Welland Church in McLaughlin (Welland).

The cost and transportation required for summer camp is often out of reach for low-income families, so these camps provide workshops, sports, crafts and excursions they would not be able to access otherwise. In addition to offering constructive activities to keep youth occupied during the summer months, summer camps help youth to develop new interests, improve socialization and help partner agencies develop trusting relationships with tenants and their children.

Also during Q3, NRH Community Programs Coordinators (CPCs) offered support to **240 new referrals of tenants in need of assistance**. Of those new referrals, **54% were considered medium-high need**. In particular, as the weather got warmer, there were more requests for help resolving social issues between neighbours. There was also an increase in the number of tenants needing help with clutter and bed bugs, as well as the number of tenants declining supports.





Q3 (July 1 to September 30, 2018)

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## 2. Non-Profit Housing Programs

As administrator of social housing for Niagara Region, NRH provides legislative oversight for 62 Non-Profit Housing Programs (non-profit and co-operative). Operational Reviews are conducted to determine the overall health of each.

	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
<b>Healthy</b>	42	43	41	41	41
<b>Routine Monitoring</b>	18	18	18	18	18
<b>Intensive Monitoring</b>	2	1	1	1	1
<b>Pre-PID (Project in Difficulty)</b>	1	1	1	1	1
<b>PID (Project in Difficulty)</b>	1	1	1	1	1
<b>TOTAL</b>	<b>64</b>	<b>64</b>	<b>62</b>	<b>62</b>	<b>62</b>

NRH Housing Programs staff continue to work with Federal Housing Providers as they move toward End of Operating Agreements (EOA).

## 3. Rent Supplement Program

In Q3, there were **1,354 Rent Supplement/Housing Allowance units** across Niagara. In the Rent Supplement program, tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the market rent for the unit. The Housing Allowance program is a short term program that provides a set allowance to help applicants on the wait list.

	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
<b>Fort Erie</b>	26	26	27	28	28
<b>Grimsby</b>	25	26	26	26	26
<b>Lincoln (Beamsville)</b>	2	2	13	12	12
<b>Niagara Falls</b>	200	219	228	229	230
<b>Niagara-on-the-Lake</b>	--	-	-	-	-
<b>Pelham</b>	24	24	23	23	22
<b>Port Colborne</b>	44	47	51	53	51
<b>St. Catharines</b>	567	600	657	700	719
<b>Thorold</b>	24	29	32	37	54
<b>Welland</b>	189	199	202	201	197
<b>West Lincoln</b>	15	14	14	15	15
<b>TOTAL</b>	<b>1,116</b>	<b>1,186</b>	<b>1,273</b>	<b>1,324</b>	<b>1,354</b>

Variances in the number of Rent Supplement/Housing Allowance units reflects the general management of the program and required take-up/deletion of units due to End of Operating





**Q3 (July 1 to September 30, 2018)**

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Agreements (EOA), move out of tenants, and/or new units/landlords. Totals will be increasing in the future as some Non-Profit Housing Programs transition into a Rent Supplement agreement upon expiry of their operating agreement. It is unknown which areas will be affected.

## 4. Affordable Housing Program

### NIAGARA RENOVATES PROGRAM:

The Niagara Renovates program provides assistance to low-to-moderate income homeowners for home repairs, accessibility modifications and the creation of secondary suites in single family homes.

Niagara Renovates inspections for 2018-2019 funding are now underway. Inspections include all areas inside and outside of the home to ensure compliance with program guidelines. Issues are identified and a detailed Inspection Report is completed for review before a decision is communicated to the homeowner.

NRH received \$500,000 through the Investment in Affordable Housing - Extension (IAH-E) program for homeowner and secondary suite repairs and \$626,300 for multi-unit repairs, totaling \$1,006,300 for the 2018/2019 period.

**49 homeowners** were approved for funding in 2018. Repairs/renovations are underway.

### HOMEOWNERSHIP PROGRAM – “WELCOME HOME NIAGARA”:

The Homeownership program assists low-to-moderate income rental households to purchase their first home by providing a down payment loan.

In Q3, **14 homeowners** received assistance through Welcome Home Niagara.

	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
<b># of homeowners assisted</b>	11	13	5	9	14

### HOUSING FIRST PROGRAM:

The Housing First program helps people move quickly from homelessness to their own home by providing supports to help difficult to house individuals find and keep housing.

In Q3, **nine individuals/families** were housed through the Housing First program. Since 2012, Housing First has helped 344 individuals/families.

	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
<b># of individuals/families housed</b>	10	22	17	14	9
<b># of Housing First units (at quarter end)</b>	131	148	165	170	178



**Q3 (July 1 to September 30, 2018)**

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## RENTAL HOUSING (NEW DEVELOPMENT):

### NRH New Development

<b>Carlton Street, St. Catharines</b>	<b>Amount</b>	<b>Units</b>
Investment in Affordable Housing-Extension (IAH-E), Year 3	\$5,806,000	45
Investment in Affordable Housing-Extension (IAH-E), Year 4	\$2,888,000	23
Social Infrastructure Fund (SIF), Year 1	\$2,387,817	17
<b>Roach Avenue, Welland</b>		
Social Infrastructure Fund (SIF), Year 3	\$1,200,000	8
<b>TOTAL</b>	<b>\$12,281,817</b>	<b>93</b>

At the end of Q3:

#### Carlton Street

- Envelope work – generally 70% complete. EIFS (Exterior Insulation and Finish Systems) is in progress - 50% complete. Other components of the exterior envelope – no change.
- 1st floor – boarding started, mechanical and electrical rough-in of suite rooms 90% complete
- 2nd floor – interior drywall of rooms 95% complete, painting of rooms 95% complete, mill work delivered and installation started, flooring in rooms 80% complete, wall tiles installation started, electrical devices, switches, plugs, lights installation 70% complete, doors to suites 10% complete, door hardware installation started, hallways boarding 80% complete
- 3rd floor – 80% rooms boarded, 30% rooms taped
- 4th floor – interior drywall of rooms generally 95% complete, painting of rooms 75% complete, floor preparation - sanding is in progress, hallways boarded
- 5th floor – interior drywall of rooms 95% complete, painting of rooms 90% complete, flooring installation - 90% complete, wall tile installation started, hallways boarded
- Schedule delayed approximately two months due to the number of Change Orders & lack of performance of trades. Currently we have approximately \$259,430 in changes out of cash allowance of \$500,000.
- Overall progress – approximately 75% complete

#### Roach Avenue

- Design build contract signed with T.R. Hinan Construction
- T.R. Hinan and architects Raimondo & Associates worked on the design drawings and applied for foundation permit
- Demolition to start in October





**Q3 (July 1 to September 30, 2018)**

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### Additional New Development

Investment in Affordable Housing-Extension (IAH-E), Year 2 funding has been allocated to three non-profit organizations and will result in the creation of 40 units for seniors and mental health consumers in Niagara:

	Amount	Units
Gateway Residences of Niagara, Huron Street, Niagara Falls	\$720,000	9
Thorold Municipal Non-Profit, Ormond Street, Thorold	\$1,228,912	14
Stamford Kiwanis, Barker Street, Niagara Falls	\$1,089,088	17
<b>TOTAL</b>	<b>\$3,038,000</b>	<b>40</b>

At the end of Q3:

- Gateway Residence of Niagara and Thorold Municipal Non-Profit – complete and operational
- Stamford Kiwanis – approximately 60% complete. On hold pending financing. Construction to resume in 2019.

## 5. Service Manager Responsibilities

### APPEALS:

In Q3, **15 appeals** were heard (same as in 2017-Q3).

Five related to ongoing RGI eligibility

- Two for failure to provide information
  - One failed to report change in income that resulted in receiving RGI overpayment; must repay the amount. Upheld.
  - One given more time to supply missing information so RGI could be calculated. Tenant provided some information but not all; given more time, not received. Upheld.
- One where tenant disagreed with amount of former arrears. Committee allowed extra time to provide additional information. Upheld.
- One where overhoused tenant was denied request for additions to the household. Upheld.
- One related to review of balance owing for unreported income. NRH agreed to tenant's proposal to pay NRH the difference for only two months. Overturned.

