



## **COUNCIL MEETING AGENDA**

**Tuesday, November 2, 2021**

**Due to COVID-19 all Meetings will be held electronically**

**All Meetings can be viewed at:**

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

**YourTV: The meeting will be aired on channel 700 on November 6, 2021 at 8:00 a.m.**

---

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (6:30 p.m.)**  
**(See yellow tab)**
  - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and
    - *Niagara Region Inter-Municipal Transit.*
  - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
    - *Audit Services.*
  
- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA) (7:00 p.m.)**
  
- 3. OPEN COUNCIL MEETING (7:00 p.m.)**
  - 3.1 NATIONAL ANTHEM**
  - 3.2 OPENING REMARKS**
  - 3.3 ADDITIONS/DELETIONS TO AGENDA**
  - 3.4 ADOPTION OF MINUTES**

Regular Council Meeting of October 19, 2021 and Special Council Meeting of October 26, 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)**
  
- 4. ORAL REPORTS AND DELEGATIONS**
  - 4.1 PRESENTATION(S) - Nil**



## **COUNCIL MEETING AGENDA – Page 2**

**Tuesday, November 2, 2021**

**Due to COVID-19 all Meetings will be held electronically**

**All Meetings can be viewed at:**

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

**YourTV: The meeting will be aired on channel 700 on November 6, 2021 at 8:00 a.m.**

---

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

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

**21-4** Councillor McLeod, Chair, Budget Review Committee - meeting of October 26, 2021.

**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 Richard)**

**21-133** WHEREAS Market Equity is a Canadian Human Right of “Equal Pay for Equal Work”; and

WHEREAS The City of Welland Councillors experienced inequity in their remuneration for a number of years, due in part to the process at hand of voting on their own remuneration increases which could/may be deemed or perceived as a conflict in itself; and

WHEREAS present and future Councillors of Welland are deserving of market equity in their remuneration with the process refraining from being controversial but rather fair and with equal treatment as all – that we are so proud of as Canadians; and further

THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to prepare a staff report regarding the development of a Council Compensation Review Committee, which includes a terms of reference for the committee; and further

THAT staff be directed to present the report to Council in November 2021.



## **COUNCIL MEETING AGENDA – Page 3**

**Tuesday, November 2, 2021**

**Due to COVID-19 all Meetings will be held electronically**

**All Meetings can be viewed at:**

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

**YourTV: The meeting will be aired on channel 700 on November 6, 2021 at 8:00 a.m.**

---

**7.3 Call for Notices of Motion (for introduction at the next scheduled Council meeting)**

**8. CORPORATION REPORTS**

**8.1 Mayor's Report**

**8.2 Chief Administrative Officer's Report**

**9. CONFIRMATORY BY-LAW**

A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 2<sup>nd</sup> day of November, 2021. Ref. No. 21-1

**10. ADJOURNMENT**



## **COUNCIL MEETING AGENDA**

**Tuesday, November 2, 2021**

**Due to COVID-19 all Meetings will be held electronically**

**All Meetings can be viewed at:**

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

**YourTV: The meeting will be aired on channel 700 on November 6, 2021 at 8:00 a.m.**

---

Page No.

### **AGENDA BLOCK**

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

**2. COMMITTEE AND STAFF REPORTS**

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

**2. General Committee Report to Council - Nil**

**1 - 2            3. Budget Review Committee Report to Council - meeting of October 26, 2021**

**4. Staff Reports**

**3 - 8            FIN-2021-32    Director of Finance/Chief Financial Officer/Treasurer - S. Fairweather -  
Compassionate Grants for Sewer Backup Policy. Ref. No. 21-138**

**9 - 28         TRAF-2021-63    Director of Planning & Development Services, G. Munday - Proposed  
Increase to Parking Fines. Ref. No. 21-22 (See By-laws 1 - 3)**

**29 - 36        P&B-2021-61    Director of Planning & Development Services, G. Munday -  
Community Improvement Plan Incentive Applications - Quarterly  
Summary Report for Third Quarter of 2021. Ref. No. 11-108**

**37 - 91        P&B-2021-62    Director of Planning & Development Services, G. Munday -  
Application for City Wide Zoning By-law Amendment (File No. 2021-  
09) submitted by the City of Welland - Cannabis Production Facilities.  
Ref. No. 18-87 (See By-laws 4 & 5)**



## **COUNCIL MEETING AGENDA INDEX – Page 2**

**Tuesday, November 2, 2021**

**Due to COVID-19 all Meetings will be held electronically**

**All Meetings can be viewed at:**

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

**YourTV: The meeting will be aired on channel 700 on November 6, 2021 at 8:00 a.m.**

---

### **Page No.**

- |                  |                               |   |
|------------------|-------------------------------|---|
| <b>92 - 95</b>   | <b><u>P&amp;B-2021-64</u></b> | Director of Planning & Development Services, G. Munday - Proposed Storm Sewer and Groundwater Management System Agreement with St. Lawrence Seaway Management Corporation and 555 Canal Bank Developments GP Inc. for Dain City Subdivision (File No. 26T-14-06002) for lands east of Canal Bank Street, north of Forks Road, south of Townline Tunnel Road and west of the Welland Canal.<br>Ref. No. 20-97 (See By-law 6) |
| <b>96 - 194</b>  | <b><u>P&amp;B-2021-65</u></b> | Director of Planning & Development Services, G. Munday - Application for City Wide Zoning By-law Amendment (File No. 2021-08) submitted by the City of Welland - Short Term Rentals.<br>Ref. No. 21-22 (See By-laws 7 & 8)  |
| <b>195 - 198</b> | <b><u>R&amp;C-2021-21</u></b> | Director of Community Services, R. Axiak - Grand Canal and Welland Community Wellness Complex Reciprocal Agreement.<br>Ref. No. 06-84 (See By-law 9)  |
| <b>199 - 201</b> | <b><u>TRANS-2021-16</u></b>   | Chief Administrative Officer, S. Zorbas - Proposed Reduced Fare Initiative for Low-Income Customers. Ref. No. 21-13   |

### **3. NEW BUSINESS**

- 202 - 233** 1. Ann-Marie Norio, Regional Clerk, Region of Niagara re: Report PDS 37-2021: Regional Incentives Information and Alternatives. Ref. No. 139

#### **RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Region of Niagara dated October 25, 2021 regarding Report PDS 37-2021: Regional Incentives Information and Alternatives.

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

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

1. A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland (Schedule XXXV - Set Fine Schedule). Ref. No. 21-22 (See Report TRAF-2021-63)



## **COUNCIL MEETING AGENDA INDEX – Page 3**

**Tuesday, November 2, 2021**

**Due to COVID-19 all Meetings will be held electronically**

**All Meetings can be viewed at:**

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

**YourTV: The meeting will be aired on channel 700 on November 6, 2021 at 8:00 a.m.**

---

### **Page No.**

2. A By-law to amend A By-law to amend By-law 11027, being a By-law to control the parking of motor vehicles on the property of Niagara College of Applied Arts and Technology (Schedule B). Ref. No. 21-22  
(See Report TRAF-2021-63)
3. A By-law to amend By-law 2014-64, being a By-law to establish an Administrative Monetary Penalties System respecting the Stopping, Standing or Parking of Vehicles in the City of Welland (Administrative Penalties By-law) (Schedule A). Ref. No. 21-22  
(See Report TRAF-2021-63)
4. A By-law to amend City of Welland Zoning By-law 2017-117, (City of Welland – File No. 2021-09) - Cannabis. Ref. No. 18-87  
(See Report P&B-2021-62)
5. A By-Law to amend By-law 9973, being a By-law respecting Site Plan Control in the City of Welland, to address Cannabis Production Facilities. Ref. No. 18-87  
(See Report P&B-2021-62)
6. A By-law to authorize entering into an agreement with St. Lawrence Seaway Management Corporation and 555 Canal Bank Developments GP Inc. for Storm Sewer and Groundwater Management for the Dain city Subdivision. Ref. No. 20-97  
(See Report P&B-2021-64)
7. A By-law to provide regulations for the licensing and inspecting of Short Term Rentals. Ref. No. 21-19  
(See Report P&B-2021-65)
8. A By-law to amend City of Welland By-law 2017-117 (City of Welland - File No. 2021-08) - Short Term Rentals. Ref. No. 05-120/21-22  
(See Report P&B-2021-65)
9. A By-law to authorize into an agreement with Grand Canal Retirement Residence for enhanced membership, program utilization and space allocation. Ref. No. 06-84  
(See Report R&C-2021-21)
10. A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking within the City of Welland (Schedule “XX” - Stop Signs). Ref. No. 21-22  
(Approved at the October 19, 2021 Council Meeting by the Notice of Motion from Councillor Chiocchio).



## BUDGET REVIEW COMMITTEE MEETING MOTIONS REQUIRING COUNCIL APPROVAL

Tuesday October 26, 2021

5:00 p.m.

Council Chambers/Virtual Zoom Meeting

**Councillor D. McLeod in the Chair**

**Members in Attendance:** Mayor Campion, Councillors J. Chiochio, T. DiMarco, B. Fokkens, B. Green, M. Grimaldi, J. Larouche, J. Mastroianni, A. Moote, C. Richard, G. Speck, and L. Van Vliet.

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

### 1. 2022 BUDGET TIMELINE – REMOVAL OF NOVEMBER 29, 2021 MEETING

*THAT THE BUDGET REVIEW COMMITTEE approve removal of the November 29, 2021 Budget Review Committee meeting from the 2022 Budget Timetable, and that Permissive Grant discussions take place at the November 22, 2021 meeting, with continued discussions on December 6, 2021, if necessary.*

### 2. LGL-2021-01 – ANNUAL REVIEW OF FEES AND CHARGES FOR VARIOUS SERVICES AND USE OF MUNICIPAL FACILITIES/AMENDMENT TO BY-LAW 2006-193

*THAT THE BUDGET REVIEW COMMITTEE refer the 2022 Water Haulage fee structure review be referred to staff to report back to the BRC at the November 15, 2021 meeting; and*

*THAT the Budget Review Committee approve that all Parking Permit rates remain the same in 2022 as in 2021; and*

*THAT the Budget Review Committee approves the fees and charges set out in Appendices I and II of Staff Report LGL-2021-01– Annual Review of Fees and Charges for Various Services and Use of Municipal Facilities/Amendment to By-Law 2006-19, as amended; and further*

*THAT the City Clerk prepare an amendment to By-law 2006-193 to reflect the rates for year 2022 or such other date as set out in Appendices I and II, as amended.*

**3. F&ES-2021-10 – FIRE DEPARTMENT FEES**

*THAT THE BUDGET REVIEW COMMITTEE authorizes a cost recovery for inspection, investigation, enforcement, and emergency responses to gas line breaks and automotive accidents as outlined in this report; and*

*THAT the Budget Review Committee approves the annual transfer of funds from the Building Department to the Fire Department that reflects the services that the Fire Department provides as required for inspections of buildings under permit; and further,*

*THAT the Budget Review Committee approves the attached Fee Schedule as revised for January 1, 2022.*

As recommended by the Budget Review Committee at its meeting of October 26, 2021.




Date Submitted: November 2, 2021

Submitted by Steven Fairweather, Director of Finance / Chief Financial Officer / Treasurer, on behalf of the Budget Review Committee.

  
(Signature)



**COUNCIL**  
**CORPORATE SERVICES**  
**FINANCE DIVISION**

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-138

**REPORT FIN-2021-32**  
**NOVEMBER 2, 2021**

**SUBJECT: COMPASSIONATE GRANTS FOR SEWER BACKUP POLICY**

**AUTHOR: MIKE LOSTRACCO, CPA, CMA  
REVENUE SERVICE MANAGER**

**APPROVING DIRECTOR: STEVEN FAIRWEATHER, CPA-CA, MPA, DPA,  
DIRECTOR OF FINANCE / CHIEF FINANCIAL OFFICER / TREASURER**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the policy for a Compassionate Grant for Sewer Backup for residential properties as a result of significant rainfall.

**ORIGIN AND BACKGROUND:**

On July 17, 2021, a significant wet weather storm event occurred across southern Niagara that hit Ward 6 within Welland particularly hard with the intensity of a storm with a return frequency of 50 years. The City of Welland received 84 flooding complaints and 27 claims for damages as of October 13, 2021 as a result of the July 17, 2021 storm event. This is the second major event that has occurred in this area within the past 12 months.

**COMMENTS AND ANALYSIS:**

Sewer related claims against municipalities can no longer be pursued based on nuisance as per the *Municipal Act, 2001*, effective as of December 1991. Therefore, the claimants will still be required to prove negligence in order to be successful with their claims against the City. That being said, it is neither technically nor financially feasible to construct infrastructure to accommodate 50-year storm events.

In order to aid the residents affected by this latest storm event, the City of Welland has developed a draft Compassionate Grant related to sewer backups that occur as a result of storm events. Residents affected by flooding two or more times could be eligible for a grant of up to \$3,000 under the proposed policy for sewer backups.

The eligibility and payment of any funds under the program is based on compassionate grounds only and is not to be construed as an admission of liability on the part of the City of Welland. Any funds paid under this program will be deducted from any potential future claim settlement to avoid duplication of damage payments. This program would not be implemented where disaster relief is provided by another level of government (i.e. Ontario Disaster Relief Assistance Program or

ODRAP). In addition, residents who are currently in litigation with the City would not be eligible for assistance under this program.

To qualify, the property owner must satisfy the following conditions:

- This grant only applies to residential properties
- Proof of two or more sewer backups that are related to sewer surcharging as a result of significant rainfall.
  - The first backup occurring after January 1, 2017 and the second occurring after July 1, 2021
- Owned the home during both backups
- The property must have insurance coverage with a sewer backup rider.
  - If the property does not have sewer backup coverage, they must show proof that the coverage was denied (ex. letter from insurance company)
- The property must disconnect from the storm sewer system (see SWAP program below), or show proof of disconnection if already disconnected
- The grant will pay the eligible property owner's policy deductible owing up to a maximum of \$3,000
- Claims must be submitted within five (5) months of the second event
- Water overland flow damage is not eligible
- Properties are allowed 1 successful claim every 5 years, even if they experience more than 2 floods during that 5-year timeframe
- Property taxes must be paid in full, or be on the City's PAP program
- Payment will be made once all the criteria have been satisfied

Under Section 107 of the *Municipal Act, 2001*, municipalities may provide grants to persons for any purposes that the Council considers to be in the interest of the municipality. Section 106 of the *Municipal Act, 2001*, however prevents municipalities from providing grants to manufacturing businesses, industrial or commercial enterprises.

#### **FINANCIAL CONSIDERATION:**

All payouts are to be funded from the Insurance Reserve. This reserve fund is the appropriate source. There are sufficient funds in this reserve to fund this grant.

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

Sewage Water Alleviation Program (SWAP) Program: The City of Welland is offering a Grant Program to residents. SWAP works to provide funding for the installation of devices which provide basement flooding protection. The work done is between the homeowner and their contractor. The homeowner is responsible for the on-going operation and maintenance of the devices.

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

The development of a compassionate grant policy would aid residents who were impacted by two major storms. Staff recommends that the Council of the City of Welland approve the Compassionate Grant for Sewer Backups.

#### **ATTACHMENTS:**

- Appendix I – Draft Policy FIN-001-0016 – Sewer Backup Compassionate Grant
- Appendix II – Draft Sewer Backup Compassionate Grant Application Form

5  
CITY OF WELLAND

POLICY

<b>Policy Title:</b> Sewer Backup Compassionate Grant	
<b>Date of Approval:</b> To be determined	<b>Policy Number:</b> FIN-001-0016
<b>Lead Role:</b> Director of Finance	<b>Support Role:</b> Director of Infrastructure Services
<b>Cross Reference:</b> SER-002-0006	<b>Next Review Date:</b>
<b>Council File Number:</b> To be determined	<b>Revision Date:</b>

**POLICY STATEMENT**

The objective of this policy is to offer financial aid to owners of City of Welland residential properties that experience sewer backup flooding as a result of significant rainfall storm events.

Sewer related claims against municipalities can no longer be pursued based on nuisance as per the Municipal Act, 2001, effective as of December 1991. Therefore, the claimants will still be required to prove negligence in order to be successful with their claims against the City.

Under Section 107 of the Municipal Act, 2001, municipalities may provide grants to persons for any purposes that the Council considers to be in the interest of the municipality. Section 106 of the Municipal Act, 2001, however prevents municipalities from providing grants to manufacturing businesses, industrial or commercial enterprises.

The eligibility and payment of any funds under the program is based on compassionate grounds only and is not to be construed as an admission of liability on the part of the City of Welland. Any funds paid under this program will be deducted from any potential future claim settlement to avoid duplication of damage payments. This program would not be implemented where disaster relief is provided by another level of government (i.e. Ontario Disaster Relief Assistance Program or ODRAP). In addition, residents who are currently in litigation with the City would not be eligible for assistance under this program.

**POLICY DETAILS**

To qualify, the property owner must satisfy all the following conditions:

- This grant only applies to residential properties
- Proof of two (2) or more sewer backups that are related to sewer surcharging as a result of significant rainfall
  - Claim for events prior to July 1, 2021
    - The first backup must have occurred between January 1, 2017 and June 30, 2021
    - The second backup must have occurred after July 1, 2021
  - Claims for events after July 1, 2021
    - Both events must have occurred after July 1, 2021

Sewer Backup Compassionate Grant – FIN-001-0016

- Properties are allowed one (1) successful claim every five (5) years, even if those properties experience more than two floods during that five-year timeframe.
  - The five (5) year window starts as of the date of the 2<sup>nd</sup> claim.
- Claims must be submitted within five (5) months of the second event
- Owned the home during both backups
- The property must have insurance coverage with a sewer backup rider.
  - If the property does not have sewer backup coverage, the property owner must show proof that the coverage was denied (ex. letter from insurance company)
- The property must disconnect from the storm sewer system or show proof of disconnection if already disconnected. Refer to Sewage Water Alleviation Program (SWAP).
- The grant will pay the eligible property owner's policy deductible owing up to a maximum of \$3,000, payments for any other costs are not eligible
- Water overland flow damage is not eligible
- Property taxes must be paid in full, or be on the City's PAP program
- Payment will be made once all the criteria have been satisfied

**APPLICATION PROCESS**

Applicants must complete the Sewer Backup Compassionate Grant application form, including all required supporting documentation, and submit to the Finance Department within five months of the second sewer backup event. The City of Welland reserves the right to deny any application received after this timeframe.

All applications will be reviewed by the Revenue Service Manager and approved by the Director of Finance. Applicants will be notified of either approval or denial via email. Funds will be issued by cheque to the homeowner only once all conditions have been met and verified.



## Sewer Backup Compassionate Grant Application Form

### CLAIMANT'S INFORMATION – Provide both addresses if mailing address is different from property address

Tax Roll #			
Property Owner's Name:			
Property Address:			
Mailing Address (if different):			
City:			
Province:		Postal Code:	
Home/Cell Phone:		Work Phone:	
Email Address:			

### SEWER BACKUP INFORMATION – Provide a brief description of the sewer backup and loss that you experienced

#### Backup #1

Date of Incident:			
Brief Description of Incident:			

#### Backup #2

Date of Incident:			
Brief Description of Incident:			

**SUPPORTING DOCUMENTATION – Provide the following information with your application**

Proof of two sewer backups experienced during significant rainfall events.

Provide the following:

- a) Dates for each sewer backup,
- b) Proof of insurance (must have sewer backup rider), or proof of denial of coverage from insurance company, and
- c) Proof of deductible paid for each backup, and
- d) If already disconnected from storm sewer system, include proof of disconnection, and
- e) Copies of claims or reports submitted to City of Welland for each backup (include invoices and photos, etc.), or
- f) Copies of insurance documents submitted for each backup (include invoices, letters, photos, reports, etc..)

**I acknowledge that all required Supporting Documentation is attached.**

**TERMS AND CONDITIONS – Please refer to the Sewer Backup Compassionate Grant Policy information before completing this application. A copy of this information is available upon request or can be downloaded from the City of Welland website**

1. I understand that the City will verify ownership records as of the date of each claim. Property owner may be required to provide proof of ownership.
2. I acknowledge that the City's offer of a compassionate grant for sewer backups in my home is provided through a general program and is not an admission of liability by the City of Welland in relation to any past sewer backup or flooding of my home.
3. I understand that the grants are offered independently from other programs and that my application for a Sewer Backup Compassionate Grant does not prevent me from applying to other City programs.
4. I understand that any grant funds paid under this program will be deducted from any potential future claim payment by the City in order to avoid the duplication of damage payments.
5. I understand that only deductible costs are eligible for this grant.
6. I understand that this program is offered to all City of Welland property owners who experience two sewer backups in their home in any 5-year period and is specific to sewer backups during significant rainfall events.
7. I understand that I must disconnect my property from the storm sewer system, if not already disconnected.
8. I acknowledge that the City of Welland will verify the status of the property tax account for the property referred to in this application to confirm that the property is not in tax arrears for the purposes of determining eligibility for a compensation grant.

**I acknowledge that I have read the above Terms and Conditions.**

**VERIFICATION**

By signing below, I certify all information is true and correct to the best of my knowledge.

<b>Signature:</b>	
<b>Date:</b>	




Instructions for Submitting Form

Please submit your completed application to the City of Welland one of the following ways:

- 1) Regular letter mail to:  
City of Welland, Attn: Sewer Backup Compassionate Grant, 60 East Main Street, Welland, Ontario, L3B 3X4
- 2) Email to: [finance@welland.ca](mailto:finance@welland.ca)
- 3) In person at City of Welland, Finance Department, Main Floor, 60 East Main Street, Welland, Ontario
- 4) In person by dropping in Drop Box at front door of Welland Civic Centre, 60 East Main Street, Welland, Ontario

*Personal Information contained in this form is protected by the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.m.56, and such information is being collected on behalf of the City's insurer in confidence for use in relation to the occurrence only.*

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**  
**TRAFFIC DIVISION**

APPROVALS	
GENERAL MANAGER	
CFO	
CAO	

**REPORT TRAF-2021-63**  
**NOVEMBER 02, 2021**

**SUBJECT:** PROPOSED INCREASE TO PARKING FINES 21-22

**AUTHOR:** JAMES CRONSHAW, MLEO (C), C.P.S.O  
 SENIOR BY-LAW ENFORCEMENT OFFICER

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

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

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information **REPORT TRAF-2021-63** Proposed Increase to Parking Fines; and further

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

DELETE Schedule XXXV from the Traffic and Parking By-law and REPLACE with Schedule XXXV as set out in Appendix III;

THAT Welland City Council directs the City Clerk to amend Niagara College of Applied Arts & Technology Parking By-law 11027 as follows:

DELETE Schedule B from the Niagara College of Applied Arts & Technology Parking By-law and REPLACE with Schedule B as set out in Appendix V

THAT Welland City Council directs the City Clerk to amend Administrative Penalty By-law 2014-64 as follows:

DELETE Schedule A from the Administrative Penalty By-law and REPLACE with Schedule A as set out in Appendix IV

DELETE Schedule B from the Administrative Penalty By-law and REPLACE with Schedule B as set out in Appendix V

DELETE Schedule B from the Administrative Penalty By-law and REPLACE with Schedule B as set out in Appendix V  
THAT Welland City Council approves an effective date of January 1, 2022 for the above noted amendments.

**ORIGIN AND BACKGROUND:**

Parking penalties for the City of Welland have not had a full review since 2012. As the cost of parking increases so should the penalties to maintain a fine that serves as a deterrent to illegally parked vehicles and addresses public safety concerns.

With the standard increase in paid parking rates and parking supply and demand; it is recommended that parking penalties increase to better reflect the industry changes.

**COMMENTS AND ANALYSIS:**

Staff have reviewed parking fines of our neighbouring and comparator municipalities and are recommending an increase to our parking fines. When determining the appropriate fine amount, several factors should be considered:

- the amount should be reasonable for the offence;
- the fine should be high enough to act as a deterrent; and
- the fine should not be so high that it encourages individuals to request trials to contest the tickets issued.

Throughout the Region of Niagara, no parking fines range from \$25.00 to \$50.00 and no stopping fines range from \$45.00 to \$75.00. Staff is proposing fines of \$30.00 and \$50.00 respectively.

Appendix I to this report illustrates the City's current and proposed parking penalties. Staff believe that the proposed penalties will provide an effective deterrent without being so high that our requests for trial increase. The recommended fine structure will be more in line with other local area municipalities.

Appendix II to this report illustrates the current and proposed parking penalties at Niagara College. Staff reached out to Niagara College regarding the proposed increase to the parking fines and Niagara College agrees with the request.

**FINANCIAL CONSIDERATION:**

The increase to the penalties would result in approximately \$38,000 of additional revenue and is reflected in the 2022 Parking Budget.



**OTHER DEPARTMENT IMPLICATIONS:**

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

**SUMMARY AND CONCLUSION:**

Staff recommend that Council adopt the proposed penalty amounts as described in Appendix III and Appendix V to this report. Subject to Council approval, the proposed increases noted in this report will be effective January 1, 2022.

