



COUNCIL MEETING AGENDA

*Tuesday, December 17, 2019
7:00 P.M.*

COUNCIL CHAMBERS – CIVIC SQUARE

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:25 p.m.)
(See yellow tab)**
 - Personal matters about an identifiable individual, including municipal or local board employees:
 - *Personnel Matter.*
 - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board:
 - *Property Matter.*

- 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 Meeting of December 3, 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)**

- 4. ORAL REPORTS AND DELEGATIONS**
 - 4.1 PRESENTATION(S)**

Certificate presentation by Mayor Campion to Damiano Morrone re: Recognition of a Former Christmas Lights Contest Contestant.



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4.2 DELEGATION(S) (maximum 5/10/5 policy)

18-87 Carolyn Jankiv, resident re: Cannabis Operations on Matthews Road, Welland.

4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S)

19-4 Councillor Richard, Chair, Audit Review Committee - meeting of December 3, 2019.

4.4 PUBLIC MEETING PURSUANT TO CITY OF WELLAND BY-LAW 2013-127

05-120

19-38 Public Meeting to increase permit fees under Section 7 of the *Building Code Act*.

(See Report P&B-2019-65 pages 61 to 74)

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 DiMarco)

10-108 WHEREAS that prior to construction Council and the General Public were informed that the build of what is now known as Youngs Sportsplex on River Rd would not cost the taxpayer anything; and WHEREAS since such time, and as per a Council decision, funding from the soon to end Atlas Remediation Funding that totaled over \$10 million was used to fund the yearly deficits; and WHEREAS yet another deficit is predicted for the year 2020 and will no doubt be a yearly concern; and WHEREAS other sources of potential funding from the proposed sale of city owned lands on Rice Road and also the recent creation of a Youngs Sports Complex Reserve Fund will be allocated to this complex annual yearly losses; and further WHEREAS the above mentioned dollars could and should be used to ease the financial burden of the taxpayer for city wide infrastructure, namely but not limited to Roads, Sidewalks, Water & Sewer.



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THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to place the Youngs Sportsplex facility on the Real Estate Market with the intentions of securing a potential interested party that would not disturb the current programs offered at this location.

(Councillor Spinosa)

19-122 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a by-law that deals with short term accommodation rentals and all associated licensing and administration; and further THAT staff host a public meeting prior to final council consideration.

(Councillor Chiocchio)

12-113 THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the organizers of Out of the Cold Program to utilize the Welland Tennis Club between January 1, 2020 to March 31, 2020 at no charge for the purpose of creating a shelter. This pilot project be reviewed in spring 2020 and a fall report be submitted to Council for review. The organizers maintain cleanliness of the facility and their volunteers.

(Councillor Fokkens)

11-100 WHEREAS the petition for the Brown Taps Drain was submitted on March 11, 2011; and
WHEREAS the majority of the residents were not aware that the petition was regarding the Draining Act - rather that they were signing a petition to have the ditches dug, to relieve water pooling for properties on Forks Rd. and that proper representation of the petition was not provided by the City nor the petitioner; and
WHEREAS per By-law 2011-60 "Whereas Council accepts the quotation from Spriet Associates London Limited to prepare a report in accordance with Section 4 of the Drainage Act R.S.O c.D17 as amended, for the quoted price of \$36,000 plus H.S.T" signed on Oct 18, 2011; and
WHEREAS per Report Eng 2011-31 Spriet Associated London, set out a work plan that would allow for a completed engineer's report for Welland's portion of the Brown's Tap Drain by the end of 2013. A preliminary report was provided on April 3, 2018 to staff over 4 years after the agreed upon due date by motion of Council; and
WHEREAS Section 10(2) of the Drainage Act was not fulfilled as an incorrect notice for the public meeting where the preliminary report was to be considered - sent to concerned residents on January 23, 2019, stated the public meeting was on Tuesday, Feb 5, 2018. It should have read Feb 5, 2019; and
WHEREAS, Council has not made a motion to accept the preliminary report by Spriet Associates London in August 2018 rather direction was given to Spriet to return with a cost estimate for the residents if the petition failed; and



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WHEREAS, the report presented at the public meeting on February 5, 2019 did not provide the cost to the petitioners if the petition failed, as directed by Council in August 2018; and

WHEREAS the cost of the Engineering report for discussion at the public hearing on Feb 5, 2019 was \$146,152.33. This amount has not been brought forward to Council to approve the increase in cost from the motion of Oct 2011 for \$36,000; and

WHEREAS, Council has not received via a motion - the final report from Spriet indicating that the petition failed, yet residents were provided letters stating their portion of the \$146K was due and payable by December 20th, after an extension was provided until a legal review was completed; and

WHEREAS The City of Welland, has in the 2019 budget, the City portion of the Brown Taps Drain expense if the petition passed, in the amount of \$250,000.00; and

WHEREAS, as of December 9th there has been no response on the possible shortfalls and legal opinion in the procedure of this project as per Council Direction on Oct 15, 2019.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND will pay the Spriet Associates London Limited bill in full and that the residents will not be held responsible for the cost.

7.3 Call for Notices of Motion (for introduction at the next scheduled Council 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 17th day of December, 2019. Ref. No. 19-1

10. ADJOURNMENT



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AGENDA BLOCK

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

- 2. COMMITTEE AND STAFF REPORTS**
 - 1. Business Arising from Committee-of-the-Whole (closed)**
 - 1 2. Audit Review Committee Report to Council - December 3, 2019**
 - 3. General Committee Report to Council - Nil**
 - 4. Budget Review Committee Report to Council - Nil**
 - 5. Staff Reports**
 - 2 - 4 CAO-2019-18 Chief Administrative Officer, G. Long - Out of the Cold Program.
Ref. No. 12-113**
 - 5 - 6 FIN-2019-28 Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer,
S. Zorbas and Gen. Mgr., Infrastructure and Development Services,
T. Fitzpatrick - Supply and Delivery of two (2) new Snow Plow Trucks
with attachments. Ref. No. 19-46 (See By-law 1)**
 - 7 - 8 ENG-2019-47 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Schofield Avenue South - Welland Street to East Main Street Road
Reconstruction - Award of Consulting Services. Ref. No. 19-120
(See By-law 2)**
 - 9 - 11 ENG-2019-48 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Aqueduct Pedestrian Bridge Removal (West Side) - Tender Award.
Ref. No. 19-106 (See By-law 3)**
 - 12 - 14 ENG-2019-49 Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick -
Municipal Level of Service Plan. Ref. No. 19-127 (See By-law 4)**



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- 15 - 44** **P&B-2019-63** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Atlas Landfill Amending Lease Agreement, Post Closure Agreement & Post Closure Maintenance Proposal. Ref. No. 04-48 (See By-law 5)
- 45 - 60** **P&B-2019-64** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Unoccupied Homes in the City of Welland. Ref. No. 18-23
- 61 - 74**
Remove From
Block **P&B-2019-65** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Proposed Increase of Building Permit Fees and Accompanying Legislative Process. Ref. No. 05-120/19-38 (See By-law 6)
- 75 - 123** **P&B-2019-66** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Northwest Welland Urban Area Boundary Expansion. Ref. No. 13-86
- 124 - 141** **P&B-2019-67** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Tax Increment Based Rebate Program - City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan - ALPHA Properties Incorporated - 7 Woodlawn Road. Ref. No. 09-60
- 142 - 146** **P&B-2019-68** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Tax Increment Grant Program Community Improvement Plan for the Downtown and Health and Wellness Cluster TRS Properties Inc. - 268 East Main Street (File No. DHWC-2019-17). Ref. No. 11-108 (See By-law 7)
- 147 - 151** **P&B-2019-69** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Tax Increment Grant Program Community Improvement Plan for the Downtown and Health and Wellness Cluster Svetlana Iakovleva. - 583-585 King Street (File No. DHWC-2019-18). Ref. No. 11-108 (See By-law 8)
- 152 - 162** **R&C-2019-11** Gen. Mgr., Economic Development, Recreation & Culture, D. Degazio - Carrie Lynn Pinard Centre Lease Renewal. Ref. No. 04-56 (See By-Law 9).

3. NEW BUSINESS

1. Council to appoint one Councillor Member to the Welland Public Library Board. Ref. No. 04-47

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND appoints Councillor Van Vliet to the Welland Public Library Board for the term December 17, 2019 to November 14, 2022 or until another successor has been appointed.



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4. BY-LAWS

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

1. A By-law to authorize the purchase of two snow plow trucks with attachments from Rush Truck Centres of Canada Limited. Ref. No. 19-46
(See Report FIN-2019-28)
2. A By-law to authorize retention of Urban and Environmental Management Inc. to provide consulting services for Schofield Avenue south - Welland Street to East Main Street Road Reconstruction. Ref. No. 19-120
(See Report ENG-2019-47)
3. A By-law to enter into contract with Rankin Construction Inc. for the Aqueduct Pedestrian Bridge Removal (West Side). Ref. No. 19-106
(See Report ENG-2019-48)
4. A By-law to authorize retention of DFA Infrastructure International Inc. to provide consulting services for Municipal Level of Servicing Plan. Ref. No. 19-127
(See Report ENG-2019-49)
5. A By-law to authorize entering into amending Lease Agreement, Post-Closure Agreement and Post-Closure Maintenance Agreement with Walker Environmental Group Inc. for the Atlas Landfill Site at 685 River Road. Ref. No. 04-48
(See Report P&B-2019-63)
6. A By-law to amend By-law 2006-193, being a By-law to establish and regulate fees and charges for various services or activities and use of property as provided by the municipality to establish rates effective January 1, 2020; and to repeal By-law 2019-89. Ref. No. 19-38
(See Report P&B-2019-65 and Report LGL-2019-02, as recommended by the Budget Review Committee on November 18, 2019 and approved by Council on December 3, 2019).
7. A By-law to authorize execution of an agreement for Tax Increment Grant program (Community Improvement Plan) for 268 East Main Street (File No. DHWC 2019-17). Ref. No. 11-108
(See Report P&B-2019-68)
8. A By-law to authorize execution of an agreement for Tax Increment Grant program (Community Improvement Plan) for 583-585 King Street (File No. DHWC 2019-18). Ref. No. 11-108
(See Report P&B-2019-69)



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9. A By-law to authorize entering into a five year lease with Bridgeview Properties Niagara Limited for use of the Carrie Lynn Pinard Centre. Ref. No. 04-56
(See Report R&C-2019-11)

10. A By-law to authorize entering into an agreement with Riverside Academy Inc. for leased space at Youngs Sportsplex (570 Rive Road). Ref. No. 10-108
(Direction provided to proceed in Committee-of-the-Whole meeting of November 19, 2019).

11. A By-law to enact Interim Control Provisions of the Planning Act upon certain lands with the City of Welland. Ref. No. 19-129



AUDIT REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Tuesday, December 3, 2019
5:30 p.m.
Council Ante Room

Councillor C. Richard in the Chair

Members in Attendance: Mayor F. Champion, Councillors D. McLeod, T. DiMarco, and L. Van Vliet

The following is a Summary of Motions and Recommendations from the Audit Review Committee requiring Council approval:

1) FIN-2019-24 – 2019 Capital Close Out Report

THAT THE AUDIT REVIEW COMMITTEE accepts and approves the 2019 Capital Close Out Report FIN-2019-24.

2) FIN-2019-25 – Year-To-Date Report – 2019 3rd Quarter

THAT THE AUDIT REVIEW COMMITTEE accepts and approves the Year-to-Date 2019 3rd Quarter Report FIN-2019-25.

As recommended by the Audit Review Committee at its meeting of December 3, 2019.



Date Submitted: December 17, 2019

Submitted by Steve Zorbas, General Manager, Corporate Services, Chief Financial Officer/Treasurer, on behalf of the Audit Review Committee.



(Signature)

COUNCIL
OFFICE OF THE CAO

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CAO-2019-18
DECEMBER 17, 2019

18-113

SUBJECT: OUT OF THE COLD PROGRAM

AUTHOR: GARY LONG, CAO

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information, REPORT CAO-2019-18, Out of the Cold Program.

ORIGIN AND BACKGROUND:

At the November 25th Budget Review Committee (BRC) meeting, David Abbinette gave a presentation seeking City funding for an "Out of the Cold" shelter in Welland. This presentation was a follow up to comments made by Leslie Bellingham at the public input portion of the October 28th BRC meeting.

Ms. Bellingham and Mr. Abbinette are requesting the following:

- 1) Use of the Hooker Street Community Centre (Welland Tennis Club) as an emergency overnight warming centre this winter;
- 2) For the City of Welland to cover the costs of operating this program for 14 weeks, estimated at \$57,603;
- 3) To utilize the cots and bedding that the City purchased last winter for an overnight shelter organized at Welland Civic Square.

COMMENTS AND ANALYSIS:

It's important to note that the Hope Centre is Welland's homelessness emergency shelter provider and is directly connected to all of the Region's homelessness services and is also a provider of transitional and supportive housing resources for our community. Gateway is Welland's outreach provider and is also a provider of supportive housing. Both the Hope Centre and Gateway are actively involved with the full continuum of local resources, regularly participate in system training reflective of current best practices and the critical changing needs of clients in our community, are appropriately insured, and are participating in Niagara's effort to end chronic (long-term) homelessness as part of Built for Zero Canada. Built for Zero Canada is a national organization that helps participating communities work toward an end to chronic homelessness through the adoption of proven practices and approaches.

Niagara Region is currently in a procurement process to secure new contracts with local providers for the next three years. This public procurement process, which was well advertised, provided

an opportunity to communities and local agencies to apply for funding and address local needs through best practice and application of improving models of service.

While all would agree that it would be ideal to have Welland's year-round shelter units located in Welland, this is currently not feasible. However, the provider (Hope Centre) ensures that Welland residents are transported at no cost to their emergency shelter in Niagara Falls, and if it is full, they are connected to any available bed in Niagara's shelter system. Their goal is to work quickly to rehouse shelter users in Welland, or a community of their choice, and keep their length of stay in the shelter to a minimum. It should also be noted that Welland has access to a very effective homelessness outreach service that has high levels of success housing people who are sleeping rough, or "from the street", which is particularly helpful for those who prefer to not use the shelter system, and ensures regular contact with the city's most vulnerable residents.

Recently, Niagara Region provided The Hope Centre with funding for 5 additional units to their allocation for the winter months. Also, there is after-hours telephone coverage for our community so that individuals seeking shelter outside of regular business hours can speak directly to someone and receive assistance.

Built for Zero Canada advocates for a housing-focused approach to homelessness service delivery. This means that the purpose of emergency shelters is to provide housing and related supports to people experiencing homelessness during their stay in shelter, and to help people along their pathway to housing. Shelters in Niagara work together and with the Region to provide coordinated, professional, housing-focused supports to people who access year-round shelters and to those who are sleeping rough (sleeping outside). Shelter providers across Ontario have found that individuals who present at seasonal shelters are largely already connected to services and supports that are offered year-round.

Those who operate seasonal shelters across Ontario are identifying significant changes in the population they serve, noting increased risks (largely associated with a changing drug environment) and a need for professional approaches to service over the previous volunteer-based models. With respect to the proposed 'warming centre' concept, it is important to note that it is the system's experience that some people who access seasonal 'out of the cold' or respite centres, will be individuals who are choosing not to use the regular shelter system, and do so for a number of reasons. It is not just individuals who suddenly find themselves homeless on a particularly cold night. Some may not be seeking assistance to find housing (which is strongly encouraged in Niagara's shelters) and will try to use the 'warming centre' as a free hostel for the full winter season. Some individuals may have restrictions from other shelters due to previous behaviours (including violence, dealing drugs, theft, damage to property etc.). They may be permitted to return after a short period of time, but they know these behaviours will not be tolerated. Some wish to avoid certain restrictions or shelter rules (e.g. not being permitted to keep weapons or drugs on their person) or wish to be in the centre in order to be with friends who have the previously noted concerns. As a result 'Out of the cold' shelters can also be more challenging to operate safely, particularly if they are under resourced, as volunteers may not be professionally trained to work with clients with complex needs.

Any building to be used for this purpose should be inspected by our fire department. There can be significant costs and implications of converting something such as a church or municipal recreation facility, to be used for a 'vulnerable occupancy' purpose. Both St. Catharines and Niagara Falls, Out of the Cold services, have paid, trained staff on site, along with supervision,

security plans, and significant costs associated with daily laundry and facility costs. This also does not consider costs associated with damages.

Based on growing knowledge of best practices and research evidence across North America, City staff and Niagara Region Community Services do not recommend investing public funds into ad hoc efforts such as the one proposed. It is important for the City, in partnership with the Niagara Region and local agencies, to participate in a strategic effort to end chronic homelessness with a system of providers that are focused on best practice and employ trained staff toward this purpose.

Regular meetings between the City, Region, and local providers can ensure that the City is an active participant in this effort and can also identify where our community may have gaps in service or specific needs where Welland can play a part. Welland can also support Niagara's participation in Built for Zero Canada by incentivizing affordable and supportive housing development as a significant and impactful resource toward ending chronic homelessness.

OTHER DEPARTMENT IMPLICATIONS:

Not applicable.

FINANCIAL CONSIDERATION:

Ms. Bellingham and Mr. Abbinette have estimated the costs of a 14 week Out of the Cold program to be \$57,603.

SUMMARY AND CONCLUSION:



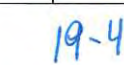
Two local residents presented at the Budget Review Committee meetings requesting funding to provide a 14 week out of the cold shelter this winter at the Hooker Street Recreation Centre where the Welland Tennis Club is located. City staff do not support this request and instead want to promote the Hope Centre as the homelessness emergency shelter provider, and the importance of having a coordinated and integrated approach in how Welland and the Region work toward ending homelessness and more permanent housing solutions. Setting up ad hoc arrangements outside of a coordinated system is not the solution, there are significant risks, and this model does not help reduce or end homelessness, which is the goal of Niagara's 10-Year Housing and Homelessness Action Plan – A Home for All. There is an existing shelter system in place, along with agencies and trained staff who have the expertise to work with individuals in need.

City staff also recommend seeking opportunities for staff and Council to increase its knowledge of Niagara's current involvement in the National Built for Zero campaign, an effort, informed by research and best practice, to dramatically reduce and ultimately end chronic homelessness.

ATTACHMENTS:

N/A.

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-46

REPORT FIN-2019-28
DECEMBER 17, 2019

**SUBJECT: SUPPLY AND DELIVERY OF TWO (2) NEW SNOW
PLOW TRUCKS WITH ATTACHMENTS**

**AUTHOR: ADAM BERES
MANAGER OF FLEET, EQUIPMENT & PURCHASING**

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

**TRAVERS FITZPATRICK
GENERAL MANAGER, INFRASTRUCTURE AND
DEVELOPMENT SERVICES/CITY ENGINEER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the purchase of two (2) new snow plow trucks with attachments from Rush Truck Centres of Canada at a cost of \$276,498 for each unit inclusive of applicable taxes, being the offering that met specifications and provided best overall value compared to the other offerings; and further

THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate By-laws to enter into a purchase contract with Rush Truck Centres of Canada.

ORIGIN AND BACKGROUND:

The purchase of two (2) new units to replace existing fleet plow trucks received Council approval within the 2019 Fleet Capital Budget. Tenders were prepared as soon as specifications were available so that qualified vendors may supply a tender response for the required equipment.

COMMENTS AND ANALYSIS:

The City of Welland hosted a competitive tender process for the purchase of two single axle plow truck vehicles with attachments. These units will replace the aging units identified in the 2019 Fleet Capital Budget; units 432 and 433 respectively.

It is vital that plow truck equipment is in proper working order to maintain and support our winter control operations.

FINANCIAL CONSIDERATION:

Request for tender documents was published on the City of Welland Bidding site. Four responses were received from three vendors, as one offered an optional truck option for review and consideration.

All of the submissions conformed to specifications with the difference being the various manufacturers of the truck portion. Each would be a fine choice for reliability and quality. Staff are supporting the lowest priced offering with overall value, inclusive of after sales support as a further consideration.

Supplier	Budgeted 2019 Per Unit	Tendered (Tax inclusive)	Variance to Budget
Rush Truck Centres	\$315,000	\$276,498	(38,502)
Premier Opt 1		\$299,271	(15,729)
Premier Opt 2		\$278,735	(36,265)
Metro Freightliner		\$277,791	(37,209)

Truck information: Rush: International. Premier Opt 1: Western Star. Premier Opt 2: Freightliner.

OTHER DEPARTMENT IMPLICATIONS:

Fleet Maintenance personnel and the Manager of Public Works have reviewed the provided specifications from tender responses and are in favour of the recommended offering.


SUMMARY AND CONCLUSION:

Staff requests that Council approve the recommendation of purchasing the two (2) new plow trucks with attachments from Rush Truck Centres, as incorporated within the 2019 Enterprise Fleet Capital Budget Report as the lowest priced units that conform to tender specifications.

ATTACHMENTS:

N/A

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-120

REPORT ENG-2019-47
DECEMBER 17, 2019

SUBJECT: SCHOLFIELD AVENUE SOUTH – WELLAND STREET TO EAST MAIN STREET ROAD RECONSTRUCTION – AWARD OF CONSULTING SERVICES

**AUTHOR(S): MATTHEW MAIN A.Sc.T., E.I.T.
ENGINEERING DESIGN SUPERVISOR**

**APPROVING G.M.: TRAVERS FITZPATRICK,
GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT Welland City Council approves award of RFP19-10 Consulting Services for Scholfield Avenue South – Welland Street to East Main Street Road Reconstruction to Urban and Environmental Management Inc. in the amount of \$36,832.80 plus applicable taxes; and
2. THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with Urban and Environmental Management Inc. to execute the consulting services.

ORIGIN AND BACKGROUND:

The City of Welland is looking to complete the detailed design for reconstruction of Scholfield Avenue South – Welland Street to East Main. Scholfield Avenue South has an urban cross-section complete with curb and gutter, sidewalk, sanitary and storm sewers, and cast iron water main. This section of road was selected for reconstruction due to the road and water assets being in poor condition and at the end of their life.

The consultant will provide all engineering and technical expertise to complete the detailed design for this project. Once the detailed design is complete, staff will have a shovel ready project including an accurate cost estimate for construction.

The goal of this project is to replace the cast iron watermain, review the storm and sanitary sewers to determine if they need to be replaced, replace the road, curb, subdrain and sidewalks. A public information session/meeting will be organized to seek input from area residents on this project.

COMMENTS AND ANALYSIS:

On September 23 2019, staff issued a Request for Proposal (RFP) for the detailed design of Scholfield Avenue South – Welland Street to East Main Street Road Reconstruction. Three (3) consultants were invited to bid and the City received two (2) submissions.

Engineering Consultants were required to submit a proposal outlining the technical and financial aspects of their proposed design. Each proposal was reviewed and evaluated by three (3) staff members in the Engineering Department to ensure the City's technical and financial objectives were satisfied. The following four (4) criteria were used to score the criteria.

- Company Overview and Experience with Similar Projects
- Project Understanding and Approach
- Project Deliverables
- Price

An average score was used to determine the successful firm. The firm with the highest average score was Urban and Environmental Management Inc.. Urban and Environmental Management Inc. has performed similar projects with staff in the past. Staff is satisfied that Urban and Environmental Management Inc. has met all the required qualifications to successfully complete the detailed design.

FINANCIAL CONSIDERATION:

During the 2019 capital budget deliberations, Council approved funding of \$75,000 for the detailed design of Scholfield Avenue South. The proposal from Urban and Environmental Management Inc. for consulting services of \$36,832.80 plus approximately \$20,000 for geotechnical and related administrative costs is within the current approved capital budget:

Account	Name	Value
10-320-19241	Roadways - Scholfield Road Replacement - Design	\$50,000.00
10-910-19241	Waterworks Scholfield - East Main to Welland (Design)	\$25,000.00
	Total	\$75,000.00

OTHER DEPARTMENT IMPLICATIONS:

Solicitation of proposals was in compliance with the approved Purchasing Policy and contract legal practices of the Finance, Clerks and Legal Services Divisions of Corporate Services.

SUMMARY AND CONCLUSION:

Based on the results of RFP19-10, Urban and Environmental Management Inc. scored the highest overall ranking and successfully fulfilled all of the City's technical requirements with the RFP.

It is recommended that Urban and Environmental Management Inc. be retained to provide the detailed design services for the Aqueduct Street road reconstruction in the total amount of \$36,832.80 plus applicable taxes.

It is anticipated that the Design will be completed by Q3-2020.

ATTACHMENTS:

None

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-106
REPORT ENG-2019-48
DECEMBER 17, 2019

SUBJECT: AQUEDUCT PEDESTRIAN BRIDGE REMOVAL (WEST SIDE) – TENDER AWARD

**AUTHOR(S): MATTHEW MAIN A.Sc.T., E.I.T.
ENGINEERING DESIGN SUPERVISOR**

**APPROVING G.M.: TRAVERS FITZPATRICK,
GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves and accepts the tender of Rankin Construction Inc. of St. Catharines, Ontario in the amount of \$300,000.00 plus applicable taxes as detailed in Report ENG-2019-48 for the Aqueduct Pedestrian Bridge Removal (West Side) – Tender Award; and
2. THAT Welland City Council directs the City Clerk to prepare all necessary and appropriate by-laws to enter into contract with Rankin Construction Inc. to execute the construction.

ORIGIN AND BACKGROUND:

The Aqueduct Pedestrian Bridge was constructed around 1930 and is located on the west side of the Welland River Syphon where the Welland River crosses the Old Welland Canal.

Post 2010, the bridge was closed and fenced off to pedestrian traffic. This was due to the deteriorating concrete and reduced load capacity of the pedestrian bridge. Currently, the concrete pedestrian deck is in poor condition with significant areas of severe cracking and severe concrete disintegration.

As part of the proposed work in the Aqueduct Pedestrian Bridge Removal Tender the concrete deck slabs on the pedestrian bridge are to be removed. Once the construction is complete the fencing will be reinstalled to protect the area. If the concrete slab are not removed they will continue to deteriorate and fail over time.

COMMENTS AND ANALYSIS:

The tender for the proposed work was released on Monday September 23, 2019 and was publicly advertised and listed with the Niagara Construction Association, and as well, posted with a major Canadian tendering website for two and half weeks.

There were seven (7) plan takers and two (2) tenders were received on closing day, Wednesday October 9, 2019. One (1) tender bid was received late disqualifying it from the tender opening leaving only one (1) tender submitted. The one submission was reviewed for accuracy, and was found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

As per the City's purchasing policy, purchase by negotiation is permitted when one bid is received in a tender. Following the tender opening, City staff contacted the sole contractor and proceeded to negotiate a lower tender price for the proposed work. Through those negotiations Rankin Construction Inc. agreed to reduce their tender price from \$389,375.00 to \$300,000.00 plus applicable taxes.

The summary of the negotiated tender price is as shown below:

Contractor Name and Address	Negotiated Tender Price (excluding taxes)
Rankin Construction Inc. 222 Martindale Road St. Catharines, ON L2R 7A3	\$300,000.00

Ranking Construction Inc. of St. Catharines, Ontario is an established company and has been successful with work for the City and other Regional Municipalities in recent years. Staff at this time considers the firm's performance to be satisfactory in accordance to our specifications and standards, and therefore, recommends the firm be awarded the contract.

The proposed work outline in the tender documents is scheduled to start in winter 2020.

FINANCIAL CONSIDERATION:

A breakdown of the funding structure for this project is shown in the following table.

2018 Capital Budget	Amount
Bridge & Culverts – Aqueduct West Portal Pedestrian Deck Removal (10-320-18013)	\$139,001.00
2019 Capital Budget	
Roadways – Aqueduct Pedestrian Bridge Removal (West Side) (10-320-19840)	\$34,774.00
2019 Capital Surplus	\$160,000.00
Total Funding	\$ 333,775.00

The original combined budget items in 2018 and 2019 did not meet the financial requirements for the tender. This was due to the following reasons:

1. The tender price received was higher than the estimated tender value.
2. The majority of the 2019 capital budget for the work was funded by OCIF which the City did not receive.

The amount of \$160,000.00 from the 2019 Capital Surplus will be used to meet the financial requirements for the project.

The negotiated tender price from the Rankin Construction Inc. plus the price for construction inspection and contractor administration equals an approximate project total of \$330,000.00.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks and Legal Services departments.


SUMMARY AND CONCLUSION:

The Aqueduct Pedestrian Bridge on the west side of the Old Welland Canal is in poor condition and concrete deck needs to be removed. Currently the area is fenced and is safe to the public, but if the concrete slabs are not removed they will continue to deteriorate and potentially fail.

Staff recommends the awarding of a contract to Rankin Construction Inc. to perform the construction outlined in the Aqueduct Pedestrian Bridge Removal (West Side) tender.

ATTACHMENTS:

N/A

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

19-127

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

REPORT ENG-2019-49
DECEMBER 17, 2019

SUBJECT: MUNICIPAL LEVEL OF SERVICE PLAN

AUTHOR: SHANNON MOON, B.Comm, MBA
PURCHASING AGENT.
FINANCE DIVISION, CORPORATE SERVICES

APPROVING MANAGER: VINCENT BEAUDOIN, C.E.T., C.R.S., O.R.O
MANAGER OF PUBLIC WORKS, INFRASTRUCTURE SERVICES

APPROVING G.M.: TRAVERS FITZPATRICK; GENERAL MANAGER, INFRASTRUCTURE AND DEVELOPMENT SERVICES
And
STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
GENERAL MANAGER, CORPORATE SERVICES/CHIEF FINANCIAL OFFICER/ TREASURER

RECOMMENDATIONS:

THAT Welland City Council approves the award of RFP19-14 Consulting Services for Level of Service review in the amount of \$88,933.00 plus applicable taxes for DFA Infrastructure International Inc.

ORIGIN AND BACKGROUND:

Public Works is currently adhering to 2004 Level of Service operating procedures. In 2018, The Ministry of Infrastructure approved Ontario Regulation 588/17: Asset Management Planning for Municipal Infrastructure. This regulation sets out requirements for municipal asset management planning with intent to assist municipalities with increased understanding of infrastructure requirements and optimizing forecasts which will lead to progressive investment decision making.

COMMENTS AND ANALYSIS:

Ontario introduced an asset management regulation in December 2017 that requires all municipalities to have a comprehensive asset management plan in place by July 1, 2024.

The regulation requires a description of levels of service for core infrastructure assets, in accordance with the metrics provided in the regulation:

- Community (customer) level –images and/or descriptions of what the end-user experiences
- Technical level –using metrics that describe what the organization provides

(MFOA, 2018)

As the Public Works Division continues to transition to new technologies and adapt innovations, level of service operating procedures must also evolve. An ideal Level of service framework incorporating both operational and asset performance will provide applicable process control with associated key performance indicators to demonstrate measure and control process for continuous improvement.

In review of service request trends in other municipalities, a Level of Service review team was assembled in Spring of 2019 consisting of members from Water/Sewer, Roads, Parks, Fleet, Purchasing and Engineering. After review, a request for proposal was posted for a period of one (1) month. Four submissions were received as follows:

Grant Thornton
GM Blueplan
DFA Infrastructure
Optimus

It was determined that DFA Infrastructure International Inc. provided a highly capable plan offering significant value and experience related to asset components of Ontario Regulation 588/17. It is expected that the Service Level Review will provide the City of Welland with long-term direction with regards to the resources required to meet the satisfactory requirements of City residents and visitors; while maintaining financial and environmental integrity.

FINANCIAL CONSIDERATION:

The Ministry of Municipal Affairs and Housing has provided funding in form of a “one time payment” in the amount of **\$88,933** to “help modernize service delivery and reduce future costs through investments in projects such as service delivery reviews...”

This is a one-time payment will fund the Level of Service Review.

A technical merit and quality of cost comparison for DFA’s Request for Proposal was conducted resulting in a highly rated technical submission. DFA submitted the low bid price in the amount of \$89,870.00 (excluding HST.). This amount exceeds the funding provided. In order to meet the requirements of the “one time payment” staff removed the suggested value added component that was proposed thereby meeting the budget requirement. (refer to table below).

	QUOTE	REBATE HST	FUNDING	POSITIVE VARIANCE
DFA	\$89,870	\$91,451.71		
VALUE ADD: REMOVE	-\$9,560.00			
TOTAL	\$80,310	\$81,723.46		
FUNDING			\$88,933.00	
FAVOURABLE VARIANCE				\$7,209.54

OTHER DEPARTMENT IMPLICATIONS:

Corporate Services, Recreation and Culture Divisions have been involved to date, and will continue to participate along with Infrastructure and Development Services (By-Laws, Planning and Building) as part of the project implementation / action team.

