



COUNCIL MEETING AGENDA

**Tuesday, April 20, 2021
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 April 22, 2021 at 9:00 p.m.**

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (5:40 p.m.)
(See yellow tab)**
 - Proposed or pending acquisition or disposition of land by the municipality or local board;
 - *Welland Arenas Lease-Snack Bar.*
 - *New Scoreboard – Quaker Road Baseball Stadium.*
 - Personal matters about an identifiable individual, including municipal or local board employees:
 - *Ward 3 Candidate discussion.*

- 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**

Special Council Meetings of March 2, 9, 16, 23 and April 13, 2021 and Regular Council Meeting of March 2, 2021 (*Previously Distributed*)
 - 3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE ITEMS (IN-CAMERA) TO BE ADDED TO BLOCK**
 - 3.6 DISCLOSURES OF INTEREST**
 - 3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN) (See pink tab)**



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4. ORAL REPORTS AND DELEGATIONS

4.1 PRESENTATION(S)

21-47 Richard Dalton, Manager, Recreation & Culture and Marco Di Buono, Associate VP, Canadian Tire Jumpstart Charities re: Jumpstart Project.
(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) - Nil

4.4 LEGISLATED PUBLIC HEARINGS/MEETINGS - Nil

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

6. BY-LAWS (SEE AGENDA INDEX)

7. NOTICES OF MOTION

7.1 Councillor matters discussed with staff for reporting purposes

7.2 Notices of Motion (previously submitted for discussion)

(Councillor Green)

06-156 THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to review the issue of feeding of wildlife; and further
THAT a report be brought to council for consideration.

(Councillors McLeod and Moote)

06-156 WHEREAS urban farming is an important part of a healthy community; and
WHEREAS there is an interest expressed by residents to explore urban farming activities; and further
THAT the City has a responsibility to allow for healthy lifestyles while not impacting the enjoyment of neighboring properties.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a report as part of the Official Plan Review detailing what urban farming initiatives Council should consider accommodating; and further



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THAT Welland City Council directs staff not to enforce sections of our Zoning By-law related to urban farming activities until a review of the Official Plan is completed.

(Councillor Van Vliet)

13-50 WHEREAS Welland City Council approved a motion on May 8, 2018, supporting the common position resolution regarding the uptake of governance and the transfer of operating authority of the Niagara Central Dorothy Rungeling Airport (NCDRA) and Niagara District Airport (NDA); and

WHEREAS the NCDRA Commission can be self sustaining under proper management.

THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND rescinds the approved motion of council regarding the uptake of governance for the transfer and operating authority of the NCDRA and NDA to the Niagara Region; and

THAT Welland City Council approves retaining the governance and ownership NCDRA; and

THAT a copy of this resolution be forwarded to the Town of Pelham, City of Port Colborne and Town of Wainfleet for consideration and support, and further

THAT a copy of this resolution be forwarded to the Niagara Region and Niagara Region Municipalities for support.

(Councillor Fokkens)

21-71 THAT THE COUNCIL OF THE CITY OF WELLAND includes in the 2022 Budget, the refurbishing of Kingsway Road, including a permanent refurbishing of the Train Crossing - South from Empire's Southern most entrance into their new development, to Forks Road, to be done in conjunction with the refurbishing of Forks Road, and that the request be referred to the 2022 Budget Review Committee for 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



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9. CONFIRMATORY BY-LAW

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 20th day of April, 2021. Ref. No. 21-1

10. ADJOURNMENT



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AGENDA BLOCK

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

2. COMMITTEE AND STAFF REPORTS

- 1. Business Arising from Committee-of-the-Whole (closed)**
- 2. General Committee Report to Council - Nil**
- 3. Budget Review Committee Report to Council - Nil**

4. Staff Reports

1 - 2	<u>CAO-2021-03</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Welland Fire Hall No. 5 Roof Replacement. Ref. No. 21-15 (See By-law 1)
3 - 6	<u>FIN-2021-14</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - 2021 Debenture Request. Ref. No. 21-4 (See By-law 2)
7 - 9	<u>P&B-2021-18</u>	Director of Planning and Development Services, G. Munday - City of Welland's Official Plan Review and Update. Ref. No. 07-88 (See By-law 3)
10 - 14	<u>R&C-2021-06</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Canada Games Venue Use Agreements. Ref. No. 16-59 (See By-law 4)
15 - 29 Remove From Block	<u>R&C-2021-08</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Jumpstart Gift Agreement. Ref. No. 21-47 (See By-law 5)



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30 - 40	<u>HR-2021-04</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Hiring Policy. Ref. No. 19-85
41 - 53	<u>HR-2021-05</u>	Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer, S. Zorbas - Employee Code of Conduct. Ref. No. 02-160
54 - 57	<u>ENG-2021-10</u>	Director of Infrastructure Services, SM. Millar - Crack Sealing Program 2021. Ref. No. 21-61 (See By-law 6)
58 - 61 Remove From Block	<u>CLK-2021-13</u>	City Clerk, T. Stephens - Ward 3 Vacancy Appointment. Ref. No. 02-160

3. NEW BUSINESS

- 62 - 74 1. Memorandum from Rachelle Larocque, Manager of Planning re: Local Planning Appeal Tribunal Decision - 23 Barron Street - Consent and Minor Variance Appeals. Ref. No. 21-72

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the decision from the Local Planning Appeal Tribunal dated February 10, 2021 regarding 23 Barron Street.

- 75 - 91 2. Memorandum from Rachelle Larocque, Manager of Planning re: Local Planning Appeal Tribunal Decision - 188 Thorold Road - Consent and Minor Variance Appeals. Ref. No. 21-73

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the decision from the Local Planning Appeal Tribunal dated March 4, 2021 regarding 188 Thorold Road.



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- 92 - 117** 3. Memorandum from Rachelle Larocque, Manager of Planning re: Local Planning Appeal Tribunal Decision - Hunter's Pointe Redevelopment Official Plan Amendment and Zoning By-law Amendment (289 Daimler Parkway).
Ref. No. 05-114

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the decision from the Local Planning Appeal Tribunal dated March 18, 2021 regarding Hunters Pointe Redevelopment (289 Daimler Parkway).

- 118 - 124** 4. Alison Wallwork, Grandmothers Act to Save The Planet (GASP) re: Extending the public consultation period for the Municipal Official Plan Review, until in-person can resume. Ref. No. 21-76

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from GASP dated March 10, 2021 regarding Extending the public consultation period for the Municipal Official Plan Review, until in-person can resume.

- 125 - 130** 5. Ann-Marie Norio, Regional Clerk, Region of Niagara re: 2021 Niagara Employment Inventory Status Update. Ref. No. 21-74

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated April 1, 2021 regarding 2021 Niagara Employment Inventory Status Update.

4. BY-LAWS

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

1. A By-law to authorize entering into contract with Atlas-Apex Roofing Inc. for roof repairs at Welland Fire Hall No. 5 (Rose Avenue). Ref. No. 21-15
(See Report CAO-2021-03)
2. A By-law to authorize application to the Regional Municipality of Niagara for the issue of debentures for year 2021. Ref. No. 21-4
(See Report FIN-2021-14)



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3. A By-law to authorize retention of SGL Planning & Design Inc. to provide consulting services for the City of Welland's Official Plan. Ref. No. 07-88
(See Report P&B-2021-18)
4. A By-law to authorize entering into Venue Use Agreements with Canada Games 2022 Host Organizing Committee for use of city facilities during the Canada Summer Games 2022. Ref. No. 16-59
(See Report R&C-2021-06)
5. A By-law to authorize entering into agreements with Canadian Tire Jumpstart Charities for the Jumpstart inclusive multi-sport court and for new splash pad at the Welland International Flatwater Centre. Ref. No. 21-47
(Report R&C-2021-08)
6. A By-law to enter into contract with Reginal signs Inc. for the Crack Ceiling Program 2021. Ref. No. 21-61
(See Report ENG-2021-10)
7. A By-law to designate the Feeder Canal Junction Lock between Prince Charles Drive South and the Welland Recreational Waterway at Broadway, municipally known as 2 Ontario Road, Welland of Cultural Heritage Value or Interest. Ref. No. 05-50
(See Report P&B-2020-70 from December 15, 2020 Council Meeting)
8. A By-law to exempt certain lands from Part-Lot Control - all of Blocks 3-26 (inclusive) on Plan 59M-477, City of Welland. Ref. No. 21-75
(Approved by By-law 2020-143)
9. A By-law to grant License of Occupation to Vesna Bazgaloska-Murgoski for the provision of food serves at the Welland Market Square. Ref. No. 21-19
(A By-law to grant Lease of Occupation at Welland Market Square)
10. A By-law to enter into contract with 1526957 Ontario Limited o/a CTC Contracting for the 2021 Sidewalk Missing Link Construction. Ref. No. 21-26
(See Report ENG-2021-07 from March 23, 2021 Special Council Meeting).
11. A By-law to authorize entering into a Memorandum of Understanding with the Rotary Club of Welland. Ref. No. 99-99
(A By-law to authorize memorandum of understanding with the Rotary Club Welland)
12. A By-law to exempt certain lands from Part-Lot Control - Part Lot 22 Plan 555 (65 and 69 State Street), City of Welland. Ref. No. 21-77
(Approved by By-law 2020-143)

COUNCIL
OFFICE OF THE CAO
PARKS DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

21-15

REPORT CAO-2021-03
APRIL 20, 2021

SUBJECT: WELLAND FIRE HALL NO. 5 ROOF REPLACEMENT

AUTHOR: PETER BOYCE, MANAGER, PARKS DIVISION

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the staff recommendation to award the Work to Atlas-Apex Roofing (Kitchener) Inc. for the replacement of the rear roof of Fire Hall No. 5 located on Rose Ave; and further

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes funding of the budgetary shortfall with available funds in account 10-449-21453, Museum Roof Replacement; and further

THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate by-laws to enter into a purchase agreement with Atlas-Apex Roofing (Kitchener) Inc.

ORIGIN AND BACKGROUND:

The rear roof of the fire hall facility located on Rose Ave. has deteriorated and is in need of replacement. Replacement of this roof was identified in the 2021 Capital Budget.

The City of Welland utilizes the services of the Tektum Group as a consultant for these complex repairs.

COMMENTS AND ANALYSIS:

Tektum Group on behalf of the City of Welland solicited bids from three qualified firms certified and capable of performing the Work. Each bidder has the appropriate qualifications providing references, WSIB and insurance within the submissions.

FINANCIAL CONSIDERATIONS:

The lowest priced, qualified bidder is being recommended. All bids received were in excess of the original budgeted amount.

Supplier	Price, inclusive of City tax
Atlas Apex	\$38,661
Schreiber Roofing	\$40,857
Bothwell Accurate	\$44,520

Funding: Fire Hall #5- East Roof Replacement Capital Project: 10-459-21468: Budget \$25,000.

Staff is recommending to fund the balance of \$13,661 through the Museum Roof Replacement Project: 10-449-21453.

OTHER DEPARTMENT IMPLICATIONS:

None


SUMMARY AND CONCLUSION

The replacement of the East Roof of Fire Hall No. 5 was approved in the 2021 capital budget, staff recommend awarding a contract to Atlas Apex Roofing (Kitchener) Inc. to complete this work. Due to the cost of replacement being higher than the approved budget amount, staff recommend using available funds in the Museum Roof Replacement capital project to make up the shortfall.

ATTACHMENTS:

None

COUNCIL
CORPORATE SERVICES
FINANCE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

21-4

REPORT FIN-2021-14
APRIL 20, 2021

SUBJECT: 2021 DEBENTURE REQUEST

AUTHOR: ANKA VUKSAN SCOTT, CAPITAL & PAYABLES MANAGER

**APPROVING SUPERVISOR: ELIZABETH PANKOFF, MBA, CPA, CGA,
MANAGER OF BUDGETS & FINANCIAL REPORTING / DEPUTY
TREASURER**

**APPROVING DIRECTOR: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
INTERIM CAO / DIRECTOR, CORPORATE SERVICES / CHIEF
FINANCIAL OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Regional Municipality of Niagara issue debentures in the amount of \$21,083,000 in accordance with the terms of the various authorizing By-laws outlined in Appendix I to Report FIN-2021-14 dated April 20, 2021; and further

THAT Welland City Council directs the Chief Financial Officer to obtain financing through the Federation of Canadian Municipalities for Fire Hall #1 in the amount of \$8,350,000 in accordance with the terms of the authorizing By-law outlined in Appendix I to Report FIN-2021-14 dated April 20, 2021; and further

THAT Welland City Council directs the Chief Financial Officer to make available certified copies of all applicable By-laws and Ministry of Environment Certificates, if applicable, and all other information required in connection thereto to ensure the issue of the debentures in the amount of \$29,433,000 for the projects described in Appendix I; and further

THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate By-laws for debenture financing agreements.

ORIGIN AND BACKGROUND:

In the past, the Niagara Region has issued debenture requests for the City of Welland and the other eleven area municipalities. In order for the City to receive a reasonable interest rate, the City is dependent on the Region for maintaining its debt rating, which is currently an "AA Stable" rate and has been for the past ten years. This rate can change as the Region's debt level changes.

When debenturing with the Niagara Region, the term of the debt is for ten years or longer and can only be requested once a year for a specific project and for a specific amount. Even though the request is made once a year, the funds can be received for any phase of the project, before, during, or at completion.

COMMENTS AND ANALYSIS:

The 2021 borrowing requirements (Appendix I) for the City of Welland reflect funding for capital projects and equipment acquisitions approved during the 2021 and prior year Capital Budget process.

The list of capital projects that require debenture funding for 2021 are from the 2021 Tax and Rate Supported Capital Budgets approved on December 15, 2020. The construction of the Fire Hall #1 was approved with the 2019 Tax Supported Capital Budget approved on February 19, 2019.

FINANCIAL CONSIDERATION:

The debt issuance outlined in Appendix I can be summarized as follows:

- Tax Supported Debt Request (Niagara Region): \$11,900,000
- Fire Hall Debt Request (FCM): \$8,350,000
- Water/Wastewater Supported Debt Request (Niagara Region): \$ 9,183,000

Total 2021 debt issuance request of \$29,433,000

The City's self-imposed debt management strategy caps debt charges at a maximum of 9% of the Water and Wastewater Operating Budgets. The City's self-imposed debt management strategy caps debt charges at a maximum of 12% of the Tax Supported Operating Budget and the City's total debt charges are within its provincial regulations.

OTHER DEPARTMENT IMPLICATIONS:

All departments assisted in the accumulation of supporting documentation for the 2021 Debenture Issue Financing Request.

SUMMARY AND CONCLUSION:

Staff requests that Council accept the recommendations of this report which will allow staff to secure the previously approved debentures required to fund the projects, equipment, and initiatives listed in Appendix I.

ATTACHMENTS:

Appendix I – The Regional Municipality of Niagara 2021 Debenture Issue Financing Request

THE REGIONAL MUNICIPALITY OF NIAGARA
2021 Debenture Issue Financing Request

DEBENTURE AUTHORITY REQUEST - 2021	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
Description	Account No	Authorizing By-Law	MOE File No.	MOE Date	Debentures Authorized by Council	Debentures Previously Issued	Debentures Now Being Issued	Debentures Available for future Use	
Term 1-10 Year Serial Debenture									
Museum Building -Roof Replacement	10-449-21453	2020-150			265,000.00		265,000.00		
Maple Park Pool Building- Roof Replacement	10-464-21454	2020-150			36,420.00		36,000.00		
Fleet Capital Replacement - General	10-323-21300	2020-150			956,000.00		956,000.00		
Chaffey Park Playground & Landscape	10-410-21403	2020-150			250,000.00		250,000.00		
Memorial Park Rejuvenation ph. 4	10-410-21401	2020-150			687,400.00		687,000.00		
Sparrow Meadows Park Ph. 3	10-410-21402	2020-150			250,000.00		250,000.00		
General Park Maintenance	10-410-21406	2020-150			80,000.00		80,000.00		
Cady St Road & Watermain--Roads	10-320-21767	2020-150			270,000.00		270,000.00		
Schofield Ave Infrastructure renewals- Roads	10-320-21763	2020-150			585,000.00		585,000.00		
Northaven Road Watermain - Roads	10-320-21772	2020-150			128,200.00		128,000.00		
Riverbank Street Watermain Replacements- Roads	10-320-21776	2020-150			200,000.00		200,000.00		
State St Watermain Replacement- Roads	10-320-21777	2020-150			100,000.00		100,000.00		
Elizabeth St West Infrastructure renewals -Roads	10-320-21775	2020-150			32,500.00		32,000.00		
Asphalt Patching	10-320-22154	2020-150			100,000.00		100,000.00		
Crack Sealing	10-320-22151	2020-150			100,000.00		100,000.00		
Road Resurfacing Program	10-320-21187	2020-150			836,604.00		836,000.00		
Increase 2021 Road Resurfacing Capital Spending	10-320-21150	2020-150			4,650,000.00		4,650,000.00		
Sidewalk- Condition Related Replacements	10-316-21102	2020-150			570,000.00		570,000.00		
Increase 2021 Sidewalk Additions/Replacements Capital Spending	10-316-21000	2020-150			950,000.00		950,000.00		
Dain City Storm Channel Improvements	10-327-21366	2020-150			555,000.00		555,000.00		
River Road Storm Sewer/Ditch	10-327-21367	2020-150			300,000.00		300,000.00		
Sanitary Sewer Separation/Replacements	10-330-21779	2020-151			1,825,000.00		1,825,000.00		
Broadway Area - Construction of Trunk Sanitary Sewer	10-330-21764	2020-151			455,698.00		455,000.00		

Description	Account No	Authorizing By-Law	MOE File No.	MOE Date	Debtentures Authorized by Council	Debtentures Previously Issued	Debtentures Now Being Issued	Debtentures Available for future Use
Replacements Sanitary ENG	10-330-21302	2020-151			91,500.00		91,000.00	-
Wheatfield Ave Infrastructure Renewals - Wastewater	10-330-21762	2020-151			573,500.00		573,000.00	-
Wheatfield Place Infrastructure Renewals- Wastewater	10-330-21778	2020-151			200,000.00		200,000.00	-
Wheatfield Rd Watermain Replacement - Wastewater	10-330-21772	2020-151			240,000.00		240,000.00	-
Wheatfield St West Infrastructure Renewals - Wastewater	10-330-21775	2020-151			53,980.00		53,000.00	-
Wheatfield St Sanitary Sewer Replacement	10-330-21707	2020-151			275,000.00		275,000.00	-
Wheatfield St Sewer Replacement	10-330-21708	2020-151			325,000.00		325,000.00	-
Wheatfield Watermain Replacements	10-910-21780	2020-151			3,775,000.00		3,775,000.00	-
Wheatfield Area- Construction of Trunk Sanitary Sewer- Watermain	10-910-21764	2020-151			1,000,000.00		1,000,000.00	-
Wheatfield Replacements Water ENG	10-910-21301	2020-151			238,300.00		238,000.00	-
Wheatfield St West Infrastructure Renewals - Water	10-910-21775	2020-151			133,500.00		133,000.00	-
-Total for 10 year debenture					\$ 21,088,892.00		\$ 21,083,000.00	

Item 25 Year Serial Debenture - FCM

Hall #1	10-210-19005	2019-14			\$ 5,500,000.00		\$ 5,500,000.00	
Station #1 - Training Centre	10-210-21050	2020-150			\$ 2,850,000.00		\$ 2,850,000.00	




City of Welland

TOTAL DEBENTURE ISSUE AUTHORITY REQUEST - 2021

<u>29,438,892.00</u>	<u>\$29,433,000</u>
<u>\$29,438,892.00</u>	<u>\$29,433,000</u>

Signature: _____
 Name: _____
 Title: _____
 Director, Corporate Services / Chief Financial Officer / Treasurer

COUNCIL
CORPORATE SERVICES
DEVELOPMENT AND BUILDING SERVICES

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

REPORT P&B-2021-18
APRIL 20, 2021

07-88

SUBJECT: CITY OF WELLAND'S OFFICIAL PLAN REVIEW AND UPDATE

AUTHOR: VICKI LAFFORD-FIELD, PURCHASING AGENT, CORPORATE SERVICES

APPROVING G.M.: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF DEVELOPMENT AND BUILDING SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to **SGL Planning & Design Inc.** for City of Welland's Official Plan Review and Update; and further

THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate by-laws to enter into an agreement with **SGL Planning & Design Inc.**

ORIGIN AND BACKGROUND:

Section 26 of the Planning Act requires municipalities to review and update their Official Plan to ensure that it:

- conforms with provincial plans or does not conflict with them;
- has regard to the matters of provincial interest listed; and
- is consistent with Provincial policy statements.

There are a number of approved and pending requirements that will impact the updating of the Official Plan including the approved Growth Plan 2019 and Provincial Policy Statement 2020 as well as conformity with Bill 108 (More Homes, More Choices Act) and its implementing regulations.

Niagara Region is currently in the midst of preparing a new Regional Official Plan through a Municipal Comprehensive Review (MCR) which will include the distribution of population allocation through A Place to Grow Act to municipalities in the Region through the 2051 planning horizon. This exercise is proposed by Regional staff to be completed by the mid 2022.

The City of Welland is experiencing growth and development beyond the projections of the current Official Plan. The City currently forecasts a population increase of 18,630 people and 11,020 jobs by 2041.

COMMENTS AND ANALYSIS:

The City of Welland issued RFP21-03 to retain a qualified consulting firm to prepare updates and address matters such as conformity, strategic and housekeeping matters. The focus and purpose of this Project, is to provide an updated Official Plan that:

- Provides an updated vision and plan for the City to guide land use and development processes over the next 25 years;
- Updates or provides new plan policies to help the City address existing, emerging and expected issues, trends, constraints and opportunities;
- Establishes conformity with relevant Provincial legislation, the Regional Policy Plan and municipal initiatives;
- Consolidates policies and implementing recommendations emerging from the City's Strategic Priorities, Parks, Recreation and Culture Master Plan, Asset Management Plan, Community Improvement Plans (CIP's), Economic Development Strategic Plan and Advanced Manufacturing Attraction Strategy and Northwest Welland Secondary Plan;
- Addresses Agency input;
- Identifies issues, trends, constraints and opportunities with participation from Council, the public and Staff; and
- Assesses appropriateness of current land use designations.

The RFP was issued competitively on Bidding and on February 11, 2021, the City of Welland received three (3) compliant proposal submissions.

PROPONENT	ADDRESS
SGL Planning & Design Inc.	1547 Bloor Street West, Toronto, Ontario M6P 1A5
Stantec Consulting Ltd.	100-401 Wellington Street West, Toronto, Ontario M5V 1E7
WSP Canada Inc.	100 Commerce Valley Drive West, Markham, Ontario L3T 0A1

The submissions included Technical and Financial Proposals and any other relevant documents the proponent deemed appropriate.

An Evaluation Team composed of three (3) Staff members was formed to evaluate the responses to the RFP in accordance with the predetermined evaluation criteria.

In preparing the evaluation criteria, Staff identified that it was critical to select a competent and well experienced firm who was capable of undertaking a comprehensive review of the City's Official Plan

Subsequently, the respective submissions were analyzed and scored based on the following evaluation criteria:

CRITERIA	WEIGHT
Conformance to Specifications/Requirements as outlined Section 4 and Schedule A • Project Manager and Project Team Qualifications.	30%
Quality of the Proposal Submission • Project Understanding, Methodology and Deliverables	20%
Technical Support: Past Performance, References and Proponent Reliability, see Schedule D	25%
Total Bid Price required to meet Specifications, see Schedule B and Schedule C	25%
Submission Evaluation Total	100%

From a technical and financial analysis, SGL Planning & Design Inc. was the highest scoring proponent by **22 points (technical and financial) ahead of its competitors**. SGL demonstrated their strength and capability of providing a successful review and update to the City's Official Plan.