**ATTACHMENTS:**

Appendix I - Comparison: Current and Proposed Parking Penalties (Traffic and Parking By-law)

Appendix II - Comparison: Current and Proposed Parking Penalties (Niagara College)

Appendix III -Traffic & Parking By-law, Schedule XXXV – Set Fine Schedule

Appendix IV – Administrative Penalty By-law, Schedule A – Set Fine Schedule

Appendix V – Niagara College of Applied Arts & Technology Parking By-law, Schedule B – Set Fine Schedule

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Current Set Fine	Proposed Set Fine
1	(Stop/Stand/Park) facing wrong way	3.1 (a)	\$25.00	\$30.00
2	(Stop/Stand/Park) too far from edge of road/shoulder	3.1 (b)	\$25.00	\$30.00
3	(Stop/Stand/Park) more than 30cm from road/curb/shoulder	3.1 (c)	\$25.00	\$30.00
4	(Stop/Stand/Park) facing wrong way on a one-way highway	3.2 (a)	\$25.00	\$30.00
5	(Stop/Stand/Park) too far from edge of road/curb/shoulder of a one-way highway	3.2 (b)	\$25.00	\$30.00
6	(Stop/Stand/Park) more than 30cm from road/curb/shoulder of one-way highway	3.2 (c)	\$25.00	\$30.00
7	(Stop/Stand/Park) contrary to designated angle	3.3	\$25.00	\$30.00
8	(Stop/Stand/Park) not within designated space	3.4	\$25.00	\$30.00
9	Park within accessible parking space without valid permit displayed	3.4.1.1	\$300.00	\$300.00
10	(Stop/Stand/Park) on roadway side of other vehicle	3.5	\$45.00	\$50.00
11	(Stop/Stand/Park) on shoulder or inner/outer boulevard	3.6	\$25.00	\$30.00
12	Park repeatedly (at/near) one location	3.7	\$25.00	\$30.00
13	Park on private property without consent	3.9 (1) a	\$25.00	\$30.00
14	Park on property owned/occupied by public authority or local board without consent	3.9 (1) b	\$25.00	\$30.00
15	Park on Municipal Property without consent	3.9 (1) c	\$25.00	\$30.00
16	Park on private property not within designated parking space	3.9 (1) d	\$25.00	\$30.00
17	Park on private property without valid permit	3.9 (1) e	\$30.00	\$35.00
18	Park vehicle exceeding 6.5 meters without authority	3.9 (1) f	\$250.00	\$250.00

Appendix I  
12

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Current Set Fine	Proposed Set Fine
19	Park displaying expired/no ticket - Private Property	3.9 (1) g, i	\$14.00	\$20.00
20	Park vehicle where parking machines with a covered machine or parking prohibited sign	3.9 (1) g, ii	\$25.00	\$30.00
21	Stop on a sidewalk	3.10.1	\$45.00	\$50.00
22	Stop within an intersection or crosswalk	3.10.2	\$45.00	\$50.00
23	Stop adjacent to obstruction so as to impede traffic	3.10.3	\$45.00	\$50.00
24	Stop on/in or within 30m of bridge/structure/tunnel	3.10.4	\$45.00	\$50.00
25	Stop on or beside a median	3.10.5	\$45.00	\$50.00
26	Stop within 30m of approach side of school crossing or crosswalk	3.11.1	\$45.00	\$50.00
27	Stop within 10m of remote side of school crossing or crosswalk	3.11.1	\$45.00	\$50.00
28	Stop within 30m of approach side of railway crossing where prohibited by sign	3.11.2	\$45.00	\$50.00
29	Stop within 16m of remote side of railway crossing where prohibited by sign	3.11.2	\$45.00	\$50.00
30	Stop either or both sides adjacent to school property between 7:00 a.m. and 5:00 p.m. Monday to Friday	3.11.3	\$45.00	\$50.00
31	Stop within 15m of intersection where prohibited by sign	3.11.4	\$45.00	\$50.00
32	Stop within 60m of intersection controlled by traffic signal	3.11.5	\$45.00	\$50.00
33	Stop either or both sides adjacent to playground or parkland	3.11.6	\$45.00	\$50.00
34	Stand within 12m of remote side of designated bus stop	3.12	\$30.00	\$35.00
35	Stand within 28m of approach side of designated bus stop	3.12	\$30.00	\$35.00
36	Park within 10m of an intersection	3.13.1	\$25.00	\$30.00
37	Park within 3m of a fire hydrant	3.13.2	\$30.00	\$35.00

13

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Current Set Fine	Proposed Set Fine
38	Park on driveway with sidewalks, 30cm of sidewalk/between sidewalk and roadway	3.13.3 (i)	\$25.00	\$30.00
39	Park on driveway no sidewalks, 3m of edge of roadway/1m of shoulder	3.13.3 (ii)	\$25.00	\$30.00
40	Park within 1.5m of driveway/laneway	3.13.4	\$25.00	\$30.00
41	Park obstructing driveway/laneway	3.13.5	\$30.00	\$35.00
42	Park as to block vehicle	3.13.6	\$25.00	\$30.00
43	Park for sale/display	3.13.7	\$25.00	\$30.00
44	Park for servicing other than emergency	3.13.8	\$25.00	\$30.00
45	Park for longer than 12 hours	3.13.9	\$25.00	\$30.00
46	Park on a highway as to interfere with snow clearing operations	3.13.10	\$60.00	\$65.00
47	Park heavy vehicle on highway	3.13.11	\$75.00	\$80.00
48	Park detached trailer on highway	3.13.12	\$75.00	\$80.00
49	Park within 8m of property limit same side of a fire hall where prohibited by sign	3.14.1	\$25.00	\$30.00
50	Park within 30m of lot limits opposite side of a fire hall where prohibited by sign	3.14.1	\$25.00	\$30.00
51	Park within 22m of intersection where prohibited by sign	3.14.2	\$25.00	\$30.00
52	Park within 60m of signalized intersection where prohibited by sign	3.14.3	\$25.00	\$30.00
53	Park within 3m main entrance/emergency exit to public buildings where prohibited by sign	3.14.4	\$25.00	\$30.00
54	Park within 3m of driveway where prohibited by sign	3.14.5	\$25.00	\$30.00
55	Park on roadway of 8m or less where prohibited by sign	3.14.6	\$25.00	\$30.00
56	Park within 30m approach side crosswalk controlled by signals but not at intersection where prohibited by sign	3.14.7	\$25.00	\$30.00

14

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Current Set Fine	Proposed Set Fine
57	Park within 15m remote side of crosswalk controlled by signals but not at intersection where prohibited by sign	3.14.7	\$25.00	\$30.00
58	Park so as to interfere with funeral procession where prohibited by sign	3.14.8	\$25.00	\$30.00
59	Park within turning circle or basin of cul-de-sac where prohibited by sign	3.14.9	\$25.00	\$30.00
60	Park within 15m of the termination of a dead end roadway where prohibited by sign	3.14.10	\$25.00	\$30.00
61	Park either side or both sides adjacent to school between 7:00 a.m. and 5:00 p.m. Monday to Friday	3.14.12	\$25.00	\$30.00
62	Park either or both sides adjacent to playground or parkland	3.14.13	\$25.00	\$30.00
63	Stop where prohibited by sign	3.15	\$45.00	\$50.00
64	Stand where prohibited by sign	3.16	\$30.00	\$35.00
65	Park where prohibited by sign	3.17	\$30.00	\$35.00
66	Park/Stand within designated fire route where prohibited by sign	3.18.5	\$100.00	\$100.00
67	Park within School Bus Loading Zone designated by sign	3.19	\$30.00	\$35.00
68	Park exceeding time limit where prohibited by sign	3.20	\$25.00	\$30.00
69	Park where prohibited-public vehicle parking zone	3.22	\$30.00	\$35.00
70	Stand where prohibited - public vehicle bus stop	3.23	\$30.00	\$35.00
71	Stop a mobile canteen where prohibited	3.24.2	\$45.00	\$50.00
72	Stand at a taxi stand	3.25	\$25.00	\$30.00
73	Stop to (load/unload) where prohibited	3.26	\$45.00	\$50.00
74	Stop in loading zone	3.27	\$45.00	\$50.00
75	Park not adjacent to meter	4.1.1	\$25.00	\$30.00

15

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Current Set Fine	Proposed Set Fine
76	Park not adjacent to double meter	4.1.2	\$25.00	\$30.00
77	Angle park not adjacent to meter	4.1.3	\$25.00	\$30.00
78	Park not within designated parking space	4.2	\$25.00	\$30.00
79	Park at covered meter/or in lot with covered ticket dispenser or parking prohibition sign	4.3.1	\$25.00	\$30.00
80	Park at Out of Order location	4.3.2	\$25.00	\$30.00
81	Park in occupied space	4.3.3	\$25.00	\$30.00
82	Park as to interfere with snow clearing operation or lot maintenance	4.3.4	\$60.00	\$65.00
83	Park between hours of 12:01 a.m. and 7:00 a.m. within a parking lot	4.3.5	\$25.00	\$30.00
84	Park as to obstruct laneway or driveway	4.3.6	\$30.00	\$35.00
85	Park over time limit-metered zone	4.6.1	\$14.00	\$20.00
86	Park at expired meter	4.6.2	\$14.00	\$20.00
87	Park displaying expired ticket/no ticket	4.6.3	\$14.00	\$20.00
88	Parked in municipal parking lot exceeding posted time	4.7.1	\$14.00	\$20.00
89	Park in municipal parking lot displaying expired/no ticket	4.7.5	\$14.00	\$20.00
90	Park in municipal parking lot without displaying valid permit	4.7.6	\$30.00	\$35.00
91	Park on highway without valid permit where required by sign	8.2	\$50.00	\$55.00
92	Intentionally deleted			
93	Park an oversized vehicle on highway	3.13.13	\$75.00	\$80.00
94	Park/Stand/Stop on lands other than driveway	3.9	\$60.00	\$65.00

16

**SCHEDULE B  
THE CORPORATION OF THE CITY OF WELLAND  
NIAGARA COLLEGE OF APPLIED ARTS & TECHNOLOGY PARKING BY-LAW**

Item	Short Form Wording	Provision Creating or Defining Offence	Current Voluntary Payment within 7 days	Current Set Fine	Proposed Voluntary Payment within 7 days	Proposed Set Fine
1	Park without valid permit	2	\$20.00	\$25.00	\$25.00	\$30.00
2	Park displaying expired/no ticket	3	\$20.00	\$25.00	\$25.00	\$30.00
3	(Stop/Stand/Park) not within designated space	4(a)	\$20.00	\$25.00	\$25.00	\$30.00
4	Stand within 12m of remote or 28m approach side of designated bus stop	4(b)	\$20.00	\$25.00	\$25.00	\$30.00
5	Park within 3m of a fire hydrant	4(c)	\$20.00	\$25.00	\$25.00	\$30.00
6	Park for longer than 12 hours	4(d)	\$20.00	\$25.00	\$25.00	\$30.00
7	Park obstructing driveway/laneway	4(e)	\$20.00	\$25.00	\$25.00	\$30.00
8	Park where prohibited	4(f)	\$20.00	\$25.00	\$25.00	\$30.00
9	Park within 1.5m of driveway/laneway	4(g)	\$20.00	\$25.00	\$25.00	\$30.00
10	Stop on sidewalk	4(h)	\$30.00	\$45.00	\$35.00	\$50.00
11	Stop where prohibited	4(i)	\$30.00	\$45.00	\$35.00	\$50.00
12	Park exceeding time limit	4(j)	\$20.00	\$25.00	\$25.00	\$30.00

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
1	(Stop/Stand/Park) facing wrong way	3.1 (a)	<b>\$30.00</b>
2	(Stop/Stand/Park) too far from edge of road/shoulder	3.1 (b)	<b>\$30.00</b>
3	(Stop/Stand/Park) more than 30cm from road/curb/shoulder	3.1 (c)	<b>\$30.00</b>
4	(Stop/Stand/Park) facing wrong way on a one-way highway	3.2 (a)	<b>\$30.00</b>
5	(Stop/Stand/Park) too far from edge of road/curb/shoulder of a one-way highway	3.2 (b)	<b>\$30.00</b>
6	(Stop/Stand/Park) more than 30cm from road/curb/shoulder of one-way highway	3.2 (c)	<b>\$30.00</b>
7	(Stop/Stand/Park) contrary to designated angle	3.3	<b>\$30.00</b>
8	(Stop/Stand/Park) not within designated space	3.4	<b>\$30.00</b>
9	Park within accessible parking space without valid permit displayed	3.4.1.1	<b>\$300.00</b>
10	(Stop/Stand/Park) on roadway side of other vehicle	3.5	<b>\$50.00</b>
11	(Stop/Stand/Park) on shoulder or inner/outer boulevard	3.6	<b>\$30.00</b>
12	Park repeatedly (at/near) one location	3.7	<b>\$30.00</b>
13	Park on private property without consent	3.9 (1) a	<b>\$30.00</b>
14	Park on property owned/occupied by public authority or local board without consent	3.9 (1) b	<b>\$30.00</b>
15	Park on Municipal Property without consent	3.9 (1) c	<b>\$30.00</b>
16	Park on private property not within designated parking space	3.9 (1) d	<b>\$30.00</b>
17	Park on private property without valid permit	3.9 (1) e	<b>\$35.00</b>
18	Park vehicle exceeding 6.5 meters without authority	3.9 (1) f	<b>\$250.00</b>

Appendix III  
18



Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
19	Park displaying expired/no ticket - Private Property	3.9 (1) g, i	<b>\$20.00</b>
20	Park vehicle where parking machines with a covered machine or parking prohibited sign	3.9 (1) g, ii	<b>\$30.00</b>
21	Stop on a sidewalk	3.10.1	<b>\$50.00</b>
22	Stop within an intersection or crosswalk	3.10.2	<b>\$50.00</b>
23	Stop adjacent to obstruction so as to impede traffic	3.10.3	<b>\$50.00</b>
24	Stop on/in or within 30m of bridge/structure/tunnel	3.10.4	<b>\$50.00</b>
25	Stop on or beside a median	3.10.5	<b>\$50.00</b>
26	Stop within 30m of approach side of school crossing or crosswalk	3.11.1	<b>\$50.00</b>
27	Stop within 10m of remote side of school crossing or crosswalk	3.11.1	<b>\$50.00</b>
28	Stop within 30m of approach side of railway crossing where prohibited by sign	3.11.2	<b>\$50.00</b>
29	Stop within 16m of remote side of railway crossing where prohibited by sign	3.11.2	<b>\$50.00</b>
30	Stop either or both sides adjacent to school property between 7:00 a.m. and 5:00 p.m. Monday to Friday	3.11.3	<b>\$50.00</b>
31	Stop within 15m of intersection where prohibited by sign	3.11.4	<b>\$50.00</b>
32	Stop within 60m of intersection controlled by traffic signal	3.11.5	<b>\$50.00</b>
33	Stop either or both sides adjacent to playground or parkland	3.11.6	<b>\$50.00</b>
34	Stand within 12m of remote side of designated bus stop	3.12	<b>\$35.00</b>
35	Stand within 28m of approach side of designated bus stop	3.12	<b>\$35.00</b>
36	Park within 10m of an intersection	3.13.1	<b>\$30.00</b>
37	Park within 3m of a fire hydrant	3.13.2	<b>\$35.00</b>

19

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
38	Park on driveway with sidewalks, 30cm of sidewalk/between sidewalk and roadway	3.13.3 (i)	\$30.00
39	Park on driveway no sidewalks, 3m of edge of roadway/1m of shoulder	3.13.3 (ii)	\$30.00
40	Park within 1.5m of driveway/laneway	3.13.4	\$30.00
41	Park obstructing driveway/laneway	3.13.5	\$35.00
42	Park as to block vehicle	3.13.6	\$30.00
43	Park for sale/display	3.13.7	\$30.00
44	Park for servicing other than emergency	3.13.8	\$30.00
45	Park for longer than 12 hours	3.13.9	\$30.00
46	Park on a highway as to interfere with snow clearing operations	3.13.10	\$65.00
47	Park heavy vehicle on highway	3.13.11	\$80.00
48	Park detached trailer on highway	3.13.12	\$80.00
49	Park within 8m of property limit same side of a fire hall where prohibited by sign	3.14.1	\$30.00
50	Park within 30m of lot limits opposite side of a fire hall where prohibited by sign	3.14.1	\$30.00
51	Park within 22m of intersection where prohibited by sign	3.14.2	\$30.00
52	Park within 60m of signalized intersection where prohibited by sign	3.14.3	\$30.00
53	Park within 3m main entrance/emergency exit to public buildings where prohibited by sign	3.14.4	\$30.00
54	Park within 3m of driveway where prohibited by sign	3.14.5	\$30.00
55	Park on roadway of 8m or less where prohibited by sign	3.14.6	\$30.00
56	Park within 30m approach side crosswalk controlled by signals but not at intersection where prohibited by sign	3.14.7	\$30.00

20

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
57	Park within 15m remote side of crosswalk controlled by signals but not at intersection where prohibited by sign	3.14.7	<b>\$30.00</b>
58	Park so as to interfere with funeral procession where prohibited by sign	3.14.8	<b>\$30.00</b>
59	Park within turning circle or basin of cul-de-sac where prohibited by sign	3.14.9	<b>\$30.00</b>
60	Park within 15m of the termination of a dead end roadway where prohibited by sign	3.14.10	<b>\$30.00</b>
61	Park either side or both sides adjacent to school between 7:00 a.m. and 5:00 p.m. Monday to Friday	3.14.12	<b>\$30.00</b>
62	Park either or both sides adjacent to playground or parkland	3.14.13	<b>\$30.00</b>
63	Stop where prohibited by sign	3.15	<b>\$50.00</b>
64	Stand where prohibited by sign	3.16	<b>\$35.00</b>
65	Park where prohibited by sign	3.17	<b>\$35.00</b>
66	Park/Stand within designated fire route where prohibited by sign	3.18.5	<b>\$100.00</b>
67	Park within School Bus Loading Zone designated by sign	3.19	<b>\$35.00</b>
68	Park exceeding time limit where prohibited by sign	3.20	<b>\$30.00</b>
69	Park where prohibited-public vehicle parking zone	3.22	<b>\$35.00</b>
70	Stand where prohibited - public vehicle bus stop	3.23	<b>\$35.00</b>
71	Stop a mobile canteen where prohibited	3.24.2	<b>\$50.00</b>
72	Stand at a taxi stand	3.25	<b>\$30.00</b>
73	Stop to (load/unload) where prohibited	3.26	<b>\$50.00</b>
74	Stop in loading zone	3.27	<b>\$50.00</b>
75	Park not adjacent to meter	4.1.1	<b>\$30.00</b>

21

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
76	Park not adjacent to double meter	4.1.2	\$30.00
77	Angle park not adjacent to meter	4.1.3	\$30.00
78	Park not within designated parking space	4.2	\$30.00
79	Park at covered meter/or in lot with covered ticket dispenser or parking prohibition sign	4.3.1	\$30.00
80	Park at Out of Order location	4.3.2	\$30.00
81	Park in occupied space	4.3.3	\$30.00
82	Park as to interfere with snow clearing operation or lot maintenance	4.3.4	\$65.00
83	Park between hours of 12:01 a.m. and 7:00 a.m. within a parking lot	4.3.5	\$30.00
84	Park as to obstruct laneway or driveway	4.3.6	\$35.00
85	Park over time limit-metered zone	4.6.1	\$20.00
86	Park at expired meter	4.6.2	\$20.00
87	Park displaying expired ticket/no ticket	4.6.3	\$20.00
88	Parked in municipal parking lot exceeding posted time	4.7.1	\$20.00
89	Park in municipal parking lot displaying expired/no ticket	4.7.5	\$20.00
90	Park in municipal parking lot without displaying valid permit	4.7.6	\$35.00
91	Park on highway without valid permit where required by sign	8.2	\$55.00
92	Intentionally deleted		
93	Park an oversized vehicle on highway	3.13.13	\$80.00
94	Park/Stand/Stop on lands other than driveway	3.9	\$65.00

22

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
1	(Stop/Stand/Park) facing wrong way	3.1 (a)	<b>\$30.00</b>
2	(Stop/Stand/Park) too far from edge of road/shoulder	3.1 (b)	<b>\$30.00</b>
3	(Stop/Stand/Park) more than 30cm from road/curb/shoulder	3.1 (c)	<b>\$30.00</b>
4	(Stop/Stand/Park) facing wrong way on a one-way highway	3.2 (a)	<b>\$30.00</b>
5	(Stop/Stand/Park) too far from edge of road/curb/shoulder of a one-way highway	3.2 (b)	<b>\$30.00</b>
6	(Stop/Stand/Park) more than 30cm from road/curb/shoulder of one-way highway	3.2 (c)	<b>\$30.00</b>
7	(Stop/Stand/Park) contrary to designated angle	3.3	<b>\$30.00</b>
8	(Stop/Stand/Park) not within designated space	3.4	<b>\$30.00</b>
9	Park within accessible parking space without valid permit displayed	3.4.1.1	<b>\$300.00</b>
10	(Stop/Stand/Park) on roadway side of other vehicle	3.5	<b>\$50.00</b>
11	(Stop/Stand/Park) on shoulder or inner/outer boulevard	3.6	<b>\$30.00</b>
12	Park repeatedly (at/near) one location	3.7	<b>\$30.00</b>
13	Park on private property without consent	3.9 (1) a	<b>\$30.00</b>
14	Park on property owned/occupied by public authority or local board without consent	3.9 (1) b	<b>\$30.00</b>
15	Park on Municipal Property without consent	3.9 (1) c	<b>\$30.00</b>
16	Park on private property not within designated parking space	3.9 (1) d	<b>\$30.00</b>
17	Park on private property without valid permit	3.9 (1) e	<b>\$35.00</b>
18	Park vehicle exceeding 6.5 meters without authority	3.9 (1) f	<b>\$250.00</b>

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
19	Park displaying expired/no ticket - Private Property	3.9 (1) g, i	\$20.00
20	Park vehicle where parking machines with a covered machine or parking prohibited sign	3.9 (1) g, ii	\$30.00
21	Stop on a sidewalk	3.10.1	\$50.00
22	Stop within an intersection or crosswalk	3.10.2	\$50.00
23	Stop adjacent to obstruction so as to impede traffic	3.10.3	\$50.00
24	Stop on/in or within 30m of bridge/structure/tunnel	3.10.4	\$50.00
25	Stop on or beside a median	3.10.5	\$50.00
26	Stop within 30m of approach side of school crossing or crosswalk	3.11.1	\$50.00
27	Stop within 10m of remote side of school crossing or crosswalk	3.11.1	\$50.00
28	Stop within 30m of approach side of railway crossing where prohibited by sign	3.11.2	\$50.00
29	Stop within 16m of remote side of railway crossing where prohibited by sign	3.11.2	\$50.00
30	Stop either or both sides adjacent to school property between 7:00 a.m. and 5:00 p.m. Monday to Friday	3.11.3	\$50.00
31	Stop within 15m of intersection where prohibited by sign	3.11.4	\$50.00
32	Stop within 60m of intersection controlled by traffic signal	3.11.5	\$50.00
33	Stop either or both sides adjacent to playground or parkland	3.11.6	\$50.00
34	Stand within 12m of remote side of designated bus stop	3.12	\$35.00
35	Stand within 28m of approach side of designated bus stop	3.12	\$35.00
36	Park within 10m of an intersection	3.13.1	\$30.00
37	Park within 3m of a fire hydrant	3.13.2	\$35.00

24

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
38	Park on driveway with sidewalks, 30cm of sidewalk/between sidewalk and roadway	3.13.3 (i)	\$30.00
39	Park on driveway no sidewalks, 3m of edge of roadway/1m of shoulder	3.13.3 (ii)	\$30.00
40	Park within 1.5m of driveway/laneway	3.13.4	\$30.00
41	Park obstructing driveway/laneway	3.13.5	\$35.00
42	Park as to block vehicle	3.13.6	\$30.00
43	Park for sale/display	3.13.7	\$30.00
44	Park for servicing other than emergency	3.13.8	\$30.00
45	Park for longer than 12 hours	3.13.9	\$30.00
46	Park on a highway as to interfere with snow clearing operations	3.13.10	\$65.00
47	Park heavy vehicle on highway	3.13.11	\$80.00
48	Park detached trailer on highway	3.13.12	\$80.00
49	Park within 8m of property limit same side of a fire hall where prohibited by sign	3.14.1	\$30.00
50	Park within 30m of lot limits opposite side of a fire hall where prohibited by sign	3.14.1	\$30.00
51	Park within 22m of intersection where prohibited by sign	3.14.2	\$30.00
52	Park within 60m of signalized intersection where prohibited by sign	3.14.3	\$30.00
53	Park within 3m main entrance/emergency exit to public buildings where prohibited by sign	3.14.4	\$30.00
54	Park within 3m of driveway where prohibited by sign	3.14.5	\$30.00
55	Park on roadway of 8m or less where prohibited by sign	3.14.6	\$30.00
56	Park within 30m approach side crosswalk controlled by signals but not at intersection where prohibited by sign	3.14.7	\$30.00

25

Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
57	Park within 15m remote side of crosswalk controlled by signals but not at intersection where prohibited by sign	3.14.7	\$30.00
58	Park so as to interfere with funeral procession where prohibited by sign	3.14.8	\$30.00
59	Park within turning circle or basin of cul-de-sac where prohibited by sign	3.14.9	\$30.00
60	Park within 15m of the termination of a dead end roadway where prohibited by sign	3.14.10	\$30.00
61	Park either side or both sides adjacent to school between 7:00 a.m. and 5:00 p.m. Monday to Friday	3.14.12	\$30.00
62	Park either or both sides adjacent to playground or parkland	3.14.13	\$30.00
63	Stop where prohibited by sign	3.15	\$50.00
64	Stand where prohibited by sign	3.16	\$35.00
65	Park where prohibited by sign	3.17	\$35.00
66	Park/Stand within designated fire route where prohibited by sign	3.18.5	\$100.00
67	Park within School Bus Loading Zone designated by sign	3.19	\$35.00
68	Park exceeding time limit where prohibited by sign	3.20	\$30.00
69	Park where prohibited-public vehicle parking zone	3.22	\$35.00
70	Stand where prohibited - public vehicle bus stop	3.23	\$35.00
71	Stop a mobile canteen where prohibited	3.24.2	\$50.00
72	Stand at a taxi stand	3.25	\$30.00
73	Stop to (load/unload) where prohibited	3.26	\$50.00
74	Stop in loading zone	3.27	\$50.00
75	Park not adjacent to meter	4.1.1	\$30.00