Nine for decisions made by Housing Access (e.g. requests for special priority status, urgent status, additional bedroom). Five upheld, four overturned.

One from an overhoused tenant requesting the extra bedrooms due to health issues. Not eligible. Tenant decided to stay in current unit and pay market rent.





### Q3 (July 1 to September 30, 2018)

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	2017-Q3	2017-Q4	2018-Q1	2018-Q2	2018-Q3
# of appeals	15	9	19	9	15

#### INVESTMENTS:

See Appendix A – Investment Report

## 6. Housing Access Centre & Centralized Waiting List

#### APPLICATION ACTIVITY:

# of Applications Received & Processed	739	# of Eligible Applications	713
# of Special Provincial Priority Status Applications	98	# of Ineligible Applications	26
# of Urgent Status Applications	128	# of Cancelled Applications	345
# of Homeless Status Applications	171	# of Applicants Housed	136

In Q3, **345 households were removed** from the Centralized Waiting List because they were no longer eligible, they found alternate housing or we were unable to make contact.

### Q3 (July 1 to September 30, 2018)

#### CENTRALIZED WAITING LIST:

		2017- Q3	2017- Q4	2018- Q1	2018- Q2	2018- Q3
		# of households				
<b>A</b>	<b>Rent-Geared-to-Income (RGI) waiting list:</b>					
	Niagara resident RGI waiting list	4,282	4,344	4,287	4,562	4,642
	Applicants from outside of Niagara	641	657	639	692	758
<b>TOTAL RGI waiting list:</b>		<b>4,923</b>	<b>5,001</b>	<b>4,926</b>	<b>5,254</b>	<b>5,400</b>
	<b>Housing Allowance:</b> a set allowance to help applicants on the waiting list with affordability in the private market until housed in an RGI unit	428	505	569	605	618
<b>A1</b>	<b>RGI waiting list demographics:</b>					
	Seniors	2,038	2,061	2,064	2,173	2,236
	Adults no dependents	1,652	1,703	1,630	1,727	1,764
	Adults with dependents	1,233	1,237	1,232	1,354	1,400
<b>A2</b>	<b>RGI list further segmented (#'s included in A &amp; A1):</b>					
	<b>SPP – Special Provincial Priority (Ministry Priority):</b> helps victims of violence separate permanently from their abuser	114	101	122	129	129
	<b>URG – Urgent (Local Priority):</b> for applicants with mobility barriers and/or extreme hardship where their current accommodation puts them at extreme risk and/or causes hardship	105	99	104	120	123
	<b>HML – Homeless (Local Priority):</b> provides increased opportunity for placement to homeless households	821	832	842	894	947
	<b>SUP – Supportive/Transitional:</b> provides targeted, provisional services to assist individuals to transition beyond basic needs to more permanent housing	26	19	17	17	13
<b>B</b>	<b>In addition, NRH manages:</b>					
	<b>Overhoused:</b> households who are living in subsidized accommodation with more bedrooms than they are eligible for	111	143	152	167	171
	<b>Transfer:</b> households who are currently living in subsidized accommodation and have requested a transfer to another provider	499	513	518	525	547
<b>TOTAL RGI households on waiting list managed by NRH:</b>		<b>5,533</b>	<b>5,657</b>	<b>5,596</b>	<b>5,946</b>	<b>6,118</b>
<b>C</b>	<b>NRH maintains a waiting list for market rent units (62 Non-Profit Housing Programs):</b>					
	<b>Market:</b> applicants who have applied for a market rent unit in the Non-Profit Housing Programs portfolio	592	591	578	597	629
<b>TOTAL households on waiting list managed by NRH:</b>		<b>6,125</b>	<b>6,248</b>	<b>6,174</b>	<b>6,543</b>	<b>6,747</b>
<b>TOTAL individuals on waiting list managed by NRH:</b>		<b>10,217</b>	<b>10,449</b>	<b>10,380</b>	<b>11,052</b>	<b>11,496</b>

**Note:** the above chart includes only those who apply to the Centralized Waiting List and does not capture the full number of those in need of affordable housing in Niagara.





### Q3 (July 1 to September 30, 2018)

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#### ESTIMATED WAIT TIMES:

CITY	SENIORS Age 55 and older		SINGLES Age 16-54		HOUSEHOLDS WITH DEPENDENTS			
	Bachelor	1 Bed	Bachelor	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
	YEARS							
Fort Erie	-	9	2	8.5	2	1	5	-
Grimsby	-	4	-	-	-	-	-	-
Lincoln	-	4.5	-	12	9	8	-	-
Niagara Falls	4	6	-	16	5	3	7	14
Niagara-on-the-Lake	-	6.5	-	-	-	-	-	-
Pelham	-	3.5	-	-	-	-	-	-
Port Colborne	-	4.5	-	13	3	3	3	-
St. Catharines	-	6.5	9	13	3.5	3	9	12
Thorold	-	6.5	-	10	6	8	-	-
Welland	-	5	6	15	5	2.5	7	2
West Lincoln	-	4	-	-	5.5	7	-	-

- no units of this size available in this community

January 2018

Please note:

- wait time information can fluctuate and is an approximation only
- wait times may not reflect the actual time one may wait for affordable housing



# Quarterly Report on Cash / Investments / Reserves for Period Ending September 30, 2018

NRH 15-2018  
Appendix A  
18-176-4.2  
Nov. 16, 2018

NRH 15-2018  
Appendix A  
18-176-4.2  
Nov. 16, 2018

	This Quarter Balance	Last Quarter Balance	Variance \$	Variance %	Comments
<b>BANK ACCOUNTS</b>					
<b>Current Bank Account:</b> Royal Bank account used for day-to-day operations for the owned units. Also to cash flow various short terms programs funded by Prov and Fed gov't usch as development, homeownership and capital repair programs.	\$14,961,182.38	9,692,265.71	5,268,916.67	54.36%	Since the February 2016 transition to PeopleSoft, day-to-day accounts payable transactions are paid by the Region through PeopleSoft. Reconciliation of the due to the Region account will be performed on a regular basis to transfer amounts due to the Region.
<b>Investment Bank Account:</b> Used to hold funds "In Trust" for designated Housing Providers for capital work.					Interest earned at a rate of RBC Prime minus 1.70% on balances in bank and investment accounts.
A CMHA: Reserves held for CMHA Units.	4,592.36	4,592.36	-	0.00%	
B Ganawageh Capital Fund:	97,971.49	97,971.49	-	0.00%	Withdrawals are made in accordance with approved procedures. Current quarter interest.
C Due (From) Current Account	275,734.45	273,939.50	1,794.95	0.66%	
<b>Total Investment Bank Accounts</b>	<b>378,298.30</b>	<b>376,503.35</b>	<b>1,794.95</b>	<b>0.48%</b>	

Quarterly Report on Cash / Investments / Reserves for Period Ending September 30, 2018

	This Quarter Balance	Last Quarter Balance	Variance \$	Variance %	Comments
<b>INVESTMENT VEHICLES - FUND ACCOUNTING</b>					
Various investment vehicles are used to protect and optimize the cash that is held for specified purposes. Investments are both short-term and long-term in nature. These funds are intended to ensure continued growth without capital erosion by inflation.					
Current Instruments:					
2 Year GIC, \$521,565; due date is 05/16/2019; interest rate of 1.26% to 1.63%					
2 Year GIC, \$188,000; due date is 08/17/2020; interest rate of 2.65% to 2.74%					
RBC Investment Savings = \$4,420,647.69					
2 Year GIC, \$376,000; due date is 08/20/2020; interest rate of 2.60% to 2.65%					
2 Year GIC, \$264,280; due date is 08/21/2020; interest rate of 2.53%					
2 Year GIC, \$497,000; due date is 08/15/2019; interest rate of 1.45% to 2.25%					
<b>1 PASS THROUGH FEDERAL/PROVINCIAL PROGRAM FUNDING</b>					
A AHP - New Development	65,375.90	65,375.90	-	0.00%	
<b>2 ADMINISTRATION FUNDING</b>					
B Affordable Housing Prog & Housing Allowance Prog	-	-	-	0.00%	
C IAH - Admin Fee	199,517.61	(32,048.08)	231,565.69	-722.56%	
<b>3 RECONCILIATION</b>					
D Due (From) Current Account	6,024,337.39	6,232,416.58	(208,079.19)	-3.34%	Due to current account
<b>Total</b>	<b>6,289,230.90</b>	<b>6,265,744.40</b>	<b>23,486.50</b>	<b>0.37%</b>	