SUMMARY AND CONCLUSION:

As the City continues to develop in both economic and population growth, the Municipal Level of Service Plan will provide the City of Welland with long term direction on planning and alignment of resources to meet existing and future regulation and requirements, while also maintaining financial and environmental integrity.

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

04-48

REPORT P&B-2019-63
17 DECEMBER, 2019

SUBJECT: ATLAS LANDFILL AMENDING LEASE AGREEMENT, POST CLOSURE AGREEMENT & POST CLOSURE MAINTENANCE PROPOSAL

**AUTHOUR: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT Council approve an amending Lease Agreement with Walker Environmental Group Inc. concerning the former Atlas Landfill site at 685 River Road;
2. That Council approve the Atlas Landfill Post-Closure Agreement with Walker Environmental Group Inc. concerning the former Atlas Landfill site at 685 River Road;
3. That Council accept and approve the proposal from Walker Environmental Group Inc. for Post Closure Maintenance of the former Atlas Landfill site at 685 River Road for a period of five (5) years;
4. That Council directs staff to establish an Atlas Landfill Post Closure Perpetual Care Reserve Fund;
5. That funds in the said Atlas Landfill Post Closure Perpetual Care Reserve Fund shall be used exclusively for the maintenance of the closed landfill; and
6. That future Annual Post Closure Reports required by the Atlas Landfill Closure Plan be presented to Council for information and deposited in the Welland Library main branch.

ORIGIN AND BACKGROUND:

The City of Welland came into ownership of the former Atlas landfill site on River Road as a consequence of the bankruptcy of Slater Steels, a tax sale under the Municipal Act, 2001 and the acquisition of additional lands to the north of the site.

Concurrently, the City of Welland and Integrated Municipal Services Inc., now Walker Environment Group Inc. (Walker) entered into negotiations concerning the remediation of the landfill site. Economic Development Officer, as he then was, Dan Degazio led the City's negotiations. In June 2009, the City and Walker entered into a lease agreement wherein Walker would lease the landfill from the City, undertake remedial works and operate the landfill to accept solid, non-hazardous waste, composed primarily of the following:

- Soils from brownfield site cleanups;
- Soils from excavations;
- Soils from underground storage tank removals;
- Industrial process wastes that are soil-like (e.g. foundry sands, slag, emission control dusts, treatment residuals);
- Sediments from dredging operations; and
- Rubble and fines from construction and demolition projects and/or recycling operations.

The site is some 22.66 ha.(55.97 ac.) in total area with some 13.82 ha.(34.14ac.) forming the actual landfill. There are two (2) cells in the landfill one, the original Atlas site, containing 9.9 ha.(24.45 ac.) and a second cell of some 3.9 ha.(9.63 ac.) (Appendix I "Total Site Area" illustrates the location of the site, the two (2) cells and the cell areas.)

As set out recently in a presentation to Council by representatives of Walker there has been significant remedial works undertaken at the site by and at the expense of Walker so as to permit the landfill to be turned from a liability into a secured remediated landfill. (The presentation Atlas Landfill Site Remediation made to Council is attached to this Report as Appendix II.)

Early in 2019 Walker, on behalf of the City, prepared and submitted to the Ministry of the Environment, Conservation and Parks a Closure Plan for the landfill as required by Condition 103 of the amended Environmental Compliance Approval (ECA) No. A – 120409 for the landfill. That Closure Plan was approved by the Ministry on 5 June, 2019. (The body of the Closure Plan is attached as Appendix III to this Report, while the approval letter from the Ministry is attached as Appendix IV)

After approximately ten (10) years of operation, the landfill has now reached its capacity of some 2,168,296 m³, including some 735,000 m³ of historically placed waste on the site from former steel plant operations.

On November 21, 2019, a last Public Liaison Committee (PLC) meeting was held at Club Richelieu at 7:00 pm. At that time, Walker staff reviewed the current status of the site and responded to questions from two (2) members of the public concerning the 2018 Atlas Landfill Annual Report. One of the gentlemen in attendance commented that he was unable to locate previous annual reports in

the Welland Library. Walker personnel stated that the reports had been lodged in the Library and are available. As noted in the recommendations, it is proposed that all future annual reports which may be required by the Ministry of Environment, Conservation and Parks will be made available in the Welland Public Library main branch. No further PLC meetings are contemplated as the landfill will be closed in the near future and any and all requirements of the Ministry will be monitored by the Ministry through the Post Closure Plan.

COMMENTS AND ANALYSIS:

The Amending Lease Agreement

As previously noted, the City and Walker entered into a lease agreement in June 2009 respecting the remediation of the former Atlas Landfill site. That lease agreement set out various terms, conditions and responsibilities of each of the parties. With the site now at capacity the closure process envisioned in the lease has begun. As part of the closure process, it is necessary to amend the original lease agreement to make provisions for the actual process of closure versus the anticipated process when the original lease was signed by the parties.

The main amendment has to do with the term of the lease which has been amended by the amending lease to essentially be "the day upon which the final placement of Non-Hazardous Soils or waste is made at the landfill".

The original lease agreement contemplated a term which commenced on "the Commencement Date and will be fully completed and ended on the earlier of the day preceding the tenth (10th) anniversary of the Commencement Date ("the Expiry Date"), unless otherwise terminated pursuant to the provisions of the Lease".

Clearly, the amendment to the lease provides for a much clearer understanding of the term of the lease. In addition, the amending lease also clarifies that rent is not payable to the City beyond the end of the term of the lease. Final closure activities such as the placement of final cover, grading, landscaping are outside the term of the lease when rents are required.

While the original lease agreement contemplated an agreement was to be negotiated to supervise and carryout post closure activities the amending lease agreement provides that ***"The Tenant and the Landlord agree that the Tenant or an approved Affiliate will supervise and carry out the Post-Closure care activities on a fee-for-service contractual basis in accordance with the Post-Closure plan for a period of five years and, upon the written agreement of both Parties, for a further five year period. The Parties agree that they may enter into further extensions should they so agree in writing."***

This amendment clarifies that post closure activities around maintenance, monitoring and reporting will be carried out by Walker on a fee-for-service basis.

The Atlas Landfill Post Closure Agreement

As contemplated in the original lease agreement, an agreement was to be negotiated to supervise and carryout post closure activities. As noted above, the amending Lease Agreement provides for a Post Closure Agreement wherein Walker will undertake required post closure maintenance and monitoring on behalf of the City on a fee-for-service basis.

The Closure Plan which has been approved by the Ministry of the Environment, Conservation and Parks requires ongoing maintenance, monitoring and reporting. These activities are beyond the competence and expertise of existing staff as the City is not responsible for landfill activities and therefore does not have the skill set to carry out the required maintenance., monitoring and reporting that is required by the Ministry.

To quote the Post Closure Agreement ***“The Closure Plan is intended to monitor and identify any substandard condition that may cause harm to the environment, public, and/ or cause non-compliance issues. The Site Area in accordance with the Closure Plan will require monthly environmental inspections including documentation and visual inspections of the final cover, leachate collection system, condition of surface water drainage and ditch systems, leachate and surface water, pond quality, vegetative issues, groundwater monitoring wells, and the condition of fences, gates, and roads surrounding the Site Area”.***

Consequently, due to the requirements established by the Ministry which are beyond the City’s abilities to fulfil, is proposed that the City enter into a five (5) year agreement with Walker to monitor and maintain the site in accordance with the Closure Plan as set out in the amending lease agreement.

Post Closure Maintenance

In as much as Walker has constructed all remedial works, operated and monitored the Atlas Landfill over the course of the lease agreement, it is only reasonable that the firm with the most intimate knowledge should be contracted to carry out the required maintenance, monitoring and reporting for the site. Consequently, the amending lease agreement provides for such fee-for-service arrangement and Walker has provided a proposal for such service to the City. It is recommended that the City accept the proposal from Walker. (A copy of the proposal is attached to this Report as Appendix V)

It should also be noted that Walker has agreed to have City staff shadow its staff to become familiar with the site and required activities. There may be an opportunity at some future date for the City to undertake some of the required activities.

FINANCIAL CONSIDERATIONS:

As set out in the presentation to Council by Walker over the course of the agreement between the City and Walker, the City of Welland has realized some Six Million, Six Hundred Twenty-seven Thousand Dollars (\$6,627,000) in rents and royalties paid to it by Walker. These funds have been utilized to fund a variety of City projects and initiatives. In addition, a Post Closure fund of Three Million Two Hundred Thousand Dollars (\$3,200,000) has been established and will be transferred to the City upon the conclusion/execution of the various agreements discussed in this Report. This fund will be utilized solely to fund the Post Closure activities which are required by the Ministry of Environment, Conservation and Parks.

It should also be pointed out that the agreement with Walker permitted the City to avoid any remediation costs which may have fallen to it as a consequence of the landfill be abandoned. Those remediation costs are reported to be approximately \$15,000,000.

OTHER DEPARTMENT IMPLICATIONS:

The Finance Department will be responsible for investing the post closure fund and to ensure that the funds in the Atlas Landfill Post Closure Perpetual Care Reserve Fund are utilized solely for the costs of maintaining the landfill site.

SUMMARY AND CONCLUSION:

With failure of Slater Steel and subsequent actions of several companies, the Provincial government and municipalities (Regional Niagara and the City of Welland), the City of Welland became the beneficial owner of what is now referred to as the Atlas Landfill Site.

Given all of the circumstances, the City of Welland and Walker entered into an agreement which has resulted in:

- a) the remediation of the former industrial landfill;
- b) significant public sector cost avoidance of some \$15,000,000;
- c) some \$6,627,200 in revenues to the City of Welland;
- d) the establishment of a \$3,200,000 perpetual care reserve fund for the long term care of the site; and
- e) the opportunity to create a recreational opportunity at the site.

There are still outstanding matters which must be addressed such as the transfer of the maintenance responsibilities back to the City, the amendment of the Environmental Compliance Approval to recognize the use of the lands for recreational purposes and the continued maintenance of the site.

ATTACHMENTS:

- Appendix I - Total Site Area
- Appendix II - Atlas Landfill Site Remediation Presentation
- Appendix III - Body of Closure Plan
- Appendix IV - Ministry of the Environment, Conservation & Parks letter of 5 June, 2019
- Appendix V - Walker Maintenance Post Closure Maintenance Proposal



LEGEND

- - - - - PROPERTY BOUNDARY (22.66 ha)
- APPROVED LIMIT OF LANDFILL (13.82 ha)

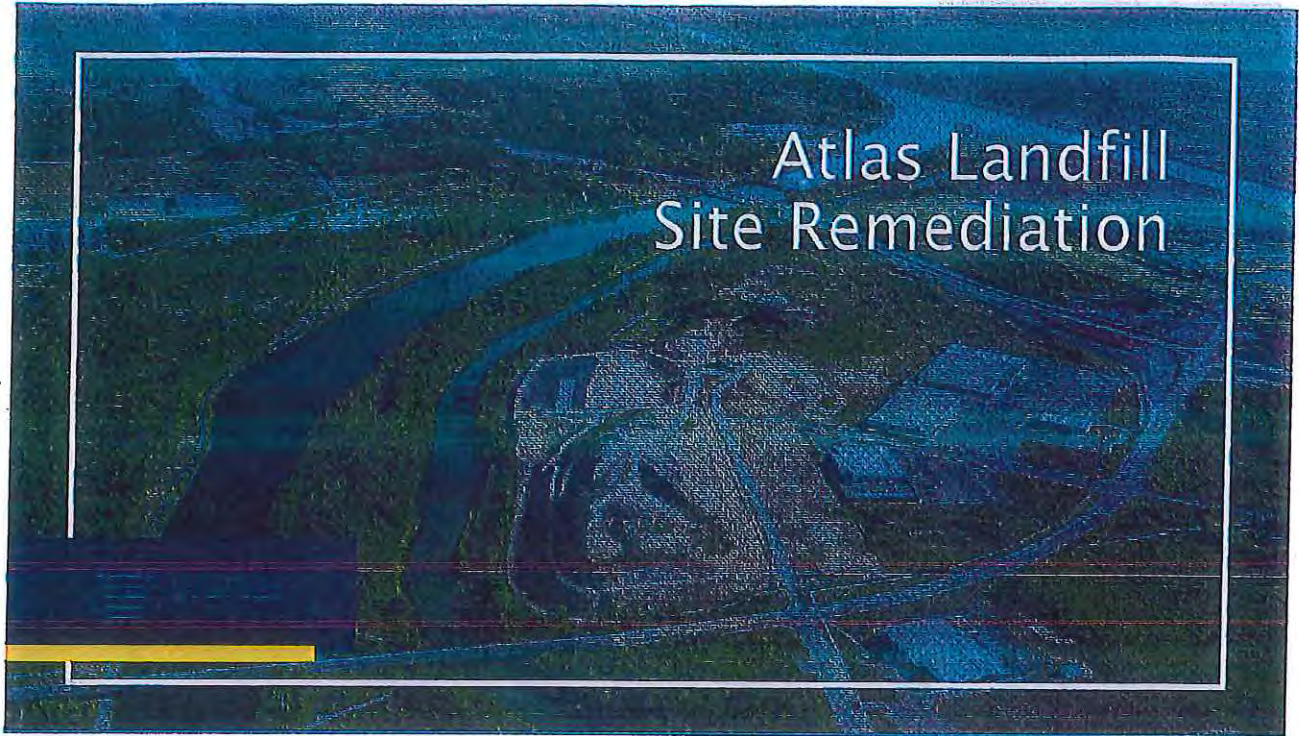


Owner

walker
environmental

Project	Atlas Landfill Closure Plan
Drawing	Total Site Area

Designed TTamburri	Scale NTS	Date Feb 20 2018
Drawn TTamburri	Project No.	Walker Job. No. 93
Checked TMcVicar	Drawing No. Fig 2	Revision No. 0
Approved TMcVicar		



The Abandoned Atlas Steels Landfill Site...



The Liability (Prior to Site Remediation)

Environmental

- ~15 hectares of unsecured/uncapped/exposed waste
- No environmental monitoring/reporting program
- Surface water
 - No surface water/stormwater controls
 - Impacted surface water was discharging to the Welland River
- Groundwater
 - No bottom liner & no leachate collection
 - Shallow groundwater impacts were occurring
- Aesthetic eyesore in urban growth area

The Liability (Prior to Site Remediation)

Economic

- Ongoing maintenance/repair of existing environmental controls
 - Regional Municipality ordered to oversee maintenance
 - ~\$200k/year
- Remediation costs estimated at ~\$15M
 - Groundwater/surface water/capping
- Unusable/Un-developed Brownfield





The Proposal/Solution...

Walker Environmental/City Partnership with 4 key objectives:

1. Immediately protect the environment & bring the site into compliance
 - Develop and implement site-wide remediation plan
2. Amend existing site approvals to permit remediation activities
3. Remediate the site and address pre-existing issues
 - Employ existing disposal capacity to fund remediation efforts
 - Solid, non-hazardous soils only (i.e. brownfields)
 - Use tip fees to fund remediation of existing issues
 - Develop a long term, post closure care fund
4. Cap & Close the site
 - Explore future end-uses for the site (i.e. passive recreational use)

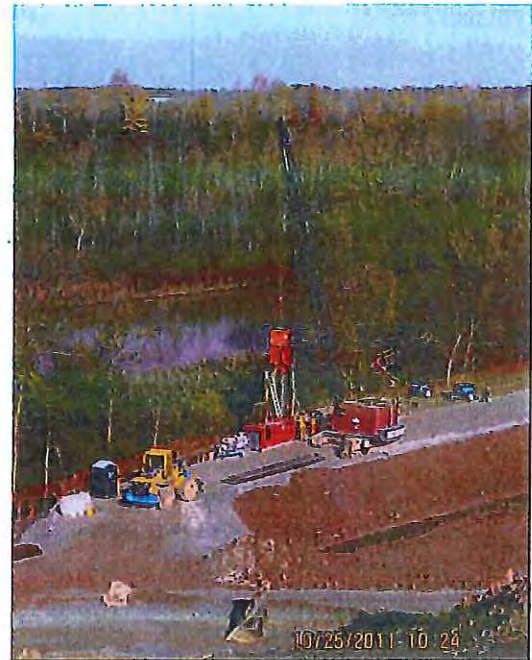


Project Benefits

1. Protection of local water resources (groundwater & surface water)
2. Remediation costs (~\$15M) not borne by municipality/province/taxpayer
3. New revenue stream for the City (royalty/lease)
4. Subsidize local (Welland) Brownfield projects
5. Perpetual site maintenance via post-closure fund
6. Creation of new green-space/walking trails

Project Timeline

- Remediation Concept Conceived – 2005
- Consultation/Approvals – '06 to '10
- Walker/City Agreement - 2010
- Walker "Site Stewardship" - Q3 2010
- Remediation Works – '10 to '12
- Site operations 2010 - 2019
- Site Closure - 2019





◀ Aerial view of pre-existing conditions prior to remediation

7







Site Remediation Begins (2010)





◀ Installation of the Waterloo Barrier Groundwater Barrier System



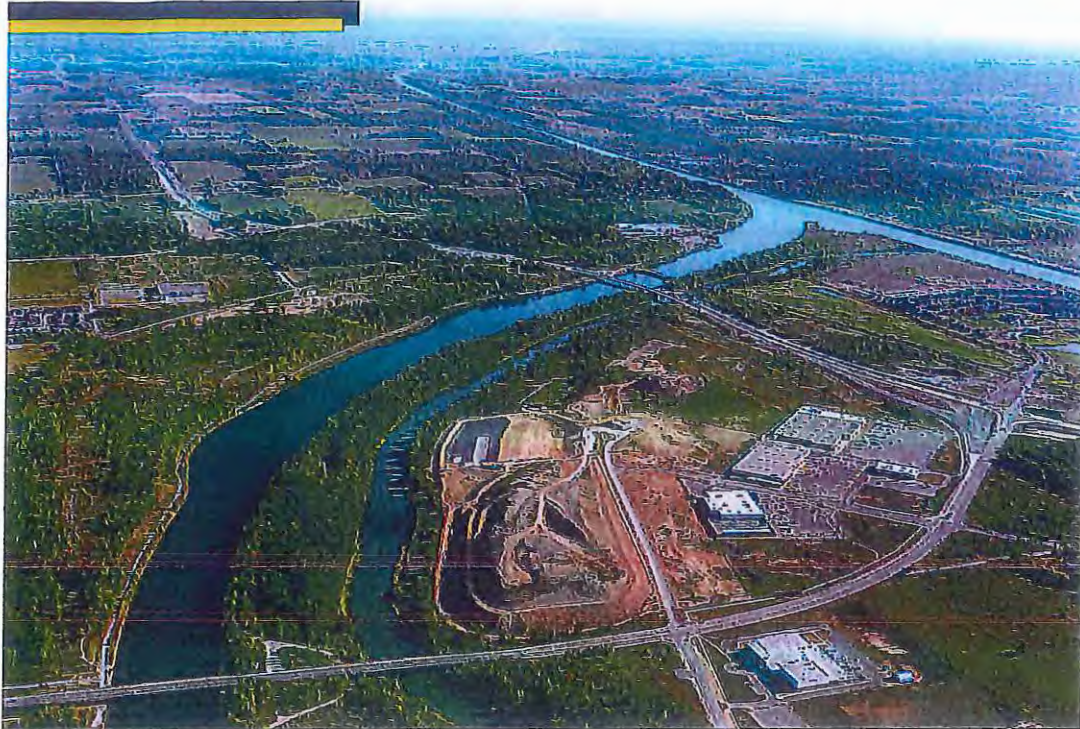
▶ Installed Water Barrier Groundwater Containment Wall (sheet piles) and the installation of the leachate interceptor trench



◀ Site remediation and preparation for engineered leachate collection pond



▶ Construction of the new leachate pump station (Pump Station PS1)



◀ Aerial view in 2012

Site Remediation Complete (2019)



Looking north along east slope. ▲
View of completed landfill cap

◀ Looking north along the west slope. Regraded and capped slope, Waterloo Barrier, newly installed groundwater monitoring wells, security fencing and surface water controls

Rent/Royalties Paid to City of Welland 2010 – 2019 \$6.6M

	Rental	Royalties	Total
2010	\$ 25,000	\$ -	\$ 25,000
2011	\$ 208,000	\$ 696,000	\$ 904,000
2012	\$ 225,000	\$ 414,000	\$ 639,000
2013	\$ 236,000	\$ 407,000	\$ 643,000
2014	\$ 248,000	\$ 359,000	\$ 607,000
2015	\$ 257,000	\$ 491,000	\$ 748,000
2016	\$ 269,000	\$ 645,000	\$ 914,000
2017	\$ 280,000	\$ 483,000	\$ 763,000
2018	\$ 308,000	\$ 735,000	\$ 1,043,000
2019	\$ 316,000	\$ 25,000	\$ 341,000
	\$ 2,372,000	\$ 4,255,000	\$ 6,627,000

Next Steps

- Walker to finalize capping & seeding, removal of scale-house and construct access road for site maintenance
- Walker Environmental provides \$3.2M trust fund to City for perpetual site maintenance
- Walker to submit a proposal for post-closure site management & maintenance
- Walker to hold a final PLC meeting in November
- Site's Environmental Compliance Approval (ECA) to transition back to the City of Welland

INTRODUCTION

Walker Environmental Group has prepared this Closure Report on behalf of the City of Welland for the Atlas Landfill (landfill) located at 685 River Road, in Welland, Ontario (site). The site location is shown in Figure 1. The report satisfies the closure plan requirements noted in Condition 103 (Appendix 7) of Amended Environmental Compliance Approval (ECA) No. A - 120409 for the landfill. A copy of the Amended ECA is provided in Appendix 1.

SECTION 1

1.1 - SITE DESCRIPTION

As shown in Figure 2, the site has a total area of 22.66 Hectares (Ha), of which 13.82 Ha represents the approved waste fill area. The waste fill area is divided into two areas referred to as "Cell 1" (9.9 Ha) and "Cell 2" (3.9 Ha). Cell 1 has been in operation for more than 70 years. Cell 2 was constructed by WEG in 2012.

Figure 3 shows the zoning designation for the site and adjacent lands. The site is bounded by undeveloped land zoned as rural agricultural to the north, land zoned as commercial to the east (currently being developed), Woodlawn Road and undeveloped public open space to the south, and the Welland River to the west.

The legal description of the Site is as follows:

Part Lot 22, Concession 2 Crowland Township, Part 1 59R10922, Welland;

- Part 14, Plan 59R-12968 (Reg. # SN241895) – Part of Lot 22, Concession 2, former Township of Crowland being Part 14, Plan 59R-12968;
- Part 1, Plan 59R-13931 (Reg.# SN241899) – Part of Lot 22, Concession 2, former Township of Crowland being Part 1, Plan 59R-13931;
- PT LTS 21 & 22 CON 2 Crowland, PT TWP LT Broken Front 222 THLD, PT OF THE RIVER BED OF THE OLD WELLAND RIVER, ALL AS IN RO555366 (ELEVENTHLY); S/T RO555366; WELLAND; and
- Former Cambridge Road allowance between Concessions 2 and 3, Part 1 and 2, 59R-5212.

Access to the site is via the entrance off of River Road at the northeast end of the site as depicted on Figure 2.

The leachate management systems that will remain in place for Cell 1 upon closure include:

- A collection system toe-drain along the west perimeter
- A groundwater migration barrier wall (Waterloo Barrier®) along the west side
- A re-compacted clay groundwater migration barrier wall along the south, east and north perimeters and
- A leachate pumping station at the northwest corner (PS-1).

The leachate management systems that will remain in place for Cell 2 upon closure include:

- A compacted clay basal liner
- A granular leachate drainage layer / collection system and
- A leachate pumping station at the north end (PS-2).

All of these systems were completed in 2012.

The leachate collection system trench and groundwater migration barrier wall (Figure 4) are located along the west side of Cell 1. The collection system trench intercepts and conveys impacted groundwater/leachate from Cell 1 to Pump Station PS-1 (Figure 4) located at

the northwest corner of Cell 1. PS-1 discharges via an HDPE force main to the Region of Niagara sanitary sewer at Woodlawn Road (Sanitary Sewer Maintenance Hole MHBB, (see Figure 4). The force main traverses around the north end of Cell 2 where it also receives discharge from Pump Station PS-2 (Figure 4) associated with Cell 2 prior to continuing southward to the sanitary sewer at Woodlawn Road.

The groundwater migration barrier wall was installed to cut-off lateral leachate migration from Cell 1 towards the Welland River. The total length of the groundwater migration barrier wall is approximately 560 m. The installed groundwater migration barrier ranges from 4.1 m to 11.0 m in depth.

The re-compacted clay groundwater migration barrier is approximately 3 m in depth and is located along the south, east and north perimeter of Cell 1 (Figure 4). It ties into the groundwater migration barrier wall at the northwest and southwest corners of Cell 1.

All leachate from Cell 1 is conveyed to the leachate collection pumping station at the northwest corner of Cell 1 and managed as leachate through PS-1.

The Cell 2 leachate containment system consists of a 1 m thick re-compacted clay liner overlain by a 0.5 m thick clear stone drainage layer followed by a non-woven geotextile filter. Perforated pipes within the drainage layer convey leachate to an internal maintenance manhole at the north end of Cell 2. Leachate then flows by gravity through a non-perforated pipe to PS-2 (outside the north end of Cell 2) where it gets pumped into the force main that connects to the sanitary sewer at Woodlawn Road.

Ancillary features at the site during landfilling operations included access roads, a scale house/inspection station, a chain link property fence, drainage ditches, a leachate holding pond, a storm water management wetland/pond and groundwater and landfill gas monitoring wells. The storm water management wetland/pond was constructed in 2011 north of Cell 2. Its purpose is to manage storm water from the capped landfill as well as water drainage from River Road and the developments to the east of the site.

A below grade permanent power supply line was installed in 2013 to PS-1 from a 600V transformer located at the northeast corner of Cell 1. An above grade power supply line was installed from the 600V transformer to PS-2 in 2012.

1.2 – SITE HISTORY and REGULATORY SETTING

Atlas Specialty Steels started disposing of its plant wastes in the landfill (Cell 1) beginning in the 1930s or 1940s. Provincial Certificate of Approval (C of A) No. A120409 for the landfill was first issued by the MOE to Atlas Specialty Steels on July 3, 1980. As noted below WEG (IMS) did not become involved in this site's activities until 2010.

The plant wastes consisted of electric arc furnace slag, spent acids, baghouse dust, concrete, refractory brick and waste oils. Specific details regarding some of the plant waste types are summarized below:

- Electric arc furnace slag was the most common waste type and was deposited throughout the Cell 1,
- Waste oil was landfilled in the east-central area of Cell 1;
- Caustic sludge and spent acids consisting of sulphuric acid, nitric acid and hydrochloric acid were deposited in a waste acid pit centrally located within Cell 1. In 1983, disposal of waste acids was discontinued in response to a MOECC control order. All acid remaining in the pit was removed and treated through an on-site acid treatment facility. As described in a letter from Golder to Niagara Waste Systems Limited dated October 16, 2012, the effect of the acid on hydraulic conductivity of the underlying clay soil layer is considered to be negligible. A copy of this letter was also provided to the MOECC, and
- Filter cake from the waste acid treatment process was disposed of in the Cell 1 from 1985 to 1995.

The total quantity of historic waste from the steel plant operation that was placed in Cell 1 is approximately 735,000 m³.

A leachate interceptor ditch and clay berm were constructed in 1979 along the west side of Cell 1 to intercept acidic leachate and divert it to a settling pond (leachate pond) where it was neutralized by mixing with alkaline leachate generated from slag waste at the landfill. This resulted in a neutral pH effluent that was then discharged to the Welland River (and later to the sanitary sewer).

On July 23, 1999, the MOE issued an amendment to the Provisional C of A to Atlas Specialty Steels permitting the reclamation of metals from the landfilled waste. The amendment also stipulated that a comprehensive two-year landfill gas, surface water, and groundwater monitoring program be developed.

In August 2000, Slater Steels acquired Atlas Specialty Steels and assumed responsibility for the Site, but ceased landfilling in 2003. Subsequently, in May 2004, the Site was purchased from bankrupt Slater Steels by Centre Steel Holdings Ltd.

On February 21, 2005, the MOE issued an Order (Order 1) to Centre Steel Holdings Ltd., requiring the company to take actions to prevent future discharges into the Welland River. Centre Steel did not comply with the requirements of the Order.

On March 24, 2005, the MOE issued another Order (Order 2) to the Regional Municipality of Niagara requiring the municipality to establish, operate, and maintain on-site sewage works to prevent discharge of leachate into the Welland River, until the Landfill is purchased by a new owner.

On August 16, 2010, amended C of A No. A120409 was issued to Integrated Municipal Services (IMS). As of November 18, 2010, IMS changed its name to Niagara Waste Systems Limited (NWSL). As of January 1, 2013, NWSL changed its name to Walker Environmental Group Inc. (WEG).

The list below provides a complete summary of the ECA and subsequent amendments for this site:

- Original C of A No. A120409 issued on July 3, 1980 to Atlas Specialty Steels;
- Amendment to Provisional C of A No. A120409 issued July 23, 1999 to Atlas Specialty Steels to permit the reclamation of metals from the waste and requiring a comprehensive two-year landfill gas, surface water, and groundwater monitoring program;
- Amendment to Provisional C of A No. A120409 issued February 21, 2003 to add documents to Schedule A and increase monitoring requirements;
- Amendment to Provisional C of A No. A120409 issued August 6, 2003 to amend financial assurance requirements;
- Amendment to Provisional C of A No. A120409 issued August 16, 2010 to Integrated Municipal Services (IMS) for the reconfiguration and remediation of the site. On November 18, 2010, IMS notified the MOECC that NWSL will be the site operator;
- Amendment to Provisional C of A No. A120409 issued March 31, 2011 to Niagara Waste Systems Limited (NWSL) to acknowledge the change in the site operator name from Integrated Municipal Services Inc. (IMS) to NWSL.
- Amendment to Provisional C of A No A120409 issued May 26, 2011 to NWSL to add documents to Schedule A and to outline the requirements during construction of Phase A of the Remedial Works (i.e. groundwater migration barrier, groundwater collection system and clay groundwater migration barrier);
- Amendment to Provisional C OF A No A120409 issued July 12, 2011 to NWSL to add documents to Schedule A pertaining to quality control programs for the landfill construction and Phase A Remedial Works;
- Amendment to ECA No. A120409 issued March 7, 2012 to revise the due date for trigger mechanisms and contingency plans for groundwater and surface water at the site;
- Amendment to ECA No. A120409 (Notice 1) issued May 29, 2012 to amend final capping requirements and approve Phase 2 construction. Additional documents were added to Schedule A;
- Amendment to ECA No. A120409 (Notice 2) issued September 19, 2012 to reference minor updates to the Design & Operations Report, dated June 2012. Additional documents were added to Schedule A;

- Letter from MOECC advising notification of change in company name has been registered and on record for ECA No. A120409 issued May 16, 2013 to acknowledge the change in the site operator name from Niagara Waste Systems Limited (NWSL) to Walker Environmental Group Inc. (WEG), and
- Amendment to ECA No. A120409 (Notice 3) issued April 4, 2014 to revise the due date for trigger mechanisms and contingency plans for groundwater and surface water at the site.

The ECA (Appendix 1) allowed for the use and operation of a 13.82 Hectare landfill (fill area) on a 22.66 Hectare site. The accepted waste types were solid, non-hazardous waste, comprised primarily of the following:

- soils from brownfield site cleanups;
- soils from excavations;
- soils from underground storage tank (UST) removals;
- industrial process wastes that are soil-like (e.g. foundry sands, slag, emission control dusts, treatment residues);
- sediments from dredging operations; and
- rubble and fines from construction and demolition projects and/or recycling operations;

The approved overall landfill capacity (Cell 1 and Cell 2, combined) including the historic wastes was 2,207,000 m³.

1.3 – TOTAL WASTE DEPOSITED ON SITE

The total quantity of waste within the site is approximately 2,168,296 m³ including approximately 735,000 m³ of previously placed waste from historic steel plant operations in Cell 1. Approximately 38,704 m³ of capacity was forfeited to accommodate the City of Welland's request to provide an access road to the top of the site which will be utilized as part of their final end use plan noted in Section 3.1 below.

SECTION 2

2.1 – SITE APPEARANCE AFTER CLOSURE / ECA

The site has been developed and prepared for closure as shown in Figure 5 according to approved designs including:

- Final contours (ECA Condition: 59)
- Final Cap placed at minimum 1 m³ depth (ECA Condition: 56)
- Top Soil or other suitable growing medium at minimum 0.15 meters (ECA Condition: 56)
- Vegetative cover placed that is suited to local conditions and capable, with minimal care, of providing vigorous, plentiful cover no later than its 3rd growing season (ECA Condition: 57)
- Surface water drainage routes and infrastructure

A simulation of site appearance is provided in Appendix 2.

