



COUNCIL MEETING AGENDA

**Tuesday, November 3, 2020
7:00 P.M.**

**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 November 5, 2020 at 8:00 p.m.

**1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:15 p.m.)
(See yellow tab)**

- Security of the property of the municipality or local board; proposed or pending acquisition or disposition of land by the municipality or local board; and a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; and
 - *Central Fire Hall.*
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
 - *Urban Boundary legal proceedings.*
- Proposed or pending acquisition or disposition of land by the municipality or local board;
 - *Land Sale update.*

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 October 20, 2020 and Special Council Meeting of October 27, 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



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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)

12-96 Harold Elston, Integrity Commissioner re: Council Compliant Reports.
(Background information included in Council members packages).

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

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

20-4 Councillor McLeod, Chair, Budget Review Committee - meeting of October 27, 2020.

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 McLeod)

20-43 WHEREAS, constituents expect their system of representation to improve over time; and
WHEREAS, Regional Council decision making impacts the municipalities they serve; and
WHEREAS, as a full understanding of both regional and municipal issues will optimize regional decisions and vice-versa; and
WHEREAS, it is in the best interest of Welland's citizens and those throughout the region to have Regional decisions aligned with municipality realities.



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NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region of Niagara adapt a resolution permitting the City of Welland to use the 'Double-Direct Method' of electing City and Regional Councillors. Whereby the mayor and two other members of council will serve both the Niagara Regional Council and Welland City Council, while the remaining 10 Councillors be permitted to serve strictly Welland City Council. And further that this resolution be circulated to all municipalities in the Region of Niagara for their support and consideration.

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 3rd day of November, 2020. Ref. No. 20-1

10. ADJOURNMENT



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AGENDA BLOCK

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

Referred from the October 20, 2020 Council Meeting.

- 1 **20-26** Petition signed by residents of Weller Avenue re: Sidewalks be placed only on the north side of Weller Avenue.
- 2- 92 **P&B-2020-58** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Application for Draft Plan of Subdivision (File No. 26T-14-20004) submitted by Upper Canada Consultants for lands on the east side of the Kingsway, south of Talbot Avenue, west of the Welland Shipping Canal, specifically described as lots 30-38 (inclusive), plan 54, former Township of Humberstone, now plan 813, City of Welland, municipally known as 180 Kingsway. Ref. No. 20-96
- #### **2. COMMITTEE AND STAFF REPORTS**
1. **Business Arising from Committee-of-the-Whole (closed)**
2. **General Committee Report to Council - Nil**
- 93 3. **Budget Review Committee Report to Council - October 27, 2020**
4. **Staff Reports**
- 94 - 98 **TRAF-2020-08** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Use of Administrative Penalties for the Enforcement of the Sidewalk Snow Clearing By-law. Ref. No. 08-62/20-22 (See By-laws 1 & 2)
- 99 - 143 **P&B-2020-65** Gen. Mgr., Infrastructure and Development Services, T. Fitzpatrick - Proposed New Building By-law. Ref. No. 05-120



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3. NEW BUSINESS

- 144 - 145** 1. Rodger Bonneau, Mayor, Township of Asphodel-Norwood re: Cannabis Production. Ref. No. 18-87

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Township Asphodel-Norwood dated October 7, 2020 regarding Cannabis Production.

4. BY-LAWS

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

1. A By-law to amend By-law 2008-185, being a By-law requiring property owners to clear snow and ice from the public sidewalk adjacent to their property within twenty four hours of the substantial end of a snowfall or precipitation event. Ref. No. 08-62 (See Report TRAF-2020-08)
2. A By-law to amend By-law 2019-34, being a By-law to establish an administrative penalty system for non-parking related offences. Ref. No. 20-22 (See Report TRAF-2020-08)
3. 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, 2019; and to repeal By-laws 2020-86, 2020-29, 2019-157, 2016-81, 2013-156 and 2013-56. Ref. No. 20-38 (See Reports LGL-2020-01 and P&B-2020-65 from the October 27, 2020 Budget Review Committee Meeting)

PRESCRIBED FORM OF PETITION

To: The Council of the City of Welland
 c/o City Clerk
 60 East Main Street
 Welland, ON L3B 3X4



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

We the homeowners of Weller Ave
Respectfully request that there only
be sidewalks placed on the North side
of Weller Ave. The sidewalk on the South
side of Weller Avenue be removed from the Plan.

Swth
 Forrester

PRINTED NAME	PRINTED ADDRESS	SIGNATURE
DR & Mrs S. M. RAU	6 WELLER AVE	[Signature]
JOHN BOON	22 WELLER AVE	[Signature]
Tim Michalak	26 WELLER AVE	[Signature]
Martha Barnes	32 WELLER AVE.	[Signature]
Tom Kares	31 WELLER AVE	[Signature]
JASON MICHELIN	27 WELLER AVE	[Signature]
Dave Granger	21 WELLER AVE	[Signature]
RICHARD KAY	39 WELLER AVE	[Signature]
David Tucker	40 WELLER AVE	[Signature]
John Seebach	44 WELLER AVE	[Signature]
KATHRYN DIXON	45 WELLER AVE	[Signature]
JILL CAMPBELL	49 WELLER AVE.	[Signature]
JOHN DUGUID	50 WELLER AVE	[Signature]
JOE SILVA	15 WELLER AVE	[Signature]
RYAN MCCOMBER	56 WELLER AVE	[Signature]

By signing this petition, I hereby acknowledge that this petition will become a record belonging to the City of Welland and that all information contained in this petition will be available for viewing by the public and may be reproduced in a future Council Agenda.

20-26



APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

INFRASTRUCTURE AND DEVELOPMENT SERVICES

**REPORT P&B-2020-58
OCTOBER 20, 2020**

20-96

SUBJECT: APPLICATION FOR DRAFT PLAN OF SUBDIVISION (FILE NO. 26T-14-20004) SUBMITTED BY UPPER CANADA CONSULTANTS FOR LANDS ON THE EAST SIDE OF THE KINGSWAY, SOUTH OF TALBOT AVENUE, WEST OF THE WELLAND SHIPPING CANAL, SPECIFICALLY DESCRIBED AS LOTS 30-38 (INCLUSIVE), PLAN 54, FORMER TOWNSHIP OF HUMBERSTONE, NOW PLAN 813, CITY OF WELLAND, MUNICIPALLY KNOWN AS 180 KINGSWAY

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

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

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

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Draft Plan of Subdivision for lands legally described as Lots 30-38 (inclusive) Plan 54, former Township of Humberstone, now Plan 813, City of Welland, municipally known as 180 Kingsway, for the development of 21 single detached dwellings, one block for multiple residential dwellings, and one environmental block, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or onsite works be commenced prior to the registration of a subdivision agreement on the property.
3. All construction must be in accordance with the City of Welland Municipal Standards.

4. That the owner agrees to gratuitously provide any permanent easement(s) required by other agencies or utilities, free and clear of all encumbrances.
5. That the owner dedicates Block 23 to the City of Welland for environmental conservation purposes, free and clear of all encumbrances.
6. A comprehensive stormwater management plan shall be submitted to the Engineering Department for review and approval.
7. The outlet for this storm run-off shall be reviewed and determined to be adequate for the amount of run-off designed. If any upgrades to the outlet storm channel from the development to the recreational waterway, these costs shall be borne by the developer.
8. A comprehensive civil engineering design shall be submitted to the City for review and approval.
9. All re-instatements to existing roadways shall be to as good or better condition.
10. A pre-construction survey of all existing housing units shall be undertaken to protect the City, the contractor, and the residents for insurance purposes.
11. That the owner implements any and all construction measures identified in the Geotechnical Report prepared by Landtek Limited at the time of Building Permit.
12. That the applicant will pay Cash-in-Lieu of Parkland Dedication at the time of Building Permit, in accordance with the City of Welland policies.
13. A grading plan prepared by a qualified professional to the satisfaction of the City and NPCA showing the total limit of development and site alteration.
14. An Erosion and Sediment Control Plan be prepared by a qualified professional to the satisfaction of the NPCA.
15. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer. In support of the Work Permit application, the following information will be required:
 - a. A buffer planting plan.

- b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
16. That the Developer provide 1.5 metre high chain link fencing along the rear lot line of Lots 1 to 10 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
17. That the Developer provide limit of work fencing along the rear lot line of Lots 1 to 10 inclusive and to the satisfaction of the Niagara Peninsula Conservation Authority.
18. That prior to approval of the final plan, the owner shall submit a copy of a Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended, to the Niagara Region Planning and Development Services Department to address the change in use of the previously commercial lands at 180 Kingsway.
19. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the Phase 2 Environmental Site Assessment (ESA).
20. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.

21. That the owner submit an air quality (odour) and noise assessment to determine potential impacts from the nearby Dain City Sewage Pumping Station (135 Talbot Avenue) to the satisfaction of Regional Planning and Development Services. Note: the air quality assessment for odour and/or noise assessment may be subject to peer review, at the expense of the owner/developer.
22. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the air quality and noise assessments required.
23. That the subdivision agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include any warning clauses required, and the following clause:

“Due to the proximity of the subdivision lands to the Dain City Sewage Pumping Station, Purchasers/Tenants are advised that, despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development.”
24. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.
25. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
26. That a Buffer Planting Plan be prepared for Regional staff approval, preferably by a full member of the Ontario Association of Landscape Architects (OALA), to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.
27. A Grading Plan is to be developed and provided to Regional staff for approval in order to ensure the surface water flows associated with rear of Lots 1 through 7, and Lots 10 through 15 are directed to the wetland area.
28. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.

29. That the Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
30. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional staff approval.
31. That the subdivision agreement between the owner and the City of Welland contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, and Tree Saving Plan.
32. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.
33. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
34. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is

registered and that any pre-servicing will be at the sole risk and responsibility of the owner.

35. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
36. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
37. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
38. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.
39. Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. that the home/business mail delivery will be from a designated Centralized Mail Box.
 - b. that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
40. The owner further agrees to:
 - a. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post

until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- b. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes.
- c. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
- d. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

41. That prior to granting approval for the Final Plan of Subdivision, City of Welland Planning Division will require written notice from the following upon their respective Conditions of Draft Plan Approval have been met satisfactorily:

Niagara Peninsula Conservation Authority: 13, 14, 15, 16, 17

Region of Niagara Conditions: 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38

Canada Post Conditions: 39, 40

42. That if Final Approval is not given to this Plan within three (3) years of the approval date, and no extensions have been granted, Draft Approval shall lapse. If the Owner wishes to request extension of Draft Plan Approval, a written request with reasons why the extension is required and the applicable application fee, must be received by the City prior to the lapsing date; and

THAT Welland City Council authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

ORIGIN AND BACKGROUND:

A complete application for Draft Plan of Subdivision was submitted on April 3, 2020 and was deemed complete on April 21, 2020.

COMMENTS AND ANALYSIS:

The Proposal

The proposal that was originally submitted proposed the creation of 31 single detached dwellings and one block for environmental conservation purposes. Based on preliminary comments from the Niagara Peninsula Conservation Authority, the draft plan was amended to increase the size of the environmental block, and to propose 21 lots for single detached dwellings and one block for up to 10 townhouse dwellings. A further revision was made to the plan in September, 2020 to again increase the size of the environmental block. No changes to the number of units has been proposed in the revised drawings.

The Site

The lands are located on the east side of the Kingsway, south of Talbot Avenue. The lands are primarily vacant, with a former building located along Kingsway that was used as the location of the Walk-on Dust operation.

Surrounding Land Uses

The lands to the north are used for low density residential. To the east is environmentally sensitive lands that were dedicated to the City and contain a locally significant wetland. The lands to the south are low density residential uses and natural heritage lands. To the west is the Kingsway and the Welland Recreational Canal.

Agency Comments

Enbridge Gas Inc.
(May 5, 2020)

- No objections.
- The applicant shall contact Enbridge Gas Inc's Customer Connections department to determine gas availability, service, and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.
- In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

City of Welland
Infrastructure and
Development Services –
Building Division
(April 23, 2020)

- Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

- Subject lands are located within the regulated area of Niagara Peninsula Conservation Authority therefore approval by the NPCA will be required prior to issuance of building permits.
- A subsurface Geotechnical report prepared by Landtek Limited, and dated March 29, 2019; indicates that the shallower, organic-rich silty clay deposits are not considered suitably competent as founding soils. Therefore, it is recommended that a Geotechnical Engineer should be engaged during construction to examine the exposed sub-soil quality and condition, and confirm the subsurface conditions are consistent with design assumptions. It is also recommended that water proofing measures are included in the foundation design in compliance with the Ontario Building Code.
- Phase 1 Environmental Site Assessment Report prepared by Wood Environmental and Infrastructure Solutions and dated April 3, 2020 recommends that Phase 2 be carried out to address the contaminants discovered during the Phase 1 assessment.
- The Functional Servicing Report prepared by Upper Canada Consultants indicates sufficient water and sanitary sewer capacity for the proposed development.
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in

the Special Conditions and Building Restrictions of the Subdivision Agreement.

- The Noise Feasibility Study prepared by HGC Engineering Ltd. Recommends that dwelling units affected by excessive noise levels as determined by the MEPC guidelines, should be designed for future installation of air conditioning units and that future occupants be advised to that effect through warning clauses as part of the subdivision approval process.
- Canada Post Corporation
(April 30, 2020)
- No objections to the proposed application. Has requested a number of conditions of Draft Plan Approval which have been included.
- City of Welland
Infrastructure and
Development Services –
Engineering Division
(August 14, 2020)
- No objections to the application. A number of conditions of Draft Plan Approval have been requested and included.
- City of Welland
Infrastructure and
Development Services –
Traffic, Parking & Bylaws
Division
(August 13, 2020)
- The applicant will be responsible for installation of streetlights on Regatta Drive, as well as at the future intersection of Kingsway/Regatta.
- Welland Hydro and
Electric System Corp.
(April 14, 2020)
- No objections to the application.
 - The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements.
 - If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.
 - If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense the necessary registered easements.

Niagara Peninsula
Conservation Authority
(July 13, 2020)

- The proposed development must meet the clearance requirements of Section 3.1.19.1 “Clearance to Buildings” of the Ontario Building Code.
- The NPCA has reviewed the application for Draft Plan of Subdivision and associated studies.
- The subject lands contain a watercourse and the Seaway Wetland Complex, which is a locally significant wetland. Both of these features are regulated by the NPCA.
- The applicant has proposed to remove some of the wetland and offset/compensate for the loss elsewhere on the property, with approximately 946 square metres removed and 1613 square metres being replaced. This is not permitted in NPCA policy.
- The NPCA’s policies is to firstly to promote the conservation of land through the protection of wetlands. It is not the intent of the NPCA’s policies to be used to facilitate a higher density where a development can otherwise be achieved on the site. The intent of the is a “last resort” where there is no feasible alternative.
- In reviewing the proposed Draft Plan, maintain a 15 metre buffer (where it can be demonstrated that a 15 metre buffer will sufficiently protect the ecological and hydrological function of the wetland) would result in the loss of approximately 6 lots. There is still sufficient room to accommodate the municipal road. There may be opportunities to reconfigure the existing lots to increase the density. Given this, the NPCA cannot support the proposed Draft Plan as presently shown as it does not maintain the intent of NPCA policies.
- The applicant has amended their application subsequent to the NPCA’s comment letter dated

Niagara Peninsula
Conservation Authority

(September 30, 2020)

July 13th 2020. The NPCA has reviewed the Canal Estates Revised Plan, DWG No. 17117-DP Rev.1 dated February 25th, 2020 printed September 17th, 2020 prepared by Upper Canada Consultants, and an Environmental Impact Study Addendum prepared by Beacon Environmental, dated September 3rd, 2020.

- Based on the review of the two above mentioned studies, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.
- Conditions of Draft Plan Approval have been requested and included.

Region of Niagara
Planning & Development
Services
(September 3, 2020)

- The Region of Niagara has reviewed the application based on the information provided, as well as in conjunction with applicable Provincial and Regional Policies.
- Based on the EIS submitted with the application, there are additional items which must be provided prior to the Region providing support to this application. The required information has been provided to the applicant for their review and information.

Region of Niagara
Planning & Development
Services
(September 23, 2020)

- The subject lands are located within the Provincially designated Built-up Area of the City of Welland. Accordingly, the residential growth will contribute towards the City's annual residential intensification target of 40%. Regional staff note that the proposed subdivision will include both single detached dwellings and townhouse dwelling units to provide a range of housing types.
- Due to the change in use from a previous commercial use on the subject lands (180 Kingsway) to a proposed residential subdivision development, a Record of Site Condition (RSC)

under Provincial environmental legislation with the Ministry of the Environment, Conservation and Parks (MECP) is required. A Phase 1 ESA was completed for the property which identified that a Phase 2 ESA would be required prior to the submission for a RSC.

- The development proposes residential use, which is considered a 'sensitive land use' as outlined in the guidelines, in proximity to the industrial use (sewage pumping station). The D1 and D6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity.
- According to the Planning Justification Report (dated April 2020, prepared by Upper Canada Consultants), correspondence between the Region and agent indicated that this requirement could be addressed as a condition of draft plan approval. As such, conditions have been included requiring the completion of a Noise Impact Study and Odour Study and implementation of associated warning clauses in the subdivision agreement. The air quality and noise study will need to be peer reviewed in order to verify that the findings, mitigation and recommendations are sufficient to satisfy Provincial and Regional policy and the aforementioned Ministry guidelines. Any recommendations or mitigation measures may result in required changes to the site layout.
- Regional Environmental Planning staff have reviewed the originally submitted EIS, the EIS Addendum, and the revised Draft Plan to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. Staff do not object to the development proposal

in principle, provided all required authorizations are received from applicable regulatory agencies and the mitigation measures identified in the EIS are incorporated into all future plans.

- Regional staff have reviewed the preliminary stormwater management and the site servicing plans and have no concerns. Conditions regarding their implementation have been included.
- Conditions of Draft Plan Approval have been requested and included as part of the recommendation for this development.

A virtual Public Open House was held on August 27, 2020 to gain public input regarding the proposed applications. Six (6) members of the public participated in the Information Meeting, in addition to agent for the applicant. The following comments and concerns were raised at the Public Information Meeting:

- Lot frontages smaller than those lots on Regatta Drive and Talbot Avenue;
- Geotechnical issues in the area;
- Has an environmental review of the former cleaning business been completed;
- Environmental concerns regarding the animals and plants on the property and the impact of the development on the natural area;
- Is there a tree savings plan; and,
- Stormwater and drainage issues in Dain City and capacity concerns with new development.

The Statutory Public Meeting under the Planning Act was held on September 15, 2020. Two people spoke at that meeting and raised questions and concerns regarding the natural environment impacts associated with the development of the property, drainage, and infrastructure limitations with only one access into Dain City.

At the time of writing this report, six (6) letters have been submitted from a members of the public regarding the application. The comments in the letters were the same as those that were raised at the Public Information Meeting and the Public Meeting.

Provincial Policy

Section 51(24) of the *Planning Act* requires that all in the review of all proposals for Plans of Subdivision, regard must be had for to the health, safety, convenience,

accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- (a) The protection of ecological systems, including natural areas, features, and functions;
 - The property is impacted by a locally significant wetland and a stream that runs through the southern portion of the property. The lands have also been identified as having a significant woodland on the property.
 - An EIS has been completed for the property which has identified that the removal of the woodland will not negatively impact the surrounding natural area, but that the Locally Significant Wetland and the watercourse, which has been identified as a fish habitat, should be protected for the long term.
- (b) the protection of agricultural resources of the Province;
 - The subject lands are not part of the City's Agricultural lands.
- (c) the conservation and management of natural resources and the mineral resource base;
 - There are no known natural resources on this property.
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
 - The property is not impacted by any features of architectural, cultural, historical, or archaeological interest. No ANSI's have been identified on the property, but the area identified as Locally Significant Wetland, watercourse, and fish habitat will be protected.
- (e) the supply, efficient use and conservation of energy and water;
 - The proposal does not include any information regarding energy and water conservation methods that will be implemented at the time of construction. The Ontario Building Code includes requirements for

- energy efficiency must be incorporated into all new home construction.
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- The property is within the City's Urban Area and can be supplied with municipal infrastructure. There are no capacity issues that will be created as a result of this development.
 - The developer will be responsible for extending the water, sanitary, and storm sewers to service the new development, in addition to constructing the municipal road network. There is available capacity within the municipal system to accommodate the proposed development.
 - The development will extend Regatta Drive to connect to Kingsway.
- (g) the minimization of waste;
- The property will be serviced by Regional waste collection.
- (h) the orderly development of safe and healthy communities;
- The property is within the urban boundary and will not require an expansion to the urban area, has connections to roads, and will be provided with sidewalks on at least one side of the new street.
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- The development is not designed to accessibility standards, but it will be the responsibility of the individual property owners to incorporate any accessibility measures into the house designs.
- (i) the adequate provision and distribution of educational,
- The local school boards have not provided comments regarding the

- health, social, cultural and recreational facilities;
- proposal. As part of the Dain East Plan of Subdivision, a school site has been incorporated into the design. There is capacity in the schools to accommodate future students from this development.
- (j) the adequate provision of a full range of housing, including affordable housing;
- The proposed development does not include any affordable housing units, however, each dwelling could contain an accessory dwelling unit, which would provide additional affordable housing units in the City.
 - The development is comprised of a mix of single detached and townhouse dwellings, which will provide a range of housing types.
- (k) the adequate provision of employment opportunities;
- As the development is entirely residential, there are no employment opportunities that will be created. The City's Zoning By-law does permit home occupations, and therefore, there may be home based businesses that will be established in the neighbourhood.
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- The development of these lands will lead to an increase in tax revenues to the City, which will contribute to the overall financial benefit of the City.
 - Any upgrades to infrastructure, such as the construction of the water, sanitary, and storm sewers, as well as the roads, will be at the cost of the developer and not the City.
- (m) the co-ordination of planning activities of public bodies;
- All relevant agencies have been circulated the application and their

- comments have been included, where appropriate.
- (n) the resolution of planning conflicts involving public and private interests;
- Concerns were raised regarding the loss of the natural area. The applicant has completed an EIS for the property which has indicated that there will be no negative impacts on the natural area as a result of the development and due to the removal of the woodland. The Locally Significant Wetland and watercourse will be protected within an environmental block. A further revision was made to the proposed plan in September, which increased the area that will be maintained for the protection of the natural heritage features.
 - Concerns were also raised regarding drainage and the potential for impact on neighbouring properties. The applicant has completed a stormwater management plan for the development, which will require that post development flows of water are consistent with pre-development flows. The stormwater will not be permitted to flow onto neighbouring properties.
 - Concerns were also raised regarding the soil stability to support future dwellings. The applicant has completed a geotechnical investigation. Any measures that must be implemented at the time of building permit.

- (o) the protection of public health and safety;
- There will be two access points for the subdivision to ensure that if one road connection is blocked, another way into the development remains available.
 - The development will be constructed to Municipal Standards which will ensure that there is an adequate supply of water for fire fighting purposes.
 - The applicant has submitted a Geotechnical Investigation for the development to ensure that the soils in the area are able to support the proposed dwellings. Any of the construction methods required to ensure stability of the houses will be implemented at the time of Building Permit.
- (p) the appropriate location of growth and development;
- The property is within the City's serviced urban boundary. The development of these lands will utilize undeveloped lands within the City's urban boundary and built boundary, and represent an infilling opportunity.
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- The development will connect to an existing unopened roadway stub for Regatta Drive. It will create a connection from Regatta Drive to Kingsway. Sidewalks will be provided on a minimum of one side of the extension of Regatta Drive which will encourage active transportation through the site, and provide connection to the Recreational Canal and trail system.

- (r) the promotion of built form that,
- (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- The City has incorporated elements from the Urban Design Guidelines into the Zoning By-law to ensure that developments are oriented to the street and pedestrian friendly.

Section 51(24) of the *Planning Act* sets out the following criteria to be considered when reviewing a draft plan of subdivision, as follows:

- Whether the proposed subdivision is premature or in the public interest;
- The lands are within the City's identified Built-Up area, which is to be the focus of infill and intensification. The proposed development of these lands will help the City achieve the yearly intensification goals, as set by the Province.
 - There is infrastructure in the area which the subject development can be serviced from. As previously identified, the developer will be responsible for the construction of the new road.
 - The proposed development will not result in the uneconomical expansion of municipal services as they are already available in the area.
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The lands to the north that are part of a former Plan of Subdivision are single detached dwellings. The proposal has placed the single detached dwellings adjacent to the existing lots that were part of the residential development to the north.

- The lands fronting along Kingsway are existing lots that are not part of a Plan of Subdivision. There will be a mix of singles and townhouse dwellings adjacent to these lots.
- The lands are designated as Low Density Residential which permits single detached, semi-detached, and townhouse dwellings. The proposed subdivision complies with the Official Plan.

The suitability of the land for the purposes for which it is to be subdivided;

- The subject lands are accessible by the municipal road network and can connect to municipal infrastructure. The lands are within the urban boundary of the City of Welland, and are designated as Low Density Residential. The development of these lands is appropriate.
- The applicant has completed a Geotechnical Investigation which has identified construction methods which should be implemented to ensure the stability of the houses.

If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

- There are no affordable housing units proposed as part of this subdivision. The City of Welland's Official Plan and Zoning By-law do permit accessory dwelling units to be created, which will provide alternative housing options which may be deemed more affordable.

The number, width, location and proposed grades and elevations of the highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and adequacy of them;

- The site is accessed from Kingsway and from Talbot Avenue. Both of these roads are municipally maintained and meet minimum standards. The proposed extension of Regatta Drive will meet

the City's municipal standards and will become a City owned and maintained street.

- The dimensions and shapes of the proposed lots; - The majority of the single detached lots will have frontages between 9 metres and 11 metres and are rectangular in shape. The proposed townhouse dwelling lots will be required to meet the minimum frontages. All of the proposed lots meet the minimum requirements for lots.
- The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land; - Any dwellings on the proposed lots will need to comply with any construction requirements identified in the geotechnical investigation that was completed for the property.
- Conservation of natural resources and flood control; - The Locally Significant Wetland and watercourse will be contained in a block for the long term preservation of the natural features. All lots are outside of the 15 metre setback to the Locally Significant Wetland.
- The adequacy of utilities and municipal services; - The property has access to municipal water, sanitary and storm sewers. As previously identified, the developer will be responsible for the cost of extending municipal water, sanitary, and storm sewers to these lands.
- The adequacy of school sites; - The District School Board of Niagara has provided comment that there is capacity within their school sites within the neighbourhood.
- The area of land, if any, within the proposed subdivision that, exclusive of - There is one block to be dedicated to the City that contains the natural

highways, is to be conveyed or dedicated for public purposes;

environment features and an exiting drainage easement. The developer will be providing 5% of the value of the lands through a cash-in-lieu of parkland dedication.

The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,

- Energy conservation measures have not been outlined in the plan that has been submitted. The Ontario Building Code includes requirements for energy conservation, which will be incorporated at the time of Building Permit.

The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act.

- The development as currently proposed will not be subject to Site Plan control.

Section 3 of the Planning Act requires that all decisions affecting planning matters shall be consistent with policy statements issued under the Act and conforms with provincial plans. The relevant policy statement is the Provincial Policy Statement (PPS). The relevant provincial plan is A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G).