# Quarterly Report on Reserves for Period Ending September 30, 2018

Description	Balances at December 31, 2017	Year-to-date Net Transfers from (to) Operating	Year-to-date Capital Transfers	Balances at September 30, 2018	Net Transfers Forecast from (to) Operating*	Capital Commitments *	Forecasted Balance at December 31, 2018
NRH Owned Units Public/Local Housing Corp:	\$ 4,327,035	\$ 292,337	\$ (596,001)	\$ 4,023,371	\$ 97,446	\$ -	\$ 4,120,816
Niagara Regional Housing: Emergency Capital Funding for Housing Providers	1,924,871			1,924,871			1,924,871
Title Normalization for NRH Owned Units	712,381			712,381			712,381
New Initiatives, other social housing purposes and any new deposits are added to this category	4,513,047	-	(1,110,000)	3,403,047	-	-	3,403,047
Niagara Regional Housing TOTAL:	7,150,299	-	(1,110,000)	6,040,299	-	-	6,040,299
Total NRH Capital Reserves	\$ 11,477,334	\$ 292,337	\$ (1,706,001)	\$ 10,063,670	\$ 97,446	\$ -	\$ 10,161,115
NRH Rent Supplement:	\$ 302,301	\$ (18,000)		284,301	(6,000)		278,301
Total NRH Stabilization Reserves	\$ 302,301	\$ (18,000)	\$ -	\$ 284,301	\$ (6,000)	\$ -	\$ 278,301
NRH Employee Future Benefits:	\$ 792,733	\$ -	\$ -	792,733	-	-	792,733
Total Future Liability Reserves	\$ 792,733	\$ -	\$ -	\$ 792,733	\$ -	\$ -	\$ 792,733
<b>Total</b>	<b>\$ 12,572,368</b>	<b>\$ 274,337</b>	<b>\$ (1,706,001)</b>	<b>\$ 11,140,704</b>	<b>\$ 91,446</b>	<b>\$ -</b>	<b>\$ 11,232,149</b>

\* 2018 Budget amounts Interest no longer applied by approval of Regional Council (CSD 02-2013).

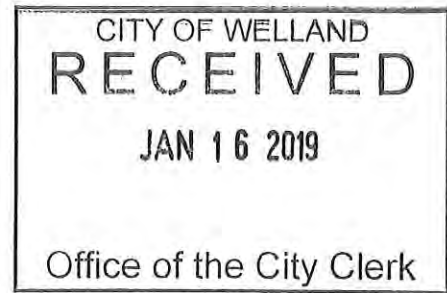
503 NRH Owned Units Public/Local Housing Corp: This reserve was set-up by the Board of Directors as a Reserve Fund in September 2004 for capital expenses related to the NRH owned units.

502 Niagara Regional Housing  
 This reserve includes three major elements: (1) Emergency Capital Funding for Housing Providers - intent to support capital repair program for housing providers; surplus from housing programs should be directed to this component of the reserve (2) Title Normalization for NRH Owned Units (3) New Initiatives / New Development - \$2.29M is restricted to future development/intensification in Niagara Falls (see 2017 Year-End Transfer) - expected to cover \$810k - 100% costs related to 2019 NF capital project; remainder unrestricted; Potential acquisition / intensification effort identified by NRH SMT utilizing Provincial SIF funds currently utilizes \$275k of unrestricted balance

NRH Rent Supplement: This fund was set-up by the Board of Directors in December 2008 (year end) for a new Rent Supplement program. This Rent Supplement program is budgeted annually and withdrawal from the Reserve matches that year's expenditures.

NRH Employee Future Benefits: This fund was set-up by the Board of Directors in 2011 to fund Employee Future Benefits. (retiree benefits, sick leave, vacation, etc.).





January 15, 2019

Hon. Victor Fedeli  
 Minister of Finance  
 Frost Building South 7th Floor, 7 Queen's Park Cres  
 Toronto, ON M7A 1Y7

Sent Via Email: [Minister.fin@ontario.ca](mailto:Minister.fin@ontario.ca)

**Re: Support for Ontario Wine and Beer in Retail Stores as Part of Modernizing Alcohol Sales**

Honourable Minister Fedeli:

At its meeting held on January 14, 2019, St. Catharines City Council approved the following motion:

WHEREAS the Ontario's grape and wine industry is an important and unique part of Niagara's economy; and

WHEREAS Niagara also has an emerging craft beer sector that continues to grow and expand, creating jobs and investment across Niagara; and

WHEREAS the Government of Ontario has announced its plan to modernize alcohol sales by expanding the sale of beer and wine to corner stores, grocery stores and big-box stores, based on market demand, and has requested public input on its plan through an online survey until February 1, 2019; and

WHEREAS this decision represents a significant opportunity to strengthen Niagara's economy by growing Ontario's wine and craft beer industry through increased consumer access;

THEREFORE BE IT RESOLVED that the City of St. Catharines requests that the Provincial Government must include specific policies that support and expand the growth of 100 per cent Ontario-grown-and-produced wines and Ontario-made craft beer in its retail channel regulations; and

BE IT FURTHER RESOLVED that the City of St. Catharines submit this resolution to the Provincial Government and area MPPs as part of the public consultation on the Modernization of Alcohol Sales before February 1, 2019; and



BE IT FURTHER RESOLVED that this resolution be circulated to Niagara municipalities for consideration and support; and

BE IT FURTHER RESOLVED that City staff be directed to report back to Council on how the City of St. Catharines can increase its support of 100 per cent Niagara-grown-and-produced wines and Niagara-made craft beer at its City-owned facilities.

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

A handwritten signature in black ink, appearing to read "Bonnie Nistico-Dunk".

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

cc: Niagara area municipalities and MPPs

## Proclamation

### **“AIR RACE WEEK”**

June 19-24, 2019

Whereas, the Air Race Classic (ARC) is the world’s pre-eminent longest running air race for women. Its mission is to emphasize the acknowledgement of female pilots through aviation based education and outreach programs.

Whereas, participant racers come from throughout the global community to enhance their experience by sharing skills and to provide opportunity and mentor support for those seeking aviation based careers.

Whereas, youth aviation careers or life choices are directly influenced by exposure to positive role models and flying experiences obtained at local general aviation airports.

Whereas, Welland’s shared general aviation asset, the Niagara Central Dorothy Rungeling Airport (NCDRA) is named for such a role model and offers multiple ways for the public to experience aviation at a world class facility.

Whereas, the Air Race Classic has selected NCDRA to be the 2019 Terminus finish for the 43rd annual running of its 2,400 mile air race.

Therefore, be it resolved that the Corporation of the City of Welland does hereby proclaim the week of June 19-24, 2019 as, **AIR RACE WEEK**.