SGL is a fully integrated planning and design firm specializing in land use planning, urban design, landscape architecture and development approvals. The firm was founded in 1997 on the principle of delivering high quality products on time and within budget for both public and private sector clients.

SGL is widely known for its expertise in the formulation of land use plans and polices, as well as landscape architecture and urban design strategies that are realistic, feasible, implementable and defensible.

The following table identifies the financial cost of the highest scoring proponent.

FINANCIAL IMPACT

PROPONENT	FINANCIAL SCORE
SGL Planning & Design Inc.	\$148,980.00 Excluding HST
WSP Canada Inc.	About 14.8% Lower in Cost
Stantec Consulting Ltd.	About 16% Lower in Cost

Staff recommends that SGL be awarded the contract for consulting services required for a review and update to the City's Official Plan.

FINANCIAL CONSIDERATION:

The Official Plan Review is intended to occur over a 12-month period in 2021 and 2022

SGL Planning & Design Inc. received the highest technical score and submitted a fee about 16% higher than other proponents for the City of Welland's Official Plan. The cost of the project is \$151,602.05 (inclusive of the City's portion of HST).

Funding: Official Plan Capital Project: 10-510-21651 – Budget \$150,000

The balance of the project will be funded by the Capital Surplus Reserve fund.

OTHER DEPARTMENT IMPLICATIONS:

Development and Building Services Staff will be engaging relevant City Staff throughout the process of reviewing and updating the City's Official Plan.

Legal Services will be involved in providing any advice or guidance if necessary.

SUMMARY AND CONCLUSION:

The City needs to review and update the 2010 Official Plan to ensure that it:

- conforms with provincial plans or does not conflict with them;
- has regard to the matters of provincial interest listed; and
- is consistent with Provincial policy statements.

An RFP was issued competitively on Biddingo and on February 11, 2021, the City of Welland received three (3) compliant proposal submissions. The Evaluation Committee conducted an extensive RFP process which incorporated due diligence and scrutiny at every step. The Evaluation Committee recommends Council approved SGL as the successful firm to undertake this review and update for the City of Welland. SGL received the highest score for their proposal and is within the allocated budget. There Staff recommend the following:


THAT THE COUNCIL OF THE CITY OF WELLAND approves the award to SGL Planning & Design Inc. for City of Welland's Official Plan Review and Update; and further

THAT Welland City Council directs the City Clerk to prepare all the necessary and appropriate by-laws to enter into an agreement with SGL Planning & Design Inc.

ATTACHMENTS:

None

COUNCIL
OFFICE OF THE CAO
RECREATION & CULTURE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

16-59

REPORT R&C-2021-06
APRIL 20, 2021

SUBJECT: CANADA GAMES VENUE USE AGREEMENTS

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

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

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to enter into Venue Use Agreements with Canada Games 2022 Host Organizing Committee for use of City owned facilities during the Canada Summer Games 2022, subject to stipulations outlined in report R&C-2021-06.

ORIGIN AND BACKGROUND:

The Canada Summer Games were awarded to Niagara in 2017 and were originally scheduled to take place in 2021. Due to the impact of COVID-19 the Games have been postponed until 2022. The Games is comprised of 20 sports which will be hosted throughout the 12 municipalities in Niagara at various municipal and private venues. The Games will bring a number of positive legacies and impacts for Niagara including the establishment of new legacy facilities, the 13-for 13 Cultural Program, development of the grassroots volunteer base, and creation of a new sport and event development agency for Niagara. Welland has been asked to host the Games at four municipal venues: Young's Sportsplex, the Welland International Flatwater Centre, Quaker Road Baseball Stadium, and Hooker St. Tennis Club.

COMMENTS AND ANALYSIS:**2016 MOU**

Pursuant to Council approval of staff report R&C-2016-09, the City of Welland entered into a non-binding MOU with Niagara 2022 Canada Games on January 24, 2017 outlining commitments to provide access to venues within the City for Canada Games use in 2022. The MOU included reference to the following:

- Exclusive use of Young's Sportsplex and the Welland International Flatwater Centre for 15 days
- Exclusive use of Quaker Road Baseball Stadium for a 7 days
- Access to and control of event hosting assets at these locations during the competition period
- Non-exclusive access to these venues prior-to and post games for overlay setup and tear down
- In Kind services for the above items

Impact of Hosting the Games

Canada Games has prepared Venue Use Agreement's (VUA's) for each of the four facilities and seeks to update, clarify, and formalize and bind the City to the commitments made in the 2016 MOU. By entering into VUA's to host Games events, the City will waive Rental Revenue for the value of facilities and equipment used during the Games period. The "In Kind Services" column below shows the value of rentals being provided free of cost to Canada Games 2022 based on the terms described in the draft Venue Use Agreements, along with the anticipated "Reduced Revenue" that our venues will experience as a result of hosting the Games. Any additional use of City facilities over and above the summary below would subject to billing back to the Canada Games 2022 Host Organizing Committee:

Facility	In Kind Services	Estimated Reduced Revenue in 2022	Schedule
Young's Sportsplex (YSP)	\$ 149,100	\$ 69,300	Use of each sport area within YSP for a maximum of 10h per day over 21 days of setup, practice, competition, and teardown, each day not to exceed 5h of prime time
Welland International Flatwater Centre (WIFC)	\$ 27,600	\$ 30,500	Use of WIFC for 20 days of setup, practice, competition, and teardown up to 10 per day
Quaker Rd. Baseball Stadium	\$ 10,600	\$ 3,800	Use of Stadium Complex (inc. C1 & C2) for 7 days of practice and competition, up to 10h per day, each day not to exceed 5h prime time
	\$ 187,300	\$ 103,600	

Tennis

Canada Games 2022 recently approached the City to request the use of the Hooker St. Tennis Facility as an additional Games venue. Since the Tennis facility is under the exclusive use of the Welland Tennis Club during the Games, there are no cost or other

implications to the City for allowing this event to take place. All organizational and logistical impacts from hosting Games events at the Tennis facility will be at the responsibility of Welland Tennis Club as leaseholder.

Games Expenses - Expenses

Provision of City of Welland facilities for use by the Canada Games will generate operational expenses anticipated at \$56,700 in staff, utilities, janitorial services, and outside contract expenses associated with deployment of equipment and facility management during the Games.

Additional Stipulations for VUA's

Several stipulations are recommended for inclusion in the Venue Use Agreements:

- *YSP* will be permitted to book non-Games rentals outside of Game competition schedule, including setup and decommissioning days.
- *WIFC* will be solely booked by the Canada Games for the entirety of the requested 20 day Games period since hosting "outside" bookings during this time frame will not be logistically possible.
- *Baseball Stadium* including C1 and C2, will be permitted to book non-Games rentals outside of Canada Games competition schedule, including setup and decommissioning days.

General

- The schedule of use for each venue is required 3 months in advance to facilitate non-Games bookings
- Any use of facilities over and above daily schedule will be billed to Canada Games at posted rental rates

Capital Expenditures

A separate staff report is being submitted to address the project scope for the Canada Games legacy project at the Quaker Rd. Stadium. Council approved a Baseball Stadium Improvement capital project of \$127,300 during the 2020 budget process, of which the City has committed to funding \$63,650 in a cost sharing arrangement with Canada Games.

FINANCIAL CONSIDERATION:

The budgetary impacts of hosting the Games will be reflected as one-time items during the 2022 budget process.

OTHER DEPARTMENT IMPLICATIONS:

Staff from Parks, Arenas, Canal Lands, Recreation & Culture, and Young's Sportsplex will be involved in liaising with the Canada Games prior to and during the Games time period in 2022.


SUMMARY AND CONCLUSION:

The 2022 Canada Summer Games will be a large and popular event in Niagara; Welland is anticipated to be host to 6 of the 20 sports that will be contested in the Games. A number of significant regional legacy facilities will be created including infrastructure investments at Canada Games Park, grass roots volunteer development program, and a legacy sport hosting agency. Staff recommend the City proceed to sign Venue Use Agreements to host the event at City of Welland facilities.

ATTACHMENT:

None

COUNCIL
OFFICE OF THE CAO
RECREATION & CULTURE DIVISION

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

21-47

REPORT R&C-2021-08
APRIL 20, 2021

SUBJECT: JUMPSTART GIFT AGREEMENT

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

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

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes staff to enter into a Gift Agreement with Canadian Tire Jumpstart Charities to fund the "Jumpstart Inclusive Multi Sport Court" enhancement as a sub-facility within the Empire Multicourts; and further

THAT Welland City Council authorizes staff to enter a funding agreement with Canadian Tire Jumpstart Charities to install a new Inclusive Splash Pad on the grounds of the Welland International Flatwater Centre

ORIGIN AND BACKGROUND:

Canadian Tire Jumpstart Charities is a national charity committed to ensuring kids in need have equal access to sport and recreation. With an extensive, national network of more than 1,000 grantees and 289 local chapters, Jumpstart helps eligible families cover the costs of registration, transportation, and equipment, and provides funding to selected organizations for recreational infrastructure and programming. Supported by the Canadian Tire Family of Companies, Jumpstart has provided more than two million opportunities for Canadian kids to get in the game since 2005.

COMMENTS AND ANALYSIS:

Jumpstart Inclusive Multi Sport Court

In February, 2021 City of Welland staff met with Canadian Tire Jumpstart Charities to present and discuss the new "Empire Multicourts" being built west of the Welland International Flatwater Centre; Jumpstart indicated they would like to partner with the City to fund an enhancement to the design of the Empire Multicourts through establishing a new "Jumpstart Accessible Multi Sport Court". This Jumpstart Inclusive Multi Sport Court program is being launched across Canada to provide accessible spaces for persons with disabilities and sensory needs to have a safe and conducive environment to enjoy sport

and recreation. The value-in-kind of Jumpstart's contribution is approximately \$300,000. A brochure outlining the components of the Jumpstart Inclusive Multi Sport Court design is attached as appendix I; a site overview is below:



The key features of the Inclusive Multi Sport Court are:

- Sport/Para lines for basketball, tennis & hockey
- 6 fixed-height & 2 adjustable-height basketball nets
- Tennis net
- Adjustable net
- Sport lines for volleyball, sitting volleyball, pickle ball & badminton
 - Self-guided play area High contrast four-square court
 - High contrast hop-scotch
- Contrasting colours to support visual impairment
- Shaded double-wide benches for improved accessibility
- Wheelchair-accessible seating
- Shaded accessible bleachers
- 4 double-wide entry points
- 4 LED overhead court lights
- Cushion Comfort Plus Laykold acrylic surfacing system

Splash Pad

Canadian Tire Jumpstart has offered to expand the partnership with the City by proposing to fund the building of a new 2,000 ft² inclusive splash pad on the site of the Welland International Flatwater Centre. The value-in-kind of Jumpstart's contribution is approximately \$150,000. Details regarding the splash pad design are included as appendix II, a snapshot of the design is below:



The splash pad will be positioned approx. 100m away from the Empire Multicourt and close to the recreational trail; the exact location is being finalized by a project team and is intended to be close to the water to provide a conducive flow of activity on the site between the Waterway, event activities, splash pad and Multicourts. The design of the Splash Pad is by Aquatix, and utilizes a pneumatic pump system to move the water, which reduces any need for hydro to operate.

Recognition

Jumpstart will receive recognition via signage on the Inclusive Multi Sport Court, within the Empire Multicourt. In addition, Canadian Tire Jumpstart Charities will be provided access to host two event "activations" annually at the Empire Multicourts. These activations will be community-oriented in nature and will provide open access to residents to join and participate.

In recognition of the funding agreement to install the Splash Pad at the WIFC, Jumpstart will place identified signage with Jumpstart logo and wordmark on or near the Splash Pad.

FINANCIAL CONSIDERATION:

No additional cost to the City is anticipated through entering a gift agreement for the Jumpstart Inclusive Multicourt enhancement.

Entering a gift agreement with Jumpstart to install a new Splash Pad at the WIFC will generate \$21,500 in annual water costs.

OTHER DEPARTMENT IMPLICATIONS:

Staff from Parks will be involved in approving the final location of the new Splash Pad, and will perform seasonal maintenance on both the Inclusive Multicourt and Splash Pad.

The Legal Division will be required to review and approve both the gift and funding agreements for Inclusive Multicourt and Splash Pad respectively.

SUMMARY AND CONCLUSION:

Canadian Tire Jumpstart Charities have offered a tremendous opportunity to the City of Welland to enhance our recreational facilities at the "Empire Multicourt" and the Welland International Flatwater Centre. Staff recommend the City enter into agreements with Jumpstart to formalize these investments, to the benefit of Welland residents.

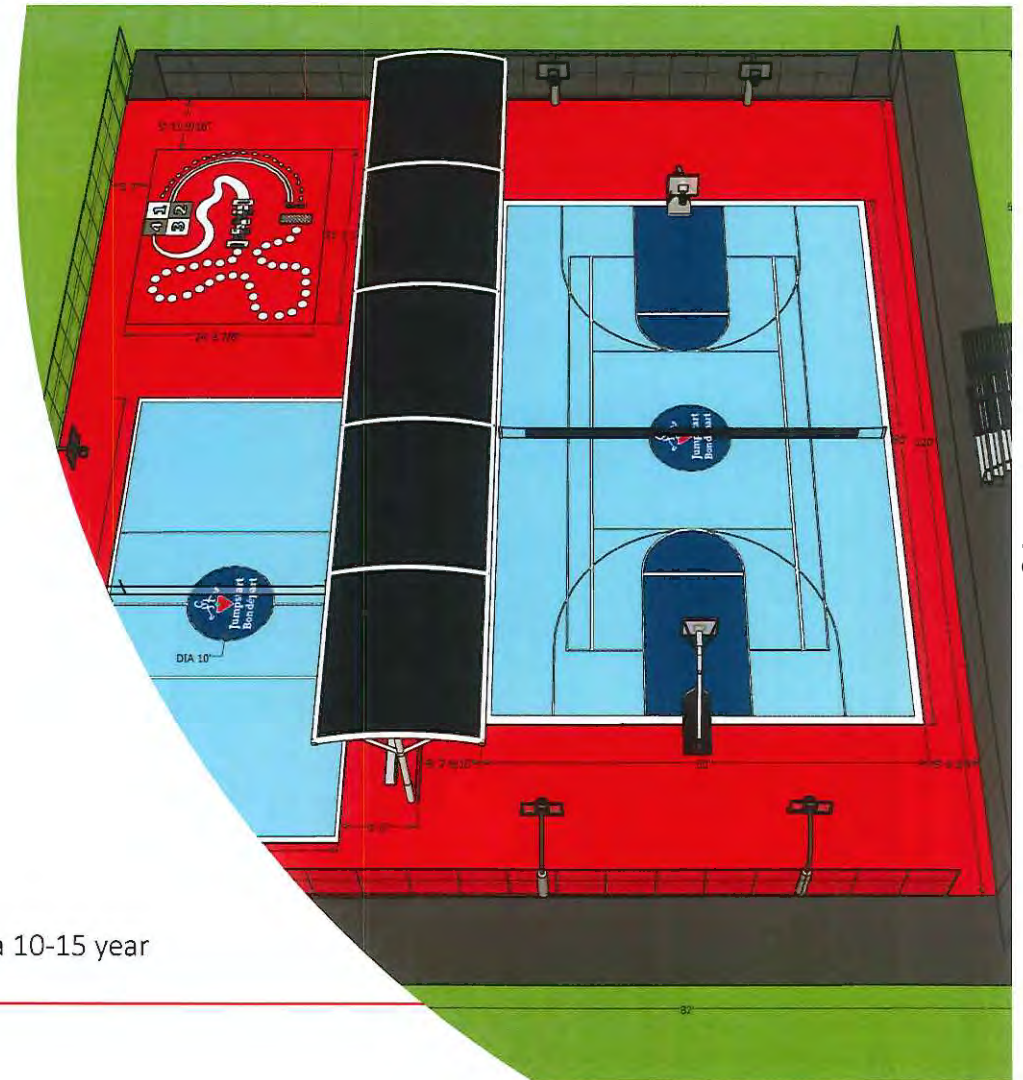
ATTACHMENT:

Appendix I – Jumpstart Inclusive Multicourt Design

Appendix II – Jumpstart Design, new WIFC Splash Pad

JUMPSTART MULTISPORT COURTS

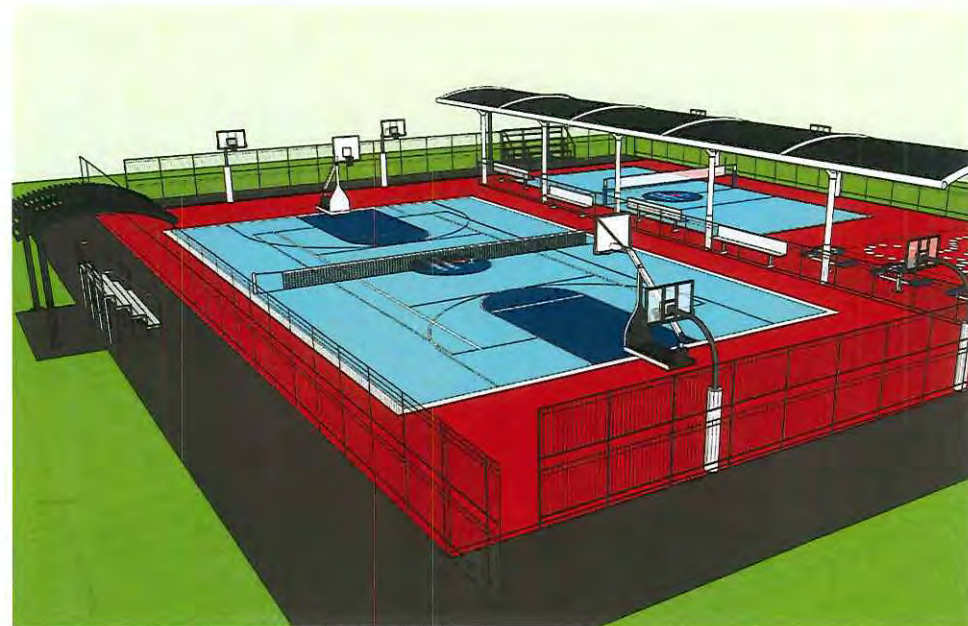
- Contrasting colours to support visual impairment
- Shaded double-wide benches for improved accessibility
- Wheelchair-accessible seating
- Shaded accessible bleachers
- 4 double-wide entry points
- 4 LED overhead court lights
- Cushion Comfort Plus Laykold acrylic surfacing system with a 10-15 year lifetime and 7-year warranty



JUMPSTART MULTISPORT COURTS

COURT 1 FEATURES:

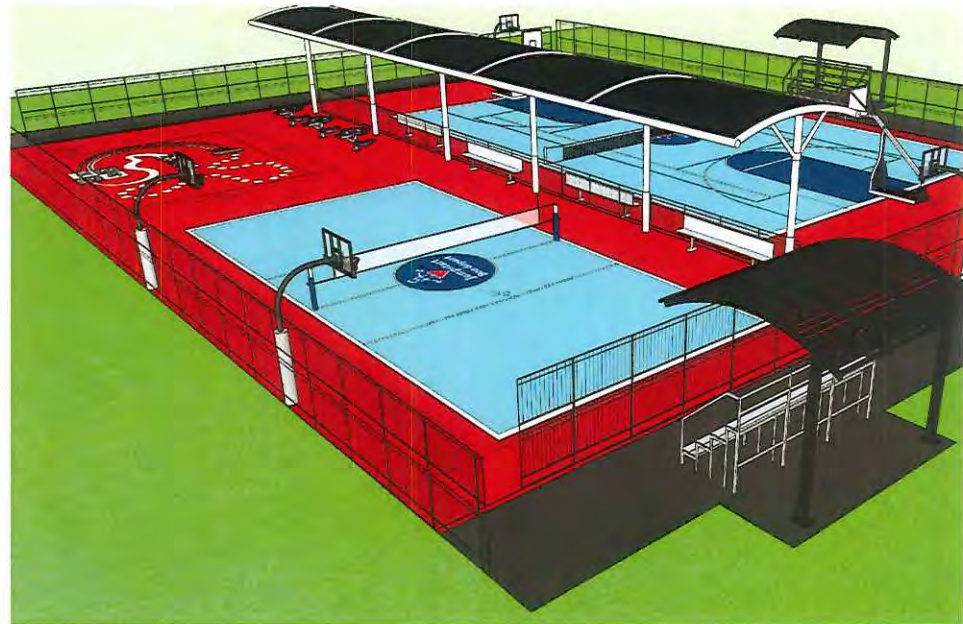
- Sport/Para lines for basketball, tennis & hockey
- 6 fixed-height & 2 adjustable-height basketball nets
- Tennis net



JUMPSTART MULTISPORT COURTS

COURT 2 FEATURES:

- Adjustable net
- Sport lines for volleyball, sitting volleyball, pickle ball & badminton
- Self-guided play area
 - High contrast four-square court
 - High contrast hop-scotch



Proposal for:
Welland International Flatwater Centre
SPLASH PAD

Presented by:
Marco Di Buono
647-271-7904
Marco.DiBuono@cantire.com

Proposal #1152192-04-01
March, 2021



952.445.5135 | 877.632.0503 | aquatix.playlsi.com



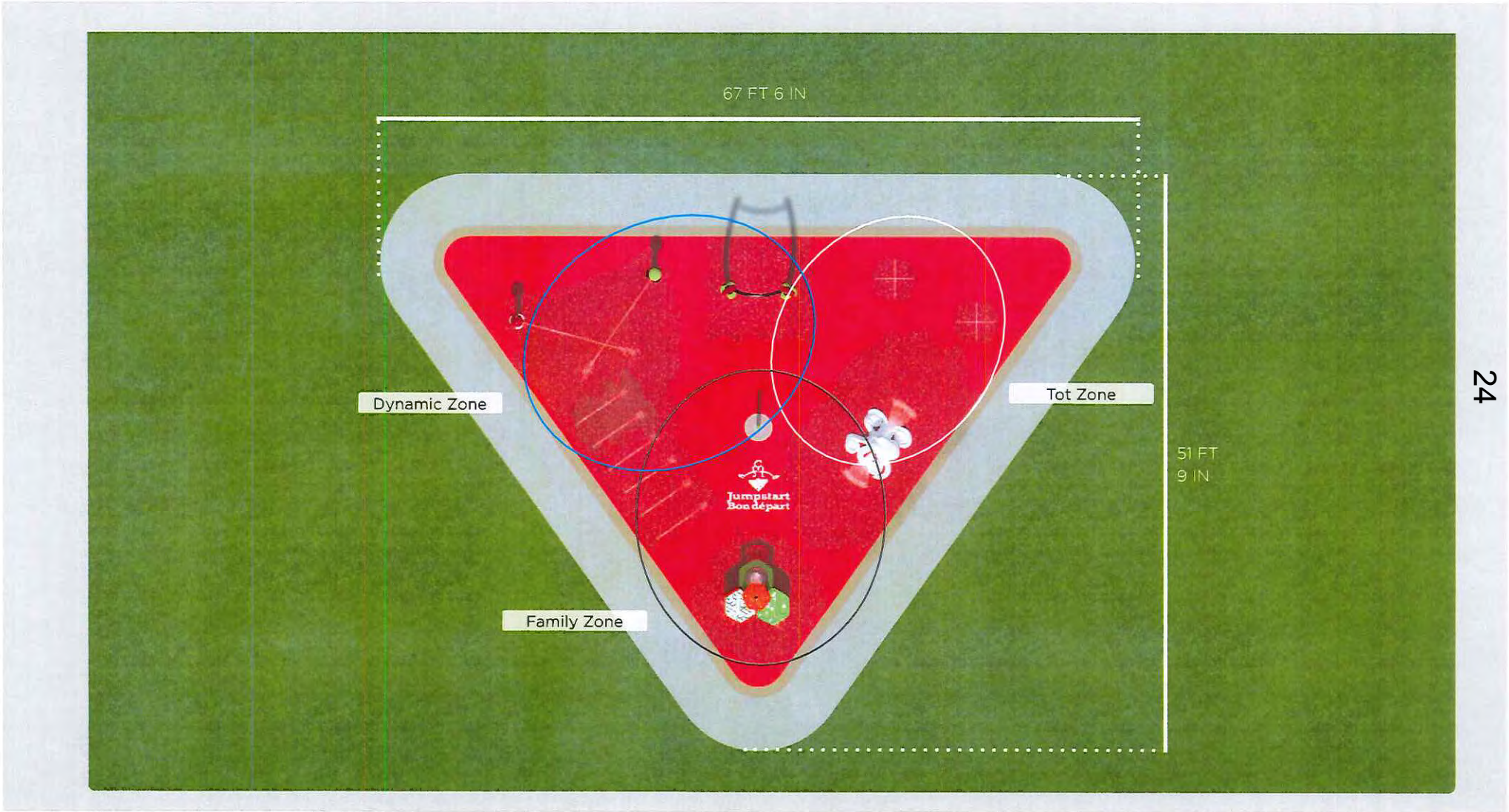
Front view for: **Welland International Flatwater Centre** SPLASH PAD



23

*All products are shown as conceptual only.

