



# NOTICE

THE MAYOR HAS CALLED  
A SPECIAL MEETING OF COUNCIL  
AT 5:00 P.M.

***TUESDAY, JUNE 2, 2020***

IN THE COUNCIL CHAMBERS – CIVIC SQUARE  
TO DISCUSS THE FOLLOWING:

- PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD;  
- *Property matters.*

AND

IN OPEN SESSION AT 6:00 P.M.  
IN COUNCIL CHAMBERS, CIVIC SQUARE

TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS

FOLLOWED BY A  
REGULAR COUNCIL MEETING AT 7:00 P.M.  
IN COUNCIL CHAMBERS, CIVIC SQUARE

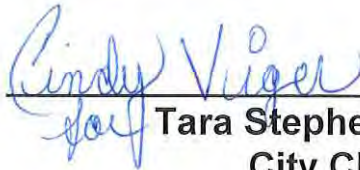
TO CONSIDER ANY CORRESPONDENCE, REPORTS, AND BY-LAWS.

***Due to COVID-19 and the closure of the Civic Square***

***All Electronic Meetings can be viewed at:***

***City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>***

***YourTV: The meeting will be aired on channel 700 on June 6, 2020 at 1:00 p.m.***

  
\_\_\_\_\_  
Tara Stephens,  
City Clerk



**SPECIAL COUNCIL MEETING AT 6:00 P.M. AND  
FOLLOWED BY A REGULAR COUNCIL MEETING AT 7:00 P.M.**

**Tuesday, June 2, 2020**

**MEETING AGENDA**

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1. **COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:00 p.m.)  
(See yellow tab)**
    - Proposed or pending acquisition or disposition of land by the municipality or local board;
      - *Property matters.*
  
  2. **ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:00 p.m.)**
  
  3. **OPEN SPECIAL COUNCIL MEETING AT 6:00 P.M. FOLLOWED BY THE REGULAR COUNCIL MEETING AT 7:00 P.M.**
    - 3.1 **NATIONAL ANTHEM**
  
    - 3.2 **OPENING REMARKS**
  
    - 3.3 **ADDITIONS/DELETIONS TO AGENDA**
  
    - 3.4 **ADOPTION OF MINUTES**

Special Council Meetings of May 19 and 26, 2020 and Regular Council Meeting of May 19, 2020 (*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) - Nil**
  
    - 4.2 **DELEGATION(S) (maximum 5/10/5 policy) - Nil**



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- 4.3 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEES REPORT(S) - Nil
  - 4.4 LEGISLATED PUBLIC HEARINGS/MEETINGS - Nil
  5. COMMITTEE-OF-THE-WHOLE (OPEN)  
(to discuss items removed from Agenda Block)
  6. BY-LAWS (SEE AGENDA INDEX)
  7. NOTICES OF MOTION
    - 7.1 Councillor matters discussed with staff for reporting purposes
    - 7.2 Notices of Motion (previously submitted for discussion)  
(Councillor Speck)  
  
20-64 WHEREAS the eventual reopening of eat-in restaurants will require some form of social distancing; and further  
WHEREAS restaurants have been under tremendous financial strain during the COVID-19 pandemic.  
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY WELLAND directs staff to report back on how we can temporarily allow outdoor serving space and patios for restaurants to maintain social distancing between tables during the reopening phases post pandemic.
    - 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



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**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 2<sup>nd</sup> day of June, 2020. Ref. No. 20-1

**10. ADJOURNMENT**



## **MEETING AGENDA INDEX**

*Tuesday, June 2, 2020*

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Page No.

## **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)**
  2. **General Committee Report to Council - Nil**
  3. **Budget Review Committee Report to Council - Nil**
  4. **Staff Reports**

1 - 17

**CLK-2020-14** City Clerk, T. Stephens - Amendment to the Code of Conduct for Members of Council (HUM-001-0031). Ref. No. 02-160

**New Business  
Item #1**

Integrity Commissioner recommendation regarding reprimand in relation to the May 5, 2020 report re: Councillor DiMarco.  
Ref. No. 02-160

**RECOMMENDATION:**

WHEREAS section 223.4(5) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act") provides that the City may impose either of the following penalties on a Member of Council, if the City's Integrity Commissioner reports to Council that the Member has contravened the code of conduct, a reprimand and suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period of up to 90 days; and

WHEREAS in a report dated May 1, 2020, the City's Integrity Commissioner found that on December 17, 2019 Councillor DiMarco had breached the Code of Conduct by displaying discreditable conduct towards Councillor Moote; and further



## **MEETING AGENDA INDEX – Page 2**

*Tuesday, June 2, 2020*

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### **Page No.**

WHEREAS Council accepts the recommendation of the Integrity Commissioner that Councillor DiMarco be reprimanded and asked to apologize to Councillor Moote, Council as a whole.

NOW THEREFORE BE IT RESOLVED THAT Council, in seeking to protect the public interest and encourage high ethical standards among the Members, hereby:

1. Reprimands Councillor DiMarco for bullying Councillor Moote, during a break in Council's meeting of December 17, 2019; and
2. Requests that Councillor DiMarco apologize to Councillor Moote, Council as a whole; and

Reminds Councillor DiMarco that Members of Council must conduct themselves with decorum during meetings of Council and warns Councillor DiMarco that any future findings of bullying or intimidating behaviour by him will not be tolerated and will be subject to sanctions of the highest possible order.

- |                |                             |   |
|----------------|-----------------------------|---|
| <b>18 - 20</b> | <b><u>CLK-2020-15</u></b>   | City Clerk, T. Stephens - Amendment to the Procedural By-law 2017-6. Ref. No. 02-160 (See By-law 2)   |
| <b>21 - 23</b> | <b><u>EDO-2020-05</u></b>   | Gen. Mgr., Economic Development, Recreation and Culture, D. Degazio - Agreement of Purchase and Sale for 2.6 Acres of Vacant City Owned Lands on Downs Drive in the New River Road and Downs Drive Industrial Park. Ref. No. 18-36 (See By-law 1) |
| <b>24 - 27</b> | <b><u>TRANS-2020-07</u></b> | Gen. Mgr., Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Temporary Transit Service Reductions Update. Ref. No. 20-13   |

### **3. NEW BUSINESS**

- |                |           |   |
|----------------|-----------|---|
| <b>28 - 39</b> | <b>2.</b> | Donna Woiceshyn, Chief Executive Officer, Niagara Regional Housing (NRH) re: NRH 2020 1 <sup>st</sup> Quarter Report to Board of Directors. Ref. No. 10-130 |
|----------------|-----------|---|

#### **RECOMMENDATION:**

**THAT THE COUNCIL OF THE CITY OF WELLAND** receives for information the correspondence from Niagara Regional Housing (NRH) dated May 15, 2020 regarding the NRH 2020 1<sup>st</sup> Quarter Report.



## **MEETING AGENDA INDEX – Page 3**

*Tuesday, June 2, 2020*

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### **Page No.**

- 40 - 41**      3. Carol Scholfield, Manager, Legislative Services/Clerk, Town of Fort Erie re: COVID-19 Personal Facial Masks. Ref. No. 20-64

#### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Fort Erie dated May 20, 2020 regarding COVID-19 Personal Facial Masks.

- 42 - 43**      4. Carol Scholfield, Manager, Legislative Services/Clerk, Town of Fort Erie re: Support of the Medical Staff Association of Niagara Health and the Medical Academies of Lincoln, Niagara and Welland - Ministry of Health Billing Codes for the Provision of Virtual Care - COVID 19. Ref. No. 20-64

#### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the correspondence from the Town of Fort Erie dated May 20, 2020 regarding Support of the Medical Staff Association of Niagara Health and the Medical Academies of Lincoln, Niagara and Welland - Ministry of Health Billing Codes for the Provision of Virtual Care - COVID 19.

5. Tara Stephens, City Clerk re: Correction to the term of appointment of Councillor Chiocchio to the Welland Downtown Business Improvement Area. (Approved by Council on May 19, 2020). Ref. No. 99-90/20-10

#### **RECOMMENDATION:**


THAT THE COUNCIL OF THE CITY OF WELLAND amends the term of Councillor Chiocchio's appointment to the Welland Downtown Business Improvement Area to May 19, 2020 to November 14, 2022, or until another successor has been appointed.

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

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

1. A By-law to authorize acceptance of an offer from CDC Developments Inc. for sale of vacant land on Downs Drive (River Road and Downs Drive Industrial Park).  
Ref. No. 18-36  
(See Report EDO-2020-05)
2. A By-law to amend Procedural By-law 2017-6. Ref. No. 02-160  
(See Report CLK-2020-15)

**COUNCIL**  
**CORPORATE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-14  
JUNE 2, 2020

09-160

**SUBJECT:** AMENDMENT TO THE CODE OF CONDUCT FOR MEMBERS OF COUNCIL (HUM-001-0031)

**AUTHOR:** TARA STEPHENS, CITY CLERK

**APPROVING G.M.:** STEVE ZORBAS, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER/TREASURER

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report CLK-2020-14: Amendment to the Code of Conduct for Members of Council (HUM-001-0031), and further  
THAT Welland City Council approves the amendment to Code of Conduct for Members of Council (HUM-001-0031).

**ORIGIN AND BACKGROUND:**

On January 17, 2017, Welland City Council approved the Code of Conduct for Members of Council. The Code of Conduct helps to ensure that Members of Council share a common basis for acceptable conduct. The Code of Conduct is not intended to replace personal ethics.