Provincial Policy Statement (PPS) 2020

The PPS provides the guiding principles for the entire province. The PPS promotes the creation of healthy, livable and safe communities. In planning staff's opinion, the applications are consistent with the PPS.

- the promotion of efficient development patterns;
- The lands are within the urban, serviced area of the City of Welland and are within the existing built-up area.
- The lands are within an area that has available municipal servicing and is connected by two opened and maintained roads.

- accommodating an appropriate range of housing, including affordable housing;
- Due to previous activities on the site, there is the potential for contamination and as such a Record of Site Condition is required.
- The proposal includes a mix of single detached and townhouse dwellings.
- The zoning on the property allows for semi-detached and duplex dwellings in addition to singles and towns. The City also permits one accessory dwelling unit per property.
- Staff are of the opinion that the proposed development will provide a range of housing options. Although no affordable housing has been identified, accessory dwelling units provide a more affordable housing type.
- avoiding development patterns which may cause environmental and public health and safety concerns;
- As previously identified, the lands are impacted by natural heritage features.
- These features will all be contained in a block that will be dedicated to the City for long-term conservation.
- avoiding land use patterns which would prevent the efficient expansion of settlement areas;
- The lands are within the urban area of the City of Welland, and the proposed Plan of Subdivision is within an existing built-up area.
- The development of these lands will not prevent any adjacent lands from developing in the future.
- promoting land use patterns which support transit and intensification
- The subject Plan of Subdivision is considered an infilling and

- to create cost-effective developments;
- intensification project within the City as it's an undeveloped parcel in a predominantly developed area.
- The lands are also within the urban area of the City, and can access municipal water, sanitary, and storm sewers, as well as is accessed by existing municipal roads.
 - There are currently no transit lines that service Dain City directly, but the area is serviced by the TransCab service which connects residents to the transit lines within the City.
 - The development will require that a minimum of one side of each street will include sidewalks, which will improve accessibility for persons with disabilities throughout the neighbourhood.
 - Any additional measures to include accessibility measures will be included through the building of the individual homes.
 - The public infrastructure is available in the immediate area with capacity to accommodate the proposed development. Municipal services will be extended along the proposed new roads.
 - The social services (schools, libraries, parks, etc.) can accommodate the increase in population created by the development of these lands.
- improving accessibility for persons with disabilities;
 - ensuring that infrastructure and public service facilities are available to support the development;

- promoting development and land use patterns which support biodiversity; and,
- As previously mentioned, Locally Significant Wetland, watercourse, and associated fish habitat will be placed in a block which will protect them for the long-term. An EIS was completed for the property which identified that the removal of the wooded area on the property will not negatively impact the larger natural features in the area.
- prepare for the regional and local impacts of climate change.
- Measures to address the impacts of climate change will be reviewed through the detailed design of the stormwater management plan for the proposed development.
- As part of the development, a dry pond has been incorporated to provide water storage to ensure that peak storm events do not all rush into the system at the same time, and the release of water is controlled over time.

The subject lands are located within the identified Build Up area as identified in the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (P2G). The P2G encourages that the vast majority of new growth occur within the serviced built-up area of settlement areas, and within the identified built-up area. The P2G also requires that a minimum of 40% of all new residential development be within the built-up area through infilling and intensification, which will be increased to 50% at the time of the next municipal comprehensive review. The subject proposal is within the delineated Built Up area of the City, and will help achieve intensification goals and targets for the City. As previously identified, servicing is available in the immediate area, and has capacity to accommodate the proposed development. The Plan of Subdivision is considered an infilling opportunity and meets the intent of these policies in the P2G.

Region of Niagara Official Plan

The lands are identified as being in the Urban Area of Welland in the Region's Official Plan. The policies in the Region's Official Plan (ROP) are similar to those found in both the PPS and the P2G. The policies encourage infilling and intensification, taking advantage of existing infrastructure and creating communities that provide for the needs of residents. The policies in the Regional

Plan support developments that take advantage of existing infrastructure, are transit supportive, and provide a range of uses.

The proposed subdivision will develop currently vacant lands within the urban boundary that have access to municipal services and roads. The development has been designed to integrate with the existing neighbourhoods to the north. It will encourage active transportation through the development by creating linkages through road connections and sidewalks.

The development proposes a mix of single detached and townhouse dwellings, which represents a range of housing options as encouraged by the ROP. As the surrounding lands are developed with primarily single detached dwellings, the proposal will provide an alternative housing type within the area.

The development has been designed to be pedestrian friendly. Sidewalks will be provided on a minimum of one side of the street to encourage active transportation. The roads have been designed to meet minimum municipal standards.

The block that is proposed for the Locally Significant Wetland and the watercourse will ensure protection for the long-term preservation of these features. The policies in the ROP promote the protection and preservation of these features.

The proposed development meets the intent of the Regional Official Plan.

City of Welland Official Plan

The lands are designated as Low Density Residential by the City of Welland Official Plan. This designation allows for single detached, semi-detached, duplex, triplex, and townhouse dwellings with a minimum density of 15 units per hectare and a maximum of 24 units per hectare. The proposed density of the development is 20 units per hectare, which falls within the minimum density requirements of the City's Official Plan.

The lands are within the Urban Area of the City of Welland, and within the identified Built Up Area. The City's policies identify that residential and employment intensification will be encouraged throughout the City as it provides an opportunity for economic growth, reduces the amount of greenfield land needed, takes advantage of serviced but underutilized lands, and helps improve the vibrancy of the City. Intensification is encouraged throughout the Built Up Area, with a number of focal areas identified, being the Downtown, brownfield sites, and along transit corridors. Although the subject lands have not been identified as an 'Intensification Area' it is within the Built Up Area, and intensification is still supported. The City has targeted 40% of all new residential growth to be within the Built Up Area, which will increase to 50% at the time of the next Municipal Comprehensive Review to be consistent with the P2G. The proposed development will assist the City in achieving this intensification target.

The City's OP also includes a list of criteria that should be examined when infilling and intensification applications are made to the City. The criteria are examined in the chart below:

- Land use and neighbourhood character compatibility;
- The subject lands are within a predominantly low density residential area. The lands to the north are developed with a low-density plan of subdivision. To the east is a natural environment block that was deeded to the City as part of Phase 1 of the Fusion Homes Plan of Subdivision. To the south are used for low density residential uses on large lots. To the west of the subject lands are residential uses on one side of Kingsway and open space and the Recreational Canal.
- The proposed development is compatible with the surrounding neighbourhood.
- Lot pattern and configuration;
- The majority of the proposed lots are rectangular in shape and have a frontage of between 9 metres and 11 metres (singles). As the final layout of the townhouses has not been determined, the frontages have not been provided. All lots will be required to meet the Zone minimums. There are a number of lots that are an irregular shape due to the natural environment areas that run behind the lots and the road pattern. All of the proposed lots will meet the minimum frontage and area requirements in the City's Zoning By-law.
- The lots will all front onto opened, maintained roads that will be dedicated to the City.

- Accessibility;
 - The proposed road will have sidewalks on a minimum of one side of the street, which will encourage walking.
 - Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
- Parking requirements;
 - The City's minimum parking standards are one space per unit. All proposed dwelling units will be required to meet this minimum, through the provision of parking within a garage or on a driveway.
- Potential for additional traffic and traffic manoeuvrability;
 - Traffic will access the dwellings via the extension of Regatta Drive from Talbot Avenue, connecting to Kingsway.
 - The development of these lands will result in the increase of traffic through the area, however, it can be accommodated in the existing road networks without improvements.
- The potential for transit ridership;
 - There are currently no transit lines that run to Dain City, however, it is serviced by the TransCab service which connects residents to transit lines.
- Natural (including natural hazards) and built heritage conservation/protection;
 - As previously identified, the lands are impacted by: a Locally Significant Wetland and a watercourse. These areas will not be developed, but the blocks will be dedicated to the City for the long-term preservation of the natural environment.
 - A portion of the property has also been identified as having a significant woodland. Through the EIS, it was determined that the removal of this feature was appropriate for the development.

- The availability capacity of municipal infrastructure;
- Residential intensification targets identified in this plan.
- There is capacity in the existing infrastructure to accommodate the proposed development.
- The proposed development will assist the City in achieving the target of 40% of all new residential development being within the Built-Up Area. That intensification goal will be increased to 50% at the time of the next Comprehensive Review, and the proposed development of this site will contribute to achieving that goal.

Section 7.6.6, the Implementation Section of the OP outlines the minimum criteria that should be used when reviewing new applications for plans of subdivision. They are:

- Consistency with the Official Plan, Secondary Plan and any other applicable plans and policies;
- Availability of services without undue financial commitment by the City;
- Suitable provision of municipal services, including, but not limited to: public streets, water, storm and sanitary sewers, waste collection and disposal, public and/or private utilities, fire and police protection, parks, schools, and other community facilities;
- The lands are designated as Low Density Residential by the city's Official Plan. The proposed development meets the minimum density requirements.
- The required municipal services (water, sanitary, and storm) are available in the area. It will be the responsibility of the developer to extend the services to the property line to service this development.
- The proposed subdivision has access to Kingsway and Talbot Avenue via the extension of Regatta Drive.
- The site will be developed in accordance with municipal standards, which will require that street widths and road patterns that will accommodate emergency service vehicles and waste collection vehicles.
- The lands can be provided with municipal services.
- Parkland dedication will be provided through cash-in-lieu, but the lands are

within walking distance to Glenwood Park, as well as to the Recreational Canal. There are no schools currently within Dain City, but there is the possibility that a school will be constructed in the Draft Approved Dain East Plan of Subdivision which would accommodate the students in Dain City.

- Exposure to noise, air pollution and other negative impacts, along with suitable mitigation measures;

 - There are no adjacent uses that would create negative impacts from noise or air pollution.
- Integration with surrounding land uses;

 - The proposed subdivision is proposed for entirely residential uses, with home occupations being permitted through the Zoning By-law. The development is consistent with the surrounding neighbourhood.
- Integration with the transportation network;

 - The proposed road will be the extension of Regatta Drive which will connect to Kingsway. The new road will be constructed to municipal standards and will become a City owned street.
- Impacts to, and mitigation of, negative impacts on the natural environment;

 - As previously identified, a Locally Significant Wetland and watercourse run along the eastern edge of the property. The development proposes that these features will be located within a block and preserved for natural environment purposes.
- Optimization of the supply, means of supplying, efficient use, and conservation of energy;

 - There are no energy efficient measures that have been identified or proposed as part of the redevelopment of this property. All buildings will need to comply with the Building Code requirements for energy efficiency.

- The provision of appropriate urban design and landscaping for the proposed development;
- The houses will be required to comply with the City of Welland Zoning By-law, which includes components of the City's Urban Design Guidelines.
- Compliance with applicable City guidelines;
- The proposed development will also be required to comply with the City's Municipal Standards to ensure that the infrastructure and development of the site complies with the engineering requirements of the City.
- Exposure to nearby air pollution and mitigation of impacts.
- There are no pollution causing industries within the area of influence, as outlined by the Ministry of Environment.

The proposed development meets the intent of the City's Official Plan.

City of Welland Zoning By-law 2017-117

The lands are zoned Residential Low Density 2 – RL2 in the Zoning By-law 2017-117. The proposed lots meet all the minimum requirements. All future dwellings will be required to meet the minimum requirements. No amendments to the current zoning have been requested.

Public Comments

Comments were received from neighbouring residents which identified the following concerns:

- Impact on the natural environment (animals and plants);
- Drainage;
- Infrastructure, both capacity in existing pipes and access to Dain City; and,
- Soil stability to accommodate houses.

The applicant completed an EIS for the property which identified the natural features and identified the impact of the potential development on the natural environment. A number of modifications were made to the proposed plan to increase the amount of land included in the natural environment block. This ensured that more of the woodland area was protected, as well as ensuring that all development and lot lines would be a minimum of 15 metres from the extent of the Locally Significant Wetland. The applicant will also be required to undertake a buffer planting plan to provide a transition between the rear lots and the wetland, as well as to improve the natural environment. The applicant will also be required to ensure that an appropriate level of water continues to flow into the wetland and the watercourse to ensure that it remains a viable natural area. Both of these requirements will be included as a condition of Draft Plan Approval. Any significant features that were identified in the EIS will be protected.

As part of the application for Draft Plan of Subdivision, the applicant will be required to complete a Stormwater Management Study. This study will be required to identify how stormwater will be accommodated across the site during peak rain events. The applicant has proposed the installation of storm interceptors that will treat the water, but will not control the flow during rain events. The development will be required to show that the water that runs off of the property, post development, is equal to the pre-development flows. The City is required to review and approve this information to ensure that neighbouring properties are not impacted by stormwater. All of the increase in flows must be accommodated on their own site.

The City and the Federal government have announced that funding has been made available for the replacement of the Dain City bridge. There is no date on when construction will begin on the bridge, however, a solution has been identified for the access issues to Dain City. With respect to the infrastructure capacity issues, a review of the Inflow and Infiltration in Dain City is currently being undertaken to identify why there are significant increases in the flow into the City's sanitary system during peak rain events. The City and the Region will both review the development to ensure that there is capacity within the system to support the proposed development.

As previously mentioned, the applicant has completed a Geotechnical Investigation. It identified that the soil is capable of supporting the proposed house and has identified additional construction considerations that need to be made in order to allow for the development. The recommendations within the Geotechnical Investigation will be implemented at the time of Building Permit.

FINANCIAL CONSIDERATION:

The costs associated with the development of this property will be the sole responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

Where other departments have provided comments, they have been included in this report for review. Any conditions requested by other departments have also been included.

SUMMARY AND CONCLUSION:

The proposed application for Draft Plan of Subdivision for the creation of 21 single detached dwelling lots, one (1) block for townhouse dwellings, and one (1) block for environmental conservation purposes, represents good planning because:

1. Is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and does not require the expansion of these services;

3. Is consistent in character and form with neighbouring developments;
4. Will provide long term protection and enhancement of natural heritage features; and,
5. Will assist the City in achieving the yearly intensification target.

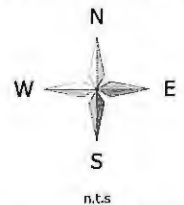
ATTACHMENTS:

- Appendix I - Key Map
- Appendix II - Aerial Photo
- Appendix III - Draft Plan of Subdivision
- Appendix IV - Correspondence

26T-14-20004



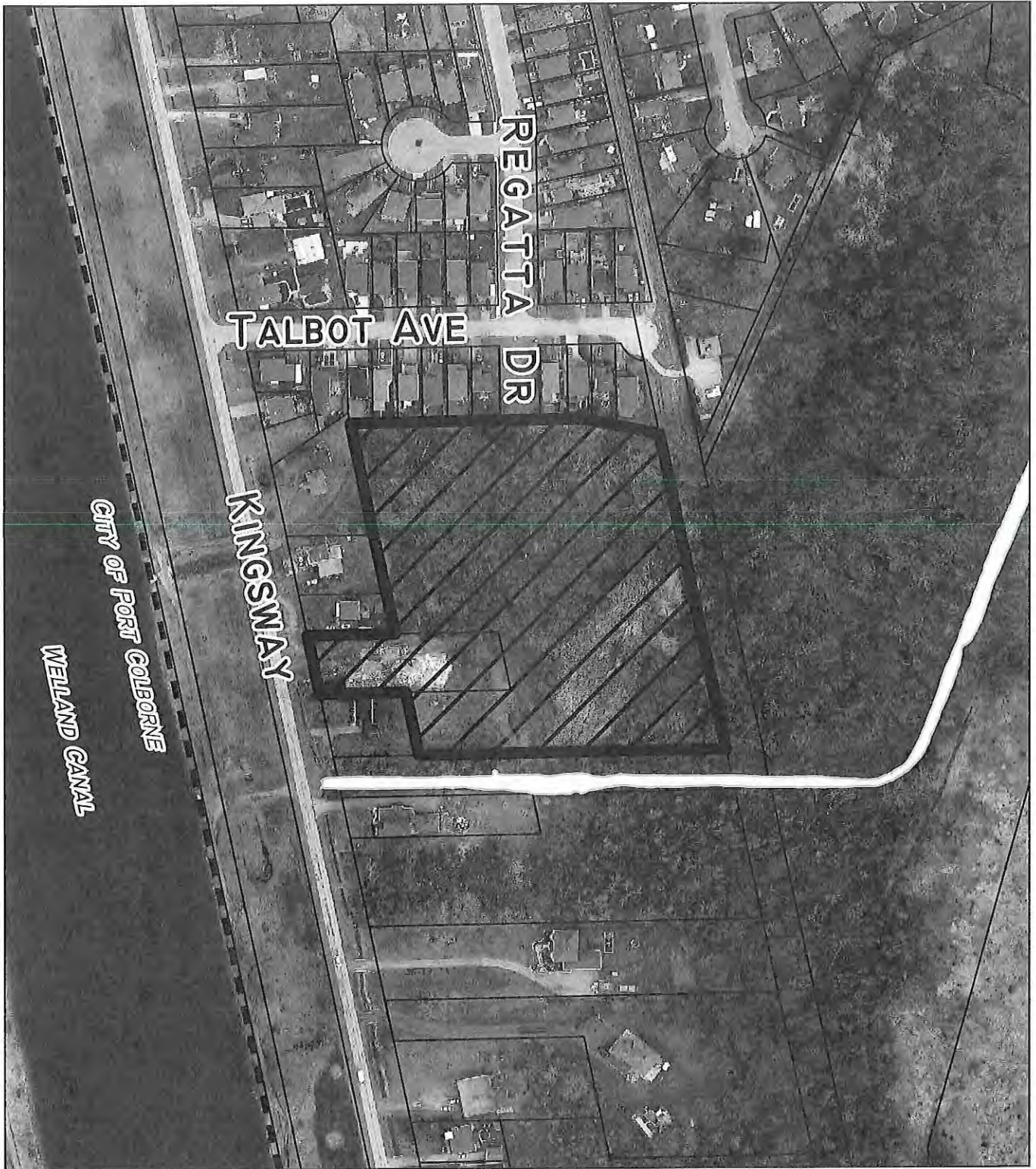
KEY MAP



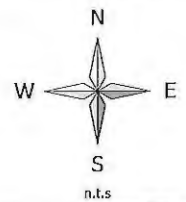
SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division



**AERIAL PHOTO OF
THE SUBJECT LANDS**
26T-14-20004



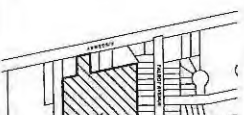
SUBJECT LANDS



*Infrastructure and
Development Services*
Planning Division

CANAL TRAIL ESTATES

CITY OF WELLAND



KEY PLAN

DRAFT PLAN OF SUBDIVISION

LEGAL DESCRIPTION
PART OF LOTS 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

OWNER'S CERTIFICATE
I, the undersigned, being the registered proprietor of the land hereinafter described, do hereby certify that I am the owner of the land hereinafter described and that I have no interest therein other than that of a mortgagee or chargee and that I have no other interest therein.

SURVEYORS
J.L. BROWN LIMITED
1000 SHEPPARD AVENUE EAST
SUITE 100
SCARBOROUGH, ONTARIO M1S 1T5
CANADA
TEL: (416) 291-1111
FAX: (416) 291-1112
WWW.JLBROWN.COM

REQUIREMENTS OF THE PLAN
1. SEE PLAN
2. SEE PLAN
3. SEE PLAN
4. SEE PLAN

LAND USE

LAND USE	UNIT/ZONE
RESIDENTIAL	R-1
ENVIRONMENTAL PROTECTION	EP-1
TOTAL	

DEVELOPABLE AREA - 1,482sq m
DEVELOPABLE DENSITY - 2022 UN

NO.	DESCRIPTION	AREA (SQ M)
1	DEVELOPABLE AREA	1,482
2	ENVIRONMENTAL PROTECTION	1,119
3	TOTAL	2,601



DRAFT PLAN OF SUBDIVISION



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

May 5, 2020

Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
City of Welland
Planning Division
60 East Main Street
Welland, ON L3B 3X4

Dear Rachelle,

Re: Draft Plan of Subdivision
2674693 Ontario Inc.
180 Kingsway (Canal Trail)
City of Welland
File No.: 26T-14-20004

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

—
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8
enbridgegas.com
Safety. Integrity. Respect.



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

TO: Grant Munday, B.A.A
 Manager of Development Approvals

FROM: J. Tosta, CBCO, CPSO
 Chief Building Official

DATE: April 23, 2020

SUBJECT: Request for Rezoning, OP Amendment and Draft Plan of Subdivision
 - 180 Kingsway

Staff has reviewed the information submitted and while a final decision on issuance of building permit will be based on the information submitted with the building permit application to this office, we wish to offer the following comments:

- Subject lands are located within the regulated area of Niagara Peninsula Conservation Authority therefore approval by the NPCA will be required prior to issuance of building permits.
- A subsurface Geotechnical report prepared by Landtek Limited, and dated March 29, 2019; indicates that the shallower, organic-rich silty clay deposits are not considered suitably competent as founding soils. Therefore it is recommended that a Geotechnical Engineer should be engaged during construction to examine the exposed sub-soil quality and condition, and confirm the subsurface conditions are consistent with design assumptions. It is also recommended that water proofing measures are included in the foundation design in compliance with the Ontario Building Code.
- Phase 1 Environmental Site Assessment Report prepared by Wood Environmental and Infrastructure Solutions and dated April 3, 2020 recommends that Phase 2 be carried out to address the contaminants discovered during the Phase 1 assessment.
- The Functional Servicing Report prepared by Upper Canada Consultants indicates sufficient water and sanitary sewer capacity for the proposed development.
- Parkland dedication shall be established in accordance with By-law 2014-101. If a 5% Cash-in-Lieu of Parkland method is utilized, the Developer shall establish the value of land for each lot, to the satisfaction of the City, prior to execution of the

RE:

October 14, 2020

Subdivision Agreement. The values shall be determined by an Appraiser in accordance with City Policy as of the day before the day the first building permit is issued for the development. The values shall be referenced in the Special Conditions and Building Restrictions of the Subdivision Agreement.

- o The Noise Feasibility Study prepared by HGC Engineering Ltd. Recommends that dwelling units affected by excessive noise levels as determined by the MEPC guidelines, should be designed for future installation of air conditioning units and that future occupants be advised to that effect through warning clauses as part of the subdivision approval process.

If you have any questions regarding the above comments, please do not hesitate to contact me.



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

April 30, 2020

RACHELLE LAROCQUE
CITY OF WELLAND
60 EAST MAIN STREET
WELLAND, ON L3B 3X4

Re: Canal Trail Estates

Dear Rachelle,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.



- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

Rachelle Larocque

From: Scott Richardson
Sent: August 14, 2020 2:54 PM
To: Rachelle Larocque
Cc: Julie VanLeur
Subject: RE: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

Rachelle,

I provide the following comments;

1. All construction shall be in accordance with the City of Welland municipal Standards.
2. All costs associated with the development of this property shall be borne by the developer.
3. A comprehensive storm water management plan shall be submitted to the Engineering Department for review and approval.
4. The outlet for this storm run-off shall be reviewed and determined to be adequate for the amount of run-off designed. If any upgrades to the outlet storm channel from the development to the recreational waterway, these costs shall be borne by the developer.
5. A comprehensive engineering civil design shall be submitted to the City for review and approval.
6. All reinstatements to existing roadways etc shall be to as good or better condition.
7. A preconstruction survey of all existing housing units shall be undertaken to protect both the City, the contractor and the residents for insurance purposes.

Regards,



C. Scott Richardson, C.E.T.

Development Supervisor
 Engineering Division
 Infrastructures and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2222 **Fax:** (905)735-7184
www.welland.ca



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From: Rachelle Larocque <rachelle.larocque@welland.ca>
Sent: August 13, 2020 3:50 PM
To: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com;
 planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Dave Stuart <dave.stuart@welland.ca>;
 scott.whitwell@ncdsb.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Paula Albano
 <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>;
 Brian Kennedy <brian.kennedy@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Peter Boyce
 <peter.boyce@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Vince Beaudoin

<vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; David Deluce <ddeluce@npca.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; Jack Tosta <jack.tosta@welland.ca>; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; Richard Dalton <richard.dalton@welland.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; plan@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; dpresley@mhbcplan.com; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>
Cc: Matt Kernahan <matt@ucc.com>; Grant Munday <grant.munday@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; clerk <clerk@welland.ca>

Subject: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

Good afternoon,

Attached please find the Notice of Public Meeting for Draft Plan of Subdivision. This application was previously circulated in April, 2020 for comments. If you have already provided comments, you do not need to resend them.

Sincerely,



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

Planning Supervisor

Planning Division

Infrastructure and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Hours: 8:30am-4:30PM

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

www.welland.ca



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NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.on.ca

July 13, 2020

Via Email Only

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Our File: PLSUB202000385

Dear Ms. Larocque

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Application for Draft Plan of Subdivision
Canal Trail
City of Welland
Applicant: Upper Canada Consulting**

The NPCA has received an application for a Draft Plan of Subdivision for the above project. In support of the applications, the NPCA also received an environmental impact study (EIS), prepared by Beacon Environmental, dated January 2020 and a functional servicing report (FSR), prepared by Upper Canada Consultants, dated March 2020. A wetland reconfiguration plan, prepared by Upper Canada Consultants, dated December 9, 2019 was also provided. The purpose of the application is to establish a subdivision consisting of 31 lots for single detached homes. We have reviewed the applications and offer the following comments.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain a watercourse and the Seaway Wetland Complex, which is a locally significant wetland (LSW). There is also a watercourse on the abutting lands to the south in which the watercourse buffer impacts the subject lands.

The proposed Draft Plan contains 31 lots. In order to achieve that number of lots, the applicant has proposed to remove some of the wetland and offset/compensate for the loss elsewhere on the subject lands. The NPCA's Policies do allow for offsetting of wetlands where the wetland in question

in not a Provincially Significant Wetland (PSW) and subject to the criteria in Section 8.2.2.8. The total area of wetland to be removed is approximately 946.4 square metres. This would be replaced by 1613.3 square metres of newly created wetland.

The objectives of the NPCA's Policies is firstly to promote the conservation of land through the protection of wetlands [Objective 8.2.1 (a)]. It is not the intent of Section 8.2.2.8 of the NPCA's Policies to be used to facilitate a higher density where a development can otherwise be achieved on the site. The intent of this policy is a "last resort" where there is no feasible alternative. In reviewing the proposed Draft Plan, maintaining a 15 metre buffer (where it can be demonstrated that a 15 metre buffer will sufficiently protect the ecological and hydrological function of the wetland) would result in the loss of approximately 6 lots. There is still sufficient room to accommodate the municipal road. There may be opportunities to reconfigure the existing lots to increase the density. Given this, NPCA staff cannot support the proposed Draft Plan as presently shown as it does maintain the intent of the NPCA's Policies. NPCA staff advised the Applicant of this and recommend that they explore an alternative design. NPCA staff have additional technical comments on the EIS as noted below.