**CITY OF WELLAND**  
 Legislative Services  
 Office of the City Clerk  
 60 East Main Street, Welland, ON L3B 3X4  
 Phone: 905-735-1700 ext. 2159 Fax: 905-732-1919  
 E-mail: clerk@welland.ca  
 www.welland.ca

## MEMORANDUM

**Date:** January 31, 2019  
**To:** Mayor and Members of City Council  
**Cc:** Rosanne Mantesso, General Manager, Human Resources & Legislative Services  
**From:** Tara Stephens, City Clerk *TS*  
**Re:** Delegations appearing before Council/General Committee

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At the June 19, 2018 Council Meeting, Welland City Council passed the following motion:

*"WHEREAS General Committee is not televised;  
 AND WHEREAS public presentations should be viewed through as many mediums as possible;  
 AND WHEREAS well balanced Council meetings have adequate time to include public presentations.  
 THAT THE COUNCIL OF THE CITY OF WELLAND requests staff propose a way to restore all public presentations to Council meetings".*

Currently the Procedural By-law 2017-6, Article 8: Delegations appearing before Council/General Committee state the following:

*"8.1 Delegations shall only be permitted to appear at General Committee meetings, unless the delegation wishes to speak in regard to a matter on a Council agenda, whereby that delegation shall be permitted to appear at the Council Meeting subject to the provisions of this By-law".*

This section 8.1 was amended on January 17, 2017. The purpose of this section is to ensure adequate time is available for residents to speak to Welland City Council concerning a matter listed on the council meeting agenda. "Schedule A" of the Procedural By-law 2017-6 outlines a maximum of five (5) delegations per meeting.

At the May 8, 2018 Special Council Meeting, Welland City Council approved the following motion:

*"WHEREAS the City of Welland staff have been live streaming Welland City Council meetings.  
 NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to start to live stream General Committee meetings".*

All Council/Special Council/General Committee meetings since May 8, 2018 have been live streamed through the City of Welland website.

It is regular practice to ensure each term of council have an opportunity to review the Procedural By-law for the City of Welland. Clerk's staff will be scheduling this for a General Committee meeting in the future, at which time this item can be addressed.

*02-160  
 18-28*

**Administration**

Office of the Regional Clerk

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

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

[www.niagararegion.ca](http://www.niagararegion.ca)

January 23, 2019

**AREA MUNICIPAL CLERKS****SENT ELECTRONICALLY**

**Re: Notice of Passing of By-law to Amend By-law 112-2013 Being a By-law to Protect Children and Vulnerable Persons from Exposure to Outdoor Second-Hand Smoke - Triple Majority Requirement  
PHD 02-2019, January 8, 2019**

Regional Council, at its meeting of January 17, 2019, approved the following recommendation of its Public Health and Social Services Committee:

1. That By-law No. 112-2013 **BE UPDATED** to harmonize with the Smoke Free Ontario Act to include vaping and cannabis, as an interim measure for consistency, with an appropriate sunset clause;
2. That staff **BE DIRECTED** to consult with the Local Area Municipalities (LAMs) and the public to build a consensus on an updated regional by-law to protect children and vulnerable persons from exposure to outdoor second-hand smoke;
3. That staff **BE DIRECTED** to report back to PHSSC in a timely manner on the learnings from this consultation with the recommended next steps.

By-law No. 2019-07 was subsequently passed; however, the by-law is not valid until triple majority status is achieved.

Pursuant to Section 115(5) of the *Municipal Act, 2001*, a by-law passed under subsection 115(1) shall not come into force unless:

- a) A majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- b) A majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and

08-36



- c) The total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

Section 219(5) of the *Municipal Act, 2001* defines “elector” as a person whose name appears on the voters’ list, as amended up until the close of voting on voting day, for the last regular election preceding the coming into force of the by-law.

The number of electors as defined above for each area municipality is set out below. In the event your number is incorrect, please advise me as soon as possible.

<b>Local Area Municipality</b>	<b>Population</b>	<b>Eligible Electors</b>
Fort Erie	30,710	23,460
Grimsby	27,314	20,398
Lincoln	23,787	16,974
Niagara Falls	88,071	60,892
Niagara-on-the-Lake	17,511	14,237
Pelham	17,110	13,910
Port Colborne	18,306	15,208
St. Catharines	133,113	92,133
Thorold	18,801	14,471
Wainfleet	6,372	5,786
Welland	52,293	37,879
West Lincoln	14,500	11,336
<b>Total for Region</b>	<b>447,888</b>	<b>326,684</b>

\*as of the 2018 Municipal Election

We respectfully request that you place this matter before your Council at your earliest opportunity to consider a resolution consenting to the by-law and advise accordingly of the action taken by your Council.



A copy of Report PHD 02-2019 *REVISED* and By-law No.2019-07 are enclosed for your information.

Thanking you in advance for your assistance and should you require anything further, please do not hesitate to contact me.

Yours truly,



Ann-Marie Norio  
Regional Clerk

CLK-C 2019-39

**Subject:** Outdoor Second-hand Smoking By-law Amendment – *REVISED*

**Report to:** Public Health and Social Services Committee

**Report date:** Tuesday, January 8, 2019

## Recommendations

1. *That By-law No. 112-2013 BE UPDATED to harmonize with the Smoke Free Ontario Act to include vaping and cannabis, as an interim measure for consistency, with an appropriate sunset clause;*
2. That staff **BE DIRECTED** to consult with the Local Area Municipalities (LAMs) on revisions to By-law No. 112-2013 *and the public to build a consensus on an updated* regional by-law to protect children and vulnerable persons from exposure to outdoor second-hand smoke ~~as follows;~~ and
  - a) ~~Addition of cannabis and e-cigarettes to substances prohibited from use in public outdoor spaces.~~
  - b) ~~Addition to the list of prohibited places of use including nine metres from any public building entrance and/or exit.~~
3. That staff **BE DIRECTED** to report back to PHSSC in a timely manner on the learnings from this consultation with the recommended next steps.

## Key Facts

- The Province of Ontario passed the *Smoke-Free Ontario Act, 2017 (SFOA)*, which prohibits spaces where individuals can smoke or vape. Changes to this legislation expand beyond tobacco to include cannabis and all vaping products.
- Niagara's By-Law No. 112-2013 aims to protect children and vulnerable persons from exposure to outdoor second-hand tobacco smoke, which does not address the second-hand smoke exposure to cannabis or second-hand vapour exposure from *electronic* e-cigarettes through outdoor spaces.
- Local data suggests support in Niagara to harmonize the Regional By-law with SFOA by including vaping and cannabis, in addition to tobacco, ~~as well as support for restrictions around entrances and exits.~~ *as an interim measure to ensure consistency and avoid confusion*
- Consultation internally, across Regional departments ~~is important, as well as consultation with the LAMs~~ *and the public, is important* ~~to assess support to~~ *develop the next version of the Regional By-law, by consensus across all municipalities.*

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## Financial Considerations

The Ministry of Health and Long Term Care (MOHLTC) provides multiple funding sources to support the Smoke-Free Ontario strategy at 100% with the approved budget of \$668,600 for 2018. This funding supports five FTE Tobacco Control Officers (TCO) responsible for the promotion, education, enforcement of the *SFOA* and Niagara Region's By-law 112-2013.

The province has announced that it will provide \$40 million over two years to help municipalities with costs related to the legalization of cannabis.<sup>1</sup> In the first phase, \$15 million is to be disbursed in early January 2019, this has been allocated for each municipality. The allocation of these funds to Public Health will be determined once funding amounts have been finalized.

NRPH & ES received 281 complaints, requests and inquiries related to tobacco, cannabis and e-cigarette products in 2018. Of these calls, 82 were complaints related to use of tobacco products being used in places thought to be prohibited places. NRPH & ES has requested funding from MOHLTC to support increased staff time related to cannabis enforcement and prevention work. At the time of writing this report there has been no response to the funding request.

## Analysis

### SFOA, 2017 Updates

The *SFOA* restricts tobacco sale, supply and places of use; changes to the *SFOA* now include cannabis and vaping products in those restrictions.