26

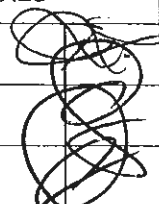


Item	Short Form Wording - Set Fines	Provision Creating or Defining Offence	Set Fine
76	Park not adjacent to double meter	4.1.2	\$30.00
77	Angle park not adjacent to meter	4.1.3	\$30.00
78	Park not within designated parking space	4.2	\$30.00
79	Park at covered meter/or in lot with covered ticket dispenser or parking prohibition sign	4.3.1	\$30.00
80	Park at Out of Order location	4.3.2	\$30.00
81	Park in occupied space	4.3.3	\$30.00
82	Park as to interfere with snow clearing operation or lot maintenance	4.3.4	\$65.00
83	Park between hours of 12:01 a.m. and 7:00 a.m. within a parking lot	4.3.5	\$30.00
84	Park as to obstruct laneway or driveway	4.3.6	\$35.00
85	Park over time limit-metered zone	4.6.1	\$20.00
86	Park at expired meter	4.6.2	\$20.00
87	Park displaying expired ticket/no ticket	4.6.3	\$20.00
88	Parked in municipal parking lot exceeding posted time	4.7.1	\$20.00
89	Park in municipal parking lot displaying expired/no ticket	4.7.5	\$20.00
90	Park in municipal parking lot without displaying valid permit	4.7.6	\$35.00
91	Park on highway without valid permit where required by sign	8.2	\$55.00
92	Intentionally deleted		
93	Park an oversized vehicle on highway	3.13.13	\$80.00
94	Park/Stand/Stop on lands other than driveway	3.9	\$65.00

27

**SCHEDULE B  
THE CORPORATION OF THE CITY OF WELLAND  
NIAGARA COLLEGE OF APPLIED ARTS & TECHNOLOGY PARKING BY-LAW  
ADMINISTRATIVE PENALTY BY-LAW 2014-64, AS AMENDED**

Item	Short Form Wording	Provision Creating or Defining Offence	Voluntary Payment within 7 days	Set Fine
1	Park without valid permit	2	<b>\$25.00</b>	<b>\$30.00</b>
2	Park displaying expired/no ticket	3	<b>\$25.00</b>	<b>\$30.00</b>
3	(Stop/Stand/Park) not within designated space	4(a)	<b>\$25.00</b>	<b>\$30.00</b>
4	Stand within 12m of remote or 28m approach side of designated bus stop	4(b)	<b>\$25.00</b>	<b>\$30.00</b>
5	Park within 3m of a fire hydrant	4(c)	<b>\$25.00</b>	<b>\$30.00</b>
6	Park for longer than 12 hours	4(d)	<b>\$25.00</b>	<b>\$30.00</b>
7	Park obstructing driveway/laneway	4(e)	<b>\$25.00</b>	<b>\$30.00</b>
8	Park where prohibited	4(f)	<b>\$25.00</b>	<b>\$30.00</b>
9	Park within 1.5m of driveway/laneway	4(g)	<b>\$25.00</b>	<b>\$30.00</b>
10	Stop on sidewalk	4(h)	<b>\$35.00</b>	<b>\$50.00</b>
11	Stop where prohibited	4(i)	<b>\$35.00</b>	<b>\$50.00</b>
12	Park exceeding time limit	4(j)	<b>\$25.00</b>	<b>\$30.00</b>

APPROVALS	
DIRECTOR	
CFO	
CAO	

11-108

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

**REPORT P&B-2021-61**  
**November 2, 2021**

**SUBJECT: COMMUNITY IMPROVEMENT PLAN INCENTIVE APPLICATIONS – QUARTERLY SUMMARY REPORT FOR THIRD QUARTER OF 2021**

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

**APPROVING MANAGER: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
MANAGER OF PLANNING**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP  
DIRECTOR DEVELOPMENT AND BUILDING SERVICES**

---

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B-2021-61 being a quarterly summary Report of approved Community Improvement Plan Incentive Applications between July 1, 2021 and September 30, 2021.

**ORIGIN AND BACKGROUND:**

Council delegated, by By-law, Community Improvement Plan (CIP) Incentive Grant Approvals to Staff and adopted procedures for the processing of the Applications subject to this Delegated Authority. This Report deals with the Incentive Applications that were approved in the third quarter of 2021.

**COMMENTS AND ANALYSIS:**

Four Community Improvement Plan Incentive Applications were received and approved in the third quarter of 2021. This includes one application within the Downtown and Health and Wellness Cluster Project Area and three applications under the Brownfield CIP.

The following Table outlines the Grant details for the application approved under the Downtown and Health and Wellness Cluster CIP. Appendix I identifies the location of the property.

LOCATION, INCENTIVE PROGRAM AND TYPE OF WORK	ESTIMATED PROJECT COST OR FEES	MAXIMUM ELIGIBLE GRANT	CITY PORTION OF GRANT	REGIONAL PORTION OF GRANT
<b>172 West Main Street</b> Building Improvement Grant Program <ul style="list-style-type: none"> <li>Balcony repairs for commercial building</li> </ul>	\$19,297.60	\$9,648.80	\$4,824.40	\$4,824.40
Façade Improvement Grant Program - Front <ul style="list-style-type: none"> <li>Painting, replace eaves</li> </ul>	\$7,753.80	\$3,876.90	\$1,938.45	\$1,938.45
Façade Improvement Grant Program – Exterior Side and Rear <ul style="list-style-type: none"> <li>Painting, replace eaves</li> </ul>	\$7,388.04	\$3,694.02	\$1,847.01	\$1,847.01
Planning and Building Fees Grant Program <ul style="list-style-type: none"> <li>Refund of Building Permit Application Fee</li> </ul>	\$164.00	\$164.00	\$164.00	\$0.00
<b>TOTAL</b>	<b>\$34,603.44</b>	<b>\$17,383.72</b>	<b>\$8,773.86</b>	<b>\$8,609.86</b>

The following Table outlines the Grant details for the 3 applications approved under the Brownfield CIP. Appendices II, III and IV identify the location of the properties.

LOCATION, INCENTIVE PROGRAM AND TYPE OF WORK	ESTIMATED PROJECT COST OR FEES	MAXIMUM ELIGIBLE GRANT	CITY PORTION OF GRANT	REGIONAL PORTION OF GRANT
<b>154 Riverside Drive</b> Environmental Study Grant Program <ul style="list-style-type: none"> <li>Supplemental Phase 2 Environmental Site Assessment study for future residential use</li> </ul>	\$18,325.00	\$9,162.50	\$4,581.25	\$4,581.25
<b>Drew Street and Klines Avenue</b> Environmental Study Grant Program <ul style="list-style-type: none"> <li>Phase 2 Environmental Site Assessment for future residential use</li> </ul>	\$16,450.00	\$8,225.00	\$4,112.50	\$4,112.50
<b>450 Major Street</b> Environmental Study Grant Program <ul style="list-style-type: none"> <li>Phase 2 Environmental Site Assessment for future commercial use</li> </ul>	\$24,870.15	\$12,435.08	\$7,435.08	\$5,000.00
<b>TOTAL</b>	\$63,757.65	\$29,822.58	\$16,128.83	\$13,693.75

During the third quarter of 2021, a total of 13 general and specific inquiries were received; 2 pre-Application meetings were held by Staff; and 4 Incentive applications were received and approved.

**FINANCIAL CONSIDERATION:**

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

**OTHER DEPARTMENT IMPLICATIONS:**

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

**SUMMARY AND CONCLUSION:**

Council delegated CIP Incentive Grant Approvals to Staff. As part of the approval procedures contained within the Delegation By-law, a Report outlining the Incentive Grant Applications that have been approved is to be prepared for Council's information on a quarterly basis. As noted in this Report, a total of four CIP Incentive Applications were received and approved in the third quarter of 2021.

**ATTACHMENTS:**

- Appendix I - Location Map showing 172 West Main Street
- Appendix II - Location Map showing 154 Riverside Drive
- Appendix III - Location Map showing Drew Street and Klines Avenue
- Appendix IV - Location Map showing 450 Major Street



# Location Map

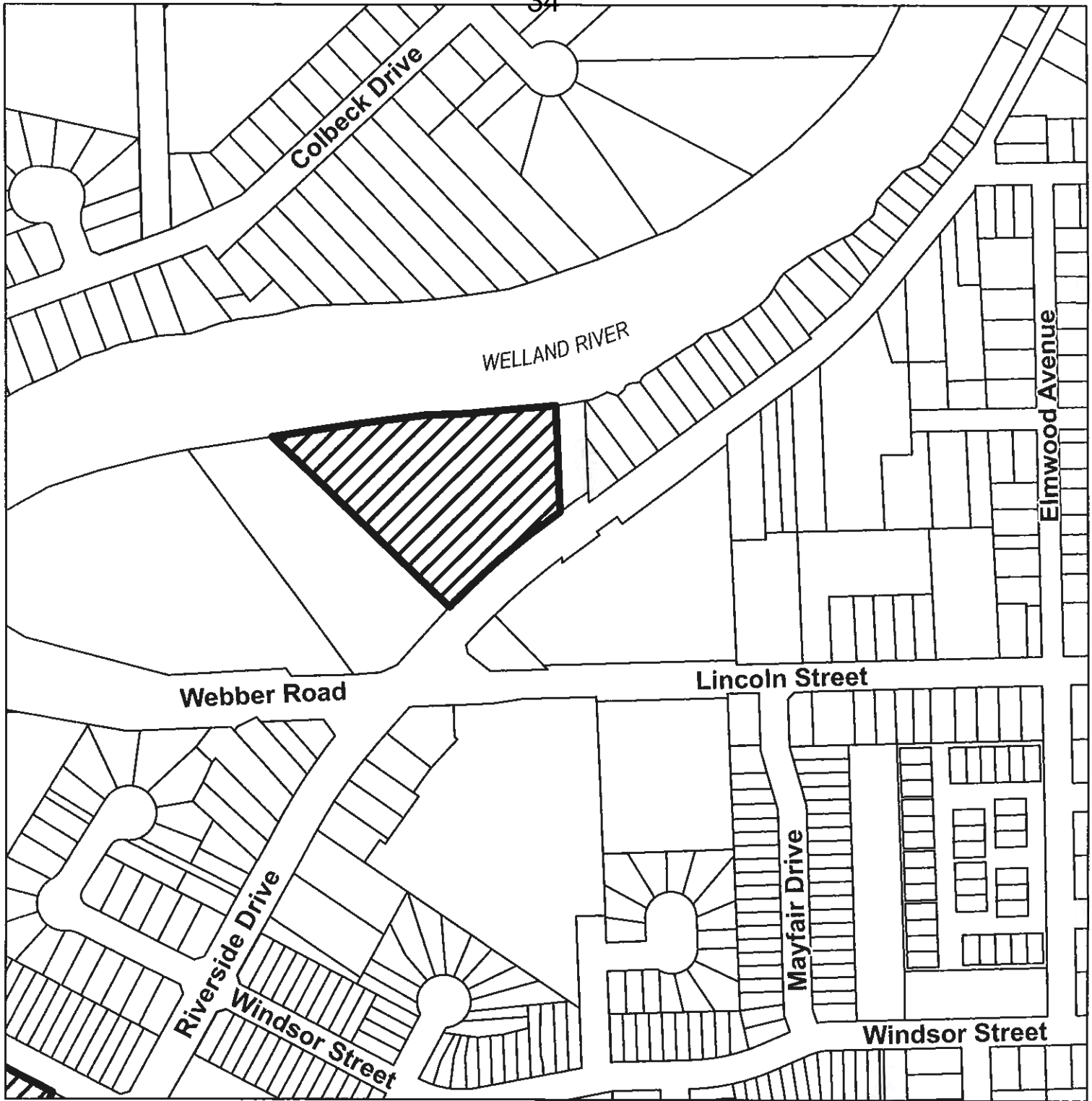
## 172 West Main Street



 **SUBJECT LANDS**



*Planning & Development Services*  
Planning Division



# Location Map

## 154 Riverside Drive



 **SUBJECT LANDS**



*Planning & Development Services*  
 Planning Division





# Location Map

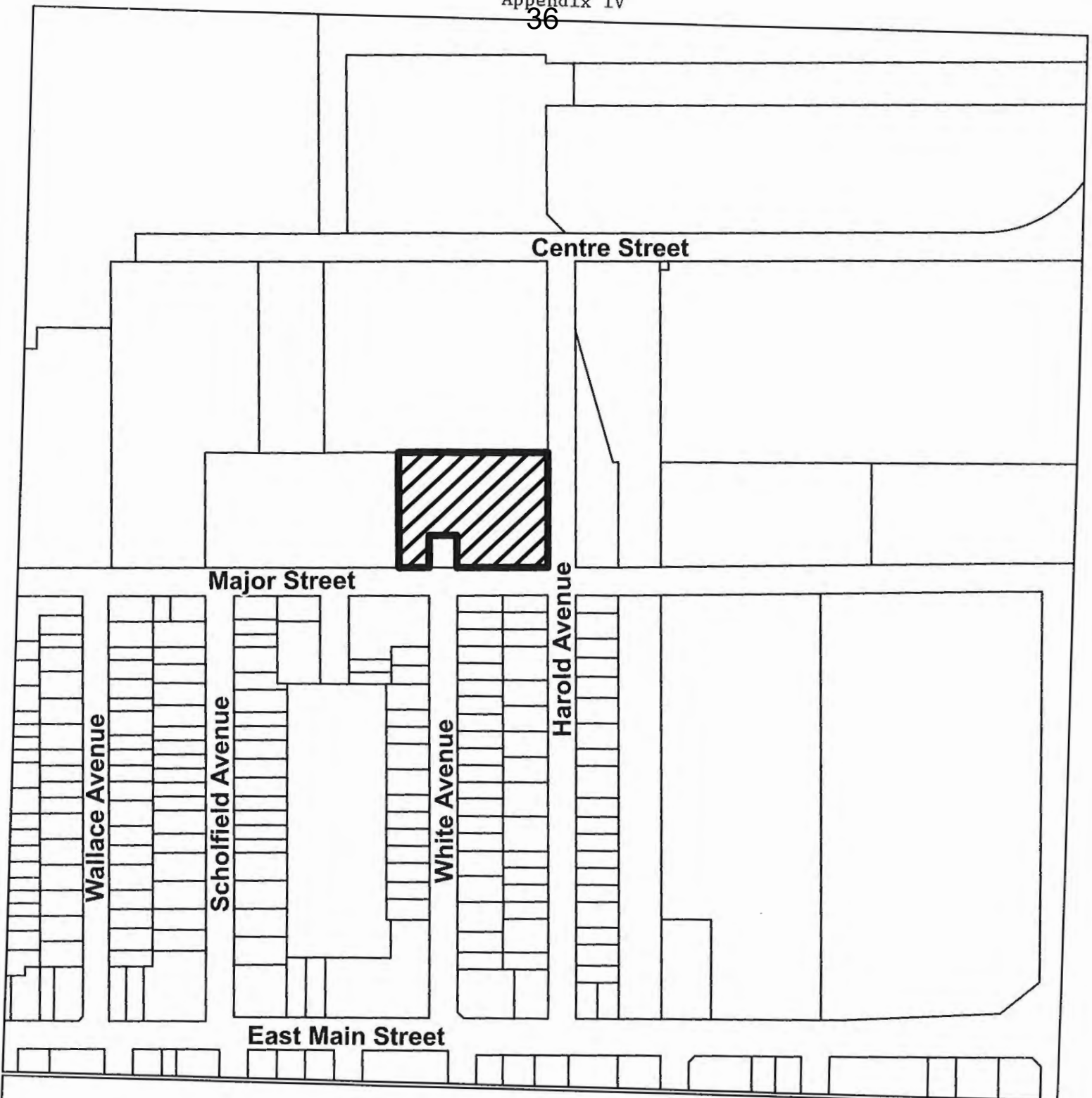
## Drew Street and Klines Avenue



 **SUBJECT LANDS**



Planning & Development Services  
Planning Division



# Location Map


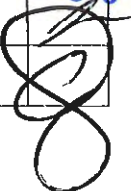
## 450 Major Street



 **SUBJECT LANDS**



*Planning & Development Services*  
Planning Division

APPROVALS	
DIRECTOR	
CFO	
CAO	

18-87

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

**REPORT P&B-2021-62**  
**NOVEMBER 02, 2021**

**SUBJECT: APPLICATION FOR CITY WIDE ZONING BY-LAW AMENDMENT (FILE NO. 2021-09) SUBMITTED BY THE CITY OF WELLAND – CANNABIS PRODUCTION FACILITIES**

**AUTHOR: NICOLAS AIELLO  
POLICY PLANNER**

**APPROVING SUPERVISOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
MANAGER OF PLANNING**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP  
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-62 for information; and further,

THAT Welland City Council approves an Amendment to Zoning By-law 2017-117 to amend the provisions for Medical Marihuana Facilities now referred to as Cannabis Production Facilities; and further,

THAT Welland City Council approves an amendment to Site Plan Control By-law 9973 to address Cannabis Production Facilities.

**ORIGIN AND BACKGROUND:**

On December 17, 2019, Welland City Council passed a notice of motion to enact an Interim Control By-law (ICB 2019-162) which would prohibit the use of land, buildings or structures for cannabis cultivation, production, and processing operations for a period of one (1) year. The motion also directed City Staff to conduct a full review of the current Zoning By-law requirements as they related to

cannabis operation purposes and to ensure that the City's policies are in-line with current Provincial and Federal legislation and municipal best practices.

As per Section 38(1) of the Planning Act, as amended, municipalities are permitted to put a temporary freeze on new land uses while the municipality is studying or reviewing its policies. The freeze can be imposed for only a year, with a maximum extension of another year. On December 15, 2020, Council passed a By-law to extend ICB 2019-162 to December 17, 2021, to allow for a more comprehensive review to be undertaken. Should the ICB expire before the municipality passes a new a zoning by-law amendment, the zoning provisions in place prior to the implementation of the ICB will automatically come back into effect.

On August 10, 2021, Council approved the following recommendations in Report P&B-2021-43:

- 1) THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-43 for information; and further,
- 2) THAT Welland City Council direct staff to commence the process of amending the City's Zoning By-law 2017-117 to further amend the provisions for Medical Marihuana Facilities now referred to as Cannabis Production Facilities; and further,
- 3) THAT Welland City Council direct staff to address Cannabis Production Facilities in the City's Official Plan Update, including but not limited, to policies regarding Site Plan Control; and further,
- 4) THAT Welland City Council direct staff to commence the process of amending the City's Site Plan Control By-law 9973 to address Cannabis Production Facilities.

The purpose of this report is to provide Council with a recommended course of action for regulating cannabis production.

### **COMMENTS AND ANALYSIS:**

#### *The Proposal*

The purpose of the Zoning By-law Amendment is to update the Medical Marihuana regulations in the City of Welland Zoning By-law 2017-117 and replace them with Cannabis Production Facility regulations. The proposal will also amend the City's existing Site Plan Control By-law to include Cannabis Production Facilities as operations that are subject to Site Plan Control as agricultural buildings.

#### *Agency and Public Comments Received*

Region of Niagara  
Planning and  
Development Services  
(September 14, 2021)

The proposed draft ZBA regulations set specific development criteria required for the development of Cannabis Production Facilities in Agricultural and Industrial/ Employment Zones. The draft by-law also proposes changes to the definitions with the addition of a definition “Cannabis Production Facility” and “Air Treatment Control System”. The Region supports the addition of Cannabis Production Facilities as a permitted use within the A1 and RE Zone as Regional staff consider cannabis production an agricultural use under Provincial and Regional policies.

However, Regional staff notes that the clause restricting the cultivation to a wholly enclosed buildings and that they be equipped with air treatment control within the permitted zones may result in prohibiting outdoor cannabis cultivation (specifically the A1 and RE Zones). The Region would caution the City against creating policies that restrict and/or prohibit the types of crops that can be planted in the ground outside versus those that can be grown indoors. Both Regional Council and the Region’s Agricultural Policy and Action Committee have been consistent with requests and comments to the Province that all commodity groups be treated equally. By creating policy sets that identify individual crop types, there can be implications that result in disadvantages to growers and operators within the agricultural sector.

The Region supports the City’s requirement for the use of site plan control to allow the City to address specific development criteria (such as lighting, odour impact analysis).

A Virtual Public Information meeting was held on June 3, 2021. Those opposed detailed concerns regarding the associated odour, setback distances, enforcement, hoop houses and permits to grow through ACMPR. Some individuals also mentioned that they would not be as concerned with facilities if the nuisances associated with potential odour could be mitigated. Some solutions were proposed

such as technical and monitoring requirements by the facilities and the potential need for a nuisance by-law.

In addition, another information meeting was held on September 9, 2021 to gain public input regarding the proposed application. The following comments and concerns were raised at the Public Information Meeting:

- Whether the proposed 150 metre separation distance can be increased;
- Whether there be any requirements for odour control and policing odour control;
- The need for a nuisance and odour control by-law; and,
- Agreeance with the proposed zoning policy, however should be paired with a nuisance by-law.

At the time of writing this report, nine (9) letters from individuals have been received. Exclusive to the matter above, the following comments and concerns were raised:

- Concerns regarding perceived air contamination;
- Provision of a zone solely for Cannabis Production Facilities;
- Concerns regarding Cannabis Production Facilities not being a typical agricultural use;
- Concerns regarding light pollution;
- The need for proper zoning;
- Difficulty mitigating perceived nuisances for outdoor uses however not for indoor;
- Licenced facilities having greater nuisance measures in place than designated growers;
- Enhanced measures used by licenced facilities to mitigate perceived nuisances;
- Requiring facilities to install air monitoring equipment;
- Concerns regarding odour and odour from other municipalities;
- Concerns regarding the public engagement process;
- Concerns regarding the current federal regulations;
- Allowing the public to comment through the Site Plan Control Process;
- Agreeance with 150 metre separation distance, however making it apply to all zones but industrial;
- Lack of industrial area due to 150 metre separation distance;
- Lack of justification for 150 metre separation distance;
- Requiring meaningful enforcement of perceived nuisances;
- Requiring a minimum height provision for required planting strips; and,
- Concerns regarding lots of record and legal-non conforming lots.

Further, Staff created a Your Channel page which included a Comment/Idea Board. This information was presented to Council in an August 10, 2021 Staff Report (P&B-2021-43).

The Statutory Public Meeting under the Planning Act was held on September 21, 2021. The comments and concerns raised at the Statutory Public Meeting were the same as those at the Public Information Meetings and in the letters submitted, with the exception of the comment to circulate neighbours within a required radius as part of the Site Plan Control Process for Cannabis Production Facilities.

**Policy and Legislative Framework**

**The Cannabis Act**

The Cannabis Act is the Federal legislation which establishes rules and standards pertaining to the production of legal cannabis products. The primary regulations under the Cannabis Act are regarding land use and development, including: the issuing of cultivation and production licenses to producers; physical security measures required for Cannabis Production Facilities; packaging standards; and, good production practices. There are a number of licenses that can be applied for under the Act, including: Cultivation, Processing, Analytical Testing, Sale, Research, and Cannabis Drug License as seen in Figure 1. The issuing of each license is accompanied by a number of production standards producers must abide by, depending on the scale of the license issued.

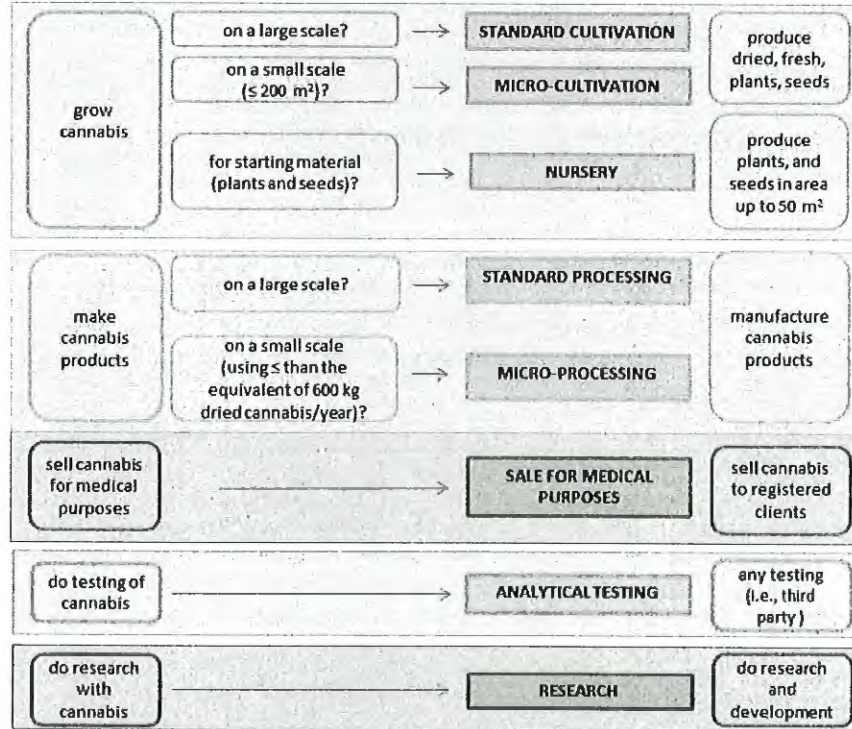


Figure 1: Cannabis Licensing Application Guide

Licensed applicants are required to provide Health Canada with proof that they have provided written notice to their local municipality, fire authority, and police force of their intention to become a licensed producer prior to being licensed. A

licence holder must also notify the local municipality if the licence is granted, suspended, revoked, reinstated or amended. In addition, applications to Health Canada require a range of information including company details, site ownership, key personnel, and specific facility and operating requirements. As it applies to site and land use regulations, the application requires information regarding site details, physical security and good production practice measures.