2.2 – Additional Enhancements

Two leachate flushing manholes were installed along the force main route, and will remain in place to enhance ongoing flushing and inspections into the future. The locations of the manholes are provided in Figure 7.

At the request of the City of Welland and as a means to improve monitoring activities an access road to the top of the site will remain in place as shown in Figure 7.

SECTION 3

3.1 – DESCRIPTION OF END USE

The City of Welland in consultation with the public and the use of professional consulting firms have developed a plan which includes:

- Walking trails
- Grass berms
- Lookout vantage points of the surrounding areas

The City of Welland will be completing and submitting the required O. Reg. 153/04 information to support the change in land use from industrial to parkland as a separate application.

SECTION 4 – PROCEDURES FOR CLOSURE OF THE SITE

4.1 – ADVANCE NOTIFICATION OF THE PUBLIC OF THE LANDFILL CLOSURE

WEG has and will continue to meet with Public Liaison Committee (PLC) members prior to closure on a bi-annual basis. An update of site volumes and estimated operating years remaining until closure was provided in each PLC meeting and, as part of the site's Annual Report Reviews which occurred annually with the PLC. A copy of the November 2017 presentation's slide introducing volumes accepted at the site and estimated site closure to the PLC members is included in Appendix 3. In addition, City of Welland representatives attended the November 2017 PLC meeting where the idea of a Public Consultation Process was introduced.

As a result, the City of Welland along with consultant (Dillon) started the public engagement process to announce the impending closure of the Atlas site and with input from the public, explore options of the site's use after closure in 2017.

- The first session for the Atlas Landfill Concept Plan was held Wednesday, June 28, 2017
- The second session was held Thursday, September 14, 2017

In addition, City of Welland representatives attended the November 2017 PLC meeting where site closure was discussed in more detail and the Public Consultation Process was introduced and is included in Appendix 3.

4.2 – COMPLETION, INSPECTION and MAINTENANCE OF FINAL COVER AND LANDSCAPING

As described in Section 2.1 (above) the site has been prepared in accordance with ECA requirements.

Monthly site inspections have been carried out during the years of WEG operating the site with no operational concerns identified with respect to final cover or landscaping as reported in Annual Reports prepared throughout the operation of the site.

Ongoing inspections will continue after closure as identified in Section 6 below.

4.3 – SITE SECURITY

The site's current fencing will remain throughout the closure of the site and will be locked to restrict site access with the exception of those times when the City of Welland deems acceptable as part of the end use described in Section 3.1 (above).

This fence is continual along the south, east and northern perimeter of the site (Figure 5) while the west side is bordered by the Welland River and its wetland.

The site's access roads will be maintained throughout the year to permit maintenance activities, security and other inspections.

4.4 – REMOVAL OF UNNECESSARY LANDFILL RELATED STRUCTURES, BUILDINGS and FACILITIES

Upon closure of the site, all landfill related structures, buildings and facilities that are not required for ongoing site maintenance or post closure uses will be removed.

- Leachate pumping and power stations, monitoring wells, surface water control facilities, and perimeter fencing will remain while the landfill scale and scale deck will be removed within 6 months of closure.

4.5 – FINAL CONSTRUCTION OF ANY CONTROL, TREATMENT, DISPOSAL AND MONITORING FACILITIES FOR LEACHATE, GROUNDWATER, SURFACE WATER AND LANDFILL GAS

All facilities for landfill pre and post closure operations including leachate pumping and power stations, monitoring wells and surface water control facilities are in place and performing as designed.

At the time of this report's preparation surface water monitoring station SW-7 remained to be constructed. This facility will be completed in the near future once all final capping, seeding and surface water pathways are completed. There are no other control facilities required at the time of closure.

5.0 - TIME-PERIOD FOR IMPLEMENTATION OF ITEMS 4.1 TO 4.5

As noted above the time-period for implementation of items 4.1 to 4.5 of Section 4 are:

- 4.1 – ADVANCE NOTIFICATION
 - *Completed*
- 4.2 – COMPLETION, INSPECTION and MAINTENANCE OF FINAL COVER AND LANDSCAPING
 - *Completed / on-going*
- 4.3 – SITE SECURITY
 - *Completed*
- 4.4 – REMOVAL OF UNNECESSARY LANDFILL RELATED STRUCTURES, BUILDINGS and FACILITIES
 - *Within 6 months of Closure*
- 4.5 – FINAL CONSTRUCTION OF ANY CONTROL, TREATMENT, DISPOSAL AND MONITORING FACILITIES FOR LEACHATE, GROUNDWATER, SURFACE WATER AND LANDFILL GAS
 - *All leachate and ground water monitoring facilities – Completed*
 - *Final surface water facility WS-7 will be completed by time of actual closure*

6.0 - PROCEDURES FOR POST CLOSURE CARE OF CONTROL FACILITIES:

6.1 Operation, inspection, maintenance and monitoring of the leachate control facilities

- Operation
 - Leachate will continue to be collected at both existing pump stations (PS-1 and PS-2) and pumped via the exiting leachate force main leading to the Region of Niagara's sanitary sewer system as shown in Figure 4.
- Inspection
 - All leachate collection systems will be inspected on a monthly basis according to Standard Operating Procedure: City of Welland ALF (A): (Appendix 5), and as shown on the *Monthly Inspection Report* (Appendix 4)
 - Inspections include:
 - Leachate Collector/Toe Drain manholes along Waterloo Barrier
 - PS1/PS2

- Inspection of Leachate Force Main and Discharge Manhole
- Maintenance
 - Based on information noted on the *Monthly Inspection Reports* required adjustments or repairs can be made in a timely manner
 - In addition to maintenance based on *Monthly Inspection Report* results, the leachate collection force main system will be inspected by remote video camera on a biennial basis. Inspection schedules will be adjusted based on on-going results.
 - Flushing activities will occur based on the remote video images
- Monitoring and Reporting
 - Upon closure monitoring will continue as required by Condition 79 in accordance with Schedules "A" "B" and "C" of ECA 120409 (Appendix 1) and Standard Operating Procedure: **City of Welland ALF (A)** (Appendix 5)
 - The site's Annual Post Closure Report prepared for the MOECC may include recommendations to amend monitoring requirements based on future monitoring results
 - Monitoring locations are shown in Figure 6
 - The results of leachate analysis, the interpretations of the analysis, and the assessment of the need to modify the monitoring program from the most current site Annual Report (2016) is included in Appendix 8
 - Monthly Inspection Forms and monitoring results will be reported in the site's Annual Post Closure Report

6.2 Inspection, maintenance and monitoring of the groundwater control facilities

- Inspection
 - All groundwater monitoring systems and locations will be inspected on a monthly basis according to Standard Operating Procedure: **City of Welland ALF (B)** (Appendix 5), and as shown on the *Monthly Inspection Report* (Appendix 4)
- Maintenance
 - Based on information noted on the *Monthly Inspection Reports* required adjustments or repairs can be made in timely manner
- Monitoring and Reporting
 - Upon closure, monitoring will continue as required by Condition 79 in accordance with Schedules "B" of ECA A120409 (Appendix 1) and Standard Operating Procedure: **City of Welland ALF (B)** (Appendix 5)
 - The site's Annual Post Closure Report prepared for the MOECC may include recommendations to amend monitoring requirements based on future monitoring results
 - Monitoring locations are shown in Figure 6
 - The results of ground water analysis, the interpretations of the analysis, and the assessment of the need to modify the monitoring program from the most current site Annual Report (2016) is included in Appendix 8
 - Monthly Inspection Forms and monitoring results will be reported in the site's Annual Post Closure Report

6.3 Inspection, maintenance and monitoring of the surface water control facilities

- Operation
 - Surface water will continue to be collected at the existing storm water ponds and discharged through the existing conveyance system as shown in Figure 5
 - At this time, discharge of surface water will follow the site's existing Municipal and Private Sewage Works Approval – No. 6116-8HPHH4 as shown in Appendix 1.
- Inspection

- All surface water control systems and locations will be inspected on a monthly basis according to Standard Operating Procedure: **City of Welland ALF (C)** (Appendix 5), and as shown on the *Monthly Inspection Report* (Appendix 4)
- Maintenance
 - Based on information noted on the *Monthly Inspection Reports* required adjustments or repairs can be made in timely manner
- Monitoring and Reporting
 - Upon closure, monitoring will continue as required by Condition 79 in accordance with Schedule "C" of ECA A120409 (Appendix 1) and Standard Operating Procedure: **City of Welland ALF (C)** (Appendix 5)
 - The site's Annual Post Closure Report prepared for the MOECC may include recommendations to amend monitoring requirements based on future monitoring results
 - Monitoring locations are shown in Figure 6
 - The results of surface water analysis, the interpretations of the analysis, and the assessment of the need to modify the monitoring program from the most current site Annual Report (2016) is included in Appendix 8
 - Monthly Inspection Forms and monitoring results will be reported in the site's Annual Post Closure Report

6.4 Inspection, maintenance and monitoring of the landfill gas control facilities

- Inspection
 - All landfill gas monitoring systems and locations will be inspected on a monthly basis as shown on the *Monthly Inspection Report* (Appendix 4)
- Maintenance
 - Based on information noted on the *Monthly Inspection Reports* required adjustments or repairs can be made in timely manner
- Monitoring and Reporting
 - Upon closure, monitoring will continue as required by Condition 79 in accordance with Schedule D of the ECA. (Appendix 5) by a third party consultant who specializes in landfill gas monitoring
 - The site's Annual Post Closure Report prepared for the MOECC may include recommendations to amend monitoring requirements based on future monitoring results.
 - Monitoring locations are shown in Figure 6
 - The results of landfill gas analysis, the interpretations of the analysis, and the assessment of the need to modify the monitoring program from the most current site Annual Report (2016) is included in Appendix 8
 - Monthly Inspection Forms and monitoring results will be reported in the site's Annual Post Closure Report

7.0 - COMPLAINT CONTACT AND RESPONSE PROCEDURES

- The City of Welland/Operator will ensure each complaint is recorded and numbered, either electronically or in a log book, and include the following information: the nature of the complaint, the name, address and telephone number of the complainant (if the complainant will provide) and the time and date of the complaint
- The City of Welland/Operator will initiate appropriate steps to determine if the cause of the complaint is related to the site, will take the necessary actions to address the cause of the complainant, and will reply to the complainant
- The City of Welland/Operator will complete and retain a written report listing the actions taken to resolve the complaint and actions or recommendations to reasonably avoid a similar recurrence
- The City of Welland/Operator will provide a Public Response telephone number and will ensure appropriate people are designated to respond to complainants in a timely manner.
- All complaints and actions to remedy the complaints will be summarized in each year's Annual Post Closure Report

- The sign at the main entrance will have the complaint contact phone number on it.

8.0 - NEED FOR IMPLEMENTING CONTINGENCIES PLANS FOR LEACHATE AND METHANE GAS

8.1 Leachate

- **There is no need for leachate contingency at this time**
 - The constructed Waterloo Barrier between the landfill and the Welland River in conjunction with the on-site pumping stations/leachate collection system, collect and relay leachate to the sanitary sewer for treatment at the Region of Niagara's Waste Water Treatment Facility.
 - Leachate is sampled quarterly at maintenance hole location MHBB and compared against the Regional Municipality of Niagara sanitary sewer discharge limits (by-law No. 27-2017).
 - Monitoring results and applicable adjustment recommendations will be included in the site's Annual Post Closure Report prepared for the MOECC.
 - If required, procedures outlined in the site's existing Leachate Management Plan - Contingency (Schedule A: Item 46 Appendix 6) will be followed.

8.2 Landfill Gas

- **There is no need for landfill gas contingency at this time**
 - Concentrations at the landfill gas probes continue to range from 0% to 0.1% (by volume) and are much lower than the lower explosive limit for methane gas of 5% (by volume).
 - Landfill gas concentrations are not expected to rise given the low levels of methane gas detected and the low decomposable organic matter content of the waste fill.
 - Monitoring results and applicable adjustment recommendations will be included in the site's Annual Post Closure Report prepared for the MOECC.
 - If required, procedures outlined in the site's existing Landfill Gas Management Plan - Contingency (Schedule A: Item 15 – Sections 7.3.1 and 7.3.2 Appendix 6) will be followed.

9.0 ESTIMATE OF CONTAMINATING LIFESPAN

- Due to the nature of the site and the limited time that inspections, monitoring and reporting efforts have been undertaken, the City of Welland/Operator will provide an updated estimate of the contaminating lifespan in the site's Annual Post Closure Report every 5th year starting from the year of site closure utilizing the information contained in Appendix 8 as the base line data.



Ministry of the Environment, Conservation and Parks
Ministère de l'Environnement, de la Protection de la nature et des Parcs

AMENDMENT TO ENVIRONMENTAL COMPLIANCE APPROVAL

NUMBER A120409

Notice No. 1

Issue Date: June 5, 2019

Walker Environmental Group Inc.
Post Office Box, No. 100
Thorold, Ontario
L2N 7S9

Site Location: Atlas Landfill
685 River Rd
Welland City, Regional Municipality of Niagara

You are hereby notified that I have amended Approval No. A120409 issued on February 3, 2017 for the use and operation of a 13.82 hectare landfill site within a total site area of 22.66 hectares, as follows:

The Site's Closure Plan is hereby approved and added to Schedule "A" as follows:

47. Documents entitled "Closure Plan, Atlas Landfill, Volumes 1 and 2" prepared by Walker Environmental Group on behalf of the City of Welland and submitted as part of an amendment application dated April 15, 2019.

The Surface Water Monitoring program specified in Schedule "C" of the February 3, 2017 Approval is hereby modified to remove surface water stations SW5, SW8, SW9 and SW10.

The reasons for this amendment to the Approval are as follows:

The reason for this amendment is to approve the closure plan for the landfill site which is expected to reach capacity in July 2019 and to approve the discontinuation of surface water monitoring stations that are no longer required.

This Notice shall constitute part of the approval issued under Approval No. A120409 dated February 3, 2017

In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall

state:

- a. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required; and;
- b. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

Pursuant to subsection 139(3) of the Environmental Protection Act, a hearing may not be required with respect to any terms and conditions in this environmental compliance approval, if the terms and conditions are substantially the same as those contained in an approval that is amended or revoked by this environmental compliance approval.

The Notice should also include:

1. The name of the appellant;
2. The address of the appellant;
3. The environmental compliance approval number;
4. The date of the environmental compliance approval;
5. The name of the Director, and;
6. The municipality or municipalities within which the project is to be engaged in.

And the Notice should be signed and dated by the appellant.

This Notice must be served upon:

The Secretary*
Environmental Review Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5


AND

The Director appointed for the purposes of Part II.1 of
the Environmental Protection Act
Ministry of the Environment, Conservation and Parks
135 St. Clair Avenue West, 1st Floor
Toronto, Ontario
M4V 1P5

* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 326-5370 or www.ert.gov.on.ca

The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.

DATED AT TORONTO this 5th day of June, 2019



Mohsen Keyvani, P.Eng.
Director
appointed for the purposes of Part II.1 of the
Environmental Protection Act

IP/

c: District Manager, MECP Niagara
Kerry Meikle, Walker Environmental Group Inc.



Walker Environmental Group Inc.
P.O. Box 100
Thorold, ON, L2V 3Y8
905-680-1900
800-263-2526

November 15, 2019

Travers Fitzpatrick
General Manager
Infrastructure & Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4

Dear Mr. Fitzpatrick,

RE: Atlas Post Closure Maintenance

Walker Environmental Group Inc. ("Walker") is pleased to provide the following proposal to the Corporation of the City of Welland (the "City") for the post-closure maintenance of the Atlas Landfill.

Walker is an experienced landfill operator, and well-versed in the operations and maintenance of the Atlas Landfill. As such, Walker is prepared to assist with the City's obligations to provide post-closure care and maintenance for the Atlas Landfill, and will serve in this capacity and function on site for a period of five (5) years post-closure (the "Term"). Upon expiry of the Term, the City will absorb all responsibilities as the primary post-closure operator. Walker will assist the City with such responsibilities as they transition from Walker to the City throughout the Term.

In concurrence with the execution of the lease amendment between Walker and the City, Walker will transfer the aggregate amount of Three Million Two Hundred Thousand and Zero/100 Dollars (\$3,200,000.00) to the city to fund all post-closure activities; in return, the City will deliver to Walker the outstanding Letter of Credit.

The City is required to take appropriate measures in order to circumvent any substandard conditions which may cause harm to the environment and/ or public. Walker will provide specific monitoring involving regular inspections ensuring full compliance with Environmental Compliance Approvals, and will do so on a fee-for-service contractual basis.

In order to facilitate the process, Walker has completed an estimate for the first five years of post-closure care at the Atlas Landfill below:

	1	2	3	4	5
1. Final Cover	\$ -	\$ -	\$ 35,637	\$ -	\$ -
Maintenance of final cover, downchutes, and allowance for re-seeding					
2. General Site Works	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000
Snow removal and inspection of fences, gates, signs, visual screens, and roads.					
3. Monitoring and Reporting	\$ 39,600	\$ 39,600	\$ 39,600	\$ 39,600	\$ 39,600
Annual report preparation and monitoring of surface water, ground water, leachate, and landfill gas.					
4. Leachate Management Systems	\$ 78,000	\$ 78,000	\$ 78,000	\$ 78,000	\$ 78,000
System inspection, video, and flushing, electricity costs, sewer fees, and pump replacements					
Total	\$ 127,600	\$ 127,600	\$ 163,237	\$ 127,600	\$ 127,600

For your convenience, we have provided a draft agreement for your consideration, which outlines further details. We are happy to meet to discuss this proposal and any other options that may help the City reach its goals for post closure care at the Atlas Landfill.

Regards,


Mike Deprez
Vice President Transfer & Disposal



List of Attachments:

Appendix A – "Atlas Landfill Post-Closure Agreement"

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
BUILDING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

18-23

REPORT P&B-2019-64
DECEMBER 17, 2019

SUBJECT: UNOCCUPIED HOMES IN THE CITY OF WELLAND

AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL

APPROVING G.M.: TRAVERS FITZPATRICK,
GENERAL MANAGER, INFRASTRUCTURE AND
DEVELOPMENT SERVICES

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2019-64; and,

THAT Welland City Council amend the current vacant buildings by-law by including houses into the registration requirements and imposing fees for inspections of vacant buildings, as well as fines for failure to comply, as attached as Appendix I; and,

THAT the fees listed in Appendix II and III to the report from the Municipal Enforcement Services department, dated December 17, 2019, be approved effective January 1, 2020, and such fees be included in the 2020 Rates and Fees schedules; and

ORIGIN AND BACKGROUND:

At the January 15, 2019, Council approved a motion made by Councillor Van Vliet directing staff in the Building and By-law Enforcement Divisions to review the current Property Standards and Vacant Buildings By-laws to address reoccurring issues related to unoccupied homes in the City of Welland.

The motion was brought forth as a result of a number of properties with unoccupied homes. The condition of these properties has deteriorated below the level of acceptable standards, as well as creating various safety hazards associated with vacant buildings.

COMMENTS AND ANALYSIS:

Both Building Division and By-law Enforcement Division staff are currently tasked with the enforcement of the City's Property Standards By-law 2009-108.

The condition of the exterior property including weeds, parking of unlicensed or derelict vehicles, and outdoor storage of materials is addressed by By-law Enforcement staff through the provisions of the Property Standards and Clean Yards By-laws.

The condition of all existing buildings located on private properties are addressed by the Building Division staff through the provisions of the Property Standards By-law and the City's Vacant Buildings By-law 2011-64.

Complaints related to the condition of private properties are received by City staff who, depending on the nature of the complaint, will assign the complaint to either Building, By-law or both departments for investigation. If the complaint is related to the exterior condition of the property, the investigation is carried out by By-law Enforcement staff. However, if the complaint also involves the building, then staff from both divisions are involved.

PROPERTY STANDARDS BY-LAW

The City's Property Standards By-law derives its authority through the Building Code Act and is intended to establish acceptable provisions for property conditions based on community standards.

Section 7 of the by-law contains the provisions for maintenance of vacant buildings which are required to be cleared of garbage and debris and have all services disconnected except those necessary to maintain the building.

The by-law also prescribes that all window and door openings be kept in good repair or be boarded up with acceptable materials. Additionally, all exterior building components such as the roof or wall cladding must be maintained to the minimum acceptable standards including provisions for pest control.

The enforcement process through the Property Standards By-law is legislated through the *Building Code Act* which provides an appeal period of 14 days before an order can be confirmed thereby allowing authority to gain compliance with the terms of the order. The City's Property Standards Committee hears appeals and can confirm, rescind, or amend the order.

Once an order has been confirmed, the owner must carry out the remedial work to bring the property into compliance. If the order is not complied within the stipulated timeframe, the municipality may carry out all work and recover the costs in like manner as taxes.

CLEAN YARDS BY-LAW

The Clean Yards By-law 10727 was adopted under the authority of Section 128 of the Municipal Act 2001. This requires the owner or occupant of land to clean and clear the land (not including buildings), and to clear refuse or debris from the land.

The enforcement process through the Municipal Act allows for a much more expedient process as only one notice of non-conformity is required to be issued in each year in order to allow municipal staff to carry out remedial work necessary to bring the property into compliance.

The only limitation of enforcement through this by-law is that the by-law does not apply to the condition of buildings.

VACANT BUILDINGS BY-LAW

Vacant Buildings By-law 2011-64 was also passed under the authority of section 128 of the Municipal Act 2001, in order to protect the public from nuisances related to vacant buildings. The enforcement is complaint driven and administered by the Building Division.

Under the terms of the by-law, owners of vacant buildings which have been vacant for a period of more than 90 days, must register the building, secure the building from unauthorized entry, maintain liability insurance, and provide for regular monitoring of the building in order to avoid the risk of fire. Houses and farm buildings are exempt from the registration provisions of the by-law.

The current by-law does not provide for a fee for the registration of vacant buildings; however, the by-law does provide for fees when an inspection is carried out by the City inspector.

Owners of vacant buildings are required to arrange for an inspection by the City inspector within two weeks of registration and every six months thereafter. If an inspection of a vacant building reveals that the building is in contravention of any section of the by-law, the inspector may issue an order requiring the owner to carry out any remedial work that is necessary to bring the building into compliance.

Refusal to comply with the direction of the inspector may result in work being carried out by the City with the owner absorbing all costs.

CURRENT ENFORCEMENT PRACTICE

All complaints related to unsatisfactory condition of existing residential buildings are currently investigated through the Property Standards By-law.

This has become the most effective approach in dealing with property complaints since they typically include non-compliance with other sections of the by-law such as yard condition and can therefore be addressed through the same by-law.

Building staff initiate an investigation within 24 hours of receiving a complaint; however during peak construction season, the response time may increase as building inspector availability is limited due to the legislated requirement to carry out inspections on buildings that are constructed through the building permit process, in accordance with the Building Code Act.

When an investigation confirms noncompliance with the provisions of the by-law, an order may be issued to the owner outlining all the deficiencies with specific timeline to remedy all deficiencies.

If an order is issued, the *Building Code Act* provides an appeal process to the property owners to appeal the order to the Property Standards Committee. The committee may amend, revoke or confirm the order. Once the order is confirmed, the compliance date for completion of work begins.

A typical enforcement case can take between six and twelve months to resolve. Refusal to conform to the terms of an order may result in further legal action being taken through prosecution or remedial action being undertaken by the municipality.

Once a Property Standards order has been issued and confirmed the owner will still be required to carry out the remedial work necessary to bring the property into compliance or the City will remediate the property at the owner's expense.

During the November 18, 2019 meeting, Council resolved to allow the use of Administrative Monetary Penalties for contraventions of City's non-parking by-laws. The program is intended to streamline the adjudicative process for by-law violations through the issuance of penalty notices for infractions.

Moving forward, enforcement staff investigating complaints related to property standards will be able to issue penalty notices when they are satisfied that a person has failed to comply with the provisions of the by-law or an order issued in accordance with the by-law.

The Building Code Act was recently amended providing municipalities to authority to impose administrative penalties for failure to comply with the Property Standards By-laws or an order issued for non-compliance with the by-law. As a result of this amendment the Welland Property Standards By-law was included into the Administrative Monetary Penalty System effective January 2020.

MUNICIPAL COMPARITORS:

Cities such as Oakville, Hamilton, and Brantford have implemented vacant property registry by-laws.

In 2019, the Town of Oakville implemented a vacant building and properties registry by-law. Oakville requires that the owner of every vacant building ensure that the building is secure from unauthorized entry, maintains liability insurance

and protects the building from risk of fire, accident or other danger. The one-time registration fee in Oakville is \$44.00.

The City of Brantford implemented their vacant property registry by-law in early 2016. Brantford requires that the owner of every vacant building ensure that the building is secure from unauthorized entry, maintains liability insurance and protects the building from risk of fire, accident or other danger. In addition, they require property owners to monitor the property no less than on a monthly basis, provide a floor plan, and provide inventory of all combustibles on property. Brantford also charges a one-time registration fee of \$270 and an annual renewal fee of \$600.

In 2010, the City of Hamilton enacted a robust vacant property registry by-law that has identified approximately 400 buildings and allocated a dedicated staff team, supported by program fees, to monitor the properties and buildings quarterly. If staff confirm a building is vacant and it is not registered, they begin enforcement efforts.

Hamilton considers their program to be very successful, as it has resulted in safer neighbourhoods and has further motivated property owners to maintain their buildings and seek new tenants/users more quickly. The city's fee is \$1061 (initial administration fee \$277 + the yearly inspection fee \$693.81 + HST). There is also a yearly fee of \$338.94 for additional vacant buildings on the same property.

RECOMMENDED WELLAND FEES:

In an effort to address Council's concerns over the number of vacant houses in the City of Welland, staff recommend amending the current Vacant Buildings By-law to include houses into the registration requirements.

Additionally, staff recommend imposing a onetime registration fee of \$200.00 to offset the administrative costs of maintaining the registry of vacant buildings. This amount was based on the municipal comparators considered in this report which could be reviewed to ensure cost recovery is being achieved.

Staff further recommend that Schedule "A" of the Administrative Monetary Penalty System Bylaw 2019-134 be amended by including the Vacant Buildings By-law into the list of designated bylaws. This will enable enforcement staff to issue penalty notices of \$400.00 for non-compliant buildings or when orders issued by officers have not been complied with.

This option would be similar to the approach taken by the other comparable municipalities and would involve dedicating staff to the administration and enforcement of the by-law, thereby eliminating the fractional enforcement that is currently in place.

As the Property Standards By-law and Clean Yards By-laws do not require owners of vacant properties to register, the City is often not aware of them until the condition of the property deteriorates to a state that generates a complaint.

Responding to these complaints negatively impacts staff resources as they often have to locate the owner which further prolongs enforcement efforts and contributes to further dereliction.

A vacant property registry for residential properties would give enforcement staff more tools and resources to ensure that these properties do not fall into further disrepair or contribute to safety concerns for the public. This option would provide for a more expedient process by making one department responsible for the annual issuance of a notice of non-conformity thus allowing remedial work to be initiated.

This option is recommended to Council as enforcement and compliance can be achieved in a more efficient and consistent manner.

FINANCIAL CONSIDERATION:

It is anticipated that the implementation of the registration and inspection fees for vacant buildings can partially offset the cost of administration and enforcement of the Vacant Buildings By-law.

OTHER DEPARTMENT IMPLICATIONS:

The By-law Enforcement division will administer and enforce the Vacant Buildings By-law.

SUMMARY AND CONCLUSION:

The City's current Vacant Buildings By-law does not include registration or enforcement provisions for vacant houses. The recommendation to Council is to amend the Vacant Buildings By-law, attached as Appendix I, for this purpose.

ATTACHMENTS:

Appendix I: Amended Vacant Buildings By-law 2011-064

Appendix II: Vacant Buildings By-law Registration Fees

Appendix III: Administrative Monetary Penalty Fees

THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2011-64 BEING A BY-LAW FOR
REGISTRATION OF VACANT BUILDINGS

WHEREAS Section 11 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that By-laws may be passed by a lower-tier municipality respecting the health, safety and well-being of persons, and for the protection of persons and property;

AND WHEREAS Sections 8 and 9 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides for the interpretation and scope of by-law making powers, including providing for a system of licenses (including permits, approvals and registrations), for the regulated matter;

AND WHEREAS Section 128 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;

AND WHEREAS Section 446 of the Municipal Act, 2001, S.O. 2001, Chapter 25, as amended provides that where a municipality has the authority by any Act or By-law to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do so, the matter or thing shall be done at the person's expense and the municipality may recover the costs of doing the matter or thing from the person required to do it, by action or by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS it is the opinion of the Council of the Corporation of the City of Welland that vacant buildings are, or could become, public nuisances, and it is desire of the Council of the Corporation of the City of Welland to regulate vacant buildings;

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

SECTION 1 SHORT TITLE

- 1.1. This By-law may be cited as "The Vacant Building Registry By-law".

SECTION 2 SCOPE

- 2.1 The provisions of this By-law shall be applicable on all lands and properties within the limits of The Corporation of the City of Welland.
- 2.2 Nothing in this By-law shall be construed as limiting, restraining, superseding, impeding or otherwise conflicting with the authority of the Medical Officer of Health, the Fire Marshal, the Building Code Act, the Fire Protection and Prevention Act, or any Provincial or Federal Minister and his/her powers as set out in any Act, By-law or regulation.

SECTION 3 DEFINITIONS

- 3.1. Definitions in the Building Code Act and the Building Code shall be used with respect to matters pertaining to buildings and which are undefined in this By-law.
- 3.2. Definitions in the Fire Protection and Prevention Act and the Fire Code shall be used with respect to matters pertaining to fire prevention and fire safety and which are undefined in this By-law.
- 3.3. "Applicant" means the applicant for registration of a vacant building, being an owner or person who is authorized agent for an owner.
- 3.4. "Building damaged by fire" shall include a building partially or completely damaged by fire to the extent that it requires repairs to permit use or occupancy, or requires demolition because it is unsafe.
- 3.5. "City" means The Corporation of the City of Welland.
- 3.6. "Council" means the Council of the Corporation of the City of Welland
- 3.7. "Fire Chief" means the Fire Chief of the City or his or her designate who may include a Fire Prevention Officer or the Director of Fire Prevention.
- 3.8. **"General Manager" means the City's General Manager of Infrastructure and Development Services or his or her designate**
- 3.9. **"Officer" means a person appointed by the City of Welland or assigned by the General Manager to enforce this by-law;**
- 3.10. "Owner" means the building or property owner or other person in control of, or who has an interest, as an owner or tenant, in the building or property upon which the subject vacant building is located, and includes a lessee who, under the terms of a lease or agreement, is required to repair or maintain the building.
- 3.11. **"Penalty Notice" means a penalty notice as defined in City of Welland Administrative Penalty By-law for Non Parking Related Offences 2019-134.**
- 3.12. "Register" (noun) means the City list of vacant buildings maintained by the **General Manager**; register (verb) means to comply with the requirements of this By-law concerning registration of vacant buildings;
- 3.13. "Secure" means to maintain a building in a condition that reasonably prevents access to the interior of the building, or to the exterior of the building, if deemed unsafe by an Officer, and may include locking, infilling, sealing, or boarding of doors, windows or other openings in a wall or roof of a building, the installation of security measures/devices, warning signage, and may also include demolition.
- 3.14. **"Vacant building" means a building or a part of a building that is not being used or occupied for a period exceeding ninety (90) consecutive days, including days vacant prior to the passage of this By-law, but does not include:**
(a) a building where a use permitted under the City's zoning by-laws is occurring;
(b) a building that is under construction or demolition with an open or active building permit;

(c) an accessory building located on the same site as the main building if the main building is being used or occupied;

(d) a building that meets all applicable codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent; or

(e) a building that is not a dwelling and is on a property used as a farm.