Overhead view for: **Welland International Flatwater Centre** SPLASH PAD



24

*All products are shown as conceptual only.

Overall pad dimensions: 67' 6" x 51' 9" Total System Flow Rate: 58 GPM

Color Palette for: **Welland International Flatwater Centre** SPLASH PAD



25

Color Palette

Custom

Paint Colors



Acrylic Colors



Step Pad Color



aquatix.playlsi.com

Color selection approved- as shown above

X _____
Customer Signature

Alternate view for: **Welland International Flatwater Centre** SPLASH PAD



*All products are shown as conceptual only.

Alternate view for: **Welland International Flatwater Centre** SPLASH PAD



*All products are shown as conceptual only.

Alternate view for: **Welland International Flatwater Centre** SPLASH PAD



*All products are shown as conceptual only.

Alternate view for: **Welland International Flatwater Centre** SPLASH PAD



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*All products are shown as conceptual only.

COUNCIL
CORPORATE SERVICES
HUMAN RESOURCES

APPROVALS
GENERAL MANAGER
CFO
CAO

19-85

REPORT HR-2021-04
April 20, 2021

SUBJECT: HIRING POLICY

AUTHOR: ANDREA DAISLEY, MANAGER OF HUMAN RESOURCES

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

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report HR-2021-04 Hiring Policy, and;
2. THAT THE COUNCIL OF THE CITY OF WELLAND approves the Hiring Policy.

ORIGIN AND BACKGROUND:

At the June 18, 2019 Council meeting, Welland City Council approved a motion to refer the development of a Hiring Policy and Anti-Nepotism Policy to the Human Resources Committee. Following the approved motion of Council, staff and the Human Resources Committee conducted a review of the current Hiring Policy and updated the Hiring Policy and created an Anti-Nepotism Policy accordingly.

At the February 18, 2020 Council meeting, Welland City Council approved the Hiring Policy and referred the Anti-Nepotism Policy back to staff.

At the January 26, 2021 Council meeting, a revised Hiring Policy was presented. This policy included anti-nepotism language. Council referred the revised Hiring Policy back to staff.

COMMENTS AND ANALYSIS:

The previous Hiring Policy referenced anti-nepotism, therefore staff took the updated anti-nepotism language from the stand-alone policy and updated the most recent Hiring Policy, approved in February 2020, to include reference to anti-nepotism principles.

FINANCIAL CONSIDERATION:

There is no financial impact associated with the adoption of the policy.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

Staff have reviewed both the draft Anti-Nepotism Policy as well as the most recent version of the Hiring Policy and have included the anti-nepotism language within the Hiring Policy. Adding anti-nepotism language to the Hiring Policy, eliminates the need for a stand-alone policy.

ATTACHMENTS

Appendix 1 – Revised Hiring Policy



	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

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	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

1.0 Purpose and Scope

- 1.1 The City of Welland (“the City”) is committed to transparent and merit-based selection in all of its hiring decisions. All applicants are given an equal opportunity for employment in compliance with the provisions in the Ontario Human Rights Code, the Accessibility for Ontarians with Disabilities Act (AODA) and any other applicable legislation.
- 1.2 The purpose of this policy is to set a consistent and equitable standard for the recruitment and selection of employees at the City. This will help to create a diverse and qualified talent pool to support the City’s current and future business needs. Effective recruitment, selection and promotion practices optimize the efficiency of human resources and maximize the number of promotion and career development opportunities for existing employees.
- 1.3 The recruitment and selection of all positions within the City shall be coordinated through the Human Resources department, which shall provide professional counsel and assistance to the hiring department which, unless otherwise specified and subject to the approval of the CAO, is solely responsible for the final hiring decision.
- 1.4 Candidates are selected and employment decisions are made in accordance with the City’s policies, procedures, collective agreements, and any other applicable City policies.
- 1.5 No elected officials, appointed officers or employees shall attempt to misuse their authority to influence or make a decision on the hiring, transfer, promotion, demotion or any other employment related decision of an applicant or current employee.
- 1.6 The City shall ensure internal equity and comply with all requirements of the Ontario Pay Equity Act.

2.0 Responsibilities


- 2.1 Human Resources
 - Develop employment policies, procedures and guidelines which promote a fair and equitable process and support the hiring manager, or designate, in making the best hiring decision possible.

	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

- Ensure the principles in this Policy are abided by during the hiring process and that the hiring manager, or designate, is aware of and follows any associate procedures.
- Provide support to hiring manager, or designate, in determining workforce planning requirements and specific recruitment strategies to attract quality candidates.
- Ensure that all recruitment activities and staffing decisions comply with statutory requirements, collective agreements and corporate policies and procedures.
- Participate in the recruitment process for all positions.
- Perform candidate screening based on pre-determined objective criteria.
- Work with the hiring manager, or designate, to ensure there is an up-to-date job description that outlines duties and qualifications.
- Post the position in accordance with procedures.
- Advise and support the hiring manager, or designate, so they are able to conduct a fair and equitable selection process, as per the principles of this policy, and in accordance with the relevant collective agreements, policies, procedures and legislation.
- Ensure the selection process is consistent with the Anti-Nepotism principles, as outlined in this policy.
- Extend an offer of employment to the successful candidate.
- Maintain documentation associated with all phases of selection process.
- Safeguard the privacy and confidentiality of candidate information.

2.2 Hiring Managers

- Review the job description, in consultation with Human Resources, to ensure it is accurate in terms of duties and requisite qualifications.
- Review applications that meet the identified qualifications, as identified by Human Resources.
- Be aware of the employment related statutory requirements, collective agreements and corporate policies and procedures. Seek clarification from Human Resources, as required.
- Participate in the interview process, with Human Resources.
- Make the hiring decision, in consultation with Human Resources.
- Safeguard the privacy and confidentiality of candidate information.

	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

2.3 Candidate:

- Carefully read the posted job description for the available position.
- Complete an application as per the specified application process, meeting the closing date, and accurately and fully disclose all related information to allow for an objective determination of knowledge, skill and experience.
- Disclose any potential conflict of interest at the beginning of the selection process, in accordance with the Anti-Nepotism principles outlined in this policy.
- Satisfy all employment conditions and provide proof of the qualifications, as identified on the posting.
- Consult with Human Resources to disclose and request accommodation, if required.
- Safeguard and keep confidential any City related information disclosed during the recruitment process.

3.0 Principles

3.1 Merit

All selections, appointments and promotions shall be based on considerations of merit, and ability to perform effectively in a position. Hiring decisions will be free of nepotism in accordance with the terms of this Policy.

3.2 Objectivity

Selection criteria shall be developed in an objective and non-discriminatory manner and must be based on bonafide job-related requirements.


3.3 Consistency

Selection systems and procedures will ensure that candidates are treated in a fair and consistent manner.

3.4 Equal Opportunity

All City recruitment practices and procedures must comply with the Ontario Human Rights Code. All internal candidates and external candidates receive equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability.

3.5 Accessibility

	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

All City recruitment practices and procedures must comply with the AODA requirements for developing, implementing and enforcing accessibility standards for internal candidates and external candidates who may have a disability. This includes identifying and removing any barriers that may exist for persons with disabilities to apply for City of Welland positions; and if qualified, to participate in the interview process.

4.0 Procedures

4.1 Employment Hiring Authority


- The CAO shall have the authority to advise Council on performance and to recommend to Council the appointment, promotion, demotion, suspension, or dismissal of General Managers.
- The CAO, in consultation with the appropriate General Manager and Human Resources, shall have the final authority to employ, promote, demote, suspend or dismiss an employee of the City below the rank of General Manager not covered by a collective agreement and in accordance with all applicable employment legislation.
- The CAO shall have the authority to, in consultation with the appropriate General Manager and Human Resources, appoint, employ, demote, suspend and dismiss all other employees of the Corporation within approved staff complement levels, in accordance with the requirements of any/all affected collective agreements and all applicable employment legislation

4.2 New Full Time Positions and Vacancies

- All new full-time positions must be approved by Council via the Budget Review Committee.
- All full-time, non-union vacancies shall be posted internally and externally concurrently.

4.3 Selection of Employee

- The General Manager is responsible for all employees in their Department relative to appointments, evaluations, suspensions, promotions or dismissals.

	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

4.4 Former City Employees


- Former employees of the City of Welland who have left voluntarily, or through no fault of their own, and who make an application for re-employment are to be given fair and equal consideration in any/all hiring processes.

4.5 Hiring of General Managers

- Short listed applicants will be subject to employment investigations into their educational and work background and professional references. Only fully qualified applicants will be considered for employment.
- The appointment of a General Manager, reporting directly to the CAO, is subject to the approval of Council and the selection procedure is as follows:
 - The Human Resources Department verbally advises the selected candidate of the Selection Committee's recommendation to Council.
 - Council, in closed session, decides on the Selection Committee's recommendation.
 - A formal written offer of employment is extended to the successful candidate, and a written acceptance of the offer is received.
 - A By-law is passed to either establish the position or appoint the successful candidate to the position, or both.

4.6 Hiring of All Other Staff

- The appointment process for all other senior staff and all other employees is subject to the approval of the General Manager and the CAO, through an Employment Requisition Form. The Selection Committee shall include Human Resources staff and others as deemed appropriate, by Human Resources, for the vacancy being filled.
- Items to be reviewed during the screening and short-listing process include:
 - Written application and resume.
 - Preliminary interview using the most recent job description, job posting and discussion of all facets of the position.
 - Verification of professional references.
 - Testing procedures where necessary.
 - Pre-employment health examination to determine physical fitness for employment, where necessary.

	Title:	Hiring		
	Number:	HR – 005		
	Revision Date:	January, 2021	Approved by:	Council
	Revision Number:	1	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

4.7 Anti-Nepotism

The purpose of this section is to ensure that employment related decisions concerning existing or potential City employees are free from any real or perceived improper influence based on family member or significant social relationships. At the same time, it is recognized that existing family members and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the City.

The hiring process is intended to promote equitable opportunity. Candidates are selected and employment decisions are made in accordance with this policy, collective agreements, as well as any other applicable City policies or legislation.


In accordance with S. 24 (1) (d) of the Ontario Human Rights Code the right under section 5 to equal treatment with respect to employment is not infringed where an employer grants or withholds employment or advancement in employment to a person who is the spouse, child or parent of the employer or an employee.

No employee shall attempt to use a family or significant social relationship for his or her personal benefit or gain. This includes an employee misusing their authority to influence or make an employment related decision. Employment related decisions where a benefit may be gained, or authority may be misused include but are not limited to the following;

- the approval/denial of compensation increases;
- hire, transfer, promotion, demotion decisions;
- performance rating, discipline or termination;
- the assignment and approval of overtime;
- the assignment or direction of work assignments;
- approval of leaves of absences;
- the negotiation of salary level.

No employee shall attempt to improperly influence a recruitment or selection decision to benefit a family member or someone with whom they have a significant social relationship.

All job applicants will be requested to disclose the names of any spouse, child or parent who is a current employee or elected official of the City. Job applicants will be asked whether they are aware of any family or significant social relationships currently working as a City employee or elected official by disclosing a "yes" or "no" response. With the exception of a spouse, child, or parent relationship, applicants will not be requested to provide the names of any other family member or

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significant social relationships, in accordance with the Ontario Human Rights Code.

A spouse, child or parent of a current City employee or City elected official shall not be considered for employment, or changes in employment, if placement would create a direct reporting relationship with the above-mentioned family members.

No employee shall be in a direct reporting relationship; or be placed in a position of influence over an employed family member or significant social relationship.


Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting relationship exists between such employees. If there is a direct reporting relationship the City will attempt to find a suitable job to transfer one of the affected employees. If the City is unable to transfer the employee or the employee is unable to find alternative employment, then a decision will be made, in consultation with Human Resources, as to appropriate next steps.

Family members of City employees and City elected officials will be considered for employment or advancement provided they;

- have made application in accordance with established procedure;
- have been considered in accordance with established procedure;
- possess the necessary qualifications; and
- are considered to be the most suitable candidate.

5.0 Compliance


- 5.1 Any attempt to improperly influence a recruitment or selection decision will be reviewed by management and, if verified, result in appropriate disciplinary action.
- 5.2 Failure to comply with this policy and its associated procedures may result in disciplinary measures, up to and including termination of employment.
- 5.3 Candidates who do not comply with responsibilities listed above may be disqualified from the selection process.

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	Document Type:	Policy	Department:	Human Resources

Revision History

Date	Description of Change	Initials
January 26, 2021	<ul style="list-style-type: none"> Revision to Hiring Policy 	AD

COUNCIL
CORPORATE SERVICES
HUMAN RESOURCES

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

02-160

REPORT HR-2021-05
April 20, 2021

SUBJECT: EMPLOYEE CODE OF CONDUCT

AUTHOR: ANDREA DAISLEY, MANAGER OF HUMAN RESOURCES

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

RECOMMENDATION:

1. THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report HR-2021-05 Employee Code of Conduct, and;
2. THAT THE COUNCIL OF THE CITY OF WELLAND approves the Employee Code of Conduct.

ORIGIN AND BACKGROUND:

The purpose of an Employee Code of Conduct is to ensure that, in addition to policies and procedures, the expected rules and behaviour of all staff are explained through documented guidelines.

At the January 26, 2021 Council meeting, the Employee Code of Conduct was presented. Welland City Council referred the document back to staff.

COMMENTS AND ANALYSIS:

By creating and implementing an Employee Code of Conduct, The City of Welland shows commitment to the principles of integrity and openness and endeavors to maintain the highest level of public confidence. An employee Code of Conduct explains the expected rules of behaviour and outlines policies and procedures that govern employee behaviour.

FINANCIAL CONSIDERATION:

There is no financial impact associated with the adoption of the policy.

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

It is recommended that Council approve the Employee Code of Conduct to reinforce the City's commitment to integrity and openness, as well as to outline expected rules and behaviour for all staff.

ATTACHMENTS

Appendix 1 – Employee Code of Conduct



	Title:	Employee Code of Conduct		
	Number:	HR – 001		
	Revision Date:	April, 2021	Approved by:	Council
	Revision Number:	0	Area:	Corporate
	Document Type:	Policy	Department:	Human Resources

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1.0 Purpose and Scope

- 1.1 The City of Welland (the City) is committed to the principles of integrity, accountability and openness and endeavors to maintain the highest level of public confidence in all that we do.

The City recognizes that employees strive to perform their duties in a manner that maintains and enhances public confidence and trust in the integrity of the City. These guidelines, referred to as the Code, explain the expected rules of behaviour required.


- 1.2 It is only through the commitment of our employees that we are able to deliver quality service and maintain public trust. To keep this confidence and trust, employees must be above reproach in their professional dealings. They must demonstrate the highest standards of behaviour. Employees are accountable to the City, Council and citizens of Welland and are responsible for the assets entrusted to them. With this in mind every employee is expected to comply with the Code of Conduct and other policies and procedures that govern employee behaviour.
- 1.3 This policy applies to all City of Welland employees (including full-time, part-time, casual, temporary and students). this policy shall be applied in conjunction with all collective agreements, contracts, legislative requirements and/or the standards identified by an employee's professional affiliation.

2.0 Definitions

2.1 Confidential Information

Confidential information includes information you obtain access to through your position with the City that is not available to the public. This includes, but is not limited to:

- documents, records or other information concerning the City's operations
- documents, records or other information concerning taxpayers, employees, vendors and contractors of the City including personal information, employment status, vendor/contractor status, personnel records, performance information, compensation information and job history
- privileged information, including advice received from professional advisors such as legal counsel and financial advisors
- all work-related information including letters, memoranda, presentations, email and all other documents, whether hard copy or electronic, even if such information has not been labeled or identified as confidential. Confidential information also includes but is not limited to information in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, or other legislation, and information concerning matters that are considered in a "closed session" meeting under section 239 of the *Municipal Act, 2001*

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2.2 Conflict of Interest

A “Conflict of Interest” is a situation in which an employee has personal or private interests that may compete with the public interests of the City. Such competing interests may make it difficult to fulfill their duties impartially. A Conflict of Interest can create an appearance of impropriety or a perception of bias that can undermine confidence in the person and in the City generally. A conflict exists even if no unethical or improper act results from it. A Conflict of Interest can either be an apparent conflict or a real conflict.

Apparent Conflict

An apparent conflict exists where an informed and reasonable person reviewing the matter and having thought the matter through could conclude that a Conflict of Interest exists, even if, in reality, it may not.


Real Conflict

A real conflict exists where a personal interest exists and that interest is known to the employee and has a connection to the employee’s duties that is sufficient to influence or interfere with the performance of those duties.

Fraud

Fraud includes any array of acts characterized by intentional deception. Dishonest, illegal or fraudulent activities include, but are not limited to:

- forgery or alteration of documents
- misrepresentation of information by an individual
- misrepresentation of information on documents
- misappropriation of funds, securities, supplies or any other assets
- unauthorized use, disappearance, or destruction of City property, equipment, materials or records
- improper handling or reporting of money transactions
- authorization or receipt of payments for goods not received or services not performed
- authorization or receipt of payment for hours not worked
- any inappropriate expense claim made, which is unrelated or related to City business or the employee’s job responsibilities
- any apparent violation of Federal, Provincial or local laws

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2.3 Interests

Direct Interests: Direct interests are those interests in which the employee, by virtue of a significant social or financial relationship, is likely to gain benefits or losses, advantages or disadvantages.

Indirect Interests: Indirect interests are those interests in which the employee, by virtue of a significant social relationship or a financial relationship, may reasonably appear to gain benefits or losses, advantages or disadvantages, even though the employee may never have a direct interest.


Personal Information: As defined in s. 2(1) of *MFIPPA*, is recorded information about an identifiable individual, and includes,

- a) information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual
- b) information relating to the education or the medical, psychiatric, psychological, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved
- c) any identifying number, symbol or other particular assigned to the individual
- d) the address, telephone number, fingerprints or blood type of the individual
- e) the personal opinions or views of the individual except if they relate to another individual
- f) correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal the contents of the original correspondence
- g) the views or opinions of another individual about the individual; and h) the individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.

3.0 Application

3.1 Disclosure of Confidential Information or Personal Information

Employees may not disclose or use confidential, privileged or personal information. Such information is only to be exchanged as necessary to perform one's duties and in accordance with the provisions of the *MFIPPA*, City policy or other legislative requirements. Where an employee is uncertain whether information may be disclosed, they are to seek guidance from their manager.

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3.2 Receipt of Gifts and Hospitality Acceptance of Gifts and Benefits

In order to preserve the image and integrity of the City, gifts and benefits are not to be accepted. This general prohibition on accepting gifts exists whether or not it was solicited or offered by an individual or business.

3.3 Exceptions

The City recognizes that moderate hospitality is an accepted courtesy of a business relationship. Accordingly, incidental gifts, hospitality or other benefits associated with an individual's official duties and responsibilities may be accepted provided that such hospitality or other benefits:


- are appropriate, a common expression of courtesy or within the normal standards of hospitality and of nominal value (\$100 or less)
- do not put the recipients in a position where they may be or be seen by others to have been influenced in making a business decision as a result of accepting such benefits
- would not compromise the integrity of the City.

The City recognizes that from time to time gifts will be donated for special City sponsored events, charitable events or municipal functions. This practice may be reasonable, provided that the gifts are publicly acknowledged and approved by the Director and/or CAO, or their designate in advance of the receipt of the donated gift. Where an employee is uncertain whether a gift is reasonable to accept, they are to seek guidance from their manager.

3.4 Hospitality

The occasional hospitality for entertainment for business contacts may occur. Such practice may be acceptable provided it can be shown that the interests of the City will be advanced. Such activities must be moderate and reasonable, both in cost and nature, with City participants being fully aware of the business aims involved and provided that at all times the image and integrity of the City are protected. In all cases the Director and/or CAO, or their designate must be notified in advance of participating in such business hospitality and/or business.

Employees should ask themselves; would I be uncomfortable disclosing this gift/benefit/hospitality to my manager? Is the gift/benefit/hospitality being offered to me in exchange for a favour or benefit? Where an employee is uncertain if the hospitality offered is acceptable, they are to seek guidance from their manager.

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3.5 Professionalism

Employees must be professional in their actions and appearance and courteous and objective in all of their interactions with clients in receipt of City services or programs, including community agencies, contractors, suppliers and the general public. City employees are ambassadors and are expected to reflect a professional image at all times.

As with external relations, employees must also be professional and courteous with their co-workers. They should be aware that improper behaviour in the workplace has a negative effect on others. Examples include lack of common courtesy, gossip, unsolicited remarks, inappropriate pictures or jokes, profanity, excessive noise or perfume/cologne, or demonstrating lack of respect for others' opinions or personal belongings. Employees are expected to be reasonable and fair in their expectations of each other and resolve any conflict in a mature and professional manner. For further information, refer to the Workplace Harassment, Discrimination and Workplace Violence Policy.


3.6 Public Appearances

Employees who are asked to speak publicly to an organization or professional association (as a result of their employment at the City) is acceptable. When representing the City, no personal financial payment may be accepted in return for participation. A small gift may be accepted if it is considered reasonable under all of the circumstances. In cases where an employee is asked to speak as a representative of the City, it may also be permissible for the City to recover costs related to travel and/or accommodations. Employees who are speaking at a conference or meeting who are not representing the City must not appear to represent the opinion or policy of the City. Employees must use vacation, lieu or unpaid time to attend. Employees must have the approval of their manager before accepting any offers where they will be representing the City. Managers are required to ensure that the Director and/or CAO are aware of the public appearance under the auspices of corporate reputation and public affairs'.

3.7 Additional Employment

Employees may not engage in outside work or business activity which

- uses unique knowledge or information related to their employment with the City resulting in a conflict of interest
- may negatively influence or affect them in carrying out duties related to their employment with the City
- takes place while on duty with the City
- derives some form of personal benefit by virtue solely of their employment with the City
- is performed in a way as to appear to be an official act of or to represent the City
- interferes with the delivery of City duties
- involves the use of City resources
- competes and poses a conflict of interest with services provided by the City

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An employee who is or is considering becoming involved in additional employment where a perceived conflict exists, must notify their manager in writing, outlining the nature of such work. Written permission must be received prior to the acceptance of such employment. Documentation of the request and approval shall be kept in the employee's Human Resources file. The City reserves the right to withdraw approval at any time.