A Good Production Practices Report based on the Good Production Practices Guide for Cannabis must be submitted as part of the licencing application process that clearly demonstrates how requirements relating to the following will be met:

- Storage
- Building
- Air Filtration and Ventilation Systems
- Water Supply
- Lighting

In regards to security measures, producers with standard licenses are required to design their site in order to prevent unauthorized access. This includes constructing a defined perimeter which contains all operational and storage areas. The perimeter may take the form of the exterior walls of the facility, a fence, or other means. The perimeter must be monitored by a visual recording device capable of recording any unauthorized access attempt. The entrance and exits to the growth area must also be monitored by a visual recording device and operation and storage areas must have an intrusion and movement detection system. For growing areas, intrusion into but not movement within needs to be monitored. The security measures for micro-cultivation, micro processing and nurseries are somewhat less stringent, requiring only physical barriers to the site and storage areas.

One key requirement is the installation of air filtration devices throughout facilities to prevent the escape of odours caused by cultivation and production. This requirement applies to any building where cannabis is produced, packaged, labelled and stored and applies to both standard cultivation and micro-cultivation. There are no specific technical requirements for the form or type of air filtration system; the guide simply requires implementation of a system that successfully blocks the escape of odours. However, it is not clear what is considered an appropriate level of odour mitigation and what constitutes a "strong odour".

The Cannabis Act also permits licenses issued under the previous Access to Cannabis for Medical Purposes Regulations (ACMPR) to continue. The ACMPR allows individuals or designated growers to register to produce a specific amount of cannabis for their own medical purposes as prescribed by their health care practitioner, referred to as "designated medical growth". Production is allowed both indoors and outdoors at the registered person's place of residence, land owned by the registered person or land owned by another with authorization from the owner. An individual may grow for medical purposes for up to two people, either themselves and one other person, or for two other people. Medical growth for up



to four people can occur in one location, if two people who are designated to grow for others pair up and grow in one co-location.

Under the Act, the personal growth of cannabis is also allowed with a permission of up to 4 plants per residence.

*Farming and Food Production Protection Act, 1998*

The Farming and Food Production Protection Act in Ontario is an Act that serves to protect the agricultural use of land. Under the Act, the term “agricultural operation” is defined to include:

*“the production of agricultural crops, greenhouse crops, maple syrup, mushrooms, nursery stock, tobacco, tree and turf grass, and any additional agricultural crops prescribed by the Minister”*

And

*“the processing by a farmer of the products produced primarily from the farmer’s agricultural operation”*

From these definitions, the cultivation of cannabis, as well as the processing of the same, where legal through the licensing process, appears to be captured in the definition of agricultural operation.

Under Section 6 of the Act, the Act states,

*“No municipal by-law applies to restrict a normal farm practice carried on as part of an agricultural operation.”*

Accordingly, any restriction on the cultivation of cannabis may need to stand up to the test of whether “normal farm practices” have been restricted. The Act defines “normal farm practice” as a practice that:

*“is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances,*

Or

*makes use of innovative technology in a manner consistent with proper advanced farm management practices;...”*

*The Planning Act*

Section 34 of the Planning Act provides for the enactment of Zoning By-laws to restrict the use of land and/or prohibit the construction, locating, or use of buildings for such purposes as defined in the Zoning By-law. Subsection 41(3) of the Planning Act provides that a local municipality may designate a Site Plan Control

area by reference to one or more land use designations contained in a by-law passed pursuant to Section 34.

*The Provincial Policy Statement (PPS)*

The Provincial Policy Statement (PPS), which provides direction for planning in Ontario, supports the viability of rural areas and agricultural uses in municipalities and seeks to balance economic growth and prosperity.

Policy 1.1.4.1 states in part that healthy, integrated and viable rural areas should be supported by:

- promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; and
- providing opportunities for economic activities in prime agricultural areas. Section 2.3 of the PPS contains policies applying to agricultural areas.

Section 2.3.1 states that prime agricultural areas shall be protected for long-term agricultural use. Policy 2.3.3.1 states that agricultural uses, agriculture-related uses and on-farm diversified uses are permitted in prime agricultural areas, and that proposed uses are to be compatible with, and shall not hinder, surrounding agricultural operations. According to Policy 2.3.3.2, in accordance with provincial standards, all types, sizes and intensities of agricultural uses and farm practices shall be promoted in prime agricultural areas.

The PPS provides the following definition for 'agricultural use':

*"the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment".*

The PPS defines 'on-farm diversified uses' as the following:

*"uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products."*

*The Growth Plan for the Greater Golden Horseshoe*

The Growth Plan for the Greater Golden Horseshoe, 2020, includes policies for an Agricultural System, which has been mapped by the Province, along with specific policies. This Plan does not provide more specific detail with respect to

permitted uses in Prime Agricultural Areas. Under subsection 1.2.1, a guiding principle of the Growth Plan is to:

*“provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.”*

In addition, the Growth Plan aims to:

*“support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.”*

#### Region of Niagara Official Plan

Regional staff have indicated in respect to Cannabis Production Facilities that Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within the Agricultural areas as well as value-added uses (i.e., agriculture-related uses and on-farm diversified uses) provided such uses are compatible with, and do not hinder, surrounding agricultural operations. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

Regional policies also encourage municipalities to promote a mix of employment opportunities to provide for a competitive and diversified economic base within employment areas.

The Niagara Region Official Plan also sets out a number of objectives aimed at maintaining a sustainable agricultural industry. The plan notes that a wide range of crops are important in maintaining the agricultural industry's diversity.

Objective 5.A.7 supports uses that enable farming and farmers to:

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversity economic activity and add value to their primary products.

#### City of Welland Official Plan

The Welland Official Plan does not make any direct reference to marijuana/marijuana, cannabis nor cannabis facilities.

#### *Agricultural and Rural Area*

The policies of the Agricultural Area are outlined in Section 5 of the Official Plan. The planned function of the Agricultural designation is to provide land for farming

and agriculturally-related activities and to protect the City's prime agricultural lands.

According to the Official Plan, the predominant use of land in the Agricultural Area will be for agriculture of all types, which include, among others:

- Normal Farm Practices
- Nurseries and greenhouses
- value-added agricultural uses

Section 5.1.1.4 of the Plan addresses recognizes the changing nature of the agricultural industry and supports the principle of farm diversification activities which contribute to the long term economic sustainability of the agricultural industry.

Section 5.1.3.6 of the Plan supports value added agricultural activities which allow the agricultural industry to:

- i. Become more competitive, sustainable and environmentally friendly;
- ii. Adapt to new and changing markets;
- iii. Diversify into and take advantage of new agricultural opportunities;
- iv. Improve the understanding of agriculture by the general public; and,
- v. Broaden operations to diversify economic activities and add value to primary products.

The Rural Employment Designation as part of Section 5.2 is intended to provide farm or resource related places of work on lands which do not require municipally provided sanitary or water services. Permitted uses include, among others:

- shipping/receiving
- processing of agricultural products and goods / materials supporting farm operations

### *Employment Areas*

The City has three different Employment designations: General Industrial Area, Light Industrial Area, and Gateway Economic Centre.

According to the Official Plan, the General Industrial Area permits, among other uses: processing, manufacturing, assembly, fabrication, research and development, and laboratories. The Plan states "General Industrial Areas near sensitive land uses will incorporate buffering, massing, and screening, as well as controls for noise, vibration, odour, dust / debris, and light emissions which minimize impacts on the nearby sensitive uses."

The Light Industrial Area permits, among other uses: light-manufacturing, light-assembly, and research and development.

The Gateway Economic Centre permits, among other uses: facilities related to shipping and receiving, warehouses, major offices, light manufacturing, light assembly, laboratories, and research and development.

City of Welland Zoning By-law 2017-117

Currently in Zoning By-law 2017-117, Cannabis Production Facilities, referred to as Medical Marijuana Facilities provides that:

In the Urban Area of the City, a Medical Marijuana Processing Facility (MMPF) is a permitted use in the L1 – Light Industrial Zone, the G1 – General Industrial Zone, and the GEC – Gateway Economic Centre Zone. In these zones, an MMPF is subject to the following additional restrictions in Zoning By-law 2017-117:

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted
- c) Loading spaces must be in a wholly enclosed building.
- d) Lot must be 70.0 metres from:
  - i) A Residential use or Zone;
  - ii) An institutional use or Zone; and/or
  - iii) A day nursery use or Zone that permits a day nursery.

Outside the Urban Area of the City, an MMPF is a permitted use in the A1 – Agricultural Zone and the RE – Rural Employment Zone. An MMPF in these zones is subject to the following requirements:

Front Yard Setback = 10m  
 Side Yard Setback = 15m  
 Rear Yard Setback = 15m  
 Maximum Height = 11m  
 Maximum Lot Coverage = 25%

Minimum Landscaping Requirement = 3m landscaping strip along front lot line.

The purpose of the Amendment to the Zoning By-law is to further address the use by updating the definition for Medical Marijuana Production Facilities to Cannabis Production Facilities. This includes updating it to include all licensed and designated growth facilities under the Cannabis Act and any type of use permitted to grow more than four cannabis plants. A definition for Air Treatment Control Systems is also proposed. Facilities would be permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (GEC) Zones.

The proposed definition for Cannabis Production Facilities would read as follows:

*“Cannabis Production Facility” shall mean any premises or part of a premises used for all or any of the cultivation, processing, destruction, sale,*

*shipping, analytical testing, and research of cannabis which is authorized by a valid registration certificate and document for designated person issued by the Federal Minister of Health or a valid license issued by the Federal Minister of Health, pursuant to the Cannabis Regulations, SOR/2018-144, as amended, or any successor thereto and the Industrial Hemp Regulations, SOR/2018-145, as amended, or any successor thereto under the Cannabis Act, S.C. 2018, c. 16, as amended, or any successor thereto. A Cannabis Production Facility shall also mean any premises or part of a premises permitted to cultivate more than four cannabis plants.*

Staff are of the opinion that the definitions of “Cannabis Production Facilities” is appropriate and poses no conflict with applicable federal or provincial legislation. The proposed definition is intended to make clear that the proposed policy applies to any form of licensed facility regulated by the Cannabis Act and any other facility that is permitted to produce more than four cannabis plants. Therefore, all forms of production including those permitted under Access to Cannabis for Medical Purposes Regulations (ACMPR) known as designated medical growth will be provided for.

The proposed definition for Air Treatment Control reads:

*“Air Treatment Control System” shall mean a system designed and sized accordingly in comparison to the facility by a qualified person that filters air to prevent the escape of emissions, including but not limited to odours, pollen, and dust associated with use, to the outdoors or any other property.*

As described in a prior section of this report, the Cannabis Regulations mandates Good Production Practices, including a requirement that Cannabis Production Facilities “be equipped with a system that filters air to prevent the escape of odours associated with cannabis plant material to the outdoors”. And “provides natural or mechanical ventilation with sufficient air exchange to provide clean air and to remove unclean air in order to prevent the contamination of the cannabis or thing that will be used as an ingredient”. The responsibility to monitor and force compliance with the Good Production Practices rests with Health Canada alone, individual municipalities are not afforded any authority.

With respect to the citizen concern relating to the requirement that the system be designed to “the most up to date industry standards”, it is staff’s opinion that this wording would lead to concerns regarding what is interpreted as the most up to date standards, whereas a qualified person who is deemed to be an expert in the field would know the appropriate type of technology and specifications to achieve the systems desired effect.

The amendment further proposes that Cannabis Production Facilities in Industrial Zones:

- a) Must be in a wholly enclosed building
- b) Outdoor storage is not permitted.

- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) Must maintain a minimum setback of 15 metres from all lot lines.
- f) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- g) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- h) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act.
- i) Any building or structure or part thereof used for cannabis production facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
  - i. A Residential Zone;
  - ii. An Institutional Zone

**In Agricultural Zones:**

- a) Must be in a wholly enclosed building.
- b) Outdoor storage is not permitted.
- c) Loading spaces must be in a wholly enclosed building.
- d) Must be equipped with an air treatment control system.
- e) A building or structure used for security purposes may be located in the front yard and does not have to comply with the required minimum front yard setback.
- f) A Cannabis Production Facility will be prohibited on any lot containing a dwelling.
- g) A Cannabis Production Facility will be subject to site plan control pursuant to Section 41 of the Planning Act.
- h) Any building or structure or part thereof used for cannabis production facility purposes with the exception of a building or structure used for security purposes shall be setback a minimum of 150 metres from the property line of:
  - i. A Residential Use or Zone;
  - ii. An Institutional Use

Staff offer the following explanation in relation to the proposed provisions intended to regulate the use:

*Indoor Requirement*

With respect to requiring facilities to be in a wholly enclosed building, the Cannabis Act and regulations allows for both indoor and outdoor cultivation of cannabis. Any other uses under the Act, such as processing and packaging are not permitted outdoors. There are currently odour reduction requirements for indoor cultivation, however, it is not possible to control odour from outdoor cultivation in the same manner.

While the Cannabis Act does not explicitly prescribe a role for municipalities, guidance provided by Health Canada is clear that local by-laws, including zoning by-laws, apply to Cannabis Production Facilities. The majority of Ontario municipalities permit the indoor cultivation of cannabis within their zoning by-laws, in agricultural, and employment or industrial zones.

### *150 Metre Separation Distance*

The most common method of mitigating land use concerns is the establishment of setbacks and Site Plan Control. This approach is evident throughout the Province where municipalities have imposed setbacks as low as 70 metres and as high as 300 metres where no air treatment control system is in place. It is staff's opinion that the absence of federal and provincial legislation and regulations governing setbacks from sensitive uses allows for the municipal establishment of setback provisions for Cannabis Production Facilities. That being said, the setback cannot be so large as to prohibit the use and the City must have a reasonable justification for its imposition.

While the Ministry of the Environment Conservation and Parks (MECP) does not provide specific guidance on separation distances for cannabis uses in general, staff have determined the appropriate distance by reviewing the provincial D6 Guideline: *Compatibility between Industrial Facilities and Sensitive Land Uses*. Based on the review of provincial Guidelines, Cannabis Production Facilities would be comparatively similar to a Class II Facility under the Guideline, which is defined to emit frequent and occasionally intense odours and require a 70 metre setback, which is currently what is permitted in the City's Zoning By-law. Based on further review of other municipalities, a 150 metre separation distance was most commonly used for facilities that were equipped with Air-Treatment Control Systems thus allowing for a greater buffer should odours occur. This distance is further supported, given that:

- only indoor production is proposed;
- air treatment control is mandatory; and
- the use would not be exempt from Site Plan Control to mitigate or eliminate potential nuisances.

Furthermore, any distance greater than a 150 metre setback virtually eliminates the possibility of a Cannabis Production Facility from being accommodated in Agricultural Zones and most Industrial Zones as seen in the map in Appendix I. Consequently, any greater distance may frustrate the purposes of the Cannabis Act and be vulnerable to being declared invalid. The creation of policies that essentially eliminate a use due to being so restrictive is considered not to be a good planning practice.

### *Non-Complying Agricultural Lots*



With respect to the citizen concern relating to establishment of Cannabis Production Facilities on non-complying agriculturally zoned lots (i.e. lot <40 hectares), there seems to be some confusion with what is permitted and not permitted in the Zoning By-law. Section 5.24 of the Zoning By-law clearly states:

*A non-complying lot that existed on the date of the passing of this By-law, and which does not comply with the minimum lot frontage and/or minimum lot area regulations of this By-law, may be used and buildings erected thereon for purposes permitted in the applicable Zone.*

This provision applies to all zones and all uses City wide. The provisions for lot area and lot frontages only apply to the creation of new lots (i.e. consents) and not existing lots of record. Should Section 5.24 be removed, new agricultural and agricultural related uses as an example would no longer be permitted on lots less than 40 hectares. Through a desktop analyses, Staff have determined that there are only five lots within the agricultural zones with an area equal to or greater than 40 hectares (as seen in the Map in Appendix II). Therefore, any proposed uses, including Agricultural/Agricultural Related uses, Agri-Tourism, Farm Labour Residence, Greenhouses, and Market Gardens in addition to Cannabis Production facilities would only be permitted as of right on these five parcels and the remainder would need Minor Variances or Rezoning to be permitted.

#### Staff Comment

#### Site Plan

The City's Site Plan Control By-law 9973 is recommended to be updated to require that Cannabis Production Facilities, including licenced facilities and designated medical growth facilities, be subject to Site Plan Control. Currently, only Cannabis Facilities in Industrial Zones would be subject to Site Plan Control, whereas facilities in agricultural zones would not. Updating the existing the By-law would read as follows:

*8) Notwithstanding the foregoing, the following forms and classes of development and construction shall be exempt from Site Plan Control:*

*(ii) all buildings on farm operations, except Cannabis Production Facilities;*

Requiring cannabis facilities to fall under this process would allow the City more control in ensuring sites are designed in a way that mitigate the potential impacts and nuisances based on standards specific to the City. Through the site plan process, the City can enter into a site plan agreement with the proponent of the proposed land use, providing a mechanism for the City to enforce the mitigation efforts and take action if the mitigation requirements outlined in the agreement are not honored.

In Staff's opinion, notifying the public of a proposed Cannabis Production Facility that meets all of the zoning requirements through the Site Plan Control Process is not warranted as this is not a requirement that the City applies to any other proposed Industrial or Agricultural uses. Should the facility require a planning approval that includes a public process mandate such as a Zoning By-law Amendment, Official Plan Amendment, or Minor Variance, the Public will be notified and have the opportunity to participate in the process.

#### Required Studies

Through Site Plan Control, cannabis related uses will be required to prepare and submit supporting studies, as determined through pre-consultation which will include, but not be limited to:

<b>Study Requirement</b>	<b>Potential Issue to be Addressed</b>
Odour Impact Analyses	Air Quality/Odour
Noise Study	Noise
Traffic/Parking Impact Analysis	Traffic
Stormwater Management Plans	Stormwater run-off
Hydrogeological Study	Water supply/ Groundwater impacts
Private Servicing Plans	Wastewater/septic feasibility
Environmental Impact Study	Environmental Impacts
Lighting/Photometrics plan	Lighting

Issues such as odour, traffic, water quality and quantity, lighting, and environmental impacts will be addressed through these studies and ultimately through the site plan design and agreement.

#### Air Treatment Control

As detailed, air filtration and ventilation systems are a requirement of licenced production facilities where cannabis is produced, packaged, labelled and stored. The Cannabis Act Regulations and licencing application process requires demonstration of air filtration and ventilation systems that filter air to prevent the escape of odours. However, the Health Canada Good Production Practices Guide provides no specific technical requirements for the form or type of air filtration system; it simply requires implementation of a system that successfully blocks the escape of odours. Further, odour control systems are not a federal requirement for growing for personal or delegated medical use.

That being said, Staff are recommending that all facilities require air treatment control. Staff will require certification from a Professional Engineer or Industrial Hygienist that the systems are installed and operational. These measures can be carried out through the Site Plan Control Process and would give the City some assurance that odours will be controlled as committed.

### Information Webpage

In conjunction with the approving the proposed Zoning By-law Amendment, Staff will create a webpage containing information about how Cannabis is provided for at various government levels. The webpage will contain links and contact information to various different government agencies that have jurisdiction within the Cannabis matter.

### Nuisance By-Law

Some municipalities such as the Town of Pelham, Town of Leamington, Town of Lincoln, City of Hamilton and Town of Kingsville have implemented nuisance by-laws in relation to Cannabis Production Facilities and other Odorous Industries. Some have created standalone By-laws while others have amended their existing Public Nuisance By-laws to address the perceived nuisances associated with cannabis production. Offences under these By-laws are dealt with under an Administrative Monetary Penalty System (AMPS).

With respect to the public concern and request by council for Staff to consider a Nuisance By-law for the regulation of Cannabis Production Facilities, Staff have performed a review of and reached out to several municipalities in regards to their own By-laws.

#### *City of Hamilton*

Hamilton passed a Public Nuisance By-law on April 22, 2020 to prohibit a variety of nuisances including the odour and light from the cultivation of cannabis plants. Such odour is prohibited if it creates a nuisance to any person or to the public generally. The wording of the By-law is very broad and captures all manners of cannabis cultivation without exception. Upon further review it has been expressed that enforcement has been challenging without an objective method to measure odour and very few by-law charges have been laid with an unknown success rate.

Hamilton staff have expressed that they are unable to enforce large scale licensed facilities under the Cannabis Act due to Health Canada having their own enforcement procedures; any concerns regarding Licensed Facilities are forwarded to Health Canada. That being said, designated growers can fall under Hamilton's policy however the success rate of applying a charge is unknown.

#### *Town of Lincoln*

The Town of Lincoln revised their Public Nuisance By-law on April 19, 2021 to include changes to the sections related to Lighting and Odour, more specifically Light-Trespass and Obnoxious Odour. In regards to Odour Nuisances, the By-law clearly states:

*11. No person shall cause, create or permit the emission of an obnoxious odour from their property so as to be or to cause a Nuisance to any person or to the public generally and discernable on another property.*

*12. Exemption: nothing within this By-law shall contradict those practices deemed to be part of normal farm practice as identified and accepted within the Normal Farm Practices Protection Act and OMAFRA.*

Lincoln staff have expressed that their By-law can only apply to designated growth facilities under the ACMPR. Licensed Facilities cannot be enforced by the municipality's nuisance By-law because of Health Canada already having their own enforcement procedures. To date, the Town of Lincoln has not laid any charges under their By-law.

#### *Town of Pelham*

The Town has had an Odorous Industries Nuisance Bylaw since March 23, 2020. The wording of the by-law is broad enough to encompass all forms of cannabis cultivation (including designated growth and licensed facilities) other than the cultivation of up to four plants in a dwelling house as authorized by the Cannabis Act.

The by-law is unique in that it employs what seems to be an objective standard: an "odour unit." Odour units are measured using a "Nasal Ranger." Upon Staff's review, it seems that Pelham is one of the only municipalities that implements this practice.

Pelham's By-law defines an Odour Unit as:

*A measure of the number of dilutions required to render a sample to the detection threshold, commonly expressed as an odour concentration (OU/m<sup>3</sup>) and one (1) Odour Unit is defined as the point where 50% of a normal population could just detect that an odour is present. Measurement of the strength of an odour or Odour Units is facilitated using a laboratory or field olfactometer;*

Cannabis odours are limited to 6 odour units at any point along the property line or less if a sensitive use is in the vicinity. Air filtration systems are required throughout a facility where cannabis is present to prevent the escape of an "obnoxious odour" that causes an "adverse effect".

It is understood that Pelham has purchased Nasal Rangers at a cost of \$5,000 each. The Town's by-law enforcement officers underwent extensive training on how to operate the Nasal Rangers and monthly testing is also required.

Also unique, the Town's By-law requires that facilities pay for an ongoing neighbourhood ambient odour monitoring program conducted by independently trained and competent odour practitioner(s) selected by the Town.

Upon conversations with Pelham staff, City Staff have learned that Pelham's entire By-law is subject to court challenges and is to be heard by the Normal Farm Practices Protection Board.

Regarding the use of "nasal ranger", Staff have learned that Pelham's By-law Enforcement Division perform regular testing at the property lines of facilities. The rangers however do not produce odour readings that would violate the By-law even when an odour is present. Further, Pelham has not laid any charges to date that fall under the Nuisance-By-law.

#### *Town of Leamington*

Leamington has had a Cannabis Regulation By-law since 2018. The Town's by-law requires a "Part I Cannabis Facility" and a "Part II Cannabis Facility" to have an "odour Premises where designated persons grow medical cannabis for registered persons fall within the definition of a Part II Cannabis Facility. Premises used to grow medical cannabis for one or more people other than the registered owner are also considered a Part II Cannabis Facility. Such premises must be located in an industrial zone.

A registered person who grows cannabis only on property they own and only for their own medical purposes is not captured by the by-law.

The enforceability of Leamington's By-law is currently before the Superior Court of Justice and the Normal Farm Practices Protection Board. The Superior Court of Justice will not be considering the matter until September, 2021 yet no decisions have been made to date.

#### *The City of Windsor and the Town of Georgian Bluffs*

Both municipalities have considered implementing some sort of Nuisance By-law tailored towards Cannabis Facilities. Upon their review, both municipalities have chosen to wait for the decisions of the Superior Court of Justice and Normal Farm Practices Protection Board.

#### *Federation of Canadian Municipalities (FCM)*

The FCM also provides guidance for Nuisance By-laws and Enforcement Issues with respect to odours in their Municipal Guide to Cannabis Legalization. In their guide, they state:

*As local governments anticipate an increase in nuisance complaints with legalized cannabis, odour issues rank among their top concerns—and these are notoriously difficult to regulate and remediate.*

*Because odours are hard to quantify objectively in terms of strength or character, setting regulatory standards is challenging. While some odour*

*testing labs exist in Canada, their usefulness for regulatory purposes is questionable, and testing can be onerous and expensive. Even if and when the quantification of odour can be satisfactorily addressed, an odour's source can be challenging to prove to the standard needed in court.*

*Proactive approaches to cannabis-related odour and nuisance abatement are therefore preferable. For example, odour impact assessments and control plans might be included in requirements for rezoning applications or development approvals in circumstances where these are authorized and warranted.*

*Zoning setbacks, landscaping, buffer or similar requirements may be considered for certain types of facilities that are anticipated to cause odour or other nuisances. This is in addition to the basic locational criteria that have traditionally restricted problem activities to their own special zones.*

#### *Staff Consideration for a Nuisance By-law*

Staff recommend against the policy formulation and the creation of nuisance by-laws to address odour and light abatement at this time for the following reasons:

Firstly, if the Normal Farm Practices Protection Board determines that the perceived nuisances stemming from Cannabis Production Facilities is considered a normal farm practice, the City cannot pass a by-law to regulate their use. If the Superior Court determines that the use of a Nuisance By-law contradicts applicable legislation, there may be limitations in what type of enforcement the City can provide. The rulings regarding other municipalities' by-laws will provide more direction for Staff in this regard.