Additional EIS Comments:

1. The EIS scoping included in Appendix A of the EIS report only includes a letter from the consultant to the Region and email correspondence from NPCA indicating they NPCA could not accept wetland compensation on this file as there was space to develop without altering the wetland polygon (EIS Appendix A). There is no communication from Ministry of Natural Resources and Forestry (MNRF) on this file.
2. The Ecological Land Classification (ELC) mapping in the EIS report appears very consistent with the mapped wetland edge, confirming the relative accuracy of the MNRF mapped LSW. However, Figure 3 alignment is off slightly and does not overlay the ELC mapping with the defined wetland limits so it's difficult to determine the accuracy of the two mapped polygons.
3. The recommendation within the EIS suggest removal of approximately 0.095 ha of wetland, a large portion of which will be maintained in its current form and referred to as "wetland buffer" to accommodate Lot 22-28. The rationale for the alteration to the wetland is planning and density requirements. Currently these lots, as drawn, would be within the wetland and wetland buffer.
4. The EIS further proposes to offset the wetland alterations on the western limits through the creation additional wetland in the southeast corner of the subject lands, an area already naturally vegetated and in large part of the protected buffer east of the wetland so it is not really new or expanded protected area and would require works within the wetland buffer to create additional wetland features such as vernal pools.
5. Ecologically, this wetland does provide wetland habitat, amphibian breeding areas and connectivity and corridor functions for local wildlife. The proposed changes will result in a net loss of wetland area as the actual new wetland area created (outside of the already protected eastern buffer area) is only a fraction of the size.

Based on the above points, there is some concern regarding the proposed removal/alteration of the western wetland limit based on the rationale provided and the premise that the wetland itself will be simply remapped as buffer when it is not supported by the ELC mapping or any actual change in the wetland edge.

Conclusion

At this time, NPCA staff are unable to support the applications as proposed. I hope this information is helpful. Please send a copy of any staff reports to Committee/Council once they are available. If you have any questions, please let me know.

Regards,



David DeLuce, MCIP, RPP
Senior Manager, Planning & Regulations (ext. 224)

cc: Mr. Matt Kernahan, MCIP, RPP, Upper Canada Consultants (email only)
Mr. Lindsay Early, MCIP, RPP, Region of Niagara (email only)
Mr. Adam Aldworth, NPCA (email only)



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.on.ca

September 30, 2020

Our File No.: PLSUB202000385

BY E-MAIL ONLY

Ms. Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Attention: Rachelle Larocque, Planning Supervisor

Subject: Niagara Peninsula Conservation Authority (NPCA) Comments
Application for Draft Plan of Subdivision
Canal Trail
City of Welland
Applicant: Upper Canada Consulting

The NPCA has received an application for a Draft Plan of Subdivision, "Canal Trail." The NPCA provided earlier comments dated July 13th, 2020 addressing some concerns. The applicant has provided the following documents in support of the application, Canal Estates Revised Plan, DWG No. 17117-DP Rev.1 dated February 25th, 2020 printed September 17th, 2020 prepared by Upper Canada Consultants, and an Environmental Impact Study Addendum prepared by Beacon Environmental, dated September 3rd, 2020.

NPCA Policies

The NPCA regulates watercourses, flood plains (up to the 100 year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06 of the Conservation Authorities Act*. The NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (NPCA policies) provides direction for managing NPCA regulated features. The subject lands contain the Seaway Wetland Complex, which is a Locally Significant Wetland.

The applicant has amended their application subsequent to the NPCA's comment letter dated July 13th 2020. The NPCA has reviewed the Canal Estates Revised Plan, DWG No. 17117-DP Rev.1 dated February 25th, 2020 printed September 17th, 2020 prepared by Upper Canada Consultants, and an Environmental Impact Study Addendum prepared by Beacon Environmental, dated September 3rd, 2020.

Based on the review of the two above mentioned studies, NPCA staff have no objections to the application as it relates to NPCA policies, subject to the recommended Conditions of Draft Plan Approval.

Conditions of Draft Plan Approval

1. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
2. An Erosion and Sediment Control Plan be prepared by a qualified professional to the satisfaction of the NPCA.
3. That the Developer obtain a Work Permit from the Niagara Peninsula Conservation Authority prior to beginning any work within the 30-metre wetland buffer. In support of the Work Permit application, the following information will be required:
 - a. A buffer planting plan.
 - b. A grading plan prepared by a qualified professional to the satisfaction of the NPCA showing the total limit of development and site alteration.
 - c. Confirmation from a qualified professional that there will be no negative impact of the stormwater being discharged into the Provincially Significant Wetland.
 - d. A tree preservation and savings plan.
 - e. An erosion and sediment control plan prepared by a qualified professional to the satisfaction of the NPCA.
4. That the Developer provide 1.5 metre high chain link fencing along the rear lot line of Lots 1 to 10 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
5. That the Developer provide limit of work fencing along the rear lot line of Lots 1 to 10 inclusive and to the satisfaction of the Niagara Peninsula Conservation Authority.
6. That conditions 1 to 5 above be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

I hope this information is helpful. Please provide a copy of any staff reports for Committee/Council consideration. If you have any questions, please let me know.

Sincerely,



Jessica Abrahamse, M.E.S.

Watershed Planner

cc:
 Mr. Matt Kernahan MCIP, RPP, Upper Canada Consultants (email only)
 Ms. Lindsay Earl, MCIP, RPP, Region of Niagara (email only)
 Mr. David Deluce, NPCA (email only)
 Mr. Adam Aldworth, NPCA (email only)

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
 905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 3, 2020

File No.: D.11.11.SD-20-0013

Ms. Rachelle Larocque, MCIP, RPP
 Planning Supervisor
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street
 Welland, ON L3B 3X4

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
 Canal Trail Estates Draft Plan of Subdivision
 City File No.: 26T-14-20004
 Applicant: Upper Canada Consultants (Matt Kernahan)
 Owner: 2674963 Ontario Inc. (Vaughn Gibbons)
 Address: 180 Kingsway Road
 City of Welland**

Regional Planning and Development Services staff has reviewed the Draft Plan of Subdivision application and supporting studies submitted by Upper Canada Consultants on behalf of 2674963 Ontario Inc. The subject lands are located at 180 Kingsway and lands immediately abutting to the east. The Draft Plan of Subdivision proposed development of 2.6 hectares of land, with 21 lots for single detached dwellings fronting on existing and proposed public roads, a block for 10 townhouse dwelling units, and a block to be transferred to the City of Welland for Environmental Protection purposes. A pre-consultation meeting for this proposal was held at the City on December 20, 2018, with staff from the City and Region, and the applicant. The following comments are provided to assist the City in their consideration of this application from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within the Welland Urban (Built-up) Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS) and a Delineated Built-up Area by A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth

Plan). The ROP, 2020 PPS and Growth Plan together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of land uses, employment opportunities, and are active-transportation and transit supportive.

The subject lands are located within the Provincially designated Built-up Area of the City of Welland. Accordingly, the residential growth will contribute towards the City's annual residential intensification target of 40%. Regional staff note that the proposed subdivision will include both single detached dwellings and townhouse dwelling units to provide a range of housing types.

Environmental Site Assessment

Due to the change in use from a previous commercial use on the subject lands (180 Kingsway) to a proposed residential subdivision development, a Record of Site Condition (RSC) under Provincial environmental legislation with the Ministry of the Environment, Conservation and Parks (MECP) is required to be filed. In accordance with O.Reg. 153/04, as amended, a RSC must be filed on the MECP Brownfield Environmental Site Registry prior to any change in land use to a more sensitive use (i.e. commercial to residential). Further, the PPS requires that contaminated sites be remediated as necessary to ensure there will be no adverse effects to the proposed use(s).

A Phase One Environmental Site Assessment (ESA; dated April 3, 2020, prepared by Wood Environment & Infrastructure Solutions) was submitted with the draft plan, which provided an evaluation of known and possible environmental issues at the property to support an RSC. The Phase One ESA identified potential contamination on the site with respect to two former aboveground storage tanks, the former in-ground hydraulic hoist, the former in-ground settling tank, and the general use of the building for automotive maintenance and repair services. The Phase One ESA indicates that a Phase Two ESA is required to address the areas of potential environmental concern identified before an RSC could be submitted. The Phase Two ESA and filing of a Record of Site Condition will be required as future conditions of draft plan approval.

Noise & Odour Impacts

The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, the Ministry of the Environment, Conservation and Parks (MECP) Land Use Planning Policy guidelines (the Guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on

industrial uses. Guideline D-1 “Land Use Compatibility Guidelines”, Guideline D-6 “Compatibility between Industrial Facilities and Sensitive Land Uses” as well as the MECP’s Publication NPC-300 “Environmental Noise Guidelines” were used to review the applications from a land use compatibility perspective.

The development proposes residential use, which is considered a ‘sensitive land use’ as outlined in the guidelines, in proximity to the industrial use (sewage pumping station). The D1 and D6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that a sensitive land use should not be permitted closer than the specified minimum separation distance, unless impacts from industrial activities can be mitigated to the level of “trivial impact” (i.e. not adverse effects).

At the pre-consultation meeting on December 20, 2018, Regional staff identified that an assessment of noise and odour would be required to address potential impacts on the proposed residential development from the Regional Dain City Sewage Pumping Station and Detention Facility located at 135 Talbot Avenue. According to the Planning Justification Report (dated April 2020, prepared by Upper Canada Consultants), correspondence between the Region and agent indicated that this requirement could be addressed as a condition of draft plan approval. A Noise Impact Study and Odour study will be required as future conditions of draft plan approval. These studies will need to be peer reviewed in order to verify that the findings, mitigation measures and recommendations are sufficient to satisfy Provincial and Regional policy and the aforementioned Ministry guidelines.

Natural Heritage

The lands contain and are adjacent to portions of the Region’s Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property includes Environmental Conservation Areas (ECAs) associated with Significant Woodland and non-provincially or Locally Significant Wetland (LSW). Important (Type 2) Fish Habitat is located immediately adjacent to the subject lands. The Environmental Impact Study (EIS) submitted in support of the development application confirms this assessment, and also identifies an ephemeral/intermittent watercourse and Significant Wildlife Habitat on and adjacent to the property.

Regional Environmental Planning staff have reviewed the Environmental Impact Study (EIS) prepared by Beacon Environmental, dated January 2020, to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. In summary, additional information is required to verify that potential impacts to the Region’s CNHS can be adequately mitigated. Given the concerns described below, an EIS Addendum is requested to satisfy staff that the conclusions of the EIS are valid.

EIS Addendum Requirements

1. Section 6.1.2 states that no mitigation measures are identified for the direct loss of Significant Woodland. The EIS asserts that removal of 1.2 ha (3 acres) of woodland will not result in significant impact because there are no significant features or functions associated with the portion of woodland to be removed, and further, that only 4% of the ECA (30 ha in total) will be removed. Staff disagree with this rationale. Compensation should be provided for the removal of a significant feature to more appropriately demonstrate no negative impact. The EIS Addendum should propose additional mitigation and general restoration measures to mitigate the loss of Significant Woodland, including but not limited to, elaboration on what the recommended Buffer/Edge Planting Plan should entail. For example, this may include a compensation planting ratio, species and location, perhaps even on adjacent lands pending landowner permission.
2. Section 7.3.2 states that “no alteration to the water flow through the wetland will occur, and this EIS has determined that no negative impacts will occur to the wetland’s *ecological* functions...” (pg. 48). However, Section 6.2.1 states there is potential for post-development alteration of surface water flows to the wetland. The only mitigation proposed to prevent surface flow alteration is “to the extent possible, ensure that surface water sheet flow is directed to the wetland along the rear of the lots” via final grading (pg.42). The EIS Addendum should further expand on the wetland’s *hydrological* function and how no negative impacts will occur.
3. The ephemeral/intermittent watercourse and Significant Wildlife Habitat are not addressed in terms of impacts and mitigation. If these features are protected by the wetland and its buffer, the EIS Addendum should discuss this in the context of impacts and mitigation.
4. All constraints and their recommended buffers (if applicable) should be mapped on a figure in the report (LSW, Significant Woodland, Type 2 Fish Habitat, ephemeral/intermittent watercourse and Significant Wildlife Habitat), as well as the location of all bat snag/cavity trees noted in Appendix 4.
5. Datasheets supporting the level of effort for field inventories should have been included as an appendix in the EIS. Please include all relevant correspondence and field data sheets, including ELC data cards, in the EIS Addendum. In addition, the MNRF correspondence referred to throughout the EIS is missing from Appendix 1, and Appendix 2 does not appear to provide relevant information regarding the Seaway Wetland Complex.

Next Steps

At this time, Regional Environmental Planning staff cannot recommend conditions of approval until additional information is provided to more appropriately demonstrate that the proposal will not have negative impacts on the Region’s CNHS. An EIS Addendum is requested to address the above noted requirements. It is noted that the above comments and requirements were sent to the agent on June 4, 2020, and an additional meeting was held on August 19, 2020 with the agent, environmental consultant, and

staff from the Region, NPCA and City to further discuss these comments. At the time of the meeting in August 2020, the agent and environmental consultant advised additional information would be forthcoming to address Regional Environmental Planning comments.

An Environmental Impact Study Addendum (dated September 3, 2020, prepared by Beacon Environmental) was provided to Regional staff on September 3, 2020 (date of this letter), and City staff were unable to provide an extension to allow a fulsome review of the Addendum. Once Regional Environmental staff has had an opportunity to review the Addendum, an additional response letter will be sent to the City to confirm whether the above Regional concerns have been addressed. If all concerns are adequately satisfied, staff anticipate being able to provide revised comments and conditions in support of the application.

Please note that the NPCA continues to be responsible for the review and comment on planning applications related to their regulated features. As such, NPCA should be consulted with respect to their comments and potential Work Permit requirements pursuant to Ontario Regulation 155/06.

Stormwater Management

Regional staff has reviewed the 'Functional Servicing Report Canal Trail (dated March 2020)' by Upper Canada Consultants. Based on our review on this report, the following comments are offered:

1. The Region will require that stormwater runoff from the development be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
 - a) The Region has no objection to the installation of an oil-grit separator (OGS) to meet an Enhanced standard treatment.
 - b) The Region requires justification that the imperviousness of 28.6% for OGS sizing is sufficient to reflect the development land uses that consists of roads and house lots.
2. The proposed development will not directly affect the Regional infrastructure, and the Old Welland Canal has sufficient capacity for the proposed development, therefore the Region has no management interests related to stormwater flow control. However, to ensure the City's and private lands adjacent to the site will not be negatively impacted as a result of the development, the Region would suggest the Report include justification/details on how the post-development flows from all storm events (up to and including the 100-year storm) will be safely accommodated and conveyed to the Old Welland Canal.
3. Prior to the construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a future condition of draft plan approval, the Region must review and approve any new/extended sanitary and storm sewer services under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

- Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Welland relative to the existing infrastructure capacity. The Region has reviewed the recently completed Master Servicing Plan (MSP) and note that this property falls within the Dain City Sewage Pumping Station (SPS) sewer shed, which has been allocated growth out to 2041 in consultation and collaboration with the City of Welland. This study was completed at a high level and did not allocate capacities to individual properties.
- Currently, the MSP has not identified any upgrades to the Dain City Sewage Pumping Station. The existing operating capacity of the station is 94 L/sec and the ECA is for 115 L/s. The MSP identified that there are significant wet weather flows in this system. The City and Region are working together to reduce the wet weather flows in the system and the City has recently completed an Infiltration & Inflow (I&I) Study identifying Dain City as a priority area. It will be important to ensure that this new development doesn't add any additional wet weather flows.
- The Region has an on-going project for the replacement of the forcemain for operational issues for the Dain City SPS which has projects scheduled for 2020 and 2021.
- Further I&I reduction programs will be required in the Dain City and Ontario Street SPS sewersheds to allow for the ultimate flows anticipated from all the anticipated development areas.
- The Region has added the projected flows to the existing flows, and request that if the development is going to be phased, the flows be provided with the estimated timing for the phasing to better understand how the timing of the SPS and FM projects work with the potential additional flow.

A copy of the Region's Master Servicing Plan can be accessed through the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage containers per property
- **Collection will be at the curbside only**

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste

The Draft Plan of Subdivision was reviewed based on the current policy and will require that, prior to final approval, detailed plans showing the dimensions and radii of the proposed road network and curbs be provided as well indication if there is any phasing of the development. If phasing is planned and proposed road networks based on the phasing does not provide for thru streets, Regional staff will require a revised draft plan which indicates appropriate temporary turnarounds provided wherever a thru street is not maintained. The proposed development and required turning facilities need to meet the requirements of Niagara Region's Corporate Waste Collection Policy.

Conclusion

Regional Planning and Development Services staff are unable to support the proposed Draft Plan of Subdivision for Canal Trail Estates in the City of Welland at this time, due to outstanding Environmental Planning requirements. Accordingly, Regional Conditions of Draft Plan Approval will be provided once the above requirements are addressed. Regional staff recommend that the Draft Plan of Subdivision not be approved until at least such time as the Environmental Planning staff have had the opportunity to review and comment on the EIS Addendum provided today.

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518. For questions regarding the Natural Heritage/Environmental comments, please contact Cara Lampman (Manager, Environmental Planning) at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Please send notice of Council's decision regarding this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

D.11.11.SD-20-0013

September 3, 2020

cc: Ms. D. Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Ms. L. Karlewicz, Planning Ecologist, Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Ms. M. Ding, P.Eng., Stormwater Management Engineer, Niagara Region
Mr. M. Ramundo, Development Approvals Technician, Niagara Region

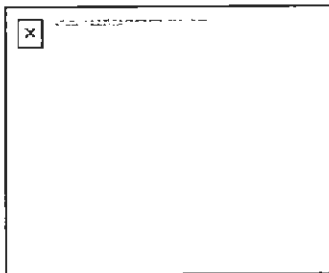
Rachelle Larocque

From: Ali Khan <ali.khan@welland.ca>
Sent: August 13, 2020 3:55 PM
To: Rachelle Larocque
Subject: RE: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

Hi Rachelle,

Applicant will be responsible for installation of streetlights on Regatta Drive as well as at the future intersection of Kingsway/Regatta.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
 Supervisor Traffic, Parking & Bylaws
 Infrastructure and Development Services
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



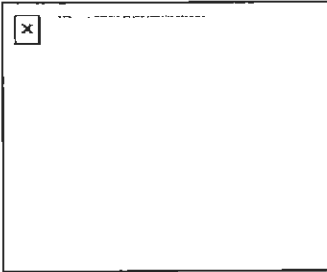
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From: Rachelle Larocque
Sent: August 13, 2020 3:50 PM
To: CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; randy.leppert@cogeco.com; planification@cscmonavenir.ca; bertrandm@csviamonde.ca; Dave Stuart <dave.stuart@welland.ca>; scott.whitwell@ncdsb.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Paula Albano <paula.albano@welland.ca>; Matt Richardson <matt.richardson@welland.ca>; Tanya Lamb <tanya.lamb@welland.ca>; Brian Kennedy <brian.kennedy@welland.ca>; Scott Richardson <scott.richardson@welland.ca>; Peter Boyce <peter.boyce@welland.ca>; Sherri-Marie Millar <sherri-marie.millar@welland.ca>; Vince Beaudoin <vince.beaudoin@welland.ca>; Ali Khan <ali.khan@welland.ca>; mmm@mmm.ca; David Deluce <ddeluce@npca.ca>; Lindsay Earl <lindsay.earl@niagararegion.ca>; Jack Tosta <jack.tosta@welland.ca>; Ashley Grigg <cityclerk@portcolborne.ca>; randy.leppert@cogeco.com; Richard Dalton <richard.dalton@welland.ca>; Municipal Planning <MunicipalPlanning@enbridge.com>; Lynda Busch (info@niagarahomebuilders.ca) <info@niagarahomebuilders.ca>; plan@niagararegion.ca; Alderman, Aimee <Aimee.Alderman@niagararegion.ca>; dpresley@mhbcplan.com; Dan Degazio <dan.degazio@welland.ca>; Kevin Carver <kcarver@wellandhydro.com>
Cc: Matt Kernahan <matt@ucc.com>; Grant Munday <grant.munday@welland.ca>; Travers Fitzpatrick <travers.fitzpatrick@welland.ca>; clerk <clerk@welland.ca>
Subject: Notice of Public Meeting - Canal Trail Draft Plan of Subdivision (26T-14-20004)

Good afternoon,

Attached please find the Notice of Public Meeting for Draft Plan of Subdivision. This application was previously circulated in April, 2020 for comments. If you have already provided comments, you do not need to resend them.

Sincerely,



Rachelle Larocque, BES, M.Sc., MCIP, RPP
Planning Supervisor
Planning Division
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Hours: 8:30am-4:30PM
Phone: (905)735-1700 Ext. 2310 **Fax:** (905)735-8772
www.welland.ca



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Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

September 23, 2020

File No.: D.11.11.SD-20-0013

Ms. Rachelle Larocque, MCIP, RPP
Planning Supervisor
Infrastructure and Development Services
Corporation of the City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Ms. Larocque:

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Provincial and Regional Policies

The subject lands are located within the Welland Urban (Built-up) Area, as designated in the Regional Official Plan (ROP). The Welland Urban Area is considered as a Settlement Area by the 2020 Provincial Policy Statement (PPS) and a Delineated Built-up Area by A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The ROP, 2020 PPS and Growth Plan together direct development to take place in urban areas and support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill as the preferred form of development to help foster the development of complete communities that have a mix of land uses, employment opportunities, and are active-transportation and transit supportive.

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The PPS calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, the Ministry of the Environment, Conservation and Parks (MECP) Land Use Planning Policy guidelines (the Guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses. Guideline D-1 "Land Use Compatibility Guidelines", Guideline D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses" as well as the MECP's Publication NPC-300 "Environmental Noise Guidelines" were used to review the applications from a land use compatibility perspective.

The development proposes residential use, which is considered a 'sensitive land use' as outlined in the guidelines, in proximity to the industrial use (sewage pumping station). The D1 and D6 guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that a sensitive land use should not be permitted closer than the specified minimum separation distance, unless impacts from industrial activities can be mitigated to the level of "trivial impact" (i.e. not adverse effects).

At the pre-consultation meeting on December 20, 2018, Regional staff identified that an assessment of noise and odour would be required to address potential impacts on the proposed residential development from the Regional Dain City Sewage Pumping Station and Detention Facility located at 135 Talbot Avenue. According to the Planning Justification Report (dated April 2020, prepared by Upper Canada Consultants), correspondence between the Region and agent indicated that this requirement could be addressed as a condition of draft plan approval. As such, conditions have been included in Appendix 1 requiring the completion of a Noise Impact Study and Odour Study and implementation of associated warning clauses in the subdivision agreement. The air quality and noise study will need to be peer reviewed in order to verify that the findings, mitigation and recommendations are sufficient to satisfy Provincial and Regional policy and the aforementioned Ministry guidelines. Any recommendations or mitigation measures may result in required changes to the site layout.

Natural Heritage

The lands located at 180 Kingsway Road, City of Welland, contain and are adjacent to portions of the Region's Core Natural Heritage System (CNHS). Specifically, the CNHS on and adjacent to the property includes Environmental Conservation Areas (ECAs) associated with Significant Woodland and non-provincially or Locally Significant Wetland (LSW). Important (Type 2) Fish Habitat is located immediately adjacent to the subject lands. The Environmental Impact Study (EIS) submitted in support of the

development application confirms this assessment, and also identifies an ephemeral/intermittent watercourse and Significant Wildlife Habitat on and adjacent to the property.

Regional Environmental Planning staff most recently provided comments on this application in May of 2020 in response to the submission of an EIS prepared by Beacon Environmental, dated January 2020. Since that time an EIS Addendum has been prepared (Beacon Environmental, September 3, 2020) and the Draft Plan has been revised in order to keep all development and site alteration outside the wetland feature and associated 15 metre buffer and to revise the boundaries of lots 1-5 to allow for additional retention of the significant woodland feature impacting the subject lands.

Regional Environmental Planning staff have reviewed the originally submitted EIS (Beacon Environmental, January 2020), the EIS Addendum (Beacon Environmental, September 2020) and the revised Draft Plan (Upper Canada Consultants, September 17, 2020) to verify that the findings, proposed mitigation measures and recommendations are sufficient to satisfy Regional and Provincial environmental policies. Staff do not object to the development proposal in principle, provided all required authorizations are received from applicable regulatory agencies and the mitigation measures identified in the EIS and further elaborated on below are incorporated into all future plans.

Regional staff note that the updated Draft Plan avoids all development and site alteration within the wetland feature and associated buffer area and reduces the amount of woodland removal by roughly 0.105 hectares. In addition, the Environmental Impact Study Addendum (Beacon Environmental, September 2020) recommends that the following additional mitigation measures are to be incorporated into the plan:

- A Buffer Planting Plan which ensures the incorporation of additional plantings on to the site which will result in an increase in the quality of the natural heritage features to be retained.
- A Grading Plan which ensures current surface water flows are maintained to the wetland feature.

It should be noted that the Buffer Planting Plan should include a basic monitoring strategy that ensures the long term survival of the vegetation. Additionally, Regional staff recommend that as many trees, within the residentially zoned lands, be retained as possible. The required Tree Savings Plan should ensure that only trees required to be removed in order to facilitate the development are lost. Conditions to implement the above mitigation measures, and associated works, are included in Appendix 1.

Stormwater Management

Regional staff has reviewed the 'Functional Servicing Report Canal Trail (dated March 2020)' by Upper Canada Consultants. Based on our review on this report, the following comments are offered:

1. The Region will require that stormwater runoff from the development be captured and treated to a Normal standard as the minimum acceptable standard prior to discharge from the site.
 - a) The Region has no objection to the installation of an oil-grit separator (OGS) to meet an Enhanced standard treatment.
 - b) The Region requires justification that the imperviousness of 28.6% for OGS sizing is sufficient to reflect the development land uses that consists of roads and house lots.
2. The proposed development will not directly affect the Regional infrastructure, and the Old Welland Canal has sufficient capacity for the proposed development, therefore the Region has no management interests related to stormwater flow control. However, to ensure the City's and private lands adjacent to the site will not be negatively impacted as a result of the development, the Region would suggest the Report include justification/details on how the post-development flows from all storm events (up to and including the 100-year storm) will be safely accommodated and conveyed to the Old Welland Canal.
3. Prior to the construction, the Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be submitted to this office for review and approval.

Site Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a future condition of draft plan approval, the Region must review and approve any new/extended sanitary and storm sewer services under the Ministry of Environment, Conservation and Parks Transfer of Review Program. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

- Niagara Region's Master Servicing Plan (MSP) acknowledged that there is significant growth projected in Welland relative to the existing infrastructure capacity. The Region has reviewed the recently completed Master Servicing Plan (MSP) and note that this property falls within the Dain City Sewage Pumping Station (SPS) sewer shed, which has been allocated growth out to 2041 in consultation and collaboration with the City of Welland. This study was completed at a high level and did not allocate capacities to individual properties.
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- Further I&I reduction programs will be required in the Dain City and Ontario Street SPS sewersheds to allow for the ultimate flows anticipated from all the anticipated development areas.
- The Region has added the projected flows to the existing flows, and request that if the development is going to be phased, the flows be provided with the estimated timing for the phasing to better understand how the timing of the SPS and FM projects work with the potential additional flow.

A copy of the Region's Master Servicing Plan can be accessed through the following link: <http://www.niagararegion.ca/2041/master-servicing-plan/default.aspx>.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- No limit blue/grey containers;
- No limit green containers; and,
- 1 garbage containers per property
- **Collection will be at the curbside only**

Region staff note that in order for Regional waste collection services to be provided, the developer/owner shall comply with Niagara Region's Corporate Waste Collection Policy. The policy can be found at the following link: www.niagararegion.ca/waste

The Draft Plan of Subdivision was reviewed based on the current policy and will require that, prior to final approval, detailed plans showing the dimensions and radii of the proposed road network and curbs be provided as well indication if there is any phasing of the development. If phasing is planned and proposed road networks based on the phasing does not provide for thru streets, Regional staff will require a revised draft plan which indicates appropriate temporary turnarounds provided wherever a thru street is not maintained. The proposed development and required turning facilities need to meet the requirements of Niagara Region's Corporate Waste Collection Policy.