SECTION 4 GENERAL PROVISIONS FOR VACANT BUILDINGS

- 4.1. Every owner of a vacant building shall:
- a) ensure that the vacant building is secured against unauthorized entry;
 - b) maintain liability insurance on the vacant building;
 - c) provide inspection/monitoring of the vacant building no less than on a monthly basis by a person or company familiar and qualified with matters pertaining to this By-law;
 - d) protect the vacant building against the risk of fire, accident or other danger; and
 - e) register the vacant building in accordance with section 6.
- 4.2. Where a vacant building has been vacant for at least 30 consecutive days, an Officer who reasonably believes that a vacant building poses a risk to safety may, in writing, require the owner of a vacant building to do anyone or more of the following, within the timeframe specified by the Officer:
- a) provide the General Manager with a copy of a site location plan and floor plans of each storey of the vacant building, all drawn to scale and labeled to the satisfaction of the General Manager;
 - b) provide the General Manager with a copy of a report from a qualified person or, if deemed necessary by the Officer, from a Professional Engineer registered in Ontario, concerning the structural sufficiency of the vacant building, or concerning any matter related to the vacant building;
 - c) provide the General Manager with a copy of the certificate of the insurance required in paragraph 4.1.(b);
 - d) ensure that all combustible materials within a vacant building are removed to reduce any potential fire load, to the satisfaction of the Fire Chief;
 - e) install security measures or devices to the satisfaction of the Officer, and such measures may include boarding of doors, windows, or other openings;
 - f) maintain and provide the General Manager with a copy of a written record/log of any such inspections required in paragraph 4.1.(c), including the date and time of the inspection, and the contact information for the person performing the inspection; and
 - g) do any work or repairs which, in the opinion of the Officer, are necessary to secure a vacant building from unauthorized entry or protect a vacant building against the risk of fire, accident or other danger.

- 4.3. Every owner of a vacant building shall comply with the written requirements of the Officer in subsection 4.2 above, within the timeframe specified.
- 4.4. Where a vacant building is also a building that is included in the register of property situated in the municipality that is of cultural heritage value or interest or has been so designated pursuant to the *Ontario Heritage Act*, it is the responsibility of the owner to bring the inclusion or heritage designation to the Officer's attention, to ensure compliance with all other laws or By-laws respecting the property.
- 4.5. Where a vacant building or building damaged by fire is boarded or required to be boarded:
- a) boarding materials shall be installed and maintained in good order;
 - b) unless inherently resistant to deterioration, boarding materials shall be treated with a protective coating of paint or of equivalent weather-resistant material;
 - c) boarding materials shall be installed to exclude rain and wind from entering the building and to secure the building from unauthorized entry, and shall be installed within the reveal of the opening frame or cladding, where feasible; and
 - d) boarding materials shall be selected, coated, coloured and installed to match surrounding door/window frames and exterior wall finishes.
- 4.6. Where a vacant building remains vacant for more than sixty consecutive days, the owner shall ensure that all utilities serving the building are properly disconnected, terminated, or capped, unless such utilities are necessary for the safety or security of the vacant building, or unless such utilities are otherwise required by law to remain connected.
- 4.7. Where openings in a vacant building, previously boarded or secured, become unsecured, such openings shall be secured again, using materials and fasteners of greater strength, installed in such a manner to deter their destruction or removal.
- 4.8. Where a vacant building is unsecure from unauthorized entry to the extent that it cannot, in the opinion of an Officer, be reasonably or effectively secured by boarding or other means of repair, the building shall be demolished.
- 4.9. Where the security measures of a vacant building are frequently breached, in spite of repeated attempts to re-secure as described in subsection 4.7, the building shall be demolished, or full time security personnel be shall provide on-site by the owner.
- 4.10. An Officer may accept alternative measures for temporary security which may include fencing or full time security personnel, if an owner can demonstrate such measures provide a level of safety equivalent to that required by this By-law.

SECTION 5 BUILDING DAMAGED BY FIRE

- 5.1. Every owner of a building damaged by fire shall immediately contact the Fire Chief, or a representative of Welland Fire and Emergency Services at

the scene of a fire, to inform them of the owner's intention to comply with the requirements of this By-law.

- 5.2. Every owner shall ensure that a building damaged by fire is secured against unauthorized entry within twenty-four hours after release of the property by the authority having jurisdiction or, if the Fire Chief has granted an extension, by the deadline given by the Fire Chief.
- 5.3. Notwithstanding Section 5.2, where, in the opinion of the Fire Chief or the General Manager, a building damaged by fire is in a condition that presents an immediate hazard to public safety, the owner shall ensure that the building damaged by fire is secured against unauthorized entry forthwith after release of the relevant building by the authority having jurisdiction.

SECTION 6 REGISTRATION OF VACANT BUILDING

- 6.1. Every owner of a vacant building, (except a vacant house or vacant farm building), which has been vacant for at least ninety consecutive days, including days vacant prior to passage of this By-law, shall register the building in accordance with this section.
- 6.2. A registration expires:
- a) when the registration is revoked by the General Manager for reason of false, incomplete, or misleading information;
 - b) when the vacant building is sold or otherwise transferred to a new owner;
 - c) when the General Manager is satisfied, that the building is no longer vacant.

Application Requirements

- 6.3. Every applicant to register a vacant building shall submit to the General Manager, a completed and signed application form, such form developed from time to time, and maintained by the General Manager, for each vacant building proposed to be registered. The General Manager may require additional information where he/she deems necessary.
- 6.4. A vacant building shall not be registered unless the information required on the application form, or by the General Manager, is complete and correct.
- 6.5. Every applicant and every owner shall ensure the information provided on the application form, or required by the General Manager, is complete and correct, and is maintained current, after registration. It is the responsibility of the owner to immediately notify the General Manager in writing, when any such information changes, or when there is a signed agreement for sale of the property or building.

City Inspection Requirements

- 6.6. Every applicant shall make arrangements for inspection of a vacant building by Officers within two weeks of registration, and every six months thereafter, or as otherwise directed in writing by an Officer.

Fees

- 6.7. Fees for initial registration of a vacant building shall be levied in accordance with Schedule 'A' to this By-law.
- 6.8. Inspection fees shall be determined by Officers, after inspection, in accordance with Schedule "A" and the City Fees and Charges By-law, and

shall be applicable where a vacant building is not in compliance with this By-law, in the opinion of an Officer.

- 6.9. Every owner shall pay the fees determined in subsection 6.8, which become due and payable upon written notification by an Officer, or upon issuance of an invoice by the City.
- 6.10. Where an owner is in default of payment of fees for more than thirty calendar days after due, the City may add the cost to the tax roll of the subject property and collect the amount in the same manner as property taxes.

SECTION 7 ADMINISTRATION ENFORCEMENT AND RIGHT OF ACCESS

- 7.1. This By-law shall be administered and enforced by an Officer who is hereby authorized to enforce the provisions of this By-law.
- 7.2. An Officer may enter upon and within, and inspect any land, property, building or structure at any time to determine if any section of this By-law is complied with, or to determine if any direction, notice or order issued pursuant to this By-law or the Municipal Act, or any court has been complied with, or to perform any remedial work authorized in section 8 of this By-law.
- 7.3. Notwithstanding subsection 7.2, the Officer shall not enter or remain in any room or place actually used as a dwelling unless the provisions of Section 437 of the Municipal Act, 2001, as amended are complied with.
- 7.4. The Officer shall have inspection powers described in Section 436 of the Municipal Act, 2001, as amended.
- 7.5. Where an owner is in contravention of any provision of this By-law, an Officer, in addition to any other action, may send a notice, in the form of a letter or email, to the owner, describing the contravention.
- 7.6. Any notice, order or direction given under this By-law may be given personally to the person to whom it is directed, or may be mailed by ordinary or registered mail, or by hand delivery to the mailing address of the owner of the property upon which the vacant building is located, according to the last revised Assessment Roll of the property which does not comply with this By-law, or may be posted on the subject vacant building and any such delivery or posting shall be deemed good and sufficient service.
- 7.7. No person shall obstruct or hinder, or attempt to obstruct or hinder, an Officer, in the exercise of a power or the performance of a duty under this By-law.
- 7.8. No person shall refuse to produce any documents or things required by an Officer under this By-law, and every person shall assist any entry, inspection, examination, or inquiry by an Officer.
- 7.9. No person shall knowingly furnish false information to the City or an Officer with respect to this By-law.

SECTION 9 OFFENCES AND PENALTIES

- 8.1. Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice be liable to pay to the City an administrative penalty in the amount of \$400.00 or as revised in the Fees and Charges by-law.

An Officer who finds or has any reasonable cause to believe that a person

has contravened any provision of this By-law may issue a penalty notice addressed to the person.

An Officer who believes that this By-law has been contravened may issue a work order directing compliance with this By-law, and may require the work specified in the order to be carried out immediately, or within the time specified in the work order.

- 8.2. A work order may contain requirements recommended by the Fire Chief or other agency that may provide emergency services or hydro or natural gas utility services to the building location, necessary for the safety of its employees.
- 8.3. Where the interior of a vacant building is considered unsafe by an Officer because the risk of accident or harm may be high for any person within the building, authorized or not, the Officer may provide in a work order for the unsafe condition to be removed, or any measure taken necessary to protect persons from the unsafe condition.
- 8.4. A work order shall specify:
- a) the municipal address of the vacant building;
 - b) the contravention of the By-law, and its location;
 - c) the date of the inspection;
 - d) the work ordered to be completed; and
 - e) the date by which the work must be done.
- 8.5. Where an Officer, in his or her sole discretion, determines that measures taken pursuant to a work order are insufficient, subsequent work orders may be issued requiring additional measures to be taken by the owner.
- 8.6. In the event that an owner expresses the intention not to comply with a work order, or a work order is issued and not complied within the timeframe specified in the work order, an Officer, the City, including its employees, agent or contractor, may enter upon the land and remove such things or carry out the work required to comply with the work order, and may recover the costs in accordance with Section 446 of the Municipal Act, as amended.
- 8.7. Where, in the reasonable opinion of the officer, allowing a vacant building to remain unsecured for even a short period of time presents an unacceptable health or safety risk, the City may cause the building to be secured against unauthorized entry, or repaired by whatever means necessary to remove the unacceptable risk, and no prior notice or order to the owner shall be required. Notice of the action taken in these circumstances shall be given to the owner in accordance with subsection 7.6 of this By-law in a reasonable time thereafter.
- 8.8. Anything done or removed by an Officer, the City, its employees, agent or contractor, to comply with this By-law, a work order, or notice, may be deposited elsewhere on the property on which the vacant building is located, or may be removed from the property and forthwith destroyed, or otherwise disposed of by the City, its employees, agent or contractor.
- 8.9. Where the City does or causes work to be done on a vacant building or a building damaged by fire to comply with this By-law, such work shall be done at the expense of the owner.
- 8.10. If the owner fails to pay the cost of the work done by the City under this By-law within thirty calendar days of issuance of an invoice by the City, the costs may be added to the tax roll of the subject property and collected in the same manner as property taxes.

SECTION 9 OFFENCES AND PENALTIES

- 9.1. A person is guilty of an offence if the person,
a) fails to comply with an order, notice, direction, or other requirement under this By-law, or
b) contravenes this By-law.
- 9.2. A director or officer of a corporation who knowingly concurs in the contravention of this By-law by the corporation is guilty of an offence.
- 9.3. A person who is convicted of an offence under this By-law is liable to a fine of not more than \$25,000 for a first offence, and to a fine of not more than \$50,000 for a subsequent offence, where there has been a previous conviction under this By-law.
- 9.4. A person who is convicted of a continuing offence under this By-law is liable to a fine of not more than \$5,000 for each day or part of a day that the offence continues.

SECTION 10 VALIDITY

- 10.1. Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

SECTION 11 EFFECTIVE DATE

- 11.1. This By-law shall come into force and take effect on the date of passing thereof.

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Appendix II

Schedule "A"

CITY OF WELLAND

VACANT BUILDINGS REGISTRATION FEE SCHEDULE

THE VACANT BUILDINGS REGISTRY BY-LAW 2011-64, as amended
BEING A BY-LAW FOR REGISTERING VACANT BUILDINGS

ITEM	COLUMN 1 SERVICE PROVIDED	COLUMN 2 UNIT OF MEASURE	COLUMN 3 PROPOSED FEE
1.	Vacant Building Registry Fee	Initial Registration	\$200.00
2.	Vacant Building Re inspection fee	Per Inspection	\$282.00
3.	Work Carried Out by the City	Per Event	\$282.00 plus \$94.00/hr. Administration work in excess of 2 hours

Appendix III

Schedule "B"

CITY OF WELLAND

SET FINE SCHEDULE

THE VACANT BUILDINGS REGISTRY BY-LAW 2011-64, as amended

BEING A BY-LAW FOR REGISTERING VACANT BUILDINGS

ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 First Penalty	COLUMN 4 Second or Subsequent Penalty
1.	Fail to comply with an Order, direction or other requirement	Sec. 4.2 Sec. 8.1	\$400.00	\$800.00
2.	Obstruction	Sec. 14.6	\$400.00	\$800.00
3.	Fail to produce any documents or things required by an Officer	Sec. 14.9	\$400.00	\$800.00
4.	Furnish false information to an Officer	Sec. 14.10	\$400.00	\$800.00

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
BUILDING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

05-120/19-38

REPORT P&B-2019-65
DECEMBER 17, 2019

**SUBJECT: PROPOSED INCREASE OF BUILDING PERMIT FEES
AND ACCOMPANYING LEGISLATIVE PROCESS**

**AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL**

**APPROVING G.M.: TRAVERS FITZPATRICK,
GENERAL MANAGER, INFRASTRUCTURE AND
DEVELOPMENT SERVICES**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2019-65 as information; and,

THAT the attached Appendix "I" to Report 2019-65 to amend City of Welland By-law No. 2019-13, the Fees and Charges By-law, be enacted;

ORIGIN AND BACKGROUND:

On December 18, 2018, (Report P&B 2018-55), Council directed the Building Division to adjust permit fees in January of 2019 to reflect budgetary increases. This Report explains the rationale for increasing the permit fees to cover the reasonable and necessary cost increases associated with budgetary increases expected in 2020. Based on projected expenses, the Building Division is proposing an increase of 5% for all permit fees.

Approval of the revised Building Permit Fees will ensure that all direct and indirect costs associated with delivering services related to the administration and enforcement of the Building Code Act, are fully recovered.

Section 7 of the *Building Code Act* allows municipalities to pass by-laws requiring payment of fees for application and issuance of building permits. The fees must not exceed the anticipated reasonable cost of administration and enforcement (including direct and indirect costs). The *Act* also allows for a creation of *Building Code Act* reserve funds to accommodate economic fluctuations.

Schedule "A" of Building By-law 2005-91 contains a list of fees for classes of permits and services related to the administration and enforcement of the *Act*. The current fees were approved by Council in 2014 as a result of recommendations contained in Report 2014-10. At that time, staff recommended incremental annual increase of 5% for all Building Division fees for the next three (3) years ending in 2017.

In October of 2017 Council further directed staff to continue with the incremental increases in order to bridge the gap in achieving full cost recovery.

COMMENTS AND ANALYSIS:

Since 2006, the Building Division has been operating on an average annual deficit of \$168,491.00 (Appendix II). As a result of the incremental annual increases, that gap has been reduced to \$50,743.00.

The proposed operating budget for the 2020 budget year forecasts an anticipated deficit of \$47,687.00. In order to address this shortfall, the following options could be considered:

1. Reduce the expenditures by an amount that is equal to the anticipated revenues.
2. Increase revenues by raising user fees to achieve full cost recovery.
3. Continue to fund the deficit through the tax levy (current status quo).

The selection of the most appropriate option involves an overview of several determining factors such as current service delivery model, total costs associated with administration, and compliance with the *Building Code Act*.

Current Service Delivery Model

The Building Division is responsible for the intake, plan review, issuance of building permits, and undertaking inspections in accordance with the Ontario Building Code.

The 2014 BMA report identified that the Building Division was operating in an annual deficit cycle and that opportunities such as full cost recovery were not being realized. In response, staff proposed a 5% per year fee increase to bridge the gap between the deficit and cost recovery.

Since 2014, the deficit gap has continued to be reduced as evidenced by the 2016 and 2017 fiscal years in which Building Division was able to achieve full cost recovery as a result of an increase in permit activity.

In addition to administering the *Building Code Act*, the Building Division also undertakes non-Building Code related services such as the enforcement of property standards and vacant buildings by-laws which have a direct impact on

resources through service demands. These services are considered as quality of life services and are funded through the tax levy.

Costs of Administration

The costs of administering the Building Division include several key expenditures that are considered to be fixed costs that cannot be adjusted, such as salaries and benefits. Furthermore, the response to service demand is legislated by the Building Code and dictates the staffing levels that must be maintained in order to conform to mandatory timeframes for service delivery. Lastly, the Building Code sets out minimum qualification criteria for building officials and mandates continuous technical training requirements and annual Ministry registration. With the upcoming 2020 amendments to the Building Code, staff will be required to continue their technical training as part of the qualification provisions. Funding for the training is derived from permit fees which are related to the direct costs of the operating budget.

Building Code Act Compliance

The Ontario Building Code sets out the legislated process to increase building permit fees. This process requires the municipality to hold a public meeting, issue a 21 day notice, provide an estimate of the costs of administering and enforcing the *Ontario Building Code Act*, indicate the amount of the proposed fee or the changes to the existing fee schedule, and to include the rationale for imposing or changing a fee. To date, it is unclear on whether or not this process has been undertaken.

The Building Code allows for the creation of a reserve fund to offset year to year fluctuations in the local economy. The creation and maintenance of a reserve fund will also provide certainty in the annual operating budget.

FINANCIAL CONSIDERATION:

Cost recovery of the administration of the Building Division will be dependent on the proposed fee increase and anticipated building permit activity.

OTHER DEPARTMENT IMPLICATIONS:

Corporate Services and Legislative Services will include the proposed 5% fee increase into the City's Fees and Charges By-law for 2020.

SUMMARY AND CONCLUSION:

In the 2018 operating budget, Council approved a comprehensive building permit and inspection services fee review to increase revenues. The purpose of this initiative was to ensure legislative conformity, provide for reasonable cost recovery, maintain financial sustainability without negatively impacting the tax base, reflect industry best practices, and recommend fee structure improvements. This

approach will help to establish a long term cost recovery model and set a reserve fund policy.

This review was initiated in July of 2019 and is anticipated to be completed in the early part of 2020. Once the study is completed staff will bring forward the results with recommendations for further fee adjustments in an effort towards long term financial sustainability.

ATTACHMENTS:

Appendix I - Fees and Charges By-law

Appendix II - Average Annual Operating Budget Deficit Appendix

<u>Account #</u>		SCHEDULE 'A'	
		2019	
		FEES	
	-REPORTS PER SHEET	+HST	\$ 0.30
	33036 -REQUEST FOR WRITTEN LIMITED INFORMATION LETTER/BUSINESS/LICENSE PLUS \$89/HR FOR EVERY HR OF CITY STAFF TIME		\$ 26.00
DEVELOPMENT CHARGES	Please refer to By-law 2014-75, as amended		
INTEGRATED SERVICES BUILDING DIVISION	20-520-000		
LICENCES/PERMITS	34004 Master Plumber Licencing- new renewal, examination and reciprocal Journeyman Licence- new and renewal		\$53.00 \$27.00 \$11.00
LICENCES & PERMITS BUILDING PERMIT FEES	34050 BUILDING PERMITS AND PERMIT APPLICATION FEES (Schedule "A" of Building By-law)		
	<u>CLASS OF PERMIT</u>	<u>PERMIT DESIGNATION</u>	<u>PERMIT APPLICATION FEE (1-18)</u>
1.	CONSTRUCTION	PREFACE	
1.1	NEW BUILDING CONSTRUCTION AND ADDITIONS (6,8)	B	
	MAJOR OCCUPANCY (7)		
	GROUP A - ASSEMBLY OCCUPANCIES		
	School; church; restaurant; daycare; hall; transit; recreation facility; other		\$1.82/sqft
	GROUP B - INSTITUTIONAL OCCUPANCIES		
	Hospital; retention facility; nursing home; other		\$2.12/sqft

<u>Account #</u>	SCHEDULE 'A' 2019 FEES
GROUP C - RESIDENTIAL OCCUPANCIES	
Single-detached dwelling	\$1.38/sqft
Semi-detached dwelling; duplex dwelling	\$1.38/sqft
Multiple unit dwellings; apartment building; townhouse	\$1.13/sqft
Hotels; motels	\$1.13/sqft
Other residential	\$1.13/sqft
GROUP D - BUSINESS/ PERSONAL SERVICES OCCUPANCIES	
Office; bank; medical; police stations; other	\$1.72/sqft
GROUP E - MERCANTILE OCCUPANCIES	
Store; shopping mall/plaza; shop; market; retail; other	\$1.38/sqft
GROUP F - INDUSTRIAL OCCUPANCIES	
Industrial mall/plaza/garage; plant; factory; warehouse; other	\$0.88/sqft
Industrial buildings with no partitions; no plumbing and no mechanical	\$0.48/sqft
SPECIAL CATEGORIES/OCCUPANCIES	
Farm building; greenhouse	\$0.23/sqft
Trailer; air supported structure	\$0.09/sqft
Tent; temporary fabric structure	\$0.09/sqft (to max. of \$217.00)
Houses: (14)	
Garage; carport	\$0.48/sqft

<u>Account #</u>		SCHEDULE 'A'
		2019
		FEE'S
	Covered deck/porch	\$0.48/sqft
	Uncovered deck/porch	\$0.32/sqft
	Sunroom/solarium	\$0.88/sqft
	Shed/accessory building	\$0.48/sqft
1.2	ALTERATIONS	B
	DESCRIPTION	
	Unfinished basement	\$0.32/sqft
	Under pinning foundation	
	Roof structure	\$0.09/sqft
	Fireplace; woodstove; chimney	\$137.00
	Interior Alterations:	
		including plumbing and mechanical
		\$0.48/sqft
		including plumbing or mechanical
		\$0.32/sqft
		excluding plumbing and mechanical
		\$0.24/sqft
	Finishing Basement Other Than Houses	\$0.68/sqft
	Houses: {14}	
		finishing basement
		\$0.32/sqft

<u>Account #</u>			SCHEDULE 'A' 2019 FEES
		other minor alteration	\$137.00
1.3	PARTIAL PERMIT/STAGED CONSTRUCTION (11)	B	
	All partial permits subject to a surcharge in addition to other applicable fees		\$360.00
	FOUNDATION STAGE (11)		
	Complete to grade including or excluding underground services within building		15%
	BUILDING SHELL STAGE (11)		
	Completed structural shell stage		40%
	Completed architectural shell stage		80%
	BUILDING COMPLETION STAGE (11)		
	Includes completed building stage		100%
1.4	PLUMBING ONLY	P	
	Fixture; plumbing appliance; stack; interceptor; tank; floor drain; sewage ejector; sump; manhole; catchbasin; rain water leader; other		9.32 each
	All buried piping including building drain and sewer; building storm drain and sewer; storm drainage piping; water service pipe		\$1.46/lf
	Water distribution pipe inside a building		\$137.00
1.5	MECHANICAL HVAC ONLY	M	
	Group A, B, C (except houses), D, E		\$0.07/sqft

<u>Account #</u>		SCHEDULE 'A'	2019	FEEES
	Houses			\$137.00
	Group F			\$0.05/sqft
	Commercial type Kitchen Exhaust			\$181.00
1.6	POOL	W		
	Public pool			\$469.00
1.7	DESIGNATED STRUCTURE	G		
	Retaining wall; pedestrian bridge; crane runway			\$2.38/lf
	Communication tower			\$329.00
	Other designated structure			\$137.00
2.	DEMOLITION	D		
	Single-detached dwelling; buildings less than 3,000 sq. ft. gross area			\$137.00
	Other demolitions			\$0.04/sqft
3.	CONDITIONAL (16)	C		
	Surcharge			\$716.00
4.	USE CHANGE	U		
	Permit for the change of use of a building or part thereof			\$137.00
5.	SEWAGE SYSTEM	H		
	Class 4			\$1,095.00
	Repair of Class 4			\$323.00

<u>Account #</u>		SCHEDULE 'A'
		2019
		FEES
	Other than Class 4	\$657.00
6.	OCCUPANCY O	
	Permit to allow occupancy	
	Houses, semi-detached dwellings, townhouses (18)	\$0.00
	Other buildings	\$137.00 min. (4)
7.	TRANSFER T	
	Transfer of permit to a new owner	\$137.00
	NOTES TO SCHEDULE 'A' (numbers in brackets above) :	
1.	Permit application fee is \$/square foot (sq. ft.), \$/linear foot (lf) or \$ (flat fee).	
2.	Sq. ft. is gross area of all floors above grade measured from the outer face of exterior walls, unless noted otherwise. Mezzanines, lofts and habitable attics are included.	
3.	Where there is no floor or exterior walls for the project, sq. ft. is the greatest horizontal area of the structure.	
4.	\$137.00 paid at application plus \$94.00/hour for each inspection in excess of one which must be paid prior to issuance of Occupancy Permit.	\$137.00 (plus \$94./hr in excess of one)
5.	There are no deductions from the gross floor area for openings such as stairs, elevators, shafts, etc.	
6.	Unfinished Basements and crawl spaces are not used in the fee calculation for new construction and additions, and attached garages are not used in the fee calculation for new dwellings.	

<u>Account #</u>		SCHEDULE 'A'
		2019
		FEES
7.	Major occupancy is based upon the Ontario Building Code.	
8.	New construction and additions include interior plumbing, HVAC and all other regulated building services/components. (Site servicing fees specified in section 1.4 plumbing only not included)	
9.	Minimum permit fee is \$137.00	\$137.00
10.	Revision or amendment to permit is \$94.00/hour with a minimum \$94.00 fee.	\$94/hr (min. \$94.)
11.	For a Partial Permit, the percentage shown for the applicable stage of construction (minus the percentage for any previous Partial Permits) must be multiplied by the applicable permit application fee shown for new construction and then increased by the surcharge to obtain the required total fee for that stage.	
12.	If the work regulated by the permit cannot be described otherwise, the permit application fee shall be \$17.00 for each \$1,000.00 value of work proposed.	\$17.00
13.	For water and fire service pipes 4" and greater in diameter the permit application fee is 5% of the estimated value of work as prescribed by the Engineering Department.	
14.	Houses in Special Categories and Alterations includes semi-detached, duplexes, triplexes, and townhouses.	
15.	See Schedule "G" for deposits which may be required.	
16.	The fee for a Conditional Permit is equal to the regular permit fee described in Classes 1-7 plus an additional surcharge of \$716.00 If the Conditional Permit also happens to be a Partial Permit, the Conditional Permit and Partial Permit surcharges both apply.	\$716.00

SCHEDULE 'A'
2019
FEES

Account #

17. Application fee for an Objective-based Alternative Solution under Building Code Division A. \$360.00

18. Fee included in cost of building permit for houses.

32037 -INSPECTIONS/ PLAN EXAMINATION FEES

(Ref. schedule "F" of Building By-Law)

-After hours inspection requests (min. \$339.00)

\$94.00/hr (min. \$339.00)

-After hours plan examination requests (min. \$339.00)

\$94.00/hr (min. \$339.00)

inspection Cancelled or not ready

\$94.00

34050 - BUILDING WITHOUT A PERMIT BASED ON %

\$183.00 (min.)

(Ref. section 4.4 of Building By-Law)

34050 Refund Fee Reduction

Deduction for each inspection performed

\$94.00

(Ref. schedule "E" of Building By-Law)

PERMITS

OTHER PERMITS

34053 - SIGN PERMIT APPLICATION (min. \$137.00)

\$0.93/sqft (min. \$137.00)

(Ref. schedule "A" of Sign By-Law)

DEPOSIT

20-000-000

DEPOSITS REQUIRED FOR BUILDING PERMITS / DEMOLITION
 (Ref. schedule "G" of Building By-Law)

% of

Application Fee

MIN / MAXIMUM

- New Main Buildings (Houses)

\$3000 / \$3000

- New Main Buildings (Other than houses)

50%

\$1000 / \$3000

- Additions, Accessory (Houses)

\$250 / \$250

- Additions, Accessory (Other than houses)

50%

\$250 / \$1000

- Alterations (Houses)

50%

\$100 / \$250

- Alterations (Other than houses)

50%

\$100 / \$500

- Demolitions (Main Building)

\$1000 / \$1000

- Demolitions (Accessory, Partial)

\$250 / \$250

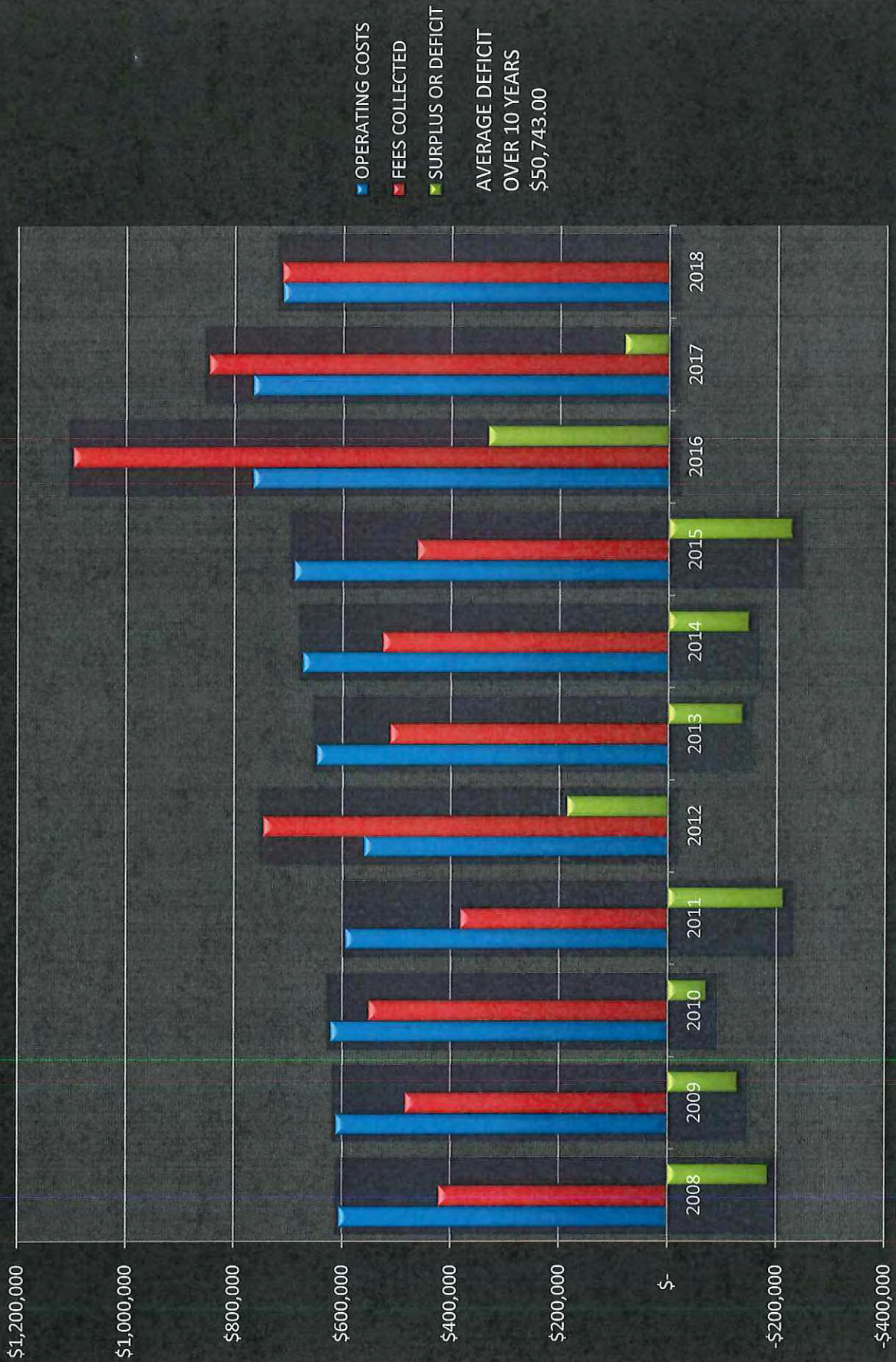
- Demolitions (Large Buildings > 6000 sq ft)

1000%

\$2000 / \$5000

<u>Account #</u>		SCHEDULE 'A'
		2019
		FEES
	- Other	50% \$100 / \$250
SERVICE CHARGES/FEES	33015 PHOTOCOPYING PER PAGE	\$0.37
	-ANNUAL BUILDING REPORT	+HST \$6.56
	-DRAWINGS PER SHEET	+HST \$4.25
	33036	
	SPATIAL SEPARATION AGREEMENT	\$810.00
	- PLUS \$260 PER PROPERTY IN EXCESS OF TWO	(plus \$260.00 per property in excess of two)
	LIMITED EASEMENT AGREEMENT	\$353.00
	REQUEST FOR REGULATORY BY-LAW EXEMPTION	
	- COUNCIL APPROVAL AND BY-LAW AMENDMENT	\$563.00
	- CHIEF ADMINISTRATIVE OFFICER OR GENERAL MANAGER APPROVAL	\$140.00
	REQUEST FOR WRITTEN LIMITED INFORMATION LETTER/BUSINESS/LICENSE	\$28.00
	- PLUS \$94/HR FOR EVERY HR. OF CITY STAFF TIME	(plus \$94.00/hr for every hr of City Staff time)
	DISCHARGE ORDER FROM TITLE	\$465.00
	APPEAL FEE FOR PROPERTY STANDARDS/DOG APPEAL HEARING	\$563.00
	ENFORCEMENT ADMIN FEE (CITY PERFORMS REMEDIAL WORK WHERE PERSON IS IN DEFAULT)	
32064	- WORK PERFORMED ON BUILDING	\$282.00
	- OTHER WORK	\$247.00
	- PLUS \$94/HR FOR ADMIN WORK OVER TWO HOURS	(plus \$94.00/hr for Admin work over two hours)
INFRASTRUCTURE SERVICES- ENGINEERING - ADMIN	20-310-000	
	32038 TENDER FEES	50.00

APPENDIX I
AVERAGE ANNUAL OPERATING BUDGET DEFICIT



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES

13-86
REPORT P&B-2019-66
DECEMBER 17, 2019

SUBJECT: NORTHWEST WELLAND URBAN AREA BOUNDARY EXPANSION

**AUTHOR: ROSE DI FELICE, M.PI., M.Sc., MCIP, RPP
MANAGER OF POLICY PLANNING**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES**

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No.: 24 respecting the Northwest Area of the City to expand the City's Urban Area Boundary to include lands in northwest Welland not currently within the City's Urban Area Boundary to within it so as to permit future urban type uses; and
2. That Welland City Council directs Staff to circulate a copy of Report P&B-2019-66 to Niagara Region to advise of its adoption of Official Plan Amendment No.: 24 to permit the urban area expansion to include the Northwest Area of the City.; and further,
3. That Welland City Council requests that Niagara Region Council approve Official Plan Amendment No.: 24 for the City of Welland.