### SFOA Prohibited Place Examples

- Enclosed public places
- Enclosed work places
- Condos, apartment buildings and university/college residents
  - Application: Common areas
- Playgrounds
  - Application: Perimeter plus 20 metres
- Sports fields
  - Application: Patio plus 20 metres
- Restaurant bar patios
  - Application: Patio plus nine metres

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<sup>1</sup> Fedeli, V. Ontario Cannabis Legalization Implementation Fund — Heads of Council Letter [Internet]. Toronto, ON: Ministry of Finance; 2018 [cited 2018 Dec 10]. Available from: <https://www.fin.gov.on.ca/en/budget/oclif/>



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- Hospitals, psychiatric facilities, community health facilities
    - Application: Grounds of facility
  - Child care Centre
    - Application: Grounds of facility

## Niagara's By-Law No. 112-2013

### Tobacco

In 2012, NRPH & ES conducted public consultations and found that 88% of the 1,907 Niagara residents surveyed supported a by-law restricting smoking in outdoor public settings.<sup>2</sup> In order to protect the public from second-hand exposure to outdoor smoke, Niagara passed By-law No. 112-2013, which prohibits smoking tobacco on the grounds of all municipal and regional properties, parks, playground, sports fields, splash pads, outdoor pools, arenas and bus shelters. The by-law has a strong focus on protecting children and youth, and this includes denormalization. Also, those who wish to quit find that fewer visual cues and denormalization of smoking is helpful.

Strengthening local by-laws to reduce second-hand exposure to tobacco in outdoor spaces, has been ranked as a highly impactful policy change to protect the public from tobacco smoke.<sup>3</sup> ~~Prohibiting tobacco and cannabis smoke and vaping of any product within nine metres of public entrances and exits will be a consideration during consultations.~~

Beyond tobacco, the SFOA now prohibits the use of cannabis and e-cigarettes in public spaces. The benefits of aligning the By-law No. 112-2013 with the SFOA by the inclusion of cannabis and e-cigarettes are:

1. Protecting individuals, especially children and vulnerable populations from second-hand smoke exposure
2. Preventing the normalization of tobacco, cannabis, e-cigarette use amongst youth
3. Creating supportive environments for individuals that are motivated to quit or cut back from use of tobacco, cannabis or e-cigarettes

### Cannabis

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<sup>2</sup> Smoke-Free Outdoor Spaces Public Consultation Report, Niagara Region Public Health [Summer 2012]

<sup>3</sup> Smoke-Free Ontario Scientific Advisory Committee. Evidence to Guide Action: Comprehensive tobacco control in Ontario [Internet]. Toronto, ON: Public Health Ontario [cited 2018 Dec 10]. Available from: <https://www.publichealthontario.ca/en/BrowseByTopic/ChronicDiseasesAndInjuries/Pages/smoke-free-ontario.aspx>



Cannabis has been criminalized in Canada since 1923, yet prior to legalization 46.4% of adults in Niagara indicated that they have used cannabis at least once in their lifetime and 12.2% used cannabis in the past 12 months.<sup>4</sup> Within Niagara's secondary schools 35% have used cannabis in the past 12 months and 23% have used cannabis in the past 4 weeks.<sup>5</sup> The Canadian Cannabis Survey (2018) included 12,958 respondents and found the most common form of consumption of cannabis was through smoking (89%), followed by edibles (42%), and e-cigarettes (26%).<sup>6</sup> Research has found that second-hand exposure to cannabis smoke and tobacco smoke have similar chemical composition.<sup>7, 8</sup> Holitzki et. al recommend an alignment in tobacco and cannabis policy by prohibiting outdoor spaces where products can be used.<sup>9</sup> *Including cannabis as a prohibited drug to smoke or vape into the amended by-law will be a consideration during consultations.*

### E-cigarettes

Electronic Cigarettes are known as e-cigarettes, e-cigs or vapes, and typically include a rechargeable battery, a heating element, and an e-juice containing chemical ingredients, which forms a vapour when inhaled. E-cigarettes do not contain tobacco but generally contain nicotine, which may lead to addiction in those who vape but aren't smokers. E-cigarettes contain more than 80 compounds, such as particles, metals, nitrosamines, carbonyls, and flavourings.<sup>10</sup> While the long-term health effects from e-cigarette use are still unknown, some research indicates that use can lead to lung damage, and short-term health effects can include increased heart rate, increased blood pressure, increased airway resistance, decreased airway conductance.<sup>11</sup> In Niagara, 25% of secondary students have used an e-cigarette in the past 12 months.<sup>12</sup> The Ontario Student Drug Use and Health Survey found that 61% of secondary students believe there is no risk from regular e-cigarette use.<sup>13</sup> *Including e-cigarettes as*

<sup>4</sup> Canadian Community Health Survey [2015-2016]

<sup>5</sup> Ontario Student Drug Use and Health Survey, Centre for Addiction and Mental Health [2015]

<sup>6</sup> Canadian Cannabis Survey 2018 Summary. Government of Canada. [cited 2018 Dec 10]. Available from: <https://www.canada.ca/en/services/health/publications/drugs-health-products/canadian-cannabis-survey-2018-summary.html>

<sup>7</sup> Maertens RM, White PA, Williams A, et al. A global toxicogenomic analysis investigating the mechanistic differences between tobacco and marijuana smoke condensates in vitro. *Toxicology* 2013;308:60-73.

<sup>8</sup> Maertens RM, White PA, Rickert W, et al. The genotoxicity of mainstream and sidestream marijuana and tobacco smoke condensates. *Chem Res Toxicol* 2009;22:1406-14.

<sup>9</sup> Holitzki, H., Dowsett, L.E., Spackman, E., Noseworthy, T., Clement, T., Health effects of exposure to second- and third-hand marijuana smoke: A systematic review [Internet] *Canadian Medical Association Journal Open*, 2017; Oct-Dec, 5(4): E814-E822. [cited 2018 Dec 10]. Available from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5741419/>

<sup>10</sup> Tobacco and Public Health: From Theory to Practice, E-Cigarettes Module [Internet], Toronto, ON, Ontario Tobacco Research Unit [cited Dec 11]. Available from: <https://tobaccocourse.otru.org/course/>

<sup>11</sup> Tobacco and Public Health: From Theory to Practice, E-Cigarettes Module [Internet], Toronto, ON, Ontario Tobacco Research Unit [cited Dec 11]. Available from: <https://tobaccocourse.otru.org/course/>

<sup>12</sup> Ontario Student Drug Use and Health Survey, Centre for Addiction and Mental Health [2015]

<sup>13</sup> Ontario Student Drug Use and Health Survey, Centre for Addiction and Mental Health [2015]

~~a prohibited product into the amended by-law will be a consideration during consultations.~~

In By-law No. 112-2013, tobacco use is more restricted than the public places outlined in the provincial SFOA. Outside of the established buffer zones in the SFOA, individuals could be fined for use of tobacco, but not for cannabis or e-cigarettes at those same locations. ***As an interim measure, harmonizing the By-law No. 112-2013 with the SFOA is important to ensure consistency and avoid confusion.*** By enhancing By-law No. 112-2013, NRPH & ES is aiming to align it with the provincial legislation to include cannabis and e-cigarettes.

### **Proposed Municipal Consultation**

In preparation for cannabis legislation, NRPH & ES has been meeting with the municipal partners through their by-law, park/recreation and planning staff. Area Chief Administrative Officers have been notified of the proposed amendments, and meetings with each of the local area municipalities ***discussed next steps and support harmonizing now, with a sunset clause, with a consensus approach moving forward. An initial meeting is*** are being planned for ***late January/early*** February. During these meetings, NRPH & ES will learn whether the municipalities want to

~~1. **Continue with the status quo**~~

~~By law 112-2013 includes only tobacco within the mandate with the SFOA restricting use of tobacco, cannabis and e-cigarettes, despite the confusion in the application and messaging between the pieces of legislation.~~

~~2. **Amend By-law No. 112-2013 to align products with the SFOA**~~

~~Include the substances of cannabis and e-cigarettes to apply to the same places that are currently covered by the by-law.~~

~~3. **Amend By-law No. 112-2013 to align products with the SFOA and add in restrictions related to public entrances and exits**~~

~~Include the substances of cannabis and e-cigarettes to apply to nine metres from all public entrances/exits.~~

~~4. **Amend By-law No. 112-2013 to align products with the SFOA and expand the prohibited places of use**~~

~~Include the substances of cannabis and e-cigarettes to tobacco, and add additional places (i.e. nine metres from all public entrances, beaches, trails).~~

Once we have this information, we propose that we return to PHSSC to provide recommended next steps. If there is support for updating the by-law we will bring the proposed amendments to Council.