3.8 Political Activity

Employees may exercise their civic right to run for public office, in accordance with legislative requirements. Where an employee wishes to run for a political office (i.e. Welland City Council) they must first seek a leave of absence (in accordance with City policies and/or collective agreements) for the period between the day of nomination and ending on voting day, pursuant to the *Municipal Elections Act*. If the employee is elected, they must resign their employment with the City prior to assuming their new duties. Employees are entitled to support or be involved in the political campaign of a municipal, Provincial or Federal candidate or party, provided they do so on personal time and do not present themselves as a representative of the City. While conducting their duties on behalf of the City, employees must appear to be politically neutral. They are to avoid expressing their personal views on matters of public controversy, City policy or administration if the comment is likely to impair public confidence in the City. Where an employee is uncertain whether their actions or comments are appropriate, they shall seek guidance from their Manager.


3.9 Membership on Boards or Committees

Employees shall not be involved with an agency, board or commission if such service might affect the objectivity with which they must discharge their duties. Employees who are appointed to an agency, board or commission in an advisory capacity as part of their employment shall not vote on any matter before the body, where the employee may personally benefit from participating. In the instance that a real or apparent conflict arises, the employee must declare this and refrain from participating in the issue.

3.10 Other Outside Activity

Employees shall not engage in activities which:

- compromise or conflicts with the nature of their position in the organization
- negatively affect the City's reputation
- use the City's resources for personal gain.

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3.11 Personal Interests

No employee in the course of his or her duties shall seek to advance a personal interest, directly or indirectly. Examples of advancing a personal interest include but are not limited to:

- Influencing or attempting to influence the City to contract with a person, partnership or corporation for any purpose in which the employee has a personal interest, or for which the employee has received or reasonably anticipates receiving some profit, payment, or compensation.
- Soliciting or accepting from any person or corporation any profit, commissions or other payments or favours in the way of price or other advantages, such as loans or services, when the person or corporation has had, or may reasonably be expected to have, any business, commerce or trade dealings with the City or the person or corporation is seeking any decision, act, advice, comment, endorsement or anything whatsoever from the City, its employees or City Council.

3.12 Financial Integrity


Employees who maintain the City's financial and accounting records shall do so with the utmost integrity, reflecting accurately and punctually all transactions, assets and liabilities of the City. All business records, expense accounts, invoices, vouchers, bills, payroll and employee records and other reports are to be prepared with care and honesty. False or misleading entries, other false or misleading information, or omissions of entries in the records or reports of the City, or any unrecorded bank accounts, are strictly prohibited. No employee shall undertake any fraudulent activities. This includes misrepresenting information on documents, authorizing payment for goods and services not received, unauthorized use, destruction, or disappearance of City assets and information, and forgery or alteration of documents. No employee shall establish or maintain secret or unrecorded cash funds or other assets of the City for any purpose or conceal any transaction from the City's internal or external auditors. No employee shall use City funds for any personal use at any time.

3.13 Public Criticism of Employer

Employees are expected to support policies, programs and decisions of the City and not publicly criticize the City as an institution or employer, such that the public's perception is adversely affected. All employees have a general right to freely express opinions on matters of public policy however this right is limited by an employee's employment relationship. Public criticism may include, but is not limited to letters to the editor, interviews with the media, negative statements to the public and posts on social media sites.

3.14 Purchasing

The purchasing process for goods, services etc., shall be in accordance with the terms outlined in the City's Purchasing By-law. Employees shall seek clarification from their Director or the CAO where required.

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3.15 Conflict of Interest in Hiring

The purpose is to ensure that employment related decisions, concerning existing or potential City employees, are free from any real or perceived improper influence based on family relationships and significant social relationships. At the same time, it is recognized that existing family member and significant social relationships with City employees should not unduly or unfairly restrict or enhance an individual's opportunity to pursue employment or changes in employment at the City. No employee shall be in a direct reporting relationship or be placed in a position of influence over an employed family member or significant social relationship. Employees who become involved in a spousal relationship, significant social relationship, or who become related over the course of their employment may continue as employees if no direct reporting relationship exists between such employees, and if there is a direct reporting relationship, a decision will be made, in consultation with HR, as to appropriate next steps. For further information, refer to the Conflict of Interest in Hiring Policy.

3.15 Intellectual Property


The intellectual property rights in any work produced by an employee in the course of employment at the City are the exclusive property of the City, unless there is a written agreement stating otherwise between the City and the employee. No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs, data bases, and trademarks, belonging to the City, without express authority from the City.

3.16 Software

The City forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for City purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use.

3.17 Termination of Employment

Upon termination of employment, an employee shall promptly deliver to the City any and all property, technology, data, manuals, notes, records, plans, or other documents, including any such documents stored on any video or software related medium, held by the employee concerning the City's services and programs, know-how, developments, and equipment. This includes property made or prepared by the employee and relating in any way to the affairs of the City. With written permission, employees may retain samples of their work if such work is in the public domain.

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4.0 Duties and Responsibilities

4.1 Chief Administrative Officer (CAO)

- Overall administration and accountability of the policy to ensure implementation and compliance
- Provide guidance to Hr and Managers in dealing with confirmed violations of this policy
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

4.2 Human Resources Department


- Ensure that all employees are informed of and comply with the requirements of the policy
- Ensure that all employees have access to the policy and receive any updates
- Assist managers with interpretation and application of the policy
- Ensure investigation of all complaints
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

4.3 Directors

- Ensure compliance within their department
- Provide guidance in interpreting the policy
- Establish and maintain reasonable systems, procedures and controls to prevent and detect fraud, theft, breach of trust, conflict of interest, bias and any other form of wrongdoing
- Assist in investigating any incident of suspected wrongdoing
- Deal firmly and fairly with any confirmed violations of the policy – must consult with Human Resources prior to taking any action
- Inform the CAO and Human Resources, if any violations of the policy occur
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

4.4 City Employees

- Subscribe in writing, prior to, or on their first day of employment, that they have read and agrees to abide by the policy
- Annually review the policy
- Adhere to the standards of behaviour outlined in this policy
- Seek clarification if unsure about any information included in the policy
- Disclose breaches of the policy to their immediate Manager, Director or designate, in writing

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- Avoid situations which may present conflicts of interest while dealing with persons or organizations doing business or seeking to do business with the City
- Disclose the names of relatives where a direct or indirect reporting relationship may be created through the recruitment. For further information, refer to the Hiring Policy
- Participate in their own development of knowledge and skills related to code of conduct knowledge and demonstration of behaviours consistent with this policy

5.0 Reporting and Compliance

Employees aware of non-compliance with the terms of this policy must report their concern to their manager. The immediate manager will contact Human Resources. An inquiry and collection of facts will occur to determine appropriate next steps, which may include a formal investigation. Employees may also contact Human Resources directly; particularly should the focus of the concern be the employee's manager.

Any suspected fraud or misappropriation must be reported directly to Human Resources. It is the responsibility of HR to inform the CAO, CFO and other appropriate persons. Where a formal investigation is initiated, HR will notify the applicable Director. Where a formal investigation involves a unionized employee, HR will notify the Bargaining Unit Union President. All formal investigations are deemed to be confidential.

Any violation of this policy may result in disciplinary action, up to and including termination of employment.

Employees bringing forward legitimate concerns shall be protected by the City from retaliation or threats, to that effect, from anyone involved in the investigation and outcomes of the concern. Employees who bring forward concerns, which are determined to be malicious or follow a repeated pattern of being trivial or frivolous, will be subject to disciplinary proceedings, up to and including termination of employment.

6.0 Legislation

Municipal Freedom of Information and Protection of Privacy Act
 Municipal Elections Act
 Municipal Act, 2001

Revision History

Date	Description of Change	Initials

COUNCIL
INFRASTRUCTURE AND DEVELOPMENT SERVICES
ENGINEERING DIVISION

APPROVALS	
Director	
CFO	
CAO	

21-61

REPORT ENG-2021-10
April 20, 2021

SUBJECT: CRACK SEALING PROGRAM 2021

AUTHOR: STEFANIE DE CICCIO, C. TECH.
CONSTRUCTION SUPERVISOR

APPROVING
DIRECTOR: SHERRI-MARIE MILLAR, P.ENG.
DIRECTOR OF INFRASTRUCTURE SERVICES

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND accepts the tender of **Regional Signs Inc.** in the amount of **\$73,550.00** (plus HST) being the lowest of three (3) tenders received for the Crack Sealing Program 2021 tender;
2. THAT Council directs staff to prepare the necessary by-law and documents to execute the project; and
3. THAT Council authorizes the Mayor and Clerk to execute all necessary documents to execute the project.

ORIGIN AND BACKGROUND:

The City of Welland has several tenders that comprise the annual road maintenance program. These include asphalt patching, road resurfacing and crack sealing. The purpose of crack sealing is to seal the surface of a road that is in good condition to prevent water from infiltrating the base. This prevents further damage from freeze/thaw, which creates potholes that require a more costly repair.

COMMENTS AND ANALYSIS:

The streets included in this project are summarized on the attached Location Schedule (Appendix I). Thirty-one sections of road that require a total of 35,000m of crack sealing. Work on this tender will be completed up to the budget amount.

The project tender was released on Monday, March 29, 2021 and was publicly advertised, listed with the Niagara Construction Association as well as posted with a major Canadian tendering website for a two (2) week period.

Three (3) tenders were received on closing day, Monday, April 12, 2021. Submissions have been reviewed for accuracy, have been found to be in compliance with City of Welland tender requirements and the provisions of the current Purchasing Policy.

The summary of all the tenders received, excluding taxes, is as shown in the following table:

CONTRACTOR NAME & ADDRESS	TENDER PRICE (excl. HST)
Regional Signs Inc. 332 Glover Road Stoney Creek, ON L8E 5M3	\$73,550.00
Neptune Security Services 2400 Dundas Street W Mississauga, ON L5K 2R8	\$79,750.00
Roadmaster Road Construction & Sealing Limited 1-989 Creditstone Road Concord, ON L4K 4V7	\$88,300.00

Regional Signs Inc., the low tenderer, have been successful with similar work throughout Ontario in recent years. Staff has contacted references and considers the firm's performance to be satisfactory in accordance to our specifications and standards, and therefore, recommends that the firm be awarded the contract.

FINANCIAL CONSIDERATION:

Project costs and funding is summarized as follows:

Project Costs	Amount
Crack Sealing Program 2021 Low Bid	\$73,550.00
Subtotal:	\$73,550.00
City's Portion of HST (1.76%)	\$1,294.48
Total Anticipated Costs:	\$74,844.48
Approved Capital Funding (10-320-21151):	\$100,000.00

The tender price from the low bidder plus 1.76% for the City's portion of the HST is **\$4,844.48**. There is sufficient funding approved for this project.

Staff will leverage the competitive pricing within this contract to maximize the approved funding by adding priority asphalt works.

SUPPORT OF ASSET MANAGEMENT PLAN:

The 2016 Addendum to the City of Welland Comprehensive Asset Management Plan identifies that "infrastructure expenditure needs are in excess of the available revenue. The analysis indicates that the funding gap is approximately \$20 million per year" (page 22).

To mitigate this funding shortfall, this report also suggests a number of mitigation strategies (page 21). The following strategies have been implemented on this project.

1. Applying rehabilitation techniques to extend the lifespan of assets
7. Implementing operating efficiencies;

OTHER DEPARTMENT IMPLICATIONS:

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

SUMMARY AND CONCLUSION:

Crack Sealing is an important component of the City of Welland's roadway maintenance program. Applying rehabilitation techniques at the appropriate time in a road's lifecycle will help extend the life of the pavement at a reduced cost.

Staff recommends the awarding of a contract to Regional Signs Inc. for the 2021 Crack Sealing Program.


ATTACHMENTS:

Appendix I – Crack Sealing Locations

APPENDIX I - LOCATION SCHEDULE

Street Name	Start Street	End Street	Approx. Sealing Length (m)
Castlefield Court	St. Lawrence Drive	East Limit	961.5
Bridgewater Court	Lancaster Drive	West Limit	374
Willowlanding Court	Lancaster Drive	South Limit	1531.5
Cedar Park Drive	Redwood Court	Page Drive	1556.5
Redwood Court	Wellandvale Drive	Cedar Park Drive	443.5
Woodland Drive	First Avenue	West Limit	995.5
Rollins Drive	Woodland Drive	College Park Drive	1536.5
College Park Drive	Rollins Drive	First Avenue	1206
Penrose Road	Balsam Street	East Limit	514.5
Balsam Street	Trillium Avenue	Calista Drive	2437.5
Trillium Avenue	Balsam Street	Balsam Street	1460
Michael Drive	Woodlawn Road	South Limit	968
Michael Drive	Michael Drive	East Limit	833.5
Abbey Road	Green Pointe Drive	North Limit	295.5
Farnham Avenue	Green Pointe Drive	Carlton Avenue	1142
Green Pointe Drive	Beatty Avenue	59 Green Pointe Drive	947.5
Gadsby Avenue	Virginia Street	Thorold Road	942.5
Adah Court	Thorold Road	North Limit	883
Denistoun Street	West Main Street	Maple Avenue	799.5
Myrtle Avenue	Major Street	Cohoe Street	496.5
Harrison Avenue	Lincoln Street	Empress Avenue	3366.5
Gladys Avenue	Lincoln Street	Harrison Avenue	1804
Orchard Avenue	Deere Street	David Street	1175
Huron Street	Kingsway	Michigan Street	1865
Michigan Street	Huron Street	Forks Road	999.5
Bay Avenue	Erie Street	Forks road	499.5
Forks Road	Elm Street	Colborne Street	1917
Talbot Avenue	Kingsway	East Limit	1076
Page Drive	27 Page Drive	172 Page Drive	1200
Silvan Court	Silvan Drive	North Limit	235
Harold Avenue	East Main Street	Major Street	936

COUNCIL
CORPORATE SERVICES
CLERKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

02-160

REPORT CLK-2021-13
APRIL 20, 2021

SUBJECT: WARD 3 VACANCY APPOINTMENT

AUTHORS: TARA STEPHENS, CITY CLERK

**APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA,
 INTERIM CAO / DIRECTOR OF CORPORATE SERVICES, CHIEF
 FINANCIAL OFFICER / TREASURER**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information CLK-2021-13: Ward 3 Vacancy Appointment; and further THAT Welland City Council appoints _____ to Welland City Council to fill the Ward 3 Vacancy, due to the resignation of Lucas Spinosa.

ORIGIN AND BACKGROUND:

On March 2, 2021, Welland City Council declared the Ward 3 seat vacant, which was previously held by Lucas Spinosa.

On March 9, 2021, Welland City Council approved the vacancy be filled by an appointment of a resident from the community.

On April 13, 2021, Welland City Council approved the appointment process included in "Appendix I" of this report.

COMMENTS AND ANALYSIS:

Following the discussion at the March 9, 2021 Special Council meeting, each member of council had the opportunity to nominate a resident to be considered to fill the Ward 3 Vacancy. The deadline for members of council to nominate a resident was March 24, 2021 at 4:00 p.m.

The City Clerk has confirmed that of the nominated individuals meet the following qualifications as outlined in the *Municipal Elections Act*, to fill the Ward 3 Vacancy:

- Reside in or be owner/tenant of land in the municipality, or spouse.
- Canadian Citizen.
- At least 18 years of age.

- Not be prohibited from voting under section 17 (3) of *Municipal Elections Act* or otherwise by law.

The individuals who have been nominated by a member of council and are to be considered to fill the Ward 3 vacancy are as follows:

- BELLINGHAM, Leslie
- DZUGAN, Mark
- LEE, Jamie
- MASTROIANNI, John
- THOMAS, Doug

Welland City Council will consider the appointment of one of the individuals nominated to fill the Ward 3 Vacancy.

FINANCIAL CONSIDERATION:

N/A

OTHER DEPARTMENT IMPLICATIONS:

N/A

SUMMARY AND CONCLUSION:

This report has been prepared for council to consider and appoint a resident to fill the Ward 3 Vacancy.

ATTACHMENTS:

APPENDIX I – Approved Ward 3 Vacancy – Appointment Process

APPENDIX I

Approved by Welland City
Council on April 13, 2021.

Ward 3 Vacancy – Appointment Process

- All of the names of the nominated candidates will be communicated to all members of council during the week of April 12, 2021. (These are the candidates nominated by members of council).
 - a. The list will be provided in alphabetical order, by last name.
 - b. Contract information (phone number and email address) will be provided to the members of council.
- Included in the April 20, 2021 Council meeting agenda, the City Clerk will prepare a report which identifies the nominated individuals to be considered to fill the Ward 3 Vacancy.

This item will be automatically removed from block as the recommendation will not be completed as council is required to appoint an individual to fill the Ward 3 Vacancy.

During the In-camera (Closed to the public) portion of the April 20, 2021 Council meeting, members of council will have an opportunity to discuss any related personal matters regarding the nominated candidates.

- Process for considering the matter in open session will be as follows:
 1. The nominated names will be read in alphabetical order by the City Clerk.
 2. Each name will be stated, a public vote will be taken and the number of votes recorded and verbally announced by the City Clerk.
 3. If there is a candidate that receives majority vote based on the members in attendance at the meeting, the discussion is concluded and that individuals name will be added to the appointment recommendation.
 4. If one candidate does not receive majority vote based on the members in attendance at the meeting, the candidate or candidates with the fewest number of votes shall be excluded from consideration.
 5. The vote will be taken again by the City Clerk, and if necessary more than once, excluding in each successive vote the candidate or candidates who receive the fewest number of votes. This shall be repeated until the candidate receiving majority vote based on the members in attendance at the meeting.

APPENDIX I

- With presumably 12 votes, there could be a tie of 2 candidates (6-6) or 3 candidates (4-4-4). Where the votes cast are equal for all the candidates:
 1. Council can discuss the matter at a Special Council meeting, which would be scheduled for Tuesday, April 27, 2021.
 2. Council can call a by-election to fill the Ward 3 Vacancy.



City of Welland
Development & Building Services
 Building Division
 60 East Main Street, Welland, ON L3C 3X4
Phone: 905-735-1700 Ext. 2251 or 2257 | **Fax:** 905-735-8772
Email: devserv@welland.ca | www.welland.ca

MEMORANDUM

TO: Mayor and Members of Council

FROM: Rachele Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning

DATE: April 20, 2021

SUBJECT: Local Planning Appeal Tribunal Decision – 23 Barron Street
 Consent and Minor Variance Appeals

That, the Council of the City of Welland receives for information the decision from the Local Planning Appeal Tribunal dated February 10, 2021 regarding 23 Barron Street.

On January 15, 2020, the City of Welland Committee of Adjustment approved application for Consent B019/2019WELL to create one new residential lot; approved application for Minor Variance A26/2019WELL to recognize reduced lot area and front yard setbacks, and to increase encroachment provisions for a future dwelling on the lot that was created; and, refused application for Minor Variance A27/2019WELL which would have reduced the lot area, side yard setback, rear yard setback, and reduced the distance a parking stall could be located from the street. Planning staff provided comments in support of these applications.

Applications B019/2019WELL and A26/2019WELL were appealed by an adjacent neighbour, and application A27/2019WELL was appealed by the applicant.

The LPAT hearing was held virtually on December 4, 2020. City Planning staff were summonsed to appear as an expert witness. An oral decision was provided at the hearing, and the written decision was issued on February 10, 2021. The decision of LPAT results in the approval of the variances and severance. The full decision, with reasons, is attached.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 10, 2021

CASE NO(S): PL200087

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Tom Liszt
Applicant:	Jody and Eileen Fleck
Subject:	Consent
Property Address/Description:	23 Barron Street
Municipality:	City of Welland
Municipal File No.:	B109/2019WELL
LPAT Case No.:	PL200087
LPAT File No.:	PL200087
LPAT Case Name:	Liszt v. Welland (City)

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Tom Liszt
Applicant:	Jody and Eileen Fleck
Subject:	Minor Variance
Variance from By-law No.:	2017-117
Property Address/Description:	23 Barron Street
Municipality:	City of Welland
Municipal File No.:	A26/2019
LPAT Case No.:	PL200087
LPAT File No.:	PL200088

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Jody Fleck
Applicant:	Jody and Eileen Fleck
Subject:	Minor Variance
Variance from By-law No.:	2017-117
Property Address/Description:	23 Barron Street

Municipality: City of Welland
Municipal File No.: A27/2019
LPAT Case No.: PL200087
LPAT File No.: PL200089

Heard: December 4, 2020 by video hearing

APPEARANCES:

Parties

Counsel

Tom Liszt
("Appellant")

Self-represented

Jody and Eileen Fleck
("Applicant")

P. Maloney

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON
DECEMBER 04, 2020 AND ORDER OF THE TRIBUNAL**

[1] This was the first Case Management Conference ("CMC") converted to a hearing. There are three interrelated matters regarding a dwelling owned by the Applicant. The dwelling is municipally known as 23 Barron Street ("Subject Property") in the City of Welland ("City"). The Applicant applied for a consent (PL200087) and an application for variance on the newly created lot (PL200088) known as "Part 2". These were approved by the Committee of Adjustment ("COA").

[2] The Applicant also made an application for variances on the existing and future retained lot (PL200089), known as "Part 1". This application was denied by the COA and the Applicant appealed this decision to the Tribunal.

[3] The Appellant has an existing dwelling known municipally as 2 Armour Drive in the City of Welland. The Subject Property and the Appellant's dwelling have abutting backyards.

[4] The COA approved the consent with conditions and also approved variances for

Part 2 created through consent. Part 2 represents the new lot that abuts the Appellant's property. The Appellant has appealed the COA decision regarding the consent and approved Part 2 variances.

[5] The affidavit of service for the CMC is on file and is marked as Exhibit 1. It was established prior to the CMC that both parties will be ready to proceed to hearing of the matter at this CMC. This was confirmed at the start of the CMC as it was converted to a hearing on consent of the parties.

PARTIES

[6] The Appellant and the Applicant were the two parties for the consent and Part 2 variances appeal. For hearing efficiency, these two matters were functionally consolidated with consent of the parties.

[7] There was no opposing party to the Part 1 variances appeal.

WITNESSES

[7] The Appellant did not bring forth any witnesses.

[8] The Applicant presented two land use planning experts. Rachelle Larocque, an employee at the City attended under summons. Ms. Larocque was affirmed and qualified to provide expert opinion evidence in the area of land use planning. Dan Romanko presented by the Applicant was affirmed and qualified to provide expert opinion evidence in the area of land use planning.

CONSENT APPEAL (APPLICATION B019/2019WELL)

[9] This appeal was filed by the Appellant against the COA decision to approve the Applicant's requested consent. The Tribunal must determine that the consent meets the necessary statutory and policy tests including:

- a. Consistency with Provincial Policy Statement 2020 (“PPS”);
- b. Conformity with the Growth Plan for Greater Golden Horseshoe 2020 (“Growth Plan”);
- c. that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the *Planning Act* (“Act”) and must also satisfy the Tribunal that the application to sever has regard to the criteria set out in s. 51(24) of the Act and in particular s. 51(24)(c) respecting conformity with the City Official Plan (“OP”); and
- d. that any conditions of approval are reasonable in consideration of s. 51(25) of the Act.

[10] Mr. Romanko addressed the provincial interest as per s. 2 of the Act and opined that the consent has regard for the following subsections:

- (a) the protection of ecological systems, including natural areas, features and functions;
- ...
- (j) the adequate provision of a full range of housing, including affordable housing;
- ...
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- (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;

[11] Whereas the Appellant argued that the proposal was inappropriate particularly with regard to subsections (p) and (r), Mr. Romanko’s expert opinion evidence prevailed under scrutiny. Ms. Larocque also concurred with the expert opinions expressed by Mr.