ORIGIN AND BACKGROUND:

As a result of the near completion of the Secondary Plan and changes made to Provincial legislation and directives, City Staff initiated an Official Plan Amendment (OPA) for that portion of the City referred to as the Northwest Area. This area encompasses approximately 190 hectares (470 acres) of land generally bounded by the City's northern municipal boundary with the City of Thorold and the Town of Pelham, Niagara Street to the east, the existing City urban boundary to the south and Clare Avenue to the west. For information purposes, a Location Map identifying the location of the Amendment Area is attached as Appendix I.

As noted previously, the Northwest Welland Secondary Planning exercise is currently underway and near completion. The Secondary Plan exercise has resulted in the completion of a number of studies including natural heritage, transportation, municipal servicing, cultural resource, archaeological resource and agricultural impact which support the urban area expansion. The financial impact and stormwater management studies are still outstanding. These studies are anticipated to be completed early in the new year before the OPA for expansion is finalized.

The inclusion of these lands within the City's Urban Area Boundary has a long history. Over the years it has been the position of the City that these lands should be included in the urban area of the City for various reasons including the existence of municipal servicing, the close proximity

of other municipal urban area boundaries and imminent development (in the City of Thorold and the Town of Pelham) and existing growth pressures for development of these lands. As a

result and in addition to the Secondary Plan exercise, the City initiated Official Plan Amendment No.: 24 so as to align the City's Urban Area Boundary with its municipal boundary in Northwest Welland. The purpose of the Amendment is to bring the lands identified as the Northwest Welland Expansion Area into the City's urban boundary as well as to provide text amendments to the City's Official Plan to reflect new Provincial policies regarding urban area expansions.

An Open House was held on November 21, 2019. There were approximately 33 interested parties in attendance representing approximately 23 households. During the meeting no significant issues regarding the proposed Official Plan Amendment, specifically the urban boundary expansion, were raised. It appeared that a majority of the property owners in attendance were in favour of the proposed Amendment and anxious to develop their lands as soon as possible leaving comments to this effect. Subsequent to the Open House, various e-mails supporting the urban area expansion to include all lands in the northwest area to the City's municipal boundary with the Town of Pelham and the City of Thorold also were received. One e-mail raised concerns regarding the Preliminary Land Use Plan (prepared as part of the Secondary Plan exercise) concerning the proposed natural heritage (environmental) land use identified on the property owner's landholding. A majority of the comments received related to issues of the type which are addressed when development applications are submitted.

The Statutory Public Meeting regarding OPA No.: 24 was held by Council on December 3, 2019. In support of the OPA, City Staff explained the nature and purpose of the proposal to expand the City's Urban Area Boundary to align with the City's municipal boundary in Northwest Welland. No individuals spoke in support of the OPA. The solicitor for an interested party owning land in southwest Welland requested deferral of Council's consideration of OPA No.: 24 as its adoption would impact negotiations and mediation (at LPAT) concerning his clients' properties.

Copies of all correspondence received regarding this Application are attached as Appendix II to this Report.

COMMENTS AND ANALYSIS:

Issues Raised

Throughout the public participation process interested parties raised various issues including drainage impacts on surrounding lands, impacts on wildlife, preservation of existing agricultural lands within the area, low water pressure, increased traffic and removal of green space. Many property owners within the proposed expansion area provided comments supporting the proposal to expand the City's urban boundary to its municipal boundary.

The proposal before Council is an Application to amend the Official Plan for the Northwest Area of the City to expand the City's Urban Area Boundary to include lands in northwest Welland not currently within the Urban Area Boundary of the City to its municipal boundary. As noted previously, at this time the intent is to only bring these lands to within the City's urban boundary. As part of the associated Secondary Plan development policies and urban design guidelines will be prepared to permit the proper and orderly development of the Area. Following the completion of the Secondary Plan exercise development applications (such as plans of subdivision) can be considered.

A significant majority of the issues raised are those which are specific to the development of the lands within the proposed Urban Area Expansion Area rather than the expansion itself. The issues raised by interested parties will be addressed at the time of the submission and review of development applications. Such submissions would come after the approval of the Secondary Plan being completed for the City. It should be noted that the Secondary Plan exercise will be subject to additional public input prior to its completion.

As of the time of the writing of this Report no comments concerning the proposed urban area expansion (Local OPA No.: 24) had been received from City Departments or outside Agencies.

Provincial Legislation

Changes to the Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan) (now referred to as A Place to Grow - Growth Plan for the Greater Golden Horseshoe) allow for settlement area boundary expansions outside a municipal comprehensive review where there would be no net increase in land within the settlement area and/or where expansions of 40 hectares or less at a time are made. It should be noted that the Minister of Municipal Affairs and Housing has confirmed that multiple 40 hectare requests can be made. The City, in anticipation of the near completion of the Secondary Plan and to expedite the planning process initiated both Local and Regional OPA processes.

FINANCIAL CONSIDERATION:

There are no financial considerations as a result of the contents of this Report.

OTHER DEPARTMENT IMPLICATIONS:

There are no implications to other Departments as a result of the contents of this Report. Comments from other Departments resulting from the distribution of information regarding the Secondary Plan will be addressed at that time.

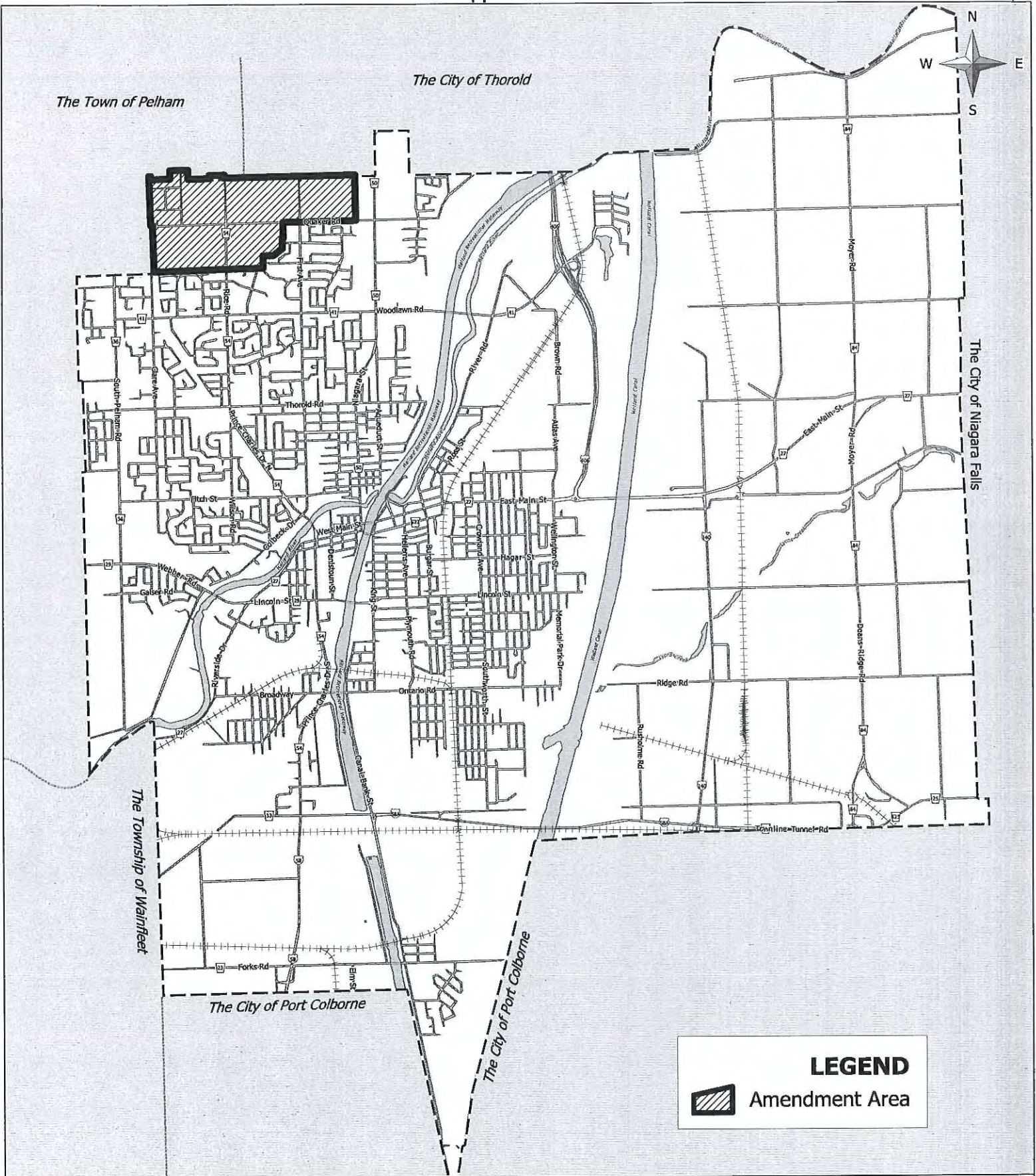
SUMMARY AND CONCLUSION:

Following the changes to the Growth Plan as described in this Report and the near completion of the Secondary Plan for Northwest Welland, City Staff initiated an Official Plan Amendment for the Northwest Area in order to expand the City's Urban Area Boundary to include lands currently outside its urban area in Northwest Welland. In addition, associated with this Amendment, the City has submitted an Application for Regional Official Plan Amendment to request that the Regional Official Plan be amended by expanding the City's Urban Area Boundary to include those lands currently outside its urban area in Northwest Welland. The combination of Local and Regional Official Plan Amendments, if approved, will therefore align the City's Urban Area Boundary with the City's municipal boundary in Northwest Welland in both policy documents and set the framework for planning the development of this area in the future.

ATTACHMENTS:

Appendix I – Location Map

Appendix II – Copies of Correspondence



LOCATION MAP



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 "The information contained in this map may represent unintended errors or distortions of fact and the City of Welland (the City) makes no representations or warranties, express or implied, as to the accuracy or completeness of the data and all information should be verified independently. No part of these drawings, or information, or hard copies made from them may be reproduced and/or distributed without written permission from the City."
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*Infrastructure and
 Development Services*
 Planning Division

Page Two

Thank you for your anticipated co-operation.

Yours very truly,

SULLIVAN, MAHONEY LLP

Per:



Thomas A. Richardson, C.S.

Thomas Richardson Legal
Professional Corporation

TAR:sm

cc—Mr. Grant Munday, Planning Manager

cc—Mr. and Mrs. Harold Froude

cc—Mr. and Mrs. Dan Froude

Travers Fitzpatrick

From: Chris Armstrong [REDACTED]
Sent: December 2, 2019 5:08 PM
To: Travers Fitzpatrick; [REDACTED]
Subject: FW: Secondary Plan

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Mr. Fitzpatrick

I have reviewed the presentation that was presented to the public on the expansion of the Northwest area of Welland. In this presentation was a slide of the proposed secondary plan. I understand this is not final and still under review and ultimately needs to get passed by council. The land I had in question earlier (circled in blue) is still showing that it will be part of the Environmental Conservation Area which significantly limits the ability to develop.

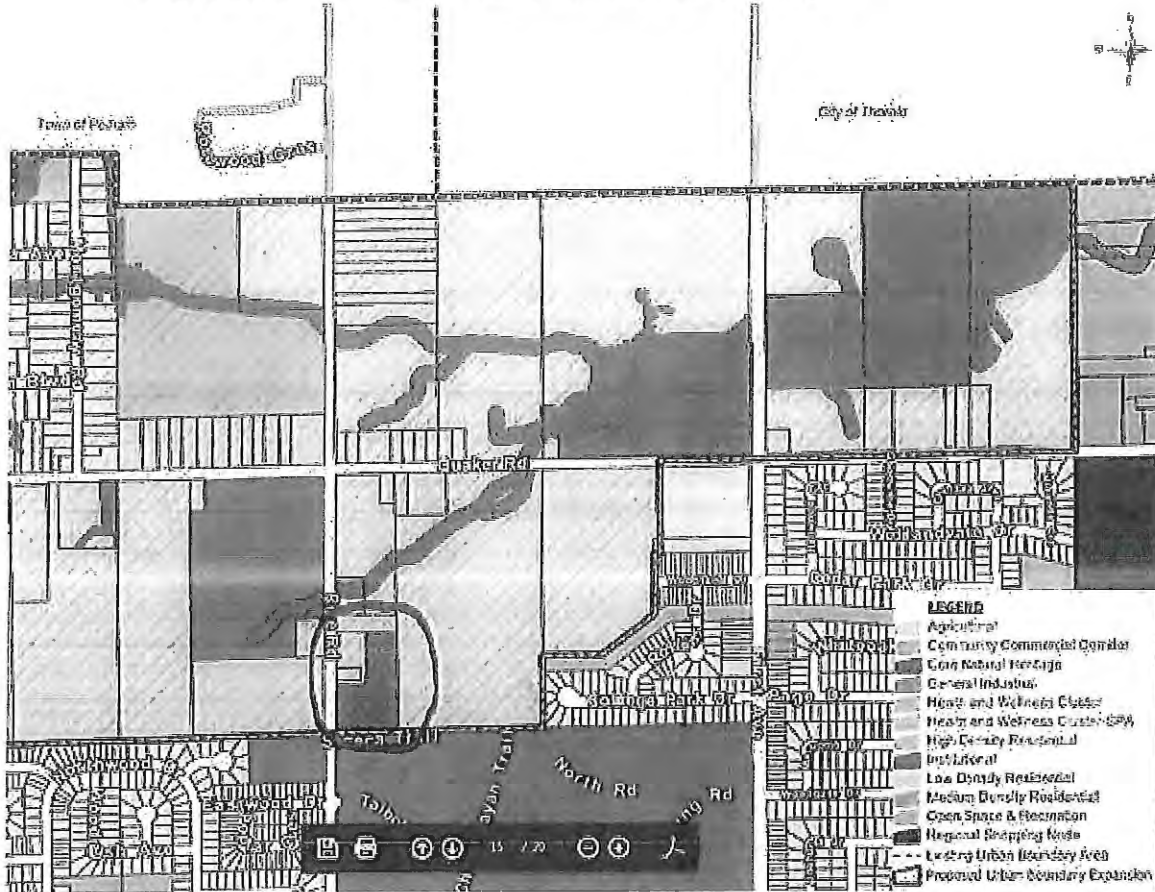
Can you please tell me the steps required to have this lot re-evaluated and put in the secondary plan as existing residential similar to all the properties that surround this one.

As stated below I would be interested in developing this property into more than a single residential dwelling and the proposed zoning would not allow this.

Please accept this email as our written submission for the Statutory Public Hearing that will be held December 3rd, 2019 as we will be unable to attend.

Chris Armstrong
Irene Armstrong
Robert Gaspich
Tara Gaspich Gamble

Current Official Plan Land Use Map



The current application to amend the City Official Plan to bring the area into the urban area. Ultimate land use will be determined by a secondary plan process.



Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2138
www.welland.ca
 f t YourChannel

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From: Chris Armstrong
Sent: November 20, 2019 10:11 AM

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From: Chris Armstrong [mailto:chris.armstrong@welland.ca]
Sent: November 17, 2019 9:53 AM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Cc: [redacted]
Subject: Northwest Area Secondary Plan

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Mr. Fitzpatrick

I am joint owner of a piece of property in the Northwest Area which is currently under review to add to the urban boundary in the City of Welland. I understand a secondary plan is being developed to designate acceptable land usage going forward.

I received notification that there will be a couple public meetings regarding the Official Plan Amendment of the Northwest Area but I am unable to attend either meeting.

I was hoping you could answer a few questions I have regarding the property I own in the Northwest Area. Details of the property are:

- Roll Number [redacted]
- Address [redacted]
- Owners [redacted]

The questions I have are:

1. The land falls under the Core Natural Heritage System, Environmental Conservation Area designating it a Significant Woodlots Area. Will this designation be amended (removed) to allow development of the land?
2. What will be the acceptable land use? Residential, Commercial, Mixed Use

Grant Munday

From: Rachelle Larocque
Sent: December 3, 2019 3:38 PM
To: Grant Munday; Rose DiFelice
Subject: FW: North West Secondary Plan



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

    YourChannel

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From: William Heikoop [mailto: [REDACTED]]
Sent: December 3, 2019 3:37 PM
To: Rachelle Larocque <rachelle.larocque@welland.ca>
Subject: North West Secondary Plan

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Hi Rachelle,

As an agent for Aldo Vercillo of Ashton Homes (Western) Ltd. we would like to notify you that we support the bringing the North West area into the urban boundary and support the secondary plan proposed for lands at 210 Quaker road.

Regards,

William Heikoop, B.U.R.Pl.
 Planner
 Upper Canada Planning & Engineering Ltd.
 30 Hannover, Unit #3
 St. Catharines, ON, L2W 1A3
 Tel: [REDACTED]
 Fax: (905) 688-5274
 Email: [REDACTED]

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Grant Munday

From: Mike Schout [REDACTED]
Sent: December 2, 2019 1:48 PM
To: Grant Munday
Cc: Dan Degazio; Travers Fitzpatrick; Roman Grocholsky; 'Ben' [REDACTED]
Subject: RE: North-West Expansion Area Public Meeting etc.

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Hi Grant,

Thanks for sending the Notice for OPA #24. I just returned from a Caribbean / Central America trip and wasn't aware of the Public Meeting. And unfortunately have minor surgery scheduled for tomorrow and won't be able to attend tomorrow.

Is there anything I should be aware of?
Would you please send me the decision after Council meets?

Thanks,
mike

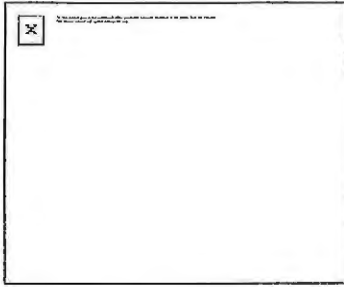
From: Grant Munday <grant.munday@welland.ca>
Sent: Monday, November 18, 2019 10:10 AM
To: Mike Schout [REDACTED]
Cc: Dan Degazio <dan.degazio@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: North-West Expansion Area Public Meeting etc.

Mike,

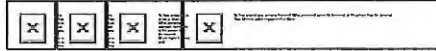
Find attached a Notice of Public Information Meeting, Notice of Statutory Public Meeting for OPA #24, the City's North-West Urban Expansion which includes lands your group has an agreement to purchase from City. We are taking advantage of changes to Growth Plan made recently by the Ontario Government to create more housing.

More information can be found at the following link under Northwest Studies:
<https://www.welland.ca/ReportsStudies.asp>

Sincerely,



Grant Munday
Manager of Development Approvals
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2240 Fax: (905)735-8772
www.welland.ca



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City of Welland
Infrastructure and Development Services
Planning and Building Division
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | Fax: 905-735-8772
Email: devserv@welland.ca | www.welland.ca

**OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)**

Name 40 ANTONIO MAIORANO
851924 Ontario Inc.
Address 103 SAOMILL ROAD
City ST. CATHARINES, ONT Postal Code L2S 3K1
Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

OWN PROPERTY CORNER OF QUAKER RD & FIRST AVE.

WE HAVE SERIOUS CONCERNS REGARDING THE ROAD
PROPOSED. SEE NO NEED FOR IT ESPECIALLY SINCE SEVERELY
IMPACTS DEVELOPABLE LAND.

WILL BE ENGAGING CONSULTANTS TO ADDRESS THE
ENVIRONMENTAL CONSERVATION AREA AS FEEL IT CAN BE
REDUCED TO ALLOW FOR SOME DEVELOPMENT.

WANT TO ENSURE THAT TRAIL SYSTEM PROPOSED ALSO
HAS MINIMAL IMPACT ON POTENTIAL DEVELOPMENT.

ANTONIO MAIORANO



City of Welland
 Infrastructure and Development Services
 Planning and Building Division
 60 East Main Street, Welland, ON L3B 3X4
 Phone: 905-735-1700 Ext. 2251 | Fax: 905-735-8772
 Email: devserv@welland.ca | www.welland.ca

RECEIVED

NOV 26 2019

CITY OF WELLAND
 PLANNING - BUILDING

**OFFICIAL PLAN AMENDMENT #24
 (NORTH-WEST WELLAND URBAN EXPANSION)**

COMMENTS *Re: Section 3.5.2.3. d) + e)*
(Please Print)

Name Mr & Mrs N. McCall
 Address 90 College Park Drive
 City Welland Postal Code L3C 6Z7
 Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

There is no study or report on storm water management for the existing natural water (open) drain that runs in an east-west direction along the south-east limits of the proposed urban expansion which will be directly affected by a change to low density residential.

Currently this water course is shown to abruptly terminate at the property line. It actually drifts into a swampy pond on the subject land and saturates the surrounding flood plain at the west end. Without the natural drainage currently occurring, the whole length of the water course and flood plain will be impacted.

Also potential storm water increases due to climate change should not be ignored.

This pond area supports a variety of animals. i.e. Amphibians and intermittent pond life; nesting birds such as ducks and geese; foraging hawks, coyote, deer, possum. etc.

There is no study or report on the effect on the existing wildlife neither in this pond area NOR the Environmental Conservation Area in the north-east sector (part of the Core Natural Heritage System) which will be directly affected by Not Only low density residential, But Also the proposed reduction in green area (approximately 75%) and the increased danger due to intrusion of roads. There should be At Least an environmental study to determine the size of the deer herd to assure enough land is preserved to guarantee their survival.

It is dangerous to make a decision when you don't have all the information.

Rose DiFelice

From: Travers Fitzpatrick
Sent: November-25-19 9:08 AM
To: Rose DiFelice; Grant Munday; Irene McDonald
Subject: FW: City of Welland - Official Plan Amendment Application (File No. OPA 24)



Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2138
www.welland.ca



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From: [REDACTED]
Sent: November 22, 2019 8:48 AM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: City of Welland - Official Plan Amendment Application (File No. OPA 24)

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Dear Mr. Fitzpatrick,

We appreciate having been sent the memorandum dated November 7, 2019 regarding the above referenced application.

We would appreciate being notified of future decision and developments with regard to this matter.

Kind Regards,

Darryl & Jennifer Nohara
 42 Timber Creek Cres
 Fonthill, ON L0S 1E4

Rose DiFelice

From: Travers Fitzpatrick
Sent: November-25-19 9:10 AM
To: Rose DiFelice; Grant Munday; Irene McDonald
Subject: FW: Official Plan Amendment Application (File No. OPA 24)



Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
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From: Betty Boyd [REDACTED]
Sent: November 21, 2019 7:46 PM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: Official Plan Amendment Application (File No. OPA 24)

CAUTION: This email originated from an external sender. Please do not click links or open attachments unless you are sure they are safe!

Hello Travers,

I am an owner of a home on Rice Road. I would like to request a copy of the staff report on this Application.

You can email it to this address, or mail it to 510 Rice Road, Welland, ON L3C 2W1.

Thank you.

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.



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**OFFICIAL PLAN AMENDMENT #24
 (NORTH-WEST WELLAND URBAN EXPANSION)
 COMMENTS
 (Please Print)**

Name Bandra Prookeman
 Address 107 Montgomery Rd
 City Welland Postal Code L3C2P5
 Telephone No. [REDACTED] Email _____

Would you like to be notified by? Email Regular Mail

My complaint is that the notification by mail is only 1 week ahead. People are working, and please if you want a good communication with the people who live this area, please make sure you inform them at least 4 weeks ahead.

*The Rainwater problem will increase in the Summerlea subdivision. Right now the houses on the even number side of Summerlea ave do have big problems with the water that won't run down to the creek,

The creek is now already too small to get the water towards the soccer field, where the collection is.

* The road on Summerlea Ave never ever should be opened for traffic.

* We have to keep the green barrier around the Summerlea subdivision it's the only green space left for the wild animals.

* The water pressure is a problem on Montgomery Rd, and it smells like soil.

* What is the time planning of this plan to complete?
And what are the total cost?



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OFFICIAL PLAN AMENDMENT #24
 (NORTH-WEST WELLAND URBAN EXPANSION)
 COMMENTS
 (Please Print)

Name KORRAWE KLEIN
 Address 85 MONTGOMERY RD.
 City WELLAND Postal Code L3C 2Y4
 Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

WORRIED ABOUT OPENING OUR ROADS Summerlea to new
 SUBDIVISION OR LINK AVE. WORRIED ABOUT OUR 32 YEARS OLD
 Sewage INFRASTRUCTURE SO WORRIED WITH NEW BUILD. ALSO
 THE WATER WE HAVE IN OUR BACKYARDS APPARENTLY WE HAVE
 A DRAINAGE CATCH BASIN THAT IS TOO HIGH TO HAVE THE
 WATER FLOW ^{AWAY} LEAVING THE BACK YARDS. AND THE WATER PRESSURE
 SUCKS IN OUR SUBDIVISION SO WILL THESE NEW HOMES MAKE
 IT EVEN WORSE. WE HAVE VERY NARROW ROADS, CAN'T HAVE
 EXTRA TRAFFIC GOING ~~THROUGH~~ ^{THROUGH} LOTS OF PETS AND CHILDREN
 IN THIS VETERAN'S SUBDIVISION. WE HAVE LOTS OF DEER
 AND HAWKS THAT SURVIVE IN THIS BEAUTIFUL OPEN SPACE
 HOPE THAT YOU THINK OF THEM AS WELL. TAKING AWAY THE
 GREEN SPACE TAKES AWAY THEIR HOMES.

THANK YOU FOR YOUR TIME.



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**OFFICIAL PLAN AMENDMENT #24
 (NORTH-WEST WELLAND URBAN EXPANSION)
 COMMENTS
 (Please Print)**

Name JORDAN BYNKOSKI
 Address 72 Summerlea Ave
 City WELLAND Postal Code L37 3E7
 Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by?

Email

Regular Mail

YOUR CURRENT PLAN SHOWS REMOVING THE GREEN-SPACE ALONG LINE AVE AND OPENING UP THE DEAD END FROM SUMMERLEA AVE TO LINE AVE. THIS IS PROBLEMATIC AS IT WILL CREATE A THOROUGHFAIR FROM LINE THROUGH TO QUAKER RD WHICH WILL CREATE A DANGER FOR OUR CHILDREN AND OTHER PEDESTRIANS USING OUR NARROW SIDEWALKLESS ROAD. DRIVERS ATTEMPTING TO AVOID THE CORNER OF PELHAM RD AND QUAKER RD WILL USE THIS ROUTE.

PLEASE SEND A COPY OF THE STAFF REPORT ON THIS APPLICATION.

PLEASE SEE BACK ON COMMENTS...

I'M FURTHER CONCERNED THAT THE PROPOSED PLAN WILL ~~ONLY~~ INCREASE THE PROBLEMS WE ALREADY FACE WITH PROPERTY WATER DRAINAGE. THE BUILDING OF TIMBER CREEK AFFECTS US NEGATIVELY AS THEIR PROPERTIES ALREADY DRAIN INTO OUR BACKYARDS AND ~~THE~~ THE CATCH BASIN ISN'T ACCESSIBLE AS IT WAS PUT IN AT A HIGHER ELEVATION THAN OUR YARDS. I'M CONCERNED THE NEW SUBDIVISIONS WILL FURTHER BACK UP WATER INTO OUR SUBDIVISION.

If you would like more information on the project please contact Travers Fitzpatrick, General Manager of Infrastructure and Development Services, 905-735-1700, Extension 2138 or email devserv@welland.ca



City of Welland
Infrastructure and Development Services
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**OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)**

Name ERINNE DIANNE MURPHY
Address 22 Montgomery Rd
City Welland Postal Code L3C 2Y3
Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

Bike path and sidewalk on Quaker Rd.
Ensure that Summerlea subdivision remains
closed to through traffic. - Narrow road, lots
of children.
Ensure drainage concerns of Summerlea are
considered
Ensure that sewers and water pressure are
not impacted

Submission to City of Welland
Re: Official Plan Amendment (File No. OPA 24)

To: Travers Fitzpatrick,
 General Manager of Infrastructure and Development Services,
 City of Welland

With regards to the above, we also submitted a letter to the City in April 2018 (in reference to the Northwest Area Secondary Plan Study). At that time we granted permission to Aquafor Beech Limited staff, Associated Engineering staff, as well as the City of Welland and Niagara Peninsula Conservation Authority representatives, to access our property to conduct biophysical surveys and engineering assessments. We requested on that letter, that we be notified prior to the visit to inform us of the date/time proposed for the visit as we would like to be present. To the best of our knowledge, no one from any of the above organizations have visited our property or contacted us. We communicated through email with Aquaforbeech about our concerns for wildlife (Ash Baron was our contact) and provided some dates for a potential visit as requested, but heard nothing more back. We also had contact with an archaeologist (Douglas Todd, ASI Heritage) who visited our house to discuss the First Nations find (arrowhead) that we found in the study area and he was most helpful.

To highlight our major concerns from our last submission:

1. The most important issue we have is the impact of any new development on wildlife in the area. Our property backs onto the old Welland Soccer Club land and there is a line of trees and understory vegetation 5-10 m wide running between the rear of the properties on the east side of Montgomery and the above land. As far as we are aware, most of that area is on the land under consideration for development. The trees act as a corridor for wildlife movement between the properties on Montgomery and the Carolinian forest at the north end of the Summerlea subdivision. We see numerous species of animals on our property and/or on the old soccer fields as a result of this connection to the natural forest. These include:
 - a. Mammals such as flying squirrels, opossums, skunks, racoons, coyotes, foxes, beavers, muskrats
 - b. Reptiles including snakes, turtles (snapping and painted),
 - c. Amphibians -- frogs including bullfrogs and leopard frogs, toads, newts and salamanders. Some salamanders are included in species at risk in Ontario, so there may be cause for concern in that regard.
 - d. Birds of many species, including many migratory species and predators such great horned owls and other owl species. There are also many ground-dwelling/nesting birds such as killdeer and American woodcocks.
 - e. Insects such as Monarch butterflies feeding on milkweed at the back of the property

Photos of some of the key wildlife noted above were included in the original submission and should still be on file, but we have many more available should you wish to see them.

2. Finally, there is some evidence of archeological artifacts in the area and on one occasion we found an arrowhead in the Carolinian forest (a photo was attached to the original submission and as noted above was examined by ASI Heritage).
3. As a suggestion, and in light of our concerns above, perhaps the old soccer club land could be maintained as greenspace in a similar manner to Burgoyne Woods in St. Catharines, to provide some protection to wildlife and enhance their current habitat. This would allow residents of any new development in the study area to have access to open areas in an urban setting where such opportunities are increasingly rare.