**COMMENTS AND ANALYSIS:**

During the May 5, 2020 Council meeting, there was confusion regarding wording within the Code of Conduct for Members of Council and the *Municipal Act, 2001*.

Currently the Code of Conduct for Members of Council, section XVI. Compliance, Enforcement and Penalties, states:

*"In addition, subsection 223.4(5) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in his or her opinion, the Member has contravened the Code of Conduct:*

1. *A reprimand; or*
2. *Suspension of the remuneration paid to the Member in respect of his or her services as a member of council for a period up to 90 days."*



A review of the section outlined above was reviewed by the City Clerk and Integrity Commissioner. The following recommended changes to the Code of Conduct for Members of Council, section XVI. Compliance, Enforcement and Penalties, be updated to the following:

*"In addition, subsection 223.4(5) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes **that Council may impose one or both of the following** penalties on a member of Council following a report by the Integrity Commissioner that, in his or her opinion, the Member has contravened the Code of Conduct:*

1. *A reprimand.*
2. *Suspension of the remuneration paid to the Member in respect of his or her services as a member of council for a period up to 90 days."*

Included with this report is a legal opinion regarding the recommended amendments to the Code of Conduct for Members of Council (Appendix II). As stated within the document the Municipal Act, 2001 authorizes a council to impose one or both of the listed penalties.

On page 5 (c) Application in Practice it states the following:

*"It is our understanding that Integrity Commissioners have generally accepted that subsection 223.4(5) of the Municipal Act, 2001 permits the imposition of one of both of the penalties. In practice, it is not uncommon for Integrity Commissioners to recommend both a reprimand and a suspension of remuneration be imposed on a member of council for the contravention of a code of conduct where warranted."*

For the reasons outlined above, staff is recommending the update to the Code of Conduct for Members of Council to ensure the wording aligns with the *Municipal Act, 2001*.

#### **FINANCIAL CONSIDERATION:**

There are no financial implications.

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

The Corporate Leadership Team has reviewed the amendment to Code of Conduct for Members of Council and support the update being proposed.

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

It is important that the Code of Conduct for Members of Council align with the *Municipal Act, 2001*. It is recommended that Council support this staff recommendation.

**ATTACHMENT:**

Appendix I – Code of Conduct for Members of Council: HUM-001-0031

Appendix II – Legal Opinion, John Mascarin, AIRD & BERLIS LLP, re: Code of Conduct for Members of Council.

APPENDIX I  
4  
CITY OF WELLAND

**POLICY**

<b>Policy Title:</b> Code of Conduct for Members of Council	
<b>Date of Approval:</b> February 5, 2013	<b>Policy Number:</b> HUM-001-0031
<b>Lead Role:</b> City Clerk	<b>Support Role:</b> Integrity Commissioner/City Solicitor
<b>Cross Reference:</b> HUM-001-0033	<b>Next Review Date:</b>
<b>Council File Number:</b> 02-160	<b>Revision Date:</b> February 20, 2018

***Purpose:***

A written Code of Conduct helps to ensure that the Members of Council share a common basis for acceptable conduct. The Code of Conduct is not intended to replace personal ethics.

**AUTHORITY**

This *Code of Conduct for Members of Council* was adopted by City Council on February 5, 2013, and amended on January 17, 2017. It is enacted under the authority of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

**PREAMBLE**

The *Code of Conduct* for Council serves as a guide to Members of Council in the individual conduct of their official duties, helping to ensure that the Members share a common basis for acceptable conduct. It also serves to protect the public interest and encourage high ethical standards among the Members. The Code represents general standards; it supplements, but does not replace Members' roles, responsibilities, actions, and behaviors required by various statutes, by-laws and policies. The Code does not replace personal values or ethics held by individual Members.

The *Code of Conduct* identifies the public's expectations of the Members and establishes guidelines for appropriate behavior. The key principles that underlie the *Code of Conduct* are as follows:

1. Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;
2. Members shall perform their functions with integrity, accountability, and transparency, avoiding the improper use of the influence of their office, and conflicts of interest, both real and apparent;
3. Members shall perform their duties of office in a manner that promotes public confidence and will bear close public scrutiny; and

4. Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Town Council.

## I. STATUTORY PROVISIONS REGARDING CONDUCT

The *Code of Conduct* operates along with and as a supplement to the existing statutes governing the conduct of Members, including, but not limited to, the following:

1. *Municipal Act, 2001*, S.O. 2001, c.25, as amended;
2. *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended;
3. *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended;
4. *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended; and
5. The *Criminal Code of Canada*, R.S.C., 1985, c. C-46, as amended.

## II. DEFINITIONS

In the *Code of Conduct*:

**“child”** means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

**“employee”** means a person employed by the City of Welland, including those on a personal services contract and volunteers, but does not include Members.

**“family member”** means:

- (a) spouse, including but not limited to common-law spouse and same-sex partner;
- (b) child, mother, father, sibling, grandchild, grandparent, aunt, uncle, niece or nephew;
- (c) parent-in-law or sibling-in-law;
- (d) step-parent, step-sibling, or step-child;
- (e) parent or child in a relationship where the role of the parent has been assumed; or
- (f) any person who lives with the Member on a permanent basis.

**“parent”** means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

**“spouse”** means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;

The terms **“child”**, **“parent”**, and **“spouse”** have the same meanings as in the *Municipal Conflict of Interest Act*.

**III. APPLICATION**

This *Code of Conduct* applies to all members of Council, including the Mayor.

**IV. COMMUNICATIONS AND MEDIA RELATIONS**

Members will show respect for Council's decision-making process, accurately communicate the decisions of Council, even if they disagree with the decision of Council, and acknowledge that information related to decisions and resolutions of Council will normally be communicated to the community by the Council as a whole, or the Mayor as Head of Council, or his or her designate.

**V. CONFIDENTIAL INFORMATION**

Members have access to confidential information by virtue of their position with the City of Welland.

Confidential information includes: information in the possession of, or received in confidence by the City, that the City is prohibited from disclosing, or has decided to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act*, or other legislation; a matter that has been debated or discussed at a meeting of Council closed to the public, unless the matter is subsequently discussed in Open Council, or it is authorized to be released by Council; reports of consultants, draft documents and internal communications, which, if disclosed may prejudice the reputation of the City, its officers and employees, or its effective operation; and information concerning litigation, negotiation, or personnel matters.

No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law, or authorized by Council to do so;

No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.

No Member shall disclose the content of a matter that has been discussed at or the substance of deliberations of an in-camera meeting, except for content that has been authorized by Council to be released to the public;

The obligation to keep information confidential is a continuing obligation even if the Member ceases to be a Member.

**VI. GIFTS AND BENEFITS**

In order to preserve the image and integrity of the City of Welland, business gifts to Members are discouraged. The City recognizes that moderate hospitality is an accepted courtesy of a business relationship. However, Members should not accept any gift, benefit, service,

## Code of Conduct for Members of Council HUM-001-0031

entertainment or hospitality which could be seen to compromise their decision on a matter or create any obligation or special consideration by an individual, group or organization.

No Member shall solicit or accept a fee, advance, gift or benefit that is connected directly or indirectly with the performance of their duties in office, unless permitted by the exceptions listed below.

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Member's spouse, child, or parent, or to a Member's staff that is connected directly or indirectly to the performance of their duties in office is deemed to be a gift or benefit to that Member.

This section does not preclude Members from accepting:

- a) Compensation authorized by law;
- b) Such gifts or benefits that normally accompany the duties of office and are received as an incident of protocol or social obligation;
- c) A political contribution otherwise reported by law;
- d) Admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the Member of Council, if attending or participating in their official capacity, including;
  - (i) participation in an event as a speaker or panel participant by presenting information related to City matters;
  - (ii) performance of a ceremonial function appropriate to the Member of Council's office;
  - (iii) attendance at an event that is appropriate to the official capacity of the Member of Council;
- e) Admission to a charity or community organization event offered by the charity or community organization for whose benefit the event is being held and unsolicited by the Member of Council;
- f) Admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the Member of Council's duties in office and in the interest of the City;
- g) A suitable memento of a function honouring the Member of Council;
- h) Food, lodging, transportation and entertainment provided by federal, provincial, regional or municipal governments or by political subdivisions of them or by a foreign government within a foreign country;
- i) Food and beverages consumed at banquets, receptions or similar events if;
  - (i) attendance serves a legitimate business purposes;
  - (ii) the person extending the invitation of a representative of the organization is in attendance; and
  - (iii) the value is reasonable and the invitations infrequent.
- j) Communication to the office of a Member of Council including subscriptions to newspapers and periodicals.

Except for paragraph (c), the exceptions listed in subsection 7 do not apply to lobbyists. Lobbyists are not permitted to give a gift or benefit under this section unless it is a political contribution permitted by law.

In the case of paragraphs (b), (h), (i), (j) and (k), if the value of the gift or benefits exceeds \$200 or if the total value received from any one source during the course of a calendar year exceeds \$200, the Member of Council shall within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the City Clerk. The disclosure statement must indicate:

- (a) The nature of the gift or benefit;
- (b) Its source and date of receipt;
- (c) The circumstances under which it was given or received;
- (d) Its estimated value;
- (e) What recipient intends to do with any gift; and
- (f) Whether gift will at any point be left with the City.

Any disclosure statement will be a matter of public record.

Members will be required to exercise their personal judgment of the provisions within this section;

## **VII. CONDUCT RESPECTING STAFF**

Members are elected legislators and representatives of their constituents. Staff are ultimately accountable to the Chief Administrative Officer, and are responsible for implementing the decisions of Council, and ensuring the efficient and effective operation of municipal services;

Members are expected at all times to treat staff with respect, professionalism and courtesy. Members who contact staff shall ensure that their request is within the employee's realm of responsibility, approved work plan, or available resources.