Conclusion

Regional Planning and Development Services staff has no objection to the Draft Plan of Subdivision for Canal Trail Estates in the City of Welland, subject to the satisfaction of any local requirements and the Conditions listed in Appendix 1.

D.11.11.SD-20-0013
September 23, 2020

If you have any questions or wish to discuss these comments, please contact the undersigned at extension 3352, or Lola Emberson, MCIP, RPP, Senior Development Planner, at extension 3518. For questions regarding the Natural Heritage/Environmental comments, please contact Cara Lampman (Manager, Environmental Planning) at 905-980-6000 ext. 3430 or cara.lampman@niagararegion.ca.

Please send notice of Council's decision regarding this application.

Best regards,



Aimee Alderman, MCIP, RPP
Development Planner

cc: Ms. D. Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region
Ms. C. Lampman, Manager, Environmental Planning, Niagara Region
Ms. M. Ding, P.Eng., Stormwater Management Engineer, Niagara Region
Mr. M. Ramundo, Development Approvals Technician, Niagara Region

Appendix 1

Conditions of Draft Plan Approval

1. That prior to approval of the final plan, the owner shall submit a copy of a Phase 2 Environmental Site Assessment (ESA) prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended, to the Niagara Region Planning and Development Services Department to address the change in use of the previously commercial lands at 180 Kingsway.
2. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the Phase 2 Environmental Site Assessment (ESA) required in accordance with Condition 1.
3. That the owner shall file a Record of Site Condition (RSC) on the Ministry of Environment, Conservation and Parks' [Brownfields] Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended, and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment(s) and site remediation reports as well as a copy of the Ministry of Environment, Conservation and Parks' written acknowledgement of the filing of the RSC.
4. That the owner submit an air quality (odour) and noise assessment to determine potential impacts from the nearby Dain City Sewage Pumping Station (135 Talbot Avenue) to the satisfaction of Regional Planning and Development Services. Note: the air quality assessment for odour and/or noise assessment may be subject to peer review, at the expense of the owner/developer.
5. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations, if any, of the air quality and noise assessments required in accordance with Condition 4.
6. That the subdivision agreement between the owner and the City of Welland, and any Agreements of Purchase and Sale or Lease for each dwelling unit, include any warning clauses required in accordance with Condition 4, and the following clause:

"Due to the proximity of the subdivision lands to the Dain City Sewage Pumping Station, Purchasers/Tenants are advised that, despite the inclusion of noise/odour control features in the development and within the building units, periodic emissions of unpleasant odours and noise from the normal or emergency operations of this facility, for an unspecified duration, may occur and may adversely affect the residents of this development."
7. That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season.

8. That standard best management construction practices shall be used to mitigate construction dust, noise and/or exhaust fumes and prevent spills.
9. That a Buffer Planting Plan be prepared for Regional staff approval, preferably by a full member of the Ontario Association of Landscape Architects (OALA), to identify and illustrate the location of additional native trees, shrubs and groundcover to be planted.
10. A Grading Plan is to be developed and provided to Regional staff for approval in order to ensure the surface water flows associated with rear of lots 1 through 7, and lots 10 through 15 are directed to the wetland area.
11. That permanent rear-lot fencing be provided for all lots bordering on the retained Environmental Protection Areas. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
12. That the Erosion and Sediment Control (ESC) Plan be provided for Regional staff approval. The ESC Plan shall include details for, but not be limited to, ESC fencing and other ESC measures, dust suppression and topsoil storage. ESC measures must be monitored regularly to ensure they are functioning properly and promptly fixed if issues are identified.
13. That the Tree Saving Plan prepared in accordance with the Region of Niagara Tree and Forest Conservation By-law (By-law 30-2008) Section 1.36 be provided for Regional staff approval.
14. That the subdivision agreement between the owner and the City of Welland contain wording wherein the owner agrees to implement the recommendations of the approved Grading Plan, ESC Plan, Buffer Planting Plan, and Tree Saving Plan.
15. That prior to approval of the final plan or any on-site grading, the owner shall submit a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region for review and approval:
 - a. Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site;
 - b. Detailed erosion and sedimentation control plans;
 - c. Detailed phasing of construction of the stormwater management facility to coincide with phasing of development of residential lands (internal and external to the subdivision) planned to be serviced by the stormwater management facility.

16. That the subdivision agreement between the owner and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the approved Stormwater Management Plan.
17. That the owner provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
18. That the owner provides a written undertaking to Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City.
19. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the new sanitary and storm sewers required to service this development and obtain the necessary Ministry of the Environment, Conservation and Parks Compliance Approval under the Transfer of Review Program.
20. That the owner/developer ensure, throughout all phases of development, that all streets and development blocks can provide an access in accordance with the Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling. Where a through street is not maintained, the owner/developer shall provide a revised draft plan to show an appropriate temporary turnaround to permit Regional waste collection services.
21. That the owner/developer shall comply with Niagara Region's Corporate Policy for Waste Collection.

Clearance of Conditions

Prior to granting final approval, the City of Welland must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of the Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to the Regional Planning and Development Services Department for verification that the appropriate clauses have been included.

D.11.11.SD-20-0013
September 23, 2020

Note: The Development Services Division recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.



April 14, 2020

Grant Munday, B.A.A, MCIP, RPP
Manager of Development Approvals
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Dear Mr. Munday,

RE: Application for Draft Plan of Subdivision (26T-14-20004) 180 Kingsway (Canal Trail)

Welland Hydro Electric System Corp. (WHESC) does not object to the proposed applications(s).

The applicant shall contact WHESC's Engineering Department to determine servicing details and requirements by emailing Engineering@wellandhydro.com.

If existing WHESC's infrastructure is required to be relocated or temporary Hydro service is required, all costs are the responsibility of the applicant.

If easement(s) are required by WHESC to service this development or any future adjacent developments, the applicant will provide at their expense all necessary registered easements.

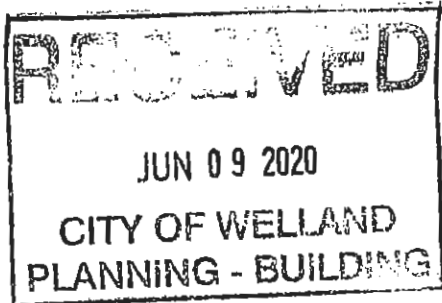
The proposed development must meet the clearance requirements of section 3.1.19.1 "Clearance to Buildings" of the Ontario Building Code.

WHESC reserves the right to amend or remove development conditions.

If you require further information, please contact our Engineering Department.

Sincerely,

Kevin Carver, P. Eng., ME
Director of Engineering & Operations
WELLAND HYDRO-ELECTRIC SYSTEM CORP.



Burke MacGillivray
103 Talbot Avenue
Welland, ON L3B 6E9
905-732-7571

June 1, 2020

Planning Division
City of Welland
60 East Main Street
Welland, ON L3B 3X4

Subject: Proposed Subdivision Canal Trail Estates- Objection

I am objecting to this development on the following grounds:

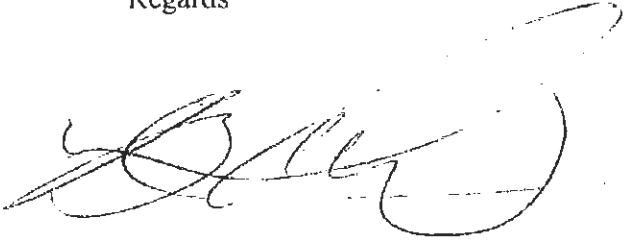
1. **Safety-** There is only one entry to and exit from Dain City since the demolition of the Forks Road Bridge. The single road into the area includes a level crossing and a train in the crossing could delay an emergency vehicle from reaching its destination. The alternate locked route along the canal is ludicrous. By the time an emergency vehicle has decided to use and then unlock the gates the emergency may have unfortunately passed.
2. **Soil and settlement/subsidence-** Last Fall a geotechnical team did soil sampling to the north and south of the proposed development. The team tested the soil on both sides of the marshy area. One setup was approximately 100 feet south of Talbot Avenue on the Regatta Avenue proposed extension. The technicians drilled to a depth of twenty (20) feet and encountered nothing but wet muck, possibly silt or a silt/clay mixture. This mixture is not a particularly stable material for either roads or housing construction as

demonstrated by subsidence and settling issues in the neighborhood where foundations have cracked and in one case the house had to be raised and a new foundation installed.

3. **Drainage-** Currently, the runoff water from my roof and that of my neighbors is directed to a swale that ultimately empties into a local waterway and then into the canal. What provisions will be made to ensure safe drainage from my property and that of my neighbors without the runoff adding additional stress to the storm sewer system and the Talbot Avenue pump station?
4. **Wastewater management-** Will the pump station at the end of Talbot Avenue have sufficient capacity to handle the increased waste water and storm sewer volumes during times of heavy rain or will the city have to have pump trucks and bulk liquid carriers on stand-by to manage the excess volume?
5. **Designated conservation and wetlands-** the Schedule A Zone map for the City of Welland designates much of the land to the south of Talbot Avenue as environmentally protected. Based on the zone maps the protected area begins at the south end of my property and that of my neighbors and includes the area of the proposed development.
6. **Species habitat-** Several years ago environmental professors and students from Brock University studied the area proposed for development and identified the area as the habitat of endangered species or species of interest to the Government of Ontario. This would include snapping turtles which live and breed in the area and would lose habitat with the construction of additional housing in this area would destroy their habitat as well as that of other species. Has the situation changed since the study or is the City of Welland planning on participating in the destruction of the habitat of at-risk species?

7. **Housing Density** – The plot plans as presented on the developers billboard indicate lot widths significantly narrower than those on Talbot avenue and surrounding streets. Is this developer's intention to build dramatically higher density housing than the rest of Dain City?

Regards

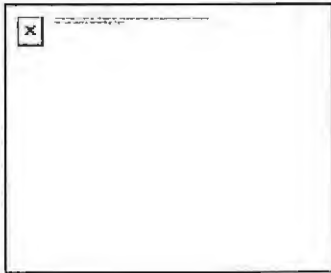
A handwritten signature in black ink, appearing to read 'Burke MacGillivray', written in a cursive style.

Burke MacGillivray

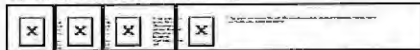
Rachelle Larocque

From: Theresa Etorre <theresa.ettorre@welland.ca>
Sent: June 2, 2020 3:42 PM
To: Grant Munday; Rachelle Larocque; Travers Fitzpatrick
Subject: FW: OBJECTION: CANAL TRAILS SUBDIVISION

FYI....



Theresa Etorre
 Administrative Assistant to the Mayor
 Office of the Mayor
 Corporation of the City of Welland
 60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2101 **Fax:** (905)735-1543
www.welland.ca



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From: Burke MacGillivray [mailto:burkemacg@gmail.com]
Sent: June 1, 2020 3:42 PM
To: Councillor Bonnie Fokkens <bonnie.fokkens@welland.ca>; mayor <mayor@welland.ca>; Jburch-CO@ndp.on.ca
Subject: OBJECTION: CANAL TRAILS SUBDIVISION

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Ms. Fokkens, Mr. Burch, Mr. Campion,

Here is a copy of my letter of objection I have submitted to Welland's Planning Department.

Regards
 Burke MacGillivray
 103 Talbot Avenue
 Welland, ON
 905-732-7571

Planning Division
 City of Welland
 60East Main Street

Welland, ON L3B 3X4

Subject: Proposed Subdivision Canal Trail Estates- Objection

I am objecting to this development on the following grounds:

1. **Safety-** There is only one entry to and exit from Dain City since the demolition of the Forks Road Bridge. The single road into the area includes a level crossing and a train in the crossing could delay an emergency vehicle from reaching its destination. The alternate locked route along the canal is ludicrous. By the time an emergency vehicle has decided to use and then unlock the gates the emergency may have unfortunately passed.
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7. **Housing Density** – The plot plans as presented on the developers billboard indicate lot widths significantly narrower than those on Talbot avenue and surrounding streets. Is this developer's intention to build dramatically higher density housing than the rest of Dain City?

Regards

Burke MacGillivray

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

Rachelle Larocque

From: Burke MacGillivray <burkemacg@gmail.com>
Sent: September 3, 2020 3:35 PM
To: Rachelle Larocque
Subject: Beacon Enviromental Response

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Dear Ms. Larocque,

Here is my response to the environmental report issued by Beacon Environmental in support of the proposed development. After reading the report, it is not as thorough as initial appearances indicate. It is a generic template where the authors' drop in an occasional paragraph of findings or opinions. Only occasionally is there a close link between regulations quoted and survey findings. It appears to have been written to both impress and discourage a casual reader. It is packed full of "stuff" that the reader must plough through to find a conclusion. The author/developer wants to hide the inadequacy of the report through pages of gobbledygook. A reader must plow through pages of "stuff" to ferret out any quality information. This report appears to be written in a manner that gives the developer the answer he desires and needs to proceed.

Based on the number of days investigators were at the proposed site, it appears the bulk of their time was tromping through the lot identifying vegetation, which would make it difficult to identify animal life. The report seems to suggest that attempts to identify other species that live in the area were very casual. Finding all the animals that have been found in the past requires care and patience which would have added to the cost of the survey.

In section 6.31 and 6.3.2 the authors use the terms such as only "only" to suggest "merely" and express marsh destruction using numbers that appear very small, for example 0.011ha or 0.08 ha. Specifically:

"The woodland that will be remove (sic) represent **only 4%** of a much larger woodland block that lies to the north and south of the subject lands" (emphasis mine, quote from 6.3.1)

"For the proposed development **0.011 ha** of marsh wetland will be infilled. This **small** area along the edge of the wetland does not support significant wetland habitat or functions." (emphasis mine, quote from 6.3.2)

The developer proudly states there will be a 15 meter buffer between the development and the wetland boundary, except where this is not convenient. Specifically, in section 6.2.2.1 "The rear lots lines of Lots 22 through 28 will encroach into 0.080 ha of the 15 m buffer lands to the existing wetland boundary." The developer wants to comply with regulations except where it is inconvenient. By using small numbers attempts to hide the true impact of destruction and encroachment. The .091 ha (0.011+0.080) is equivalent to two (2) building lots.

If approved the developer will destroy part of a marsh and encroach on a portion of a required buffer. This leaves the door wide open for the next phase or next developer to destroy more marsh and wetland. The camel's nose is in the tent. This establishes a precedent for this and other developers to destroy wetland and marsh. How can the city deny one developer after giving permission to another to destroy wetland and marsh? Is there an acceptable level of destruction?

This report is an attempt to contradict and overturn Welland's designation of this area as Core Natural Heritage which was based on a past exhaustive study by trained biologists and their associates who found endangered and at-risk species.

Regards,

Burke MacGillivray B.Eng., BA

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

Rachelle Larocque

From: Burke MacGillivray <burkemacg@gmail.com>
Sent: September 7, 2020 2:40 PM
To: Rachelle Larocque
Subject: Beacon Environmental Survey- addendum

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Ms. Larocque,

There was a comment in the assessment that the observers did not see a nuthatch. I have seen them from my deck at the edge of the lot under consideration.

FYI
Burke MacGillivray

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

Rachelle Larocque

From: Nancy Lockhart <nancylockhart3@gmail.com>
Sent: September 3, 2020 5:30 PM
To: Rachelle Larocque
Subject: Proposed Dain City Development off Talbot Avenue
Attachments: IMG_1251.JPG; image[1].png; 20200903_170738.jpg; 20200903_170758.jpg; 20200903_171003.jpg; 20200903_171043.jpg; 20200903_171102.jpg

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Dear Rachelle,

My husband and I have lived at 125 Talbot Avenue for over a decade, at the southeast end of the street bordering the sewage pumping station. A favourite aspect of our property is the wildlife sanctuary in the marshy woods behind us.

In addition to the plethora of bird species which habitate the mature trees, I personally have watched emerge from the wooded plot a wide variety of creatures, who clearly thrive in the habitat. Among the wildlife which come into view, are wild turkeys, snapping turtles, deer, raccoons, possums, rabbits, fox, snakes and bats; many of which I have photographed over the years.

A recently proposed development south of Talbot Avenue will undoubtedly have a detrimental impact on the creatures we proudly harbour in this community. I am hoping this sample of pictures will encourage you to help protect the most vulnerable residents of our beautiful haven.

I respectfully ask that my letter and photographic evidence be circulated at the meeting of Welland City Council September 15, 2020.

Sincerely,
Nancy Lockhart
125 Talbot Avenue



September 03/2020

I am submitting this letter to express my concerns over the proposed subdivision (File # 26T-14-20004) behind Talbot Ave. in Dain City and to the east of Kingsway. I reside at 125 Talbot beside the pumping station. We have observed on that land, deer, snapping turtles, rabbits, fox, frogs, raccoons and many varieties of birds. With development on this narrow section of land which is bordered by the canals, the result will be to further reduce the already limited habitat for the wildlife and the removal of many trees and plants.

The land by the southern tip of the pumping station where the drainage ditch enters the wooded area is often saturated. It is sort of a "wetlands" type area. Especially in late winter or spring with rain and melting, this area remains water logged for extended periods of time. How will drainage be affected by this? Where will the water go?

Another concern is the land the homes will be built on. This kind of swampy, unstable land may cause problems with foundations. I know the city puts the responsibility on the builder to meet required code or standards. However that is no guarantee it will be problem free. That precedent has already been set as there have been problems with shifting foundations in the surrounding neighbourhood. I am aware of one former resident on Henley Court who was involved in litigation over issues with her house foundation.

Furthermore, there have been increased concerns among residents over the problems of flooded basements. Just a few months ago homes on Talbot and other parts of Dain City were flooded once again. My neighbour's home has had extensive damage twice in two years from water and sewage backup. (We) have had major sewer problems
(DAIN CITY)

with a blocked force-main in addition to the storm water issues. I would urge the city to exercise some caution and restraint not on just the proposed subdivision with regard to this letter but to all future development in the area until they can rectify the water and sewage problems.

I understand that the city needs/wants more revenue from new home construction. However I would ask that council carefully consider this proposed plan because of the concerns noted. At the very least I am hoping there might be some compromise or revision to it.