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## Alternatives Reviewed

Consideration was given to *not harmonizing, and just embarking on the* a larger public consultation process. We recommend that we first ~~assess whether there is agreement on harmonizing and updating~~ the by-law as outlined, as it is likely that a large public consultation ~~beyond municipal and regional meetings~~ is not warranted for the two recommended changes: *for this simplification of the bylaw.*

## Relationship to Council Strategic Priorities

This work supports Doing Business Differently by proposing that Niagara continue to aim for simplicity and consistency while remaining among the leaders in Ontario in its smoke-free policies.

## Other Pertinent Reports

- PHD 01-2019 – Cannabis Legalization
- [PHD 13-2018 – Comprehensive Tobacco Control Report](#)
- [PHD 07-2018 – Cannabis Legalization](#)
- [PHD 01-2018 – Smoke-Free Ontario Modernization](#)
- [PHD 04-2017 - Ontario Student Drug Use and Health Survey Results](#)
- [PHD 09-2016 Revised - Cannabis Regulation and Control](#)

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### Prepared by:

Diana Teng  
Manager, Chronic Disease and Injury  
Prevention  
Public Health and Emergency Services

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### Recommended by:

M. Mustafa Hirji, MD MPH RCPC  
Acting Medical Officer of Health  
Public Health and Emergency Services

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### Submitted by:

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

*This report was prepared in consultation with Renata Faber, Manager, Chronic Disease and Injury Prevention, David Lorenzo, Associate Director, Chronic Disease and Injury Prevention and reviewed by Dr. Feller, Associate Medical Office of Health.*

Bill 112

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 112-2013

A REGIONAL BY-LAW TO PROTECT CHILDREN AND VULNERABLE PERSONS  
FROM EXPOSURE TO OUTDOOR SECOND-HAND SMOKE

**WHEREAS** subsection 115(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended provides that a municipality may prohibit or regulate the smoking of tobacco in public places;

**AND WHEREAS** it has been determined that smoking and second-hand tobacco smoke is a health hazard or discomfort for individuals residing in or visiting The Regional Municipality of Niagara (hereinafter, "Niagara Region");

**AND WHEREAS** smoke-free policy interventions are effective mechanisms to reduce exposure to tobacco smoke, prevent initiation of smoking, encourage cessation of smoking, support recent quitters, and contribute to the denormalization of tobacco use;

**AND WHEREAS** Niagara Region therefore wishes to prohibit tobacco smoking in outdoor public places for the health of the public generally, and particularly for the benefit of young persons, and to improve the environmental and social conditions in public places;

**AND WHEREAS** Section 115(5) of the said Act provides that a by-law passed under subsection 115(1) shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

**NOW THEREFORE** BE IT RESOLVED THAT the Council of The Regional Municipality of Niagara enacts as follows:



Bill 112

## DEFINITIONS AND INTERPRETATION

1. (1) The following definitions shall be used in interpreting and applying this by-law:

**“authorized person”** means an individual designated or authorized by Niagara Region or an area municipality whose duties include, without limitation, tobacco control or the monitoring of regional or municipal property for the purpose of addressing unauthorized activities;

**“area municipality”** means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland and the Township of West Lincoln.

**“outdoor public place”** means any property owned, leased or controlled by the Niagara Region or any area municipality, including without limitation parks, playgrounds, sports or playing fields, arenas, recreational centres, bus shelters, splash pads, pools and any area that is within a nine-metre radius of an entrance to or exit from a building located on any property owned, leased or controlled by the Niagara Region or any area municipality, whether or not a “No Smoking” sign is posted, but does not include the following:

- a. highways;
- b. road allowances abutting a regional or municipal property;
- c. municipal sidewalks, save and except for that portion of any municipal sidewalk that is within a nine-metre radius of any entrance to or exit from a building located on any property owned, leased or controlled by the Niagara Region or any area municipality;
- d. parking lots or any area designated for the parking of motor vehicles;
- e. beaches;
- f. walking or hiking trails;
- g. rights-of-way; and
- h. residential dwellings owned, operated or subsidized by Niagara Regional Housing or an area municipality;

**“smoke”** or **“smoking”** includes the holding of tobacco or other lighted smoking material or equipment while the product is alight or emitting smoke;

**“tobacco”** includes pipe tobacco, water-pipe tobacco, cigarettes, cigars, cigarillos or any similar product made with or containing tobacco;



Bill 112

**PROHIBITION**

- 2.(1) No person shall smoke tobacco upon or within an outdoor public place.
- 2.(2) The prohibition in section 2.(1) above applies whether or not a "No Smoking" sign of any format or content is posted.
- 2.(3) No person shall remove a sign posted under this section while the prohibition remains in force.
- 2.(4) No person shall hinder or obstruct an authorized person lawfully carrying out the enforcement of this by-law.

**OFFENCE and SET FINE**

- 3.(1) Any person who contravenes a provision of this by-law is guilty of an offence and, upon conviction, is liable to a set fine of \$250.00.

**ENFORCEMENT**

- 4.(1) The provisions of this by-law respecting smoking in an outdoor public place shall be enforced by any authorized person as designated by the Niagara Region or an area municipality.

**CONFLICTS**

- 5.(1) If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

**SEVERABILITY**

- 6.(1) If any section or part of this by-law are found by any Court of competent jurisdiction to be invalid, such section or part shall be deemed to be severable and all other sections of this by-law shall remain valid and enforceable.

**ENACTMENT**

- 7.(1) This by-law shall come into force on the day that it is approved in accordance with section 115(5) of the *Municipal Act, 2001*, S.O. 2001, C.25.

Bill 112

**EFFECTIVE BY-LAW DATE**

8. This by-law shall come into force on the date specified by the Regional Clerk as the date when the following have been achieved:
- a) A majority of the Councils of all of the lower-tier municipalities forming part of The Regional Municipality of Niagara have passed resolutions giving consent to this by-law: and
  - b) The total number of electors in the lower-tier municipalities that have passed resolutions under clause (a) above form a majority of all the electors in The Regional Municipality of Niagara.

**PASSED**, a majority of the members of the Regional Council assenting hereto, this 10<sup>th</sup> day of October, 2013.

THE REGIONAL MUNICIPALITY OF NIAGARA

*Original Signed By:*

\_\_\_\_\_  
(Gary Burroughs, Regional Chair)

*Original Signed By:*

\_\_\_\_\_  
(Janet Pilon, Regional Clerk)

Bill 112

## THE REGIONAL MUNICIPALITY OF NIAGARA

**(CONSOLIDATED) BY-LAW NO. 112-2-13**A REGIONAL BY-LAW TO PROTECT CHILDREN AND VULNERABLE PERSONS  
FROM EXPOSURE TO OUTDOOR SECOND-HAND SMOKE **AND VAPING**

**WHEREAS** subsection 115(1) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended provides that a municipality may prohibit or regulate the smoking of tobacco **or cannabis** in public places;

**AND WHEREAS** the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26 as amended prohibits smoking tobacco or cannabis and vaping (use electronic cigarette), but **Regional By-Law No. 112-2013 only prohibits smoking tobacco**;

**AND WHEREAS** it has been determined that smoking and second-hand tobacco **and cannabis** smoke is a health hazard or discomfort for individuals residing in or visiting The Regional Municipality of Niagara (hereinafter, "Niagara Region");

**AND WHEREAS** smoke-free policy interventions are effective mechanisms to reduce exposure to tobacco smoke, prevent initiation of smoking, encourage cessation of smoking, support recent quitters, and contribute to the denormalization of ~~tobacco~~ **uses smoking**;

**AND WHEREAS** Niagara Region therefore wishes to prohibit tobacco **and cannabis** smoking **and vaping (use electronic cigarette)** in outdoor public places for the health of the public generally, and particularly for the benefit of young persons, and to improve the environmental and social conditions in public places;

**AND WHEREAS** Section 115(5) of the said Act provides that a by-law passed under subsection 115(1) shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

**NOW THEREFORE** BE IT RESOLVED THAT the Council of The Regional Municipality of Niagara enacts as follows:



Bill 112

## DEFINITIONS AND INTERPRETATION

1. (1) The following definitions shall be used in interpreting and applying this by-law:

**"authorized person"** means an individual designated or authorized by Niagara Region or an area municipality whose duties include, without limitation, tobacco, **cannabis or electronic cigarette** control or the monitoring of regional or municipal property for the purpose of addressing unauthorized activities;

**"area municipality"** means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Weiland and the Township of West Lincoln.