Members and staff will work cooperatively based on shared values of honesty, trust, mutual respect, and leadership for continuous improvement;

Members shall be respectful of the fact that staff are charged with making recommendations that reflect their professional expertise and corporate perspective without undue influence from any individual Member or group of Members.

## **VIII. USE OF MUNICIPAL PROPERTY, SERVICES AND OTHER RESOURCES**

No Member shall use for personal purposes, or permit the use of, City property, facilities, equipment, supplies, services, staff or other resources (for example, City-owned materials, websites, Council transportation delivery services and Members of Council expense budgets) for activities other than the business of the City.

Nor should any member obtain financial gain from the use or sale of City-developed intellectual property, computer programs, technical innovations, or other items capable of being patented. All such property remains the exclusive property of the City.

No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purpose other than his or her official duties.

**IX. ELECTION CAMPAIGN WORK**

Members are expected to comply with the *Municipal Elections Act, 1996* and with the City of Welland Use of Corporate Resources During Election Period Policy.

**X. IMPROPER USE OF INFLUENCE**

No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties;

Examples of prohibited conduct include the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, a family member, or associate (business or otherwise). This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within Council in return for present actions or inaction.

For the purposes of this section, "private advantage" does not include a matter:

- (a) That is of general application;
- (b) That affects a Member or her/his family member or associate as one of a broad class of persons; or
- (c) That concerns the remuneration or benefits of a Member as authorized by Council.

**XI. DISCREDITABLE CONDUCT**

As a representative of the City, every Member has the duty and responsibility to treat members of the public, one another and staff, appropriately and without abuse, bullying, or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment.

A Member shall not use indecent, abusive, or insulting words or expressions toward any other Member, any member of staff, or any member of the public. A Member shall not speak in a manner that is discriminatory to any individual based on that person's race, ancestry, place of origin, creed, gender, sexual orientation, age, colour, marital status, or disability.

During Council and Standing Committee meetings, Members shall conduct themselves with decorum and in accordance with the City's Procedural By-law.



## **XII. BUSINESS RELATIONS**

No Member shall act as a paid agent before Council, its committees, or any agency, board or commission of the City, except in compliance with the terms of the *Municipal Conflict of Interest Act*.

A Member shall not refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.

## **XIII. CONDUCT REGARDING CURRENT & PROSPECTIVE EMPLOYMENT**

No Member shall allow the prospect of his or her future employment by a person or entity to influence the performance of his or her duties to the City.

## **XIV. REPRISALS AND OBSTRUCTION**

Members should respect the integrity of the *Code of Conduct* and investigations conducted under it. Any reprisal or threat of reprisal against a complainant or anyone providing information to the Integrity Commissioner is prohibited.

No Member shall obstruct the Integrity Commissioner in the carrying out of his or her responsibilities by, for example, the destruction of documents or the erasing of electronic communications.

## **XV. FAILURE TO ADHERE TO COUNCIL BY-LAWS, POLICIES AND PROCEDURES**

Members shall encourage public respect for, and are required to obey the spirit and intent of, all City by-laws, policies and procedures.

## **XVI. COMPLIANCE, ENFORCEMENT AND PENALTIES**

All Members shall be aware of and comply with this Code.

Members are accountable to the public through the election process. Between elections, they may become disqualified and lose their seat if convicted of an offence under the *Criminal Code of Canada*, or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*, or if convicted of a corrupt practice under the *Municipal Elections Act*.

In addition, subsection 223.4(5) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in his or her opinion, the Member has contravened the Code of Conduct:

1. A reprimand; or
2. Suspension of the remuneration paid to the Member in respect of his or her services as a member of council for a period up to 90 days.

The Integrity Commissioner may also recommend that Council or a local board take the following actions:

1. Removal from membership of a Committee or a local board;
2. Removal as Chair of a Committee or local board;
3. Repayment or reimbursement of moneys received;
4. Return of property or reimbursement of its value; or
5. A request for an apology to Council, the complainant, or both.

**XVII. ACTING ON ADVICE OF INTEGRITY COMMISSIONER**

Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent considerations of the conduct of the Member in the same manner as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

**XVIII. COMPLAINT TIMING AND PROTOCOL**

Any individual, including members of the public, city employees, and Members who has reasonable grounds to believe that a Member has breached a provision of the Code, may proceed with a complaint.

Complaints must be submitted within six weeks of the matter becoming known to the individual and no more than six months after the alleged violation occurring.

The *Code of Conduct Complaint Protocol for Members of Council* is available at the City's offices and on its website.

John Mascarin  
Direct: 416.865.7721  
E-mail: [jmascarin@airdberlis.com](mailto:jmascarin@airdberlis.com)

May 26, 2020

File No.: 154696

Ms. Tara Stephens  
Clerk  
The Corporation of the City of Welland  
60 East Main Street  
Welland, ON L3B 3X4

Dear Ms. Stephens:

**Re: Code of Conduct for Members of Council  
Penalty Provisions**

---

We have been asked to provide a legal opinion with respect to a proposed amendment to the Code of Conduct for Members of Council (the "Code of Conduct") of The Corporation of the City of Welland (the "City") pertaining to the penalties that may be imposed upon a member if found to be in contravention of the Code of Conduct.

In order to provide our opinion, we will consider and opine upon the proper interpretation to be placed on the statutory penalty provision set out in subsection 223.4(5) of the *Municipal Act, 2001*.<sup>1</sup>

## LEGISLATION

Subsection 223.4(5) of the *Municipal Act, 2001* provides as follows:

### Penalties

**223.4 (5)** The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days.

The aforementioned provision is currently largely, but not entirely, replicated in the Code of Conduct under Article XVI – COMPLIANCE, ENFORCEMENT AND PENALTIES as follows:

In addition, subsection 223.4(5) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in his or her opinion, the Member has contravened the Code of Conduct:

---

<sup>1</sup> *Municipal Act, 2001*, S.O. 2001, c. 25.

1. A reprimand; or
2. Suspension of the remuneration paid to the Member in respect of his or her services as a member of council for a period up to 90 days.

We understand that the above-noted provision is proposed to be amended by the deletion of the aforementioned paragraph and its replacement by the following wording:

In addition, subsection 223.4(5) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes that Council may impose one or both of the following penalties on a member of Council following a report by the Integrity Commissioner that, in his or her opinion, the Member has contravened the Code of Conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the Member in respect of his or her services as a member of council for a period up to 90 days.

The proposed amendment seeks to make it clear that one or both of the penalties set out in subsection 223.4(5) may be recommended by the Integrity Commissioner and may be imposed by council (as opposed to only a single penalty under the current wording).

## ISSUE

Does subsection 223.4(5) of the *Municipal Act, 2001* authorize a council to impose only one of the two penalties that are enumerated or does the provision empower a council to impose one or both of the listed penalties?

## ANALYSIS AND STATUTORY CONSTRUCTION

### (a) General

It is our opinion, for the reasons noted below that subsection 223.4(5) of the *Municipal Act, 2001* authorizes a council to impose one or both of the listed penalties. That is, upon receiving a report from its Integrity Commissioner that a member of its council has contravened the code of conduct, a municipality has the ability to impose one or both of the statutory penalties.

### (b) Statutory Interpretation

The manner in which the "Penalties" provision has been drafted has been interpreted by the courts as being exhaustive, meaning there are only two possible sanctions that a council may impose.<sup>2</sup> That being said, the language "...may impose either of the following penalties..." does not indicate whether the listed sanctions are exclusive (i.e. council may only impose one or the other) or inclusive (i.e. council may impose both). The term "either" does not have a special meaning at law or within the context of the *Municipal Act, 2001*. It is not a term of art. Its ordinary definition means "each of two" or "one or other of two".<sup>3</sup>

<sup>2</sup> See *Madger v. Ford* (2013), 7 M.P.L.R. (5th) 1 (Ont. Div. Ct.), at para. 66; see also *Altmann v. The Corporation of the Town of Whitchurch-Stouffville* (2018), 81 M.P.L.R. (5th) 1 (Ont. S.C.J.), at para. 49.

<sup>3</sup> *Concise Oxford Dictionary*, Seventh Edition (Oxford University Press).

That a council may impose both penalties is supported by the rules of statutory construction. The starting point for such an interpretive exercise is the modern principle of statutory interpretation, articulated in the Supreme Court of Canada's oft-cited decision in *Rizzo & Rizzo Shoes Ltd., Re.*<sup>4</sup> Justice Iacobucci, writing for the court, adopted the following passage of Elmer Driedger's famous text on statutory interpretation:

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.<sup>5</sup>

Broken down by grammatical function, the word "either", as it appears in subsection 223.4(5) of the *Municipal Act, 2001*, acts as a conjunction in relation to the two listed penalties. This function is similar to the word "or" often used in legislative lists. While the colloquial use of the words "either" or "or" often mark a present choice or alternative, in legislation these words tend to be used inclusively.<sup>6</sup> Furthermore, using the conjunctions "either" or "or" in an inclusive sense is grammatically correct and accords with both popular and legal usage.<sup>7</sup>

The presumption favouring the inclusive sense can be rebutted by linguistic considerations or by knowledge of the world. For example, where it is obvious that two or more listed options are mutually exclusive based on knowledge of how the world operates, the presumption can be rebutted.<sup>8</sup>

An example from the Ontario Court of Appeal's decision in *Rooney v. ArcelorMittal S.A.*, the use of the word "or" in a securities law statute was determined to be interpreted exclusively. The court made this determination because the remedies of rescission and damages under the statute were mutually exclusive; one could not be claimed where the other was properly made out.<sup>9</sup>

<sup>4</sup> *Rizzo & Rizzo Shoes*, [1998] 1 S.C.R. 27.