Thank you,

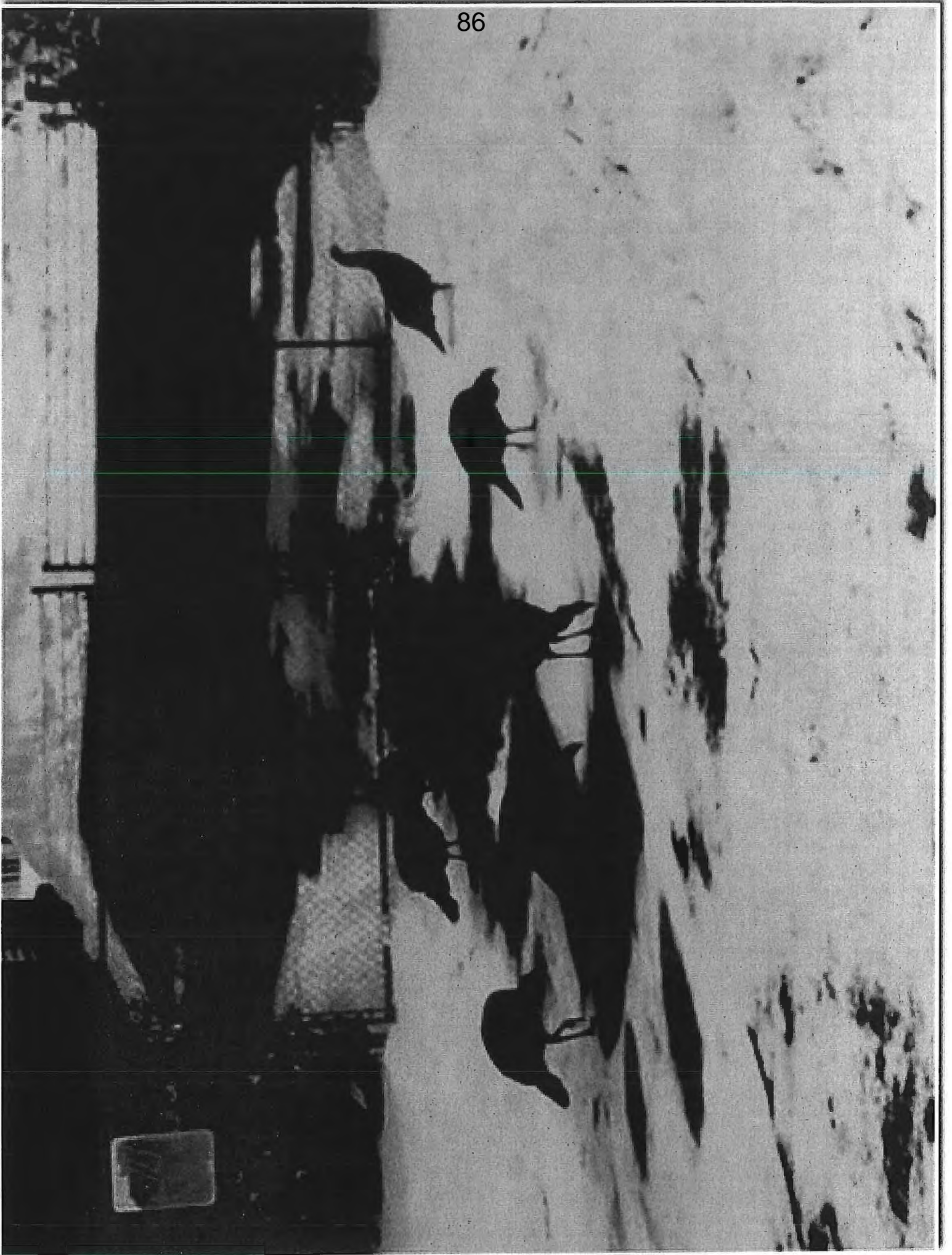
Wayne Lockhart

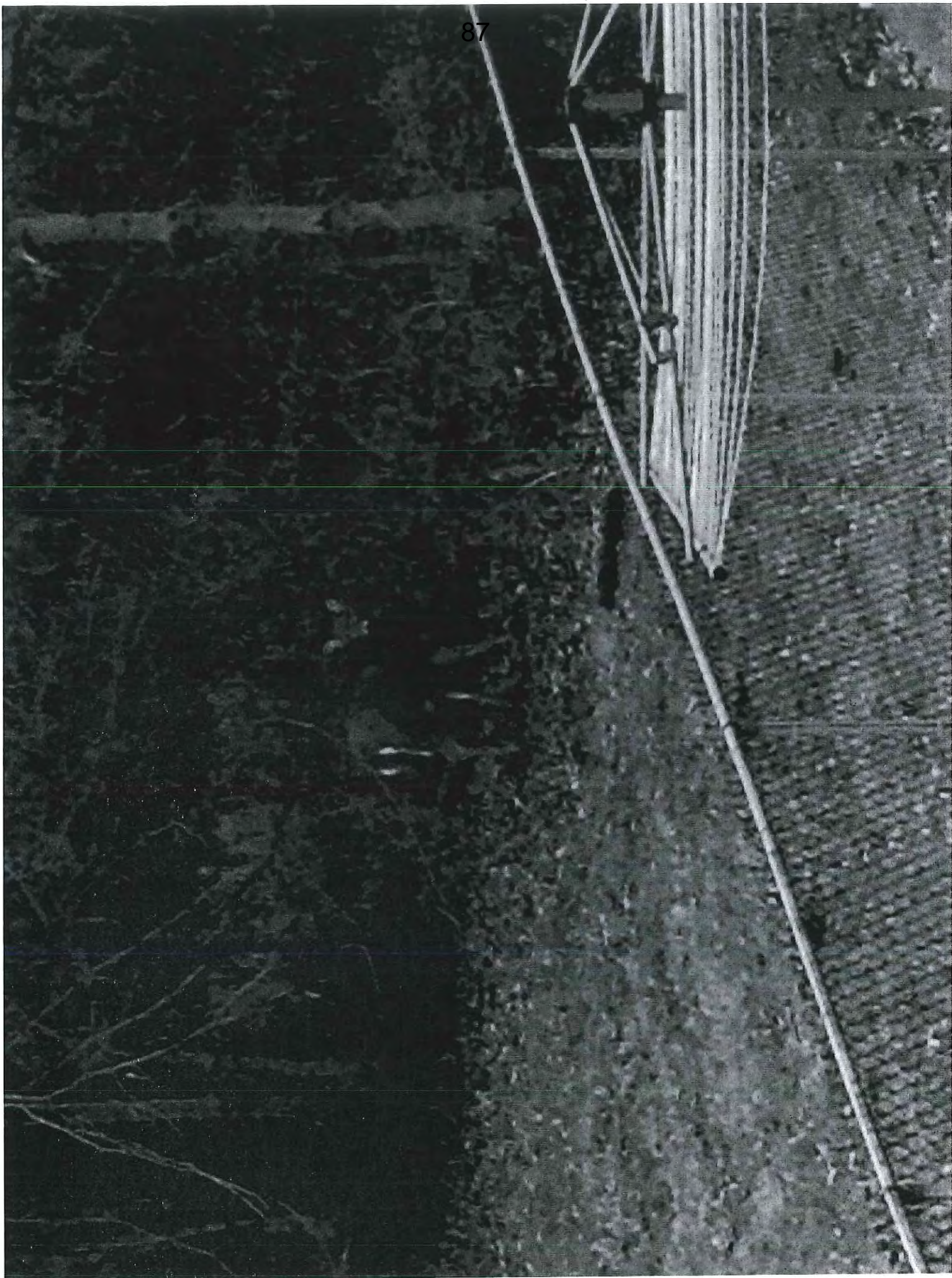
Wayne Lockhart

125 Talbot Ave.

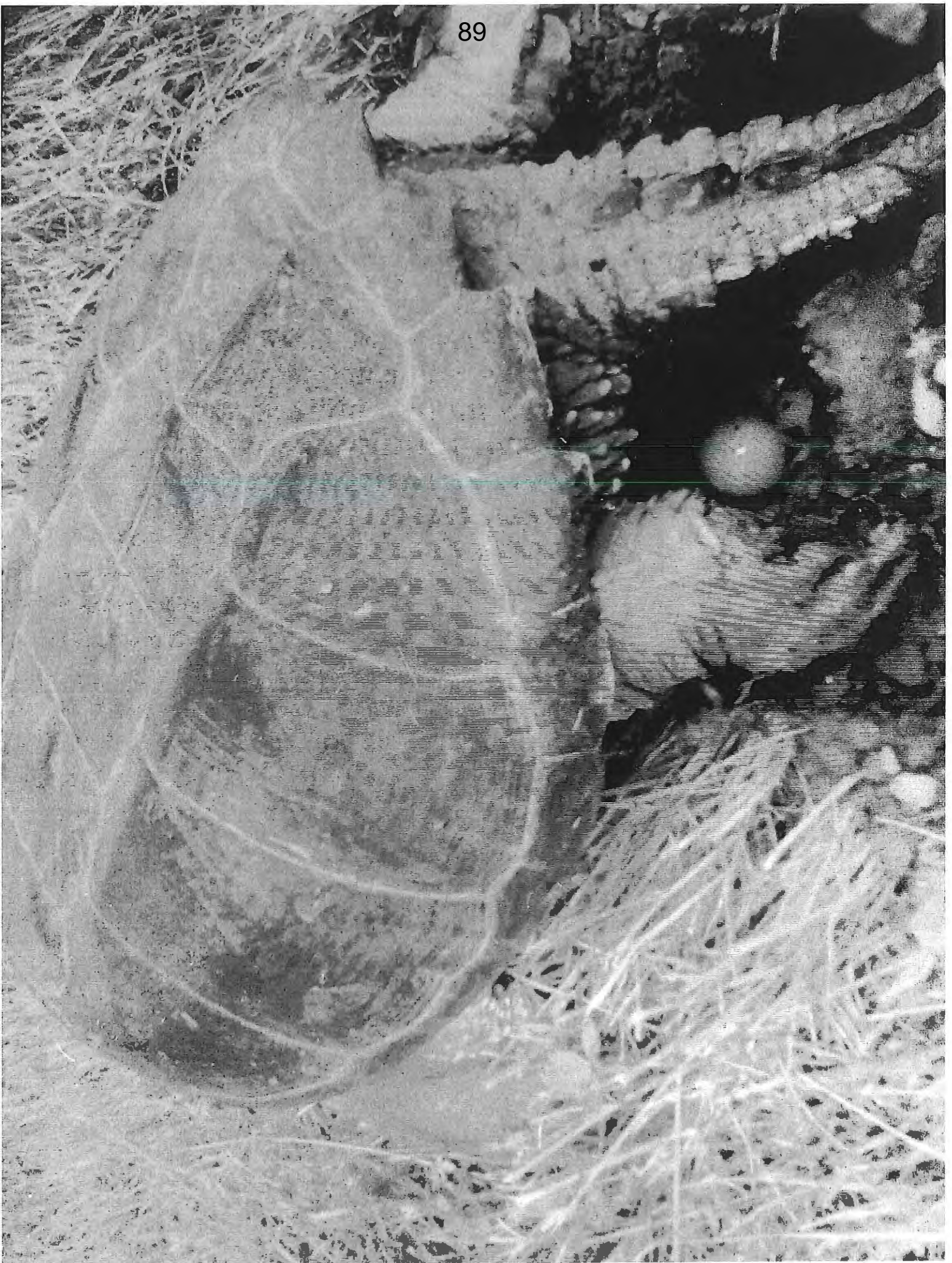
905-714-4485

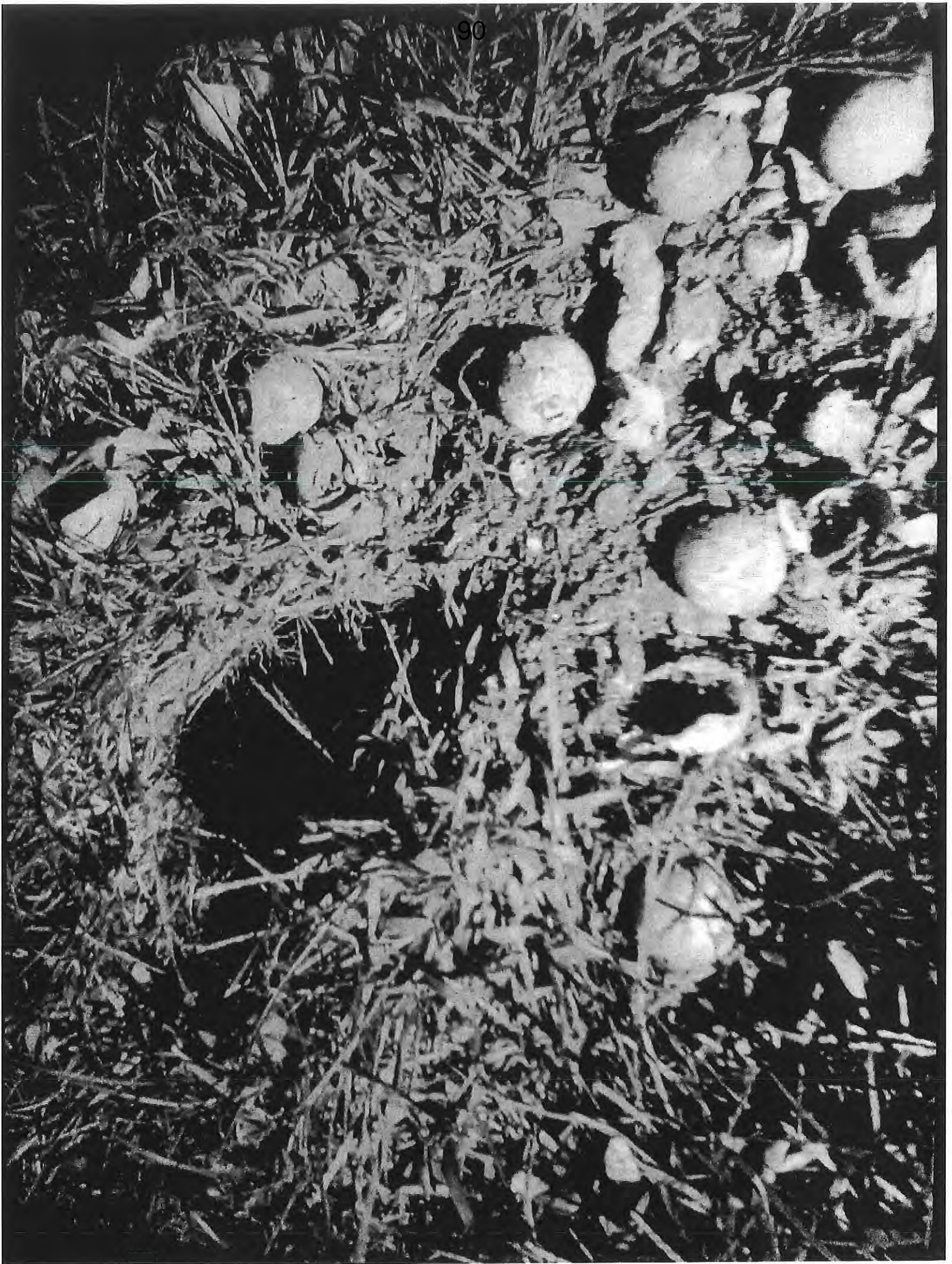


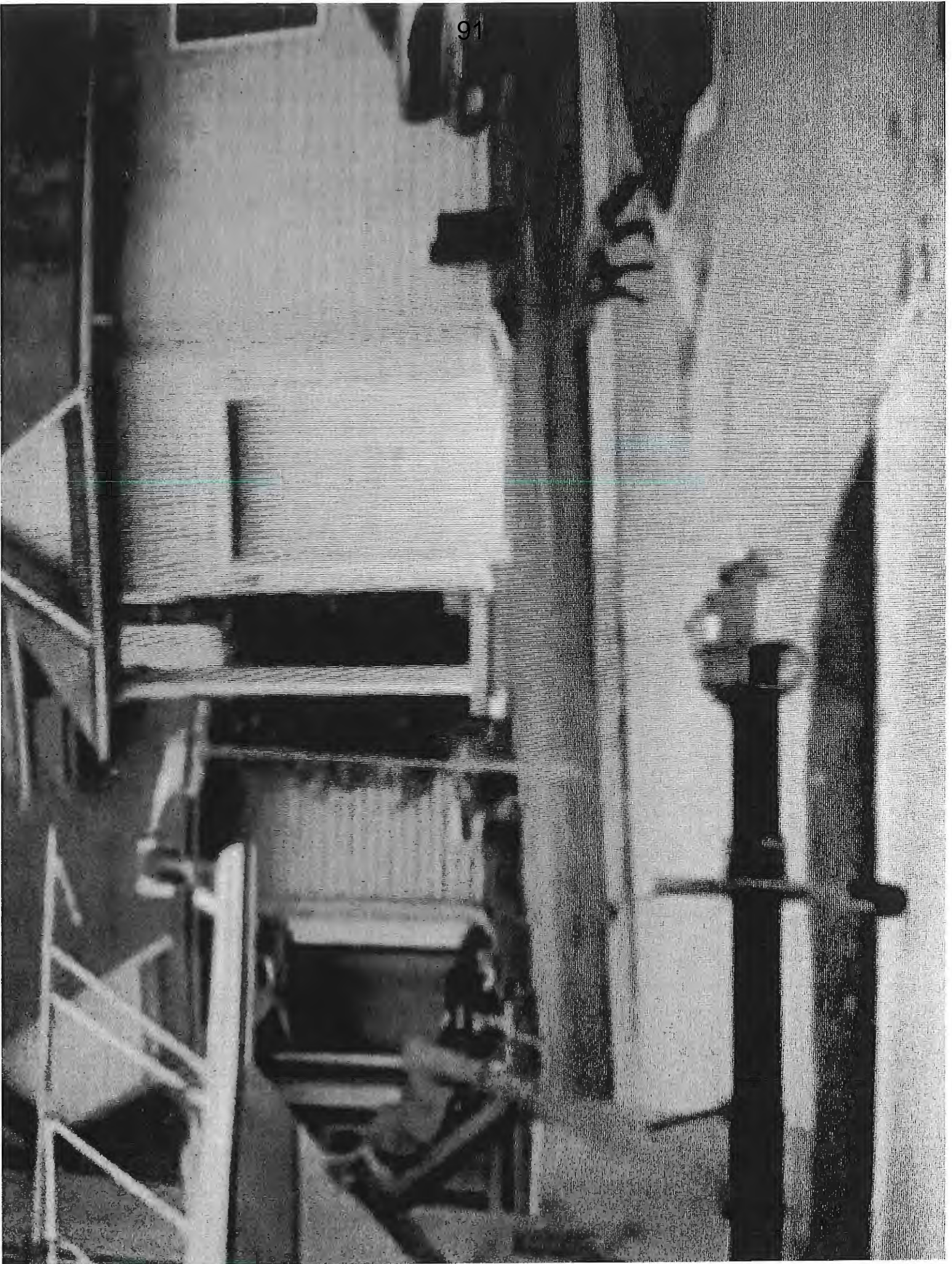
















**BUDGET REVIEW COMMITTEE MEETING
MOTIONS REQUIRING COUNCIL APPROVAL**

Tuesday October 27, 2020
5:05 p.m.
Council Chambers

Councillor D. McLeod in the Chair

Members in Attendance: Mayor Campion, Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, J. Larouche, C. Richard, G. Speck, L. Spinosa, and L. Van Vliet.

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

1. LGL-2020-01 – ANNUAL REVIEW OF FEES AND CHARGES FOR VARIOUS SERVICES AND USE OF MUNICIPAL FACILITIES/AMENDMENT TO BY-LAW 2006-193

THAT THE BUDGET REVIEW COMMITTEE approves the fees and charges set out in Appendices I and II, as amended; and further

THAT the Budget Review Committee directs the Clerk to prepare an amendment to By-law 2006-193 to reflect the rates for year 2021 or such other date as set out on Appendices I and II.

2. P&B-2020-65 – PROPOSED AMENDMENTS TO DEVELOPMENT ENGINEERING, PLANNING DIVISION, BUILDING PERMITS AND INSPECTION SERVICES FEES FOR 2021

THAT THE BUDGET REVIEW COMMITTEE receive report 2020-65; and further,

THAT the Budget Review Committee approves the recommended fees contained in the attached Appendixes III, IV, and V; and further,

THAT effective January 1, 2021, the approved fees be included into the City of Welland Fees and Charges By-law for 2021.

As recommended by the Budget Review Committee at its meeting of October 27, 2020.

Date Submitted: November 3, 2020

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

(Signature)

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT TRAF-2020-08
NOVEMBER 3, 2020

20-12

SUBJECT: USE OF ADMINISTRATIVE PENALTIES FOR THE ENFORCEMENT OF THE SIDEWALK SNOW CLEARING BY-LAW

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

APPROVING MANAGER: SHERRI-MARIE MILLAR, P.ENG. MANAGER, ENGINEERING SERVICES

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

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2020-08** Use of Administrative Penalties for the Enforcement of the Sidewalk Snow Clearing By-law ; and further
2. THAT Welland City Council directs the City Clerk to amend By-law 2008-185, as follows:

ADD the following to Section 7 – OFFENCES AND PENALTIES

- 7.5 Administrative Penalty By-law 2019-134 applies to each administrative penalty issued pursuant to this By-law.
- 7.6 Any person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty by-law 2019-134, be liable to pay to the City an administrative penalty in accordance with the penalties as set out in Schedule "A" attached.

ADD Appendix II to By-law 2008-185, SET FINE SCHEDULE - Schedule "A"

3. THAT Welland City Council directs the City Clerk to amend By-law 2019-134, the Administrative Penalty By-law for Non-parking Related Offences, as follows:

ADD the following to Schedule "A" – DESIGNATED BY-LAWS

DESIGNATED BY-LAW	BY-LAW NUMBER
Sidewalk Snow Clearing By-law	2008-185, as amended

ADD the following to Schedule "C" – SET FINE SCHEDULES

SET FINE SCHEDULE	PAGE NO.:
Sidewalk Snow Clearing By-law	14

ADD Appendix I to Schedule "C" as page number 14.

ORIGIN AND BACKGROUND:

In 2019, the Council of the City of Welland approved the Administrative Penalty By-law for Non-parking Related Offences (APS); By-law 2019-134. APS is a municipally administered program that replaces the current Court system with a faster, more flexible and customer-focused adjudication process for by-law offences. One of the main objectives of an APS program is to create a simple, accessible, fair and cost-effective system of dealing with by-law violations. APS is an alternative to the traditional method of issuing Provincial Offences Act (POA) tickets. The City is currently using APS to enforce the Clean Yards By-law, the Property Standards By-law and most recently, the Noise By-law.

COMMENTS AND ANALYSIS:

The proposed amendments to the City of Welland Sidewalk Snow Clearing By-law are necessary to permit the use of Administrative Penalty System.

FINANCIAL CONSIDERATION:

As by-laws are added to the Administrative Penalty System an increase to fine revenue can be expected.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.

SUMMARY AND CONCLUSION:

Staff are recommending that Council designate the Sidewalk Snow Clearing By-law for which Administrative Penalties can be issued. While enforcement officers would still have discretion to commence proceedings under the Provincial Offences Act for a contravention of the By-law, APS will give City of Welland By-law Enforcement an additional tool to respond to these types of behaviours efficiently and effectively, and without involving the Provincial Offences Court system.

ATTACHMENTS:

Appendix I – SET FINE SCHEDULE – Schedule “C”
Appendix II – SET FINE SCHEDULE – Schedule “A”

Appendix I

SCHEDULE "C"

THE CORPORATION OF THE CITY OF WELLAND

ADMINISTRATIVE PENALTY BY-LAW 2019-134 - SET FINE SCHEDULE

TO SIDEWALK SNOW CLEARING BY-LAW 2008-185, AS AMENDED BEING A BY-LAW REQUIRING PROPERTY OWNERS TO CLEAR SNOW AND ICE FROM THE PUBLIC SIDEWALK ADJACENT TO THEIR PROPERTY WITHIN TWENTY FOUR HOURS OF THE SUBSTANTIAL END OF A SNOWFALL OR PRECIPITATION EVENT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 OFFENCE CREATING PROVISION OR DEFINING OFFENCE	COLUMN 3 SET FINE
1	Fail to remove fallen snow from public sidewalk	Section 4.1.1.	\$250.00
2	Fail to remove fallen ice from public sidewalk	Section 4.1.1.	\$250.00
3	Place/deposit snow upon public sidewalk	Section 4.1.2.	\$250.00
4	Place/deposit ice upon public sidewalk	Section 4.1.2.	\$250.00
5	Place/deposit snow/ice adjacent to fire hydrant	Section 4.1.3.	\$250.00
6	Place/deposit snow/ice in a manner to obstruct access to fire hydrant	Section 4.1.3.	\$250.00
7	Place/deposit snow on traveled portion of highway obstructing traffic	Section 4.1.4.	\$250.00
8	Place/deposit ice on traveled portion of highway obstructing traffic	Section 4.1.4	\$250.00
9	Place/deposit snow/ice in a manner than interferes with public utility	Section 4.1.5.	\$250.00
10	Place/deposit snow/ice in a manner that interferes with traffic control	Section 4.1.5.	\$250.00
11	Place/deposit snow/ice in a manner that interferes with fire route	Section 4.1.5.	\$250.00
12	Place/deposit snow/ice in a manner that interferes with building system	Section 4.1.5.	\$250.00
13	Place/deposit snow/ice in a manner that interferes with municipal street	Section 4.1.5.	\$250.00
14	Place/deposit snow/ice in a manner that interferes with municipal water/sewer system	Section 4.1.5.	\$250.00
15	Obstruction	Section 6.4	\$250.00
16	Fail to produce any documents/things required by an Officer	Section 6.5	\$250.00
17	Furnish false information to an Officer	Section 6.6	\$250.00

Appendix II

SCHEDULE "A"

THE CORPORATION OF THE CITY OF WELLAND

ADMINISTRATIVE PENALTY BY-LAW 2019-134 - SET FINE SCHEDULE (APS)

TO SIDEWALK SNOW CLEARING BY-LAW 2008-185, AS AMENDED BEING A BY-LAW REQUIRING PROPERTY OWNERS TO CLEAR SNOW AND ICE FROM THE PUBLIC SIDEWALK ADJACENT TO THEIR PROPERTY WITHIN TWENTY FOUR HOURS OF THE SUBSTANTIAL END OF A SNOWFALL OR PRECIPITATION EVENT

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14	Place/deposit snow/ice in a manner that interferes with municipal water/sewer system	Section 4.1.5.	\$250.00
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COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
BUILDING DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

05-120

REPORT P&B-2020-65
NOVEMBER 3, 2020

SUBJECT: PROPOSED NEW BUILDING BY-LAW

AUTHOR: JACK TOSTA, CBCO, CPSO
CHIEF BUILDING OFFICIAL

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receive report 2020-64 for information; and,

THAT Council repeal City of Welland By-law No. 2005-91, the current Building By-law; and,

THAT Council enact City of Welland recommended Building By-law, attached as Appendix "A" to Report 2020-64.

ORIGIN AND BACKGROUND:

Section 7 of the Ontario *Building Code Act* mandates that municipalities must enact Building By-laws which include the authority to prescribe classes of permits, provide for application requirements, require the payment of and setting of fees, and designating authority for forms, among other items.

The purpose of this report is to discuss the necessity for a new Building By-law as a result of amendments to the Ontario Building Code and to address redundant text absorbed from the previous version of the by-law.

The current Building By-law 2005-091 was adopted by Council in 2005 in anticipation of amendments to the Ontario Building Code resulting from the *Building Code Statute Law Amendment Act, 2002* (Bill 124). These regulations established new requirements for building officials and designers to possess and maintain qualifications in areas of expertise and established prescribed mandatory timeframes for issuing of building permits and for conducting inspections.

In 2006, through Ontario Regulation 350/06 the Building Code was rewritten into an objective based format to promote innovation and provide flexibility in design and construction.

Since that time the Building Code was amended by Ontario Regulation 332/12 which prescribed new requirements for Resource Conservation, Fire Safety, and Environmental Separation. These amendments included sprinklering of retirement homes, increased accessibility requirements for barrier free design, allowing midrise wood construction for buildings up to six storeys in building height, and defining two-unit houses to address affordability challenges.

The proposed Building By-law is intended to reflect these changes by prescribing forms, plans, specifications and establishing fees which will be charged for processing building permit applications and conducting inspections. Furthermore, the existing fee schedule was considered through the review process and the draft by-law seeks to introduce an updated fee schedule, in conjunction with Report 2020-65 considered by Budget Review Committee on October 27, 2020.

Legislative Authority

According to the *Building Code Act*, the Council of each municipality is responsible for the enforcement of the Act within the municipality. Section 7 of the Act provides the Council of each municipality with the authority to pass building by-laws.

A building by-law can prescribe classes of permits, provide for permit applications which are required to be accompanied by plans, specifications and documents, requiring the payment of fees and prescribing the amounts, provide for refunds under prescribed circumstances, require the permit holder to notify the Chief Building Official of readiness to inspect, include inspections in addition to the stages of construction prescribed in the Code, provide for transfer of permits when land changes ownership, enable the Chief Building Official to require as-constructed plans, provide for the transfer of permits, and require fences to be erected to enclose construction or demolition sites.

The Act establishes limitations on fees charges for permit applications which may not exceed the 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.

COMMENTS AND ANALYSIS:

Ontario Regulation 332/12 passed under the *Building Code Act* establishes detailed technical and administrative requirements for the construction of buildings in Ontario. The building by-law is the document which outlines the type of information, documentation and specifications that are necessary to obtain a building permit. The proposed amendments to the Building By-law are aimed at establishing submission requirements, providing accurate fees and reflect recent amendments to the Ontario Building Code.

The chart below provides a comparison between the current by-law the new by-law provisions and the rationale for the proposed modification:

Old By-law Requirement	New By-law Requirement	Area of Consideration
Definition section limited to services and legislation in effect at the time of writing.	New definitions for Certified Model, Fast Track Service, House.	To reflect service enhancements provided in the new by-law and amendments to the Building Code.
No opportunity to submit applications electronically.	Provides the authority to receive electronic submissions.	Service delivery enhancement to reflect innovative technology and Covid -19 challenges.
Prescribes Classes of Permits based on outdated Code references.	Permits section references the new amended code references.	Permit submission requirements including the professional design for complete applications are prescribed by the Building Code.
No defined procedure for submitting alternative solution proposals.	Provides detailed information on submissions of alternative solutions available in the Building Code.	To ensure that the submission process is following the administrative requirements of the Building Code.
Fire Safety Matters do not make references to specific sections of the Building Code.	Fire Department Approval includes all sections of the Building Code relating to Fire Protection.	Clarifies the roles and responsibilities of Building and Fire Department staff.
No provision for Limiting Distance Agreements as permitted in the Building Code.	Proves the authority to enter into Limiting Distance agreements.	Proves service enhancement for designs which are limited by size restrictions.
Mandatory inspections prescribed in the Code.	Additional Inspections available through the Code.	Additional inspections relate to anticipated scope of development involving multi-storey buildings. Inspections are necessary to ensure construction in progressing in

		compliance with all approvals.
Fencing at Construction and Demolition Sites is not addressed in the current by-law.	New by-law requirements for construction fencing around sites which may present a hazard to the public.	Risk mitigation to adjacent properties and public at large.
Environmental Impacts are not addressed in the current by-law.	New by-law prescribes requirements for dust control, hazardous materials, and vibration control.	Consideration for adjacent properties affected by construction and demolition of certain buildings.

The above list represents a summary of changes resulting from amendments to the Ontario Building Code since 2005. The proposed amendments are aimed at providing staff and the public with clarity on permit application submissions and the quality of information which is necessary to enable the Chief Building Official to ensure that the proposed construction complies with the Building Code and applicable law.

Fees

The City recently retained Watson and Associates to undertake a fee review process to ensure building permit fees reflect the cost recovery for services rendered, while allowing for the creation of a building reserve, training for staff to ensure that qualifications are earned and maintained, and to allow for tracking and permitting software. Council considered report LGL 2020-01 at the November 3, 2020 meeting of Council. The Building services rates and fees approved through that report will be appended to and replicated in Schedule A to the proposed Building By-law, in Appendix A of this report.

Noticeable changes to the new fee schedule are for homeowner projects which typically include accessory structures such as sheds, decks, garages and sunrooms. Since these projects typically require a similar amount of effort during the permit application and inspection process, a minimum flat fee amount will be charged for these projects.

To further simplify the fee calculation process during the application submission, certain projects will be assigned a flat fee rather than using the service index per floor area of work or its construction value. These examples include tents, demolition permits related to houses, alterations to mechanical equipment, septic systems and certified house models.

A new fee category has also been established for shell commercial buildings and for interior or tenant finishes. The typical construction practice involving commercial multitenant buildings, would see the shell of the building being constructed by the builder while the individual units are then completed by the tenant to suit their individual needs.

Additionally, the list of life safety systems regulated in the fire protection part of the Building Code has been expanded to specify which types of building upgrades require a building permit. This will reduce likelihood of work being carried out without the benefit of a permit and overseen by qualified building and fire personnel.

The draft bylaw also provides for certified model program where builders can submit stock technical drawings to the building department for review prior to submitting permit applications, thereby reducing the wait times for permit issuance during times of increased permit activity.

Additional inspections are also being proposed to enable staff to ensure that construction involving multi story development is carried out in accordance with the approved permit documents.

Finally, provisions for construction fencing and environmental impacts have been included in the draft bylaw to address the impact on adjacent properties during the construction and demolition process. City of Welland will be experiencing an increased volume in the development construction some of which will involve infill sites located within existing and established neighborhoods.

FINANCIAL CONSIDERATION:

The Building Code Act provides municipalities with the authority to establish fees to administer and enforce the Act. All fees contained in Schedule "A" of the proposed by-law have been established to provide full cost recovery; therefore, there is no anticipated impact on current or future City finances.

OTHER DEPARTMENT IMPLICATIONS:

The draft bylaw prescribes the roles and responsibilities of other departments staff involved in the permit application review and inspection processes i.e. Fire Prevention, Development Engineering.

SUMMARY AND CONCLUSION:

The proposed bylaw will provide the necessary legislative authority that is available through the Building Code Act to administer and enforce recent amendments to the Building Code and the Act. Due the volume of amendments being proposed it became necessary to replace the current bylaw document with a new document and format.

ATTACHMENTS:

Appendix A - Draft Building Bylaw

THE CORPORATION OF THE CITY OF WELLAND**By-law 2020-_____****Being a By-Law under the *Building Code Act*
respecting construction, demolition, change of use,
occupancy, transfer of permits and inspections.**

Whereas pursuant to the regulations of the *Building Code Act*, S.O. 1992 c.23 as amended, a Building Code has been established which is in force throughout Ontario; and

Whereas section 3(1) of the *Building Code Act*, S.O. 1992, c.23 as amended provides that the Council of the municipality is responsible for enforcement of the Act in the municipality; and

Whereas section 3.(2) of the *Building Code Act*, S.O. 1992 c.23 as amended provides that the Council of a municipality shall appoint a Chief Building Official and such inspectors as are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction; and

Whereas section 7 of the *Building Code Act*, S.O. 1992 c.23 as amended, empowers Council to pass by-laws respecting construction, demolition, change of use, transfer of permits, inspections, and the setting and refunding of fees;

Now therefore the Council of the Corporation of the City of Welland enacts as follows:

SHORT TITLE

This By-law may be cited as the "Building Permit By-Law".

Part 1**DEFINITIONS**

1.1 In this By-law;

1.1.1 "Act" means the *Building Code Act*, S.O. 1992, c.23 as amended.

1.1.2 "Applicant" means the owner of a building or property who applies for a permit or any person authorized by the owner to apply for a permit on the owner's behalf including, but not limited to, the Architect, Professional Engineer, Contractor and/or builder.

1.1.3 "Architect", as defined in the Building Code, means the holder of a license, certificate of practice or a temporary license issued under the *Architects Act*.

1.1.4 "Building Code" means Ontario Regulation 332/12, as amended, made under section 34 of the Act.