Thank you for the opportunity to have input into the development planning and process

Yours sincerely

Graeme and Dianne Murphy
22 Montgomery Rd
Welland, ON L3C 2Y3



City of Welland
 Infrastructure and Development Services
 Planning and Building Division
 60 East Main Street, Welland, ON L3B 3X4
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 Email: devserv@welland.ca | www.welland.ca

OFFICIAL PLAN AMENDMENT #24
 (NORTH-WEST WELLAND URBAN EXPANSION)
 COMMENTS
 (Please Print)

Name HENRY KLEIN
 Address 85 MONTGOMERY RD
 City WELLAND Postal Code L3C 2Y4
 Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

TO CONTINUE SUMMERLEA AVE INTO THE SOCCER FIELDS
 WOULD PUT A UNNECESSARY BURDEN ON OUR SUBDIVISION
 WE HAVE NO SIDEWALKS, NARROW STREETS AND LOTS
 OF KIDS. THIS IS A RECIPE FOR DISASTER. UNLESS
 YOU KEEP TRAFFIC FROM TAKING A SHORT CUT
 THROUGH OUR SUBDIVISION. WE LIVE RIGHT ON THE
 CORNER OF MONTGOMERY RD & SUMMERLEA AND WE
 OPPOSE ANYTHING THAT WILL INCREASE TRAFFIC
 AT OUR CORNER. ALSO, THE OTHER END OF SUMMERLEA
 AT LIND AVE SHOULD REMAIN CLOSED. AS THE
 TRAFFIC WOULD BE A NIGHTMARE. ALSO THE
 GREEN SPACE BEHIND MONTGOMERY RD, SHOULD REMAIN
 AS A BUFFER FROM THE NEW SUBDIVISION.



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**OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)**

Name DAN^{LISA} ROBINSON
Address 131 BRIARSDALE CRES
City WELLAND Postal Code L3C 6S1
Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

I have sent a letter of concerns to Travers Fitzpatrick and wish to be notified of any developments regarding this PROPOSED ~~develop~~ expansion.



City of Welland
Infrastructure and Development Services
Planning and Building Division
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Phone: 905-735-1700 Ext. 2251 | Fax: 905-735-8772
Email: devserv@welland.ca | www.welland.ca

**OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)**

Name ROBERT LICCAVITA
Address 402 RICE RD.
City WELLAND Postal Code _____
Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

- I WOULD LIKE TO BE NOTIFIED ABOUT THE
SECONDARY PLAN PROCESS AND BE PRESENT
FOR MEETINGS -



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Infrastructure and Development Services
Planning and Building Division
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | **Fax:** 905-735-8772
Email: devserv@welland.ca | www.welland.ca

OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)

Name Marc & Nancy Papineau
Address 472 Quaker Rd (mailing address 152 Redwood CRT)
City Welland Postal Code L3C 7C4
Telephone No. [REDACTED] Email _____

Would you like to be notified by? Email Regular Mail

We would like to inform you that as a property owner we are in favour of the proposed plan to move the line of urban boundary. We purchased our property with the intention of building on the property a building which would allow more units.



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**OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)**

Name Mr. G. Passero
Address 294 Quaker Road
City welland Postal Code L3c 3G5
Telephone No. [REDACTED] Email _____

Would you like to be notified by? Email Regular Mail

I attended the Public Information Meeting and I support the proposed Planning Application.
* I would like to be notified of any meetings related to the Development of the Secondary Plan for North West Welland. *



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**OFFICIAL PLAN AMENDMENT #24
(NORTH-WEST WELLAND URBAN EXPANSION)
COMMENTS
(Please Print)**

Name Robert Borowski
Address 436 Quaker Rd
City Welland Postal Code L3G 3G8
Telephone No. [REDACTED] Email [REDACTED]

Would you like to be notified by? Email Regular Mail

~~Robert Borowski~~
I Approve. [Signature]

provide
Recommendation
Report

November 18th, 2019

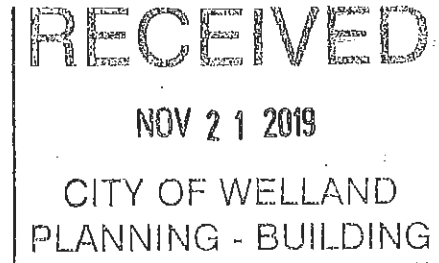
Land Owner: Noreen Garofalo

Address: 450 Rice Road

Welland, Ontario

L3C 2W1

Telephone: [REDACTED]



PA
- see envelope request

To whom it may concern,

I would like to start by applauding the efforts of the Niagara Region Council Members for their innovative thinking and ability to adapt to the current needs of the residents of Welland. I would like to express my full support for the inclusion of my property into the urban expansion boundary. My property was purchased in 1982 and is a parcel of land 10 acres in size in the northwest quadrant proposed to be added to the City of Welland's Urban Land Area. The property is a perfect candidate for urban growth as the major infrastructure for city water and sewer are currently in place on Rice Road and there is an abundance of schools and shopping available in close proximity.

Welland has seen unprecedented growth in recent years and in this difficult economic climate, municipal expansion is essential for fostering a community based on progress and prosperity. Sustainable development satisfies the economic, environmental, social and cultural needs of our community.

I would like to take this opportunity to thank the Council of Welland as well as the Niagara Region for their consideration on this matter.

Noreen Garofalo

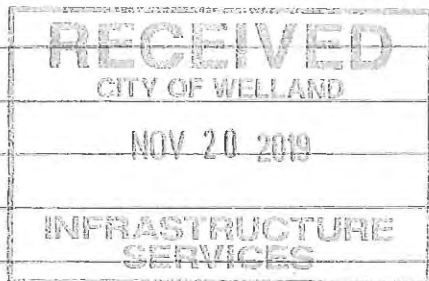
NOV. 15, 2019

TO TRAVERS FITZPATRICK

I AM CURIOUS AS TO WHERE THE NORTHERN
BOUNDARY FOR THE URBAN EXPANSION LIES.

IS IT IDENTIFIABLE BY ONE OF THE
EAST-WEST ROADS.

I WISH TO BE NOTIFIED OF THE DECISION
OF THE CITY OF WELLAND ON THE PROPOSED
OFFICIAL PLAN AMENDMENT AS WELL AS
RECEIVING A COPY OF THE STAFF REPORT,



THANKYOU

JOE MATICH

526 PARKSIDE CRES.
BURLINGTON, ON
L7L4G9



Rose DiFelice

From: Travers Fitzpatrick
Sent: November-18-19 1:23 PM
To: Kevin Day
Cc: Grant Munday; Rose DiFelice
Subject: RE: OPA 24

Kevin, the proposed changes to the City Official Plan is to bring the lands into the Urban Boundary. The proposed changes will not affect you on Milkweed Trail.

We will send you an electronic copy of the Official Plan amendment after it is adopted by Welland Council



Travers Fitzpatrick
 General Manager
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From: Kevin Day [REDACTED]
Sent: November 17, 2019 1:04 PM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: OPA 24

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Hi Travers, I read the notice in the local paper - Can you send me a copy of the final amendment when it is done?

And if I'm reading the notice correctly, there's no real change in the land or zoning, it's just updating the official plan to include this area, correct?

Kevin Day
 188 Milkweed Trail, Welland
 [REDACTED]

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Rose DiFelice

From: Travers Fitzpatrick
Sent: November-21-19 8:57 AM
To: Grant Munday; Rose DiFelice
Subject: FW: Proposed North-West Expansion for the City of Welland
Attachments: City Proposed Urban Expansion.pdf

See previous e-mail on the matter

Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2138

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-----Original Message-----

From: Dan Robinson [REDACTED]
Sent: November 20, 2019 11:55 PM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Cc: mayor <mayor@welland.ca>; Councillor Adam Moote <adam.moote@welland.ca>; Councillor Mary Ann Grimaldi <maryann.grimaldi@welland.ca>; Leanna.Villella@niagararegion.ca; Pat.Chiocchio@niagararegion.ca
Subject: Proposed North-West Expansion for the City of Welland

Good Day Travers,

My name is Dan Robinson and I am contacting you with my written submission regarding the North-West Expansion for the City of Welland that I hope to have presented to City Council as part of the staff report on this matter. I have attached the written submission.

Thank you for your time.

Regards,
 Dan Robinson

To: Travers Fitzpatrick, General Manager of Infrastructure and Development Services
of the City of Welland

CC: Frank Campion, Mayor of The City of Welland
Adam Moote, Ward 1 Councillor City of Welland
Mary Ann Grimaldi, Ward 1 Councillor City of Welland
Leanna Villella, Regional Council Representative for Welland
Pat Chiochio, Regional Council Representative for Welland

My name is Dan Robinson and I am writing this letter on behalf of my wife Lisa Robinson and myself with regards to the application by The Corporation of the City of Welland for the lands identified as the North-West Expansion Area, to expand the Urban Area Boundary of the City of Welland to include the new lands identified in the correspondence sent by the City of Welland to residents of the areas next to the proposed expansion area. Having lived at 131 Briarsdale Crescent for the last 28 years we have some concerns with this proposed expansion and the reports that The Corporation of the City of Welland in using to support the proposed expansion. These concerns are identified below.

Concern 1:

The Northwest study report used by the City of Welland to support the proposed expansion failed to identify and acknowledge the drainage at the southern edge of section D of the proposed area where a considerable amount water flows behind 131, 135 and 139 Briarsdale Crescent to a drain between 135 and 139 Briarsdale Crescent. There has been so much water that the City of Welland staff have had to make repairs to the drain caused by erosion. If this significant drainage issue was missed or overlooked and the expansion is allowed to happen, what happens to all this water and the drain between 135 and 139 Briarsdale Crescent.

Concern 2:

The Natural Heritage section of the Northwest Study report used by the City of Welland to support the proposed expansion missed some key facts and species. The study area was limited both in scope and time to identify species. With the lack of knowledge that a wet area existed at the southern edge of section D no observations, studies or listening devices were used in this area. We have seen and heard many amphibians in the area. The one that concerns us the most is the endangered Fowlers Toad which have seen and heard their calls for many years both in section D and on our property.

Concern 3:

The Natural Heritage section of the Northwest Study report used by the City of Welland to support the proposed expansion failed to acknowledge the wildlife corridor that exists in the proposed expansion area. This area is part of a network that allows wildlife to move east and west from Hamilton to Niagara. The wildlife corridor follows the old proposed route 5A of the mid-peninsular highway. We have seen, on a regular basis coyotes, deer, fox and turkeys to name but a few that call this area home. There are also

birds of prey such as hawks, osprey and owls that hunt, perch and nest in the trees in the tree lines surrounding the farmed fields. In the summer of 2018 a Great Horned Owl nested in a tree in the tree line less than 10m from 131 and 135 Briarsdale Crescent. The trees in the tree line are also a summer home to the bats that migrate here every year.

Concern 4:

The Agricultural Impact Assessment Study section of the Northwest Study report used by the City of Welland to support the proposed expansion stated that the land in the proposed expansion area was predominately fallow farmland, which is entirely untrue. With the exception of the late 1980s and early 1990s a majority of the farmland has been cropped with mainly Soy interspersed with Corn. The information, which was used to prepare this component of the Agricultural Assessment Study, is flawed. Even the areal photo used in the report shows that most of the land is being cropped. The report tried to show how this area doesn't produce any fruits or vegetables but failed to state that it does produce the cash crops of soy and corn. This is most definitely a very actively cropped agricultural area that needs to be preserved.

We hope that these concerns are taken seriously and addressed. We love living in the City of Welland and are proud of our community.

Regards,

Dan Robinson

Rose DiFelice

From: Travers Fitzpatrick
Sent: November-21-19 8:52 AM
To: Grant Munday; Rose DiFelice
Subject: FW: Official Plan Amendment Application (File No. OPA 24)
Attachments: Letter to City of Welland_Nov2019.docx

FYI see previous e-mail.



Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2138
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From: Graeme Murphy [redacted]
Sent: November 20, 2019 6:20 PM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: Official Plan Amendment Application (File No. OPA 24)

CAUTION: This email originated from an external sender. Please do not click links or open attachments unless you are sure they are safe!

Hi Travers,
 Please find attached, a written submission to the City of Welland addressing our concerns for the above

Regards

Graeme and Dianne Murphy

Submission to City of Welland
Re: Official Plan Amendment (File No. OPA 24)

To: Travers Fitzpatrick,
General Manager of Infrastructure and Development Services,
City of Welland

With regards to the above, we also submitted a letter to the City in April 2018 (in reference to the Northwest Area Secondary Plan Study). At that time we granted permission to Aquafor Beech Limited staff, Associated Engineering staff, as well as the City of Welland and Niagara Peninsula Conservation Authority representatives, to access our property to conduct biophysical surveys and engineering assessments. We requested on that letter, that we be notified prior to the visit to inform us of the date/time proposed for the visit as we would like to be present. To the best of our knowledge, no one from any of the above organizations have visited our property or contacted us. We communicated through email with Aquaforbeech about our concerns for wildlife (Ash Baron was our contact) and provided some dates for a potential visit as requested, but heard nothing more back. We also had contact with an archaeologist (Douglas Todd, ASI Heritage) who visited our house to discuss the First Nations find (arrowhead) that we found in the study area and he was most helpful.

To highlight our major concerns from our last submission:

1. The most important issue we have is the impact of any new development on wildlife in the area. Our property backs onto the old Welland Soccer Club land and there is a line of trees and understory vegetation 5-10 m wide running between the rear of the properties on the east side of Montgomery and the above land. As far as we are aware, most of that area is on the land under consideration for development. The trees act as a corridor for wildlife movement between the properties on Montgomery and the Carolinian forest at the north end of the Summerlea subdivision. We see numerous species of animals on our property and/or on the old soccer fields as a result of this connection to the natural forest. These include:
 - a. Mammals such as flying squirrels, opossums, skunks, racoons, coyotes, foxes, beavers, muskrats
 - b. Reptiles including snakes, turtles (snapping and painted),
 - c. Amphibians – frogs including bullfrogs and leopard frogs, toads, newts and salamanders. Some salamanders are included in species at risk in Ontario, so there may be cause for concern in that regard.
 - d. Birds of many species, including many migratory species and predators such great horned owls and other owl species. There are also many ground-dwelling/nesting birds such as killdeer and American woodcocks.
 - e. Insects such as Monarch butterflies feeding on milkweed at the back of the property

Photos of some of the key wildlife noted above were included in the original submission and should still be on file, but we have many more available should you wish to see them.

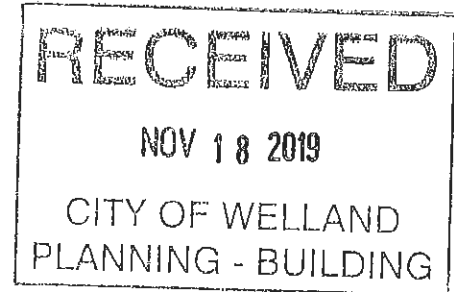
2. Finally, there is some evidence of archeological artifacts in the area and on one occasion we found an arrowhead in the Carolinian forest (a photo was attached to the original submission and as noted above was examined by ASI Heritage).
3. As a suggestion, and in light of our concerns above, perhaps the old soccer club land could be maintained as greenspace in a similar manner to Burgoyne Woods in St. Catharines, to provide some protection to wildlife and enhance their current habitat. This would allow residents of any new development in the study area to have access to open areas in an urban setting where such opportunities are increasingly rare.

Thank you for the opportunity to have input into the development planning and process

Yours sincerely

Graeme and Dianne Murphy
22 Montgomery Rd
Welland, ON L3C 2Y3

November 18, 2019



Travers Fitzpatrick
General Manager of Infrastructure
and Development Services
City of Welland
Civic Square, 60 East Main St.
Welland, ON L3B 3X4

Dear Mr. Fitzpatrick,

As a landowner and resident in the expansion area I would like it to be known I am in support of the City of Welland's planned North – West expansion of the Urban Area Boundary.

I would like to request notification of the decision by the City of Welland on the proposed official plan amendment. I look forward to receiving future information, my contact information is noted below.

Sincerely,

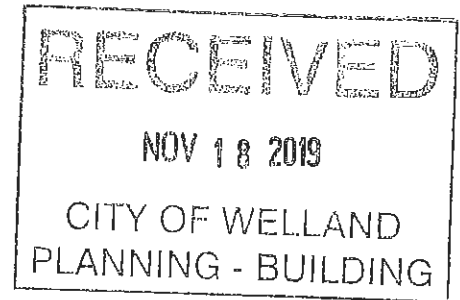
A handwritten signature in cursive script that reads "S. Arcuri".

Shelley Wilson Arcuri
41 Cedarvale Crescent
Welland, ON
L3C 6W8



November 18, 2019

Travers Fitzpatrick
General Manager of Infrastructure
and Development Services
City of Welland
Civic Square, 60 East Main St.
Welland, ON L3B 3X4



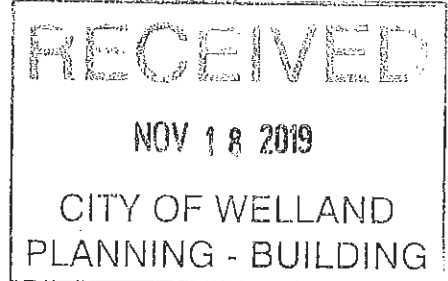
Dear Mr. Fitzpatrick,

I have been following with interest the efforts of the City of Welland regarding the North – West expansion of the Urban Area Boundary. As a landowner within the proposed area I would like to confirm my support.

Sincerely,

A handwritten signature in cursive script that reads "Robert Wilson".

Robert Wilson
14 Pancake Lane
Fonthill, ON
L0S 1E2



November 15, 2019

Travers Fitzpatrick
General Manager of Infrastructure
and Development Services
City of Welland
Civic Square, 60 East Main St.
Welland, ON L3B 3X4

Dear Mr. Fitzpatrick,

The purpose of this letter is to provide my support for the changes to the official plan, in regards to the North – West expansion of the Urban Area Boundary by the City of Welland. I am a 30 year resident of the north-west area and feel that this proposal is long overdue.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Wilson".

Nancy Wilson
653 Quaker Road
Welland, ON
L3C 3H1



Rose DiFelice

From: Travers Fitzpatrick
Sent: November-14-19 8:49 AM
To: blrpalmer
Cc: Grant Munday; Rose DiFelice
Subject: RE: File no OPA 24

Blair, the notice is to inform you and others that the City wishes to have the area in question brought into the urban area of the City which will permit development.

I have provided the link to the Official Plan Amendment which is on the City's web site.

<https://www.welland.ca/planning/NorthWestStudy/OPA-forNorthwestUrbanAreaExpansionV2.pdf>

Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2138

Any review, disclosure, or distribution by others is strictly prohibited.
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-----Original Message-----

From: blrpalmer [REDACTED]
Sent: November 13, 2019 7:54 PM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: File no OPA 24

Travers

I received a notice in the mail regarding the northwest expansion area.

We live at 669 Quaker road. We are already paying taxes to Welland. Is this notice to inform us of the City expanding? Or is this to notify us of new development?

If you guys are expanding you may want to look into the water pressure here. Our neighbours and I have noticed that the pressure isn't quite what is elsewhere in the city.

Thanks

Blair Palmer

Sent from my iPhone

This email has been scanned for spam and viruses by Proofpoint Essentials. Visit the following link to report this email as spam:

https://us2.proofpointessentials.com/index01.php?mod_id=1&mod_option=gitem&mail_id=73692828-IKTrgv_kcLE2&r_address=avers.fitzpatrick%40welland.ca&report=

Irene McDonald

From: Travers Fitzpatrick
Sent: November 13, 2019 10:51 AM
To: Grant Munday; Rachelle Larocque; Rose DiFelice
Cc: Irene McDonald
Subject: FW: Letter received re official plan amendment application

Please see the request below concerning City OPA.



Travers Fitzpatrick
 General Manager
 Infrastructure & Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
 Phone: (905)735-1700 Ext. 2138
www.welland.ca
 Facebook Twitter YourChannel

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From: sstanyar@aol.com [REDACTED]
Sent: November 12, 2019 2:26 PM
To: Travers Fitzpatrick <travers.fitzpatrick@welland.ca>
Subject: Letter received re official plan amendment application

CAUTION: This email originated from an external sender. Please do not click links or open attachments unless you are sure they are safe!

We would like to receive all information in regards to this application.
 Thank you

Steven and Kathleen Stanyar
 484 Quaker Rd.
 Welland, Ont.,
 L3C3G8

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SULLIVAN MAHONEY,

LAWYERS

Client Committed. Community Minded.

December 4, 2019

Via Email to tara.stephens@welland.ca

Reply to St. Catharines office
THOMAS A. RICHARDSON, C.S.
905.688.2207 – Direct line

*Certified Specialist (Municipal Law – Local
Government/Land Use Planning & Development)*

Ms. Tara Stephens, City Clerk
City of Welland
Civic Square
60 East Main Street
Welland, ON L3B 3X4

Dear Ms. Stephens:

**Re: Official Plan Amendment No. 24
Our File No. 87908**

We act as solicitors for the Froude, Plamondon and Jones families with respect to Official Plan Amendment No. 24.

On December 3, 2019, I made representations on their behalf at the public meeting before the Planning Committee in opposition to that amendment.

The purpose of this letter is to request that this writer be notified of any proceedings in this matter, including the date on which the staff report will be presented to the Council for consideration and notice of passage of any Official Plan Amendment.

We also request that you notify this writer with respect to any proceedings in the processing of the northwest secondary plan and an application to the Regional Municipality of Niagara for an Official Plan Amendment with respect to the proposed extension of the urban area boundary in the northwest part of the City of Welland which is affected by proposed Official Plan Amendment No. 24.

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2

4781 Portage Road, Niagara Falls, ON L2E 6B1

sullivanmahoney.com

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCIL**INFRASTRUCTURE AND DEVELOPMENT SERVICES**

**REPORT P&B-2019-67
DECEMBER 17, 2019**

**SUBJECT: APPLICATION FOR TAX INCREMENT BASED REBATE PROGRAM
CITY OF WELLAND NIAGARA GATEWAY ECONOMIC ZONE AND CENTRE COMMUNITY IMPROVEMENT PLAN
ALPHA PROPERTIES INCORPORATED
7 WOODLAWN ROAD**

**AUTHOR: GRANT MUNDAY, B.A.A.
MANAGER OF DEVELOPMENT APPROVALS**

**APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES/CITY ENGINEER**

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the application for the City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan Incentive Program for the property known municipally as 7 Woodlawn Road in the City of Welland for the Tax Increment Based Rebate Program in the estimated amount of \$941,826.33 over ten (10) years and rebate of the Site Plan Control Application Fee of \$2,331.00; and further

THAT Welland City Council directs Staff to prepare the required by-law(s) and agreement(s); and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy the conditions related to participation in the Tax Increment Based Rebate Program.

ORIGIN AND BACKGROUND:

On March 4, 2014, the Council of the day passed By-law 2014-30 which adopted the City of Welland Niagara Gateway Economic Zone and Centre Community Improvement Plan (Welland Gateway CIP). The purpose of the Gateway CIP is to provide a comprehensive framework for the introduction and implementation of financial incentive programs and municipal leadership actions designed to attract investment and development of employment lands within the City. Three (3) Incentive Programs are available to applicants within the project area. This report deals with the Tax Increment Based Program (TIBR) and the Planning Application Fee Grant Program for the property municipally known as 7 Woodlawn Road.

This report is the twelfth (12th) application for the TIBR under the Welland Gateway CIP.

The City of Welland received the application from Alpha Properties Incorporated on December 9, 2019 for the Gateway CIP Incentive Programs for property municipally known as 7 Woodlawn Road. With reference to Appendix I, the property is located on the south side of Woodlawn Road, east of Brown Road. The subject lands are located within the Welland Gateway CIP area and are identified as a Strategic Location for Investment.

Tax Increment Based Rebate (TIBR) Program:

The purpose of the TIBR is to stimulate new, sustainable investment by existing and new businesses on employment lands within the City of Welland in the form of development, redevelopment, construction, reconstruction, rehabilitation or adaptive reuse of buildings and properties. The TIBR provides an annual tax increment based rebate payment equal to a percentage of the municipal (City and Regional) property tax increase generated by the project.

The percentage of the annual rebate is based on the following:

- a. economic performance; and
- b. environmental/design performance of the project

The rebate would be paid over a ten (10) year timeframe if the project is located in one of the Strategic Locations for Investment areas identified in the Gateway CIP. The timeframe is five (5) years for projects located outside the Strategic Locations for Investment. The TIBR Program would not require the City to allocate new or additional funds for implementation. The increased tax generated by new development is paid upfront and then a percentage would be returned to the owner as a tax increment rebate. The subject property is eligible for a ten (10) year TIBR.

COMMENTS AND ANALYSIS:

With reference to Appendix II, the owner (Alpha Properties Incorporated) is proposing to construct a truss manufacturing and lumber warehouse development with a total of 8,875.30 square metres (95,533 square feet) of building gross floor area among four (4) buildings. The construction of this facility will result in a total private sector investment of approximately \$18,500,000.00. This includes the following projected expenses over a five (5) year period:

- Land Acquisition \$5,000,000.00
- Site Preparation \$2,500,000.00
- Building Permit Construction Value \$5,500,000.00
- Value of Equipment to be purchased/installed \$2,500,000.00
- Operational Costs (i.e. salaries, administration, etc.) \$3,000,000.00

The application also indicates that the proposed facility will create between fifty-one (51) and seventy-four (74) full-time equivalent (FTE) jobs in Welland.

The owner has made application for the TIBR Program. The purpose of these Incentive Programs is to provide financial incentives to help offset the costs of the development or redevelopment of employment lands identified in the Welland Gateway CIP. It is likely

that without the benefit of these financial incentive programs, private sector investment may not occur. The construction of this facility will likely result in an increase the municipal tax base and assist with revitalizing the economy by creating direct and indirect jobs and through the construction and equipping of the proposed works.

Applications for the TIBR are evaluated using the following scoring matrix:

1. Economic Performance

A maximum of fifteen (15) points are available for the Economic Performance. Points are awarded based on the number of full-time or full time equivalent (FTE) jobs created/retained by the proposed business, and the proposed construction value.

With reference to Appendix III, the proposed development scores two (2) points for construction value since the total construction value is \$5,500,000.00 and scores nine (9) points for the creation of between fifty-one (51) and seventy-four (74) full-time equivalent (FTE) jobs in Welland. The total estimated points for economic performance is seven (11).

2. Environmental Design Performance

A maximum of five (5) points is available for the environmental design performance of a project with points awarded based on level of Leadership in Energy and Environmental Design (LEED) certification achieved by the project or conformity of the project with the Region's Smart Growth Design Criteria (see Appendix IV).

The proposed development meets six (6) of the six (6) Smart Growth Design Criteria. The total estimated points for Environmental Performance is five (5). The program requires that a minimum of three design criteria be met to receive any points for environmental performance. The following chart provides a brief overview on how the proposed development meets one of the Smart Growth Design Criteria.

DESIGN PRINCIPLE(S)	DEVELOPMENT FEATURE	PROPOSED DEVELOPMENT
Foster Attractive Urban Communities and a Sense of Place	Site Design	On-site parking is predominately located to the side and rear of the buildings.
	Architectural Design	The Building façade faces the street and provides architectural design treatments. A combination of modern soft mix of materials including shale stone at front and returns on side of building facade/smart stucco panels/green composite materials along with windows to allow natural lighting in.

DESIGN PRINCIPLE(S)	DEVELOPMENT FEATURE	PROPOSED DEVELOPMENT
Context Sensitive	Cycling Infrastructure	The site will provide ten bicycle parking spaces.
Pedestrian-Friendly Public Realm	Site Design	Both the truss plant and warehouse have north facing facades and feature front entrance facing towards Woodlawn Road and the terminus of Cambridge Road. A pedestrian sidewalk connects the warehouse front entry to Cambridge Road.
Environmentally Sustainable	Energy Conservation	White roof material are being uses on all buildings to reduce cooling demand and minimize energy consumption. Additional insulation will be installed in the walls and ceilings of all building where possible. Dust generated in the sawmill will be directed via an air pressure system of dust collection to an exterior silo and then recycled for off-site wood products manufacturing. Lumber waste from the truss plant and sawmill will be stored in bins for recycling and transported off-site by a private hauler. Office Waste and recyclables will be stored indoors.
	Water Consumption Reduction	The landscaping design for the entire site utilizes drought-tolerant native species and also salt-tolerant species intended to reduce irrigation water consumption.

The proposed development scores as follows when applying the above-noted criteria:

Economic Performance	Construction Value = \$5,500,000.00 (2 pts) + Number of FTE's = 51-74 (9 pts)	11
Environmental Design	6/6 Smart Growth Design Criteria	5
Total Estimated Points		16

With reference to Appendix III, the Total Estimated Points of sixteen (16) equals an 80% TIBR for the City of Welland and Niagara Region portions of the property tax for a period of ten (10) years.

The TIBR for the development as proposed is estimated to be as follows:

	7 Woodlawn Road - Vacant Land	Total Pre-Project Taxes	Project Completion	Tax Increment
Assessment Value	\$188,750.00	\$188,750.00	\$5,688,750.00	
Municipal Taxes	\$1,504.21	\$1,504.21	\$119,232.50	\$117,728.29
Regional Taxes	\$1,210.80	\$1,210.80	\$95,975.36	\$94,764.55
Provincial Taxes	\$303.89	\$303.89	\$73,384.88	
			Total	\$212,492.84
			% of Tax Increment	80.00%
			City Grant Payment	\$94,182.63
			Regional Grant Payment	\$75,811.64
			Total Grant Payment	\$169,994.27
			Duration of Grant Payment (5 or 10 Yrs)	10
			Total Grant Payment	\$941,826.33

The calculations in the above chart are estimates and may change. For example, the Pre-Development and Project Completion Assessment value could be higher or lower. Also the tax rate assessment may change over time.

Staff recommends approval of the application for a Tax Increment Based Rebate as outlined above.

The proposal meets and exceeds the goals and objectives of the CIP by attracting private sector investment in Welland, creating jobs, promoting environmental stewardship and increasing the municipal tax base. No rebate payments will be made until a number of conditions have been met, including but not limited to the following:

- A signed agreement between the City, the Region and the owner;
- Compliance with the Site Plan Control Agreement (in process)
- Yearly confirmation of number of FTE jobs; and
- Full payment of municipal taxes.

The TIBR and site plan fee rebate combined with the City's aggressive approach to attracting new development and promoting the City are critical components in assisting the owner to invest in Welland and the Region of Niagara as a whole.

FINANCIAL CONSIDERATION:

One of the goals of a Community Improvement Plan is to increase the long-term assessment base and property tax revenues for the City of Welland and the Region.

While the TIBR will provide a significant financial incentive to the owner to locate in the City of Welland, the City and the Region currently receive approximately \$1,504.21 and \$1,210.80 respectively in property taxes per year.

The total amount of the TIBR for this project shall not exceed the cost of developing the land.

The TIBR for the City of Welland will be administered as follows:

- Tax Increment Based Rebate Program uses future tax increase (tax increment) to pay for eligible development costs by way of a property tax rebate; and
- Rebate equals 80% of the City portion of property tax increase rebated annually each year for 10 years

OTHER DEPARTMENT IMPLICATIONS:

The Economic Development Division will continue to be actively involved in all aspects of this project to ensure timely approval processes and coordination among the City, Region and Province.

The Finance Division will be involved with all financial aspects associated with this program.

The Engineering Division will be involved in reviewing the completion of engineering works on site.

The Planning Division will be responsible for processing any future development approval applications.

The Building Division will be responsible for processing any Building Permit Applications for the proposal.

The Legal Division will be involved in the registration of the by-law(s) and agreement(s).