<sup>5</sup> Elmer Driedger, *Construction of Statutes*, 2nd ed. (Toronto: Butterworths, 1983), at 87.

<sup>6</sup> Reed Dickerson, *Materials on Legal Drafting* (St. Paul: West Publishing Co, 1981), at 251-252.

<sup>7</sup> Ruth Sullivan, *Sullivan on the Construction of Statutes*, 6th ed. (Markham: LexisNexis Canada Inc., 2014) at §4.97, at 101.

<sup>8</sup> See for example s. 6(16) of the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1:

**Decision**

6 (16) After the [Normal Farm Practices Protection Board] has completed the hearing, it shall provide a written decision stating whether the Board is of the opinion that,

- (a) the farm practice is a normal farm practice;
- (b) the farm practice is not a normal farm practice; or
- (c) the farm practice will be a normal farm practice if the farmer makes specific modifications in the practice within the time set out in the decision.

Obviously, the Normal Farm Practices Protection Board cannot simultaneously be of the opinion that something "is" and "is not" a normal farm practice. That conclusion would be illogical. The use of the word "or" in the above provision would therefore be exclusive.

<sup>9</sup> *Rooney v. ArcelorMittal S.A.*, 2016 ONCA 630, at para. 48.

In the present case, however, the penalties of a reprimand and a suspension of remuneration are not mutually exclusive options. Furthermore, there is no reason to presume that, logically or practically, a municipal council could not impose both sanctions if it so desired.

The entire context of the "Penalties" provision also demonstrates that a council may impose both penalties. Although the Legislature chose to express this provision as a list, it omitted to include a conjunction separating the options, as is typical with most legislative lists. If the legislative drafters had intended that the enumerated penalties be mutually exclusive, they could have used a form of the conjunction "either...or," or even more simply, "either...but not both". Such an intent has been demonstrated elsewhere in legislation, such as the following example:

#### **Accidents outside Ontario**

**59 (2)** The person, or the person claiming benefits in respect of him or her, may elect to receive either of the following, but not both:

1. The benefits described in this Regulation, other than the benefits referred to in paragraph 2.
2. Benefits in the same amounts and subject to the same conditions as if the person was a resident of the jurisdiction in which the accident occurred and was entitled to payments under the law of that jurisdiction.<sup>10</sup>

For example, the penalties that may be imposed under subsection 9(2) in the case of a contravention of the *Municipal Conflict of Interest Act*<sup>11</sup> are made very clear:

#### **Power of judge**

**9 (1)** If the judge determines that the member or former member contravened section 5, 5.1 or 5.2, the judge may do any or all of the following:

1. Reprimand the member or former member.
2. Suspend the remuneration paid to the member for a period of up to 90 days.
3. Declare the member's seat vacant.
4. Disqualify the member or former member from being a member during a period of not more than seven years after the date of the order.
5. If the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, if the party's identity is not readily ascertainable, to the municipality or local board, as the case may be.

The absence of express wording in subsection 223.4(5) of the *Municipal Act, 2001* directing that the enumerated list of penalties was to only be applied in a specific manner means that the provision can be interpreted so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate.<sup>12</sup>

<sup>10</sup> O. Reg. 34/10 "Statutory Accident Benefits Schedule" under the *Insurance Act*, R.S.O. 1990, c. I.8.

<sup>11</sup> *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50.

<sup>12</sup> Subsection 8(1) of the *Municipal Act, 2001*.

This conclusion is further reinforced with a view to the overarching purpose of the provisions of Part V.1 of the *Municipal Act, 2001*, which is to increase efficacy in local government by enhancing accountability and transparency and to provide a framework to promote the ethical conduct of members.

That the *Municipal Act, 2001* must be given a large and liberal interpretation to ensure the attainment of this objective<sup>13</sup> also supports an interpretation that both penalties may be appropriate in some situations.

Moreover, the “shared meaning rule” of bilingual interpretation also assists with our interpretation. The rule provides that the meaning shared by both versions of the statute is presumed to be the meaning intended by the legislature.<sup>14</sup> The French language version of the *Municipal Act, 2001* provides that a council “peut infliger ... l'une ou l'autre des sanctions suivantes.” This translates to “may impose...any of the following sanctions,” which does not connote exclusivity, but rather provides that there are only two possible sanctions or penalties.<sup>15</sup>

Lastly, we note that subsection 223.4(5) is entitled “Penalties”. Had the legislative drafters intended that only a single penalty be imposed, they would not likely have used the plural in the heading of the provision.

### (c) Application in Practice

It is our understanding that Integrity Commissioners have generally accepted that subsection 223.4(5) of the *Municipal Act, 2001* permits the imposition of one or both of the penalties. In practice, it is not uncommon for Integrity Commissioners to recommend both a reprimand and a suspension of remuneration be imposed on a member of council for the contravention of a code of conduct where warranted.<sup>16</sup>

<sup>13</sup> See s. 64 of the *Legislation Act, 2006*, S.O. 2006, c. 21, Sched. F, as well as s. 8(1) of the *Municipal Act, 2001*.

<sup>14</sup> *Sullivan on the Construction of Statutes*, *supra* note 7, §5.19, at 119.

<sup>15</sup> As noted by the Divisional Court in *Magder v. Ford*, *supra* note 2, at para. 66.

<sup>16</sup> By no means an exhaustive list, the following are some recent instances of code of conduct investigation reports where Integrity Commissioners have recommended both penalties for contraventions:

- Georgian Bay (Township), Councillor Cooper (December 4, 2019 – two reports);
- Belleville (City), Mayor Panciuk (October 4, 2019);
- Central Elgin (Municipality), Councillor McNeil (February 26, 2018);
- Whitchurch-Stouffville (Town), Mayor Altmann (March 6, 2018);
- Whitchurch-Stouffville (Town), Mayor Altmann (September 26, 2017);
- Georgian Bay (Township), Councillor Edwards (May 8, 2017); and
- Scugog (Township), Councillors Kett and Back (March 6, 2017).

We have also consulted with several leading Integrity Commissioners across the province, all of whom have taken the position that both penalties under s. 223.4(5) can be imposed and that the authority does not limit the sanction to only one or the other.

May 26, 2020  
Page 6

## CONCLUSIONS

For the reasons stated above, it is our opinion that subsection 223.4(5) of the *Municipal Act, 2001* authorizes a council to impose one or both of the listed penalties. As such, it is our view that the proposed amendment to Article XVI of the Code of Conduct is proper and justified.

We accordingly support the proposed amendment which provides clarification as to the scope of the penalty imposition authority under subsection 223.4(5) of the *Municipal Act, 2001*. The interpretation accorded to the statutory penalty provision in the Code of Conduct is one where council is entitled to impose both a reprimand as well as a suspension of pay for a member of council that has been found by the Integrity Commissioner to have contravened the Code of Conduct.

Yours truly,

AIRD & BERLIS LLP



John Mascarin

JM/jgp/gc

40050365.2



**COUNCIL**  
**CORPORATE SERVICES – CLERKS DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT CLK-2020-15  
JUNE 2, 2020

02-160

**SUBJECT:** AMENDMENTS TO THE PROCEDURAL BY-LAW 2017-6

**AUTHOR:** TARA STEPHENS, CITY CLERK

**APPROVING G.M.:** STEVE ZORBAS, GENERAL MANAGER, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER/TREASURER

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the staff report CLK-2020-15: Amendments to the Procedural By-law 2017-6; and  
THAT Welland City Council approves the amendment regarding Electronic Delegations; and  
THAT Welland City Council approves the amendment regarding “suspending the rules”; and further  
THAT Welland City Council authorizes the Mayor and Clerk to execute the necessary by-laws amendments.

**ORIGIN AND BACKGROUND:**

Staff are recommending amendments to the Procedural By-law 2017-6, as amended, in relation to electronic delegations and “suspending the rules” during Council/General Committee meetings.

As of April 21, 2020, all councillors have been attending meetings electronically, due to COVID-19 and Provincial orders for residents to stay home, unless for essential services.

With the declaration of the COVID-19 (Novel Coronavirus) pandemic, the Civic Square has been closed to the public, which has resulted in delegations not being scheduled at Council/General Committee meetings.

Currently, any members of the public who request to appear as a delegation at a Council/General Committee meeting, have been directed to submit their request in writing to [council@welland.ca](mailto:council@welland.ca) and/or [clerk@welland.ca](mailto:clerk@welland.ca). If a submission is received, they would be included on an upcoming meeting agenda. This information has been communicated on our website for residents.

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**COMMENTS AND ANALYSIS:****Electronic Delegations**

Due to the uncertainty of our operations in the coming months, staff are recommending an amendment to the Procedural By-law to allow for delegates to appear at a Council/General Committee meeting electronically.

The process for submitting a request to appear as a delegation would follow the same format as currently approved by Council, in the Procedural By-law.

Any individuals/groups requesting to appear as a delegation will be required to provide an email address, which will be used to invite them to the meeting. An invite will be sent to them a few days prior to the meeting.

The delegate will be requested to mute their microphone until the Chair calls on them to proceed with their presentation. Following their presentation, they will leave the meeting, and may view the remainder of the meeting using our live streaming option.