Romanko that the proposal has due regard for the provincial interest.

[12] The Appellant stated that his concerns in the context of subsection 51(24) of the Act are based on his understanding of the same and in particular the following:

- ...
- (b) whether the proposed subdivision is premature or in the public interest;
- ...
- (d) the suitability of the land for the purposes for which it is to be subdivided;
- ...
- (f) the dimensions and shapes of the proposed lots;
- ...
- (h) conservation of natural resources and flood control;
- (i) the adequacy of utilities and municipal services;

[13] The Appellant argues that the lot being created is too small and does not fit with the community character. He added that there have already been flooding issues related to the grading of existing lands and that the severed lot would further exacerbate this issue. The Appellant further stated that proper area for such development is an area of semi-detached dwellings located about 1.5 kilometres away.

[14] Mr. Romanko opined that the proposal is not premature as it simply is an infill opportunity in an otherwise fully built neighbourhood. He added that the original lot is quite big and affords the requested creation of a second lot. The second lot already has an access from the street. Mr. Romanko continued that the severed lot still maintains a size suitable for the neighbourhood. Ms. Larocque in addressing flooding and servicing concerns indicated that there is no record with the City regarding any complaints about flooding and the area is fully served with City services.

[15] The Appellant did not provide any evidence regarding the PPS or the Growth Plan. Mr. Romanko and Ms. Larocque provided appropriate assessment and uncontroverted opinions that the proposal is consistent with the PPS and conforms with

the Growth Plan.

[16] The Appellant reviewed specific policies in the City OP and specifically in reference to neighbourhood character in the City OP:

4.2.3.6 Infill and Intensification Development

Infilling and intensification is encouraged throughout the City's existing built up residential areas. Intensification in residential areas should address (notwithstanding the requirements for a severance, site plan or plan of subdivision):

- (i) Land use and neighbourhood character compatibility;
- (ii) Lot pattern and configuration;

[17] Whereas the Appellant submitted that the proposal was out of character, Mr. Romanko through detailed review of the subject lands and their appearance on the streets showed that the proposal actually will enhance neighbourhood character through better presence and enhancement of public realm. The severed lot would enliven the street area which at present is simply defined by a fence and open break for the amenity area access to existing lot. Ms. Larocque added in support that the new lot will create a uniform site line along Summit Avenue. She added that the proposal does not require any changes to the designation of the lands which will continue to be low density residential.

[18] Mr. Romanko further provided a comprehensive review of the proposal with regard to other policies in the City OP. This included sections 4.2.1 (2, 3, 4, 5 and 8) as these relate to character, width of the severed lot and the fronting design in support of the intent and purpose of these policies in the City OP. Mr. Romanko reviewed policy 4.4.2.c and added that the scale of the proposal creates no adverse shadow impacts. Mr. Romanko opined that the addition of a veranda in the building proposed for the severed lot conforms with the design direction of the policy.

[19] Mr. Romanko and Ms. Larocque concurred that in their expert opinion the proposal conforms with the City OP.

[20] Mr. Romanko reviewed s. 53(1) of the Act and opined that a plan of subdivision was not necessary as only one additional lot was being created.

[21] Based on expert evidence of Mr. Romanko and Ms. Larocque who provided appropriate analysis of the applicable sections of the Act, the PPS, the Growth Plan and the OP; the Tribunal finds that the consent is desirable within the context of the Act, provincial policy direction and the OP.

[22] Furthermore, the Tribunal is satisfied based on the expert opinion evidence of Mr. Romanko that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever has regard for the criteria set out in s. 51(24) of the Act. The Tribunal is also satisfied that in consideration of s. 51(25) of the Act, the conditions set for the consent are reasonable as in Attachment 2.

VARIANCES

[23] For the two variance appeals, the Tribunal must determine the following for each variance:

- a. Is the variance minor in nature?
- b. Is it appropriate and desirable development for the area?
- c. Does it maintain the purpose and intent of the Zoning By-law?
- d. Does it maintain the purpose and Intent of the Official Plan?

PART 2, NEW LOT VARIANCES (APPLICATION A26/2019)

[24] The Part 2 lot is formed at the rear of the Subject Property and abuts the Appellant's backyard. The Appellant contends that the variances are not minor.

However, Mr. Liszt provided no evidence to substantiate his claim.

[25] Mr. Romanko described the variances for Part 2 which include a reduced lot area of 357 square metres ("sq m") versus 400 sq m required in Zoning By-law No. 2017-117 ("ZBL"). He stated that this was needed to ensure sufficient parking space. He stated this was minor. Mr. Romanko discussed the front yard setback of 3.1 m versus 4.5 m required to better align the property realm with adjoining properties. Similarly, he reviewed the porch area extension of 2.1 m versus 1.5 m allowed and he described that it is to better align the new building with Summit Avenue. Ms. Larocque submitted that the City staff recommended the approval of these variances as minor and these were also subsequently approved by the COA.

[26] In addressing other tests, Mr. Romanko opined that the variances have no direct impact and in fact bring the home forward for better street visibility. He also opined that it makes the frontage more desirable with the removal of a fence and creating a streetscape. In keeping with the intent and purposes of the City OP and the ZBL, Mr. Romanko stated that the variances will allow for intensity increase through addition of a house, as well as better design benefits and public realm improvements.

[27] Based on the detailed expert opinion evidence of Mr. Romanko and Ms. Larocque the Tribunal finds that the variances meet the statutory tests per s. 45(1) of the Act.

PART 1, RETAINED LOT VARIANCES (APPLICATION A27/2019)

[28] The COA denied these variances and the Applicant appealed this decision. Mr. Romanko stated that these variances are needed so that the retained lot could suitably provide for proper amenity and parking space access resulting from the re-arrangement of the Subject Property. These variances support uses as in place today along Barron Street for most dwelling units.

[29] Mr. Romanko stated that a minimum lot area of 388 sq m instead of the minimum

400 sq m for a proposed retained lot yet to be created is minor. He added that to permit a minimum exterior side yard of 1.8 m instead of the required 3 m for the existing dwelling is appropriate and reflects proper alignment of the two lots and neighbouring properties. Mr. Romanko opined that a minimum rear yard of 5.4 m instead of the required 7.5 m for the existing dwelling with respect to the future dwelling is also appropriate as it will represent a rear yard to side yard configuration. Finally, Mr. Romanko opined that the required parking space to be 0 m from the street line instead of the minimum 5.5 m simply reflects how all dwellings are situated on Barron Street.

[30] In reviewing policy tests Mr. Romanko stated that variances much like the variances requested by the Applicant for Part 2 and previously approved by the COA reflect an appropriate and desirable development which is in keeping with the intent and purpose of the COP and the ZBL.

[31] The Tribunal finds based on the concurred and uncontested opinion evidence of Mr. Romanko and Ms. Larocque that the variances for Part 1 meet the statutory tests set in s. 45(1) of the Act.

ORDER

[32] The Tribunal orders that the appeal related to Application B019/2019WELL is dismissed and provisional consent is given in accordance with the consent sketch set out in Attachment 1 to this Order and subject to conditions set out in Attachment 2 to this Order.

[33] The Tribunal orders that the appeal related to Application A26/2019 (Part 2) is dismissed and the following variances to By-law No. 2017-117 are authorized:

Table 7.3.1 - To permit a minimum lot area of 357 square metres instead of the minimum 400 square metres for a proposed lot yet to be created (Part 2 on sketch).

Table 7.3.1 - To permit a minimum front yard of 3.1 metres instead of the minimum 4.5 metres for a proposed dwelling on Part 2 of the sketch.

Section 5.10.5 a) - To permit a roofed porch to project a maximum of 2.1 metres into the 3.1 metre front yard instead of the maximum 1.5 metres.

[34] The Tribunal orders that the appeal related to Application A27/2019 (Part 1) is allowed and the following variances to By-law No. 2017-117 are authorized:

Table 7.3.1 - To permit a minimum lot area of 388 square metres instead of the minimum 400 square metres for a proposed retained lot yet to be created;

Table 7.3.1 - To permit a minimum exterior side yard of 1.8 metres instead of the required 3 metres for the existing dwelling;

Table 7.3.1 - To permit a minimum rear yard of 5.4 metres instead of the required 7.5 metres for the existing dwelling; and,

Section 6.9.1 a) - To permit the required parking space to be 0 metres from the street line instead of the minimum 5.5 metres.

"Jatinder Bhullar"

JATINDER BHULLAR
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

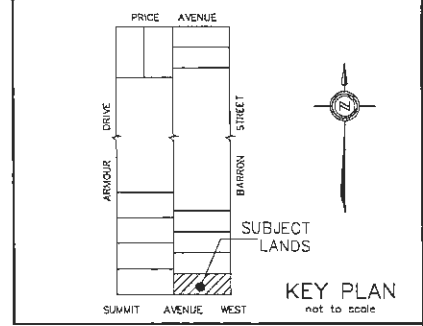
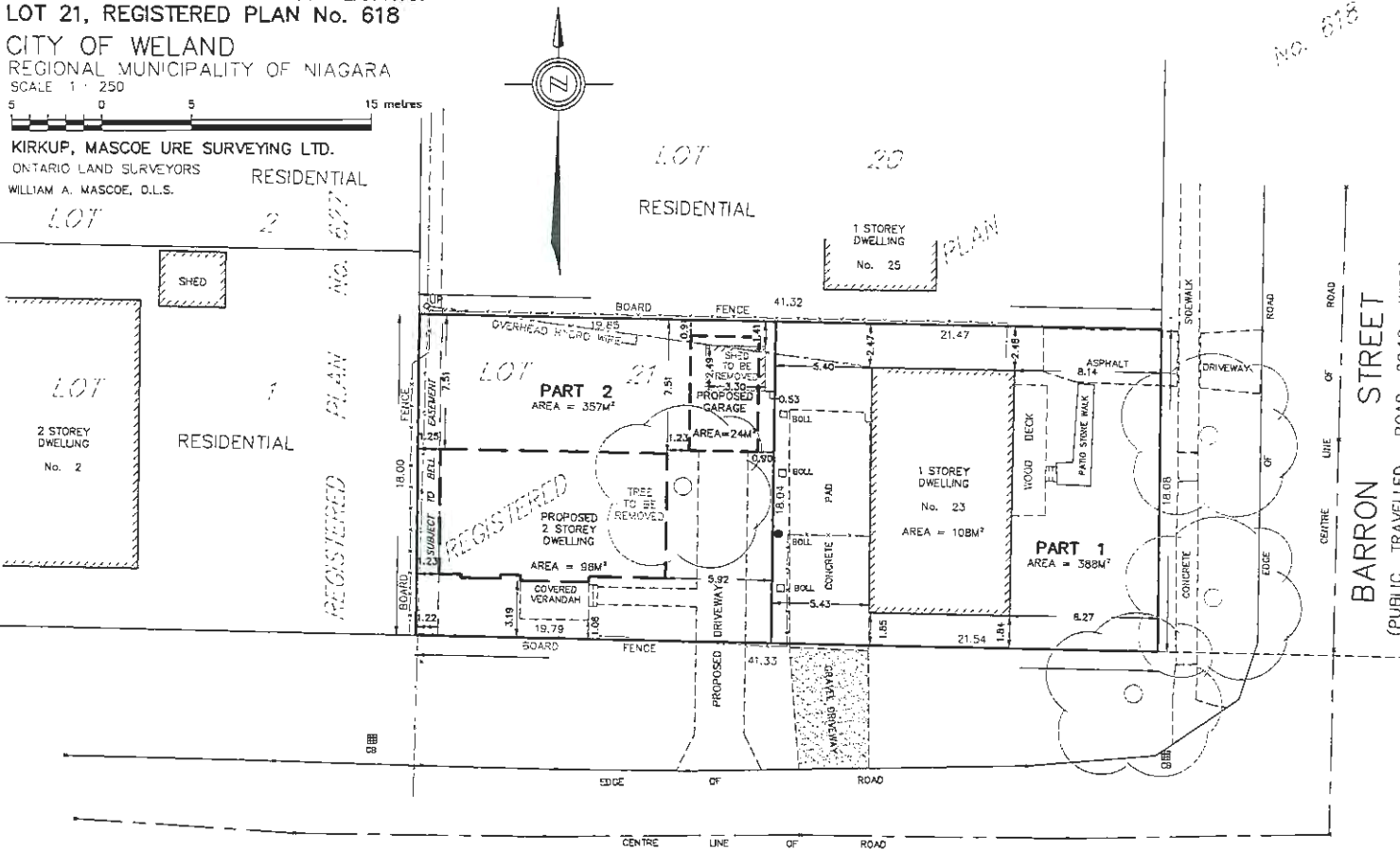
Local Planning Appeal Tribunal
A constituent tribunal of Ontario Land Tribunals
Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

SKETCH FOR SEVERANCE APPLICATION
 LOT 21, REGISTERED PLAN No. 618

CITY OF WELAND
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1:250

KIRKUP, MASCOE URE SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 WILLIAM A. MASCOE, O.L.S.



NOTES
 DISTANCES SHOWN HEREON ARE BASED ON FIELD MEASUREMENTS AND CALCULATIONS USING OFFICE RECORDS.
 THIS SKETCH IS PREPARED FOR SEVERANCE APPLICATION ONLY AND IS NOT TO BE USED FOR MORTGAGE OR TRANSACTION PURPOSES

SUMMIT AVENUE WEST
 (PUBLIC TRAVELLED ROAD 20.12m WIDE)

JANUARY 9, 2020 *William A. Mascoe*
 PLOT DATE : WILLIAM A. MASCOE
 ONTARIO LAND SURVEYOR

KIRKUP • MASCOE • URE
 SURVEYING LTD.
 49 EASTCHESTER AVENUE, ST. CATHARINES, ONTARIO L2P-2Y6
 TELEPHONE (905) 641-1007, FAX (905) 641-4424
 E-MAIL info@niagarasurveyors.com
 www.niagarasurveyors.com

JOB No. : 2019-0199 DWG FILE : 19-0199-1Sketch

ATTACHMENT 2

The approval of Applications B019/2019WELL is subject to the following conditions:

This Decision is subject to the following Conditions:

- 1 That final approval be received from the Committee of Adjustment for the City of Welland for any necessary Minor Variances.
- 2 That the Owner(s) prepay to the City of Welland a \$300.00 tree prepayment.
- 3 The proponent shall prepare a drawing showing the existing servicing to the subject property and obtain approval from the Engineering Department. The proponent shall ensure these services are contained within their respective lot, based on the proposed lot boundaries.
- 4 That the Owner(s) remove the existing wood board fence along Summit Avenue to the satisfaction of the City.
- 5 That the Owner(s) remove and demolish the existing detached shed located on Part 2 of the sketch, to the satisfaction of the City.
- 6 Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
- 7 That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and a digital copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
- 8 That all Conditions of Consent be fulfilled within one year of the issuance of the Tribunal's Final Order.



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MEMORANDUM

TO: Mayor and Members of Council

FROM: Rachele Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning

DATE: April 20, 2021

SUBJECT: Local Planning Appeal Tribunal Decision – 188 Thorold Road
 Consent and Minor Variance Appeals

That, the Council of the City of Welland receives for information the decision from the Local Planning Appeal Tribunal dated March 4, 2021 regarding 188 Thorold Road.

On January 15, 2020, the City of Welland Committee of Adjustment denied applications for Consent B020/2019WELL and B21/2019WELL which were made to create two new residential lots fronting onto Thorold Road. The Committee also denied associated Minor Variance application A29/2019WELL which was made to allow for a lot frontage of 10 metres for a newly created lot. Application for Minor Variance A28/2019WELL to recognize deficiencies that would be created for the existing dwelling upon the creation of the two new lots was approved, and was not appealed. Planning staff provided comments in support of the applications.

The applicant appealed the decision of refusal for Applications B020/2019WELL, B021/2019WELL, and A29/2019WELL.

The LPAT hearing was held virtually on December 14, 2020. City Planning staff were summonsed to appear as an expert witness. An oral decision was provided at the hearing, and the written decision was issued on March 4, 2021. The decision of LPAT results in the approval of the severances and variance. The full decision, with reasons, is attached.

21-73

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 04, 2021

CASE NO(S): PL200094

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Juliana Chirichiello
Subject:	Consent
Property Address/Description:	188 Thorold Road
Municipality:	City of Welland
Municipal File No.:	B020/2019WELL
LPAT Case No.:	PL200094
LPAT File No.:	PL200094
LPAT Case Name:	Chirichiello v. Welland (City)

PROCEEDING COMMENCED UNDER subsection 53(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Juliana Chirichiello
Subject:	Consent
Property Address/Description:	188 Thorold Road
Municipality:	City of Welland
Municipal File No.:	B021/2019WELL
LPAT Case No.:	PL200094
LPAT File No.:	PL200095

PROCEEDING COMMENCED UNDER subsection 45(12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Juliana Chirichiello
Subject:	Minor Variance
Variance from By-law No.:	2017-117
Property Address/Description:	188 Thorold Road
Municipality:	City of Welland
Municipal File No.:	A29/2019

LPAT Case No.: PL200094
 LPAT File No.: PL200096

Heard: December 14, 2020 by video hearing

APPEARANCES:

Parties

Counsel

City of Welland
 ("City")

No one appeared

Juliana Chirichiello
 ("Applicant/Appellant")

Robert Di Lallo

**MEMORANDUM OF ORAL DECISION DELIVERED BY JATINDER BHULLAR ON
 DECEMBER 14, 2020 AND ORDER OF THE BOARD**

[1] This first Case Management Conference ("CMC") for three appeals was converted to a hearing on the merits. There are three interrelated matters regarding a dwelling owned by the Applicant/Appellant. The dwelling is municipally known as 188 Thorold Road ("Subject Property") in the City of Welland ("City"). The Applicant applied for two consent approvals (PL200094, PL200095) and an application for minor variances (PL200096). These Applications were supported by the City planning staff but were rejected by the Committee of Adjustment ("COA").

[2] The Affidavit of service for the CMC is on file and is marked as Exhibit 1. It was established at the CMC that this matter would proceed to a hearing on the merits at this CMC.

PARTIES ATTENDANCE

[3] Only the Applicant/Appellant attended the CMC and the hearing. The City did not attend in opposition.

WITNESSES AND PLAN OF EVIDENCE

[4] The Applicant/Appellant presented Rachelle Larocque, an employee at the City who attended under summons. Ms. Larocque was affirmed and qualified to provide expert opinion evidence in the area of land use planning.

[5] Ms. Larocque provided consolidated evidence for the three appeals with respect to the Act, the Provincial Policy Statement 2020 ("PPS 2020"), the Growth Plan for the Greater Golden Horseshoe 2020 (the "Growth Plan"), the Niagara Official Plan ("NOP") as well as the City Official Plan ("COP").

CONSENT APPLICATIONS

[6] The evidence primarily focussed on the two consent applications. Whereas the City planning staff recommended approval, the COA refused these Applications.

[7] The two Applications before the Tribunal, B020/2019WELL and B021/2019WELL, if approved would create two lots from the existing one residential dwelling lot. The existing dwelling will be retained (Part 2) with a lot size of about 523 square metres ("sq m"). A new lot (Part 1) will be created for a future residential dwelling with a lot size of about 861.5 sq m.

[8] In review of s. 2 of the *Planning Act* ("Act"), Ms. Larocque opined that the proposed development has regard for the Provincial Interest and the following:

- (h) the orderly development of safe and healthy communities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (l) the protection of the financial and economic well-being of the Province and its municipalities; and
- (p) the appropriate location of growth and development.

[9] Ms. Larocque also stated that the proposal has due regard as per direction in s. 3(5) of the Act which directs as follows;

Policy statements and provincial plans

(5) A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and
- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may

PPS 2020

[10] Ms. Larocque commented in reference to the staff review of the proposal and stated that the staff recommended acceptance based on the prevailing PPS at the time. She opined that there are very little policy changes in PPS 2020 with respect to the applicable policies considered by staff as well as her evidence at this hearing.

[11] Ms. Larocque opined that the proposal is consistent with policies 1.1.1 (a, b, c, d, e, f, g, h, and i) as it provides for access to the availability of existing municipal facilities for sidewalks, cycling, and public modes of transportation.

[12] Ms. Larocque opined that the proposal plans to use available municipal services infrastructure while providing for intensification as set in policy 1.1.3.2 of the PPS 2020.

[13] Ms. Larocque further added that the proposal is consistent with policy 1.4 which directs that the growth be encouraged in existing built up areas versus new greenfield sites.

[14] Ms. Larocque summarized and opined that the proposal is consistent with the policies set in PPS 2020.

GROWTH PLAN

[15] Ms. Larocque opined that the proposal conforms with policy 2.2.1 a) which

directs that vast majority of growth will be directed to settlement areas. She stated that the proposal is within a settlement area of the City.

[16] Ms. Larocque also reviewed the specifics in policy 2.2.1.2 c) which directs the growth to be focused in delineated built up areas. Ms. Larocque opined that the proposal is in such a delineated area and ideally suited with access to existing transit and public service facilities.

[17] Ms. Larocque reviewed policy 2.2.2 which directs for the Niagara region to have a minimum of 50 percent of all residential development to occur within delineated built up areas. Ms. Larocque opined that this proposal contributes toward meeting this objective.

[18] Ms. Larocque reviewed policies 2.2.6.1 (a and e) which directs that the implementations of the policies in the Growth Plan shall duly guided by the ROP, WOP and appropriate ZBL as applicable. She stated that the proposal was determined by the staff to be in conformance with these instruments and continues to be so in the context of the Growth Plan in force now.

[19] Ms. Larocque concluded that in her opinion the proposal conforms with the Growth Plan.

NIAGARA OFFICIAL PLAN

[20] Ms. Larocque reviewed the NOP s. 4.A.1 which sets growth management objectives as:

- | | |
|-------------------|--|
| Objective 4.A.1.1 | Direct the majority of growth and development to Niagara's existing Urban Areas. |
| Objective 4.A.1.2 | Direct a significant portion of Niagara's future growth to the <i>Built-up Area</i> through <i>intensification</i> . |

- Objective 4.A.1.6 Build compact, mixed use, transit supportive, *active transportation friendly* communities in the *Built-up Area* and in *Designated Greenfield Areas*.
- Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, *transit supportive, active transportation friendly* urban environments.
- Objective 4.A.1.9 Ensure the availability of sufficient employment and residential land to accommodate long term growth in Niagara to the year 2031.
- Objective 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

[21] Ms. Larocque opined that the proposal conforms with the NOP growth management objectives.

[22] Ms. Larocque also reviewed s. 4.G.8.1 and informed that the proposal lands are suitably located within the built-up areas identified in the NOP.

[23] Ms. Larocque concluded that in her opinion the proposal conforms with the NOP.

WELLAND OFFICIAL PLAN

[24] Ms. Larocque referred to several sections of the WOP, including:

4.2.2.2.A *Planned Function*

The Low Density Residential designation is intended to provide housing for residential development at a minimum density of 15 dwelling units per net hectare of land and maximum density of 24 dwelling units per net hectare of land.

4.2.2.2.B *Permitted Uses*

Permitted uses include single-detached, semi-detached, triplex, townhouse and duplex housing units. Elementary schools and places of worship are permitted. Neighbourhood commercial uses may also be permitted, in accordance with the Commercial policies of Section 4.4 of this Plan. Home-based businesses may be permitted as long as it is accessory to the principal residential use and occurs entirely within the confines of the dwelling unit.