1.1.5 "Certified Model" means a unique building design for a detached, semidetached or a row house unit that has been reviewed by the Chief Building Official. A certified model is not itself a permit.

1.1.6 "Chief Building Official" means a Chief Building Official appointed by By-law by The Corporation of the City of Welland for the purposes of enforcement and administration of the *Act*.

1.1.7 "City" means the City of Welland.

1.1.8 "Construct" means construct as defined in subsection 1(1) of the *Act*.

1.1.9 "Corporation" means The Corporation of the City of Welland.

1.1.10 "Demolish" means demolish as defined in subsection 1(1) of the *Act*.

1.1.11 "Fast Track Service" means, when authorized by the Chief Building Official, an expedited plan examination service conducted outside the normal review process, usually carried out outside regular working hours, with no guarantee of earlier permit issuance.

1.1.12 "House" means a single detached house, semi-detached house, or a row house containing not more than two dwelling units.

1.1.13 "Inspector" means an inspector appointed by By-law by The Corporation of the City of Welland for the purposes of enforcement of the *Act*.

1.1.14 "Owner" means the registered owner of a property and includes a lessee, a mortgagee in possession, and any person who proves to the satisfaction of the Chief Building Official that they are the authorized agent of the Owner.

1.1.15 "Permit" means permission or authorization given in writing from the Chief Building Official to perform work, to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and Building Code.

1.1.16 "Permit Holder" means the owner to whom a permit has been issued or where a permit has been transferred, the new owner to whom the permit has been transferred.

1.1.17 "Professional Engineer", as defined in the Building Code, means a person who holds a licence or temporary licence under the Professional Engineers *Act*.

1.1.18 "Registered Code Agency" means a registered code agency, as defined in subsection 1(1) of the *Act*.

1.1.19 "Sewage System" means a sewage system, as defined in the Building Code.

1.1.20 "Work" means construction or demolition of a building or part thereof, as the case may be.

1.2 Words or terms not defined in this By-law shall have the meaning ascribed to them in the *Act* or the Building Code.

Part 2 CLASSES OF PERMITS

2.1 Classes of Permits

Classes of permits required for construction, demolition or change of use are set forth in Schedule "A" of this By-law.

Part 3 PERMITS

3.1 Application for Permit

To obtain a permit, an applicant shall file an application electronically or in writing, on forms prescribed by the Province of Ontario and available from the Chief Building Official or from the Building Code website, www.obc.mah.gov.on.ca, and supply any other information relating to the application, as required by the Chief Building Official.

Application forms prescribed by the City under section 7(i) (f) of the *Act* are set out in Schedule "B" of this bylaw and are available on the City website.

3.2 Information to be submitted

Every application for a permit shall be submitted to the Chief Building Official, and contain the following information:

- (1) Where application is made for a **construction** permit under subsection 8(1) of the *Act*, the applicant shall:
 - (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
 - (b) include complete plans and specifications, documents and other information as required by Div. C, 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit;
 - (c) Where a building is required to be designed by an Architect or an Engineer [Div. C, 1.2.1.1 of the Building Code], provide a completed Commitment to General Reviews by Architect and Engineers form;
 - (d) Where plumbing is being proposed, provide a written acknowledgement that the owner has retained a Master Plumber (as defined in the City's Master Plumbers By-law 8324) licensed in the City to install the plumbing;

- (e) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule "C".
- (f) comply with all requirements of subsection 8(1) of the *Act*.
- (2) Where application is made for a **demolition** permit under subsection 8(1) of the *Act*, the applicant shall:
- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (b) Where the demolition of a building is required to be reviewed by an Engineer [Div. C, 1.2.2.3 of the Ontario Building Code], include applicable plans and specifications, documents and other information as required by Div. C, 1.3.1.1.(3) and Div. C, 1.3.1.3.(5) of the Building Code and as described in this By-law for the demolition to be covered by the permit;
- (c) include completed demolition supplementary form; and
- (d) provide all applicable documentation as set out in Part 4, Subsection 4.2 to 4.4, and Schedule "C".
- (e) be accompanied by satisfactory proof that arrangements have been made for the disconnection of water, sewer, gas, electric and telephone utilities and services;
- (f) be accompanied by a deposit described in Schedule "E" to this By-law, to be retained for the purposes of ensuring removal of demolition material from the site leaving the site in reasonably level condition; and
- (g) comply with all requirements of subsection 8(1) of the *Act*.
- (3) Where application is made for a **conditional** permit under subsection 8(3) of the *Act*, the application shall:
- (a) use the provincial application form, "Application for a Permit to Construct or Demolish";
- (b) include complete plans and specifications, documents and other information as required by Div. C, 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit;
- (c) state the reasons why the applicant believes that unreasonable delays in construction would occur if a conditional permit is not granted;
- (d) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained; and
- (e) state the time in which plans, and specifications of the complete building will be filed with the Chief Building Official;

- (f) be required to enter into an agreement as provided for in subsection 8(3) of the *Act*; and
- (g) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule "C".
- (4) Where application is made for a **sewage** permit issued under subsection 8(1) of the *Act*, the application shall:
- (a) use the provincial application form, "Application for a Permit to Construct or Demolish; and
- (b) include complete plans and specifications, documents and other information as required under Div. C, 1.3.1.3.(5) of the Building Code and as described in this By-law for the work to be covered by the permit; and
- (c) include a site evaluation which shall include all of the following items, unless otherwise specified by the Chief Building Official; and
- (i) include the date the evaluation was done; and
- (ii) include name, address, telephone number and signature of the person who prepared the evaluation; and
- (iii) include a scaled site plan showing:
- the legal description, lot size, property dimensions, existing right-of-way, easements or municipal/utility corridors.
 - the location and applicable clearances of items listed in Column 1 of Div. B, Tables 8.2.1.5., 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C. of the Building Code;
 - the location of the proposed sewage system;
 - the location of any unsuitable, disturbed or compacted areas;
 - proposed access routes for system maintenance;
 - depth to bedrock;
 - depth to zones of soil saturation;
 - soil properties, including soil permeability; and
 - soil conditions, including the potential for flooding; and
- (d) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule "C".
- (5) Where application is made for a **change of use** permit issued under subsection 10(1) of the *Act*, the application shall:
- (a) use the prescribed form in Schedule "B" of this By-law;

- (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building;
 - (c) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made;
 - (d) include complete plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the Building Code, including: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing capacities, and details of the existing sewage system, if any;
 - (e) state the name, address and telephone number of the owner;
 - (f) be signed by the owner or their authorized agent who shall certify the truth of the contents of the application; and
 - (g) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule "C".
- (6) Where application is made for a **transfer** of permit because of a change of ownership of the land, as permitted under section 7(1)(h) of the *Act*, the application shall:
- (a) use the prescribed form in Schedule "B" of this By-law;
 - (b) provide the names and addresses of the previous and new owner;
 - (c) provide the date that the land ownership change took place;
 - (d) describe the permit that is being transferred; and
 - (e) provide all applicable documentation as set out in Part 4, Subsection 4.1 to 4.4, and Schedule "C".
- (7) **Occupancy Permits**
- Where an application is made to occupy an unfinished building as provided for in Div. C, 1.3.3.1 of the Building Code, the application shall:
- (a) use the prescribed form in Schedule "B" of this By-law;
 - (b) describe the building or part of the building floor areas to be occupied; and
 - (c) be accompanied by a floor plan which identifies the floor areas to be occupied.

An Occupancy Permit for buildings described in Div. C, 1.3.3.1.(1) of the Building Code, [other than dwelling units], including additions and renovations to those buildings, shall be issued where the Chief Building Official has determined that the requirements for occupancy in Div. C,

1.3.3.1.(2). of the Building Code have been met and has authorized the occupancy of the building or part.

A Residential Occupancy Permit for new dwellings described in Div. C, 1.3.3.4. of the Building Code, [including detached, semidetached and rowhouses], shall be issued where the Chief Building Official has determined that the requirements for occupancy in Div. C, 1.3.3.4.(5) of the Building Code have been met and has authorized the occupancy of the building or part.

3.3 Incomplete Applications

An application is deemed to be incomplete pursuant to Div. C, 1.3.1.3.(6)(a) of the Building Code if the application:

- (a) does not contain the plans and specifications prescribed by this By-law,
- (b) does not contain the information and documents prescribed by this By-law which enable the Chief Building Official to determine whether the proposed building, construction or demolition will contravene any applicable law; or
- (c) the proposed building, construction or demolition will contravene any applicable law.

The Chief Building Official will provide reasons in writing to the applicant in accordance with Div. C, 1.3.1.3.(6)(b) of the Building Code for the decision.

Where an application for permit is determined to be incomplete, the application may be accepted for processing when the application is accompanied by completed form as set out in Schedule "B" of this By-law.

3.4 Partial permits – requirements

When feasible, the Chief Building Official may consider approval of a portion of the building or project prior to the issuance of a permit for the entire building or project, provided that:

- (a) application shall be made and all applicable fees be paid for the entire project; and
- (b) complete plans and specifications covering the portion of the work for which immediate approval is desired shall be filed with the Chief Building Official.

Where a partial permit is requested the full building or project application is deemed to be incomplete.

3.5 Partial permits – limitations

Where a permit is issued for part of a building or project, this shall not be construed to authorize construction beyond the plans for which approval was given, nor that approval will necessarily be granted for the entire building or project.

3.6 Inactive permit application

Where an application for a permit remains incomplete or inactive for six months after it is made, the application may be deemed by the Chief Building Official to have been abandoned and notice thereof shall be given to the applicant. If an application is deemed to be abandoned, a new application must be filed for the proposed work.

3.7 Alternative Solutions

Where a proposed material, system or building design differs from the “acceptable solution” in Division B of the Building Code, then it is treated as an “alternate solution”. The following information shall be provided to the Chief Building Official in support of the alternate solution:

- (a) A description of the proposed material, system or building design for which an alternate solution is requested,
- (b) Documentation that the alternate solution will achieve the level of performance required by the applicable acceptable solutions in Division B of the Building Code in respect to the objectives and the functional statement attributes to the applicable acceptable solutions in Supplementary Standard SA-1, as stipulated in Div. A, 1.2.1.1(1)(b) of the Building Code.
- (c) Documentation described in Div. C, 2.1.1.1 of the Building Code and such other information or documentation as may be required by the Chief Building Official.
- (d) Each application for consideration of an alternate solution shall be accompanied by a non-refundable fee as stipulated in Schedule “A” Section of this Bylaw.

3.8 Fire Department Approval

- (a) The Fire Chief (as defined in the *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4) or his or her designate, shall be responsible for the enforcement, plan examination and filed inspections of the following sections of the Building Code as amended, respecting fire safety matters:
 - (i) Fire Alarm and Detection Systems as described in Div. B. 3.2.4;
 - (ii) Provisions for Fire Fighting as described in Div. B. 3.2.5;
 - (iii) Standpipe Systems as described in Div. B. 3.2.9;
 - (iv) Commercial Cooking Equipment in conformance with NFPA 96; and
 - (v) Design and installation of Solid Wood Burning Stoves and appliances in conformance with CAN/CSA-B365.
- (b) The Fire Chief or designate shall approve all drawings submitted pursuant to an application for a permit as complying with the requirements of the Building Code, respecting fire safety matters, prior to issuance of a permit by the Chief Building Official.

Part 4
PLANS AND SPECIFICATIONS

4.1 Information sufficient to determine conformity

Sufficient information shall be submitted with each application for a permit to enable the Chief Building Official to determine whether or not the proposed construction, demolition, change of use or transfer of permit will conform to the *Act*, the Building Code and any other Applicable Law.

4.2 Two complete sets required unless specified

Each application shall, unless otherwise specified by the Chief Building Official, be accompanied by two complete sets of the plans, documents and specifications as described in this By-law and Schedule "C" of this By-law.

4.3 Plans drawn to scale on durable material – legible

Plans shall be drawn to legible scale on paper, electronic media approved by the City or other durable material and shall be legible to scale (minimum 1:75 or 3/16"=1'-0").

4.4 Site plans referenced to plan of survey – certified

Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the *Act*, the Building Code or other applicable law, a copy of the survey shall be submitted to the Chief Building Official. Site plans shall show:

- (1) rights-of-way, easements and municipal services,
- (2) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;
- (3) existing and proposed municipal services, private services and utility locations
- (4) existing and proposed driveway entrances, fire access routes and parking spaces; and
- (5) existing and proposed finished ground levels or grades;

4.5 Surveyor's certificate – location of foundation

A surveyor's certificate, prepared by a registered Ontario Land Surveyor, shall be submitted and approved prior to commencement of the framing or the above grade portion, and shall show the location of the foundation or foundations on the lot for any new dwelling, or addition to a dwelling: including: detached, semi-detached, duplex, triplex, four-plex, and row house. Elevations shall be given for the top of foundation(s).

4.6 Lot Grading plans

In the case of a lot in respect of which an accepted master grading plan has been filed with the City, (such as Subdivision agreement or other multiple lot agreement) and not yet assumed by the City, a Detailed Lot Grading Plan approved by the developer's Professional Engineer who is responsible for the overall subdivision grading design, certifying thereon that the detailed lot grading plan conforms to the master grading plan must be filed with the City.

In the case of:

- (1) a lot in respect of which no accepted master grading plan or other grading plan has been filed with the City, or
- (2) a lot in respect of which an accepted master grading plan has been filed with the City in which the Developer is no longer responsible for the development of the subdivision, or
- (3) a lot in respect of which an accepted single lot grading plan has been filed with the City (such as a single lot development or grading agreement),

a Detailed Lot Grading Plan approved by a Professional Engineer or an Ontario Land Surveyor, certifying that the Detailed Lot Grading Plan conforms with the grading plan filed with the City, or that the drainage scheme depicted on the Detailed Lot Grading Plan will be compatible with the existing drainage patterns, in the case where there is no grading plan must be filed with the City

4.7 As constructed plans

On completion of the construction of a building, the Chief Building Official may require a set of as constructed plans, including a plan of survey showing the location of the building.

4.8 Plans – property of Corporation

Plans and specifications furnished according to this By-law or otherwise required by the Building Code and the *Act* become the property of the Corporation and will be dealt with accordingly.

4.9 Where required by the Chief Building Official, a certified copy of a current PIN sheet or deed shall be submitted to verify ownership and legal description of a property.

Part 5 REGISTERED CODE AGENCIES

5.1 Registered Code Agency – hired by Chief Building Official

The Chief Building Official is authorized to enter into and sign contracts for service agreements with Registered Code Agencies and appoint them to perform specified functions from time to time in order to maintain the time periods for permits prescribed in subsection Div. C, 1.3.1.3. of the Building Code.

5.2 Duties of Registered Code Agency

The registered code agency may be appointed to perform one or more of the specified functions described in section 15.15 of the *Act*.

Part 6
FEES DEPOSITS AND REFUNDS

6.1 Fees – Schedule “A”

The Chief Building Official shall determine the required fees for the work proposed calculated in accordance with Schedule “A” of this By-law and the applicant shall pay such fees.

If a fee cannot be calculated in accordance with Schedule “A”, or where no new floor area is created, or where materials, systems or equipment regulated by the Building Code render it impossible to determine the permit fee on the basis of the classifications noted in this Schedule, the permit fee payable shall be 1.6 % of the projects construction value [or as] otherwise determined by the Chief Building Official.

No permit shall be issued until the fees and deposits therefore have been paid in full.

6.2 Revisions to permits – fee

Where the applicant for a building permit or other permit makes material changes to plans, specifications or calculations after submission to the Chief Building Official for approval, the Chief Building Official may increase the required permit fee or fees by applying the rates in Schedule “A” to these changes and require payment of such increased fee or fees before the applications for permit, permits or approvals are issued.

6.3 Work without benefit of permits at any stage of construction – fee

Any person, corporation or other entity who commences construction, demolition or changes the use of a building before submitting an application for a permit or receiving a permit, shall in addition to any other penalty under the *Act*, Building Code, or this By-law, pay an additional fee equal to 100% of the amount calculated as the full permit fee for the entire project in order to compensate the Corporation for the additional work incurred by such early start of work. Where a project receives multiple partial permits, the additional fee shall be based on the overall permit fee. The fee will not exceed \$5000 per occurrence and for each stage of construction.

6.4 Additional fee and penalty

The additional fee in section 6.3 shall not relieve any person or corporation or other entity from complying with the Building Code and other applicable law or from any penalty prescribed by the *Building Code Act* for commencing construction prior to obtaining a building permit.

6.5 Fast Track Service– fee

Where the applicant for a building permit requests a Fast Track Service, additional fees as detailed in Schedule “A” shall apply.

6.6 Conditional permit – fee

Where the applicant for a building permit requests and is granted a conditional permit, additional fees as detailed in Schedule "A" shall apply.

6.7 Limiting distance agreement – fee

Where the applicant for a building permit enters into a limiting distance agreement, pursuant to Part 9 of this By-law, additional fees as detailed in Schedule "A" shall apply.

6.8 Administrative fees – non-refundable administrative fees collected under this Section are not refundable.

6.9 Refunds

Where there is a written request for a refund of permit fees paid, the Chief Building Official shall retain the following amounts of the permit fee payable:

- (i) 10% for administration where no plans examination has commenced;
- (ii) 20% for permit processing where zoning examination has commenced;
- (iii) 30% for in addition to (i) and (ii), plans examination has commenced; and
- (iv) 80% where permit has been issued and no field inspections have been performed.

6.10 Minimum permit fee – not refundable

Notwithstanding section 6.9, no refund will be made which shall result in the retention by the City of a sum less than the minimum permit fee payable.

6.11 Changing Permit Fees

- (1) Prior to passing a By-law to change any fees listed under Schedule "A", the City shall comply with the requirements set under Div. C, 1.9.1.2. of the Building Code.
- (2) The fee rates within Schedule "A" of this By-law are to be indexed to the Consumer Price Index (CPI) of Ontario as of December 31, and are to be adjusted annually on February 1. Flat fee rates shall be rounded to the nearest dollar amount (increments of half dollar shall be rounded up). All other fees shall be rounded to the nearest cent.

6.12 Deposits

- 1) Every permit application for work shall require submission of a deposit in accordance with Schedule "E". The deposit is to be retained by the City until completion of the project as security to facilitate compliance with Lot Grading requirements, the *Act*, the Building Code, this by-law, and other permit requirements.
- 2) The deposit shall also be held by the City to cover repair costs associated with damage to municipal sidewalks, curbs, boulevards, roads, water or sewer services, existing driveway

entrances or any other municipal property which may arise from the work associated with construction or demolition authorized by the permit. If in the opinion of the City, such damage has occurred, the permit holder must repair the damage to a standard equal or better than that which existed prior to the damage, as approved by the City.

The City may give the permit holder or the owner an opportunity to repair the damage within a reasonable time frame, or, if the damage creates an unsafe condition, may cause the damage to be repaired immediately by the City or by contractors hired by the City.

If the permit holder or owner does not repair the damage within the specified time frame, the City may authorize all or a portion the deposit to be retained for repair costs, however the City is under no obligation to repair the damage immediately, and may postpone repair until such time as it sees fit.

Should the cost of repair be greater than the amount of the deposit, the City shall invoice the owner or the permit holder the amount in excess of the deposit, and if such bill is not paid, the City may recover the costs by action or by adding the costs to the tax roll of the property to which the permit relates, and collecting them in the same manner as taxes according to Section 427 of the *Municipal Act*.

- 3) Where a deposit has been taken and a Detailed Lot Grading Plan submitted pursuant to this by-law, a Final Lot Grading Certificate shall be provided to the City within 1 year of building occupancy, approved by a Professional Engineer, or an Ontario Land Surveyor, certifying thereon that the finished elevations and the grading of the lot, as constructed, generally conforms to the Detailed Lot Grading Plan accepted with the permit application .
- 4) The deposit shall be returned to the person who paid the deposit upon completion of the Final Inspection and once the City is satisfied that there is no damage to municipal property and closed the permit file.

Part 7

TRANSFER OF PERMITS

7.1 Application – completed by new owner

In any case wherein the ownership of the land is transferred after a permit is issued, the ownership of that permit may be transferred if the new land owner completes the permit application form in accordance with the requirements of Part 3 of this By-law.

7.2 Fee – Schedule “A”

A fee shall be payable on an application for a transfer of permit as provided in Schedule “A” of this By-law.

7.3 New owner – permit holder – upon transfer

The new owner shall, upon a transfer of a permit, be the permit holder for the purpose of the *Act* and the Building Code.

Part 8 REVOCATION OF PERMITS

8.1 Notice of revocation

Prior to revoking a permit under sub-section 8(10) of the *Act*, the Chief Building Official may serve the permit holder a notice by personal service, electronic service or registered mail at the last known address of the permit holder.

8.2 Deferral of revocation

A permit holder may, within thirty (30) days from the date of service of a notice under this Part, request in writing the Chief Building Official to defer the revocation by stating reasons why the permit should not be revoked. The Chief Building Official having regard to any changes to the *Act*, Building Code or other applicable law may allow the deferral, in writing.

8.3 Fee for deferral

A request for deferral shall be accompanied by the non-refundable fee therefore set out in Schedule "A" of this By-law.

Part 9 LIMITING DISTANCE AGREEMENT

9.1 Entering into an agreement

An applicant may enter into a limiting distance agreement with the City as provided for in Div. B, 3.2.3.1.(8) or in Div. B, 9.10.14.2.(4) of the Building Code.

Part 10 NOTICE REQUIREMENTS FOR INSPECTION

10.1 Notice prior to each stage – Chief Building Official

The permit holder shall notify the Chief Building Official or a Registered Code Agency, where one is appointed, of each stage of construction for which a mandatory notice is required under Div. C, 1.3.5.1. of the Building Code. The permit holder shall provide the notice of completion as prescribed by Section 11 of the *Act*, or where occupancy is required prior to completion, notice of inspection to ensure that the requirements of Section 11 of the *Act* and Div. C, 1.3.3.1, 1.3.3.2, 1.3.3.3. and 1.3.3.4 of the Building Code are complied with.

In addition, the permit holder shall notify the Chief Building Official or a Registered Code Agency where one is appointed, of the following stages of construction as required under Div. C, 1.3.5.2. of the Building Code:

- (a) commencement of construction of the building;

- (b) substantial completion of structural framing for each storey, if the building is a type of building that is within the scope of Parts of Div. B other than Part 9 of the Building Code;
- (c) substantial completion of sit grading;
- (d) substantial completion of the pool deck, and dressing rooms for a public pool or public spa and readiness for inspection of emergency stop system for a public pool or public spa.
- (e) completion of a building for which an occupancy permit is required under Article 1.3.3.4 or 1.3.3.5. of the Building Code.

10.2 Effective when received – Chief Building Official

A notice pursuant to this part of the By-law is not effective until notice is actually received by the Chief Building Official or the Registered Code Agency.

Notice shall be deemed to have been received when the Chief Building Official or an inspector, as the case may be, makes a written record of the request for inspection.

10.3 Time periods – inspections

Upon receipt of proper notice, the inspector or a Registered Code Agency, if one is appointed, shall make a written record of the time notice is received and undertake a site inspection of the building to which the notice relates in accordance with the time periods stated in Div. C 1.3.5.3. of the Building Code and Section 11 of the Act.

Part 11

MODIFIED REQUIREMENTS

11.1 Discretion of Chief Building Official

The Chief Building Official may waive the requirements of Part 4 or Schedule "C" with respect to any particular applications. Where the Chief Building Official exercises his discretion as set out in this section, the requirements of this By-law are deemed to be modified accordingly.

11.2 Fences at Construction and Demolition Sites

(1) Where, in the opinion of the Chief Building Official or Inspector, a construction or demolition site presents a hazard to the public, the Chief Building Official or Inspector may require the owner to erect such fences as the Chief Building Official or Inspector deems appropriate to the circumstances.

(2) In considering the hazard presented by the construction or demolition site, the necessity for fences and the height and characteristics of such fences, the Chief Building Official and/or Inspector shall have regard for:

- (a) the proximity of the building site to other buildings;
- (b) the proximity of the construction or demolition to the lands accessible to the public;

- (c) the hazards presented by the construction or demolition activities and materials;
 - (d) the feasibility and effectiveness of the site fences; and
 - (e) the duration of the hazard.
- (3) Every fence required by the Section shall:
- (a) be erected to fully enclose all areas of the site which represent a hazard;
 - (b) create a continuous barrier and be enough to deter unauthorized entry;
 - (c) have a height of not less than 1.2m above grade at any point, unless the Chief Building Official or Inspector determines that a greater minimum height is necessary;
 - (d) if constructed of plastic mesh, snow fencing or other similar materials, be securely fastened at 200mm on center, to vertical posts not more than 1.2m apart, and horizontal members of a minimum 11 gauge cable at the top and bottom; and
 - (e) be maintained in a vertical plane, and in good repair.
- (4) All fencing shall be maintained in a structurally secure manner and painted or otherwise treated to inhibit deterioration.

11.3 Environmental Impacts

- (1) The contractor shall make every effort to minimize the amount of dust generated during demolition. A method of dust control can be, but is not limited to, wetting-down the construction debris during the actual demolition.
- (2) Consideration for neighboring properties shall be given when construction processes generate dust. The Ministry of Environment, Conservation and Parks and/or Ministry of Health will be contacted when complaints occur.
- (3) Where the contractor believes that hazardous materials exist in a building, the Niagara Region Health Department and/or the Ministry of the Environment, Conservation and Parks & the Ministry of Labour shall be contacted and an assessment shall be made prior to the start of demolition. Hazardous materials shall be safely removed as required by the respective authority(ies).
- (4) If required by the Chief Building Official, a report from a Professional Engineer with respect to the impacts of vibration from the proposed construction methods and the measures to be employed to mitigate such impacts may be submitted as part of an application for construction and/ or demolition.

(5) If required by the Chief Building Official, a demolition control plan may be required for buildings where existing conditions, including proximity to adjacent property, justify such a requirement.

(6) If required by the Chief Building Official, full or partial draping of a building under construction, particularly high-rise projects, may be required in order to mitigate potential impact of flying debris on neighbouring properties and pedestrians.

11.4 Code of Conduct

The Chief Building Official and inspectors shall be governed by the Code of Conduct set out in Schedule D with respect to exercising powers and performing duties under the *Act*.

Part 12

REPEAL – ENACTMENT

12.1 Previous By-law

By-Law 2005-91 and all of its amendments are hereby repealed.

12.2 Short title

This By-law may be referred to as the Building Permit By-law.

12.3 Schedules

The Schedules to this by-law are a part of this by-law.

12.4 Effective date

This By-law comes into force on January 1, 2021.

Enacted and passed this 3 day of November, 2020

Mayor Frank Campion _____

City Clerk Tara Stevens _____

Online version of this document does not contain signatures. Please contact City Clerk to obtain a copy of the signed original.

CLASSES OF PERMITS AND PERMIT FEES1. CALCULATION OF PERMIT FEES FOR CONSTRUCTION: (6)

Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

$$\text{Permit Fee (rounded to the nearest dollar)} = \text{SI} \times \text{A}$$

Where: SI = Service Index for Classification of the work proposed and, A = floor area in m² of work involved.

2. MINIMUM PERMIT FEE

Notwithstanding the fees indicated below, a minimum fee of \$137.00 shall be charged for all work, unless otherwise indicated.