Currently Council and staff receive one meeting invite for the closed Committee-of-the-Whole (in-camera) and open session Meeting. If delegations are scheduled to appear at a meeting, two separate invites will be provided to ensure the delegate is not present for the closed portion of the meeting.

It is recommended that electronic participation be permitted only during the 2019 Novel Coronavirus (COVID-19) pandemic, as defined by the World Health Organization (WHO).

**Suspend the Rules**

Currently our Procedural By-law does not speak specifically to "Suspending the Rules", as the matter is referenced in Rules of Order by Bourinots, as referenced in Article 10.3 of the Procedural by-law. (See below).

**Rules of Order**

*10.3 In all cases not provided for by these rules, in the proceedings of Council or in Committee, the Rules of Order by Bourinot shall be followed, as well as the Rules of Order and Parliamentary Procedure Speed Wheel, copyrighted by William Doherty.*

Welland City Council has the authority to approve their own rule regarding "suspending the rules".

Staff are recommending that Council approve the following amendment to the Procedural By-law:

**Suspending the Rules**

## A request to suspend the rules may be granted if Council agrees by 2/3 majority vote.

The Procedural By-law establishes the principles and rules to be used for meetings of Council and its Committees. The amendment proposed in this report continues to build upon the governance model established by the Procedural By-law.

**FINANCIAL CONSIDERATION:**

No financial implications.

**OTHER DEPARTMENT IMPLICATIONS:**

No other department implications.


**SUMMARY AND CONCLUSION:**

The Corporate Leadership Team has reviewed the amendments to the Procedural By-law and support the update being proposed.

**ATTACHMENTS**

N/A

**COUNCIL**  
**ECONOMIC DEVELOPMENT OFFICE**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

18-36

**REPORT EDO-2020-05**  
**June 2, 2020**

**SUBJECT: AGREEMENT OF PURCHASE AND SALE FOR 2.6 ACRES OF VACANT CITY OWNED LANDS ON DOWNS DRIVE IN THE NEW RIVER ROAD AND DOWNS DRIVE INDUSTRIAL PARK**

**AUTHOR: LINA DECHELLIS, ECONOMIC DEVELOPMENT OFFICER**

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

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND accepts the offer to purchase 2.6 acres of land on Downs Drive in our new River Road and Downs Drive Industrial Park.

THAT Welland City Council directs staff to prepare all the necessary documentation and by-laws relative to the transfer; and further

THAT the Mayor and City Clerk be authorized to execute all the necessary documents relative to the transfer; and further

THAT Welland City Council directs staff to deposit the revenues from the sale of these lands into the Economic Development Reserve Fund.

**COMMENTS AND ANALYSIS:**

At its meeting of March 6, 2018 Council approved the creation of a new industrial park located on River Road and Downs Drive to ensure the City has an inventory of serviced industrial land.

At its meeting of April 24, 2018 Council declared surplus to the City's needs lands located north of Ross Street and Downs Drive, east of River Road and south of the Young's Sportsplex soccer fields.

The City has received an offer from GDC Developments Inc. to purchase 2.6 acres of these lands located on Downs Drive.

**OTHER DEPARTMENT IMPLICATIONS:**

Clerks and Legal Divisions are involved to complete the sale of the property.

**FINANCIAL CONSIDERATION:**

GDC Developments Inc. has made an offer to purchase 2.6 acres on Downs Drive in the new industrial park, which is scheduled to close on September 4, 2020.

**SUMMARY AND CONCLUSION:**

At their May 19, 2020 Committee of the Whole meeting Council directed staff to proceed with the Offer to Purchase from GDC Developments Inc. for 2.6 acres of city-owned lands on Downs Drive in our new industrial park.

**ATTACHMENT:**

Appendix 1 – Key Map



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


Infrastructure and  
Development Services  
Planning Division

 Subject Property



**COUNCIL**  
**CORPORATE SERVICES**  
**TRANSIT DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

20-13

**REPORT TRANS-2020-07**  
**JUNE 2, 2020**

**SUBJECT: TEMPORARY TRANSIT SERVICE REDUCTIONS UPDATE**

**AUTHOR: DAVE STUART, TRANSIT MANAGER**

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

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives report TRANS-2020-07 – Temporary Transit Service Reductions Update.

**ORIGIN AND BACKGROUND:**

The service reductions commenced on March 29<sup>th</sup>, 2020 with the introduction of our Sunday level of service and on April 5<sup>th</sup>, 2020 the Community Bus level of service was implemented. Effective Monday, April 13, 2020, Welland Transit commenced the 'Reserve-A-Ride' level of service whereby residents are required to book their public transportation trip a minimum of 24 hours, and a maximum of two weeks, in advance of their desired date and time of travel. These calls are taken weekdays from 8 a.m. to 3 p.m. and the service operates from 8 a.m. to 6 p.m. Monday to Friday.

**COMMENTS AND ANALYSIS:**

The Reserve-A-Ride system is currently providing 20 to 35 passenger trips every weekday. All callers are asked a few questions to inquire whether they are exhibiting any signs of the COVID-19 virus. If they respond 'no' to the questions the Transit staff member endeavors to accommodate their desired trip. Naturally, if the resident has a greater level of schedule flexibility, the ability to assist them is enhanced. In addition, when the requests for trips at certain times are particularly heavy, Transit staff have been engaging a second bus to ensure a greater number of residents' requests are accommodated.

As customers board at the rear doors of the bus to ensure physical distancing from our Bus Operators, there have been no fares collected by Welland Transit since Sunday, March 22, 2020.

**FINANCIAL CONSIDERATION:**

As per the Motion passed by Council on Tuesday, May 19, 2020, which states;  
"That the Council of the City of Welland directs staff to create a report detailing the staffing and cost savings realized by the abovementioned temporary transit service reductions; and further, That this report be included in the Council Meeting scheduled for June 2, 2020."

Transit staff provide the following chart that includes the current Reserve-A-Ride costs and staff requirements, as well as the costs and staffing associated with our full (pre COVID-19) service levels.

<b>Service Type</b>	<b>Cost Per Month*</b>	<b>Cost Avoid. / Month</b>	<b>Staffing Required**</b>
Full Service	\$410,365	N/A	32
Sunday Service	\$142,688	\$267,677	13
Community Bus	\$72,800	\$337,565	8
Reserve-A-Ride	\$36,400	\$373,965	6

\*These values represent gross costs and thus, no fare revenues are applied.

\*\*Staffing levels include Bus Operators and Maintenance personnel for conventional and specialized (WellTrans) services.

Note: All cost and staffing values in the charts reference strictly Welland Transit and WellTrans municipally funded services. Thus, services provided under contract to the Region of Niagara or City of Port Colborne are not included.

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

Public transportation supports the initiatives of all departments, but during this pandemic the current Reserve-A-Ride service level will have little effect on other city departments.

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

The Reserve-A-Ride service has been in operation since Monday, April 13, 2020. Staff have been making every effort, including sending out an extra bus when needed, to accommodate the requests of residents during this challenging pandemic period. The gross cost differences between the full service level and the current Reserve-A-Ride are noted above. As additional businesses open and the province lifts restraints, the need for a greater level of service will be required to provide residents with enhanced independence and transportation options.

#### **ATTACHMENTS:**

Appendix 1 - This 'Transit Costing' spreadsheet provides further Sunday service level options and the associated costing and staffing requirements.

Appendix 2 – This graph visually depicts the dramatic decline in ridership since the pandemic onset in mid-March, 2020.



**Transit Costing - Full vs Sunday vs Community Bus vs Res.-A-Ride (May 26, 2020)**

Service Level										
Full Service	M - F Tot. Hrs	Sat. Tot. Hrs.	Sun. Tot. Hrs	Total Weekly	Sub Total	Travel Time	Total Hours	Spec. Hours	Total Hours	Total Cost/YR
Conv'l & Spec'd	560	79	32	671	34,892	5,234	40,126	6,773	46,899	\$4,924,374

Difference From Full Serv.	Monthly Cost/YR
\$0	\$410,365

**Sunday Hourly Service  
Conventional + 1 WellTrans\***

Service Level	Number Buses	Daily Hours
Sunday (10a - 6 p)	4	8
Sunday (10a - 6 p)	4	8
Sunday (10a - 6 p)	4	8
Sunday (8a - 6 p)	4	10
Sunday (8a - 6 p)	4	10
Sunday (10a - 6 p)	4	8
Sunday (8a - 6 p)	4	10

Days Per Week	Sub Total Hours	Travel Time	Conv'l Hours	Spec. Hours *	Total Hours	Total Cost/YR
5	8,320	1,248	9,568	2,080	11,648	\$1,223,040
6	9,984	1,498	11,482	2,496	13,978	\$1,467,648
7	11,648	1,747	13,395	2,912	16,307	\$1,712,256
5	10,400	1,560	11,960	2,600	14,560	\$1,528,800
6	12,480	1,872	14,352	3,120	17,472	\$1,834,560
1	1,664	250	1,914	104	2,018	\$211,848
7	14,560	2,184	16,744	3,640	20,384	\$2,140,320

Difference From Full Serv.	Avoided Cost/Month
\$3,701,334	\$308,445
\$3,456,726	\$288,061
\$3,212,118	\$267,677
\$3,395,574	\$282,965
\$3,089,814	\$257,485
\$17,654	\$257,505
\$2,784,054	\$232,005

**Community Bus + 1 WellTrans Bus**

Community Bus	2	10
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6	6,240	0	6,240	2,080	8,320	\$873,600
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\$4,050,774	\$337,565
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**Reserve-A-Ride + 1 WellTrans Bus**