4.2.3.6 *Infill and Intensification Development*

Infilling and intensification is encouraged throughout the City's existing built up residential areas. Intensification in residential areas should address (notwithstanding the requirements for a severance, site plan or plan of subdivision):

- i. Land use and neighbourhood character compatibility;
- ii. Lot pattern and configuration; and
- ix. Residential intensification targets identified in this Plan.

[25] Mr. Larocque opined that the proposal maintains the low-density residential designation, it maintains permitted uses and is a desirable infill development and provides for intensification. She added that the proposal creates housing on an existing and available bus route.

[26] Ms. Larocque cited policy 7.9.2 of the WOP which directs the necessary requirements for allowing consents as follows:

7.9.2 Evaluation of Consents

Applications will be evaluated on the following minimum criteria:

- i. Consistency with the Policies of this Official Plan;
- ii. Consistency with a Secondary Plan (where appropriate), or guidelines, as well as compliance with the Zoning By-law;
- iii. A Plan of Subdivision is not required;
- iv. The size and shape of the lots;
- v. The road access of the lots;
- vi. The impact of the consent on the ability of adjacent lots to be developed;
- vii. The impact of the consent on the natural environment; and,
- viii. Adequacy of municipal services and utilities.

[27] Ms. Larocque opined that the conformity with the WOP is supplemented given that there is no applicable secondary plan, there is only one new lot being created and no plan of subdivision is required, the lots are larger than the minimum lot area required, the lots will have road access, there are no directly abutting lots that will be impacted by the severances, the consents do not create issues or disturb the natural environment in the area and there are adequate municipal services available to serve the lots.

[28] Ms. Larocque concluded that in her opinion the consents fully conform with the WOP.

ANALYSIS: CONSENT APPEALS (B020/2019WELL; B021/2019WELL)

[29] The Tribunal must determine that each of the requested consents meets the necessary statutory and policy tests including:

- a. Consistency with Provincial Policy Statement 2020 (“PPS”);
- b. Conformity with the Growth Plan for Greater Golden Horseshoe 2020 (“Growth Plan”);
- c. that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the *Planning Act* (“Act”) and must also satisfy the Tribunal that the application to sever has regard to the criteria set out in s. 51(24) of the Act and in particular s. 51(24)(c) respecting conformity with the City Official Plan (“OP”); and
- d. that any conditions of approval are reasonable in consideration of s. 51(25) of the Act.

[30] In reviewing s. 53(1) of the Act;

53 (1) An owner of land or the owner’s agent duly authorized in writing may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.

[31] Ms. Larocque referring to the WOP opined that since only two lots are resulting from the consent applications, the WOP allows that no plan of subdivision is required and that the consents satisfy the requirements in s. 53(1) of the Act.

[32] Ms. Larocque reviewed s. 51(24)(c) of the Act in the context of her evidence with respect to policy 7.9.2 of the WOP which sets evaluation criteria mirroring s. 51(24) of the Act. Ms. Larocque added that in the context of s. 51(24) (b):

- (b) whether the proposed subdivision is premature or in the public interest;

the consents will allow for additional desirable housing that is not premature as it simply is an infill opportunity in an otherwise fully built neighbourhood and is in the public interest as it makes more housing available.

[33] Based on expert evidence of Ms. Larocque who provided appropriate analysis of the applicable sections of the Act, the PPS, the Growth Plan and the OPs, the Tribunal finds that the consents are desirable within the context of the Act, provincial policy direction and the OP.

[34] Furthermore, the Tribunal is satisfied based on the expert opinion evidence of Ms. Larocque that a plan of subdivision is not necessary for the orderly development of the municipality pursuant to s. 53(1) of the Act and that the application for consent to sever has regard for the criteria set out in s. 51(24) of the Act. The Tribunal is also satisfied that in consideration of s. 51(25) of the Act, the conditions set for the consent are reasonable as in Attachment 2.

ANALYSIS: VARIANCES

[35] For the two variance appeals, the Tribunal must determine the following for each variance:

- a. Is the variance minor in nature?
- b. Is it appropriate and desirable development for the area?
- c. Does it maintain the purpose and intent of the Zoning By-law?
- d. Does it maintain the purpose and intent of the Official Plan?

1. VARIANCE: APPLICATION A28/2019

[36] This variance requests that the parking space be set 0 metres (“m”) from the street instead of the 5.5 m. This variance was previously approved by the COA on January 15, 2020.

[37] Ms. Larocque reviewed the variance and opined that she concurs with the planning staff analysis on the record which states that:

- 1) Desirable and in compliance with the general intent and purpose of the Official Plan as residential and accessory residential uses are provided for in the Low-Density Residential designation.
- 2) Desirable and in compliance with the general intent and purpose of the Zoning By-law as accessory uses such as parking is a permitted use within the RL1 Zone. The proposed parking area will comply with all other required zoning provisions.
- 3) Appropriate for the development of the site as the existing dwelling is to remain, providing parking in the front yard allows for opportunities for adjacent infilling. The proposed driveway will allow for an on-site parking space which can accommodate a vehicle without obstructing the City sidewalk.
- 4) Minor in nature as the proposed required parking in the front yard will not negatively impact the characteristics of the residential neighbourhood.

[38] Based on the uncontroverted planning evidence, the Tribunal finds that the Variance A2/2019 is minor and meets the statutory requirements and is appropriate.

2. VARIANCE: APPLICATION A29/2019

[39] The Applicant/Appellant requests reduction of 2.0 m in lot width. The request is

from a required 12 m lot frontage to 10 m lot frontage. Whereas staff recommended approval of this variance, the COA refused it.

[40] Ms. Larocque opined that she concurs with the analysis and recommendations made by planning staff which state:

- 1) Desirable and in compliance with the general intent and purpose of the Official Plan as the proposed lot is provided for in the Low-Density Residential designation.
- 2) Desirable and in compliance with the general intent and purpose of the Zoning By-law as the proposed lot is a permitted use within the RL1 Zone and will comply with all other required zoning provisions.
- 3) Appropriate for the development of the site as the proposed lot meets the required lot area, front and rear setbacks of the RL1 Zone, is a compatible use and the lot is enough in size with the surrounding neighbourhood.
- 4) Minor in nature as the proposed reduction of 2.0 metres in lot width will not negatively impact the characteristics of the residential neighborhood.

[41] Based on the uncontested expert opinion evidence of Ms. Larocque, the Tribunal finds that the variance requested meets all the statutory tests including being minor and is therefore appropriate.

ORDER

[42] The Tribunal orders that the appeals are allowed for the consents referred to as B020/2019WELL and B021/2019WELL and provisional consent is given in accordance with the consent sketch set out in Attachment 1 to this Order and subject to Conditions set out in Attachment 2 to this Order.

[43] The Tribunal orders that the following variances are authorized to the City's ZBL-
No. 2017-117:

Section 6.9.1 a) - To permit the required parking space to be 0 metres
from the street line instead of the minimum 5.5 metres.

Table 7.3.1 - To permit a minimum lot frontage of 10 metres instead of
the minimum 12 metres for a lot yet to be created.

SEE: (Parts 3 and 4 combined on sketch in Attachment 1 to this Order)

"Jatinder Bhullar"

JATINDER BHULLAR
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

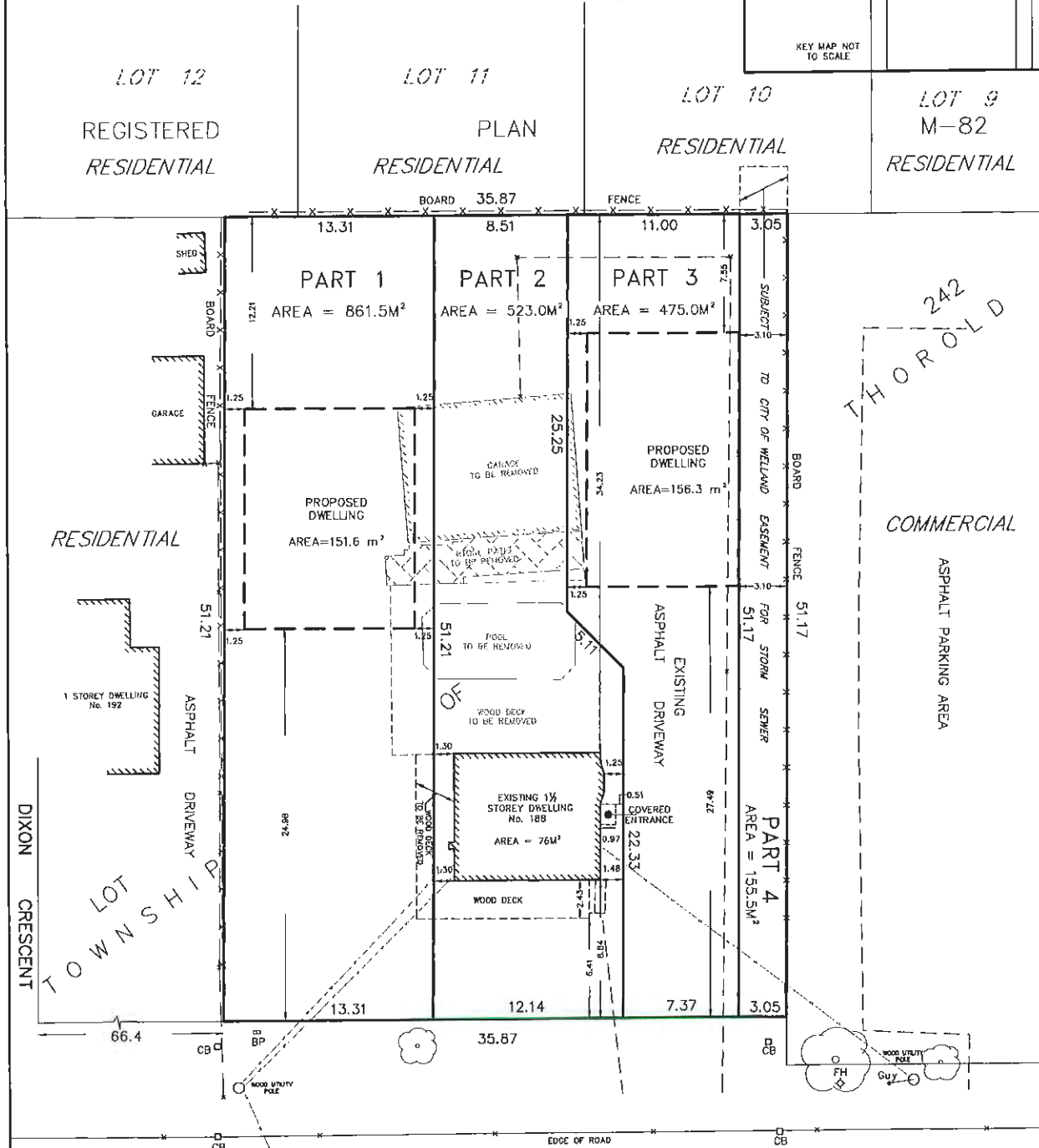
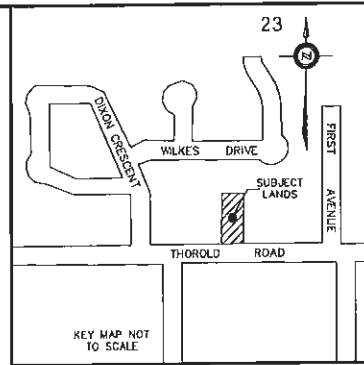
Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

SKETCH TO SHOW
PART OF LOT 242
GEOGRAPHIC TOWNSHIP OF THOROLD
IN THE
CITY OF WELLAND
REGIONAL MUNICIPALITY OF NIAGARA

SCALE : 1 : 250



THOROLD ROAD
(PUBLIC TRAVELLED ROAD 23.1m WIDE)

DECEMBER 11, 2019

DATE

William A. Mascoe

WILLIAM A. MASCOE
ONTARIO LAND SURVEYOR

NOTE

THIS SKETCH IS INTENDED FOR USE OF THE COMMITTEE OF ADJUSTMENT ONLY. MEASUREMENTS MAY VARY UPON FIELD SURVEY.

METRIC NOTE

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

KIRKUP MASCOE URE

SURVEYING LTD.

14 PASTICHESTER AVENUE, SUITE 101, CATHAMANS, ONTARIO L2P 2Y6
TEL: (905) 881-4100, FAX: (905) 881-4371
E-MAIL: info@kirkupmascoeure.com
www.kirkupmascoeure.com

JOB No. : 2018-0163

DWG FILE : 18-0163-SKETCH

Attachment 2
Conditions

The Owner(s) will be required prior to the issuance of a Building Permit, pay Cash-in-Lieu of Parkland Dedication in the amount of 5% of the value of the severed land as shown on Parts 1 and 3 & 4 of the sketch submitted with the Application, prepared by Kirkup Mascoe Ure Surveying Ltd. dated December 11, 2019, in accordance with City of Welland By-law 11220.

Based on the above, Staff recommends approval of the application to create two (2) new residential lots with the following conditions:

1. That the existing detached accessory building (garage) located on Part 2 of the sketch, be demolished to the Satisfaction of the City.
2. That the existing pool located on Part 2 of the sketch, be demolished to the Satisfaction of the City.
3. That the existing wooden deck located on Part 2 of the sketch, be demolished to the Satisfaction of the City or made to comply to the provisions of Zoning By-law 2017- 117.
4. A total of two (2) tree planting fees in the amount of \$300.00 each (\$600.00 total) will be required for two (2) boulevard tree planting for Parts 1 and 3/4 as shown on the sketch submitted with the Application.
5. That the owner obtain approval for all necessary Minor Variances.

8020/2019WELL

The Planning Division recommends **approval** of Consent Application 8020i2019WELL with the following Conditions:

1. That all necessary Minor Variances are obtained.
2. That Consent Application File No. B020/2019WELL receive Final Certification of the Secretary-Treasurer concurrent with or prior to Consent Application File No. 8021/2019.
3. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and a digital copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
4. That the Owner(s) prepay to the City of Welland \$300.00 for one boulevard tree planting to be located on Thorold Road (Part 1).
5. That the Owner(s) remove and demolish the existing detached garage located on Part 2 of the sketch, to the satisfaction of the City.
6. That the Owner(s) remove the existing pool located on Part 2 of the sketch, to the satisfaction of the City.

7. That the Owner(s) remove or modify the existing wooden decks located on Part 2 of the sketch, to the satisfaction of the City or modify it to comply with the provisions of By-law 2017-117.
8. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
9. That all Conditions of Consent be fulfilled within one year of giving Notice of the Decision.

8021/2019WELL

The Planning Division recommends **approval** of Consent Application 8021/2019WELL with the following Conditions:

10. That all necessary Minor Variances are obtained.
11. That Consent Application File No. 8021/2019WELL ;receive Final Certification of the Secretary-Treasurer concurrent with or subsequent to Consent Application File No. B020/2019WELL.
12. That the Secretary-Treasurer be provided with a registrable legal description of the subject parcel, together with a copy and a digital copy of the Deposited Reference Plan, if applicable, for use in the issuance of the Certificate of Consent.
13. That the Owner(s) prepay to the City of Welland \$300.00 for one boulevard tree planting to be located on Thorold Road (Part 3/4).
14. That the Owner(s) remove and demolish the existing detached garage located on Part 2 of the sketch, to the satisfaction of the City.
15. That the Owner(s) remove the existing pool located on Part 2 of the sketch, to the satisfaction of the City.
16. That the Owner(s) remove or modify the existing wooden decks located on Part 2 of the sketch, to the satisfaction of the City or modify it to comply with the provisions of By-law 2017-117.
17. Confirmation of payment of outstanding taxes to the satisfaction of the City of Welland Finance Division.
18. That all Conditions of Consent be fulfilled within one year of giving Notice of the Decision.



City of Welland
Development & Building Services
 Building Division
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MEMORANDUM

TO: Mayor and Members of Council

FROM: Rachelle Larocque, BES, M.Sc., MCIP, RPP
 Manager of Planning

DATE: April 20, 2021

SUBJECT: Local Planning Appeal Tribunal Decision – Hunters Pointe
 Redevelopment Official Plan Amendment and Zoning By-law
 Amendment (289 Daimler Parkway)

That, the Council of the City of Welland receives for information the decision from the Local Planning Appeal Tribunal dated March 18, 2021 regarding Hunters Pointe Redevelopment (289 Daimler Parkway).

On June 18, 2020, the City of Welland Council passed a reconsideration motion and approved applications for Official Plan Amendment (OPA 16), Zoning By-law Amendment (2018-01), and Draft Plan of Subdivision (26T-14-18003). The Official Plan Amendment and Zoning By-law Amendment were appealed by the Highland's Residents Association and 2090572 Ontario Inc.. The application for Draft Plan of Subdivision can only be appealed by the applicant or agencies.

A Case Management Conference was held virtually on December 15, 2020. The applicant, 2599587 Ontario Ltd. filed a motion to dismiss the appeals in their entirety. The City supported this motion.

The decision of LPAT is that they did not support the motion to dismiss the appeals. The next Case Management Conference is set for May 14, 2021. Full hearing dates have not been scheduled at this time.

The complete Decision and Order has been provided as an attachment.

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: March 18, 2021

CASE NO(S): PL200293

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(45) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Motion By:	2599587 Ontario Ltd.
Purpose of Motion:	Request for an Order Dismissing the Appeal
Appellant:	2090572 Ontario Inc.
Appellant:	The Highlands Residential Association
Subject:	Proposed Official Plan Amendment No. OPA 16
Municipality:	City of Welland
LPAT Case No.:	PL200293
LPAT File No.:	PL200293

PROCEEDING COMMENCED UNDER subsection 34(25) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Motion By:	2599587 Ontario Ltd.
Purpose of Motion:	Request for an Order Dismissing the Appeal
Appellant:	2090572 Ontario Inc.
Appellant:	The Highlands Residential Association
Subject:	Zoning By-law Amendment No. 2020-61
Municipality:	City of Welland
LPAT Case No.:	PL200293
LPAT File No.:	PL200294

Heard: December 15, 2020 by video hearing

APPEARANCES:**Parties****Counsel**

2090572 Ontario Inc.
The Highlands Residents
Association

Scott Snider and Anna Toumanians

City of Welland

Kim Mullin

2599587 Ontario Ltd.

Mark Flowers

DECISION DELIVERED BY DAVID BROWN AND ORDER OF THE TRIBUNAL**INTRODUCTION**

[1] The matter before the Tribunal is a motion filed by 2599587 Ontario Ltd. (the "Applicant") to dismiss without a hearing the appeals filed by 2090572 Ontario Inc. ("209 Inc.") and The Highland Residents Association (the "HRA") (collectively, the "Appellants") against the decision of the City of Welland (the "City") to adopt Official Plan Amendment No. 16 ("OPA16") and to pass Zoning By-law No. 2020-61 amending the City Zoning By-law No. 2017-117 ("ZBA"), which would permit the redevelopment of lands municipally known as 289 Daimler Parkway (the "Subject Lands").

[2] The Motion is made pursuant to s. 17(45) and s. 34(25) of the *Planning Act* (the "Act"), as amended, and the Applicant alleges that the Appellants' Notices of Appeal of OPA16 and the ZBA do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the Appeals.

[3] The City filed a Response in support of the Motion. The Appellants filed a Response to the Motion requesting that the Motion be dismissed and that costs be awarded against the Applicant.

BACKGROUND

[4] The Subject Lands are generally located east of Highway 406, west of the Welland Shipping Canal, south of the Welland River and north of East Main Street. The Subject Lands comprise an area of approximately 85 hectares and were previously utilized as a private golf club, which ceased operation in 2017. To the north and east of the Subject Lands are lands owned by 209 Inc. and a residential development including the community represented by the HRA.

[5] The Applicant submitted applications for an Official Plan Amendment, Zoning By-law Amendment and a Draft Plan of Subdivision to permit the redevelopment of the Subject Lands with a mix of low density residential, medium density residential, neighbourhood commercial uses, and maintaining the Core Natural Heritage designated areas. The applications were deemed complete by the City on March 7, 2018. As prescribed by the Act, the City conducted a public open house and a statutory public meeting. The Appellants participated in the process filing submissions with the City and making oral submissions at the public meeting. Following the public meeting, the Applicant made revisions to their proposal and resubmitted a revised proposal in November, 2019. The resubmission proposed a total of 1,155 residential units, 17.56 hectares of parkland and open space, modifications to storm water management ponds and modifications to the proposed public road network.

[6] The City staff prepared a comprehensive report recommending approval of the applications (the "Staff Report", provided in Exhibit 2 at Tab 2), which was considered by Council on May 26, 2020. On June 9, 2020, City Council adopted OPA16, passed the ZBA and approved a Draft Plan of Subdivision subject to conditions ("DPS"). Council included an amendment to the Staff Report recommendation requiring that an overpass from the Subject Lands over Highway 406 to connect to Oxford Road on the west side of Highway 406 be completed no later than when the development of the 600th unit commences. Notice of Council's decision was issued on June 18, 2020.

[7] On July 6, 2020, 209 Inc. and the HRA each filed Notices of Appeal to both OPA16 and the ZBA. The Tribunal notes that the DPS was not appealed to the Tribunal as pursuant to s. 51(39) of the Act, a third party may not appeal a decision by an approval authority to grant draft plan approval to a plan of subdivision.

[8] The Tribunal convened this hearing event as a Case Management Conference ("CMC") in accordance with the *Local Planning Appeal Tribunal Act, 2017*. Prior to the CMC, in accordance with the Tribunal's *Rules of Practice and Procedure* (the "Rules"), the Applicant filed a Motion, returnable at the CMC.

[9] For the reasons set out below, The Tribunal denies the Motion requesting the dismissal of the Appeals.

[10] The Tribunal directs this matter to proceed to as a CMC to be scheduled by the Tribunal.

PRELIMINARY MATTERS

[11] Mark Flowers requested that the Applicant be added as a Party to the proceedings. Mr. Flowers submitted that the Applicant owns the Subject Lands and filed the applications to amend the City Official Plan ("OP") and the City Zoning By-law ("ZB"), which are the subject of the Appeals. Mr. Flowers explained that the Applicant made submissions to Council prior to the OPA being adopted and the ZBA being passed. The Applicant has a direct interest in the Appeals.

[12] Scott Snider on behalf of the Appellants, and Kim Mullin, on behalf of the City, advised their clients do not object to adding the Applicant as a Party.

[13] The Tribunal, in consideration of the request of Mr. Flowers adds the Applicant as a Party to the proceeding. The Tribunal finds that, pursuant to s. 17(44.1) and s. 34(24.1) of the Act, there are reasonable grounds to add the Applicant as a Party. Further, as provided for in Rule 8.2 of the Rules, the Tribunal finds that the Applicant's

presence is necessary to enable the Tribunal to adjudicate effectively and completely on the issues in the proceeding.

[14] The Tribunal received two further requests for Party status. The Tribunal adjourned the consideration of these requests to the CMC, which is scheduled for May 14, 2021.

MOTION

[15] Pursuant to s. 17(45) of the Act, the Tribunal may dismiss an appeal of an official plan amendment without holding a hearing, as follows:

Dismissal without hearing

17(45) Despite the *Statutory Powers Procedure Act* and subsection (44), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,
 - i. The reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the plan or part of the plan that is the subject of the appeal could be approved or refused by the Tribunal,
 - ii. the appeal is not made in good faith or is frivolous or vexatious,
 - iii. the appeal is made only for the purpose of delay, or
 - iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

[16] Similarly, pursuant to s. 34(25) of the Act, the Tribunal may dismiss an appeal of a zoning by-law without holding a hearing, as follows:

Dismissal without hearing

34(25) Despite the *Statutory Powers Procedure Act* and subsection (24), the Tribunal may, on its own initiative or on the motion of any party, dismiss all or part of an appeal without holding a hearing if any of the following apply:

1. The Tribunal is of the opinion that,

- i. The reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could allow all or part of the appeal,
- ii. the appeal is not made in good faith or is frivolous or vexatious,
- iii. the appeal is made only for the purpose of delay, or
- iv. the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

[17] The Applicant's grounds for the Motion are that the Appellants' Notices of Appeal do not disclose any apparent land use planning grounds upon which the Tribunal could allow all or part of the Appeals. The Applicant alleges that the concerns outlined in the Appellants' Notices of Appeal:

- a) fail to constitute genuine, legitimate, and authentic land use planning issues,
- b) are speculative and merely apprehensive,
- c) have been sufficiently addressed in accordance with the *Planning Act* and are beyond the Tribunal's jurisdiction, and
- d) pertain to the related Draft Plan of Subdivision and the Draft Plan conditions for the Lands, which has been approved by the City and is not subject to appeal.