3. CLASSES OF PERMITS AND FEES – SCHEDULE "A"

Description	Charging Parameter	Fee
Minimum Permit Fee	Flat	\$ 164
A. CONSTRUCTION - NEW BUILDINGS, ADDITIONS, ALTERATIONS		
Group A (Assembly Occupancies)(1)		
New & Additions	\$/ft ²	\$ 2.07
Alterations/Renovations	\$/ft ²	\$ 0.63
Group B (Detention, Care and Treatment, and Care Occupancies)		
New & Additions	\$/ft ²	\$ 2.22
Alterations/Renovations	\$/ft ²	\$ 0.63
Group C (Residential Occupancies)		
New & Additions		
Detached, Semi-Detached, Townhouse, and Rowhouse	\$/ft ²	\$ 1.45
Multi-Unit, Apartments, Hotels, and Other	\$/ft ²	\$ 1.29
Alterations/Renovations	\$/ft ²	\$ 0.63
Accessory Dwelling Unit	\$/ft ²	\$ 0.41
Garage, Deck, Shed, & Sunroom	Flat	\$ 164
Group D/E (Business, Personal Services, and Mercantile Occupancies)		
New & Additions		
Finished	\$/ft ²	\$ 1.90
Shell	\$/ft ²	\$ 1.38
Alterations/Renovations	\$/ft ²	\$ 0.63
Group F (Industrial Occupancies)		
New & Additions		
Finished	\$/ft ²	\$ 1.65
Shell	\$/ft ²	\$ 0.50
Alterations/Renovations	\$/ft ²	\$ 0.63
Miscellaneous (Other)		

Designated Structures			
Retaining Walls	\$/linear ft	\$	10.00
All Other Designated Structures	Flat	\$	921
Farm Building/Accessory Building/Greenhouse	\$/ft ²	\$	0.55
Public Pool	Flat	\$	493
Roof	\$/ft ²	\$	0.10
Shoring and/or Building Excavation	\$/linear ft	\$	10.00
Underpinning Existing Foundation	\$/linear ft	\$	10.00
B. STAND ALONE & MISCELLANEOUS WORK			
Tents/Temporary(2)	Flat	\$	255
Demolition			
One-family Dwelling/Building <3,000 ft ² GFA	Flat	\$	245
Other Demolitions	\$/ft ²	\$	0.14
Description	Charging Parameter	Fee	
C. LIFE SAFETY SYSTEMS			
Electromagnetic Locking Device	Per Item	\$	336
Commercial Kitchen Exhaust Hood, Dust Collectors, Fire Alarm, Spray Booth, Sprinkler System, or Standpipe & Hose System	Flat (incl. 4 devices) + \$/device greater than 4		\$ 1,341 + \$ 336 (> 4)
D. MECHANICAL			
New/Alterations to HVAC Standalone House	Flat	\$	255
Other than House	\$/ft ²	\$	0.14
E. PLUMBING			
Site Servicing/Private Water Lines	\$/linear ft	\$	2.42
Plumbing Fixtures (incl. Backflow Prevention Devices and Backwater Valves)	\$/fixture	\$	15.50
F. ON-SITE SEWAGE SYSTEM			
Construction of a Septic System Class 4	Flat	\$	958
Other than Class 4	Flat	\$	864
G. OTHER FEES			
Certified Model Home Service	Flat	\$	400
Fast Track Service (3) In addition to the regular permit fee payable for the entire project.	Flat + \$/hr over 4 Hours		\$ 492 + \$ 123/hr
Alternative Solution Application	Flat + \$/hr over 4 Hours		\$ 500 + \$ 123/hr
Change of Use Permit	Flat	\$	255
Transfer of permit	Flat	\$	255
Occupancy Permit (of unfinished building)	Flat	\$	260
Partial Permits/Staged Construction			
Foundation Stage including Underground Site Services			
Superstructure	Flat + Appl. Fee %	\$	348 + 25% of applicable fee
Interior Finishing			
Completion			

Conditional Permit	Flat	\$	1,159
Amendment to Conditional Permit Agreement	Flat	\$	348
H. SIGNS			
Ground Signs exceeding 7.5 Min Height		\$/ft ²	\$ 0.98
Projecting Sign weighing more than 115 kg			
Projecting Sign attached to a parapet			

4. MISCELLANEOUS CHARGES

For classes of permits not described or included in this schedule, a reasonable permit fee shall be determined by the Chief Building Official (6).

5. a) INTERPRETATIONS

The following explanatory notes are to be observed in the calculation of permit fees:

- Floor area of the proposed work is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (excluding residential garages).
- In the case of interior alterations or renovations, area of proposed work is the actual space receiving the work (i.e. tenant space).
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (i.e. stairs, elevators, escalators, shafts, ducts, etc.).
- Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses, etc.) are not included in the floor area.
- Attached garages and decks are included in the permit fee for new single detached dwellings and attached dwellings.
- Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable.
- Ceilings are included in both new shell and finished (partitioned) buildings. The Service Index for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.
- Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovations permit, no additional charge is applicable.
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located.
- The occupancy categories in the Schedule correspond with the major occupancy classifications in the Ontario Building Code. For mixed occupancy floor areas, the

Service Index for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area.

b) REFERENCES

- (1) Include air supported structures and structures with removable roofs.
- (2) As defined in Zoning By-law and does not include facilities described in (1) above or Group "A" structures as defined in OBC and/or requiring the professional services of an Architect and/or Professional Engineer.
- (3) As defined in 1.1.10 of the Building Permit By-law.
- (4) As outlined in 6.3 of the Building Permit By-law.
- (5) In addition to Flat Rate fee, permit fee will be adjusted should there be an increase in floor area.
- (6) Fee could be determined as per Chief Building Official as per 6.1 of the Building Permit By-Law.
- (7) Fees shown in italics are considered flat fees.

SCHEDULE "B"

Permit Application Forms

Change of Use,

Partial Occupancy /Transfer of Permit,

Incomplete Application,

Alternative Solution,

Certified Model,



Application for a Change of Use Permit

This form is authorized under subsection 10(1) of the Building Code Act.

For use by Principal Authority			
Application Number:		Permit Number (if different):	
Date Received:		Roll Number:	
Application submitted to: _____ (Name of municipality, upper-tier municipality, board of health or conservation authority)			
A. Project Information			
Building Number, Street Name		Unit Number	Lot/Con.
Municipality	Postal Code	Plan Number/Other Description	
Project Value Est. \$		Area of Work (m ²)	
B. Purpose of application			
Proposed Use of Building/Tenant		Current Use of Building/Tenant	
Description of Proposed Work			
<input type="checkbox"/> <input type="checkbox"/>			
C. Applicant			
Applicant is:		<input type="checkbox"/> Owner	<input type="checkbox"/> Authorized Agent of Owner
Last Name	First Name	Corporation or Partnership	
Street Address		Unit Number	Lot/Con.
Municipality	Postal Code	Province	E-mail
Telephone Number ()	Fax Number ()	Cell Number ()	
D. Owner (if different from applicant)			
Last Name	First Name	Corporation or Partnership	
Street Address		Unit Number	Lot/Con.

Municipality	Postal Code	Province	E-mail
Telephone Number ()	Fax Number ()		Cell Number ()

E. Builder (optional)			
Last Name	First Name	Corporation or Partnership (if applicable)	
Street Address			Unit Number
			Lot/Con.
Municipality	Postal Code	Province	E-mail
Telephone Number ()	Fax Number ()	Cell Number ()	
F. Required Schedules			
i) Attach Schedule 1 for each individual who reviews and takes responsibility for design activities.			
G. Document Submission and Applicable Law			
i) This application is for a change of use which results in an increase in hazard as determined by 1.3.1.4. of Division C. The application and all required schedules are submitted	<input type="checkbox"/>	Yes	<input type="checkbox"/>
		No	
ii) Payment has been made of all fees that are required, under the applicable by-law, resolution or regulation made under clause 7(1)(c) of the <i>Building Code Act, 1992</i> , to be paid when the application is made.	<input type="checkbox"/>	Yes	<input type="checkbox"/>
		No	
iii) This application is accompanied by the plans and specifications prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> .	<input type="checkbox"/>	Yes	<input type="checkbox"/>
		No	
iv) This application is accompanied by the information and documents prescribed by the applicable by-law, resolution or regulation made under clause 7(1)(b) of the <i>Building Code Act, 1992</i> which enables the chief building official to determine whether the proposed building, construction or demolition will contravene any applicable law.	<input type="checkbox"/>	Yes	<input type="checkbox"/>
		No	
v) The proposed building, construction or demolition will not contravene any applicable law.	<input type="checkbox"/>	Yes	<input type="checkbox"/>
		No	
H. Declaration of Applicant			
I _____ declare that:			
(print name)			
1. The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge.			
2. If the owner is a corporation or partnership, I have authority to bind the corporation or partnership.			
_____		_____	
Date		Signature of Applicant	

Personal information contained in this form and schedules is collected under the authority of subsection 10(1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to: a) the Chief Building Official of the municipality or upper-tier municipality to which this application is being made, or, b) the inspector having the powers and duties of a chief building official in relation to sewage systems or plumbing for an upper-tier municipality, board of health or conservation authority to whom this application is made, or, c) Director, Building and Development Branch, Ministry of Municipal Affairs and Housing 777 Bay St., 2nd Floor. Toronto, M5G 2E5 (416) 585-6666.

Schedule 1: Designer Information

Use one form for each individual who reviews and takes responsibility for design activities with respect to the project.

A. Project Information					
Building number, street name				Unit no.	Lot/con.
Municipality		Postal code	Plan number/ other description		
B. Individual who reviews and takes responsibility for design activities					
Name			Firm		
Street address				Unit no.	Lot/con.
Municipality		Postal code	Province	E-mail	
Telephone number ()		Fax number ()		Cell number ()	
C. Design activities undertaken by individual identified in Section B. [Building Code Table 3.5.2.1 of Division C]					
<input type="checkbox"/>	House	<input type="checkbox"/>	HVAC – House	<input type="checkbox"/>	Building Structural
<input type="checkbox"/>	Small Buildings	<input type="checkbox"/>	Building Services	<input type="checkbox"/>	Plumbing - House
<input type="checkbox"/>	Large Buildings	<input type="checkbox"/>	Detection, Lighting and Power	<input type="checkbox"/>	Plumbing – All Buildings
<input type="checkbox"/>	Complex Buildings	<input type="checkbox"/>	Fire Protection	<input type="checkbox"/>	On-site Sewage Systems
Description of designer's work					
D. Declaration of Designer					
I _____ declare that (choose one as appropriate): (print name)					
<input type="checkbox"/> I review and take responsibility for the design work on behalf of a firm registered under subsection 3.2.4 of Division C, of the Building Code. I am qualified, and the firm is registered, in the appropriate classes/categories. Individual BCIN: _____ Firm BCIN: _____					
<input type="checkbox"/> I review and take responsibility for the design and am qualified in the appropriate category as an "other designer" under subsection 3.2.5 of Division C, of the Building Code. Individual BCIN: _____ Basis for exemption from registration: _____					
<input type="checkbox"/> The design work is exempt from the registration and qualification requirements of the Building Code. Basis for exemption from registration and qualification: _____					
I certify that:					
1. The information contained in this schedule is true to the best of my knowledge.					
2. I have submitted this application with the knowledge and consent of the firm.					
Date			Signature of Designer		

NOTE:

- For the purposes of this form, "individual" means the "person" referred to in Clause 3.2.47(1) (d). of Division C, Article 3.2.5.1. of Division C, and all other persons who are exempt from qualification under Subsections 3.2.4. and 3.2.5. of Division C.
- Schedule 1 is not required to be completed by a holder of a license, temporary license, or a certificate of practise, issued by the Ontario Association of Architects. Schedule 1 is also not required to be completed by a holder of a license to practise, a limited license to practise, or



**Application for a Permit:
Partial Occupancy – Unfinished Building
Transfer of Permit – New Ownership**

For use by Municipal Authority				
Application number:	Permit number (if different):	Date received (month,day,year)		
A. Project information				
Building Number, Street Name		Unit number	Municipality	Postal Code
B. Purpose of application <input type="radio"/> Partial Occupancy –Unfinished Building <input type="radio"/> Transfer of Permit – New Ownership				
Proposed use of building		Current use of building		
Description of proposed work/area to be occupied				
C. Applicant Applicant is: <input type="radio"/> Owner or <input type="radio"/> Authorized agent of owner (if corporation or partnership, name of person applying on its behalf)				
Last name		First name	Corporation or partnership	
Street address		Municipality	Province	Unit number Postal Code
Telephone number ()	Fax ()	Cell number ()	E-mail	
D. Owner (if different from applicant)				
Last name		First name	Corporation or partnership	
Street address		Municipality	Province	Unit number Postal Code
Telephone number ()	Fax ()	Cell number ()	E-mail	
E. Permit via <input type="radio"/> Mail to <input type="radio"/> Pick up <input type="radio"/> Applicant <input type="radio"/> Owner <input type="radio"/> Authorized Agent				
F. Declaration of Applicant				
_____		_____	_____	declare that:
Applicant - print name		Date (month,day,year)	Signature of Applicant	
<ol style="list-style-type: none"> The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership. 				
G. Former Owner (To be completed for Transfer of Permit)				
Last name		First name	Corporation or partnership	
Street address		Municipality	Province	Unit number Postal Code
Telephone number ()	Fax ()	Cell number ()	E-mail	
H. Declaration of Former Owner (To be completed for Transfer of Permit)				
_____		_____	_____	declare that:
Former Owner (for Transfer of Permit only) - print name		Date (month,day,year)	Signature of Former Owner	
<ol style="list-style-type: none"> The information contained in this application, attached schedules, attached plans and specifications, and other attached documentation is true to the best of my knowledge. If the owner is a corporation or partnership, I have the authority to bind the corporation or partnership. 				

Personal information contained in this form and schedules is collected under the authority of subsection 8(1.1) of the *Building Code Act, 1992*, and will be used in the administration and enforcement of the *Building Code Act, 1992*. Questions about the collection of personal information may be addressed to the Chief Building Official of the City of Welland.



Application for a Certified Model

Pursuant to the City of Welland Building By-law

Note: This Application for a Certified Model is a form prescribed by the Chief Building Official pursuant to the City of Welland Building By-law and must be completed for each model. A certified model is not itself a building permit.

For use by City of Welland					
Certified Model Number:			Date received:		
A. Project and Model Information					
Name of Subdivision			Registered Plan No. / Draft Plan No.		
Builders Model Name		Gross Floor Area (m ²)		Construction Value	
Building Type:	Opt. Elevations:	Bedroom Options:	Finished Basement:	Deck on Plans:	Garage Type:
<input type="checkbox"/> Detached	<input type="checkbox"/> A or 1	<input type="checkbox"/> 1	<input type="checkbox"/> Yes <input type="checkbox"/> Partial	<input type="checkbox"/> Yes	<input type="checkbox"/> None
<input type="checkbox"/> Semi-detached	<input type="checkbox"/> B or 2	<input type="checkbox"/> 2	<input type="checkbox"/> No	<input type="checkbox"/> No	<input type="checkbox"/> Single
	<input type="checkbox"/> C or 3	<input type="checkbox"/> 3	Basement Walkout:	Loft:	<input type="checkbox"/> Double
	<input type="checkbox"/> D or 4	<input type="checkbox"/> 4	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Triple
	<input type="checkbox"/> E or 5	<input type="checkbox"/> 5	<input type="checkbox"/> No	<input type="checkbox"/> No	
B. Applicant					
Applicant is: <input type="checkbox"/> Owner or <input type="checkbox"/> Authorized agent of owner (if the Applicant is a corporation or partnership, name the person applying on its behalf)					
Last Name		First Name		Corporation or partnership	
Street address					Unit number
Municipality		Postal code	Province	Email	
Telephone number		Fax		Cell	
C. Owner (if different from Applicant) (if the Owner is a corporation or partnership, name the person applying on its behalf)					
Last Name		First Name		Corporation or Partnership	
Street address					Unit number
Municipality		Postal code	Province	Email	
Telephone number		Fax		Cell	
D. Builder					
Registered Name of Builder			Contact		TARION Reg. No.
Street address					Unit number
Municipality		Postal code	Province	E-mail	
Telephone number		Fax		Cell number	
E. Declaration of Applicant					
I _____ certify that:					
(print name)					
1. The information contained in this application and the attached drawings and other documentation is true to the best of my knowledge.					
2. I have authority to bind the corporation or partnership (if applicable).					
_____			_____		
Date			Signature of Requestor		

SCHEDULE "C"

SCHEDULE OF DRAWINGS, SPECIFICATIONS AND DOCUMENTS REQUIRED FOR CONSTRUCTION, DEMOLITION, AND CHANGE OF USE PERMITS

- 1.0 Two sets/copies of the following list of drawings, specifications and documents are required to be submitted in order for the various types of Building Permit Applications listed to be considered a complete application pursuant to Clause 7 (1) (b) of the *Building Code Act*, 1992 as amended:
- (a) Demolition (Full or partial)
 - (i) Proof of those arrangements have been made with the proper authorities for the cutting off and plugging of all water, sewer, gas, electric and telephone or other utilities and services. [Pre-demolition Clearance Form]
 - (ii) Description of the structural design characteristics of the building and method of demolition prepared by a Professional Engineer where deemed necessary by the Chief Building Official, Div. C, 1.3.1. 1..
 - (iii) Where a building is designated under the *Heritage Act*, approval must be obtained from Welland Heritage Committee.
 - (iv) Where a building is required to be reviewed by an Engineer [Div. C, 1.2.2.3. of the Ontario Building Code], provide a completed Commitment to General Reviews by Architect and Engineers form.
 - (b) On-Site Sewage System
 - (i) Requirements (ii) and (iv) below shall be prepared by a Qualified Designer (as defined in the OBC), except for the replacement of a septic tank of equal size or larger.
 - (ii) Site Evaluation Report, including soil permeability, and soil conditions, including the potential for flooding.
 - (iii) Site plan (property survey) and/or and lot grading/drainage and servicing plan.
 - (iv) Sewage system design and drawings.
 - (c) Residential Deck or Porch Permit
 - (i) Site plan (property survey)
 - (ii) Foundation plan
 - (iii) Floor plan (framing)
 - (iv) Elevation(s)
 - (v) Cross-section and detail of guards
 - (d) Residential Accessory Buildings
 - (i) Site plan (property survey)
 - (ii) Foundation plan / eng. floor slab

- (iii) Floor plan (one per floor & include framing)
- (iv) Building elevations (min. 4)
- (v) Building section (min. 1)

- (e) Residential Addition or Renovation Permit
 - (ii) Site plan (property survey)
 - (iii) Foundation plan
 - (iv) Floor plan (one per floor & include framing)
 - (v) Building elevations (min. 3)
 - (vi) Building section (min. 1)
 - (vii) Private sewage system evaluation where applicable
 - (viii) Heat loss / heat gain calculations and furnace make/model and duct design layout (where applicable)

- (f) New Residential Detached or Semi-Detached House
 - (i) Lot grading, drainage and servicing plan
 - (ii) Where applicable, a complete on-line sewage system permit application
 - (iii) Site plan (property survey)
 - (iv) Floor plan (one per floor)
 - (v) Floor and roof framing plans/truss specifications sealed by Professional Engineer
 - (vi) Building elevations (min. 4)
 - (vii) Building section (min. 1)
 - (viii) Mechanical ventilation form
 - (ix) Heat loss / heat gain calculations and furnace make/model and duct design layout
 - (x) Energy Efficiency Design Summary

- (g) New Residential Townhouse, Tri-plex or Four-plex
 - (i) Approved lot grading, drainage and servicing plan
 - (ii) Approved Site Plan (agreement and drawings)
 - (iv) Floor plan (one per floor)
 - (v) Floor and roof framing plans / truss specifications sealed by a Professional Engineer
 - (vi) Building elevations (min. 4)
 - (vii) Building section (min. 1)
 - (viii) Mechanical ventilation form
 - (ix) Heat loss / heat gain calculations and furnace make/model and duct design layout
 - (x) Energy Efficiency Design Summary

SCHEDULE "C" cont'd

- (h) **New Residential Apartment Building**
 - (i) Approved lot grading, drainage and servicing plan
 - (ii) Approved zoning certificate (including approved drawings)
 - (iii) Approved Site Plan (agreement and drawings)
 - (iv) Geotechnical Investigation Report (2 copies)
 - (v) Site plan (property survey)
 - (vi) Floor plan (one per floor)
 - (vii) Foundation plan and details (include de-watering & shoring where applicable)
 - (viii) Floor and roof structural plans
 - (ix) Building elevations
 - (x) Building sections
 - (xi) Window & door / hardware schedules
 - (xii) Room finish schedules
 - (xiii) Mechanical drawings (plumbing and HVAC)
 - (xiv) Electrical drawings (lighting, fire alarm system)
 - (xv) Sprinkler shop drawings if applicable
 - (xvi) Standpipe shop drawings if applicable
 - (xvii) Energy Efficiency Design Summary

- (i) **New Non-Residential Building or Addition (Part 3 or 9 Building)**
 - (i) Approved lot grading, drainage and servicing plan
 - (ii) Approved Site Plan (agreement and drawings)
 - (iii) Geotechnical Investigation Report (2 copies)
 - (iv) Site plan (property survey)
 - (v) Floor plan (one per floor)
 - (vi) Foundation, framing and roof plans
 - (vii) Building elevations
 - (viii) Building section (min. 1)
 - (ix) Window schedule
 - (x) Door & hardware schedule
 - (xi) Wall sections and/or details
 - (xii) Mechanical plans (plumbing & HVAC)
 - (xiii) Electrical plans (general lighting, emergency/exit lighting, and fire alarm system)
 - (xiv) Automatic sprinkler and standpipe drawings where applicable
 - (xv) Private sewage system evaluation where applicable
 - (xvi) Energy Efficiency Design Summary

SCHEDULE "C" cont'd

- (j) Non-Residential Renovation (Part 3 or 9 Building)
 - (i) Site plan (property survey), and/or key plan
 - (ii) Floor plan(s)
 - (iii) Door, hardware and partition schedule
 - (iv) Building elevations if exterior work proposed
 - (v) Building section if exterior work proposed
 - (vi) Mechanical plans (plumbing & HVAC) where applicable
 - (vii) Electrical plans (lighting, fire alarm system) where applicable
 - (viii) Energy Efficiency Design Summary

- (k) Designated Structures
The following plans prepared and stamped by a registered Architect or Professional Engineer;
 - (i) Approved lot grading, drainage and servicing plan
 - (ii) Approved zoning certificate (including approved drawings)
 - (iii) Site plan (property survey)
 - (iv) Floor plan and roof plan (where applicable)
 - (v) Elevations (where applicable)
 - (vi) Sections and details (where applicable)

- (l) Commercial Exhaust Hood (NFPA 96)
 - (i) Floor plan
 - (ii) Mechanical plan, details and section

- (m) Electro-Magnetic Locking Devices
 - (i) Floor plan
 - (ii) Electrical plan, details of inter-face with fire alarm system

- (n) Plumbing or Backflow Prevention Devices ONLY Plumbing
 - (i) Plumbing Layout – Floor Plan & Details

Backflow Prevention Devices

 - (i) Schematic drawing of backflow preventer in system including expansion tank, strainer & existing equipment (water meter)
 - (ii) Site plan or floor plan showing location of backflow preventer
 - (iii) Specification for the backflow preventer & other parts
 - (iv) For existing ICI buildings where the backflow is for a sprinkler system provide complete sprinkler system hydraulic calculations (including backflow) & a riser drawing showing the location of the backflow preventer. All drawings & calculations must be stamped by a Professional Engineer."

SCHEDULE "C" cont'd

- (o) Private Water & Sewer Systems Permits ONLY (Site Servicing)
 - (i) Approved Site Plan or Partial Site Plan Approval (agreement and drawings)
 - (ii) Property Survey (Architectural Site Plan)
 - (iii) Site Services plans (showing all sanitary, storm, domestic water and fire mains) sealed by a Professional Engineer
 - (iv) Cross sections & profiles sealed by a Professional Engineer
 - (v) Details and general notes sealed by a Professional Engineer
- 2.0 Unless otherwise specified by the Chief Building Official plans or working drawings showing and detailing the following information shall accompany all building permit applications: A building permit application is not complete until such plans are attached to it.
- 2.1 The site plan (property survey) drawing shall show:
 - (a) Survey property boundaries and dimension, all building lines, bearing of meters and bounds and compass orientation (legal description),
 - (b) The location, use, height and dimensions of any existing and proposed building(s) including, but not limited to front, side, and rear yard dimensions and relationships to adjoining property lines, condominium corporation lines and buildings, common element lines (where applicable),
 - (c) Relation of buildings and finished grade to existing elevations and storm water drainage control plan on site where applicable,
 - (d) All existing and proposed parking layouts, retaining walls, swimming pools, accessory buildings and any other such physical additions necessary to the site.
- 2.2 The lot grading, drainage and servicing plan(s) shall show:
 - (a) The property lines, building location, sidewalks, driveways, curb cuts, swales, all utility services and new/existing service connections,
 - (b) Existing and proposed spot elevations for this project and adjacent properties, slopes of driveways, sidewalks and swales, direction of drainage flow,
 - (c) Location of storm water catchment area, catch basins, below grade and above grade utilities and connections into services at property line.
- 2.3 The architectural drawings shall show:
 - (a) OBC matrix, foundation and grade details,
 - (b) Each floor plan with exact dimensions of the layout of all proposed areas and identify each with room names,
 - (c) All wall thickness and type of construction, window and door openings and schedules, elevator, sections and details of all walls, stairs and exits, fire walls, fire separations, shaft and duct openings and other related pertinent information,

- (d) Building elevations, cross sections and wall sections showing all floor to floor heights, materials and thickness, etc.,
- (e) Specifications where applicable.

SCHEDULE "C" cont'd

2.4 The structural drawings shall show:

- (a) All foundation, floor, roof and wall structural elements indicating sizes, shapes and proper locations, and all dead and live design loads and conditions of loading,
- (b) All reinforced concrete work indicating thickness and strength of concrete, size spacing minimum cover and type of reinforcing steel,
- (c) All lintels, column and beam locations and their size and snowdrift loading,
- (d) Where applicable de-watering report and shoring or pile driving.
- (e) Flow Control Roof Drainage Declaration to be completed.
- (f) Specifications where applicable.

2.5 The mechanical and electrical drawings shall show:

- (a) Mechanical drawings are to show the plumbing, heating, ventilation and air conditioning including legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural,
- (b) Electrical drawings are to show lighting, emergency lighting, exit signs, fire alarm systems and their legends and schedules for compliance with the OBC. For Part 9 buildings, if room allows this information can be shown on the same plan as the architectural,
- (c) Sprinkler and standpipe drawings are to include floor plans and riser diagrams to locate the entire system including connections, sprinkler heads.
- (d) Specifications where applicable.

2.6 The on-site sewage system report shall include the following:

- (a) The name, mailing address and telephone/fax numbers of the person who prepared the report and the system installer,
- (b) The date the evaluation was complete,
- (c) The provincial sewage system installer's registration number, date of issuance, and the name of the qualified person supervising the work to be done under the permit,
- (d) A scaled map of the site showing;
 - (i) Legal description, lot size, property dimension, existing rights-of-way, easements or municipal/utility corridors,
 - (ii) The locations of items listed in Column 1 of Div.B, Tables 8.2.1.6.A, 8.2.1.6.B and 8.2.1.6.C of the Building Code,
 - (iii) The location of the proposed sewage system,
 - (iv) The location of any unsuitable, disturbed or compacted areas, and
 - (v) The proposed access routes for system maintenance.