Rserve-A-Ride	1	8
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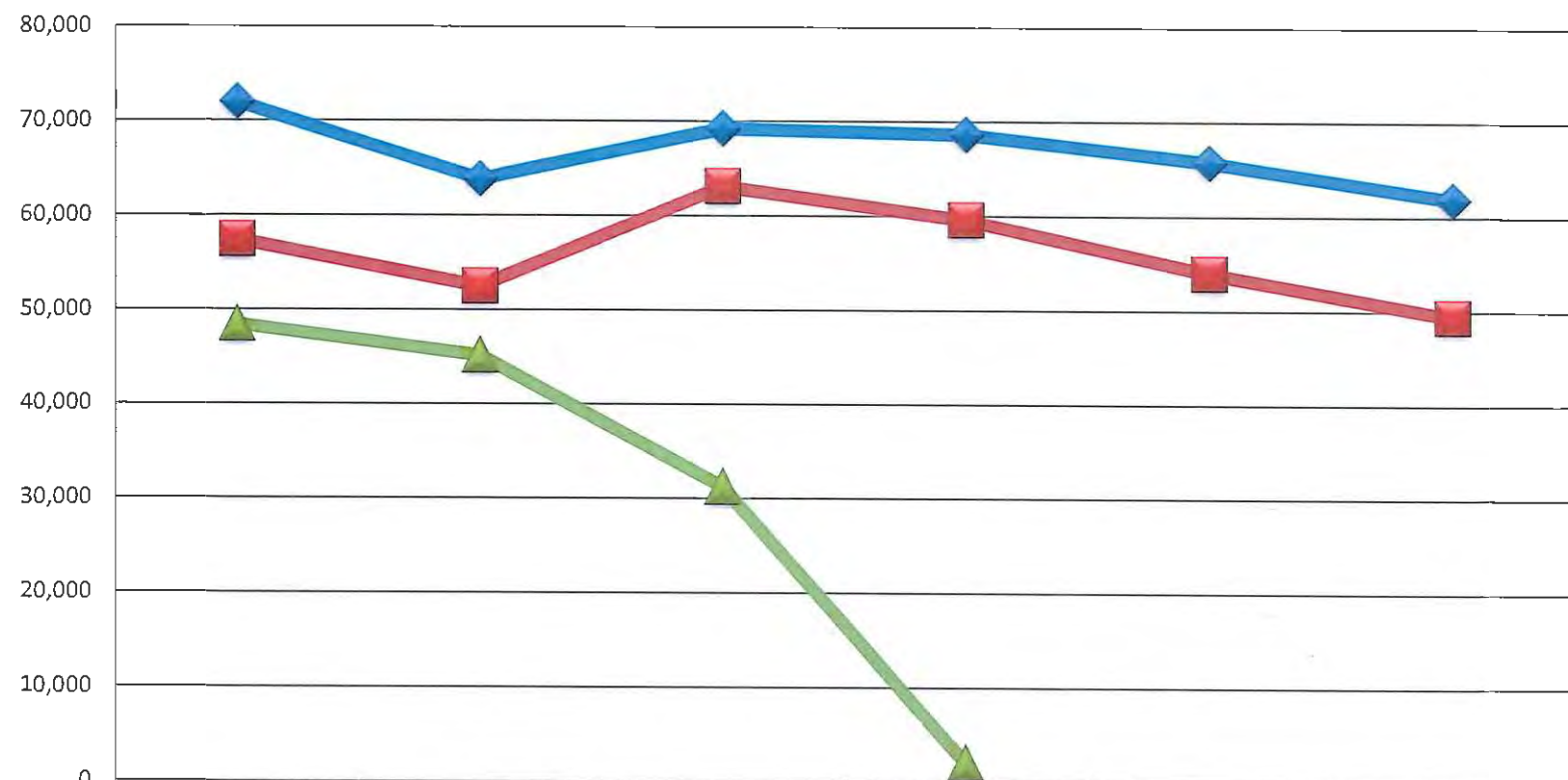
5	2,080	0	2,080	2,080	4,160	\$436,800
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\$4,487,574	\$373,965
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Specialized	120	8.25	2	130.25	6,773	0	6,773
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# Of Staff Required	Oper.	Mech/Ser	Rep.	Cleaners	Total F.T.E.
R-A-R	2	2/0	1	1	6
Community Bus	4	2/0	1	1	8
Sunday 10-6	7	2/0	2	1	13
Sunday 8-6	8	2/0	2	2	17
Full Service	20	2/1	2	2	32

### COVID Effect on Municipal Ridership



	Jan.	Feb.	Mar	Apr	May	Jun
2018	71,904	63,842	69,222	68,632	65,731	61,849
2019	57,410	52,491	63,099	59,597	53,986	49,419
2020	48,404	45,105	31,207	2,085		



## Q1 (January 1 to March 31, 2020) to Board of Directors

### Recommendation:

**That Niagara Regional Housing Quarterly Report January 1 to March 31, 2020 be APPROVED and FORWARDED to the Public Health and Social Services Committee and subsequently to Regional and Municipal Councils for information.**

Submitted by:

Donna Woiceshyn  
Chief Executive Officer

Approved by:

Walter Sendzik  
Chair

### Directors:

**Walter Sendzik, Chair**  
Regional Councillor  
St. Catharines

**Gary Zalepa, Treasurer**  
Regional Councillor  
Niagara-on-the-Lake

**Tom Insinna**  
Regional Councillor  
Fort Erie

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

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

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

**Karen Blackley, Secretary**  
Community Director  
Thorold

**Barbara Butters**  
Regional Councillor  
Port Colborne

**Leanne Villella**  
Regional Councillor  
Welland

Please call 905-682-9201 if you need this information in a different format or translated into another language.

**HIGHLIGHTS:**

**Application Activity**

**678** received & processed



**Work Orders**

**2,575** issued



**Capital Program**

42 purchase orders issued  
1 public tender closed  
1 project ongoing



**Rent Arrears**

= \$71,135.25

or **5.46%** of the monthly rent charges



**Community Resources & Partnerships**

offered supports to

**327**

new referrals



**43**

partners

**Non-Profit Housing Programs**

**62%** deemed HEALTHY



**Rent Supplement / Housing Allowance**

**1,457** units



**Niagara Renovates**



- Inspections on hold due to COVID-19
- 8 homeowners approved for funding

**Welcome Home Niagara**

4 homeowners received assistance  
1 was an NRH tenant



**Housing First Project**

**13**  
Individuals / families housed



**Appeals**

= **11** 7 upheld  
4 overturned



**New Development**

Hawkins/Dell

- Demolition complete
- Construction - spring 2020 but may be delayed due to COVID-19



## Q1 (January 1 to March 31, 2020)

### *VISION*

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

### *MISSION*

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

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

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



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



## Q1 (January 1 to March 31, 2020)

NRH 7-2020  
20-190-2.4.  
May 15, 2020  
Page 3 of 11

### 1. Public Housing (NRH Owned Units)

#### DAY-TO-DAY MAINTENANCE:

In Q1, **2,575 work orders** were issued, representing \$905,371.35. \$39,965.18 of this amount was charged back to tenants who were held responsible for damages.

	2019-Q1	2019-Q2	2019-Q3	2019-Q4	2020-Q1
<b># of work orders issued</b>	2,500	3,084	3,111	3,675	2,575

#### CAPITAL PROGRAM:

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

In Q1, 42 purchase orders were issued, 1 public tender closed and purchase orders issued \$1,569,627.

The Capital Program was responsible for one capital project and 41 purchase orders valued at \$1,569,627:

- one project - replacement of balconies and railings
- 41 RFPs and RFQs - various investigations, health and safety repairs, structural repairs and pavement retrofits

As of March 31, 2020, \$ 1,569,627 of the \$11.7 budgeted (excluding emergency) has been committed and or actually spent (13.41%).

#### TENANT MOVE OUTS:

##### Move Outs By Reason

Health	3	NRH Transfer	14
Long Term Care Facility	12	Moved to Coop or Non-Profit	2
Deceased	12	Bought a House	1
Private Rental	4	Left Without Notice	1
Voluntarily Left Under Notice	1	Other/None Given	10
Eviction – Tribunal	2	Cease to Qualify	0
		<b>TOTAL</b>	<b>62</b>

In Q1, there were **62 move outs**. Two involved eviction orders granted under the Ontario Landlord Tenant Board (LTB) – Arrears (one), Disturbances N5 (one). One of the evictions was enforced by the Sherriff.

	2019-Q1	2019-Q2	2019-Q3	2019-Q4	2020-Q1
<b># of move outs</b>	51	86	57	71	62



## Q1 (January 1 to March 31, 2020)

NRH 7-2020  
20-190-2.4.  
May 15, 2020  
Page 4 of 11

### ARREARS:

NRH Housing Operations actively works to reduce rent arrears but saw an increase in 2020-Q1 due to COVID-19 and tenant job loss while they await provincial benefits.

	Mar 31, 2019	Jun 30, 2019	Sept 30, 2019	Dec 31, 2019	Mar 31, 2020
<b>Rent charges for the month</b>	\$1,203,317.00	\$1,257,090.00	\$1,267,460.00	\$1,286,793.00	\$1,302,721.00
<b>Accumulated rent arrears</b>	\$35,736.89	\$34,004.39	\$35,549.21	\$36,134.21	\$71,135.25
<b>Arrears %</b>	2.97%	2.71%	2.80%	2.81%	5.46%

### INSURANCE:

In Q1, there were four property damage claims awaiting final costs with payout pending.