Secondly, through Staff's review, it is our opinion that a Nuisance By-law will not be effective in mitigating the perceived nuisances of Cannabis Production Facilities. With or without a device to measure odour, the provision of such monitoring and enforcement is subjective and proves challenging to lay a charge. Proactive approaches to perceived nuisances and nuisance abatement are therefore preferable. Utilizing tools such as Site Plan Control, studies and control plans at the development stage, air treatment technology, buffers, and zoning would be more effective in nuisance mitigation.

#### **FINANCIAL CONSIDERATION:**

There are no financial impacts associated with this report.

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

Where appropriate and received, comments from other departments have been included as part of this report.

**SUMMARY AND CONCLUSION:**

Staff are recommending a Zoning By-law Amendment to Zoning By-law 2017-117 to further amend the provisions for Medical Marihuana Facilities now referred to as Cannabis Production Facilities. Facilities will continue to be permitted in the permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (GEC) Zones with further provisions.

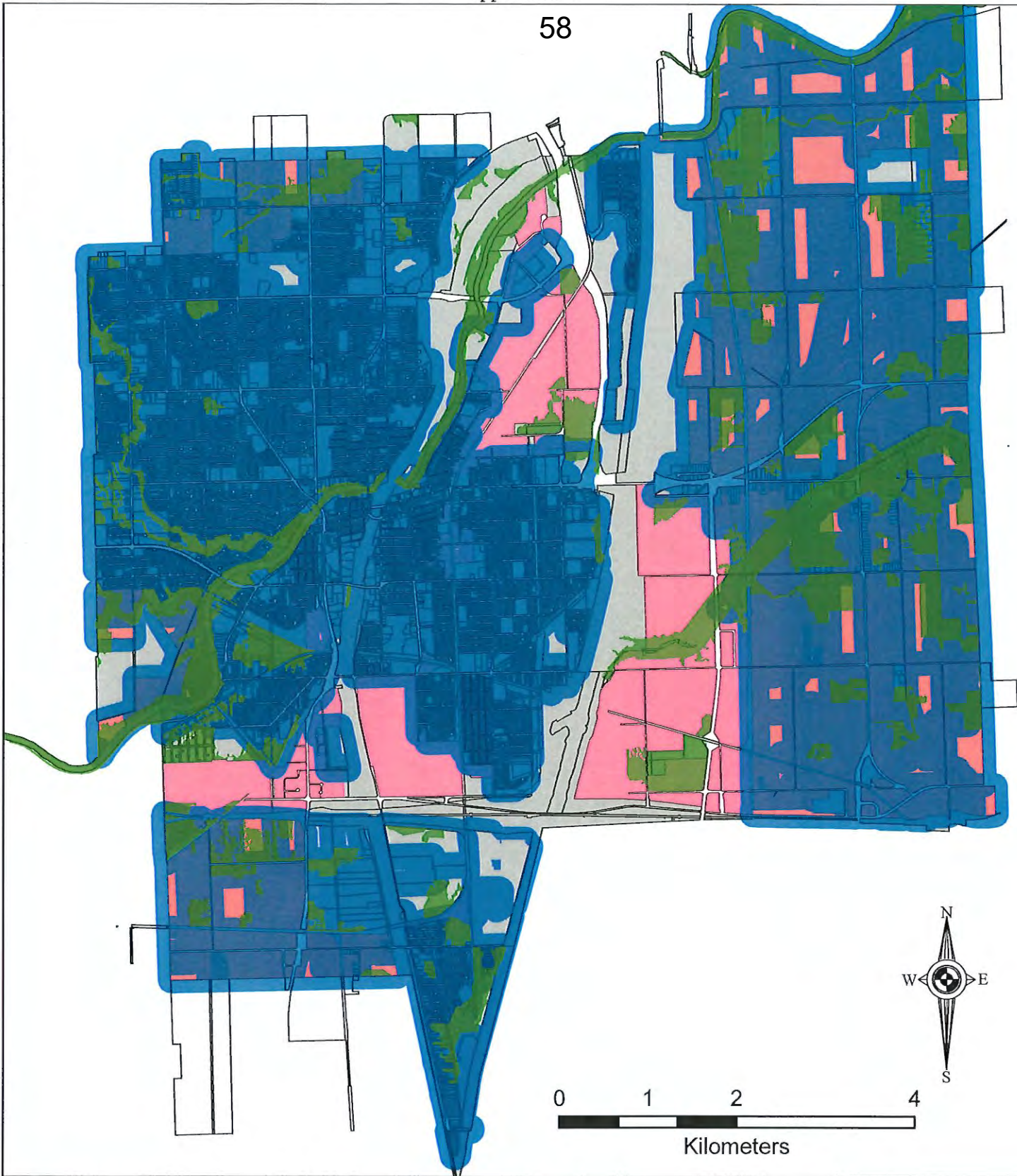
Also recommended is an amendment to Site Plan Control By-law 9973 to address Cannabis Production Facilities.

Staff are not recommending implementing a Nuisance By-law to address the perceived nuisances of Cannabis Production Facilities at this time.

Staff are of the opinion that the proposed Zoning By-law Amendment is appropriate for addressing concerns regarding cannabis within the City. The Zoning By-law Amendment meets Planning Act requirements and is consistent with the Provincial Policy Statement, the Growth Plan, the Regional Official Plan and the City's Official Plan.

**ATTACHMENTS:**

- Appendix I - Regulation of Cannabis – Permitted Zones
- Appendix II - <40 Ha Agricultural Parcels Restriction
- Appendix III - Relevant Correspondence



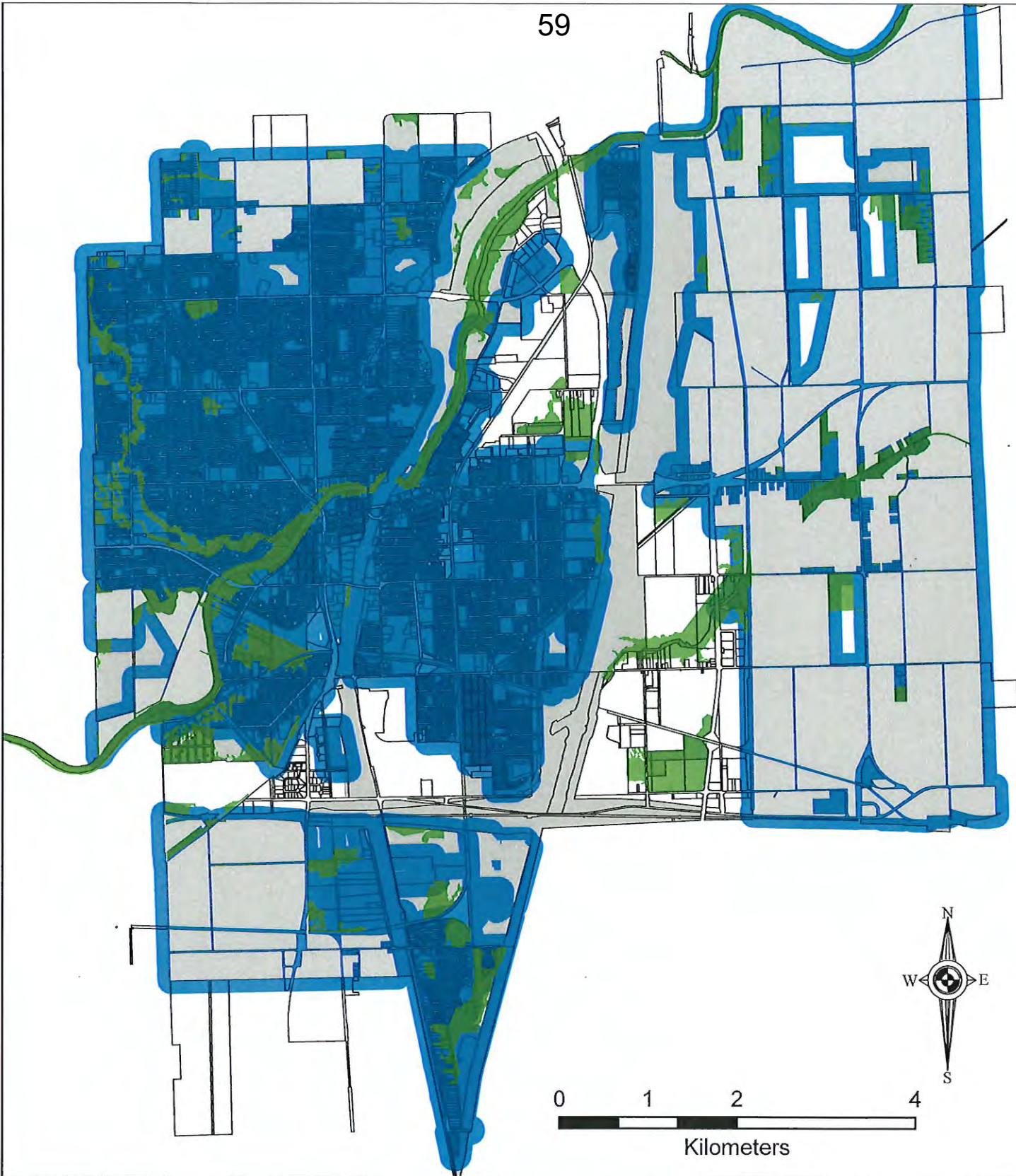
-  Core Natural Heritage
-  150 Metre Cannabis Buffer
-  Property Parcels
-  Non Permitted Zones
-  GEC, L1, G1
-  A1, RE

## Regulation of Cannabis 150 Metre Buffer






*Development &  
Building Services*  
Planning Division





## Regulation of Cannabis 150 Metre Buffer

-  Core Natural Heritage
-  150 Metre Cannabis Buffer
-  Property Parcels
-  Non Permitted Zones  
(Including Agricultural and Rural Employment parcels < 40 HA)



*Development &  
Building Services*  
Planning Division

---

**Via E-mail Only**

September 16, 2021

Files: D.18.11.ZA-21-0094

Mr. Nicolas Aiello,  
Policy Planner  
Planning and Development Services  
Corporation of the City of Welland  
60 East Main Street  
Welland, ON L3B 3X4

Dear Mr. Aiello:

**Re: Regional and Provincial Review Comments  
Zoning By-Law Amendment (City File No. 2021-09)  
Cannabis Production Facilities  
City of Welland**

---

The City of Welland is proposing to amend Zoning By-law 2017-117 to further address Cannabis Production Facilities. The amendment would include updating the definition for Medical Marihuana Production Facilities to Cannabis Production Facilities and updating it to apply to all licensed facilities under the Cannabis Act and any type of use permitted to grow more than four cannabis plants. Indoor Cannabis Production Facilities would be permitted in both Agricultural and Industrial/Employment Zones. More specifically the Agricultural (A1), Rural Employment (RE), Light Industrial (L1), General Industrial (G1), and Gateway Economic (GEC) Zones. City staff is recommending a 150 metre separation distance from sensitive land uses.

The City is concurrently proposing to amend Site Plan Control By-law 9973 to address Cannabis Production Facilities to specify that the cannabis production land use including licensed facilities and designated medical growth, are not exempt from site plan control.

Regional staff offer the following information with respect to the City's proposed Cannabis Production Facilities regulations.

**Provincial and Regional Policies**

Provincial and Regional policies permit agricultural uses, agriculture-related uses and on-farm diversified uses within the Agricultural areas. The Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (GP), Greenbelt Plan (GP), and Niagara Region Official Plan (ROP) all consider the growing of crops as well as

---

associated on-farm buildings and structures to be an agricultural use, including value-retaining facilities. Provincial and Regional policies also permit value-added uses (i.e., agriculture-related uses and on-farm diversified uses) provided such uses are compatible with, and do not hinder, surrounding agricultural operations. In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has published "Guidelines for Permitted Uses in Ontario's Prime Agricultural Areas" (OMAFRA Guidelines) to assist in evaluating compatibility and appropriateness of agriculture-related uses and on-farm diversified uses in Prime Agricultural Areas.

Provincial and Regional policies also encourage municipalities to promote a mix of employment opportunities to provide for a competitive and diversified economic base within employment areas.

The Niagara Region Official Plan also sets out a number of objectives aimed at maintaining a sustainable agricultural industry. The plan notes that a wide range of crops are important in maintaining the agricultural industry's diversity. Objective 5.A.7 supports uses that enable farming and farmers to:

- a) Become more competitive, sustainable and environmentally friendly;
- b) Adapt to new and changing markets;
- c) Diversify into and take advantage of new agricultural opportunities;
- d) Improve the understanding of agriculture by the general public; and
- e) Broaden operations to diversify economic activity and add value to their primary products.

The proposed draft ZBA regulations set specific development criteria required for the development of Cannabis Production Facilities in Agricultural and Industrial/ Employment Zones. The draft by-law also proposes changes to the definitions with the addition of a definition "Cannabis Production Facility" and "Air Treatment Control System". The Region supports the addition of Cannabis Production Facilities as a permitted use within the A1 and RE Zone as Regional staff consider cannabis production an agricultural use under Provincial and Regional policies.

However, Regional staff notes that the clause restricting the cultivation to a wholly enclosed buildings and that they be equipped with air treatment control within the permitted zones may result in prohibiting outdoor cannabis cultivation (specifically the A1 and RE Zones). The Region would caution the City against creating policies that restrict and/or prohibit the types of crops that can be planted in the ground outside versus those that can be grown indoors. Both Regional Council and the Region's Agricultural Policy and Action Committee have been consistent with requests and comments to the Province that all commodity groups be treated equally. By creating

---

policy sets that identify individual crop types, there can be implications that result in disadvantages to growers and operators within the agricultural sector.

The Region supports the City's requirement for the use of site plan control to allow the City to address specific development criteria (such as lighting, odour impact analysis).

### **Conclusion**

In the opinion of Regional Planning and Development Services staff, Provincial and Regional policies permit the growth and cultivation of cannabis as an agricultural use.

Should you have any questions concerning the above noted comments, please contact Pat Busnello, Manager, Development Planning at [pat.busnello@niagararegion.ca](mailto:pat.busnello@niagararegion.ca).

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

Yours truly,



Lindsay Earl, MES, MCIP, RPP  
Senior Development Planner

cc: Mr. Pat Busnello, Manager, Development Planning, Niagara Region

Hello Nick, and Planning Staff,

As a member of the neighbourhood of Matthews Rd, you are probably aware of the stand that these residents took against the attempt of one of our own neighbours to build a Medical Marijuana Facility on our street. Overnight, we captured the attention of not only, our immediate neighbours and those living within a few kilometers, but even including Port Colborne and Niagara Falls residents. Attending and filling City Hall to capacity twice, we managed, with the city councillor's votes to bring about the interim control bans now in place.

While we understand there is a possible need for these MMFs, the issue has always been, where do we allow them to operate? If you research on Google, hundreds of complaints from home owners/townships/communities can easily be found in Canada and in the States. People who have been impacted by the assault of skunky smell DAILY because a Facility came to town. No one is happy. Their lives are changed forever, their homes devalued, if they even consider moving from the neighbourhoods they once loved and called home. This is the issue. Why are our community neighbours who pay their taxes and support this community, the ones to suffer DAILY?

In our case, being in a rural area, we are very near many Agricultural plots of land that could easily become Marijuana sites without proper planning by the city. Also, in our case we live close to a new food manufacture/packaging company. Although they are situated in an industrial zone, they were heard saying they would not want to be close to a MMF which could possibly contaminate the air they require to operate their food business. Is it possible these MMFs require their own specific zone? And if so, the placement would have to be away from residents and even commercial, industrial zones. MMFs are currently allowed in Agriculture zones, but MMFs are NOT your typical crop. They are massive greenhouse operations, with concrete floors, paved driveways and parking lots and secured by high metal fences. Do they really require land that should be used for food planting now, and for future generations? Yes, there are floral greenhouses that are large. Their issue is noise and traffic, probably during the day. MMFs are smelly, night and day, they light up our night skies, they need fans running constantly. MMFs need to neutralize the smell. What other chemicals are they using to do this, and will there be adverse effects from those chemicals?

Proper zone planning is key. Continuous, regular monitoring and inspections for compliance (air, safety, maintenance of equipment) are extremely necessary. Pelham has had its issues for years now, only recently hiring a company to monitor the smell using expensive equipment. Who pays for that? The residents? What a shame! Big business comes to town, makes our little communities stink and we suffer and have to pay for that.

Sincerely,

Karen Young

**From:** Theresa Ettore  
**Sent:** May 18, 2021 9:33 AM  
**To:** Gillian Bulbeck  
**Subject:** RE: more concerns

Good morning Gillian and thank you for your email.

I am happy to pass your email onto Mayor Campion. If you wish to send him an email directly you can send it to [mayor@welland.ca](mailto:mayor@welland.ca)

Attached is the media release that was issued on May 5<sup>th</sup> re: **Seeking Public Engagement For Cannabis Production Land Use Review**. If you have any further questions or comments you can direct them to Nicolas Aiello, Policy Planner if you would like. Nicolas's email is [nicolas.aiello@welland.ca](mailto:nicolas.aiello@welland.ca)

Kindest regards,



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



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

**From:** Gillian Bulbeck  
**Sent:** May 17, 2021 6:17 PM  
**To:** Theresa Ettore <[theresa.ettore@welland.ca](mailto:theresa.ettore@welland.ca)>  
**Subject:** more concerns

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

Ms. Ettore,

Since I do not have any email address for the mayor, I am sending this to you since you seem to be the one who has to respond to his emails. My manager informed me last week that the city of Welland wants it's residents feedback on a grow op facility being built in Welland. She receives news updates from 610 and saw this article. I am curious to know when you will be contacting ALL the residents of this city to get their feedback. I do not get the paper, I do not listen to the news and I don't do social media, so when was

I going to hear about this? Is this another tactic to keep the residents in the dark? The same way you still allow weed shops to pop up everywhere? Oh, in regards to those places, maybe you can enlighten me as to why they all have dark windows so you can't see inside them. That in itself a huge red flag as far as I'm concerned! And the one that's opening on South Pelham? TOKE????? I do hope you have young children or grandchildren that will ask you what that means.

Back to the "facility" the city plans on allowing here. I am 100% against it, as I am sure you know at this point. Have you not learned anything from Pelham? Are you hoping that everyone will just give in and say, oh well, it's just the way the world is going? Has the city of Welland town council ever thought of being different to everyone else and say NO to yet another facility? I guess the city has joined the tolerance bandwagon. Have you ever stopped to think that this would have been considered atrocious and unthinkable just 20 to 30 years ago?

I am pretty sure the city is going ahead regardless of what people say about it. If there is one thing I have learned over the years is that anyone in "power" lies and does not care about what the people who pay the taxes think. Even if 98% of the residents said no to this, the city would still do it because it's all about money. The almighty dollar.

Regardless of what I may think, I am sure there are many other people who want to know about this. When we get a rate increase with hydro, gas or cable TV, we get a notification that this will happen as they are responsible companies. Is the city planning on putting a notification in everyone's mailbox? I certainly hope people are going to know about this.

As I have said before, I am tired of paying taxes to city that really does not care about me or my health. Just a few years ago I could go for a walk and actually breathe in fresh air. FRESH AIR. That is what we should all be entitled to breathe in. Now I cannot go for a walk without smelling that stench everywhere I go. And you want to put a facility here? Have you ever driven down Foss Road or Highway 20?

Please forward this on to Frank Campion. I actually voted for him thinking he might change this city for the good but I am sad to say I am disappointed in how this city is turning out.

Regards,

Gillian Bulbeck-a Welland taxpayer

---

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



December 15, 2020

Letter to City Council at the City of Welland

**City Councillors**

60 East Main Street  
Welland, ON, L3B3X4  
[council@welland.ca](mailto:council@welland.ca)

Dear Councillors of the City of Welland,

My name is Eleanor Pineau, and I am the COO of the company, U Cann Grow Inc – a construction, consulting, and operational management firm for the cannabis industry.

I would like to take this time to briefly comment on the upcoming vote on the Interim Control By-law (ICB) 2019-162 regarding Medical Marihuana Facilities, on December 15<sup>th</sup>, 2020.

I understand that it has been recommended by staff to extend this ICB for an additional year to allow for further research on the impacts of this industry operating in the City of Welland.

In our experience, there is a lot of misinformation/misunderstanding around the various cannabis licenses available from the Federal government. As an example, I wanted to bring to your attention that the current federal regulations regulating the commercial cannabis industry are the **Cannabis Regulations (2018)** and not the **Medical Marihuana Purposes Regulations (MMPRs)** as indicated in the Council Meeting Agenda. There are great and important distinctions between the two. In fact, the MMPR regulations were released in 2013 and replaced by the Access to Cannabis for Medical Purposes Regulations (ACMPR) license in 2016. These licenses, as indicated in their title, are used exclusively for personal, medical use - not commercial. Unfortunately, these licenses are the ones generally responsible for the concerns raised by the public - odour and light pollution.

We feel it is important to maintain this distinction between ACMPR licenses and commercial cannabis licenses under the Cannabis Regulations.

Where there are no regulations pertaining to light and odour emissions, security concerns, and sanitation under the ACMPR licenses, there are extensive standards for these under the Cannabis Regulations. These regulations are designed to protect the immediate community.

For example, we use carbon air filtration systems in each of our grow rooms. These systems continually scrub the air of odourous particles. Each room is also sealed to limit air exchange both within the facility, but also any exhaust. All exhaust fans have custom-made filters to add another layer of air purification before the air leaves the building. Furthermore, the ambient facility air is constantly scrubbed using carbon air filters. We have chosen to use these carbon air filtration systems because they are the same that have been used for decades on the illicit market, where secrecy was of utmost importance. As such, the logic that 1 out of 3 people in Canada grow cannabis in their basement but their neighbours have had no idea, provides evidence of the system's efficiency.





December 15, 2020

Lastly, and what should really be the first point, is that we design, build, and operate all cannabis operations enclosed in industrial buildings. This immediately solves any concerns of light pollution, and greatly facilitates implementing odour mitigation and security systems.

At U Cann Grow, we focus on the commercial licenses issued under the Cannabis Regulations and therefore adhere to these light, odour, security, and sanitation standards. We are confident that we can support the cannabis industry in the City of Welland while working harmoniously with all stakeholders.

In fact, we'd like to invite some City Representatives to our sites in St Catharines. This will allow for a visual demonstration as to how these systems work, and how we've mitigated public concern.

Please also note, that at the recommendation from Staff at the City of St Catharines, we will be organizing a not-for-profit association called the Niagara Region Cannabis Association (possibly as an extension of the Niagara Industrial Association – NIA). The purpose here is to work synergistically with all industry stakeholders to create a thriving cannabis industry.

Please feel free to email me at [eleanor@ucg-fl.ca](mailto:eleanor@ucg-fl.ca) or call at (905) 646-2000 if you have any questions or comments.

Have a FINE day,

A handwritten signature in black ink, appearing to read "Eleanor Pineau".

Eleanor Pineau  
COO  
U Cann Grow Inc.  
[eleanor@ucg-fl.ca](mailto:eleanor@ucg-fl.ca)  
(905) 646-2000  
[www.ucanngrow-fl.ca](http://www.ucanngrow-fl.ca)



June 3, 2021

## Municipal Zoning for Cannabis

We understand that Welland is currently in the process of forming their zoning by-laws in regard to commercial cannabis operations. As such, we at U Cann Grow, wanted to provide some industry-specific knowledge around the subject that we believe will provide great support to the formation of these bylaws.

I'd first like to introduce ourselves: we are U Cann Grow – a company specializing in the design, build, licensing, and operation of **indoor cannabis micro-cultivation** facilities. We have built and licensed multiple facilities and have worked alongside numerous municipalities. We operate across Ontario, working with many different municipalities and their respective by-laws as well as land authorities such as those that govern the environment and conservation. Our team of architects and engineers work at the forefront of new government-mandated HVAC requirements, allowing us to design and build nuisance-free facilities. That means we have systems in place that mitigate the risk of odour, light and noise pollution that are common in the cannabis industry. Part of the reason why we're able to build and operate nuisance-free cannabis facilities is because we work exclusively with INDOOR facilities rather than outdoor farming or greenhouses.

I want to distinguish between the currently available cannabis licenses from Health Canada.

	<b>Micro Cultivation and Processing</b>	<b>Standard Cultivation and Processing</b>	<b>ACMPR (Access to Cannabis for Medical Purposes Regulations)</b>
<b>Commercial or Personal</b>	Commercial	Commercial	Personal*
<b>Canopy limit</b>	2,152sf for cultivation and 600kg for processing. Micro facilities are generally under 8,000sf.	No limits. Example: Canopy Growth in NOTL is 1 million square feet of greenhouse	Limit is on the license – based on medical need
<b>Indoor/outdoor</b>	Both	Both	Both
<b>Security requirements</b>	Medium – Part 4 of CR	High – Part 4 of CR	None
<b>Odour pollution</b>	Section 85 of CR	Section 85 of CR	None
<b>Light pollution</b>	None	None	None

\*ACMPR licenses are for personal medical use – restricting/regulating these is against Charter Rights.