**"outdoor public place"** means any property owned, leased or controlled by the Niagara Region or any area municipality, including without limitation parks, playgrounds, sports or playing fields, arenas, recreational centres, bus shelters, splash pads, pools and any area that is within a nine-metre radius of an entrance to or exit from a building located on any property owned, leased or controlled by the Niagara Region or any area municipality, whether or not a "No Smoking" or **"No Vaping"** sign is posted, but does not include the following:

- a. highways;
- b. road allowances abutting a regional or municipal property;
- c. municipal sidewalks, save and except for that portion of any municipal sidewalk that is within a nine-metre radius of any entrance to or exit from a building located on any property owned, leased or controlled by the Niagara Region or any area municipality;
- d. parking lots or any area designated for the parking of motor vehicles;
- e. beaches;
- f. walking or hiking trails;
- g. rights-of-way; and
- h. residential dwellings owned, operated or subsidized by Niagara Regional Housing or an area municipality;

**"smoke" or "smoking"** includes the holding of tobacco or **cannabis** or other lighted smoking material or equipment while the product is alight or emitting smoke;

**"tobacco"** includes pipe tobacco, water-pipe tobacco, cigarettes, cigars, cigarillos or any similar product made with or containing tobacco;

Bill 112

“cannabis” has the same meaning as in subsection 2 (1) of the *Cannabis Act* (Canada); (“cannabis”)

“electronic cigarette” has the same meaning as in subsection 1 (1) of the *Smoke-Free Ontario Act, 2017*

#### **PROHIBITION**

- 2.(1) No person shall smoke tobacco or cannabis, or vape (use electronic cigarette) upon or within an outdoor public place.
- 2.(2) The prohibition in section 2.(1) above applies whether or not a "No Smoking" or “No Vaping” sign of any format or content is posted.
- 2.(3) No person shall remove a sign posted under this section while the prohibition remains in force.
- 2.(4) No person shall hinder or obstruct an authorized person lawfully carrying out the enforcement of this by-law.

#### **OFFENCE and SET FINE**

- 3.(1) Any person who contravenes a provision of this by-law is guilty of an offence and, upon conviction, is liable to a set fine of \$250.00.

#### **ENFORCEMENT**

- 4.(1) The provisions of this by-law respecting smoking in an outdoor public place shall be enforced by any authorized person as designated by the Niagara Region or an area municipality.

#### **CONFLICTS**

- 5.(1) If a provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

#### **SEVERABILITY**

- 6.(1) If any section or part of this by-law are found by any Court of competent jurisdiction to be invalid, such section or part shall be deemed to be severable and all other sections of this by-law shall remain valid and enforceable.

**Bill 112  
ENACTMENT**

7.(1) This by-law shall come into force on the day that it is approved in accordance with section 115(5) of the *Municipal Act, 2001*, S.O. 2001, C.25 **as amended**.

**EFFECTIVE BY-LAW DATE**

8. This by-law shall come into force on the date specified by the Regional Clerk as the date when the following have been achieved:
- a) A majority of the Councils of all of the lower-tier municipalities forming part of The Regional Municipality of Niagara have passed resolutions giving consent to this by-law: and
  - b) The total number of electors in the lower-tier municipalities that have passed resolutions under clause (a) above form a majority of all the electors in The Regional Municipality of Niagara.

THE REGIONAL MUNICIPALITY OF NIAGARA

*Original Signed By:*

\_\_\_\_\_  
(James Bradley, Regional Chair)

*Original Signed By:*

\_\_\_\_\_  
(, Regional Clerk)



## THE REGIONAL MUNICIPALITY OF NIAGARA

## BY-LAW NO. 2019-07

A BY-LAW TO AMEND BY-LAW 112-2013 BEING A BY-LAW TO PROTECT CHILDREN AND VULNERABLE PERSONS FROM EXPOSURE TO OUTDOOR SECOND-HAND SMOKE

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WHEREAS subsection 115(1) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended (hereinafter the "Act") provides that a municipality may prohibit or regulate the smoking of tobacco or cannabis in public places;

WHEREAS subsection 11(2) of the Act provides The Regional Municipality of Niagara (hereinafter, "Niagara Region") broad authority to govern the health, safety and well-being of persons;

WHEREAS the *Smoke-Free Ontario Act, 2017*, S.O. 2017, c. 26 (hereinafter the "*Smoke-Free Ontario Act*") as amended prohibits smoking tobacco or cannabis, and vaping (the use of electronic cigarettes), but Regional By-Law No. 112-2013 only prohibits smoking tobacco;

WHEREAS pursuant to subsection 115(10) of the Act if there is a conflict between a by-law passed by a municipality and the provisions of any other statute or regulation of Ontario, the provision that is most restrictive of smoking of tobacco or cannabis prevails;

WHEREAS it has been determined that smoking, second-hand tobacco and cannabis smoke and vaping are health hazards and a discomfort for individuals residing in or visiting Niagara Region;

WHEREAS smoke-free policy interventions are effective mechanisms to reduce exposure to tobacco smoke, prevent initiation of smoking, encourage cessation of smoking, support recent quitters, and contribute to the denormalization of smoking;

WHEREAS Niagara Region therefore wishes to prohibit tobacco and cannabis smoking and vaping (use of electronic cigarettes) in outdoor public places for the health of the public generally, and particularly for the benefit of young persons, and to improve the environmental and social conditions in public places; and,

WHEREAS Section 115(5) of the said Act provides that a by-law passed under subsection 115(1) shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;

- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That the following definitions are added to subsection 1(1) of By-law 112-2013 in alphabetical order within the context of all definitions currently contained in said by-law:

“cannabis” has the same meaning as in subsection 1 (1) of the Smoke-Free Ontario Act, 2017”

“electronic cigarette” has the same meaning as in subsection 1 (1) of the Smoke-Free Ontario Act, 2017”

“use” with respect to electronic cigarettes includes any of the following:

- (a) Inhaling vapour from an electronic cigarette;
- (b) Exhaling vapour from an electronic cigarette;
- (c) Hold an activated electronic cigarette;

“vape” means to use an electronic cigarette;

2. The definition of “smoke or smoking” contained in subsection 1(1) of By-law 112-2013 shall have the words “or cannabis” added following the word “tobacco” and prior to the word “or”.
3. Section 2(1) of By-law 112-2013 shall be amended by adding after the word “tobacco” and prior to the word “upon” the following words:
 

“or cannabis or vape”
4. The invalidity or unenforceability of a provision of this by-law or part of a provision of this by-law shall not negate the effectiveness or validity of the remaining provisions or parts thereof of this by-law.
5. This by-law shall come into force on the date specified by the Regional Clerk as the date when the following have been achieved:

- a) A majority of the Councils of all of the lower-tier municipalities forming part of The Regional Municipality of Niagara have passed resolutions giving consent to this by-law: and
  - b) The total number of electors in the lower-tier municipalities that have passed resolutions under clause (a) above form a majority of all the electors in The Regional Municipality of Niagara.
6. The amendments to By-law 112-2013 effected by sections one to three of this by-law shall cease to be effective one year from the date this by-law comes into force pursuant to section 5 thereof provided:
- a. On and after the date upon which sections one to three of this by-law cease to be effective, the provisions of By-law 112-2013 excepting the specific amendments described by this by-law shall remain in force as if this By-law had not been enacted;
  - b. And section 6 of this by-law shall not invalidate any proceedings regarding contraventions of section 2(1) of By-law 112-2013, as amended by this by-law, occurring during the period when the amendments remained in effect notwithstanding that the prosecution and conviction may occur after the date upon which sections one to three of this by-law cease to be effective .
7. That this by-law was passed by the Council for Niagara Region as of the 17<sup>th</sup> day of January 2019.