NOTICES OF APPEAL

[18] 209 Inc. and the HRA have retained the same legal counsel, Mr. Snider, and the same land use planning consultant, Michael Gagnon of Gagnon Walker Domes Ltd. ("GWD"). The Notices of Appeal identified the issues as: planning and urban design, servicing and stormwater management, transportation, noise and vibration, and environmental and natural heritage concerns. The Notices of Appeal included the following documents in support of the appeals:

- 1) An excerpt of a Planning Assessment and Analysis prepared by GWD, dated January 31, 2020, addressing the Provincial Policy Statement, 2014 ("2014 PPS"), A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the "Growth Plan"), Region of Niagara Official Plan ("ROP"), and the City Official Plan for consistency and conformity;
- 2) An updated Planning Opinion prepared by GWD, dated July 3, 2020, addressing the Provincial Policy Statement, 2020 ("2020 PPS");
- 3) Correspondence addressed to the City from GWD, dated May 25, 2020, clarifying 209 Inc.'s concerns with the proposed OP amendment; and,
- 4) Correspondence addressed to the City from Mr. Snider on behalf of the Appellants, dated January 31, 2020 and May 25, 2020, providing further clarity in respect to 209 Inc.'s concerns with the proposed OP amendment.

THE APPLICANT'S POSITION

[19] As set out earlier, the Applicant's grounds for the Motion are that the Appellants' Notices of Appeal and do not disclose any apparent land use planning grounds upon which the Tribunal could allow all or part of the Appeals.

[20] The Applicant provided affidavit opinion evidence from Mike Pettigrew, a qualified Land Use Planner, in support of the Motion. Mr. Pettigrew summarized the issues raised in the Notices of Appeal to six general areas as identified in the materials filed by GWD and offered his opinions in respect to each as follows:

Design of the DPS and Conditions of Draft Plan Approval

[21] The GWD materials recommend that the DPS be redesigned to either retain the golf course on the Subject Lands or to significantly increase the amount of land set aside for open space and programmable recreational opportunities. Mr. Pettigrew

responded that the DPS approved by the City has included the dedication of lands for parkland purposes in an amount in excess of the minimum requirement. He further notes that the DPS has not been appealed to the Tribunal.

Planning and Growth Management

[22] The GWD materials reference the lack of demonstrated need for the additional residential land within the City to support the proposal. Mr. Pettigrew responds that the Subject Lands are located within the City's urban boundary and within a delineated built boundary / built-up area. Mr. Pettigrew opined that there is no requirement in the applicable provincial or municipal policies to demonstrate need to re-designate the Subject Lands to a residential land use designation. Mr. Pettigrew continues stating that the City OP considers all development within the built boundary to be intensification. In respect to the provision of additional community services, Mr. Pettigrew states that the development proposal has been reviewed by the relevant departments and agencies and no need for additional community services were identified as being required. In respect to parkland, Mr. Pettigrew advised that the DPS provides parks and open spaces in excess of the minimum requirement for a residential development as stipulated in the Act.

Community Engagement and Public Opposition

[23] Mr. Pettigrew responded to the claims of the Appellants in respect to insufficient public engagement advising that the City hosted an Open House and held the statutory Public Meeting as required by the Act. The GWD materials set out that the "vast majority of local residents" are opposed to the proposed development and have "grave concerns with the proposal". Mr. Pettigrew, in response to this assertion is that these statements do not reflect land use planning issues.

Completeness and Scope of Reports, Studies and Plans

[24] Mr. Pettigrew states that all the required studies and reports were provided to the satisfaction of the commenting agencies and departments including the Niagara Peninsula Conservation Authority. The conclusions and recommendations were incorporated into the conditions of the DPS.

Transportation and Transit

[25] The Appellants raised the issue of a secondary access to the Subject Lands. Mr. Pettigrew advised that the Ministry of Transportation ("MTO") has permitted an emergency access from Highway 406 at the southerly end of the Subject Lands and the City has imposed a condition on the approval of the DPS requiring that an overpass over Highway 406 be constructed prior to the construction of the 600th unit within the proposed development.

[26] A further issue was raised in respect to transit service for the Subject Lands. Mr. Pettigrew advised that discussions with Welland Transit determined that the area currently does not have sufficient demand to warrant full service; however, Welland Transit will continue to monitor the development and potential demand for future transit opportunities.

Servicing and Stormwater Management

[27] Mr. Pettigrew submits that the City and the Region have confirmed that there is sufficient capacity in the existing and planned infrastructure in the area. He continued that the storm water management facilities have been sized appropriately to accommodate the projected need and the conditions of the DPS have addressed the servicing requirements.

[28] Mr. Flowers provided a Book of Authorities including numerous examples of Tribunal jurisprudence in respect to the Motion.

[29] Mr. Flowers submits that the Tribunal can examine whether the appeal discloses any planning grounds that warrant a hearing and whether these reasons constitute genuine, legitimate and authentic planning reasons worthy of the adjudicative process¹. Further, the courts have upheld apprehension alone does not raise a planning issue that justifies a hearing². The OMB has established that the grounds of the appeal must anticipate the clear scope of the Appellants' concerns and hold the promise of contrary sustainable evidence to be called³. The OMB also found that raising issues couched in planning jargon raises apprehension without any foundation and as such lacks authenticity that must be part of any ground for appeal⁴. Mr. Flowers stated it is the Applicant's contention that the Appellants, in their Notices of Appeal, merely deployed planning language and simply raise apprehension. The Notices of Appeal do not disclose genuine, legitimate, and authentic planning reasons which are worthy of the adjudicative process.

[30] Mr. Flowers referenced examples of appeals with similar scenarios to subject Appeals as they relate to the redevelopment of former golf course properties. The OMB stated that there is nothing in the *Planning Act*, which says that a failed private recreational facility must be maintained, as a private park or otherwise, for the benefit of the neighbours' views.⁵ Further, the OMB found that the Growth Plan encourages intensification and does not require a determination of need within a settlement area to support further development.⁶ The OMB has also noted that private lands being used like a public park does not make them a public park.⁷ Mr. Flowers also referred to the decision of the OMB where it agreed that appropriate opportunities for achieving residential development through intensification are not limited to those sites which may have been previously identified through intensification studies or the like.⁸ The Tribunal also noted in its decision that the property is nothing more than a large parcel of land

¹ *Toronto (City) v. East Beach Community Assn.*, 1996 CarswellOnt 5740 at para. 9 ("East Beach").

² *Zellers Inc. v. Royal Cobourg Centres Ltd.*, 2001 CarswellOnt 3362 at para. 31.

³ *Farrow v. Owen Sound (City)*, 2001 CarswellOnt 5702 at para.13 ("Farrow").

⁴ *Farrow* at para. 6.

⁵ *Ruscio Investments Inc. v. Sault Ste. Marie (City)*, 2014 CarswellOnt 8944 at para. 54

⁶ *Marianneville Developments Ltd. v. Newmarket (Town)*, 2014 CarswellOnt 16565 at paras. 53 and 74 ("Marianneville"),

⁷ *Marianneville* at para. 36.

⁸ *Highland Gate Developments Inc. v. Aurora (Town)*, 2016 CarswellOnt 21222, at para.19.

that would not conventionally be thought of by its size as unusual for subdivision purposes.⁹

[31] Mr. Flowers submitted that the Tribunal found that growth management is not an issue within a Settlement Area defined by the PPS and within the Built-Up Area as defined in the Growth Plan. Mr. Flowers contends that the same analogies should be applied to the Subject Lands and the substance of the Appeals filed. Mr. Flowers submits that the issue of need is not relevant in this matter as supported by the jurisprudence and the evidence of Mr. Pettigrew. There is no requirement to demonstrate the need for the proposed development that is the subject of OPA 16 and the ZBA.

[32] The Appellants' planner raised issues in their submission, which the Applicant contends are matters that have been addressed in accordance with the Act, are speculative, or are not legitimate land use planning issues. Mr. Flowers requests the Tribunal to accept the Applicant's planner's evidence that requesting a redesign of the DPS to accommodate additional and more functional open space are matters addressed by the DPS, which is not under appeal and is not before the Tribunal. Mr. Flowers requested the Tribunal to accept the evidence of Mr. Pettigrew when he advised that the circulation of the applications to the public agencies did not result in any requests for additional community facilities and that the parkland dedication proposed exceeds the minimum requirements under the Act.

[33] Mr. Flowers advised that the Appellants' planner raised compatibility as an issue. The proposed development is consistent with the existing development in the area currently. There is no specific issue raised surrounding compatibility and there is no inherent compatibility issue. The Appellants' planner is simply using planning language and jargon without identifying an authentic issue.

⁹ *Club Link Corporation ULC v Oakville (Town)*, 2019 CarswellOnt 9781 at para. 25

[34] The Appellants raise the issue of community engagement suggesting that there was not proper community engagement. The statutory meetings have been held and the Appellants participated in those meetings. Mr. Flowers notes that the area residents are opposed to the redevelopment; however, opposition is not a reason by itself that justifies a hearing of an appeal.

[35] The Appellants' planner has suggested that the Applicant has not completed the required reports or has not provided sufficient scope within the reports submitted. Mr. Flowers advised that the City identified a comprehensive list of reports and documents required to support the applications and the Applicant provided such reports. The City, Region and all other relevant commenting agencies have reviewed and accepted the reports, yet the Appellants' planner is indicating that more study is required. Stating that further reports are required is not a sufficient ground for an appeal in Mr. Flower's submissions.

[36] Mr. Flowers advised that the issue of an emergency secondary access was raised during the processing of the applications and the matter was addressed through the DPS with the creation of an emergency access directly from Highway 406 at the southerly end of the Subject Lands. Further, the City Council imposed a condition on the DPS requiring that an overpass be constructed creating a second access to the Subject Lands at such time as redevelopment achieves a specific milestone. The Appellants' planner raises questions surrounding secondary access, questioning whether the issue has been fully considered without identifying any specific issue, which has not been addressed and the Appellants' traffic consultant conclusions were that traffic was potentially problematic. Mr. Flowers submits that these statements are merely apprehension, speculation, and do not constitute genuine issues.

[37] In respect to site servicing, the Appellants' planner questions whether there is sufficient infrastructure to support the proposed redevelopment. Mr. Flower's submits that the affidavit of Mr. Pettigrew addresses this issue and notes that the servicing allocation is within the purview of the City and neither the Applicant nor the Appellants have any allocation until such time as the City determines this matter. Further, the

Appellants' planner identifies the 'Loch Ness Lake' as a significant wetland whereas the Applicant's Engineer identifies it as a storm water management pond. Mr. Flowers responded that the Appellants offer no evidence in support of this position and concludes that this is not a genuine issue.

[38] Mr. Flowers contends that the issues set out in the Notices of Appeal are irrelevant, speculative, inaccurate, and contradictory. The Appellants have failed to demonstrate genuine matters worthy of adjudication. The Applicant contends that the Appellants have raised issues using planning language and that these issues are devoid of merit. The issues merely raise apprehension and propose further study. The Applicant requests that the Appeals be dismissed without holding a hearing.

THE CITY'S RESPONSE

[39] Ms. Mullen, on behalf of the City, submitted that staff have thoroughly reviewed the applications, which are the subject of the Appeals before the Tribunal. The City adopts the submissions of Mr. Flowers on behalf of the Applicant and supports the Motion.

[40] In respect to the issue of parkland dedication, Ms. Mullin submits the requirement has been reviewed by the City and the City is satisfied with the location, size, and configuration of the proposed parkland to be dedicated as a condition of the DPS approval. The Appellants' contention that additional parkland dedication should be considered in light of the loss of the open space associated with the golf course is not a matter that the Tribunal has jurisdiction to determine. Ms. Mullin submits that there is no inherent jurisdiction within the statute to require the City to assume ownership of services or lands.¹⁰ Ms. Mullin confirmed that the DPS conditions result in more parkland being dedicated to the City than the minimum required by the Act. The City cannot be forced to acquire lands and the Tribunal has no authority to impose such a

¹⁰ *Mattamy (Rouge) Ltd. v. Toronto (City)*, 2003 CarswellOnt 4901 at paras. 45,47-48.

requirement¹¹. Therefore, the Tribunal cannot require the City to accept additional lands for parkland purposes.

[41] In respect to servicing, the City submits that a developer cannot reserve servicing capacity. The City's policy is that the allocation of municipal servicing is provided on a first-come, first-serve basis. The responsibility for servicing allocation does not rest with the Tribunal and that it is a responsibility of the City¹². The issue of servicing has been addressed through the DPS conditions and it is not an issue for determination in relation to the Appeals.

THE APPELLANTS' RESPONSE

[42] Mr. Snider submitted that the Act is decidedly narrow as it relates to the Tribunal's powers to dismiss an appeal. Mr. Snider submitted two Books of Authorities containing Tribunal jurisprudence on which he relies in his submission. Mr. Snider submits that the motion hearing is not to address the merits of the appeal¹³ or determine if the Appellants will be successful when the appeal is heard¹⁴. It is only necessary to satisfy the Tribunal that there is the prospect that the plan could be refused, in whole or in part¹⁵.

[43] The Tribunal has consistently ruled that only in the most egregious cases where no land use planning issue has been identified or where the appeal has been made only to be vexatious or for the purpose of delay, should an appeal be dismissed without a hearing¹⁶. Mr. Snider contends that the circumstances of this case do not come close to meeting this standard. Motions to dismiss an appeal without a hearing should be discouraged and appeal rights should only be extinguished in the clearest of cases¹⁷.

¹¹ *Craft Acquisition Corporation v. Toronto (City)*, 2017 CarswellOnt 17955, at par 17.

¹² *1207309 Ontario Inc. v. Aurora (Town)*, 2004 CarswellOnt 7090 at para.21; *Aryeh Construction Ltd. v. Markham (Town)*, 2011 CarswellOnt 18179 at para.4; and *Stonebrooke Homes Ltd. v. King (Township)*, 2016 CanLII 80419 (ON LPAT) at para. 6.

¹³ *Rodaro v. Vaughan (City)*, [2018] O.M.B.D. No 110 at para. 34 ("Rodaro").

¹⁴ Rodaro at para. 37

¹⁵ Rodaro at para. 37

¹⁶ *Marques v. Brantford (City)*, [2014] O.M.B.D. No. 592 at para. 23 ("Marques").

¹⁷ *1807086 Ontario Inc. v. Asphodel-Norwood (Township)*, 2020 LNONLPAT 743 at para. 79 ("1087086").

The onus is on the party seeking to have an appeal dismissed without a hearing to satisfy the Tribunal that relief should be granted¹⁸. Mr. Snider submits that the Applicant's have not met the onus and further submits that the Appellants have raised genuine planning issues.

[44] Mr. Snider explained that the Appellants raise four 'paramount' issues in respect to the proposed development, which have been raised with the City from the outset of the City's review of the applications:

- 1) The importance of preserving the sense of openness which exists around the former Hunter's Pointe Golf Course clubhouse and existing Loch Ness Lake as matters of: community character, compatibility, aesthetics, and natural heritage preservation.
- 2) The maintenance of aspects of the open space character through the introduction of a larger, more programmable public open space/park capable of meeting the needs of the thousands of future residents.
- 3) The need for a second road access to address the substantial increase in residential development and traffic, which will result in poor levels of service, extensive queuing, increasing travel times, and challenges associated with the efficient delivery of emergency services.
- 4) The disruption and appropriation of existing municipal infrastructure that was designed, constructed, and paid for by 209 Inc. to allow for the full build-out of 209 Inc.'s lands. As a result, if approved, the orderly development of 209 Inc's South Village lands will be undermined and 209 Inc. will be compelled to pay for some services a second time and absorb costs for services rendered redundant. This undermines orderly development, is inefficient, is fundamentally unfair and represents bad planning.

¹⁸ *Bromont Homes Inc. v. Kawartha Lakes (City)*, 2019 LNONLPAT 1253 at para. 56j (Bromont).

[45] Mr. Snider submits that each of these issues is a land-use planning issue: community character, compatibility, aesthetics, natural heritage preservation, adequate and appropriately allocated public open space, traffic, orderly development and the adequacy, efficient use of and fair allocation of municipal services. He alleges that any one of these issues would be the basis upon which OPA16 and ZBA could be refused or modified in part by the Tribunal.

[46] Mr. Snider submits that the Affidavit of Mr. Pettigrew does not provide any evidence or allege that the issues raised are not planning issues upon which the Appeals could be considered but that the issues have, in Mr. Pettigrew's opinion, been addressed.

[47] Mr. Snider refers to the two Affidavits of Mr. Gagnon in which he addresses the issue of Natural Heritage and the preservation of Lochness Lake as a designated wetland. The matter has been raised with the City and the Appellants have engaged an environmental consultant to address their concerns. Mr. Snider contends that this is a live issue, which warrants the hearing of the Appeals.

[48] In respect to parkland, Mr. Snider submits that the size, location and configuration of parkland is a valid planning issue and Mr. Gagnon asserts that open space allocation is not solely a DPS issue. The Applicant does not address the configuration of the proposed open space and parkland.

[49] Mr. Snider directed the Tribunal to four cases where it was acknowledged that the locations, size and configuration of parkland were matters properly before the Tribunal and not matters solely for a plan of subdivision. The cases concluded that parkland is an issue worthy of adjudication. The cases are:

- *Scarborough (City) Official Plan Amendment No. 1001 (Re)*, [1998] O.M.B.D. No. 1739, para. 112

- *Vaughan (City) Official Plan Amendment No. 400 (Re)*, [1993] O.M.B.D. No. 2030, page 15 of 36, para. 3
- *25 St. Dennis Inc. (c.o.b. Preston Group) v. Toronto (City)*, [2017] O.M.B.D. No. 1335, para. 14 and,
- *25 St. Dennis Inc. (c.o.b. Preston Group) v. Toronto (City)*, [2018] O.M.B.D. No. 72, para. 2.

[50] In respect to the secondary road access, Mr. Snider notes that the additional access was not required for the existing approved and zoned residential enclaves of 209 Inc. The Applicant's proposal will result in the addition of some 1,155 units, which will significantly alter the transportation / traffic conditions. The Applicant asserts that the matter has been addressed through the conditions of the DPS as it is a subdivision issue. Mr. Snider notes that the City staff report referred to indicates that the second access is not required and notwithstanding, the City Council imposed a condition on the Applicant that an overpass be constructed as a condition of the DPS. Mr. Snider alleges that the second access is a straw man argument. Mr. Snider stated that the second access is a live issue, which is worthy of adjudication.

[51] Mr. Snider summarized a finding in a decision of the OMB issued by Member Howden in respect to a decision on the appeal of the Town of Goderich Official Plan Amendment No. 11, as recorded in 20 O.M.B.R. on page 468 to say that the where issues have been raised, the City can not put over such issues to a process that does not invite appeal. Further, the Tribunal has recognized that pushing issues aside on the vague hope that the site plan process will resolve everything¹⁹ is the wrong approach and that this is the same approach that the City has taken in respect to traffic and the DPS condition in this instance.

¹⁹ *Listowel (Town) Zoning by-law 88-15 (Re)*, [1989] O.M.B.D. No. 1228 at para.2 on page 5.

[52] In respect to the infrastructure issues, Mr. Snider contends that there is no dispute that 209 Inc. constructed and paid for the existing municipal infrastructure located within the area in anticipation of their development projects are completed and yet to be completed. The issue raised is that the proposed servicing for the Applicant's development will result in the appropriation of these services and 209 Inc. will be required to pay for some services a second time. The 2020 PPS states that infrastructure is a consideration; yet the City claims that it is not a planning issue.

[53] Mr. Snider notes that the City's response to the servicing issue is focussed on broader servicing issues as supported by the jurisprudence relied upon in their submissions. The Appellants are interested in the infrastructure immediately servicing their lands and the Subject Lands. Mr. Snider contends that the Tribunal has considerable case law to support the premise that fairness is a consideration in the allocation and provision of infrastructure (services). Mr. Snider referred the Tribunal to the following cases:

- *Pine Hall Development Corp. v. Ingersoll (Town)*, [2008] O.M.B.D. No. 705, para. 11.
- *Vaughan (City) Official Plan Amendment No 387 (Re)*, [1996] O.M.B.D. No.22, para. 60.
- *Strano v. Guelph (City) Committee of Adjustment*, [1996] O.M.B.D. No.1404, paras. 47-49.
- *Prespa Construction Limited v St. Thomas (City)*, 2019 CanLII 2261 (ON LPAT), attachment 1 para. 2.g.
- *Reynolds v. Cobourg (Town)*, [2012] O.M.B.D. No. 769, para. 33.
- *MacDonald v. Ramara (Township)*, [1997] O.M.B.D. No.1632, para. 14

[54] In the cases listed, Mr. Snider notes that the Tribunal and OMB found that where services are front ended, which in this matter, 209 Inc. has installed the servicing referred to, it is fair to recognize and compensate the party that constructed the service where they are to be utilized by others. The Tribunal, in the cases cited, considered different means to address the issue including the imposition of a holding zone on a Zoning By-law. The common thread noted by Mr. Snider is that fairness is a consideration, and that the fairness in the allocation of servicing is a planning issue, which warrants consideration before the Tribunal.

[55] The Appellants filed extensive material in which they have identified numerous planning issues, which they are requesting the Tribunal to adjudicate. As set out in *East Beach* at paragraph 9, an Appellant is not required to draft their appeal with punctilious care or arm itself with iron-clad reason. Mr. Snider contends that the Appellants have met the threshold in identifying issues and the prospect of contradictory evidence to be presented for adjudication by the Tribunal.

[56] The Tribunal's principle mandate is to resolve land use planning issues and accessibility to the Tribunal is an important facet to this mandate. Mr. Snider continued that the Tribunal's Rules provide a touchstone to ensure that the real questions at issue are determined in a just, expeditious and cost-effective manner. The Motion before the Tribunal, if granted, will prevent this from occurring in this matter and the Appellants make these submissions in support of their request to dismiss the Motion.

[57] The Appellants also requested that costs be awarded against the Applicant in their Response to the Motion and Mr. Snider will address this request after the Tribunal's decision has been issued.

ANAYLYSIS AND FINDINGS

[58] The Tribunal considered the materials filed, the extensive jurisprudence provided in support of the Parties respective positions and the submissions of Counsel.

[59] This Motion is not for determining the merits of the appeal, but for determining, as set out in the Act, if:

- the reasons set out in the Notices of Appeal disclose any apparent land use planning grounds upon which the appeal could be approved or refused by the Tribunal,
- the appeal is not made in good faith or is frivolous or vexatious,
- the appeal is made only for the purpose of delay, or
- the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process.

[60] The Tribunal has considerable guidance in respect of this matter as evidenced by the numerous examples of jurisprudence which the Applicant, the Appellants and the City placed before the Tribunal in connection with this Motion.