We understand that the majority of concerns from the public stem from odour and light issues. I want to stress that the ability to mitigate odour and light pollution in outdoor cultivations (including greenhouses), is incredibly difficult. However, in indoor operations, the solutions are much simpler and effective. And in Micro indoor facilities, it is even more effective.

U Cann Grow strictly focuses on indoor cultivation. This way, we are able to mitigate odour and light concerns.



June 3, 2021

Other notable concerns raised by the public generally include security, traffic, and noise pollution. I've outlined each of these common public concerns below, and how operating in indoor, micro facilities mitigates each concern.

<b>Odour</b>	<p>We have developed a system with multiple redundancies to clean the air of odorous molecules. First, we use carbon air filters that scrub the air of odours directly inside each grow room. These rooms are sealed to prevent the escape of odours. Any air transfer from inside the room to the ambient facility will occur only when a door is opened to the grow room. When this happens, a small flow of air will move into the ambient facility where we have additional carbon air filters scrubbing the air clean. On the building exhaust, we install custom and carbon air filters to further cleanse the air of any particulates and odours that would cause a nuisance to neighbours. As you can visualize, our systems have 3 layers of redundancy to mitigate any risk of odour escaping the facility and causing a nuisance to neighbours.</p> <p>We have operating facilities that prove this model functions.</p> <p>It's important to remember that Micro facilities are very small (limited to 2,152sf of canopy space). This means that the density of odour molecules is far less than those experienced from Standard operations.</p>
<b>Light</b>	<p>Light pollution is never a problem in our projects because we grow entirely indoors. Both for security reasons and light pollution reasons, there are no windows where cannabis is present. Furthermore, no greenhouses are used. In sum, there is never any light pollution coming from indoor cannabis facilities.</p>
<b>Security</b>	<p>Health Canada regulates security requirements for micro-cultivation facilities. We secure our sites with an alarm and CCTV system, including door contacts, motion sensors, and glass breaks if necessary. The buildings are constructed of durable materials able to withstand unauthorized entry and this too is described to Health Canada during the license application process.</p>
<b>Traffic</b>	<p>As Micro operations are quite small, there will not be increases in traffic to whichever property is in question. The shipments coming to the property, generally only for nutrients and grow medium, would arrive on a maximum frequency of once per month, but more realistically it would be every 4-6 months. The trucks used for these deliveries are generally regular mail shipping vehicles, but there are times where a 40' trailer is used for skids of grow medium, as an example. Shipments leaving the facility would also be completed on a monthly basis, utilizing a vehicle no larger than that of a Purolator truck.</p> <p>In comparison to the Standard cannabis operators, like Canopy and Aurora, their shipments occur every day or every other day, all with large 40' to 53' trucks.</p> <p>In terms of public traffic, it is only once a farmgate retail license is obtained through the province that there would be any increase in public traffic to the area.</p>



June 3, 2021

<b>Noise</b>	In cultivation, we do not use any large machinery that create a lot of noise, so like the light concern, noise is not a concern in our operations. This could be a concern if you're looking at a large Standard Processor that processes huge quantities of cannabis using vats like they do in the alcohol industry.
--------------	--

**Other information**

<b>Structure designation</b>	A2 – we do not use chemicals like what is encompassed in the F designations.
<b>Waste</b>	How we deal with cannabis waste is regulated by Health Canada under the Cannabis Regulations. There is no toxic waste generated.

If you have any questions or comments, we would appreciate opening a more fluid dialogue around how to best regulate the cannabis industry on a municipal level. You can contact email us at [contact@ucg-fl.ca](mailto:contact@ucg-fl.ca) or call us at (905) 646-2000.

Have a FINE day,

Eleanor Pineau  
COO

**Nicolas Aiello**

---

**From:**  
**Sent:** June 4, 2021 8:38 AM  
**To:** Nicolas Aiello  
**Subject:** Re: June 3 Cannabis meeting

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

Good morning Nicolas, thanks for the opportunity to take part in yesterday's virtual meeting. I don't envy your or Rachael's task as it seems to me that other levels of government are restricting just what the City can do.

If I may, I would like to express a major concern that I have which relates to the noxious emissions and current best practices. As you know, Pelham has what appear to be fairly good bylaws to control odors released into the air. However, these do not seem to be working. In the case of Redican, they appear to have installed all of the required filtration systems, yet they constantly release noxious odors into the air. I have notified Pelham bylaws officers and the Mayor of this, yet as of now nothing has reduced the emissions which assault us almost daily. Perhaps one solution for Welland may be to require cannabis producers operating under City jurisdiction to install air monitoring equipment at their location which can alert the City to any out of range emissions and thereby allow the City to require immediate compliance.

Finally, if possible could I be informed of any future meetings. Thank you for your time and effort.

Ray Parry

---

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

**Nicolas Aiello**

---

**From:** James Tupman  
**Sent:** June 3, 2021 5:39 PM  
**To:** Nicolas Aiello  
**Subject:** Comments to the Cannabis Production Land Use Review and Policy Formulation Meeting

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

Hello:

My name is Jim Tupman and I live at 344 Hillsdale Rd in Welland. I'm a relative newcomer to this city, having lived the previous 42 years in Niagara- on-the-Lake.

I tell people that I "escaped" from NOTL, only semi-humorously, because my wife and I really did feel that we were driven out of the town, our once happy life there having been destroyed by the advent of a new industry, and the serious errors made by the town council, when dollar signs crowded out their common sense.

Since our arrival here, we have been delighting in a variety of aspects of Welland, of which we knew little. I cite, for example, the sights and smells of the large Farmer's Market, recalling memories of the one which once lay at the centre of Kitchener as I was growing up there.

More, we have enjoyed the parks: Chippawa park near our home and Lovely Merritt Island. We have ridden our bicycles along the pretty parkland trails beside the Old Welland Canal from Townline Road to the northern tip of Merritt Island, marveling all the while at the vision and courage of those who fought to retain the old canal, when the Ontario Dept of Highways wanted to drain the canal and build Highway 406 down its former course.

Some of these decisions must have been very difficult with the financial loss created by the closure of major industries such as Atlas Steel and John Deere. One can certainly understand the financial appeal of welcoming the marijuana farming industry.

This thought brings us to the one shocking drawback which we discovered in Welland: the abysmal stench emanating from a cannabis production facility on Foss Road. We can seldom drive into Fonthill to visit our granddaughters without being assailed by this horrible skunk-like odour. We have noticed it as far east as Rice Road, and occasionally even in our own backyard, a few kilometers to the southeast.

That's one grow-op, and now there are proposals for more!

In NOTL , a beautiful organic community set within miles of orchards, someone decided to try planting a vineyard. Within less than 50 years, almost all orchards disappeared and wineries sprang up like mushrooms. Vineyards brought the need for wind machines on frosty nights (essentially the roar of helicopters outside one's windows) and propane powered cannons in the daytime to scare away the birds. The wineries, in turn, vying for business, set up outdoor concert venues with highly amplified sound echoing through the residential streets. All this brought in a plethora of tawdry shops and hordes of tourists, until the roads into this emporium were plugged.

One industry did this damage. I don't want to see a similar cataclysm here in Welland. Right now, city fathers rejoice in projections of rapid growth in population, with the new housing and tax income which will result. The present rapid rise in real estate values, can and will reverse itself if the city becomes unbearable due to the stench of cannabis production.

Welland has come too far in overcoming the damage of the old industries and remaking itself into a lovely community of parks and waterways to throw away this progress on the promise of tax income from cannabis growing. Despite some promises of stifling the stench, note that nobody has discovered a method—it may well be impossible.

Unlike the avaricious NOTL council, please be proactive in putting Welland and its residents first. Ban the pot farms and save the community.

Your children will thank you.

---

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

Date: September 22, 2021

## Report on Municipal Zoning for Cannabis

I want to start off by acknowledging the real concerns brought forth by citizens, industry partners, government, law enforcement, and all other stakeholders. For example, odour emissions are disruptive, just as mushroom farm odours are disruptive to those around them. And light pollution injures all living beings, like plants, birds, and other animals, not just humans.

These are valid concerns and U Cann Grow has stepped up to the challenge to solve these problems, and that's why I'm sending this report to you today. Our goal is to be a community partner both through the re-education of stakeholders regarding cannabis and its impacts, and through actual operations of facilities, providing proof of concept and community integration.

Below, I go through the most common concerns brought forth by stakeholders, and discuss each point through the lens of INDOOR cultivation (in **industrial zones**, not agricultural/rural):

1. **Odour:** Odour is the most common concern. Firstly, I must describe the plant lifecycle, so you have an understanding as to when odour is produced by cannabis plants. Just like roses or lilacs, cannabis only smells when the flower opens. This means that as a seedling and vegetative plant, cannabis does not produce odour. Therefore, cannabis businesses operating as a Nursery, would not produce odour. In a cultivation site, where cannabis is being grown for the flower, odour will be produced. Odour is produced in the last few weeks of the flowering cycle (flowering cycle spans 8-12 weeks; at the earliest, odour is produced at week 4. However, the odour production may not be significant.) and continues to emit odour molecules once dried.
  - In the case of cannabis flower cultivation, there are many systems that can be put in place to prevent the escape of odours to the outside, each with redundancies.
    - i. For example, carbon air filters scrub the air directly inside each Flowering grow room. These rooms are also sealed to prevent the escape of odours. Any air transfer from inside the room to the ambient facility would occur only when a door is opened to the Flowering room. When this happens, a small flow of air will move into the ambient facility where additional carbon air filters scrub the air clean. On the building exhaust, carbon air filters are installed to further cleanse the air of any odours that would cause a nuisance to neighbours. Our engineer has also developed closed-HVAC systems where the air from the Flowering rooms never exchanges with ambient facility air or outdoor air. Instead, the air is constantly recirculated and cleaned through in-HVAC filtration. Our systems have successfully mitigated any risk of odour escaping the industrial facility and causing a nuisance to neighbours and complies with section 85 of the Cannabis Regulations.
    - ii. One of our facilities in St Catharines abuts residential zones and there have been no complaints of odour. We have had government officials inspect the premises during a cultivation cycle, and have received no corrective action.
  - Because cannabis is a new industry, no buildings exist that already comply with section 85 of the CR. As such, renovations will need to be made to existing buildings intended to be used for cannabis flower cultivation. As a result, through the use of building permits and site plan control, as recommended by staff, the municipality can ensure that stamped engineered drawings are used to perform any renovations, and therefore would comply with section 85.
2. **Separation Distances:** it is true that 150m separation distance is the most common distance used by other municipalities. However, there is very little justification for this setback compared to any other separation



Date: September 22, 2021

distance. It is often claimed that the setback will aid in odour mitigation, however, we all know that this won't impact odour mitigation in the slightest. We've all driven down the QEW or have sat in Pelham and smelt cannabis odour coming from the large cannabis facilities kilometers away. Another example is that I lived about 4km – as the bird flies – from a mushroom farm, and if the wind was blowing right, I could smell it. Whether the smell was offensive or not is besides the point. What will mitigate odour issues is air filtration and ventilation technology, not setbacks.

- With this, a 150m setback in industrial zones in Welland, provides little property that would be suitable for a cannabis business. Instead, business owners will have to setup on Agricultural land where odour control is incredibly difficult. We advise that the setback distance for industrial zones remain unchanged from 70m so as to encourage cannabis business setup here, rather than in agricultural zones. Industrial zones also have no light pollution (discussed later).
  - Lastly, it is understood that under the D6 guidelines, a 150m setback is recommended for truck noises, indoor production noises, and worker shifts. It is advisable to consider the size of the cannabis operation when considering these D6 points. **Micro** cannabis facilities are very quiet and have very little traffic, whereas **Standard** cannabis facilities have much more and may warrant this 150m setback.
3. **Light Pollution:** operating in an industrial building would prevent the escape of light because as per Health Canada's regulations, having windows into the facility (other than the front entry way or non-production areas), would go against the security requirements. For outdoor cultivation, I recommend requiring black-out curtains, and I would require this for all agricultural operations, not just cannabis, but that's a different discussion.
  4. **Crime & Enforcement:** As part of the license application to Health Canada, it is required to inform the police of the applicants' intent to operate a federally licensed cannabis business. We greatly appreciate this because if ever we need support, our local law enforcement is already aware of our operations and what kind of perpetrators may be on scene. Crime is much easier to control with legal facilities as opposed to illegal.
  5. **Property Value:** although there is no specific data that speaks to the influence of a cannabis company being in proximity to residences or other zones and its effect on property value, we believe, that like having an LCBO, Walmart, or Tim Hortons close to housing, cannabis business will also increase surrounding housing values. Of course, this is contingent on limiting potential negative impacts of the business – but as I'm outlining here, all concerns either don't actually exist or can be remedied through indoor, industrial cannabis operations.
  6. **Traffic Impacts:** Micro Cannabis and Nurseries will generally have small, infrequent shipments/deliveries (about once every week or 2) from SUV-sized vehicles, up to a 20' truck. A Standard Cultivator, like Canopy or Aurora, will have much more frequent shipments/deliveries. If a cannabis business gets a farmgate retail license approved by the province, then traffic would increase because now you'll have the public coming to purchase product directly from the site, just like NOTL fruit stands and wineries.
  7. **Environmental Impacts:** It's true that there is no evidence that cannabis causes any more environmental impacts than any other crop. Further to this, in indoor agriculture, the use of water, fertilizers, and pesticides is reduced by 90% compared to outdoor or greenhouse agriculture. This is because water re-catchment systems can be used as opposed to letting the inputs drain into the ground or evaporate into the atmosphere. Therefore, this style of agriculture – that's indoors – would actually reduce the environmental impact compared to typical agricultural practices.

Date: September 22, 2021

### **Conclusion**

**In conclusion, I'd like to present some zoning by-law recommendations to you, as an industry member.**

Currently, municipalities have not yet taken into consideration the different sectors within the cannabis industry.

These are relatively new, since 2018, with the establishment of new licenses from the sole Medical License.

Nurseries are different from Cultivation sites, Processing is different from Cultivation, and Micro is different from Standard. In order to implement a comprehensive zoning by-law, we need to address each type of federal license.

My recommendations in terms of zoning amendments are as follows:

- For indoor agriculture: As part of site plan control, I would specifically request Engineered drawings with engineer's stamp that states cannabis odour will not escape the building to disrupt surrounding community members.
  - For a nursery, this should not be required because nurseries do not produce cannabis odour. Recall that odour is only emitted by cannabis plants during the flowering phase – nurseries do not produce flowering plants.
- Industrial zone setbacks should be 70m to sensitive land use.
- Light impact studies should not be required for indoor operations since there would never be any agricultural light escaping the building. However, for outdoor cultivation, blackout curtains should be mandated.
- Environmental studies should not be a requirement under site plan control for Nursery or Cultivators but may be important for Processors.

Make **industrial zones** for cannabis production more appealing than agricultural zones since stakeholder concerns can be fully addressed with **indoor** cannabis business.

Lastly, I want to leave on this note: we must be careful in regulating the cannabis industry too much because, if there's no place to go, they'll stay where they are. What I mean can be exemplified by what happened in Lincoln: the Town of Lincoln set new zoning bylaws that allow for cannabis, but then when you read them, there actually isn't any property within the municipal boundaries that would comply with the new bylaws. Specifically, this came from the setback requirements. I find that many people want to come over to the legal market from the illicit market, but if the laws outright prevent them, then they will continue operating illegally, and we know how difficult it is to regulate and police them.

**I would like to leave off by inviting you to one or two of our cannabis cultivation facilities for a tour.**

Thank you very much for your consideration.

Have a FINE day,

Eleanor Pineau  
 COO and Director of U Cann Grow and FINE Cannabis  
[elleanor@ucg-fl.ca](mailto:elleanor@ucg-fl.ca)

Concerned Residents of Welland  
Welland, ON L0S 1K0

Thursday, September 9, 2021

Nicolas Aiello - City Planner, Tara Stephens - City Clerk  
City of Welland, Civic Square, 60 East Main Street  
Welland, ON L3B 3X4  
[nicolas.aiello@welland.ca](mailto:nicolas.aiello@welland.ca)  
[clerk@welland.ca](mailto:clerk@welland.ca)

Dear Mr. Aiello & Ms. Stephens,

Please accept the following letter as our written submission regarding the proposed changes to Zoning By-law 2017-117 and our request to participate in the statutory public hearing to be held by council on September 21, 2017.

We represent the group of Welland residents who presented to council in December 2019 regarding the numerous issues related to cannabis facilities. We stressed at the time that the issues around cannabis were complex and that it was critical that Welland take the time to develop thorough and effective regulations. While the development on Matthews Road that was our immediate focus at the time is no longer under active consideration, the group remains very concerned with the devastating impacts that improperly regulated cannabis developments can have on communities like ours across Welland. We appreciate the time you have taken to prepare the draft recommendations and would like to provide the following comments and suggestions which include suggestions on the overall approach

#### Community Engagement

We appreciate the efforts by the City and commend staff for the work they have done in developing the proposed regulations. While we want the focus of our comments to be constructive suggestions regarding the proposals, we feel compelled to express concerns about the ineffectiveness of the community engagement process. Considering this issue twice overflowed council chambers as well as a public community meeting called on 24 hours' notice, the limited responses that were received should raise questions about the effectiveness of the engagement process the city is using. We stress that concern within the community has *not* diminished despite the nearly two-year delay since numerous citizens presented and communicated with the city and councilors regarding the importance of this issue. In spite of repeated follow-up inquiries made regarding the status of the cannabis issue and offers to actively participate, no direct outreach to any of these residents has been made by the City. The engagement process appears to depend heavily on the city's "Your Channel" site which few residents are aware of, and which is not very evident on the City's website. There is nothing on the City's homepage advertising the process and even a key word search of the City's website for "cannabis" returns only a couple of media release notices which do not reference the "Your Channel" site. While there is a link to "Your Channel" on the City's homepage, there is nothing to explain what "Your Channel" is or any reference to the City's efforts on the Cannabis issue or the request for community

input. Further indication was the extremely limited attendance at the June virtual public meeting. While many residents were simply unaware of the meeting, there were also problems getting admitted to the meeting. We waited for over 30 minutes to be “admitted” to the meeting before finally being admitted. We acknowledge and appreciate that staff took the time to repeat their presentation entirely for us and hear our concerns and comments but wonder how many other residents could not access the meeting or simply gave up and left before being admitted. By contrast, other municipalities highlight the issue directly on their website and have proactively, rather than passively, engaged with residents and some, like Pelham, formed advisory committees to actively involve residents and benefit from the wealth of knowledge they possess. We recommend the City highlight the issue directly on the City’s website with direct links to the information and making it clear they are seeking input. We also recommend the City more actively seek community engagement including following up with direct communication with those residents that have communicated with council or the city on the issue and by asking local news organizations to publish stories detailing the City’s efforts and the request for community input.

We also recommend, as we suggested to staff at the June public meeting, that the City engage with the Niagara Regional Police (NRP) to learn what problems they have been experiencing with Cannabis facilities. We have spoken directly with the lead NRP officer who coordinates with the OPP and RCMP on cannabis. They have experienced a dramatic increase in problems related to cannabis facilities. Like many municipalities and residents, they are very frustrated by the lack of enforcement by Health Canada and other federal and provincial agencies and the lack of effective regulations they can use to address the problem. We have been told of many problems with illegal activity hiding behind licensed sites. With Health Canada refusing to enforce compliance or delegate enforcement, police are often left with limited authority to act unless they can catch illegal shipments in transit. The NRP staff indicated an eagerness to work with municipalities and, while municipalities can hardly make up for all failures at the federal and provincial level, we believe that staff and Council can only benefit by hearing first-hand what issues the NRP has been dealing with as the City seeks to develop effective regulations.

#### Key Principals

Critical lessons learned from the experience of other municipalities include:

1. The existence of federal regulations (including requirement for air filtration) has been completely ineffective and municipalities should not rely on them.
2. Zoning regulations and site control are critical but only one component of an effective framework and must be accompanied by effective nuisance and odor bylaws.
3. Regulations that lack effective measures with meaningful penalties to ensure compliance will be ineffective and leave municipalities and residents frustrated.

***We strongly recommend that Welland develop a nuisance and odor bylaw to address the most critical problems with developments that create such negative impact on the community. These regulations must include serious penalties to ensure compliance.*** The experience of other communities shows that while facilities may show great control measures on paper during development, once they are operating it is very difficult to address problems when those controls are not implemented or are ineffective.

### Proposed Zoning Amendments

We agree with the majority of staff's recommendations regarding the zoning and site control but offer the following comments and recommendations.

#### Site Control

We believe strongly that all cannabis developments should be subject to a site control process to allow site and development specific issues to be addressed on a case-by-case basis. Considering the wide impact that cannabis developments have had, we recommend that all residents and property owners within 5km of such developments are notified of the proposed development and provided an opportunity to comment during the site control process. Finally, any site control agreement should provide the city with meaningful remedies for non-compliance including significant economic penalties. We suggest the City obtain security deposits for developments that could be released once a development demonstrates light and odour controls are operational and effective. We also recommend that, in addition to the light impact from growing operations, the impact of street lighting be considered. The Matthews Rd development proposed adding 8 streetlights to a quiet rural street lined with residents who value being able to observe the night sky. The issue of light pollution is a growing concern both across Canada and globally with various dark skies initiatives and Welland should be a leader in protecting its rural residential settings.

#### Minimum Setback & Planting

We agree with the recommendation for 150m setbacks but recommend they apply to all properties not in industrial zones and at the this setback is not limited to sensitive land uses. Absent this, the regulation would effectively limit what a rural landowner can do on his lot in the future (i.e. build a home on the portion of his property adjacent to such a development). We also believe the 3 metre planting strip stipulation should include minimum height requirements.

#### Existing Lot of Record Loophole

When considering the proposed Matthews Rd cannabis development in 2019, Welland planning staff were of the opinion that, as an existing lot of record, the site was exempt from the frontage and lot coverage requirements in the existing zoning by-law. While we strongly disagreed with staff's opinion and provided legal opinions to the contrary, we believe it is important that council now eliminate this potential loophole. While it makes sense to exempt existing uses on existing lots of record, it seems illogical to pass such critical regulations but not apply them to new uses or developments on an existing lot of record. This would not preclude a landowner applying for a zoning amendment if they felt this unduly restricted an existing lot, but exempting existing lots completely from critical requirements eviscerates the regulations. In the case of the Matthews Rd proposal, staff's interpretation was that the development was exempt from the requirement and so was set to be approved by staff with no review by council in spite of the fact the site was nowhere close to the site coverage requirements council placed in the current zoning bylaw. It is critical that council eliminate this possibility.

Conclusion

Again, we would like to acknowledge and commend the efforts of staff to develop these important regulations and hope that you find our comments and recommendations helpful.

Sincerely,

Concerned Residents of Matthews Rd

Lori & Fred May, Matthews Rd, Welland

Karen & Bob Young Matthews Rd, Welland

Kim Laraby & Tim Hall, Matthews Rd, Welland

Alison & Chris Wills, Matthews Rd, Welland

Holly & Simon Kock, Matthews Rd, Welland

cc: Mayor Frank Champion, Councillor Brian Green, Councillor Tony DiMarco, Councillor Graham Speck

**From:**  
**To:** [Nicolas Aiello](#)  
**Subject:** Re: Report P&B-2021-43: Regulation of Cannabis Production Facilities - August 10, 2021 Welland Council Meeting  
**Date:** August 7, 2021 1:00:17 PM

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

Hi Nicolas, thank you for sending me this. After reading through the Report I was really impressed with the obvious amount of work and thought that has gone into it. Overall I cannot disagree with the findings and recommendations. While I understand the reasoning, the one area which really concerned me relates to setbacks of 150 and 70 meters. These are simply not enough. We live approximately one kilometre from the Redecan operation and at times we and our neighbours lives are an absolute misery due to the noxious emissions. I would urge Staff and Council to look for any way that they can to increase setbacks in order to avoid ruining Welland residents wellbeing and peaceful enjoyment of our City.

Sincerely

Ray Parry

On 2021-08-06 4:22 pm, Nicolas Aiello wrote:

Good Afternoon,

Please be advised that Staff Report P&B-2021-43 regarding the Regulation of the Cannabis Production Land Use in Welland will be presented to Welland City Council on Tuesday August 10, 2021.

To view the report, please see the below Council Agenda link and refer to Pages 213-238.  
<https://www.welland.ca/Council/c2021/SCA20210810.pdf>

If you have any questions, please do not hesitate to contact me.