- (e) Soil investigation including;
 - (i) Depth to bedrock,
 - (ii) Depth to zones of soil saturation,
 - (iii) Soil properties and permeability,
 - (iv) Potential for flooding

SCHEDULE "C" cont'd

- 2.7 The following supporting documentation shall accompany applications for a permit unless otherwise waived by the Chief Building Official:
- (a) Real property report (survey plan) prepared by an Ontario Land Surveyor,
 - (b) Road Occupancy permit approved by the Welland Infrastructure and Development Services Traffic Division,
 - (c) Approval by the Ministry of the Environment Conservation and Parks for the design and construction of a private sewage disposal and water supply systems where applicable,
 - (d) Where applicable, approvals by the Ontario Ministries of Labour, Transport, Environment Conservation and Parks, the Ontario Liquor Control Board, Ontario Fire Marshall's Office and Niagara Peninsula Conservation Authority,
 - (e) Minister's Rulings from the Ministry of Municipal Affairs and Housing, with respect to products not addressed in the Ontario Building Code,
 - (f) Such other approvals as may be required to demonstrate compliance with "applicable law".

SCHEDULE "D"

Code of Conduct for Building Officials

1.0 Introduction

The City of Welland maintains this code of conduct in accordance with the provisions of the *Building Code Act*. This Code applies to the Chief Building Official and Inspectors as appointed by By-law 2019-xx and reflects Welland Building Department's commitment to the highest standards of professionalism, technical competence, skill, honesty, and integrity.

2.0 Purpose

The purposes of this code of conduct are:

- To promote appropriate standards of behavior and enforcement by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Ontario Building Code;
- To prevent practices which may constitute an abuse of power, including unethical or illegal practices, by the Chief Building Official and Inspectors in the exercise of a power or the performance of a duty under the *Building Code Act* or the Ontario Building Code, and;
- To promote appropriate standards of honesty and integrity in the exercise of a power or the performance of a duty under the *Building Code Act* or the Ontario Building code by the Chief Building Official and Inspectors.

3.0 Standards of Conduct and Professionalism

In addition to The City of Welland's Code of Conduct (Policy 2-52), the Chief Building Official and Inspectors for the City of Welland always undertake to:

- (1) Act in the public interest, particularly regarding the safety of buildings and structures.
- (2) Conduct themselves with a high degree of personal integrity and ethics, and in particular they should not place themselves, or permit themselves to be placed, in a position which would constitute, or on an objective basis give a reasonable apprehension, of a conflict of interest or breach of trust.
- (3) Exercise powers in accordance with the provisions of the *Building Code Act, 1992*, the Building Code and other applicable law that governs the authorization, construction, occupancy and safety of buildings and designated structures.
- (4) Apply all relevant building laws, regulations and standards in a consistent and fair manner, independent of any influence by interested parties.
- (5) Act honestly, reasonably and professionally in the discharge of their duties.

(6) Not divulge any confidential or sensitive information or material that they become privy to in the performance of their duties, except in accordance with laws governing freedom of information and protection of privacy.

4.0 Guideline for responding to misconduct allegations

The *Building Code Act* provides that the performance of the Chief Building Official and Inspectors will be measured against this code of conduct. In response to any allegation of a breach of this code, the Chief Building Official, in conjunction with the Human Resources Department, shall direct an investigation and where appropriate, recommend disciplinary action against any Inspector who fails to comply with this code of conduct.

Where the allegation is against the Chief Building Official, the General Manager and the Director of Human Resources will direct the investigation and make such recommendations as are reasonable.

In determining the appropriate discipline, the Chief Building Official, the General Manager and the Manager of Human Resources will have regard to the relevance of the conduct to the official's powers and responsibilities as well as the severity of any misconduct.

Disciplinary Action arising from violations of this Code of Conduct is the responsibility of Welland's administration and is subject to relevant Collective Agreements employment laws and standards and includes corrective actions up to and including formal reprimands, suspensions and terminations of employment.

SCHEDULE "E"

Deposits

DESCRIPTION OF BUILDING AND TYPE OF CONSTRUCTION		%OF APPLICATION FEE	AMOUNT OF DEPOSIT		
			MINIMUM	MAXIMUM	
1(a)	New Main Buildings	Houses ³	\$1,000	\$1,000	
1(b)		Other Than Houses ³	50%	\$1,000	\$3,000
2(a)	Additions, Accessory	Houses ³	\$250	\$250	
2(b)		Other Than Houses ³	50%	\$250	\$1,000
3(a)	Alterations	Houses ³	50%	\$100	\$250
3(b)		Other Than Houses ³	50%	\$100	\$500
4(a)	Demolitions	Main Building	\$1,000	\$1,000	
4(b)		Accessory	\$250	\$250	
5(a)	Pools	Inground	\$250	\$250	
6(a)	Other ⁴	See Note 4	50%	\$100	\$250

SCHEDULE "F"

Appointments

1. The following person is hereby appointed Chief Building Official for the purpose of enforcement of the Building Code Act for the Corporation of the City of Welland.
2. The following persons are hereby appointed as Inspectors/Property Standards Officers for the Corporation of the City of Welland:
 - I. Jennifer Blacklock
 - II. Tony Ranalli
 - III. Thomas Ferguson
 - IV. Gary Graziani
 - V. Silvestro Ravenda
 - VI. Matt Richardson
 - VII. Gerald Moore
 - VIII. Mandy Harris
 - IX. Barbara Mocny
3. That in the absence of the Chief Building Official, his designate shall have full authority to exercise the powers and perform the duties of the Chief Building Official



p. 705-639-5343
f. 705-639-1880
info@antownship.ca
www.antownship.ca

2357 County Road 45
P.O. Box 29
Norwood, ON
K0L 2V0

Office of the Mayor

Rodger Bonneau

October 7, 2020

Sent via E-mail

Re: Cannabis Production

Dear Ministers, Members of Parliament, and Members of Provincial Parliament,

Please be advised that the Council for the Corporation of the Township of Asphodel-Norwood passed the following resolution at its regular meeting of September 22, 2020:

Motion No. 239/20 | Moved by: Councillor Walsh | Seconded by: Deputy Mayor Burt

WHEREAS the Ontario Federation of Agriculture has adopted the position that licenced cannabis production for medical and/or recreational-use purposes should be considered a farming activity;

AND WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

AND WHEREAS Section 7 of the Cannabis Act requires that any person who intends to submit an application for a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis must provide written notice to: a) The local government, b) The local fire authority, and c) The local police force or the Royal Canadian Mounted Police detachment responsible for providing policing services to the area in which the site is referred to in the application;

AND WHEREAS Section 35(1) of the Act requires a holder of a licence for cultivation, a licence for processing, or a licence for sale that authorizes the possession of cannabis to provide a written notice to the local authorities within 30 days of issuance, amendment, suspension, reinstatement or revocation of a licence and provide a copy of said notice to the Minister; and

18-97



p. 705-639-5343
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 info@antownship.ca
 www.antownship.ca

2357 County Road 45
 P.O. Box 29
 Norwood, ON
 K0L 2V0

FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood requests a governing body in cannabis production that:

1. Takes a unified approach to land use planning restrictions;
2. Enforces the regulations under the Cannabis Act on behalf of the licencing agency and ensures local authorities are in fact provided with notification of any licence issuance, amendment, suspension, reinstatement, or revocation within their region;
3. Communicates more readily with local governments; and
4. Provides local governments with more support.

AND FURTHER BE IT RESOLVED THAT the Township of Asphodel-Norwood will forward this motion to the following partners: All municipalities in Ontario, the MP and MPP of Northumberland-Peterborough South, the MP and MPP of Peterborough-Kawartha, the Minister of Agriculture, Food and Rural Affairs, and the Minister of Agriculture and Agri-Food with the request that they enact legislation to support local governments with land use management and enforcement issues.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Rodger Bonneau".

Rodger Bonneau, Mayor
 Township of Asphodel-Norwood

- c. E. Hardeman, Minister of Agriculture, Food and Rural Affairs
 M. Bibeau, Minister of Agriculture and Agri-Food
 D. Piccini, MPP Northumberland-Petrborough South
 P. Lawrence, MP Northumberland-Petrborough South
 D. Smith, MPP Peterborough –Kawartha
 M. Monsef, MP Peterborough-Kawartha
 All municipalities in Ontario

CITY OF WELLAND INTEGRITY COMMISSIONER, H.G. ELSTON

Citation: Van Vliet v. DiMarco; DiMarco v. Van Vliet
Date: November 3, 2020

**REPORT ON THE MATTER OF A COMPLAINT AGAINST COUNCILLOR DIMARCO
BY COUNCILLOR VAN VLIET AND A COMPLAINT AGAINST COUNCILLOR VAN
VLIET BY COUNCILLOR DIMARCO**

Notice: Municipal Integrity Commissioners conduct inquiries and provide reports on their findings to their respective municipal councils. They may make recommendations for the imposition of a penalty or other remedial action to the municipal council. Reference should be made to the minutes of the municipal council meeting where the Commissioner's report was presented, to obtain information about council's consideration of each report. When possible, a link to the relevant municipal council minutes is provided.

[Link to Council Decision]

PART I – VAN VLIET v. DIMARCO

1. The City of Welland (the "City") approved Policy Number HUM-001-0031, establishing a Code of Conduct for Members of Council, on February 5, 2013, revising it on January 17, 2017 (the "Code").
2. The purpose of the Code is to ensure that the Members of Council share a common basis for acceptable conduct. On or about October 4, 2016, I was appointed as the City's Integrity Commissioner, pursuant to section 223.3(1) of the *Municipal Act, 2001*, R.S.O. 2001, c. 25 (the "Act").
3. This report presents my findings and recommendations to Council, following my inquiry into a complaint made to me on May 26, 2020 by Councillor Van Vliet, alleging that during the meeting of Council on May 19, 2020, Councillor DiMarco breached Part XI of the Code "Discreditable Conduct".
4. Councillor Van Vliet recalls that Councillor DiMarco complained to Mayor Campion that he, Van Vliet, was smiling at him and asked the Mayor to make him stop. Councillor DiMarco then became upset and threatened Councillor Van Vliet.
5. Councillor Van Vliet alleges that this type of confrontational behaviour over his expressions has been going on since 2014 – if Councillor Van Vliet smiles when Councillor DiMarco is talking, Councillor DiMarco becomes upset. Lately, however, Councillor DiMarco's reactions have become threatening and bullying.
6. Part XI of the Code describes what constitutes discreditable conduct.

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.

7. I have watched the video recording of the May 19, 2020 Council meeting, a viewing that leaves me no doubt that Councillor DiMarco was very upset and aggressive, directing abusive and threatening language in a loud voice at Councillor Van Vliet. At one-point Councillor DiMarco said to Councillor Van Vliet: "You think it's a big joke? We'll talk face-to-face". Councillor DiMarco's facial expression and tone left me with no doubt that this was intended as a threatening invitation to a confrontation.

8. Unfortunately, this is another in a series of complaints that I have received about Councillor DiMarco's behaviour. I have dealt with complaints that he was abusive towards and tried to intimidate a member of the public at a public meeting, that he has tried to assault a fellow Member of Council in the ante room during a break in a meeting of Council, and that he has disclosed sensitive, confidential information in an open session of Council.

9. While I have always tried to give Councillor DiMarco the benefit of the doubt, and respect his sincere commitment and contributions to the City of Welland, I fear he has lost perspective on his role as a Councillor, and his relationship with not only his fellow Councillors, but with staff and members of the public. His angry outbursts and often fierce attacks against people who disagree with him has become a serious impediment to the civilized debate of important matters. His contributions, however well-intended and meritorious, are diminished, and his colleagues become reluctant to engage with him, for fear of his response.

10. In my view, Councillor DiMarco was in breach of Part XI of the Code. It is my recommendation that Council denounce, in the strongest terms, Councillor DiMarco's behaviour and make it known that it is losing patience with him.

PART II – DIMARCO v. VAN VLIET

1. I asked Councillor DiMarco to respond to Councillor Van Vliet's complaint. Rather than addressing the allegations in that complaint, however, Councillor DiMarco chose to make a separate complaint against Councillor Van Vliet.

2. On June 4, 2020, Councillor DiMarco sent me an email telling me that he felt the need to make a complaint against Councillor Van Vliet. His complaint was about what he characterized as Councillor Van Vliet's "intimidation, taunting and harassment", during meetings. Councillor DiMarco alleges that, during the May 19, 2020, virtual meeting of Council, as he was speaking, Councillor Van Vliet was laughing at him. Councillor DiMarco says that this explains his reaction.

3. In response to my request, Councillor DiMarco filed a formal complaint form with me on June 18, 2020. Councillor DiMarco states:

While I have the floor and speaking whether in a live or virtual meeting Councillor Van Vliet will laugh prompting a reaction from me and despite a feeble warning from the Chair. It is my belief that the taunting is a form of harassment as per questions asked of presenter in regards to decorum.

4. I sent the complaint to Councillor Van Vliet, who responded on June 28, 2020. Councillor Van Vliet notes that he is somewhat troubled by the wording in the Complaint from Councillor Tony DiMarco. Having reviewed a number of the Livestream tapes which are available to the public, Councillor Van Vliet sees a major discrepancy. In all of the tapes he has reviewed, Councillor DiMarco continues to complain that Councillor Van Vliet is smiling at him, but now that he is officially filing a complaint, he has decided to embellish the complaint by stating that Councillor Van Vliet was laughing at him.

5. Councillor Van Vliet states that at no time has he intentionally laughed at anyone making a presentation. These complaints from Councillor DiMarco have, apparently, been ongoing since 2014. Councillor DiMarco's complaints at the time were against former Councillor John Mastroianni and Councillor Van Vliet every time either of them were to smile. Councillor Van Vliet observes that there are many reasons why a person may smile, and finds it incredulous that this is challenged as harassment.

6. Councillor Van Vliet also alleges that during the week commencing June 15, 2020 he received an email from Councillor DiMarco asking if he was proceeding with the Integrity Commissioner complaint against him. Councillor Van Vliet believes Councillor DiMarco's complaint to be baseless and is only in retaliation for his complaint against him.

7. While a Council meeting is certainly no place for any form of deliberately taunting or mocking behaviour, at the same time, politics requires a thick skin and, with all due respect to Councillor DiMarco, it is beyond the pale to consider smiling as a form of harassment. Accordingly, I am dismissing Councillor DiMarco's complaint against Councillor Van Vliet.

8. In closing, I would remind all Members of Council of the need to maintain a respectful attitude and tone towards each other. Your nights are long enough.

All of which is respectfully delivered this 3rd day of November 2020.



H.G. Elston
Integrity Commissioner City of Welland

CITY OF WELLAND INTEGRITY COMMISSIONER, H.G. ELSTON

Citation: Anonymous v. Councillor DiMarco
Date: November 3, 2020

**REPORT ON THE MATTER OF A COMPLAINT AGAINST COUNCILLOR DIMARCO
BY ANONYMOUS**

Notice: Municipal Integrity Commissioners conduct inquiries and provide reports on their findings to their respective municipal councils. They may make recommendations for the imposition of a penalty or other remedial action to the municipal council. Reference should be made to the minutes of the municipal council meeting where the Commissioner's report was presented, to obtain information about council's consideration of each report. When possible, a link to the relevant municipal council minutes is provided.

[Link to Council Decision]

INTRODUCTION

1. This is a report on the wrongful public disclosure by City of Welland Councillor Tony DiMarco that a harassment complaint had been made against a member or members of the City's senior management team. The circumstances and aftermath of the alleged breach are of some consequence and invoke not only the Code of Conduct's prohibition against the disclosure of confidential information, but also its provisions identifying what is considered to be discreditable conduct and the inappropriate treatment of staff.

2. During the open session of Council's meeting of September 1, 2020, Councillor DiMarco provided an update on the work of the City's Human Resources Committee ("HRC"), which included confidential information regarding a harassment complaint that was filed against a member or members of the City's Corporate Leadership Team ("CLT"). The information released by Councillor DiMarco had been provided to the members of the HRC in an earlier closed session meeting and Councillor DiMarco and his colleagues on the HRC were advised that the matter was to remain confidential. The Complainant feels that the disclosure was all the more egregious and clearly deliberate, given the caution that had been provided to the members of the HRC.

3. When provided with notice of the complaint, Councillor DiMarco noted that he is Chair of the HRT and that, typically, following a HRC meeting, a report is made to Council. Councillor DiMarco pleads that no confidential information was disclosed and that he merely referenced items that were on the HRC agenda, including an update on "recent harassment allegations against the CMT". He notes that at the September 1st meeting when he asked for a waiving of the rules to make his report, he was not warned against it. Councillor DiMarco told me that, if anything was done inappropriately, he apologizes.

THE CODE

4. As information that was provided to Councillor DiMarco in confidence, as an internal communication, which, if disclosed may prejudice the reputation of City employees, as well as information concerning litigation, I am satisfied that the information released was confidential.

5. The salient paragraph of Part V of the Code – *Confidential Information* – states:

“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.”

6. Part VII of the Code – *Conduct Respecting Staff* – lays out the expectations regarding Members’ treatment of staff:

Members are expected at all times to treat staff with respect, professionalism and courtesy ... Members and staff will work cooperatively based on shared values of honesty, trust, mutual respect, and leadership for continuous improvement.

7. Part XI of the Code – *Discreditable Conduct* – includes the following statements:

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.

ANALYSIS

8. The Complainant reports that members of the CLT were dismayed at the public revelation of the harassment claim. Their dismay is understandable and, in my view, justified. Harassment claims are highly sensitive, deeply personal and, however, resolved, can be a lasting blight on employment records and personal integrity. I find that Councillor DiMarco’s very public announcement of the claim constitutes a breach of Part V of the Code.

9. The fact that Councillor DiMarco did not reveal the substance of the discussions at the HRC meeting is of no assistance to him. The disclosure of the fact that an allegation of harassment had been made against a small group of people effectively casts suspicion upon every person in that group. Councillor DiMarco knew, or should have known, the reputational damage he would do to all the members of the CRT by letting slip the fact of the claim, damage that, as far as he knew, would be done in the complete absence of any proof of wrong behaviour, and against which the persons affected were utterly powerless to defend.

10. I find support for this finding in the report of Privacy Commissioner Loukidelis in Order 326-1999, where the Commissioner said that records that would permit the drawing of accurate inferences with respect to the substance of *in camera* deliberations, should not be disclosed. The release of the fact that a harassment suit had been made against one or more members of a small group permits the drawing of certain inferences.

11. Bearing in mind the likely impact the disclosure of the allegation has had on the members of the CLT, I also find that Councillor DiMarco has breached Parts VII and XI of the Code.

12. As a prelude to my recommendation, I refer to the Code's 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.*

13. Of the several Codes that I have the responsibility of administering, I find this Preamble to the City's Code to be one of the best statements of the purposes of Codes of Conduct. I have considered Councillor DiMarco's conduct in light of these purposes, as I weigh my recommendations to Council.

14. This is the second report I am delivering today where I have found Councillor DiMarco to have breached the Code; the third overall during my term as the City's Integrity Commissioner. If Council is as concerned as I am about the pattern of inappropriate behaviour Councillor DiMarco has displayed over the past two years of this term of Council, and finds it to be disruptive to the business of governing the City and offensive to Members, City staff and the public, a strong message needs to be sent to Councillor DiMarco.


15. To that end, I am recommending that:

- 1) Council deliver a stern reprimand to Councillor DiMarco, making it clear that Council considers his disclosure of this confidential information to be a serious breach of his duty not to broadcast sensitive, personal information about a person or person(s), his duty to treat members of staff with respect and courtesy, and his obligation to ensure that the municipal work environment is free from harassment;

2) That Councillor DiMarco be removed as Chair of the HRC; and

3) That his remuneration as a Member of Council be suspended for 90 days.

All of which is respectfully submitted this 3rd day of November 2020.

A handwritten signature in black ink, appearing to read 'H.G. Elston', with a long horizontal line extending to the right.

H.G. Elston
Integrity Commissioner City of Welland

CITY OF WELLAND INTEGRITY COMMISSIONER, H.G. ELSTON

Citation: Anonymous v. Councillor Speck
Date: November 3, 2020

REPORT ON THE MATTER OF A COMPLAINT AGAINST COUNCILLOR SPECK BY ANONYMOUS

Notice: Municipal Integrity Commissioners conduct inquiries and provide reports on their findings to their respective municipal councils. They may make recommendations for the imposition of a penalty or other remedial action to the municipal council. Reference should be made to the minutes of the municipal council meeting where the Commissioner's report was presented, to obtain information about council's consideration of each report. When possible, a link to the relevant municipal council minutes is provided.

[[Link to Council Decision](#)]

INTRODUCTION

1. During the closed session part of Council's General Committee meeting of June 23, 2020, the Committee was presented with the details of a confidential transaction, including the name of a company retained to advise the City. Councillor Graham Speck was curious about that company and googled it. His search yielded a phone number and he left his post in front of his home-office monitor and made a phone call to the company. The call was answered, Councillor Speck identified himself, asked for confirmation of the nature of the business and its retainer with the City and said goodbye.

2. Some three months after the meeting, the person whom Councillor Speck called brought the matter to the attention of his contact at the City, concerned that the call would somehow affect his work on the transaction. I received an anonymous complaint (not from the City's consultant or his contact at the City) about the call on September 28, 2020. The complaint alleges that Councillor Speck breached the rules on releasing confidential information under the City's *Code of Conduct* and its *Procedural By-law*.

3. Part V of the Code establishes the following rules for the management of confidential information.

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.

4. Article 11.10 of the City's Procedural By-law states:

All deliberations and information and documentation received or taken while in a Committee-of-the-Whole In-camera meeting shall remain confidential. The final results of deliberations and such information and documentation may only be made public by the Clerk when such disclosure is authorized by Council, or authorized by legislation or legislative authority. All Members shall comply with Section 5 – Confidentiality of Policy HUM-001-0031 being the Code of Conduct for Members of Council.

5. The starting point on an inquiry into an improper release of confidential information is, of course, to ask whether the information was, in fact, confidential?

6. With reference to the Code of Conduct definition of confidential information in Part V, it seems to me that the information Councillor Speck was privy to was the name of a company that was doing business with the City. I have a hard time viewing that information as having been provided in confidence to the City, or that it is something that could be withheld under the *Municipal Freedom of Information and Protection of Privacy Act*. Neither have I any evidence that the name of the company *per se* was the subject of debate or discussion at the meeting, and it was not a report, a draft document or internal communication, which if disclosed could prejudice the reputation of the City, its officers and employees, or its effective operation. Although this company was involved in a negotiation, I do not see how the name of the company was "information concerning negotiation".

7. Accordingly, I find that the name of the company doing business with the City was not confidential information and Councillor Speck has done nothing wrong, at least with respect to the Code's regulation of confidential information. If I am wrong about that and it is confidential information, for the reasons that follow, I find that Councillor Speck did not "disclose or release ... to any member of the public, any confidential information".

8. Councillor Speck called the actual business that is doing the work for the City. He did not release the name of the business to a member of the public and cannot be culpable in the disclosure or release of information into the public domain.

9. Moreover, there being absolutely no evidence to suggest it, I find that Councillor Speck's call was not made for "personal or private gain, or for the gain of relatives or any person or occupation".

10. As I suspect that my findings may come as a surprise to some, I will take the liberty of setting out what I understand to be the basic principles governing confidentiality and closed meetings.

11. Section 239(1) of the *Municipal Act, 2001*, establishes that all meetings are to be open to the public, except for those matters listed as exceptions under section 239(2), which may be closed to the public (*emphasis added*). The City's *Procedural By-law* mimics these provisions.

12. Rather than imposing a "cone of silence" over any and all topics and discussions in closed session, a more reasonable approach has emerged; it is only the disclosure of information that reveals the "substance of the deliberations" that is the harm to be protected against.

13. This principle has been enshrined in the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended ("MFIPPA"), and explored in various Information and Privacy Commissioners' decisions.

14. To wit, section 6. (1) (b) of the MFIPPA permits a head to refuse to disclose a record “that reveals the substance of deliberations of a meeting of a council, board, commission or other body or a committee of one of them if a statute authorizes holding that meeting in the absence of the public”.¹

15. In *White Rock (City)*, Commissioner Loukidelis stated:

*The first question is what is meant by the words "substance" and "deliberations" in s. 12(3)(b). In my view, "substance" is not the same as the subject, or basis, of deliberations. As Black's Law Dictionary, 8th ed., puts it, 'substance' is the essential or material part of something, in this case, of the deliberations themselves.*²

16. In Order F11-04, Commissioner Denham said that the substance of deliberations is what was said at a meeting, not the material that stimulated the discussion.³ In another case, the adjudicator found that the records in dispute did not reveal the substance of deliberations because one cannot reasonably conclude from the material what council members thought, said or decided regarding the material being considered.⁴

17. On the other hand, previous Orders have found that disclosing a specific motion would reveal the substance of deliberations.⁵ Similarly, in Order M-184, the Commissioner found that the confidentiality provisions would apply to records that would permit the drawing of accurate inferences with respect to the substance of *in camera* deliberations.⁶ (Please see my November 3, 2020 report in the case of *Anonymous v. DiMarco*.)

¹ *Municipal Freedom of Information and Privacy Act*, R.S.O. 1990, c. M.56, as amended

² Order F19-18; *White Rock (City) (Re)*, [2019] BCIPCD No 20

³ Order F11-04; *Vancouver School District No 39 (Re)*, [2011] BCIPCD No 4

⁴ Order F12-11; *New Westminster (City) (Re)*, [2012] BCIPCD No 15

⁵ Order M-184, [1993] OIPC No 244

⁶ Order M-481 (Revised), [1995] OIPC No 118

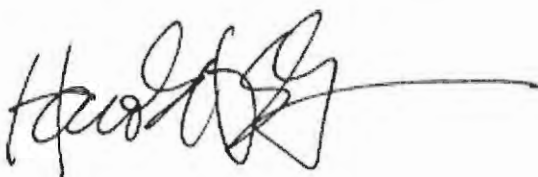
18. Applying the reasoning of these cases, I do not believe that by calling the advisor who was named in a confidential report to the Members, Councillor Speck had revealed the substance of the deliberations.⁷

19. I am also satisfied that, although the prohibition is expressed in a more explicit way in the Procedural By-law - *All deliberations and information and documentation received or taken while in a Committee-of-the-Whole In-camera meeting shall remain confidential* – this difference in form should not be taken to broaden the class of information to remain confidential or to invite a different analysis.

20. Accordingly, I find that Councillor Speck did not breach the confidential information rules in the City's Code of Conduct or the requirements respecting the confidentiality of information obtained in closed session, under the City's Procedural By-law.

21. That said, I do not condone Councillor Speck's actions. Apart from the obvious lapse in his attention to the matter at hand his diversion must have caused, and the concern his call raised with the City's agent, it is not hard to image the somewhat cavalier nature of his mission leading to any number of unfortunate events. The start of a meeting of council, open or closed, should end any collateral investigations.

All of which is respectfully submitted this 3rd day of November 2020.



H.G. Elston
Integrity Commissioner City of Welland

⁷ Order F19-18; White Rock (City) (Re), [2019] BCIPCD No 20