SUMMARY AND CONCLUSION:

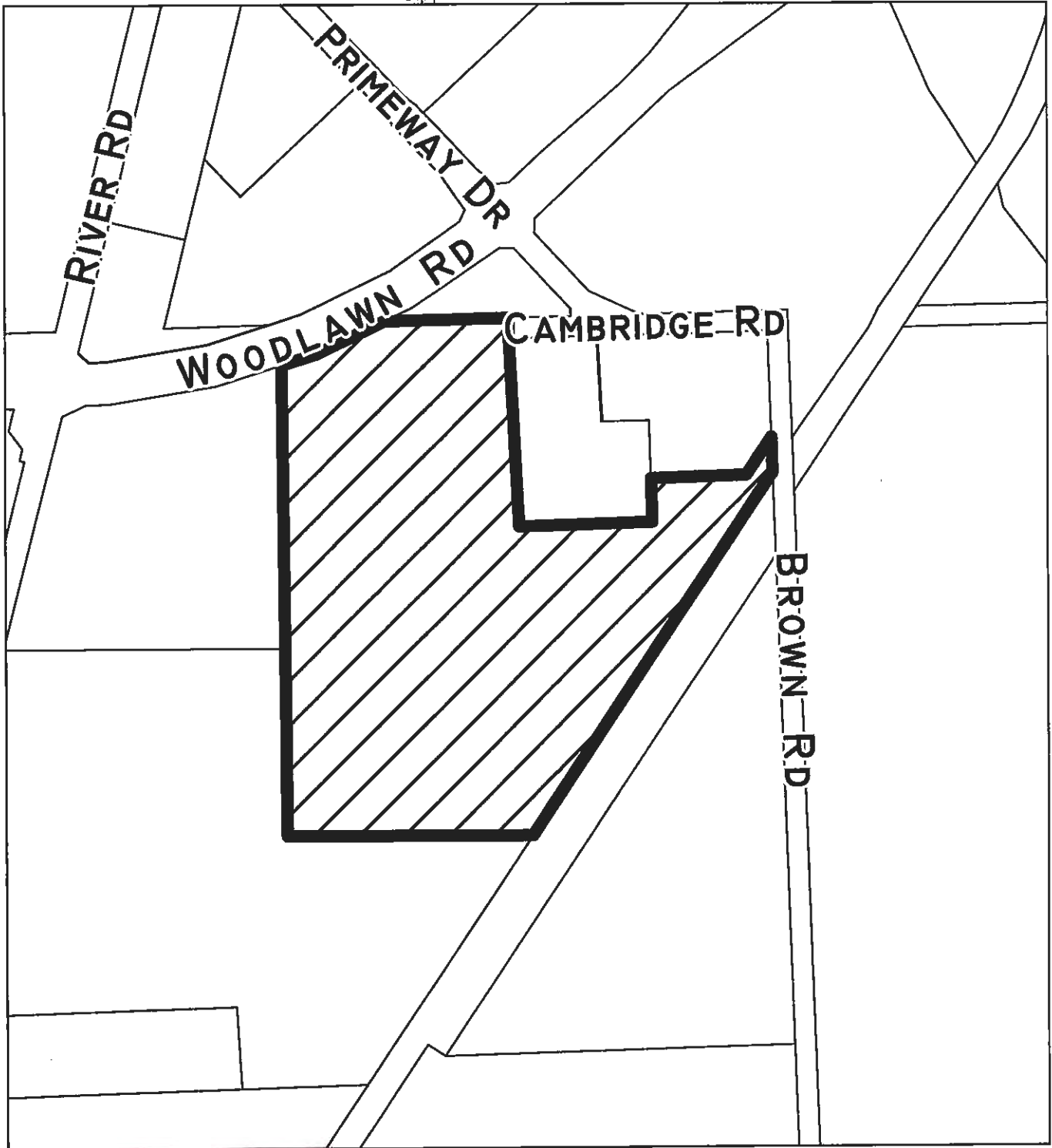
The owner of 7 Woodlawn Road has made an application requesting funding under the Welland Gateway CIP Incentive TIBR Program for a proposed truss manufacturing and lumber warehouse development with a total of 8,875.30 square metres (95,533 square feet) of building gross floor area among four (4) buildings.

Staff recommends approval of the TIBR for 7 Woodlawn Road. The approval of the applications will provide an estimated financial incentive of \$941,826.33 over a ten (10) year period. The development may generate up to approximately \$5,500,000.00 in additional assessed value, create between fifty-one (51) and seventy-four (74) full-time equivalent (FTE) jobs and a total private sector investment of \$18,500,000.00. The

proposal meets and exceeds the goals and objectives of the Gateway CIP and represents a significant investment into the City of Welland and the Region of Niagara as a whole.

ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Proposed Plans
- Appendix III - Scoring Matrix
- Appendix IV - Smart Growth Design Criteria



LOCATION MAP

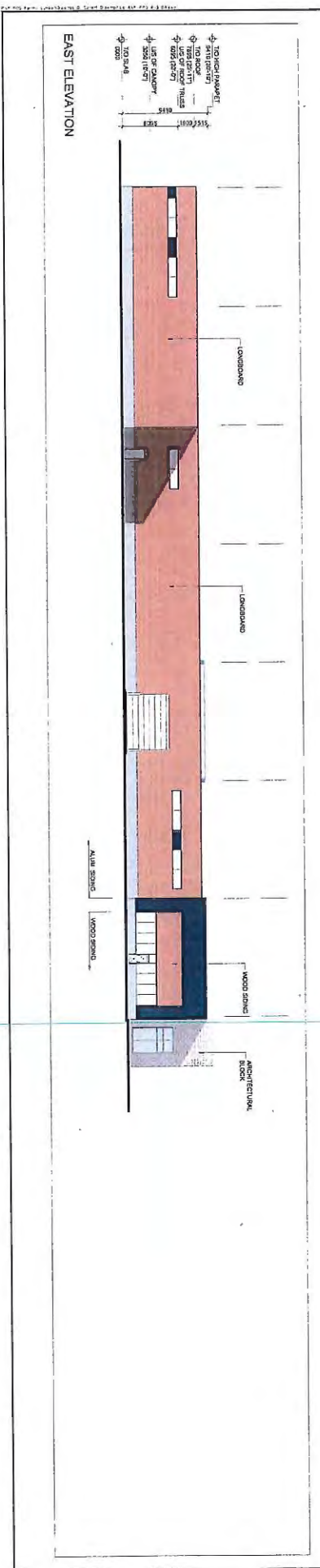
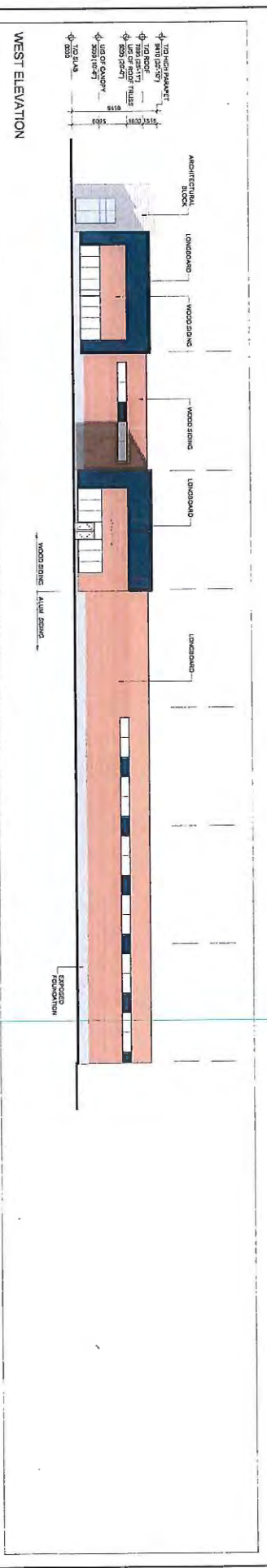
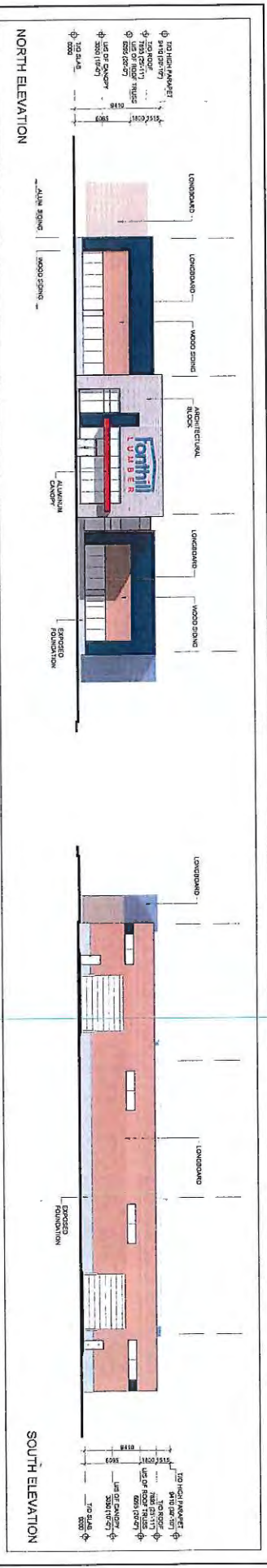
7 Woodlawn Road



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division



No	ISSUED	DATE
1	ISSUED FOR REVIEW	MAY 24 2018
2	ISSUED FOR BVA	MAY 18 2018

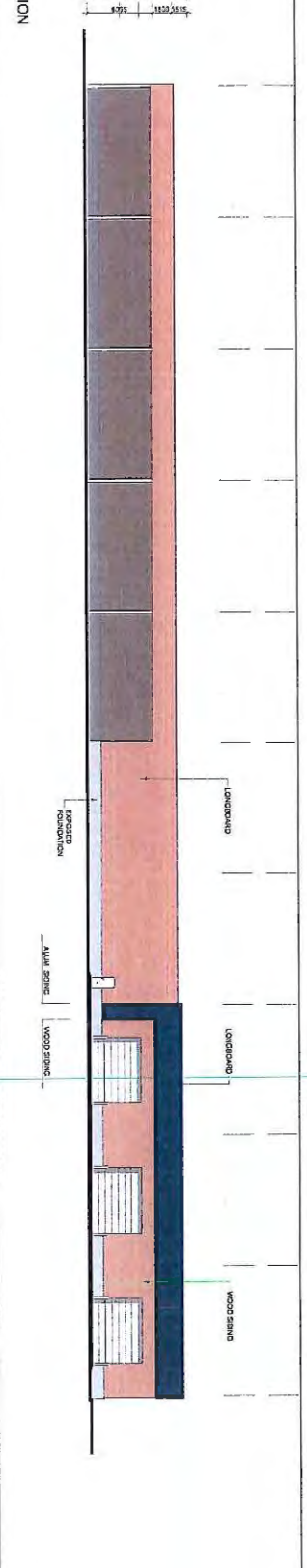
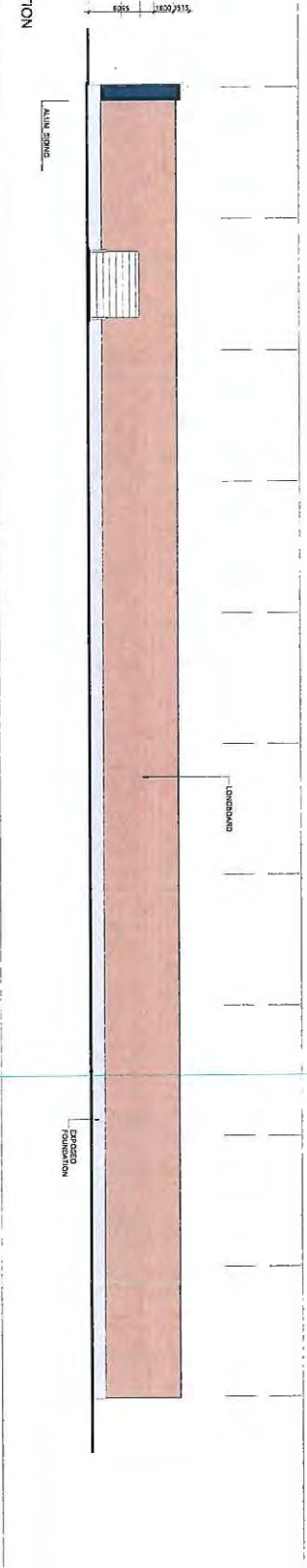
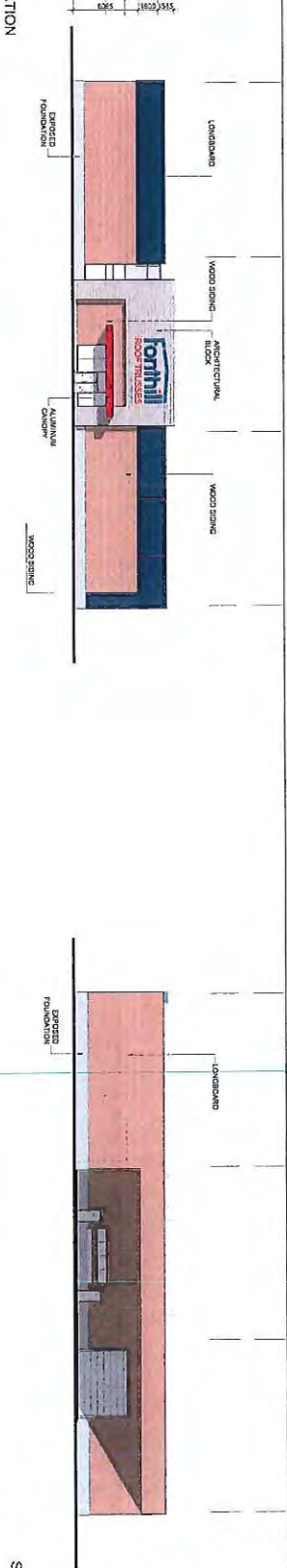
No	REVISION	DATE

BALDASSARRA
Architects Inc
200-7800 Jane St | Vaughan, ON L4K 4H8
DANIEL BALDASSARRA
ALMA PARDONENI INC



FONTHILL LUMBER & TRUSSES
7 MIDDLEMAN ROAD
WELLAND, ON

ELEVATIONS
BUILDING A - WAREHOUSE
DATE: APR 2018
DRAWN BY: LV
CHECKED BY: [Signature]
SCALE: 1/200
PROJECT NO: P-17100
DRAWING NO: A-3.0A



NO.	REVISION	DATE

DATE	DATE
APR 21 2018	APR 21 2018
JULY 14 2018	

BALDASSARRA Architects Inc. 2001703 Jane St. Vaughan ON L4H 0R8 T: 905.662.0722 www.baldassarra.ca www.baldassarra.ca ARCHITECTS INC.		FONTHILL LUMBER & TRUSSES 7 WOODDAWN ROAD, WELLSLAND, ON	BUILDING APR 2018 P-177
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APPENDIX 1: SCORING

Economic Performance (Applicant score will be a combination of points for Construction Value AND Full Time Jobs Created/Retained)

Construction Value	Points
\$200,000- \$1,999,999	1
\$2,000,000- \$9,999,999	2
\$10,000,000- \$39,999,999	3
\$40,000,000 +	4

Full Time Jobs Created/Retained	Points
1-9	5
10-19	6
20-34	7
35-50	8
51-74	9
75-100	10
100+	11

Environmental Design Performance (Applicant may choose either LEED OR Smart Growth options)

Level of Lead Certification	Points
Certified	2
Silver	3
Gold	4
Platinum	5

Region's Smart Growth Design Criteria	Points
Conforms with 3/6	2
Conforms with 4/6	3
Conforms with 5/6	4
Conforms with 6/6	5



APPENDIX 1: SCORING

TIBG Funding Structure

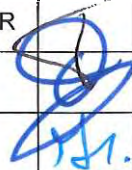
Total Score	TIGB Level
0-7	No Grant
8	40%
9	45%
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

APPENDIX 2: SMART GROWTH CRITERIA

Design Principle(s)	Development Feature	Design Criteria
Foster Attractive Urban Communities and a Sense of Place	Site Design	<ul style="list-style-type: none"> On-site parking predominantly located at the side or rear of the building Parking located in front of the building does not occupy more than 50% of the lot frontage and in depth does not exceed 2 parking bays plus a single access lane
	Architectural Design	<ul style="list-style-type: none"> Building facades facing the street provide architectural design treatments which include colour and material variations, windows and articulations in the wall plane
Context Sensitive	Cycling Infrastructure	<p>Development provides appropriate number of bicycle parking, storage facilities and change room facilities that exceeds the minimum zoning by-law or if no requirements, meets the following:</p> <ul style="list-style-type: none"> 1 per 500 m² of gross floor area, 80% of the spaces Class 1 and 20% Class 2 A shower/ change facility is required for each gender if the gross floor area of the development is 20,000 m² or more
Pedestrian-Friendly Public Realm	Site Design	<p>To provide for a relationship to the street, the development includes ALL of the following:</p> <ul style="list-style-type: none"> An entrance faces the road and is connected to the road by a walkway; and Off-street trails/walkways are provided if possible to minimize travel distances (e.g. connecting cul-de-sacs, connecting to transit stops, access to public spaces) and/or contribute to broader community trail systems.
Environmentally Sustainable	Energy Conservation	<p>To conserve energy and resources and reduce greenhouse gas emissions, the development includes on-site collection and storage facilities for recyclable waste and ONE of the following features:</p> <ul style="list-style-type: none"> Garden roof/ green roof; or Open grid paving or use of high-albedo materials (for roof or ground treatment); or Energy is generated on site from renewable energy sources (i.e. wind, solar, geothermal or through cogeneration); or Other suitable methods as approved by the Municipality and Region.
	Water Consumption Reduction	<p>Apply at least one of the following strategies to reduce water consumption:</p> <ul style="list-style-type: none"> Use of drought-tolerant native species; Use of captured rainwater; Use of recycled wastewater; Use of other non-potable water sources such as storm water; Use of air-conditioning condensate; Use of foundation drain water.

*Note: These are only the Employment Land Development Smart Growth Criteria. For full Smart Growth Criteria, refer to the Smart Growth Application Process and Criteria Guidebook.
<http://www.niagarrregion.ca/business/property/reductions.aspx>



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

11-108

REPORT P&B-2019-68
DECEMBER 17, 2019

SUBJECT: APPLICATION FOR TAX INCREMENT GRANT PROGRAM
COMMUNITY IMPROVEMENT PLAN FOR THE
DOWNTOWN AND HEALTH AND WELLNESS CLUSTER
TRS PROPERTIES INC.
268 EAST MAIN STREET (FILE NO. DHWC 2019-17)

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

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

APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Downtown and Health and Wellness Cluster Community Improvement Plan Application for property municipally known as 268 East Main Street for the Tax Increment Grant Program in the estimated amount of \$27,625.82; and further

THAT Welland City Council supports the circulation of this Report to Niagara Region to request the Region's participation in the Tax Increment Grant Program; and further

THAT Welland City Council directs Staff to prepare the required By-law and Agreement; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown and Health and Wellness Cluster Incentive Program.

ORIGIN AND BACKGROUND:

A complete Downtown and Health and Wellness Cluster Community Improvement Plan (CIP) Incentive Application has been received for property municipally known as 268 East Main Street. The Owner proposes to create 2 basement dwelling units within an existing mixed use building and is seeking approval under the Tax Increment Grant (TIG) Program wherein Council approval is required. In addition, the Owner has made

Application for the Building Improvement Grant Program, Façade Improvement Grant Program, Residential Grant Program and the Planning and Building Fees Grant Program under this CIP for which approval has been delegated to, and received from, Staff.

The purpose of the TIG Program is to encourage rehabilitation, redevelopment, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from development/redevelopment. This Grant is based on 80% of the municipal (City and Region) property tax increase for up to 10 years following project completion where the project results in an increase in assessed value and therefore property taxes.

COMMENTS AND ANALYSIS:

The subject property is located on the north side of East Main Street between River Road and Ross Street and is illustrated on the attached Location Map (Appendix I). The property contains a mixed use building with 1 commercial unit and 10 dwelling units along with a second building containing 1 dwelling unit. The Owner proposes to convert a vacant portion of the existing basement within the mixed use building into 2 new dwelling units. Once the additional 2 units are completed, this building will contain 12 residential dwelling units and 1 commercial unit.

The TIG Program provides an annual grant equivalent to 80% of the increase in municipal (City and Region) property taxes that result from the project for up to 10 years. Based on the information provided, Staff has estimated the Grant to be approximately \$27,625.82 over the 10 year Grant period as shown in Appendix II. The City's contribution to this incentive has been estimated to be \$15,305.64, being approximately 55% percent of the estimated Grant. The Grant ceases when the total along with all other Grants provided equals the cost of redevelopment, or 10 years, whichever comes first.

The Application and project meet the CIP eligibility requirements and respective Program requirements for processing which includes, among other items, the submission of 2 cost estimates for the eligible works. The requirement for 2 cost estimates is to ensure that the Owner and the City obtain the best value for their financial contribution, assist in avoiding inflated costs and assists the City to ensure that public monies are wisely and accountably spent. As well, the CIP requires the City to base any grants on the lowest cost estimate or final cost, whichever is less.

With respect to eligible costs for this Grant, the Owner has provided 3 cost estimates from bona fide contractors for the completion of the 2 dwelling units and associated works. The lowest quote is \$240,071.04 (excluding HST) from Black Jack Contracting and has been used in the estimated TIG calculation shown in Appendix II.

Niagara Region must confirm their participation in the Tax Increment Grant Program.

If Council approves this Application, the Owner will be required to enter into a Grant Agreement which will specify the terms, duration and provisions of the Grant. As per the CIP Program requirements, the construction works cannot commence until the Agreement has been executed. This allows the City to ensure that a Grant is only issued in accordance with the approval and Incentive Program requirements. Successful completion of this project is a requirement of the TIG Program along with the Owner

being responsible for all costs of the project. General and specific Program requirements must be fulfilled as they protect the financial, liability and planning interests of the City.

The proposal meets the purpose of the CIP by stimulating private sector investment within the CIP Project Area. The new development likely will increase tax assessment and property tax revenues over the 10 year term of the TIG. The proposal will provide for varied housing opportunities.

Staff recommends approval of the Application for the Tax Increment Grant Program for 268 East Main Street. This financial incentive will help offset the costs of redevelopment of this property. When completed, it will result in 2 new residential dwelling units.

FINANCIAL CONSIDERATION:

The TIG Program will be administered as follows:

- Tax increment based grant program uses future tax increase (tax increment) to pay for eligible costs by way of a property tax rebate;
- Regional participation is subject to Regional Council approval; and
- Grant equals 80% of City and Region portion of property tax increase rebated annually each year for up to 10 years.

The total amount of all Grants provided through available Incentive Programs shall not exceed the total cost of redevelopment.

OTHER DEPARTMENT IMPLICATIONS:

The Legal Division will be involved in the registration of the Agreement and By-law, if applicable. The Finance Division will be involved with all financial aspects associated with the Incentive Program. The Building Division will be involved with the issuance of the required Building Permits and any applicable Development Charge Reductions.

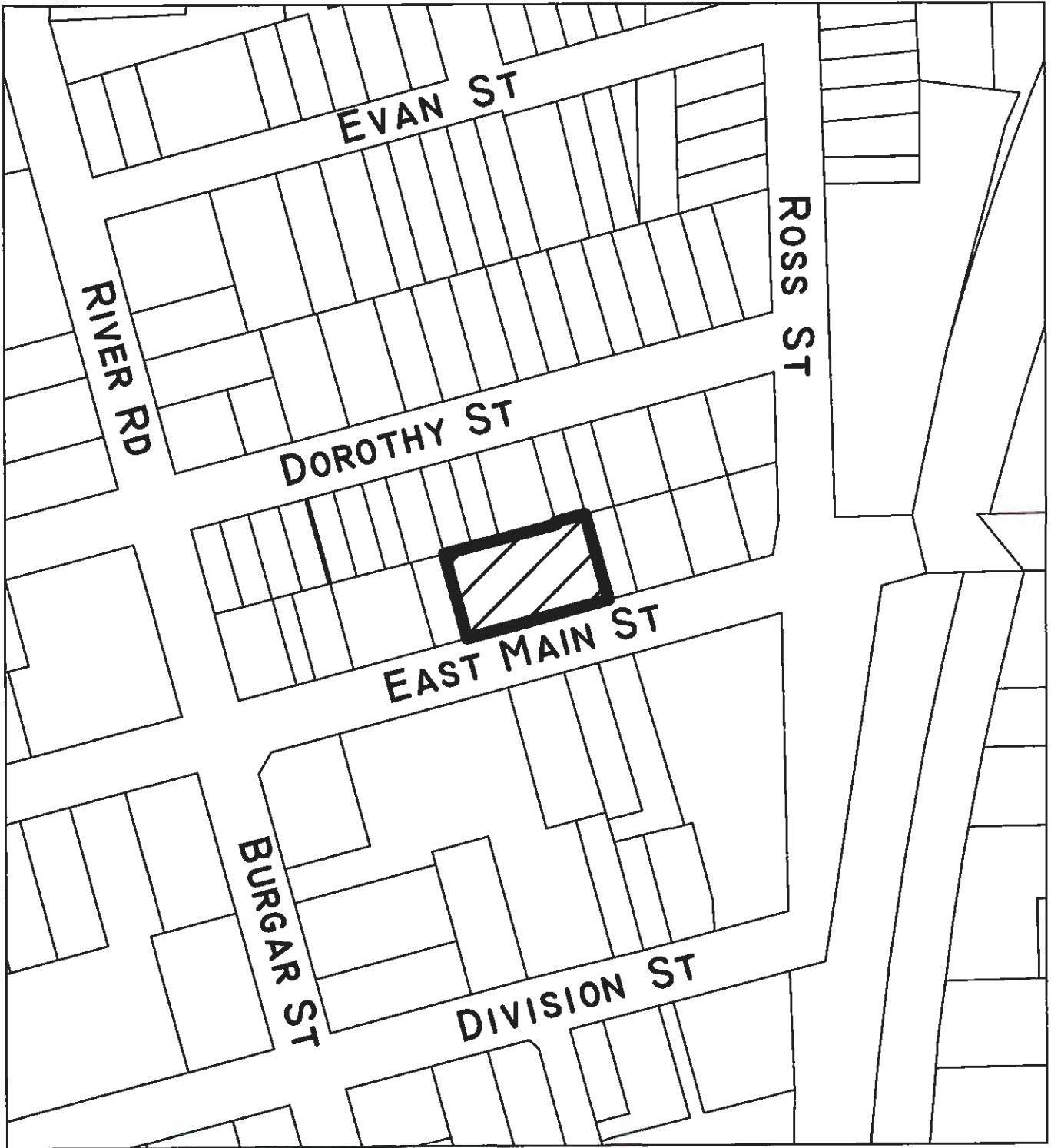
SUMMARY AND CONCLUSION:

The Owner of 268 East Main Street has requested funding under the Downtown and Health and Wellness Cluster Community Improvement Plan Incentive Program for this property. Council's implementation of the Tax Increment Grant Program facilitates redevelopment of properties in the CIP Project Area by assisting property Owners with development costs.

Staff recommends approval of the Application for the Tax Increment Grant for 268 East Main Street as discussed in this Report. The approval of this Application will provide an estimated financial incentive to the Owner of \$27,625.82 in eligible costs. The improvement works will likely increase the assessed value of the property and will create 2 new residential dwelling units within the Downtown.

ATTACHMENTS:

- Appendix I - Location Map
- Appendix II - Tax Increment Grant – Estimated Calculation



LOCATION MAP

268 East Main Street



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

**CITY OF WELLAND DOWNTOWN AND HEALTH AND WELLNESS CLUSTER CIP
TAX INCREMENT GRANT PROGRAM CALCULATOR
268 East Main Street - Estimated Grant**

Roll 271904000708500	2019 Before Project (RT - Residential/New Multi-Res)	2019 Before Project (CT - Com. Occupied)	2019 Before Project (NT - Residential/New Multi-Res)	Project Completion (RT/NT Residential/New Multi-Res)	Project Completion (CT-Com/ Occupied)	Tax Increment	Annual Grant Payment	Total Grant Payment
Assessment Value	\$409,475.00	\$287,300.00	\$83,975.00	\$733,521.04	\$287,300.00			
Municipal Taxes	\$3,263.24	\$3,972.21	\$669.22	\$5,845.67	\$3,972.21	\$1,913.21	\$1,530.56	\$15,305.64
Regional Taxes	\$2,626.72	\$3,197.40	\$538.69	\$4,705.43	\$3,197.40	\$1,540.02	\$1,232.02	\$12,320.18
Total Taxes	\$5,889.97	\$7,169.61	\$1,207.91	\$10,551.11	\$7,169.61	N/A		
				% of Tax Increment		80.00%		
				Total Annual Grant Payment		\$2,762.58		
				Duration of Grant Payment (Years)		10		
				Total Grant Payment¹⁰		\$27,625.82		




This TIG calculation estimates the completed project being assessed at 733,521.04 at the RT/NT rate and 287,300.00 at CT rate and is based on the current 2019 assessment of subject land plus the estimated construction costs at \$240,071.04 with such estimated construction costs being added to the Before RT and Before NT assessments. The actual post assessment value will be completed by MPAC following project completion. The existing "Before Project" assessment value is based on actual 2019 MPAC assessment. This TIG calculation is based on 2019 tax rates and will be subject to change as the annual tax base changes throughout the TIG period. This TIG calculation assumes a constant tax rate, which may not be the case, and will be subject to change as the annual tax base changes.

Both before project and project completion Assessment Values are estimates and may be subject to change.

Welland Property Tax Rate (Residential)	0.00796933
Regional Property Tax (Residential)	0.00641486
Education Property Tax Rate (Residential)	0.00161
Welland Property Tax Rate (Commercial Occupied Land)	0.01382600
Regional Property Tax Rate (Commercial Occupied Land)	0.01112914
Education Property Tax Rate (Commercial Occupied Land)	0.01030000

¹⁰ This is an estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

Dated: December 3, 2019

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

COUNCILINFRASTRUCTURE AND DEVELOPMENT SERVICES

11-108

REPORT P&B-2019-69
DECEMBER 17, 2019

SUBJECT: APPLICATION FOR TAX INCREMENT GRANT PROGRAM
COMMUNITY IMPROVEMENT PLAN FOR THE
DOWNTOWN AND HEALTH AND WELLNESS CLUSTER
SVETLANA IAKOVLEVA
583-585 KING STREET (FILE NO. DHWC 2019-18)

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

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

APPROVING G.M.: TRAVERS FITZPATRICK
GENERAL MANAGER,
INFRASTRUCTURE AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the Downtown and Health and Wellness Cluster Community Improvement Plan Application for property municipally known as 583-585 King Street for the Tax Increment Grant Program in the estimated amount of \$5,739.83; and further

THAT Welland City Council supports the circulation of this Report to Niagara Region to request the Region's participation in the Tax Increment Grant Program; and further

THAT Welland City Council directs Staff to prepare the required By-law and Agreement; and further

THAT Welland City Council authorizes the Mayor and City Clerk to execute any documentation required to satisfy conditions related to participation in the Downtown and Health and Wellness Cluster Incentive Program.

ORIGIN AND BACKGROUND:

A complete Downtown and Health and Wellness Cluster Community Improvement Plan (CIP) Incentive Application has been received for property municipally known as 583-585 King Street. The Owner proposes to convert 2 vacant commercial units in the existing mixed use building into 2 dwelling units and is seeking approval under the Tax Increment Grant (TIG) Program wherein Council approval is required. In addition, the

Owner has made Application for the Building Improvement Grant Program, Façade Improvement Grant Program, Residential Grant Program and the Planning and Building Fees Grant Program under this CIP for which approval has been delegated to, and received from, Staff.

The purpose of the TIG Program is to encourage rehabilitation, redevelopment, infill and intensification projects by providing a financial incentive that reduces the property tax increase that can result from development/redevelopment. This Grant is based on 80% of the municipal (City and Region) property tax increase for up to 10 years following project completion where the project results in an increase in assessed value and therefore property taxes.

COMMENTS AND ANALYSIS:

The subject property is located on the west side of King Street between Fifth and Sixth Streets and is illustrated on the attached Location Map (Appendix I). The property contains a mixed use building with 2 vacant commercial units and 5 residential dwelling units. The Owner proposes to convert the 2 vacant commercial units located on the ground floor into 2 new dwelling units. Once the additional 2 units are completed, this building will contain 7 dwelling units.

The TIG Program provides an annual grant equivalent to 80% of the increase in municipal (City and Region) property taxes that result from the project for up to 10 years. Based on the information provided, Staff has estimated the Grant to be approximately \$5,739.83 over the 10 year Grant period as shown in Appendix II. The City's contribution to this incentive has been estimated to be \$3,180.06, being approximately 55% percent of the estimated Grant. The Grant ceases when the total along with all other Grants provided equals the cost of redevelopment, or 10 years, whichever comes first.

The Application and project meet the CIP eligibility requirements and respective Program requirements for processing which includes, among other items, the submission of 2 cost estimates for the eligible works. The requirement for 2 cost estimates is to ensure that the Owner and the City obtain the best value for their financial contribution, assist in avoiding inflated costs and assists the City to ensure that public monies are wisely and accountably spent. As well, the CIP requires the City to base any grants on the lowest cost estimate or final cost, whichever is less.

With respect to eligible costs for this Grant, the Owner has provided 2 total cost estimates from bona fide contractors for the completion of the 2 dwelling units and associated works. The total of the lowest quotes from Ken Sheridan Renovations, R.A. Jones Electrical and Comfort Trust HVAC is \$92,950.00 (excluding HST) and has been used in the estimated TIG calculation shown in Appendix II.

Niagara Region must confirm their participation in the Tax Increment Grant Program.

If Council approves this Application, the Owner will be required to enter into a Grant Agreement which will specify the terms, duration and provisions of the Grant. As per the CIP Program requirements, the construction works cannot commence until the Agreement has been executed. This allows the City to ensure that a Grant is only issued in accordance with the approval and Incentive Program requirements. Successful completion of this project is a requirement of the TIG Program along with the Owner

being responsible for all costs of the project. General and specific Program requirements must be fulfilled as they protect the financial, liability and planning interests of the City.