Kind regards,

**Nicolas Aiello**  
 Policy Planner  
 Development and Building Services  
 Corporation of the City of Welland  
 60 East Main Street, Welland, Ontario L3B 3X4  
**Phone:** (905)735-1700 Ext. 2132 **Fax:** (905)735-8772  
[www.welland.ca](http://www.welland.ca)



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

---

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



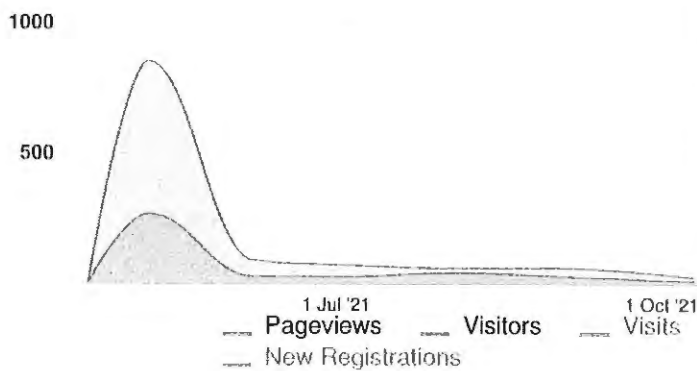
# Project Report

26 April 2018 - 12 October 2021

## YourChannel Welland Cannabis Production Land Use Review



### Visitors Summary

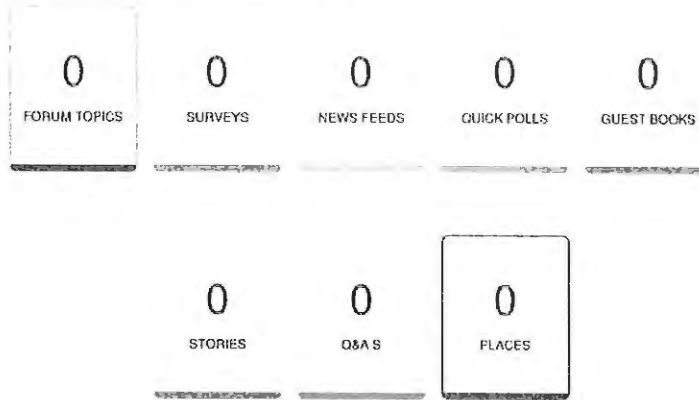


### Highlights

TOTAL VISITS	471	MAX VISITORS PER DAY	114
NEW REGISTRATIONS	10	ENGAGED VISITORS	30
		INFORMED VISITORS	163
		AWARE VISITORS	345

Aware Participants		Engaged Participants		
345		30		
Aware Actions Performed	Participants	Engaged Actions Performed		
		Registered	Unverified	Anonymous
Visited a Project or Tool Page	345			
Informed Participants	163	Contributed on Forums	0	0
Informed Actions Performed	Participants	Participated in Surveys	0	0
Viewed a video	0	Contributed to Newsfeeds	0	0
Viewed a photo	0	Participated in Quick Polls	0	0
Downloaded a document	19	Posted on Guestbooks	0	0
Visited the Key Dates page	11	Contributed to Stories	0	0
Visited an FAQ list Page	0	Asked Questions	0	0
Visited Instagram Page	0	Placed Pins on Places	0	0
Visited Multiple Project Pages	132	Contributed to Ideas	30	0
Contributed to a tool (engaged)	30			

## ENGAGEMENT TOOLS SUMMARY



Tool Type	Engagement Tool Name	Tool Status	Visitors	Contributors		
				Registered	Unverified	Anonymous
Ideas	Thoughts and Idea Board	Archived	101	30	0	0

## INFORMATION WIDGET SUMMARY



Widget Type	Engagement Tool Name	Visitors	Views/Downloads
Key Dates	Key Date	11	14
Document	Medical Marihuana - Interim Control By-law.pdf	6	6
Document	City of Welland - Industrial and Agricultural-Rural Zoning.pdf	6	7
Document	Cannabis Act (S.C. 2018, c. 16)	5	5
Document	Medical Marihuana - Interim Control By-law extension.pdf	4	5
Document	FINAL PB-2021-43 - Regulation of Cannabis	3	3
Document	COW-Cannabis Presentation: Public Info Meeting - Sept 9	2	2
Document	Cannabis Production Land Use Review Public Open House Slides.pdf	2	2

## IDEAS

### Thoughts and Idea Board

Visitors <span style="border: 1px solid black; padding: 2px;">1102</span>	Contributors <span style="border: 1px solid black; padding: 2px;">310</span>	CONTRIBUTIONS <span style="border: 1px solid black; padding: 2px;">197</span>
<p>05 May 21</p> <p><b>Sciller11</b></p> <p>VOTES <span style="font-size: 1.5em;">4</span> UNVOTES <span style="font-size: 1.5em;">0</span></p>	<p><b>Unpleasant smell</b></p> <p>I think this will reduce the value of any homes that will be down wind or near any facility. I personally would never purchase a home near one. Permitting such a facility on the outskirts, northeast or east of town to be considered.</p>	
<p>05 May 21</p> <p><b>E Ugolini</b></p> <p>VOTES <span style="font-size: 1.5em;">6</span> UNVOTES <span style="font-size: 1.5em;">0</span></p>	<p><b>The smell that comes from the greenhouses needs to be vented, filtered differently than it is now.</b></p> <p>Fumes, smell are horrible</p>	
<p>05 May 21</p> <p><b>RebeccaEaton</b></p> <p>VOTES <span style="font-size: 1.5em;">3</span> UNVOTES <span style="font-size: 1.5em;">0</span></p>	<p><b>Absolutely Not!!</b></p> <p>For those of us who get migraine headaches from the smell it would be atrocious. There are areas in Pelham I avoid because of the production allowed there. Welland should focus on being a city for well to do, working class, family orientated people. Instead of promoting this how about Welland do something with the the NRPS to clean up the many drug houses in Welland and get them out of our residential zones. Furthermore let's have Welland focus on cleaning up the criminal porch pirates who rob from hard working people. If you want to attract people to Welland this is where you need to start.</p>	
<p>05 May 21</p> <p><b>Cvk</b></p> <p>VOTES <span style="font-size: 1.5em;">3</span> UNVOTES <span style="font-size: 1.5em;">0</span></p>	<p><b>Foul Smelling and Security Issues</b></p> <p>These greenhouses and production facilities are very foul smelling, so new air filtration would need to be designed to keep the smell from escaping. There are also potential security issues if these facilities are moved within city limits because of what the product is.</p>	

## IDEAS

### Thoughts and Idea Board

<p>05 May 21</p> <p><b>WellandResSM</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	3	0	<p><b>Consideration for Residents has to be the top priority!</b></p> <p>Many in Welland are impacted by the Pelham site. Many times a day and night you have to go inside because of the heavy stench. We cannot have our windows open at night. Even with windows closed the smell seeps into the house, you get into your car and all you can smell is cannabis, children waiting for school buses in the early morning subject to the heavy smell. When the growing operation opens their vents this smell can travel many kilometers but for those closer it is extremely bothersome and concerning. Health Canada does not care at all so our town must look after its taxpayers. Regulations for proper filtering, containment, venting must be put in place before any new facilities are allowed as well as processes to ensure those regulations are followed and if they are not the proper fines applied.</p>
VOTES	UNVOTES				
3	0				
<p>05 May 21</p> <p><b>pbryan3</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">4</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	4	0	<p><b>We don't need more cannabis production facilities.</b></p> <p>In the Niagara Peninsula, we are seeing more and more agricultural land being turned into growing facilities for cannabis. If we are going to erect more greenhouses then they should be for the production of food, not recreational drugs.</p>
VOTES	UNVOTES				
4	0				
<p>05 May 21</p> <p><b>bbiller</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">6</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	6	0	<p><b>NO MORE!!!</b></p> <p>Sick and tired of the skunk like smell wafting all over the city. Disgusting and ruins outdoor enjoyment of properties.</p>
VOTES	UNVOTES				
6	0				
<p>05 May 21</p> <p><b>Barbarapc</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p><b>Prohibit Cannabis Production in Welland Permanently!</b></p> <p>Unlike food, wine and ornamental horticulture production, there is absolutely nothing to recommend in the production of cannabis for anyone who has the misfortune of being anywhere near one of these production centres. They are filthy. Both the light and air pollution are vile. There are no positives for the citizens of Welland in permitting our land to be used in the production of cannabis.</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p><b>Mario Fifthfret</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p><b>Absolutely no cannabis in Welland area!!</b></p> <p>Very against any cannabis growing or other cannabis activity in Welland or surrounding area!!!!</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p><b>Lbryan9</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p><b>Cannabis growing ties up land that we need to restore to food production, more important for all, not so me, as land is lost to development.</b></p> <p>We all need food. We don't all need cannabis.</p>
VOTES	UNVOTES				
1	0				

**IDEAS**

Thoughts and Idea Board

<p>05 May 21</p> <p><b>MikeS</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td>1</td> <td>0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p>Welland can either get in front of production or try to catch up, it's here to stay let's give it a chance here in Welland.</p> <p>Welland has lots of land available for production, the wine industry has been a leader for so many years , funny no one complains of the fertilizer sprayed continuously there, let's get in front of this huge opportunity it already here anyway and it's going to stay, let's get our community employed rather than our children having to move away for employment. There are an abundance of other businesses that develop as a result of these horticulture buildings let's take this huge employment opportunity and make it grow along with the Cannabis industry, out with the old thinking in with the new , Welland can use as many employment opportunities as can come to our wonderful city . Let's be a leader in the industry if not someone else will capitalize as our city can only offer stores vs manufacturing in this new day and age , btw if it was a wine producer or beer producer there is always a smell however technology is finding ways to tone it down now if only some of the farmers at certain times can learn the same. Other areas would welcome this with open arms..as there's is taxes and employment opportunities in numerous levels.</p>
VOTES	UNVOTES				
1	0				
<p>05 May 21</p> <p><b>WellandResSR</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td>2</td> <td>0</td> </tr> </table>	VOTES	UNVOTES	2	0	<p>How can business's be allowed to pollute the air I breathe?</p> <p>I understand that these greenhouses can be built such that there is no smell as the discharged air is scrubbed clean. Let's start by forcing the existing greenhouses to install this technology? And NEVER allow new installations without this technology.</p>
VOTES	UNVOTES				
2	0				
<p>05 May 21</p> <p><b>RougeNoir</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td>2</td> <td>0</td> </tr> </table>	VOTES	UNVOTES	2	0	<p>You need to find a way to keep the smell out of the air. We should all be able to enjoy fresh air and not the horrid stench of cannabis.</p>
VOTES	UNVOTES				
2	0				
<p>05 May 21</p> <p><b>CVE</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td>1</td> <td>0</td> </tr> </table>	VOTES	UNVOTES	1	0	<p>No...Don't do it!</p> <p>Residents did not buy and build in the country on what now are close to million dollar properties, to smell marijuana 24/7. In addition, they pay huge taxes for very little service(s). Don't anger the masses that elected you because voters remember. Make the decision that is best for the community and let them live "smell" free!</p>
VOTES	UNVOTES				
1	0				
<p>06 May 21</p> <p><b>MySay</b></p> <table border="0"> <tr> <td>VOTES</td> <td>UNVOTES</td> </tr> <tr> <td>0</td> <td>0</td> </tr> </table>	VOTES	UNVOTES	0	0	<p>Why would Welland consider angering the residents by doing this? Haven't we learned enough by the Petham facility which we can smell BYW! NO</p> <p>Absolutely Not....No!</p>
VOTES	UNVOTES				
0	0				

## IDEAS

### Thoughts and Idea Board

<p>06 May 21</p> <p>tanshaw</p> <p>VOTES 1</p> <p>UNVOTES 0</p>	<p>Customer Complaints</p> <p>We are a long established business in Welland since 1980. My customers are complaining about the stench from across the street. Why have my concerns not been addressed? If our store was producing a chemical or any other smell that wafted all over the area, I wonder if the city would ignore complaints from all my neighbors like they have with all our complaints against this production facility? Why is it that because it's cannabis, they let it go?</p>
<p>06 May 21</p> <p>sgtspeed</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>The problem is the smell, there is lots of land in Welland, we have a dump that smells with no complaints, find a like spot for this use.</p>
<p>06 May 21</p> <p>James A</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Welland Council take heed: block the profit seeking promoters of a cannabis development before irreversible damage is done to your community</p>
<p>07 May 21</p> <p>fz7m0d</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>If the odors that emanate from these types of operations can't be eliminated, they don't belong anywhere within miles of residential areas.</p>
<p>07 May 21</p> <p>lynn</p> <p>VOTES 1</p> <p>UNVOTES 0</p>	<p>I understand the need for Welland to diversify their portfolio, but haven't we learned from other municipalities?</p> <p>The factory that processed the green bin waste on Rusholme was outside of the residential area, but still several complaints due to smell and ultimately closure. Keep it out of Welland.</p>
<p>08 May 21</p> <p>Symone50</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Absolutely not</p> <p>There's plenty of evidence from other municipalities. The stench is horrible. Do you really want that in the air when we host a portion of the Canada games, rowing etc. It would be embarrassing. Stores I have no problem with. But growers and the consequences of it doesn't seem to fit with what the City has been trying to do in the last 10 years. It won't produce more jobs. A lot of it automatic and what about the increase of crime? A whole slew of issues.</p>

## IDEAS

### Thoughts and Idea Board

<p>09 May 21</p> <p>lmdbeaudoin</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Something has to be done about the smell. It's horrible. There has to be something that can be done about this.</p>
<p>10 May 21</p> <p>bjasmine</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>I'm all for it, provided that any grow near residences has very strong odor control.</p>
<p>17 May 21</p> <p>Lindave</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>These facilities create harsh odor. Therefore they need to be in industrial areas ONLY and at least 5 km. away from any residential space.</p>
<p>22 May 21</p> <p>Kellie</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>The smell from grow-ops for Marijuana is foul and should be bylaws in place that these businesses must have adequate filtration systems.</p> <p>NOT LIKE THE SMELL FROM PELHAM!</p>
<p>25 May 21</p> <p>Ann H</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>Instead of seeing nothing but the dollar signs, Welland should take a page from the Pelham book with all the complaints about foul smells and</p>
<p>28 May 21</p> <p>ucg-f1</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p>If we make it too hard for cannabis people to grow legally, they'll just do it illegally and unregulated.</p> <p>I'd rather have eyes on it and regulate the odour and light pollution.</p>
<p>28 May 21</p> <p>ucg-f1</p> <p>VOTES 0</p> <p>UNVOTES 0</p>	<p><b>Odour Mitigation</b></p> <p>If we limit cannabis facilities to only grow indoors, then odour can be eliminated. There's a lot of new HVAC systems out there that control odour. The reason we're all smelling cannabis all the time is from the ACMPR grows (which have no regulations on odour) and outdoor commercial grows, not from indoor commercial grows.</p>



## IDEAS

### Thoughts and Idea Board

24 JULY 21

Shortstacks




I'm all for the idea it will create jobs for the city which is much needed.

VOTES

0

UNVOTES

0

APPROVALS	
DIRECTOR	
CFO	
CAO	

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**  
**PLANNING DIVISION**

20-97

**REPORT P&B-2021-64**  
**NOVEMBER 2, 2021**

**SUBJECT: PROPOSED STORM SEWER AND GROUNDWATER MANAGEMENT SYSTEM AGREEMENT WITH ST. LAWRENCE SEAWAY MANAGEMENT CORPORATION AND 555 CANAL BANK DEVELOPMENTS GP INC. FOR DAIN CITY SUBDIVISION (FILE NO. 26T-14-06002) FOR LANDS EAST OF CANAL BANK STREET, NORTH OF FORKS ROAD, SOUTH OF TOWNLINE TUNNEL ROAD AND WEST OF THE WELLAND CANAL**

**AUTHOR: TAYLOR MEADOWS, BURPI DEVELOPMENT PLANNER**

**APPROVING SUPERVISOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
MANAGER OF PLANNING**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A, MCIP, RPP  
DIRECTOR  
PLANNING AND DEVELOPMENT SERVICES**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND approves the entering into a Storm Sewer and Groundwater Management System Agreement with St. Lawrence Seaway Management Corporation and 555 Canal Bank Developments GP Inc. with respect to residential Plan of Subdivision(s) (Dain East) located east of Canal Bank Street, North of Forks Road, South of Townline Tunnel Road and west of the Welland Canal; and further,

THAT WELLAND CITY COUNCIL authorizes the Mayor and Clerk to execute any necessary documents associated with the agreement.

**ORGIN AND BACKGROUND**

The stormwater management system for the Dain East Plan of Subdivision (26T-14-06002) has been designed to ultimately drain into the Welland Shipping Canal after being captured in stormwater management ponds. The water will flow towards the east through storm sewers that will ultimately outlet through a pipe over the St. Lawrence Seaway Authority lands and into the canal. In order to permit this stormwater design and the outlet, an agreement with the Seaway Authority is required. The City is included as a signing party as once the subdivision is fully constructed, and the maintenance period expires, the

City will own this infrastructure, including the outlet over the Seaway Authority lands. This report is being brought forward to accommodate the development and allow the developer to move forward with meeting the remaining conditions for Phase 1 of the subdivision. The Developer is in the process of fulfilling the requirements of Draft Plan Approval and is in the position to sign the appropriate Agreement.

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

To fulfill the requirements as requested in the Subdivision Agreement for the Dain City Subdivision (File No. 26T-14-06002), in this instance the approval of their stormwater management plan, the Owner (555 Canal Bank Developments GP Inc.) is required to enter into an agreement with the St. Lawrence Seaway Management Corporation. The Agreement will address the construction and maintenance of a storm sewer system on lands under the control of the St. Lawrence Seaway Management Corporation.

The subject lands are anticipated to discharge stormwater into the adjacent canal system. In the future, the City of Welland is expected to assume responsibility of the infrastructure related to stormwater management. As such, the City is to be included as a party to the agreement.

#### **FINANCIAL CONSIDERATION:**

All of the costs associated with the registration of this agreement, and the subsequent stormwater works described within will be the responsibility of the Developer.

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

At this time, there are no implications to other Departments as a result of the subject of this report.

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

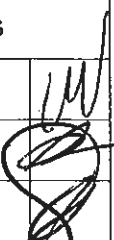
The effect of the agreement is to facilitate the construction and development of the Dain City Subdivision (File No. 26T-14-06002), known as Dain City East. It is therefore recommended that the Mayor and Clerk to be authorized to enter into this tri-party Storm Sewer and Groundwater Management Agreement.

#### **ATTACHMENTS:**

- Appendix I - Key Map
- Appendix II - Draft Plan of Subdivision (Dain City East)





APPROVALS	
DIRECTOR	
CFO	
CAO	

21-22

**COUNCIL**  
**PLANNING AND DEVELOPMENT SERVICES**

**REPORT P&B-2021-65**  
**NOVEMBER 02, 2021**

**SUBJECT: APPLICATION FOR CITY WIDE ZONING BY-LAW AMENDMENT (FILE NO. 2021-08) SUBMITTED BY THE CITY OF WELLAND – SHORT-TERM RENTALS**

**AUTHOR: NICOLAS AIELLO  
POLICY PLANNER**

**APPROVING SUPERVISOR: RACHELLE LAROCQUE, BES, M.Sc., MCIP, RPP  
MANAGER OF PLANNING**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP  
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES**

**RECOMMENDATION:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-65 for information; and

THAT Welland City Council approves an Amendment to Zoning By-law 2017-117 to permit Short-Term Rentals in the City, subject to certain conditions including but not limited to Licencing; and further,

THAT Welland City Council approves the Short-Term Rental Licencing By-law as set out in Appendix I, to be effective as of January 31, 2022; and further

THAT Welland City Council directs the City Clerk to amend the Fees and Charges By-law, as follows:

ADD the following to Schedule "A"

Department	Account #	Description	HST	2021 Rates
LICENSING	340010	Short Term Rental – Application Fee		\$500.00
LICENSING	340010	Short Term Rental – Renewal Fee		\$75.00
LICENSING	340010	Short Term Rental – Appeal Fee		\$634.00

**ORIGIN AND BACKGROUND:**

On December 17, 2019, Council passed a number of motions related to the regulation of short-term rentals:

- 1) THAT COUNCIL OF THE CITY OF WELLAND directs staff to prepare a By-law that deals with short term rentals and all associated licensing and administration; and further THAT staff host a public meeting prior to final council consideration.
- 2) THAT COUNCIL OF THE CITY OF WELLAND amends the motion to include "report and".
- 3) THAT COUNCIL OF THE CITY OF WELLAND refers the request regarding short term rentals to staff for a report to be recommended by council.

On June 22, 2021, Council approved the following recommendations in Report P&B-2021-30:

- 1) THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2021-30 for information.
- 2) THAT Welland City Council direct staff to commence the process of amending the City's Zoning By-law 2017-117 to consider short-term rental use, including but not limited to short-term rental of rooms in a dwelling unit, and short-term rental of entire dwelling units.
- 3) THAT Welland City Council direct staff to commence the process of developing a Short-Term Rental Licensing By-law.

This report is in response to Council's direction.

Short-Term Rentals are currently not permitted in the City of Welland; however, Bed and Breakfasts are, as are accessory apartments. Bed and Breakfasts are similar to short-term rentals in that they offer short-term accommodation; however, owners/operators remain on-site during the rental period, renting individual rooms to patrons.

Short-Term Rentals have become a popular means of accommodation and are featured in a growing range of websites that offer bookings. Despite not being permitted, staff are aware of several Short-Term Rentals operating in the City, with complaints raised about only a few particular properties.

**COMMENTS AND ANALYSIS:****The Proposal**

The purpose of the Amendment to the Zoning By-law is to permit short term rental accommodations as a secondary use in residential, agricultural, and institutional zones where residential uses are permitted; and, further permit Short-Term

Rentals as the principal use of dwellings in commercial zones that allow residential uses.

A Short-Term Rental Licensing By-law is also being proposed (Appendix I) that will be implemented in conjunction with the draft zoning provisions.

Agency and Public Comments Received

City of Welland Fire &  
Emergency Services  
Division  
(May 20, 2021)

The Fire Department will be taking an approach similar to other Fire Department's in the Region. A declaration and "check-list" will be required to be completed by the operator which verifies working smoke and carbon monoxide alarms exist in the home, in addition to a portable fire extinguisher and an evacuation plan. As these are often single-family dwellings, the Fire Code requirements for single-family homes would be required anyway. We would include as part of the declaration that if at any time the Fire Department responds to the address and finds these fire safety requirements missing or not maintained, automatic enforcement would result in addition to any administrative penalties tied to the By-Law. The Fire Department would also like included that the number of occupants within the residence should not exceed what it is designed for (i.e. Part 9 OBC determination of two (2) persons per bedroom).

With respect to fees, the Fire Department would want the council approved "Bed and Breakfast" fee of \$250 plus HST. The Fire Department would require that annually the operator provides their test and check records of their fire and life safety devices.

City of Welland Fire &  
Emergency Services  
Division  
(August 12, 2021)

*Electrical Inspection Suggested Language:*

Each occupancy housing a short term rental shall be subject to a general inspection by the Electrical Safety Authority (ESA), as defined in the Electricity Act, 1998, with the inspection fees paid for by the applicant. Electrical hazards identified during the inspection shall be repaired



in accordance with the Electrical Safety Code by a licenced electrical contractor. A letter of compliance from the ESA shall be provided to the City as part of the application. The ESA can be notified at 1-877-ESASAFE or book online [www.eleccheck.ca](http://www.eleccheck.ca).

NOTE: "Eleccheck" inspections are on a temporary hold due to COVID at the moment, but presumably would resume in 2022. If the public health climate doesn't get to a point in 2022 where they would resume I suppose we would entertain an inspection from an electrician. We would have to discuss that scenario.

*RE: Fire Safety Protocol Sec. 2.20*

Remove the portion of the last sentence, "which also includes a fire safety plan which would be required under the Fire Protection and Prevention Act". The criteria to require a fire safety plan for an occupancy is outlined in the Ontario Fire Code, which would not include the short term rentals since it's capped at three (3) rooms. The initial language in defining the "fire safety protocol" includes the majority of the information that would technically be included within a fire safety plan anyway. Let's keep the initial language, but I would ask that the floor plan with location of exits be posted conspicuously beside the protocol.

Suggested language: A copy of the floor plan, which includes location of exits and fire safety rules shall be posted conspicuously in conjunction with the fire safety protocol.

A "fire safety checklist" shall be completed by the applicant and submitted as part of the application. We would also require photographs to be provided electronically demonstrating the location of smoke and carbon monoxide alarms.

Region of Niagara  
Planning and  
Development Services  
(August 31, 2021)

*Short Term Accommodations in the Urban Area*  
Lands designated in the Urban Area for the City of Welland are within a Settlement Area under the 2020 Provincial Policy Statement (PPS), and subject to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These lands are designated Urban Area in the Regional Official Plan (ROP), and further delineated as Built-up Area or Designated Greenfield Area.

The PPS calls for the sustainability of healthy, liveable and safe communities by accommodating an appropriate range and mix of residential (including rental accommodations), employment, institutional, recreation, park and open space and other uses to meet long-term needs. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The policies emphasize intensification and infill as the preferred form of development to help achieve complete communities that have a mix of land uses, employment opportunities and are active transportation and transit supportive. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

The proposal to introduce permissions for short term accommodations within the all dwelling units in the Urban Area will provide further temporary

accommodation options in those areas, contributing to the creation of a complete community. The proposal is generally supported by Provincial and Regional policy.

*Short Term Accommodations in the Agricultural Area*

Given the broad nature of the proposed Amendment, Regional staff assume that the By-law also aims to permit short term accommodations in dwelling units outside of the Urban Area Boundaries. These lands are within the Prime Agricultural Area under the 2020 Provincial Policy Statement (PPS) and are designated as Rural or Good Agricultural Area in the ROP.

Such lands shall be protected for long-term use for agriculture with specialty crop areas being given the highest priority for protection, and a full range of agricultural, agriculture-related and secondary/on-farm diversified uses are permitted within these designations. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The PPS defines agriculture-related uses as farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. On-farm diversified uses are defined in the PPS as uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

Regional staff consider short term accommodations, including Bed and Breakfast operations, to be an agri-tourism use that would be permitted as an on-farm diversified use. In reviewing the proposed By-law Amendment, City staff should be guided by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Prime Agricultural Areas, which contain criteria that must be met in order for a use to qualify as agriculture-related or on-farm diversified.

*Policy Comments*

Regional staff notes there is limited data in Niagara regarding the impacts of short term rentals on our housing supply. The following research article published in 2020 does provide a general assessment of Short-Term Rental impacts across Canada. The data suggests that there are some census tracts in Niagara where the operation of Short-Term Rentals has resulted in the removal of housing that would otherwise be available on the long-term rental market, thereby reducing housing supply and affordability. However, it is unclear where in Niagara these impacts are concentrated.