### COMMUNITY RESOURCES AND PARTNERSHIPS:

In Q1, we had partnerships with **43 community agencies** across Niagara. As a result of these partnerships, more than 200 support and enrichment activities were offered to tenants at NRH sites. Each partnership contributes to tenant lives and, in turn, the success of the Public Housing community as a whole:

- NRH began working with local partners to bring the Ontario Seniors Dental Care Program to eligible low-income seniors in NRH communities. Quest Health Centres, Centre De Sante and Bridges Health Centre facilitated presentations and applications for the program, which will provide dental benefits to seniors who do not have access through other government programs such as Ontario Disability Support Program (ODSP), Ontario Works (OW) or Non-Insured Health Benefits (NIHB).

Also during Q1, NRH Community Programs Coordinators (CPCs) offered support to **327 new referrals of tenants in need of assistance**. Of those new referrals, **59% were considered medium-high need**, (e.g. child safety concerns, eviction, social issues, cognitive concerns). In particular, there was an increase in the number of tenants needing help with supports and referrals to other agencies.



## Q1 (January 1 to March 31, 2020)

NRH 7-2020  
20-190-2.4.  
May 15, 2020  
Page 5 of 11

### 2. Non-Profit Housing Programs

As administrator of social housing for Niagara Region, NRH provides legislative oversight for **60 Non-Profit Housing Programs (non-profit and co-operative)**. Operational Reviews are conducted to determine the overall health of each.

	2019-Q1	2019-Q2	2019-Q3	2019-Q4	2020-Q1
<b>Healthy</b>	40	40	40	39	37
<b>Routine Monitoring</b>	18	17	17	18	21
<b>Intensive Monitoring</b>	0	1	1	1	0
<b>Pre-PID (Project in Difficulty)</b>	1	1	1	1	1
<b>PID (Project in Difficulty)</b>	1	1	1	1	1
<b>TOTAL</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>	<b>60</b>

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

### 3. Rent Supplement Program

In Q1, there were **1,457 Rent Supplement/Housing Allowance units** across Niagara. In the Rent Supplement program, tenants pay 30% of their gross monthly income directly to the private landlord and NRH subsidizes the difference up to the market rent for the unit. The Housing Allowance program is a short-term program that provides a set allowance to help applicants on the wait list.

	2019-Q1	2019-Q2	2019-Q3	2019-Q4	2020-Q1
<b>Fort Erie</b>	26	32	32	30	32
<b>Grimsby</b>	34	26	24	22	18
<b>Lincoln (Beamsville)</b>	11	11	11	13	14
<b>Niagara Falls</b>	235	239	240	239	237
<b>Niagara-on-the-Lake</b>	4	5	5	5	5
<b>Pelham</b>	20	19	19	19	17
<b>Port Colborne</b>	67	62	65	64	67
<b>St. Catharines</b>	741	780	773	778	798
<b>Thorold</b>	57	61	56	57	61
<b>Welland</b>	209	203	200	198	192
<b>West Lincoln</b>	15	15	15	16	16
<b>TOTAL</b>	<b>1,419</b>	<b>1,453</b>	<b>1,440</b>	<b>1,441</b>	<b>1,457</b>

Variance in the Rent Supplement program are a reflection of fluctuation between agreements ending and new agreements taken up with landlords.





## Q1 (January 1 to March 31, 2020)

NRH 7-2020  
20-190-2.4.  
May 15, 2020  
Page 6 of 11

An **In-Situ Rent Supplement Program** has been developed to engage new landlords and offer applicants on the Centralized Waiting List an opportunity to receive Rent-Geared-to-Income assistance where they currently live. This removes the need for moving related expenses and broadens the network of landlords in business with NRH.

In Q1, NRH initiated new agreements with **nine new landlords**.

### 4. Affordable Housing Program

#### NIAGARA RENOVATES PROGRAM:

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

Niagara Renovates inspections for new applicants for the 2020-2021 funding cycle have been placed on hold due to COVID-19. Inspections of completed work are being verified by homeowner photographs and formal inspections will take place as soon as possible and will include all areas inside and outside of the home to ensure compliance with program guidelines. Issues will be identified and a detailed Inspection Report provided to the homeowner.

NRH received \$545,920 through the Ontario Priorities Housing Initiative (OPHI) for all three streams of the program (Homeowner, Secondary Suite and Multi-Unit).

**Eight homeowners** have been approved for funding at this time and NRH is working toward re-opening these programs as we become more proficient at working under the COVID-19 rules.

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

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

NRH received \$200,000 through the Ontario Priorities Housing Initiative (OPHI) program in September 2019 to be committed by March 2020.

In Q1, **four homeowners** received assistance through Welcome Home Niagara. **One of these was an NRH tenant.**

	2019-Q1	2019-Q2	2019-Q3	2019-Q4	2020-Q1
# of homeowners assisted	0	4	6	7	4



## Q1 (January 1 to March 31, 2020)

NRH 7-2020  
20-190-2.4.  
May 15, 2020  
Page 7 of 11

### HOUSING FIRST PROGRAM:

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

In Q1, **13 individuals/families** were housed through the Housing First program. Since 2012, Housing First has helped 451 individuals/families.

	2019- Q1	2019- Q2	2019- Q3	2019- Q4	2020- Q1
# of individuals/families housed	10	23	15	16	13
# of Housing First units (at quarter end)	189	198	197	202	199

17 of these Housing First units were created with NRH's new development at 527 Carlton Street in St. Catharines.

### RENTAL HOUSING (NEW DEVELOPMENT):

#### NRH New Development

Hawkins Street/Dell Avenue, Niagara Falls		
Ontario Priorities Housing Initiative (OPHI)	\$3,000,000	20
Regional Development Charges / NRH Reserves	\$17,090,000	53
<b>TOTAL</b>	<b>\$20,090,000</b>	<b>73</b>

#### Hawkins Street/Dell Avenue

- Demolition of 12 houses complete
- Updated Topographical Survey complete
- Pre-qualification Tender of General Contractors closed on February 20 – 16 submitted proposals, seven were pre-qualified, six are predicted to tender
- Class B Cost Report was completed and issued on March 2
- Development Committee Meeting held on March 12
- Drawings and specifications completed on March 16
- Permit Application submitted on March 24
- Site Plan Agreement approved then registered by the City of Niagara Falls on March 30
- Investigating receipt of building permit prior to April 4
- Construction Tender Package issued on March 16 and will close on April 21
- Nine addendums issued thus far
- Tender Committee Meeting to be determined and pending review, construction contract recommendation to the NRH board
- Construction scheduled to start in late May or early June but may be delayed due to COVID-19 and provincial restrictions

**AFFORDABLE HOUSING UNIT #'S BY MUNICIPALITY:**

<b>Fort Erie</b>		<b>Grimsby</b>		<b>Lincoln (Beamsville)</b>		<b>Niagara Falls</b>	
NRH Owned	116	NRH Owned	55	NRH Owned	61	NRH Owned	884
Housing Providers	389	Housing Providers	0	Housing Providers	41	Housing Providers	828
Rent Supplement	31	Rent Supplement	22	Rent Supplement	12	Rent Supplement	239
New Development	0	New Development	0	New Development	0	New Development	140
<b>NOTL</b>		<b>Pelham</b>		<b>Port Colborne</b>		<b>St. Catharines</b>	
NRH Owned	40	NRH Owned	0	NRH Owned	88	NRH Owned	1,017
Housing Providers	0	Housing Providers	0	Housing Providers	139	Housing Providers	1,666
Rent Supplement	5	Rent Supplement	19	Rent Supplement	64	Rent Supplement	775
New Development	0	New Development	0	New Development	35	New Development	346
<b>Thorold</b>		<b>Welland</b>		<b>West Lincoln (Smithville)</b>		<b>Region-wide</b>	
NRH Owned	29	NRH Owned	394	NRH Owned	0	NRH Owned	2,684
Housing Providers	85	Housing Providers	425	Housing Providers	86	Housing Providers	3,659
Rent Supplement	57	Rent Supplement	194	Rent Supplement	15	Rent Supplement	1,433
New Development	46	New Development	167	New Development	0	New Development	734

\* There are no affordable housing units in Wainfleet

## 5. Service Manager Responsibilities

### APPEALS:

In Q1, **11 appeals** were heard (one more than in 2019-Q1). Three appeals had to be postponed in March due to COVID-19 restrictions.

- Four related to ongoing RGI eligibility for failure to provide information (one with illegal occupants) – one UPHELD, three OVERTURNED (two with conditions)
- Two related to review of rent charge – both UPHELD
- Five for Urgent Status decisions made by Housing Access – four UPHELD, one OVERTURNED

	2019-Q1	2019-Q2	2019-Q3	2019-Q4	2020-Q1
# of appeals	10	12	10	11	11

### INVESTMENTS:

See Appendix A – Investment Report

## 6. Housing Access Centre & Centralized Waiting List

### APPLICATION ACTIVITY:

# of Applications Received & Processed	678	# of Eligible Applications	656
# of Special Provincial Priority Status Applications	85	# of Ineligible Applications	22
# of Urgent Status Applications	103	# of Cancelled Applications	216
# of Homeless Status Applications	150	# of Applicants Housed	119

In Q1, **216 households were removed** from the Centralized Waiting List because they were no longer eligible, they found alternate housing or we were unable to make contact.