The proposal meets the purpose of the CIP by stimulating private sector investment within the CIP Project Area. The new development likely will increase tax assessment and property tax revenues over the 10 year term of the TIG. The proposal will provide for varied housing opportunities.

Staff recommends approval of the Application for the Tax Increment Grant Program for 583-585 King Street. This financial incentive will help offset the costs of redevelopment of this property. When completed, it will result in 2 new residential dwelling units.

FINANCIAL CONSIDERATION:

The TIG Program will be administered as follows:

- Tax increment based grant program uses future tax increase (tax increment) to pay for eligible costs by way of a property tax rebate;
- Regional participation is subject to Regional Council approval; and
- Grant equals 80% of City and Region portion of property tax increase rebated annually each year for up to 10 years.

The total amount of all Grants provided through available Incentive Programs shall not exceed the total cost of redevelopment.

OTHER DEPARTMENT IMPLICATIONS:

The Legal Division will be involved in the registration of the Agreement and By-law, if applicable. The Finance Division will be involved with all financial aspects associated with the Incentive Program. The Building Division will be involved with the issuance of the required Building Permits and any applicable Development Charge Reductions.

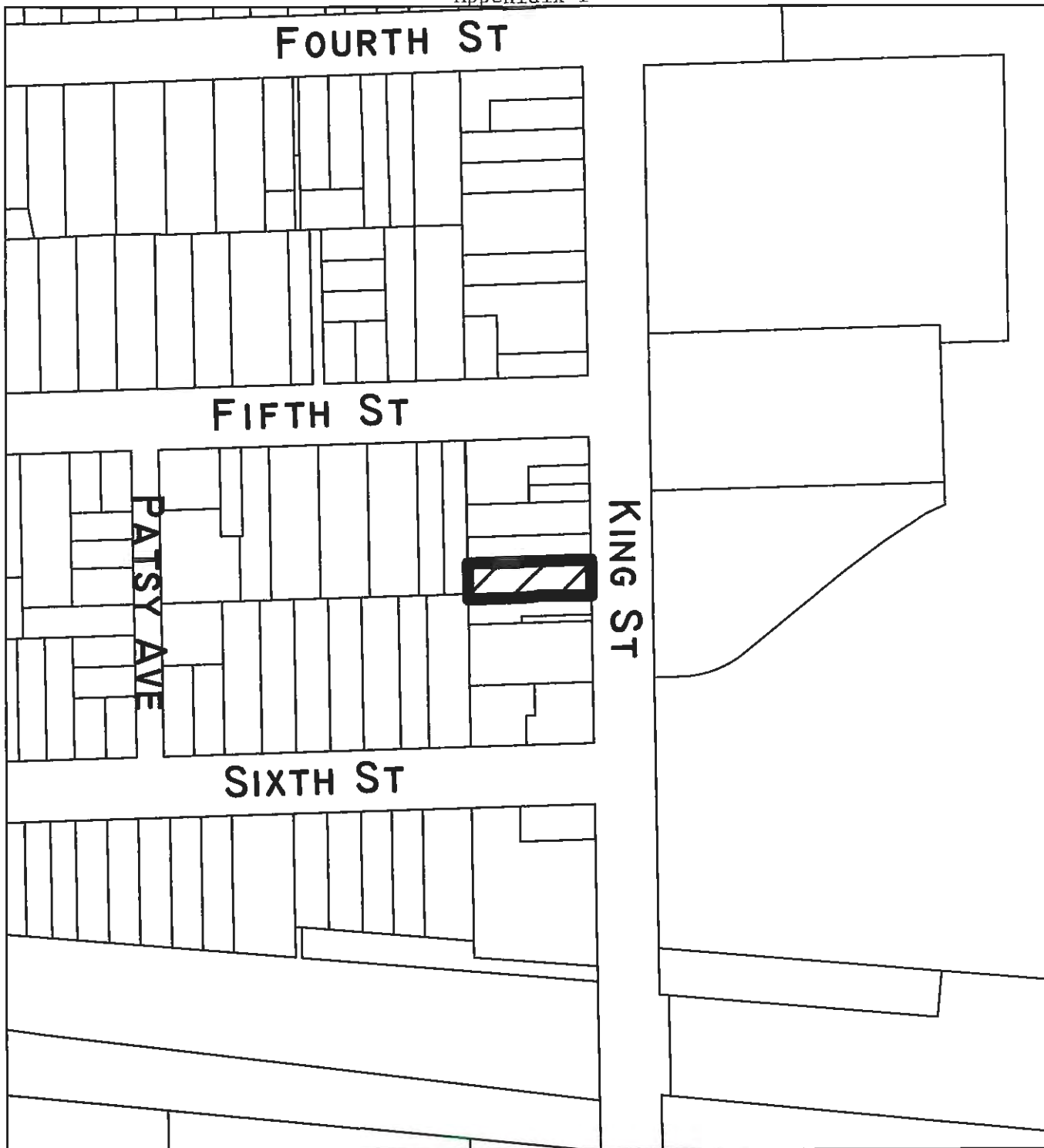
SUMMARY AND CONCLUSION:

The Owner of 583-585 King Street has requested funding under the Downtown and Health and Wellness Cluster Community Improvement Plan Incentive Program for this property. Council's implementation of the Tax Increment Grant Program facilitates redevelopment of properties in the CIP Project Area by assisting property Owners with development costs.

Staff recommends approval of the Application for the Tax Increment Grant for 583-585 King Street as discussed in this Report. The approval of this Application will provide an estimated financial incentive to the Owner of \$5,739.83 in eligible costs. The improvement works will likely increase the assessed value of the property and will create 2 new residential dwelling units within the Health and Wellness Cluster.

ATTACHMENTS:

- | | | |
|-------------|---|---|
| Appendix I | - | Location Map |
| Appendix II | - | Tax Increment Grant – Estimated Calculation |



LOCATION MAP

583-585 King Street



SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

**CITY OF WELLAND DOWNTOWN AND HEALTH AND WELLNESS CLUSTER CIP
TAX INCREMENT GRANT PROGRAM CALCULATOR
583-585 King Street - Estimated Grant**

3001502800	2019 Before Project (RT - Residential/New Multi-Res)	2019 Before Project (CT - Com. Occupied)	Project Completion (RT Residential/New Multi-Res)	Tax Increment	Annual Grant Payment	Total Grant
Market Value	\$118,200.00	\$58,607.00	\$269,757.00	\$397.51	\$318.01	
Taxes	\$941.97	\$810.30	\$1,730.45	\$319.97	\$256.98	
Taxes	\$758.24	\$662.25	\$3,880.24	N/A		
Total Taxes	\$1,700.21	\$1,462.55				
			% of Tax Increment	80.00%		
			Total Annual Grant Payment	\$573.98		
			Duration of Grant Payment (Years)	10		
			Total Grant Payment¹⁰	\$5,739.83		

Calculation estimates the completed project being assessed at **269,757 at the RT rate** and is based on the current 2019 Assessment of subject land plus the estimated construction cost. The actual post assessment value will be completed by MPAC following project completion. The existing "Before Project" assessment value is based on actual 2019 MPAC assessment is based on 2019 tax rates and will be subject to change as the annual tax base changes throughout the TIG period. This TIG calculation assumes a constant tax rate, which will be subject to change as the annual tax base changes.

Project and project completion Assessment Values are estimates and may be subject to change.

- Property Tax Rate (Residential) 0.00796933
- Property Tax (Residential) 0.00641486
- Property Tax Rate (Residential) 0.00161
- Property Tax Rate (Commercial Occupied Land) 0.01382600
- Property Tax Rate (Commercial Occupied Land) 0.01112914
- Property Tax Rate (Commercial Occupied Land) 0.01030000

This estimate only and does not constitute any guarantee or assurance of a grant and should not be relied upon as such.

COUNCIL
ECONOMIC DEVELOPMENT
RECREATION & CULTURE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT R&C-2019-11
December 17, 2019

04-56

SUBJECT: CARRIE LYNN PINARD CENTRE LEASE RENEWAL

APPROVING SUPERVISOR: RICHARD DALTON,
MANAGER, RECREATION & CULTURE DIVISION

APPROVING G.M.: DAN DEGAZIO, GENERAL MANAGER ECONOMIC DEVELOPMENT,
RECREATION & CULTURE

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves renewal of the Carrie Lynn Pinard Centre lease for a term of 5 years, commencing on May 1st, 2020

THAT Welland City Council authorize staff to sign the lease renewal contract and prepare the necessary by law

ORIGIN AND BACKGROUND:

The Carrie Lynn Pinard Centre is located in Dain City and has been leased by the City of Welland since 1994. The facility features a gymnasium and classroom and is primarily used by the Dain City Recreation Association for community activities, programming, and events; additional bookings are occasionally made by other groups to use the facility. Under the lease the City is responsible for paying annual utility, janitorial, and maintenance costs, which over the past three years has averaged \$16,500.

The facility is used for an event, program, or rental approximately 160 days each year. 2020 will mark the 50th anniversary of the existence of "Dain City Rec".

COMMENTS AND ANALYSIS:

Staff recommend the continuation of the lease agreement currently in place with Bridgeview Properties, the owner and landlord of the facility, to ensure access to the Centre by the Dain City Recreation Association and other groups for the next five years (lease included as Appendix I). The continuation is recommended to include the following updates and clarifications:

- **Section 1.1:** Amended to state the end of the lease term to be April 30th, 2025
- **Section 2.1:** Amended such that the rent shall be \$612 + HST per month, effective May 1, 2020, with a 2% annual increase commencing on May 1st, 2021

- **New Addition:** The City of Welland as the Tenant will be responsible for care, maintenance, and any required repairs including snow clearing of the leased space as outlined by yellow highlight on page 9 of Appendix I

All internal processes for managing the Centre including facilitating bookings, monthly janitorial services, Public Works maintenance of the facility and relationship with the Dain City Recreation Association with respect to their use of the facility are to remain the same under the lease extension.

FINANCIAL CONSIDERATION:

The City of Welland will be obligated to pay \$612 plus applicable portion of HST monthly for lease of the Carrie Lynn Pinard Centre, starting May 1st, 2020, subject to an annual 2% increase commencing May 1st, 2021. The total of lease payments in year 1 is \$7,344 + applicable portion of HST.

Continuation of the Lease will incur annual utility and maintenance expenses in the amount of approximately \$16,500 (based on average of previous three years), this amount covers staff wages and benefits associated with work on the facility and property, operating equipment, heat and hydro, janitorial service, maintenance on heat/AC and electrical systems, and outside contracts for additional maintenance not performed by City staff.

OTHER DEPARTMENT IMPLICATIONS:

Legal Division will be required to complete the necessary documents.

SUMMARY AND CONCLUSION:

Renewal of the lease agreement for the Carrie Lynn Pinard Centre will provide continuing support to the Dain City Recreation Association and other groups to utilize this facility for community activities, program, and events.

ATTACHMENTS:

Appendix I – 2014 By Law & Lease for Carrie Lynn Pinard Centre (with 2019 One-Year Extension)

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2014 - 47

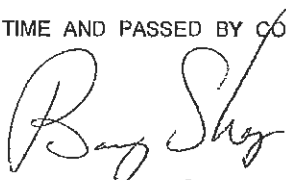
A BY-LAW TO ENTER INTO A FIVE YEAR LEASE WITH
BRIDGEVIEW PROPERTIES NIAGARA LIMITED FOR USE
OF THE CARRIE LYNN PINARD COMMUNITY CENTRE

WHEREAS Council agrees to enter into a lease agreement with Bridgeview Properties Niagara Limited for a five (5) year term, commencing on April 15, 2014, for use of the Carrie Lynn Pinard Community Centre in Dain City.

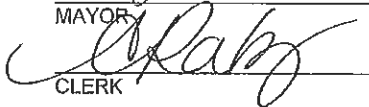
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the lease agreement dated April 15, 2014 between the Corporation and Bridgeview Properties Niagara Limited, attached hereto as Schedule "A" and for all purposes forming a part of this by-law, shall be and the same is hereby authorized and approved, and the Mayor and Clerk shall sign in their respective capacities and the Clerk shall cause the corporate seal of the municipality to be affixed thereto.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
15th DAY OF April, 2014.



MAYOR



CLERK

THIS LEASE made in duplicate this 15th day of April, 2014,

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT

BETWEEN:

BRIDGEVIEW PROPERTIES NIAGARA LIMITED
in the City of Welland, in the Regional Municipality of Niagara

hereinafter called the "Landlord"

AND

THE CORPORATION OF THE CITY OF WELLAND
in the City of Welland, in the Regional Municipality of Niagara,

hereinafter called the "Tenant"

PREMISES

WITNESSETH that in consideration of the rents reserved and the covenants and agreements herein contained to be paid, observed and performed by the Tenant, the Landlord hereby leases to the Tenant the that portion of the lands owned by the Landlord, municipally known as 5 Forks Road, in the City of Welland, and outlined in yellow on the attached Schedule "A" (herein the "Premises"), together with nineteen (19) parking stalls.

TERM

1.1 **TO HAVE AND TO HOLD** the Premises for and during a five (5) year term, herein called the "term", commencing on the 1st day of May, 2014 and terminating on the 30th day of April, 2019.

RENT

2.1 **YEILDING AND PAYING** therefor monthly during the term to the Landlord the sum of Four Hundred and Fifty (\$450.00) Dollars of lawful money of Canada, plus H.S.T., to be paid in full on the first day of each month during the term of this Lease, with the first of such payment to be paid upon execution of this Lease, to the Landlord at 60 East Main Street, Welland, Ontario L3B 3X4, or at such other place as the Landlord shall hereafter designate in writing.

TENANT'S COVENANTS

The Tenant covenants with the Landlord as follows:

- 3.1 To pay rent in accordance with the provisions of this Lease.
- 3.2 To pay utilities for the Premises.
- 3.3 To pay 50% towards the cost of roof replacement on the Premises to a maximum limit of \$15,000.00. Landlord shall provide the Tenant's Manager, Recreation & Culture with such estimates and invoicing as the Tenant may deem necessary in this regard.
- 3.4 To make good or compensate the Landlord for any damage to the Premises caused by any act or omission by the Tenant or the Tenant's servants, agents, employees, licensees or invitees.
- 3.5 To give the Landlord immediate notice of any accident occurring on the Premises or of any damage to the Premises or surrounding lands.
- 3.6 To permit the Landlord to enter the Premises at any reasonable time for the purpose of inspecting the Premises and making necessary repairs to the Premises.
- 3.7 Not to assign this Lease or sublet the Premises without the prior written consent of the Landlord, which consent shall not be unreasonably withheld.
- 3.8 To pay all property taxes, if any, applicable to the Premises.

The Tenant further covenants and agrees:

- 4.1 To use the Premises for a community centre and activities ancillary thereto and for no other purpose without the prior written consent of the Landlord.
- 4.2 Not to do or omit or permit to be done or omitted on the Premises anything which shall cause the rate of insurance upon the building to be increased and if the rate of insurance upon the building shall be increased by reason of anything done or omitted or permitted to be done or omitted by the Tenant or anyone permitted by the Tenant to be

- upon the Premises, the Tenant shall on demand pay to the Landlord the amount of such increase.
- 4.3 To comply with all provisions of law including, without limitation, all federal and provincial legislative enactments, municipal zoning and building by-laws and any federal, provincial or municipal regulations which relate to the Premises or to the use or occupation thereof or to the making of any repairs, replacements, additions, changes, substitutions or improvements of or to the Premises or any part thereof.
- 4.4 Not to do or suffer any waste, damage, disfiguration or injury to the Premises or the fixtures and equipment thereof or permit any overloading of the floors thereof.
- 4.5 Not to use or permit the use of any part of the Premises for any dangerous, noxious or offensive trade or business or cause or permit any nuisance in, at or on the Premises.
- 4.6 To indemnify and save harmless the Landlord against and from any and all claims arising from the breach of this lease agreement by the Tenant and all claims for bodily injury or property damage, arising from the use of the Premises, by or through any act or omission of the Tenant, or any assignee, subtenant, agent, contractor, servant, employee, invitee or licensee of the Tenant, and against and from all costs, counsel fees, expenses and liabilities incurred as a result of any such claim or any action or proceeding brought, save as to any claim or loss occasioned by or arising from negligence of the Landlord or those for whom it is responsible for in law.
- 4.7 **Insurance:** The Tenant covenants and agrees to maintain during this Agreement, at their own expense, a Commercial General Liability policy that is satisfactory to the Landlord for public liability upon the said Premises for a sum not less than Five Million (\$5,000,000) Dollars and which shall name the Landlord as additional insured. The insurance policy shall be underwritten by insurers licensed to conduct business in the Province of Ontario. The policy shall include but not be limited to:
- (a) Bodily Injury and Property Damage;
 - (b) Name the Landlord -as an additional insured;
 - (c) Cross liability and Severability of Interest Clause;
 - (d) 30 days notice of Cancellation;
 - (e) Contractual Liability; and
 - (f) Tenant shall provide a Certificate of Insurance satisfactory to the Landlord upon execution of the Lease and annually thereafter during the term of this Lease.
- 4.8 To leave the Premises in a reasonably tidy state at the end of each business day.
- 4.9 The Tenant shall maintain and operate the leased Premises.
- 4.10 Not to suffer or permit during the term hereof any mechanic's liens or other liens for work, labour, services or materials ordered by the Tenant or for the cost of which the Tenant may be in any way obligated to attach to the Premises or to the buildings, structures, and equipment and that whenever and so often as any such liens shall attach or claims therefore shall be filed, the Tenant shall within thirty (30) days after the Tenant has notice of the claim or lien procure the discharge thereof by payment or by giving security or in such other manner as is or may be required or permitted by law; and the Tenant further covenants that whenever and so often as a certificate of action is registered relating to any of the liens referred to in the preceding sentence, the Tenant shall within thirty (30) days after the Tenant has notice of the registration of such certificate of action have the same vacated.
- 4.11 To effect the prompt removal of snow and ice from the sidewalks, steps, roads and parking areas serving the Premises at its expense.
- 4.12 To maintain the landscaped grounds adjacent to the leased premises.

LANDLORD'S COVENANTS

The Landlord covenants with the Tenant as follows:

- 5.1 For quiet enjoyment.
- 5.2 To pay all charges for gas, water, electricity and other utilities supplied to the main building except for those utilities addressed in paragraph 3.2 herein.
- 5.3 To permit the Tenant to effect the installation of telephone and inter-communication apparatus in the Premises if desired.
- 5.4 If the Premises are now or hereafter served by any alley, easement or right-of-way, the Tenant, its servants, agents, employees, licensees and invitees shall have full right of ingress and egress over such alley, easement or right-of-way in common with all others entitled thereto.
- 5.5 If at any time during the term the Premises are wholly or partially destroyed by fire or other insurable peril so as to render them untenable or prevent reasonable or convenient access thereto, the rent hereby reserved shall immediately abate until such

time as the Premises have been restored to tenantable condition. If the Premises are so badly damaged that they cannot be restored to tenantable condition within 120 days then the landlord or the Tenant may determine this tenancy within Thirty (30) days of such damage or destruction upon notice to the other party.

- 5.6 If at any time during the term the Premises are damaged to such an extent that only part thereof is tenantable, then the rent hereby reserved shall immediately abate in proportion to the part of the Premises which is untenable and full rent will not be payable again until such time as the Premises have been fully restored. If the Landlord does not begin to restore the Premises within fourteen (14) days of the occurrence of damage or having commenced the restoration of the Premises does not proceed to complete it with reasonable dispatch, the Tenant may determine this tenancy upon fourteen (14) days notice to the Landlord.
- 5.7 The Tenant may, at its own expense, make such alterations, additions and improvements to the Premises as it may consider necessary from time to time during the term subject to the prior written consent of the Landlord. No alterations shall be made to the frame or permanent structure of the building.
- 5.8 The Tenant shall give the Landlord notice of its intention to make alterations, additions or improvements to the Premises and, upon request, shall supply the Landlord with plans of the proposed alterations, additions or improvements.
- 5.9 The Tenants may, at its option, remove any alterations, additions or improvements made by it in the Premises, and if the Tenant elects to remove any of the alterations, additions or improvements made by it in the Premises, it shall restore the Premises, as nearly as possible, to the state they were in before such alterations, additions or improvements were made, subject to reasonable wear and tear.
- 5.10 If the rent hereby reserved, or any part thereof, shall be in arrears or if the Tenant shall make default in the observance or performance of any of the Tenant's covenants or agreements contained in this Lease and such arrears or default shall continue for a period of fourteen (14) days, then the Landlord may give the Tenant notice requiring the Tenant to pay the arrears or remedy the default within thirty (30) days of receipt of notice. If the Tenant fails to pay the arrears or then the Landlord may re-enter the Premises and take possession of the Premises and the term hereby granted shall thereupon be terminated.
- 5.11 Any notice required or contemplated by any provision of this Lease shall be given in writing enclosed in a sealed envelope addressed in the case of notice to the Tenant, to:

60 East Main Street, Welland, Ontario L3B 3X4
Attention: City Clerk

and in the case of notice to the Landlord, to:

26 McCrae Street, Welland, Ontario L3C 3M4
Attention: President

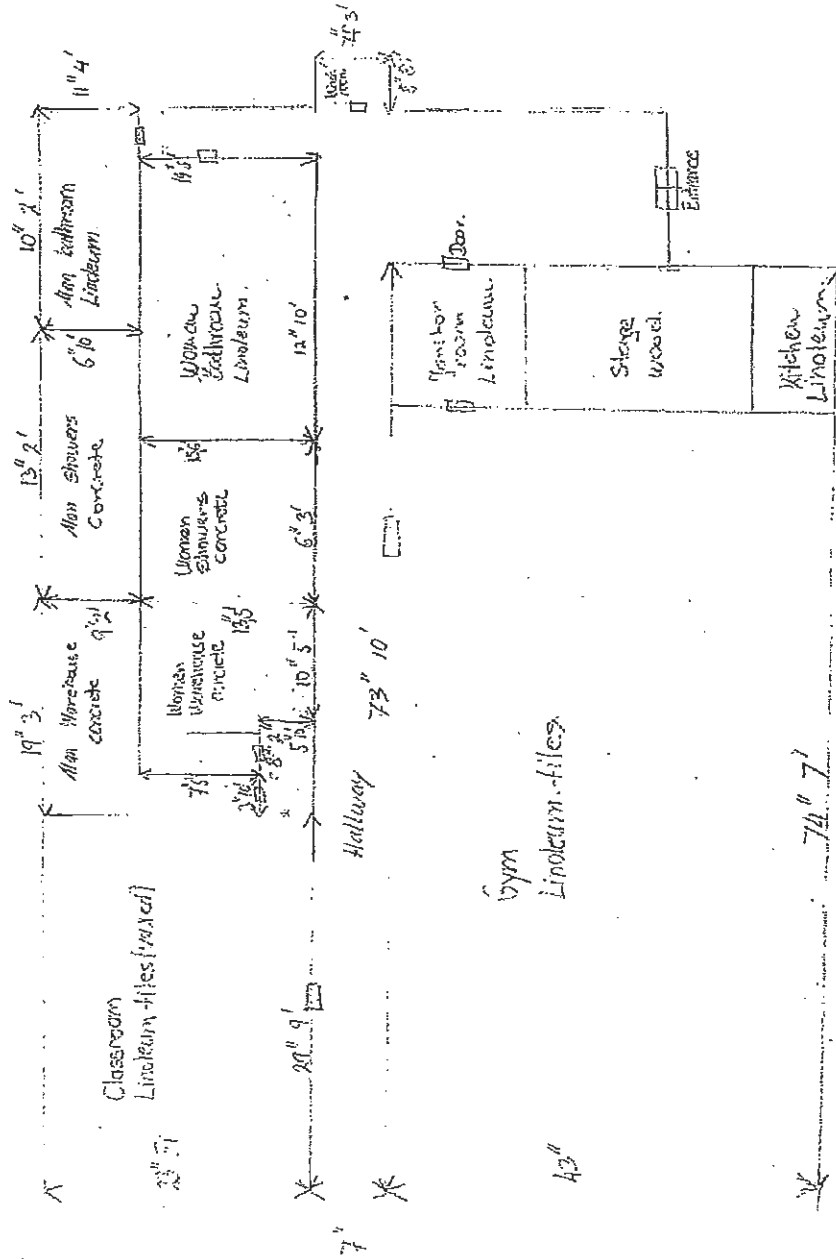
and mailed registered and postage prepaid. The time of giving of such notice shall be conclusively deemed to be the third business day after the day of such mailing. Such notice shall also be sufficiently given if and when the same shall be delivered, in the case of notice to the Landlord, to an executive officer of the Landlord, and in the case of notice to the Tenant, to an executive officer of the Tenant at the above noted address. Such notice, personally delivered, shall be conclusively deemed to have been given and received at the time of such delivery.

OTHER COVENANTS OF THE PARTIES

- 6.1 The Tenant acknowledges that there are no covenants, representations, warranties, agreements or conditions, expressed or implied, collateral or otherwise, forming part of or in any way affecting or relating to this Lease, save as expressly set out in this Lease, and the relevant agreement to lease and that this Lease constitutes the entire agreement between the Landlord and the Tenant and may not be modified except as herein explicitly provided or except by subsequent agreement in writing of equal formality hereto executed by the Landlord and the Tenant.
- 6.2 The Landlord and the Tenant agree that all of the provisions of this Lease are to be construed as covenants and agreements as though the words importing such covenants and agreements were used in each separate paragraph hereof. Should any provision or provisions of this Lease be illegal or not enforceable, it or they shall be considered separate and severable from the Lease and its remaining provisions shall remain in

SCHEDULE 70

CL. Plinard Centre - Drain City



CSIO CRPA		CERTIFICATE OF INSURANCE				
<p>This certificate is issued as a matter of information only and confers no rights upon the certificate holder and imposes no liability on the insurer. This certificate does not amend, extend or alter the coverage afforded by the policies below.</p>						
1. CERTIFICATE HOLDER - NAME AND MAILING ADDRESS			2A. INSURED'S FULL NAME AND MAILING ADDRESS			
Bridgeview Properties Niagara Limited 5 Forks Road Welland ON L3B 5K7			Corporation of the City of Welland 60 East Main Street, Welland, ON L3B 3X4			
			2B. DESCRIPTION OF OPERATIONS/LOCATIONS/AUTOMOBILES/SPECIAL ITEMS (but only with respect to the operations of the named insured)			
			Confirmation of Insurance - Leased Building Space & 19 Parking Stalls. Location - Corbis Lynn Pinard Centre, 6 Forks Road, Welland, ON			
3. COVERAGES						
<p>This is to certify that the policies of insurance listed below have been issued to the insured named above for the policy period indicated notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain. The insurance afforded by the policies described herein is subject to all terms, exclusions and conditions of such policies.</p> <p>LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS</p>						
TYPE OF INSURANCE	INSURANCE COMPANY AND POLICY NUMBER	EFFECTIVE DATE (M/d/yyyy)	EXPIRY DATE (M/d/yyyy)	LIMITS OF LIABILITY (Canadian dollars unless indicated otherwise)		
				COVERAGE	DED.	AMOUNT OF INSURANCE
COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE OR <input checked="" type="checkbox"/> OCCURRENCE <input checked="" type="checkbox"/> PRODUCTS AND/OR COMPLETED OPERATIONS <input checked="" type="checkbox"/> EMPLOYER'S LIABILITY <input checked="" type="checkbox"/> CROSS LIABILITY <input checked="" type="checkbox"/> TENANTS LEGAL LIABILITY <input type="checkbox"/> NON-OWNED AUTOMOBILES <input type="checkbox"/> HIRE AUTOMOBILES <input type="checkbox"/> POLLUTION LIABILITY EXTENSION	Certain Lloyds Underwriters (Syndicate 1885) - 100% - B0753PK1302509000-JLTPS-390	1/1/2014	1/1/2015	COMMERCIAL GENERAL LIABILITY BODILY INJURY AND PROPERTY DAMAGE LIABILITY - GENERAL AGGREGATE EACH OCCURRENCE PRODUCTS AND COMPLETED OPERATIONS AGGREGATE PERSONAL AND ADVERTISING INJURY LIABILITY MEDICAL PAYMENTS TENANTS LEGAL LIABILITY NON OWNED AUTOMOBILE	\$100,000	\$5,000,000 \$5,000,000 \$5,000,000
AUTOMOBILE LIABILITY <input type="checkbox"/> DESCRIBED AUTOMOBILES <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> LEASED AUTOMOBILES ** <input type="checkbox"/> <input type="checkbox"/> ** ALL AUTOMOBILES LEASED IN EXCESS OF 30 DAYS WHERE THE INSURED IS REQUIRED TO PROVIDE INSURANCE				BODILY INJURY AND PROPERTY DAMAGE COMBINED BODILY INJURY (PER PERSON) BODILY INJURY (PER ACCIDENT) PROPERTY DAMAGE		
EXCESS LIABILITY <input type="checkbox"/> UMBRELLA FORM <input type="checkbox"/> OTHER THAN UMBRELLA FORM (specify)				EACH OCCURRENCE AGGREGATE		
OTHER LIABILITY (SPECIFY) <input checked="" type="checkbox"/> Contractual Liability - Included <input checked="" type="checkbox"/> Severability of Interest Clause - Included <input type="checkbox"/> <input type="checkbox"/>	Certain Lloyds Underwriters (Syndicate 1885) - 100% - B0753PK1302509000-JLTPS-390	1/1/2014	1/1/2015			
4. CANCELLATION						
Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavour to mail ___30___ days written notice to the certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.						
5. BROKER'S FULL NAME AND MAILING ADDRESS			6. ADDITIONAL INSURED NAME AND MAILING ADDRESS			
Verge Insurance Brokers Limited 131 Ontario Street P.O. Box 487 St Catharines ON L2R 6W2			Bridgeview Properties Niagara Limited 5 Forks Road Welland ON L3B 5K7			
BROKER'S CLIENT ID: CITYO-9						
7. CERTIFICATE AUTHORIZATION						
SIGNATURE OF AUTHORIZED REPRESENTATIVE	PRINT NAME	POSITION HELD	DATE			
<i>Shona Meloche</i>	Shona Meloche	Account Manager	July 23, 2014			
COMPANY	EMAIL ADDRESS	CONTACT NUMBER HOME	CELL			
Verge Insurance Brokers Limited	smeloche@vergeinsurance.com	BUSINESS (905) 688-9170	FAX (905) 688-6265			

THIS AGREEMENT made in duplicate as of the 29th day of April, 2019,

IN PURSUANCE OF THE SHORT FORMS OF LEASES ACT

BETWEEN:

BRIDGEVIEW PROPERTIES NIAGARA LIMITED
in the City of Welland, in the Regional Municipality of Niagara

hereinafter called the "Landlord"

AND

THE CORPORATION OF THE CITY OF WELLAND
in the City of Welland, in the Regional Municipality of Niagara,

hereinafter called the "Tenant"

WHEREAS the parties entered into a lease dated April 15, 2014 (the "Lease") for the lease of the Premises known municipally as 5 Forks Road, Welland, Ontario;

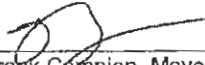
AND WHEREAS the parties wish to amend the Lease;


NOW THEREFORE WITNESSETH THAT in consideration of the sum of One Dollar (\$1.00) the receipt and sufficiency of which is hereby acknowledged, and in consideration of the mutual covenants hereinafter described, the parties hereby agree as follows:

1. All capitalized terms in this agreement shall have the same meaning as in the Lease except as otherwise defined herein.
2. Section 1.1 of the Lease is amended so that the term shall end on April 30, 2020.
3. Section 2.1 of the Lease is amended such that the rent shall be \$600.00 plus H.S.T. per month effective as of May 1, 2019.
4. All other terms and conditions of the Lease shall remain the same.

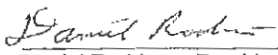
IN WITNESS WHEREOF the parties hereto have executed this Lease on the date hereinbefore inscribed.

) **THE CORPORATION OF THE CITY OF WELLAND**

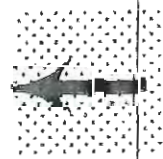
) Per: 
) _____
) Frank Campion, Mayor

) Per: 
) _____
) Tara Stephens, City Clerk

) **BRIDGEVIEW PROPERTIES NIAGARA LIMITED**

) Per: 
) _____
) Daniel Rodrigue, President

) "I have authority to bind the Corporation"



Richard Dalton May 23, 2019
Janet Rubin May 29, 2018