THE REGIONAL MUNICIPALITY OF NIAGARA

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James Bradley, Regional Chair

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Ann-Marie Norio, Regional Clerk

Passed: <date>



**Administration**

Office of the Regional Clerk

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

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[www.niagararegion.ca](http://www.niagararegion.ca)

January 21, 2019

**Council Session, January 17, 2019**  
**Committee Session, January 9, 2019**  
**CSD 6-2019, January 9, 2019**

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Approval of Interim Levy Dates and Amounts

CSD 6-2019

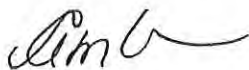
Regional Council, at its meeting held on January 17, 2019, passed the following recommendation of its Corporate Services Committee:

That Report CSD 6-2019, dated January 9, 2019, respecting Approval of Interim Levy Dates and Amounts, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in Appendix I to Report CSD 6-2019;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That Report CSD 6-2019 **BE CIRCULATED** to the Councils of the local area municipalities for information.

A copy of CSD 6-2019 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:MJT

19-4

CLK-C 2019-34

cc: Helen Chamberlain Director, Financial Management and Planning / Deputy Treasurer

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**Subject:** Approval of Interim Levy Dates and Amounts

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 9, 2019

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### Recommendations

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in **Appendix I** to Report CSD 6-2019;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That report CSD 6-2019 **BE CIRCULATED** to the Councils of the local area municipalities for information.

### Key Facts

- The purpose of this report is to provide an interim levy equivalent to 50% of the prior year's approved estimates pursuant to Section 316 of the Municipal Act in order to continue core services prior to the adoption of budget estimates for the year.
- The authority to incur expenditures by Regional departments, boards and agencies is granted by Regional Council through the annual approved budget as prescribed by the Municipal Act.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph a.) provides that prior to Council's approval of the Operating Budget bylaw, a current year's expenditures may be incurred if a budget for a similar item existed in the previous year's operating budget and the expenditures is at the same service level as the prior year and does not exceed 50% if the amount appropriated in the previous year's operating budget.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph b.) provides that prior to Council's approval of the Capital Budget Bylaw, expenditures for new capital projects may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).

### Financial Considerations

The interim levy amounts to be requisitioned from the local area municipalities totals \$173,374,138 (General Levy) and \$17,301,170 (Waste Management) for a total of \$190,675,308 or 50% of the 2018 levied amounts. The interim levy will provide sufficient



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cash flows for current year Region operations until approval of the 2019 operating budget and levy amounts.

### **Analysis**

The authority to incur expenditures by Regional departments, boards and agencies is granted by Regional Council through the annual approved operating budget as prescribed by the Municipal Act. Prior to the an annual budget being adopted by Regional Council, bylaw 2017-63 as approved by Regional Council provides that regional departments, boards and agencies may incur expenses up to 50% of their prior year's operating budget in order to maintain business as usual for Regional services.

Further to this, Section 316 of the Municipal Act authorizes Council through a bylaw to provide an interim levy equivalent to 50% of the prior year's approved estimates (subject to certain adjustments) before the adoption of budget estimates for the year. It has been the Region's past practice to levy an interim levy in order to fund Regional services prior to the approval of the annual budget and final levy amounts.

Expenditures for new capital projects prior to Council's approval of the 2019 consolidated capital budget bylaw may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).

### **Alternatives Reviewed**

Alternative thresholds were not considered as the interim levy of 50% permitted by the Municipal Act will generally ensure cash inflows in the shorter term are able to accommodate the level of expenditures. The Municipal Act does not have a requirement to approve a spending limit in advance of the budget approval however the practice has been adopted by the Region through bylaw 2017-63.

Interim levy dates are consistent with the prior years. The local area municipalities were consulted and no alternative dates are considered.

### **Relationship to Council Strategic Priorities**

Approval of the interim levy for 2019 will permit expenditures to be incurred in order to maintain business as usual for Regional services.

### **Other Pertinent Reports**

N/A.

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**Prepared by:**

Helen Chamberlain, CPA, CA  
Director, Financial Management &  
Planning/Deputy Treasurer

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**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Enterprise Resource Management  
Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Rob Fleming, Senior Tax & Revenue Analyst and reviewed by Margaret Murphy, Associate Director, Budget Planning & Strategy.*

**Appendices**

Appendix I

Interim Levy Payments and Dates

Page 4



## Appendix I - Interim Levy Payments and Dates

<b>General Levy</b>			
<b>Municipality</b>	<b>March 13, 2019</b>	<b>May 15, 2019</b>	<b>Total Interim Levy</b>
Fort Erie	5,481,277	5,481,277	10,962,554
Grimsby	6,273,994	6,273,994	12,547,988
Lincoln	5,043,903	5,043,903	10,087,806
Niagara Falls	18,214,623	18,214,623	36,429,245
Niagara-on-the-Lake	7,365,417	7,365,417	14,730,834
Pelham	3,603,433	3,603,433	7,206,867
Port Colborne	2,878,164	2,878,164	5,756,327
St. Catharines	23,371,245	23,371,245	46,742,490
Thorold	3,390,085	3,390,085	6,780,169
Wainfleet	1,300,920	1,300,920	2,601,841
Welland	7,128,946	7,128,946	14,257,891
West Lincoln	2,635,064	2,635,064	5,270,128
<b>Total</b>	<b>86,687,069</b>	<b>86,687,069</b>	<b>173,374,138</b>

<b>Waste Management Special Levy</b>			
<b>Municipality</b>	<b>March 13, 2019</b>	<b>May 15, 2019</b>	<b>Total Interim Levy</b>
Fort Erie	656,840	656,840	1,313,680
Grimsby	452,694	452,694	905,387
Lincoln	393,664	393,664	787,327
Niagara Falls	1,686,399	1,686,399	3,372,797
Niagara-on-the-Lake	369,902	369,902	739,804
Pelham	292,632	292,632	585,264
Port Colborne	437,090	437,090	874,180
St. Catharines	2,678,457	2,678,457	5,356,915
Thorold	357,948	357,948	715,897
Wainfleet	135,227	135,227	270,453
Welland	974,580	974,580	1,949,161
West Lincoln	215,154	215,154	430,307
<b>Total</b>	<b>8,650,585</b>	<b>8,650,585</b>	<b>17,301,170</b>

<b>Total General &amp; Waste Management Interim Levy</b>			
<b>Municipality</b>	<b>March 13, 2019</b>	<b>May 15, 2019</b>	<b>Total Interim Levy</b>
Fort Erie	6,138,117	6,138,117	12,276,234
Grimsby	6,726,687	6,726,687	13,453,375
Lincoln	5,437,567	5,437,567	10,875,133
Niagara Falls	19,901,021	19,901,021	39,802,042
Niagara-on-the-Lake	7,735,319	7,735,319	15,470,638
Pelham	3,896,065	3,896,065	7,792,131
Port Colborne	3,315,254	3,315,254	6,630,507
St. Catharines	26,049,702	26,049,702	52,099,404
Thorold	3,748,033	3,748,033	7,496,066
Wainfleet	1,436,147	1,436,147	2,872,294
Welland	8,103,526	8,103,526	16,207,052
West Lincoln	2,850,218	2,850,218	5,700,435
<b>Total</b>	<b>95,337,654</b>	<b>95,337,654</b>	<b>190,675,308</b>