## Q1 (January 1 to March 31, 2020)

## CENTRALIZED WAITING LIST:

		2019- Q1	2019- Q2	2019- Q3	2019- Q4	2020- Q1
		# of households				
<b>A</b>	<b>Rent-Geared-to-Income (RGI) waiting list:</b>					
	Niagara resident RGI waiting list	4,715	4,926	5,012	5,154	5,322
	Applicants from outside of Niagara	793	849	897	977	1,045
	<b>TOTAL RGI waiting list:</b>	<b>5,508</b>	<b>5,775</b>	<b>5,909</b>	<b>6,131</b>	<b>6,367</b>
	<b>Housing Allowance:</b> a set allowance to help applicants on the waiting list with affordability in the private market until housed in an RGI unit	704	742	747	742	739
<b>A1</b>	<b>RGI waiting list demographics:</b>					
	Seniors	2,257	2,344	2,362	2,455	2,514
	Adults no dependents	1,805	1,881	1,922	1,979	2,041
	Adults with dependents	1,446	1,550	1,625	1,697	1,812
<b>A2</b>	<b>RGI list further segmented (#'s included in A &amp; A1):</b>					
	<b>SPP – Special Provincial Priority (Ministry Priority):</b> helps victims of violence separate permanently from their abuser	128	148	165	148	146
	<b>URG – Urgent (Local Priority):</b> for applicants with mobility barriers and/or extreme hardship where their current accommodation puts them at extreme risk and/or causes hardship	117	109	130	142	152
	<b>HML – Homeless (Local Priority):</b> provides increased opportunity for placement to homeless households	971	1,012	1,007	1,075	1145
	<b>SUP – Supportive/Transitional:</b> provides targeted, provisional services to assist individuals to transition beyond basic needs to more permanent housing	15	11	12	16	23
<b>B</b>	<b>In addition, NRH manages:</b>					
	<b>Overhoused:</b> households who are living in subsidized accommodation with more bedrooms than they are eligible for	180	176	181	174	176
	<b>Transfer:</b> households who are currently living in subsidized accommodation and have requested a transfer to another provider	564	573	603	613	635
	<b>TOTAL RGI households on waiting list managed by NRH:</b>	<b>6,252</b>	<b>6,524</b>	<b>6,693</b>	<b>6,918</b>	<b>7,178</b>
<b>C</b>	<b>NRH maintains a waiting list for market rent units (62 Non-Profit Housing Programs):</b>					
	<b>Market:</b> applicants who have applied for a market rent unit in the Non-Profit Housing Programs portfolio	667	723	752	784	810
	<b>TOTAL households on waiting list managed by NRH:</b>	<b>6,919</b>	<b>7,274</b>	<b>7,445</b>	<b>7,702</b>	<b>7,988</b>
	<b>TOTAL individuals on waiting list managed by NRH:</b>	<b>11,884</b>	<b>12,577</b>	<b>13,059</b>	<b>13,587</b>	<b>14,197</b>

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

**ESTIMATED WAIT TIMES:**

CITY	SENIORS Age 55 and older		SINGLES Age 16-54		HOUSEHOLDS WITH DEPENDENTS			
	Bachelor	1 Bed	Bachelor	1 Bed	2 Bed	3 Bed	4 Bed	5 Bed
	YEARS							
Fort Erie	-	10	3	10	2	2	5	-
Grimsby	-	5	-	-	-	-	-	-
Lincoln	-	4	-	9	10	9	-	-
Niagara Falls	5	6	-	17	8	3	11	15
Niagara-on-the-Lake	-	5.5	-	-	-	-	-	-
Pelham	-	10	-	-	-	-	-	-
Port Colborne	-	5	-	11	4	4	3	-
St. Catharines	-	6.5	9	13	3.5	4	10	11
Thorold	-	9	-	11	6	10	-	-
Welland	-	5.5	6	15	7	2.5	7	6
West Lincoln	-	4.5	-	-	7	5	-	-

- no units of this size available in this community

January 2019

Please note:

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



## Community Services

### Legislative Services

May 20, 2020

The Right Honourable Justin Trudeau  
 Prime Minister  
 House of Commons  
 Ottawa, ON K1A 0A6  
[Justin.trudeau@parl.gc.ca](mailto:Justin.trudeau@parl.gc.ca)

The Honourable Doug Ford,  
 Premier of Ontario  
 Room 281, Legislative Building, Queen's Park  
 Toronto, ON M7A 1A  
[premier@ontario.ca](mailto:premier@ontario.ca)

Honourable and Dear Sirs:

**Re: COVID-19 - Personal Facial Masks**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 19, 2020 passed the following resolution for your action:

**Whereas** the Federal and Provincial governments have been guided by advice from science and health professionals to date in dealing with the COVID-19 emergency and should continue to do so, and

**Whereas** Canadians have been asked to stay at home and maintain physical distance from others if they go out to help flatten the curve of COVID-19, and

**Whereas** the Federal and Provincial Governments are beginning to expand the scope of businesses allowed to operate, and locations where people may go as the economy is reopened, and

**Whereas** there will be more businesses opening up, more individuals returning to work, and more patronage in local area businesses that will assist in moving the economy forward in a positive direction, and

**Whereas** given that more people will be coming into closer contact with each other, there is a risk for the spread of the Novel Coronavirus to rise as a direct result, and

**Whereas** it would be wise to add to the government's plan to mitigate that risk by implementing a policy and directive with respect to the wearing of non-medical masks when physical distancing is not possible, and

**Whereas** local, national and global Public Health Officials agree that there are individuals who disclose or display no symptoms who may be carriers of the virus, those who have mild symptoms and are about to get sick, as well as those who are sick but don't know that they are infected with COVID-19, who could transmit the virus, and

.../2

Mailing Address:

The Corporation of the Town of Fort Erie  
 1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)

**Whereas** Canada's Chief Public Health Officer, Doctor Theresa Tam, has recently issued new advice for Canadians to wear a non-medical face mask to help cut down the spread of the Novel Coronavirus to others by reducing the chance of respiratory droplets coming into contact with others or landing on surfaces, and

**Whereas** there remains some discord among health authorities as to the efficacy of wearing facial masks, but there seems to be clear agreement that in some circumstances a facial mask will assist in reducing the risk of the wearer spreading the virus, and

**Whereas** facial masks for personal use need not be medical grade but can be made out of readily available things in people's homes such as scarves, bandanas, sheets, denim and cotton shirts as examples, and

**Whereas** Canadians can help by taking this additional measure when there are situations where proper physical distancing from others is difficult;

**Now therefore be it resolved,**

**That:** The Council of the Town of Fort Erie hereby requests the Prime Minister of Canada and the Premier of Ontario to consider implementing policies regarding the wearing of masks when social distancing is not possible and within essential services such as grocery stores, pharmacies and the like, as society is reopened following the current emergency, and further

**That:** Any such policies remain in place until such time that it can be demonstrated that the curve of the virus spread has been flattened and the outbreak is contained, and further

**That:** The Federal and Provincial governments adopt an educational program providing instruction on how to make your own personal facial mask, proper use of a facial mask in the circumstances specified, and safe handling procedures of a facial mask, and further

**That:** A copy of this resolution be circulated to The Right Honourable Justin Trudeau, Prime Minister, The Honourable Doug Ford, Premier of Ontario, Wayne Gates, MPP-Niagara Falls, The Regional Municipality of Niagara, and all Niagara Area Local Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.  
 Manager, Legislative Services/Clerk  
[cschofield@forterie.ca](mailto:cschofield@forterie.ca)

CS:dlk

Cc:

Sent via email:

Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario [wgates-co@ndp.on.ca](mailto:wgates-co@ndp.on.ca)

The Regional Municipality of Niagara

Niagara Area Municipalities





## Community Services

### Legislative Services

May 20, 2020

Sent via email: [christine.elliott@pc.ola.org](mailto:christine.elliott@pc.ola.org)

The Honourable Christine Elliott, Minister of Health  
 Ministry of Health  
 5th Floor, 777 Bay Street  
 Toronto, ON M7A 2J3

Honourable and Dear Madam:

**Re: Support of the Medical Staff Association of Niagara Health and the Medical Academies of Lincoln, Niagara and Welland - Ministry of Health Billing Codes for the Provision of Virtual Care - COVID-19**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of May 19, 2020 passed the following resolution for your action:

**Whereas** the Medical Staff Association of Niagara Health and the Medical Academies of Lincoln, Niagara and Welland, have collectively requested municipal support by way of a letter dated May 11, 2020, and

**Whereas** the Ministry of Health has implemented billing codes for the provision of virtual care, and

**Whereas** these billing codes will not be paid to physicians in a timely manner, and

**Whereas** this will result in office closures and patients losing their physicians and becoming orphaned;

**Now therefore be it resolved,**

**That:** The Municipal Council of the Town of Fort Erie supports the letter dated May 11, 2020 from the Medical Staff Association of Niagara Health and the Medical Academies of Lincoln, Niagara and Welland, and further

**That:** The Municipal Council of the Town of Fort Erie hereby requests the Ministry of Health to ensure physicians are paid in a timely manner and that they are supported in a manner that does not result in offices being closed and patients being orphaned, and further

.../2

Mailing Address:

The Corporation of the Town of Fort Erie  
 1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: [www.forterie.ca](http://www.forterie.ca)

20-64

**That:** A copy of this resolution be circulated to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Minister of Health, Wayne Gates, MPP-Niagara Falls, Sam Oosterhoff, MPP-Niagara West-Glanbrook, Jennifer Stevens, MPP-St. Catharines, Jeff Burch, MPP-Niagara Centre, The Regional Municipality of Niagara, and all Niagara Area Local Municipalities, for their support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.

Manager, Legislative Services/Clerk

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CS:dlk

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The Regional Municipality of Niagara

Niagara Area Municipalities