[61] Perhaps the foremost case that the Tribunal is directed to in consideration of a motion of this nature is *East Beach*. Paragraph 9 of *East Beach* sets out:

... The Board is entitled to examine the reason stated to see whether they constitute genuine, legitimate and authentic planning reasons. This is not to say that the Board should take away the rights of appeal whimsically, readily and without serious consideration of the circumstances of each case. This does not allow the Board to make hasty conclusions as to the merit of an issue. Nor does it mean that every appellant should draft the appeal with punctilious care and arm itself with iron-clad reason for fear of being struck down. What these particular provisions allow the Board to do is seek out whether there is authenticity in the reason stated, whether there are issues that should affect a decision in a hearing and whether the issues are worthy of the adjudicative process.

[62] The Tribunal is to consider the question of whether the issues raised in the Notices of Appeal constitute genuine, legitimate and authentic planning reasons and

whether there are issues that should affect a decision in a hearing and whether the issues are worthy of the adjudicative process.

[63] Paragraph 12 of *East Beach* continues:

...it is our finding that it is not good enough to simply raise apprehension. It would not constitute apparent planning ground by saying that further expert study is required with the hope once a hearing is convened, more real issues can come forward. Such an approach will never lead to any finality, no matter how careful and sound an opinion is founded.

[64] The Appellants summarized the issues in their appeals to four 'paramount issues' for the Tribunal. The Tribunal finds that the issues of compatibility, traffic, servicing, and parkland are all issues, which can be considered land use planning matters. Further, the 2020 PPS, the Growth Plan, and the OP include policy direction in respect of each of these matters providing direction and guidance for the development of the Subject Lands.

[65] The question then becomes in respect of the four issues raised and reasons set out in the Notices of Appeal, do they constitute genuine, legitimate and authentic planning reasons and not merely raise apprehension as described in the *East Beach* decision.

[66] The Applicant and the City argued that the reasons provided do not meet this test or the issues have been adequately and appropriately addressed by way of the approved DPS and the conditions contained therein, the approval of which is not before the Tribunal.

[67] In *Chingacousy Farm Ltd. v. Brampton (City)*, [2007] O.M.B.D. No. 847, ("*Chingacousy*") the Board determined in paragraph 58 that the onus rests with the party seeking to have the appeal dismissed to satisfy the Board that such relief should be granted:

[58] In *Deer Run Shopping Centre Limited v. Mississauga (City) Committee of Adjustment* [1994] O.M.B.D. No.302 the Board's practice on motions to dismiss was clarified. The onus is on the party seeking to have an appeal

dismissed without a hearing to satisfy the Board that such relief should be granted. However, on the motion, the Appellant, if it has failed to set out sufficient land use planning grounds in its notice of appeal, must furnish the grounds. This practice ensures that an Appellant which has filed a less than substantial notice of appeal will not automatically lose its appeal rights. It will have the opportunity to supplement its notice of appeal if it faces a motion to dismiss without a hearing. Conversely, upon facing such a motion, it must satisfy the Board that there are what the Board in *East Beach Community Association v. Toronto (City)* [1996] O.M.B.D. No. 1890 characterized as "genuine, legitimate and authentic planning issues...that should affect a decision in a hearing..."

[68] The Board also determined in the *Chingacousy* decision that the Appellant is afforded the opportunity to supplement its notice of appeal and that it must satisfy the Board that the issues are "genuine, legitimate and authentic planning issues...that should affect a decision in a hearing".

[69] The Tribunal has considered the planning documents provided by the Applicant and the Appellants and concludes that the Appellants have identified genuine, legitimate and authentic planning issues, which when considered in the context of a hearing of the merits could affect the decision of the Tribunal.

[70] The Tribunal is satisfied that the Appellants have met their obligation by establishing grounds for the appeal, which are worthy of adjudication.

[71] The Tribunal in consideration of the *Rodaro* decision, paragraphs 37 and 38 where Member Jackson states:

[37] The Board has carefully considered the submissions and prior decisions in determining whether the planning grounds provided are likely to sustain the appeal at a hearing. As determined in prior decisions, it is not the Board's duty in the context of the motion to determine whether the Appellant will be successful when the appeal is heard. Rather, it is only necessary to satisfy the Board that there is the prospect that the plan could be refused, in whole or in part.

[38] The Appellant raised planning grounds in his appeal letter, and he has responded to the motion and suitably substantiated those concerns. The issue of compatibility that is raised in the affidavit of Mr. Ramsay is in opposition to that of Mr. Givens. The Board finds that it is not merely "jargon" but provides the prospect of evidence that is worthy of the adjudicative process and upon which the appeal could be granted in whole or in part.

finds that issues identified in the Notices of Appeal could result in Appeal being granted in whole or in part. The Tribunal reiterates Member Jackson's finding that, in the context of the Motion, it is not for this panel to determine whether the Appellants will be successful when the Appeals are heard, nor is it the purpose of this Motion to determine which, if any, issues are worthy of the adjudicative process. The Tribunal finds that a genuine planning issue has been identified, which raises the prospect that the Appeal could be allowed in whole or in part.

[72] The Applicant alleges that some of the issues identified in the Appellants' Notices of Appeal have been sufficiently addressed in accordance with the Act and are beyond the Tribunal's jurisdiction and that other issues pertain to the DPS and the DPS conditions, which have been approved by City Council and are not the subject of these Appeals. The Tribunal finds that the proposed development of the Subject Lands can not be characterized as three separate and distinct processes. The land use planning consideration for the proposed development includes a comprehensive review with many elements to be considered and addressed through the three applications that were filed when the proposal was submitted to the City. Within the scope of each of the individual applications there is the ability to address specific issues and requirements with considerable overlap between the three applications. Each of these instruments provides a vital and often overlapping role in the land use process. The Tribunal finds that it is not appropriate to restrict consideration of a specific issue, such as traffic or servicing in this instance, to one process to the exclusion of the others.

[73] The Tribunal concludes that the reasons set out in the Notices of Appeal disclose land use planning grounds upon which the Appeals could be allowed, either all or in part by the Tribunal. No submissions were made to suggest that the Appeals were not made in good faith or were frivolous or vexatious nor did the Tribunal consider any evidence to suggest that the Appeals were made only for the purpose of delay. The Tribunal is satisfied that the Appellants have not commenced before the Tribunal proceedings that are without reasonable grounds or constitute an abuse of process.

ORDER

[74] The Tribunal Orders that 2599587 Ontario Ltd. is added as a Party to the proceedings.

[75] The Tribunal Orders that the Motion to dismiss the Appeals without a hearing is denied.

[76] The Tribunal schedules a Case Management Conference on **Friday, May 14, 2021** by video hearing commencing at **10 a.m.** at which time requests for status will be addressed and the Tribunal will review a draft procedural order and a draft issues list.

[77] Parties and participants are asked to log into the video hearing at least **15 minutes** before the start of the event to test their video and audio connections:

<https://global.gotomeeting.com/join/119058501>

Access code: 119-058-501

[78] Parties and participants are asked to access and set up the application well in advance of the event to avoid unnecessary delay. The desktop application can be downloaded at **GoToMeeting** or a web application is available:

<https://app.gotomeeting.com/home.html>

[79] Persons who experience technical difficulties accessing the GoToMeeting application or who only wish to listen to the event can connect to the event by calling into an audio-only telephone line: **(Toll-Free) 1 (888) 455-1389 and +1 (647) 497-9391**

The access code is 119-058-501.

[80] Individuals are directed to connect to the event on the assigned date at the correct time. It is the responsibility of the persons participating in the hearing by video to ensure that they are properly connected to the event at the correct time. Questions

prior to the hearing event may be directed to the Tribunal's Case Coordinator having carriage of this case.

[81] The Tribunal will provide direction in respect to providing notice of the CMC.

[82] The Member is not seized of this matter.

"David Brown"

DAVID BROWN
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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GRAND(M)OTHERS ACT
TO SAVE THE PLANET

March 10, 2021

To: Frank Campion, Mayor of Welland

To: Jim Bradley, Regional Chair and CEO, Niagara Region,

Dear Sirs,

Re: Extending the public consultation period for the Municipal Official Plan Review, until in-person input can resume

I have recently moved to Welland, in the Region of Niagara. I am a member of Grandmothers Act to Save the Planet (GASP) and am committed to leaving our grandchildren a healthy world in which to live. We at GASP are very concerned about meeting the Paris targets for greenhouse gas emissions. We worry that local decisions in the Golden Horseshoe will undermine our collective efforts to meet Ontario's Climate Change goals.

We urge you to consider the environmental impact of your decisions in the Niagara Region. Last week the Regional Municipality of Halton unanimously voted for a delay in their Official Plan Review until in-person public consultation could be achieved. (See attached.) We ask that your Municipality consider following suit.

Constituents cannot be properly consulted given COVID restrictions. Many do not have Internet access or lack the expertise to use Zoom software in order to delegate to Council. Critical decisions that will impact our Region for the next 30 years should not be rushed under the shroud of the pandemic. We believe that municipalities strongly believe in civic engagement based on transparency, notification and participation. Once COVID has passed, we look forward to assembling, attending workshops and town halls. Constituents want to be informed and they want to have a voice.

"Land use planning is the key lever in locking in or locking out greenhouse emissions" (Yuill Herbert, energy consultant for Canadian municipalities). Tackling climate change starts on the ground, at the municipal level.

Municipalities have been working hard at reducing their greenhouse gas emissions by holding the line on sprawl, creating complete healthier communities, reducing car dependence and protecting precious farmland.

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We fear that Ontario is moving in the opposite direction. Premier Ford's "market driven" policy changes would lock in Sprawl until 2051. Please stand up against the plethora of changes from the Province, which allow low density development and lessen our existing intensification plans, thus increasing our Carbon footprint. The priorities of the present government have resulted in fundamental changes to how Ontario grows. People deserve an opportunity to understand what is being proposed and have an opportunity to say how their communities will grow.

We, along with many citizen groups, ask that all Councils in the Golden Horseshoe stand in solidarity and pass similar motions.

It is completely reasonable to delay the final submission of plans where so much is at stake until the public can fully understand the options and the consequences. Furthermore, considering that the planning period does not come on line until 2031, there would seem to be ample time to get this right.

The CLIMATE EMERGENCY worsens by the day and it must not be ignored by any level of government. We believe that land use planning is a critical lever for greenhouse gas emissions especially when it reaches 30 years into the future. We can either lock it in or lock it out. We need a serious rethink so that we can best plan for the future.

Let's plan better... together!

Your children and grandchildren will thank you!

Sincerely,

Alison Wallwork

11 Madison Court East,

Welland, ON L3C 7G3

Website GASP4change.org
Email info@gasp4change.org

Instagram [GASP4Change](#)
Facebook [GASP Grandmothers Act to Save the Planet](#)
Twitter [Gasp4Change](#)

Resolution No.:

Title: Resolution to Extend the Consultation Period for the Regional Official Plan Review

Date: February 17, 2021

Moved by: _____
Councillor J. Fogal

Seconded by: _____

Item No.

WHEREAS Halton Region is currently conducting a municipal comprehensive review (MCR) of its Official plan whereby decisions must be made as to how all of the population and employment growth is to be accommodated in the local municipalities for the next 30 years;

AND WHEREAS since June 2019 the Province has amended a number of Provincial Statutes and policies that impact how municipalities plan for growth including the following:

- The Provincial Policy Statement,
- A Place to Grow: The Growth Plan for the Greater Golden Horseshoe,
- The Development Charges Act,
- The Planning Act,
- The Environmental Assessment Act, and
- The Conservation Authorities Act;

AND WHEREAS these significant changes include:

- reduced density targets in new greenfield development from 80 persons and jobs per hectare to 50 persons and jobs per hectare,
- reduced intensification targets from 60% beyond 2031 to 50%,
- setting minimum population and employment growth forecasts that can be exceeded subject to Provincial approval,
- extended the planning horizon from 2041 to the year 2051,
- introduced market demand as a consideration in determining the housing mix, and
- revisions to how municipalities fund growth

AND WHEREAS these and other changes signal an abrupt shift from the

emphasis on creating compact and complete communities to a planning regime that facilitates lower density and car dependent communities;

AND WHEREAS Halton Hills, Burlington, Oakville, Milton and Halton Region have all declared climate change emergencies and must consider the role of land use planning in their strategies to reduce their greenhouse gas emissions;

AND WHEREAS these changes create pressure to convert more class 1, 2 and 3 farmland in Halton to urban uses than would otherwise be necessary which is contrary to Halton's Official Plan and its 2019-2022 Strategic Plan, which both have as a goal to protect a permanent agricultural system in Halton;

And whereas ensuring that Ontarians have access to healthy safe food in the future requires thoughtful consideration of the long term impact of converting thousands of acres of prime agricultural lands in the Greater Golden Horseshoe to urban uses

And whereas in 2016 Halton Regional Council directed the Regional Chair to write to the Premier of Ontario expressing support for creating a provincial permanent agricultural system

AND WHEREAS the change of the planning horizon to 2051 means that future municipal councils and the public will have little power to change decisions about how they will grow for the next 30 years;

AND WHEREAS in the rural areas internet service is often poor, making it difficult for rural residents to participate in zoom calls.

AND WHEREAS Halton Region has adopted a public engagement charter that is based on transparency, notification and participation;

AND WHEREAS the current pandemic is making effective, in person public consultation impossible at a time when robust, informed public consultation is needed more than ever.

THEREFORE BE IT RESOLVED that Regional Council direct Halton staff to delay its final report on its Official Plan Review until proper, in person, informed consultation with the public has been conducted on the growth concepts and the preferred growth concept;

AND FURTHER THAT ROPA 48, being the scoped Regional Official Plan Amendment which identifies non-discretionary components of a Regional Urban Structure that support local plans and priorities inside the current urban boundaries, be exempt from the requirement for in-person consultation with the public;

AND FURTHER THAT the Province be requested to suspend the timetable for municipal conformity to the Growth Plan and the Provincial Policy Statement to ensure that the public can fully participate in the process of planning their communities for the next 30 years of growth;

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, Honourable Steve Clark, Minister of Municipal Affairs and Housing, Halton Region, local Halton municipalities, AMO, leader of the Provincial opposition parties, Halton MPP's , and the Greater Golden Horseshoe municipalities.



**GRANDMOTHERS ACT
TO SAVE THE PLANET**

GASP is a grassroots, non-partisan group of grandmothers and grand 'others' who care deeply about the world our descendants will inherit.

We have an emergency!

Despite 30 years of warnings from scientists, it is our grandchildren, who have finally forced us to act on the Climate Crisis. Greta Thunberg, student activist, challenges our generation to "Act like your house (the earth) is on fire because it is!"

Global heating will jeopardize the essentials of life – air, food, water and housing. It will disproportionately impact the poor and marginalized. GASP cares about climate justice for everyone, from the Inuit in the north to poorly-housed seniors in urban areas.

GASP members make personal commitments and take political action to ensure the climate crisis is front and center on everyone's Action Plan! We join with young people and our grandchildren to amplify their voices in the fight for their lives.

Can you imagine?

- A Canadian Climate Action plan led by a multi-party, multi-gov't level mobilization effort?
- A Canada where scientists, youth, seniors, unions, faith groups, Indigenous leaders, business community, politicians work to address the impacts of climate change?
- A Canada ending dependence on fossil fuels and having 100% renewable energy?
- A Canada in which every person has clean air, clean water, healthy food, and a safe environment?
- A Canada of low-carbon, climate-resilient rural and urban communities.



GRANDMOTHERS ACT TO SAVE THE PLANET

The GASP VISION is to create a green legacy for our grandchildren and their grandchildren.

infoatGASP@gmail.com

Administration

Office of the Regional Clerk

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www.niagararegion.ca

April 1, 2021

CL 5-2021, March 25, 2021
PEDC 3-2021, March 10, 2021
PDS 12-2021, March 10, 2021

DISTRIBUTION LIST***SENT ELECTRONICALLY*****RE: 2021 Niagara Employment Inventory Status Update**

Regional Council, at its meeting held on March 25, 2021, approved the following recommendation of its Planning and Economic Development Committee:

That Report PDS 12-2021, dated March 10, 2021, respecting 2021 Niagara Employment Inventory Status Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Report PDS 12-2021 informing Council that the 2021 Niagara Employment Inventory will not proceed this year **BE RECEIVED** for information; and
2. That a copy of this Report **BE CIRCULATED** to the Local Area Municipalities, Local Economic Development Offices, Niagara Workforce Planning Board, Brock University, and the Niagara Chambers of Commerce.

A copy of Report PDS 12-2021 is attached for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2021-49

Distribution List: Local Area Municipalities
 Local Economic Development Offices
 Niagara Workforce Planning Board
 Brock University
 Niagara Chambers of Commerce
 J. Docker, Planning Lead, Development Applications Portal
 D. Giles, Acting Commissioner, Planning and Development Services
 N. Oakes, Executive Assistant to the Acting Commissioner of Planning and Development Services

21-74

Subject: 2021 Niagara Employment Inventory Status Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, March 10, 2021

Recommendations

1. That Report PDS 12-2021 informing Council that the 2021 Niagara Employment Inventory will not proceed this year **BE RECEIVED** for information; and
2. That a copy of this Report **BE FORWARDED** to the Local Area Municipalities, Local Economic Development Offices, Niagara Workforce Planning Board, Brock University, and the Niagara Chambers of Commerce.

Key Facts

- The purpose of this report is to inform Council that the 2021 Niagara Employment Inventory ("NEI") will not proceed this year. The ongoing COVID-19 emergency does not provide an opportunity to safely and effectively conduct the NEI.
- The decision to cancel the 2021 NEI was made jointly with staff from Planning and Development Services and Economic Development.
- The following are the reasons why the 2021 NEI was cancelled:
 - Risks related to the health and safety of the project team;
 - Challenges related to modified working arrangements; and
 - Concerns regarding low survey response rate and poor sample quality, leading to negative affect on the quality and usability of the database
- The Region anticipates resuming the NEI in spring 2022. Until then, the Region will rely on other secondary data sources that are collected from COVID-19-specific business surveys, the 2021 Census and The Conference Board of Canada.

Financial Considerations

The council approved operating budget for the 2021 Employment Survey is \$100,000, consisting of \$95,000 in intern and student salaries and \$5,000 in administrative costs. As a result of the employment survey not proceeding, these funds will be recognized as surplus in the 2021 financial reporting.

Analysis

Since 2016, the NEI has been conducted on an annual basis during the months of May to September. During this time, data points are collected by a team of post-secondary students through door-to-door interviews with primary contacts at businesses across all twelve local municipalities.

Given the challenges presented by the ongoing COVID-19 pandemic, Planning and Development Services and Economic Development decided that the 2021 NEI data collection could not proceed.

Three factors led to the conclusion to cancel the 2021 NEI: health and safety measures, human resource impacts, and data integrity concerns.

1. Health and Safety Measures

The health and safety of Regional staff and the community at large is top priority when conducting the NEI. Normally, recruitment for NEI summer students would have occurred by February, with a starting date in early May. However, with the uncertainty of COVID-19 impacts for the upcoming months, we are unable to start that process.

Of paramount importance is preventing transmission of the COVID-19 virus. This includes limiting Regional staff contact with the public, which is traditionally a normal occurrence as part of site visits to conduct the NEI. Regional staff considered continuing the NEI with the use of personal protective equipment and other tools to mitigate the risk; however, an uncomfortable level of risk would still exist.

2. Human Resource Impacts

Historically, the NEI employed up to six summer term students from post secondary institutions. A typical workday for these students consists of them working outside the office directly interacting with persons in businesses.

The Region considered a modified work arrangement for 2021. However, the public health risks noted above make such a program unfeasible.

If the team is unable to work in the field and engage directly with businesses, and instead work-from-home, accurate data cannot be captured. Further, this arrangement would present challenges to effectively manage and monitor students remotely. Additional financial investments to purchase computer hardware and other items would also be required.

For these reasons, this work cannot be effectively completed from home.

3. Data Integrity Concerns

In 2019, the NEI received a 90% participation rate. This high rate is attributed to the responses received from in-person visits. On average, the in-person responses account for over 75% of all responses. Approximately, 15% of responses are through email and the remaining 10% through telephone. Without in-person engagement, the Region anticipates a significantly reduced response rate, well below the 90% response rate historically achieved.

The inherent value of the NEI is dependent on the high quality data. A 90% response rate ensures that the data is reliable, and therefore usable for important research and analysis activities. A database with a low response rate cannot be relied on for nuanced and business-level research and analysis. This could result in mischaracterizations and/or businesses being misrepresented in the database.

Furthermore, COVID-19 is a very tumultuous time for many businesses. Some businesses have closed permanently or temporarily, some businesses have laid off staff, and some businesses have modified hours. This makes it more difficult to reach businesses and, as a result, would have a negative affect in the response rate. Also, during COVID-19, many businesses have made temporary changes to staffing and other temporary measures which could skew data if collected.

Other Data Collection Initiatives

Other data collection initiatives remain active during the COVID-19 pandemic.

These include the Niagara Economic Rapid Recovery Response Team's work on the Niagara COVID-19 Business Impact Survey. A third survey is currently being prepared.

The Niagara Workforce Planning Board will be working with Economic Development and other economic stakeholders on engaging businesses for a Labour Market Partnership Research Project.

Lastly, Statistics Canada is conducting the 2021 Census of Canada, as well as the 2021 Census of Agriculture, which is another intensive survey that will be widely administered in Niagara.

The above-noted surveys are valuable for the Region for certain purposes. However, they do not provide the level of detail Staff require to conduct micro level research and analysis. The Region relies on the NEI survey results to make recommendations on a variety of matters. For these reasons, we look to re-establish the NEI in 2022.

Alternatives Reviewed

For the reasons set out above, there are no reasonable alternatives to cancelling the 2021 NEI. Regional staff gave careful consideration to conducting the 2021 NEI solely through online and telephone engagement. However, we would not expect that to be successful. If the Region does not achieve a high survey response rate, the data results would not yield a complete and reliable dataset for business level research and analysis.

Relationship to Council Strategic Priorities

The Niagara Employment Inventory project supports Regional Council's priority of 'Supporting Businesses and Economic Growth'.

Other Pertinent Reports

- PDS 13-2016 - Niagara Region Employment Survey
- PDS 1-2017 - Niagara Region Employment Inventory Preliminary Results
- PDS 5-2018 - Niagara Region 2017 Employment Inventory Results
- PDS 6-2019 - Niagara Region 2018 Employment Inventory Results
- ED 9-2020 - COVID-19 Response and Business Continuity in Economic Development
- ED 11-2020 - Economic Recovery Plan Update

Prepared by:

John Docker
Planner
Planning and Development Services

Recommended by:

Doug Giles, BES, MUP
Commissioner (Acting)
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Blake Landry, Manager, Economic Research and Analysis, and reviewed by Isaiah Banach, Director, Community and Long Range Planning (Acting) and Lyndsey Ferrell, Program Financial Specialist, Corporate Services.



Bridging the past, present and future



Jumpstart

Jumpstart's Vision

Canada, where all kids have a chance to fulfill their dreams

Jumpstart's Purpose

To enrich the lives of all kids in need through sports & physical activity

Promises to keep

At Jumpstart our strategy is to keep the promise we've made to Canadians: all kids should have a chance to reach their full potential through the power of sport.

We base our promise on three strong pillars:

1

Jumpstart helps children from families in financial need & children/youth with disabilities between the ages of 4-24

3

Canadian Tire Corporation generously funds 100% of Jumpstart's General & Administrative costs.

2

100% of customer donations stays in local communities to support local children.





Jumpstart Inclusive Multi Sport Court

- Gift agreement to upgrade the “Empire Multicourt”
 - Focus on inclusive courts, designs, amenities, etc.
 - Sub-facility within Multicourt

- In-Kind agreement to build a Splash Pad at WIFC
 - 2,000 ft² design
 - Aquatix pneumatic system