A more concrete takeaway from the paper is that a significant portion of Short-Term Rentals in Niagara (i.e. 43%) are operated as commercial listings. With that in mind, it is important that any future licensing consider separate requirements for both operators that are renting out their own home and larger companies.

Regional planning staff suggest that the City of Welland look at the approach implemented by other municipalities like Toronto and Blue Mountains as part of the completion of the zoning by-law amendment and future Licensing By-law which may prove helpful.

A Virtual Public Information Meeting was held on August 12, 2021 to gain public input regarding the proposed application. Eleven (11) people participated in the Public Information Meeting. The following comments and concerns were raised at the Public Information Meeting:

- Concerns regarding the required one hour response time of a host to attend an issue;
- Concerns regarding the proposed parking requirements for Short-Term Rentals;
- Concerns regarding potential unruly and noisy Short-Term Rentals and associated nuisances;
- Concerns regarding legal-non conforming Short-Term Rentals;
- Concerns regarding the initial Licencing Fee being too high;
- Whether the renting of bedrooms with the owner present would be considered a Short-Term Rental;
- Whether a Short-Term Rental could be the principal use of a accessory dwelling unit;
- Would long term tenants need approval from the land-lord;
- Concerns regarding restricting the number of bedrooms and not occupancy;
- Whether licensing and the associated fees apply to legal non-conforming uses; and,
- Whether the licensing process and associated fees would apply to newly built/renovated residences

At the time of writing this report, six (6) letters have been received. In addition to the comments above, the following comments and concerns were raised:

- Consideration of a registration process for Short-Term Rentals;
- Consideration of a Good Neighbour Policy;
- Requiring Insurance for Short-Term Rentals;
- Concerns regarding the proposed registration process being too onerous;
- Measures that some Short-Term Rental Companies have in place to mitigate associated concerns;
- Concerns regarding wastewater infrastructure capacity;
- Concerns regarding the complaint process and attending to complaints;
- Concerns regarding how the proposed policy applies to Bed and Breakfast Establishments;
- Concerns regarding provision of templates and forms by the City;
- Concerns regarding By-law inspection time frames;
- Concerns regarding holding Short-Term Rentals the same standards for all applicable City By-laws.

- Concerns regarding transferability of Licences.
- Concerns regarding the Demerit Point System being too onerous; and,
- Concerns regarding the appeal process.

Further, Staff created a Your Channel page which included a Comment Board and survey. This information was presented to Council in a June 22, 2021 Staff Report.

The Statutory Public under the Planning Act was held virtually on September 7, 2021. The comments and concerns raised at the meeting were similar to those presented in the Public Information Meeting and in the letters submitted.

### **Policy and Legislative Framework**

#### **The Planning Act**

Sections 17 and 34 of the Planning Act, R.S.O. 1990 provide the process for consideration of Official Plan and Zoning By-law amendments.

The Planning Act, R.S.O. 1990 provides that decisions of Council in respect to planning matters shall be consistent with provincial policy statements that are in effect as of the date of Council's decision and shall conform with provincial plans that are in effect.

#### **The Provincial Policy Statement (PPS)**

Policy 1.1.1 of the PPS speaks to sustaining healthy, livable and safe communities by accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons) and commercial uses as well as avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Policy 1.1.4.1 indicates that healthy, integrated and viable rural areas should be supported by promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources and providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural and natural assets.

Policy 1.1.5 indicates that permitted uses on rural lands include resource-based recreational uses (including recreational dwellings), home occupations and home industries and that recreational, tourism and other economic opportunities should be promoted. Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses. Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

Policy 2.3.3 permits agricultural uses, agriculture-related uses and on-farm diversified uses provided agriculture-related uses and on-farm diversified uses are compatible with do not hinder surrounding agricultural operations.

The proposed Short Term Rental By-law will be consistent with the policies in the PPS as it will provide for additional forms of housing, as well will provide opportunities for economic growth. The short term rentals will not negatively impact the agricultural and rural area as they will be a complimentary use to existing agricultural uses. It will not create new restrictions on new or expanding agricultural facilities as the short term rentals will occur within existing dwellings, or new dwellings which would be subject to the setback requirements.

*The Growth Plan for the Greater Golden Horseshoe*

The Growth Plan for the Greater Golden Horseshoe, 2020 (GPGGH) applies to lands within the City's urban, rural, and agricultural areas of the City's Official Plan.

The GPGGH aims to support complete communities that have diverse residential and employment uses, improve quality of life for people of all ages, abilities and incomes and provide a mix of housing units to accommodate the needs of all household sizes and incomes (2.2.1.4(a), (b) & (c)).

Where permitted on rural lands, resource-based recreational uses should be limited to tourism-related and recreational uses that are compatible with the scale, character and capacity of the resource and the surrounding rural landscape and may include commercial uses to serve the needs of visitors and where appropriate, resource-based recreational dwellings for seasonal accommodation (2.2.9.4).

Municipalities are encouraged to implement approaches to sustain and enhance the Agricultural System and the long-term economic prosperity and viability of the agrifood sector by promoting the sustainability of agricultural, agri-food and agri-product businesses while protecting agricultural resources and minimizing land use conflicts (4.2.6.7).

The proposed Short Term Rental By-law will be consistent with the policies in the P2G as it will diversify residential and employment uses, and provide a mix of housing types as well as provide another means of income for residents and support economic growth. These types of rentals will enhance the agricultural and rural area by promoting agricultural tourism and support the needs of visitors. These rentals will not create new restrictions on new or expanding agricultural facilities as they will function as a secondary use to existing or new dwellings.

*Region of Niagara Official Plan*

The Regional Official Plan (ROP) applies to all lands within the City of Welland. The Regional Official Plan encourages a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.3 states that the Region encourages housing which allows people to work at home or in relatively close proximity to work.

Policy 5.B.17 indicates that farm diversification uses may be permitted and are a potentially significant contributor to economically sustainable agriculture in

Niagara, contributing toward the preservation of the agricultural land base and the scenic quality of the agricultural landscape. Value added marketing uses are supported with limits to the scale included in local Official Plans. Bed and breakfast facilities are not permitted to exceed 6 bedrooms (5.B.24).

Agri-tourism uses that are not directly related to agriculture but benefit from a farm location may be regulated in a local Official Plan subject to: limited scale and appropriate to the site and surrounding area, minimal impact on and compatibility with the surrounding agricultural and rural uses, low water and low effluent producing uses that can be accommodated with private water and sewage systems, no off site impacts related to infrastructure or transportation, use does not generate potentially conflicting off-site impacts, special events are occasional and not regular recurring, timing and duration of the use does not hinder agricultural operations and compliance with the Regional Official Plan.

The proposed Short Term Rental By-law will be consistent with the policies in the Regional Official Plan as it will increase the variety of housing types. The rentals will support farm diversification and preserve the agricultural land base and the scenic quality of the agricultural landscape as a value added use. The proposed amendment permits only up to 4 guestrooms per rental, therefore further complying with the Regional Official Plan. The rentals will have minimal restrictions on agricultural operations as they will occur within existing or new dwellings.

#### City of Welland Official Plan

The existing City Official Plan includes some policies and permissions relating to bed and breakfast establishments, but is silent with respect to a dwelling being rented for Short-Term Rental.

Section 4.2 of the Official Plan ensures policies reflect an appropriate range of residential uses which serve the City's diverse mix of individuals and families. The Plan encourages different types and tenures of housing units. The City will promote opportunities for residential intensification and redevelopment on lands located within the Built Up Area of the City however will ensure protection for stable residential areas from inappropriate change.

In commercial designations, Section 4.4, the policies state that the City will promote opportunities for mixed use development in strategically located nodes and corridors. The Downtown Area, combined with recreational and residential uses, is the most diverse area of the City. It is intended to function as a neighbourhood and include a variety of uses which support the population living in and around the downtown. The Neighbourhood Commercial Designation also allows for a mix of residential and small-scale commercial uses. Hospitality uses are also permitted in several commercial designations, for the purposes of this application, is relevant to the Downtown Area and Community Commercial Node.

Section 4.5 of the City's Official Plan states that the City will promote opportunities for intensification and redevelopment on institutionally-designated lands located within the Built Up Area. The Health and Wellness Cluster Designation allows for



a range of dwelling types. The area is designated to allow for the creation and evolution of a suite of similar activities which can potentially benefit from geographic proximity.

The policies of the Agricultural Area are outlined in Section 5 of the Official Plan. The planned function of the Agricultural designation is to provide land for farming and agriculturally-related activities and to protect the City's prime agricultural lands.

According to the Official Plan, permitted secondary uses of land in the Agricultural Areas include, among others:

- home occupations
- home industries
- value-added agricultural uses

Section 5.1.1.4 of the Plan recognizes the changing nature of the agricultural industry and supports the principle of farm diversification activities which contribute to the long term economic sustainability of the agricultural industry.

Section 5.1.3.6 of the Plan supports value added agricultural activities which allow the agricultural industry to:

- i. Become more competitive, sustainable and environmentally friendly;
- ii. Adapt to new and changing markets;
- iii. Diversify into and take advantage of new agricultural opportunities;
- iv. Improve the understanding of agriculture by the general public; and,
- v. Broaden operations to diversify economic activities and add value to primary products.

The Rural Employment Designation as part of Section 5.2 is intended to provide farm or resource related places of work on lands which do not require municipally provided sanitary or water services. Permitted uses include, among others:

- bed and breakfasts
- farm-based tourism establishments

The proposed Short Term Rental By-law will be consistent with the policies in the City's Official Plan for reasons similar to the ones stated above. The policy supports a range of housing types and promotes residential intensification. Permitting Short-Term Rentals in Commercial Zones will also assist in the City's goal to promote mixed-use development in these specific areas. The Rentals will be a value-added use in agricultural and rural areas as they will promote the diversification of economic activity and allow operations to enter into new markets while allowing the public to experience the agricultural operations and landscape.

*City of Welland Zoning By-law 2017-117*

Currently, Zoning By-law 2017-117 does not provide for Short-Term Rentals in the City of Welland. Despite not being permitted, staff are aware of several Short-Term Rentals operating in the City.

The purpose of the Amendment to the Zoning By-law is to permit short term rental accommodations as a secondary use in residential, agricultural, and institutional zones where residential uses are permitted; and, to permit Short-Term Rentals as the principal use of dwellings in commercial zones that allow residential uses, such as: the Downtown Mixed Use Centre Zone (DMC), Community Commercial Node Zone (CC1), Community Commercial Corridor Zone (CC2), and Neighbourhood Commercial Zone (NC). The amendment proposes to permit Short-Term Rentals in single-detached, two-unit, townhouse, multiple, apartment, and accessory dwelling units.

The amendment further proposes that a Short-Term Rental:

- Not contain more than three guest bedrooms;
- Be subject to licencing in accordance with the City's Short-Term Rentals Licencing By-law;
- May be the principal use of an accessory dwelling unit in Residential, Institutional, Open Space, and Agricultural Zones where Residential uses are permitted, but only if the operator is residing on the premises;
- Not display external advertising on the site; and
- Require 0.5 additional parking space per guest room (May be a tandem parking space).

The proposed definition for Short-Term Rental is:

*"Short-Term Rental means a dwelling unit that is rented for a period of 28 consecutive days or less but does not include a bed and breakfast, hotel/motel, or boarding or lodging house."*

### **Additional Policy**

#### **Short-Term Rentals Licensing By-law**

A Short-Term Rental Licensing By-law is also being proposed that will be implemented in conjunction with the zoning provisions. If approved, the Licencing will come into effect January 31, 2022. The Draft Licencing By-law proposes to require:

- Mandatory Licensing for Short-Term Rentals;
- Application Requirements including:
  - Application Form
  - Application Fee
  - Insurance Certificate
  - Site Plan
  - Floor Plan
  - Parking Management Plan
  - Fire Safety Protocol: Floor Plan, Fire Safety Checklist, Photos
  - Electrical Safety Authority Eleccheck Inspection
- Renewal Application Requirements including

- Complete application
- Application fee
- Updated information (if required)
- By-law Inspection;
- Licensing Conditions;
- Demerit Point System ;
- Administrative Penalty System; and
- Appeals Process

The associated fees of the Short-Term Rental licence application process have been pre-determined to be \$1,029.50 inclusive of HST and a yearly renewal fee of \$75.00 inclusive of HST.

The application fee consists of:

- \$500.00 for the by-law review of required documents such as floor plans, proof of insurance, proof of ownership, principal contact information, and other required documents, City By-laws inspection, as well as the required monitoring of Short-Term Rentals in the City for licences and compliance.
- \$282.50 for the review of Fire Safety Protocol which includes the submission of a declaration and fire safety checklist.
- \$247.00 for a zoning and parking compliance review and associated compliance letter.

The yearly renewal fee consists of:

- \$75.00 for a by-law review to verify that the Short-Term Rental is maintaining compliance with the licencing requirements.

The Short Term Rental Licence Appeal Fee has been set at \$634.00. This fee is the same rate as the Property Standards Appeal Fee and Dog Control Appeal Fee.

#### Long-Term Tenants

It should be noted that where the proposed Licencing was originally geared to apply to operators who were property owners and/or long-term tenants, it will now ONLY apply to property owners as per legal council's recommendation. The reason being that should a contravention of the Licencing By-law occur, the City would not be able to penalize a long-term tenant operating a Short-Term Rental and therefore seek payment of any applicable penalties from the property owner.

Should a long-term tenant want to operate a Short-Term Rental, the property owner would now have to apply for the Licencing on behalf of the tenant.

#### Short-Term Rental Enforcement

The By-law Enforcement Division will be responsible for enforcing the regulations contained within the Short-Term Rental Licencing By-law. To help ensure there is adequate coverage, the By-law Enforcement Division has expanded the hours of operation. By-law Enforcement Officers will be available 8:30 am to 1:00 am on

Monday, Tuesday, Friday and 9am to 1am on Saturday and Sunday. On Wednesday and Thursday Officers will be available 8:30 am to 4:30pm. During regular business hours, the By-law Enforcement Team can be reached at 905-735-1700 Ext. 2224 and after-hours Ext. 3000. Enforcement Staff will be able to tackle all By-law related matters, including: parking, refuse and noise issues. When it comes to large gatherings/ parties, By-law Enforcement Officers will work closely with Niagara Regional Police.

The Short-Term Rental Licencing By-law will be enforced through two mechanisms: Administrative Penalty System (APS) and a demerit point system. As well, an Officer will have the ability to suspend or revoke a licence. Licencing will ensure all Short-Term Rentals within the City of Welland are operating in accordance with applicable law.

A communication plan will be developed to inform the public and short-term rental operators about the new regulations. Information will be available on the City's website, social media accounts, and a press release will also be issued. Should Council approve Staff's recommendations, Staff will begin implementing the mentioned communication plan as well as prepare the associated application forms and templates prior to the January 31, 2022 commencement of the By-law.

#### Public Concern

A number of comments were provided from the public at the Public Information Meeting, Statutory Public Meeting, through the Your Channel Page, and through letters provided to the City. The concerns can be grouped into the following areas:

#### Perceived Nuisances and Enforcement

The first and most common concern raised is in respect to mitigating of the perceived nuisances associated with some Short-Term Rentals such as unruly behavior, noise, and parking. It is Staff's opinion that the introduction of the proposed zoning regulations in association with required licencing application process and Licencing By-law will mitigate these perceived nuisances as well as create a mechanism for Staff to provide for meaningful enforcement.

Further, the By-law Enforcement Division's expanded hours of operation will provide for enhanced enforcement during times where potential nuisances are likely to occur. Whereas prior, calls and complaints occurring after hours would have been attended to the day after or by the Regional Police.

#### Licensing By-law and Penalties – Too Onerous/ Restrictive

Concerns have also been raised that the proposed licencing is too onerous with regards to policy provisions such as:

- the required inspections;
- required fees;
- required one (1) hour attendance time;
- transferability of licenses; and
- the associated penalties and demerit point system

In Staff's opinion, the proposed licensing policy is appropriate and is similar to what many other Ontario municipalities are providing including Pelham and St. Catharines. Staff do acknowledge that there are companies that have their own policies and requirements for Short-Term Rental hosts, however it is important to note these policies would not apply to Rentals that do not list with these companies.

With respect to the required fees, staff note that after the initial application fee, the yearly renewal fee for Short-Term Rentals in the City is significantly lower and the lowest in Niagara when compared to other municipalities that have implemented Short-Term Rental policy.

With respect to the concern of requiring *the Licensee or their Agent to be available to attend to the Short Term Rental premises at all times within a period of no greater than one (1) hour from the time of contact by way of telephone or e-mail*. Staff are of the opinion that this policy is appropriate as it also allows for an "Agent" of the Licensee to meet this time requirement.

Staff are of the opinion that the proposed penalties and demerit point system is appropriate as it will prove to be an effective deterrent with regards to behaviour or practices that can cause nuisances or an unsafe environment. The Short-Term Rental operators will now be accountable if they or their guests contravene the provisions of the By-law.

#### Legal Non-Conforming Short-Term Rentals

Concerns have also been raised regarding legal non-conforming Short-Term Rentals. Short-Term Rentals that were operating prior to the passing of the proposed Zoning By-law Amendment would be considered legal non-conforming and would be permitted to maintain their existing operations, so long as the use has continued on the property. It is important to note that Staff often provide for other types of legal-non conforming uses in the City, so long as the use existed prior to the effective date of the Zoning By-law.

That being said, legal non-conforming Short-Term Rentals would still be required to operate under the proposed Licensing and still be subject enforcement and penalties. In the event that a legal non-conforming Short-Term Rental ceases to operate for a period of one year, a licence will no longer be issued for it.

#### **FINANCIAL CONSIDERATION:**

There are no financial impacts associated with this report. The proposed licensing fees will recover the cost of administration and enforcement of the proposed By-laws.

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

Other City Divisions involved in this process include Finance, By-laws, and Fire.

**SUMMARY AND CONCLUSION:**

Staff are recommending a Zoning By-law Amendment to Zoning By-law 2017-117 as well as the approval of a Licensing By-law to regulate Short-Term Rentals within the City. Staff are of the opinion that the proposed Zoning By-law Amendment in conjunction with the proposed Licensing By-law is appropriate for addressing concerns regarding Short-Term Rentals within the City.

**ATTACHMENTS:**

- Appendix I - Draft Short-Term Rentals Licensing By-law
- Appendix II - Relevant Correspondence
- Appendix III - Your Channel Page Content

**THE CORPORATION OF THE CITY OF WELLAND**

**BY-LAW NUMBER 2021 –**

**A BY-LAW TO PROVIDE REGULATIONS FOR THE LICENSING AND  
INSPECTING OF SHORT TERM RENTALS**

**WHEREAS** Section 11(1) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended, (the “Act”) permits that a local municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** Section 151(1) of the Act provides that a local municipality may provide for a system of licences with respect to a business wholly or partly carried on within the municipality;

**AND WHEREAS** pursuant to Part II, Section 10(2) 6 of the Act, a municipality may pass by-laws respecting the health, safety and well-being of persons;

**AND WHEREAS**, as set out in Section 224 of the Act, it is the role of Council, among other things, to represent the public and to consider the well-being and interests of the municipality;

**AND WHEREAS** Section 391(1) of the Act provides that a municipality may impose fees and charges on person for services or activities provided or done by or on behalf of it;

**AND WHEREAS** Section 25.1(1) of the Statutory Powers and Procedures Act, R.S.O. 1990, c. S.22 (the “SPPA”) provides that a tribunal may make rules governing the practice and procedure before it;

**AND WHEREAS** Section 5.2(1) of the SPPA provides that hearings may be held electronically in a proceeding;

**AND WHEREAS** it is necessary and desirable for the public to regulate the short term rentals for the purpose of the health, safety and well-being of people in the City of Welland where Council determines it to be in the municipal interest;

**AND WHEREAS** Part XIV of the Act provides for certain powers in relation to the enforcement of the municipal by-laws;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND** hereby ENACTS AS follows:

**SECTION 1 – SHORT TITLE**

- 1.1 This By-law may be referred to as the Short Term Rental Licensing By-law.

## **SECTION 2 – DEFINITIONS**

- 2.1 “Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended from time to time, or any successor thereof;
- 2.2 “Action” means a proceeding in a court or tribunal of competent jurisdiction;
- 2.3 “Agent” means a Person appointed by a Licensee to ensure the Property is operated in accordance with the provisions of this By-law;
- 2.4 “Appeal Tribunal” means the all-citizen tribunal appointed by Council to conduct hearings under this By-law;
- 2.5 “Applicant” means and includes a Person seeking a Licence or renewal of a Licence or a Person whose Licence is being considered for revocation or suspension;
- 2.6 “Building Code Act” means the Building Code Act, 1992, S.O. 1992, c.23 and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.7 “Building Code” means Ontario Regulation 332/12: Building Code and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.8 “By-law” means this By-law and all schedules forming part of this by-law, and includes and amendments thereto;
- 2.9 “Chief Building Official” means the Chief Building Official for the Corporation of the City of Welland or his or her designate;
- 2.10 “City” means The Corporation of the City of Welland;
- 2.11 “Clean Yards By-law” means the City’s Clean Yards By-law 2019-135 as amended from time to time, or any successor thereof;
- 2.12 “Council” means the Council of the City;



- 2.13 "Dwelling Unit" has the same meaning as defined under the Zoning By-law and for greater clarity, means a place of residence with one or more habitable rooms containing separate kitchen and bathroom facilities for private use as a single housekeeping unit.
- 2.14 "Electrical Safety Code" means Ontario Regulation 164/99: Electrical Safety Code and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.15 "EMCPA" means the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E.9 and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.16 "Fire Chief" means the Chief of Welland Fire and Emergency Services or his or her designate;
- 2.17 "Fire Code" means Ontario Regulation 213/07: Fire Code and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.18 "Fire Protection and Prevention Act" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4 and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.19 "Fire Safety Protocol" means a protocol approved by the Fire Chief which contains an outline of actions for a Person to take in the event of a fire emergency, the location of all fire-related safety equipment, a floor plan of the Property indicating the location of all emergency exits, contact information containing the name, phone number and e-mail address of the Owner and Agent and an undertaking to comply with any applicable law;
- 2.20 "Fireworks By-law" means the City's Fireworks By-law 2003-127, as amended from time to time, or any successor thereof;
- 2.21 "Highway" has the same meaning as defined under the Highway Traffic Act, R.S.O. 1990, c. H.8. and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.22 "License" means a license issued under this By-law;
- 2.23 "Licensing Officer" means a Person appointed by the Council of the Corporation of the City of Welland for the purposes of enforcing this By-law;
- 2.24 "Licensee" means a Person to whom a License has been issued;

- 2.25 "Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Niagara or his or her designate;
- 2.26 "Noise By-law" means the City's Noise By-law 2015-23, as amended from time to time, or any successor thereof;
- 2.27 "Officer" means a Person appointed by the Corporation of the City of Welland for the purposes of enforcement of its By-laws;
- 2.28 "Open-Air Fire By-law" means the City's Open-Air Fire By-law 2011-85, as amended from time to time, or any successor thereof;
- 2.29 "Owner" means a Person that is the registered Owner of a Property;
- 2.30 "Parking Management Plan" means a plan, depicting the size, surface material, and location of all parking spaces intended to be used for parking on the Property, and such plan shall be compliant with the Zoning By-law and the Traffic & Parking By-law;
- 2.31 "Person" means an individual, Owner, firm, proprietorship, partnership, association, syndicate, trust, corporation, department, bureau, agency or other entity;
- 2.32 "Principal Residence" means a Dwelling Unit in which a Person resides a majority of the year;
- 2.33 "Property" means any land or Property where the Short Term Rental is located that is within the jurisdiction of the City;
- 2.34 "Property Standards By-law" means the City's Property Standards By-law 2009-108, as amended from time to time, or any successor thereof;
- 2.35 "Provincial Offences Act" means the Provincial Offences Act, R.S.O. 1990, c. P. 33, and all regulations thereto, as amended from time to time, or any successor thereof;
- 2.36 "Public Nuisance By-law" means the City's Public Nuisance By-law 2011-129, as amended from time to time, or any successor thereof;
- 2.37 "Region" means the Regional Municipality of Niagara;

- 2.38 "Reopening Ontario Act" means the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17;
- 2.39 "Short Term Rental" has the same meaning as defined under the Zoning By-law and for greater clarity, means a Dwelling Unit that is rented for a period of 28 consecutive days or less but does not include a bed and breakfast, hotel/motel, or boarding or lodging house;
- 2.40 "Sidewalk Snow Clearing By-law" means the City's Sidewalk Snow Clearing By-law 2008-185 as amended from time to time, or any successor thereof;
- 2.41 "Sign By-law" means the City's Sign By-law 2005-21, as amended from time to time, or any successor thereof;
- 2.42 "Traffic & Parking By-law" means the City's Traffic & Parking By-law 89-2000, as amended from time to time, or any successor thereof;
- 2.43 "Zoning By-law" means the City's Zoning By-law 2017-117, as amended from time to time, or any successor thereof;

### **SECTION 3 – SHORT TERM LICENCE REQUIRED**

- 3.1 No Person shall carry on, or intend to carry on, any trade, business or occupation of a Short Term Rental for which a licence is required under this By-law unless that Person has first obtained a Licence as required under this By-law.
- 3.2 No Person shall carry on, or intend to carry on, any trade, business or occupation of a Short Term Rental for which a Licence under this By-law is required if the Licence has expired or been revoked or while the licence is under suspension.
- 3.3 No Person shall rent, or communicate with anyone to rent, a Short Term Rental that is not licensed pursuant to the provisions of this By-law.
- 3.4 No Person shall advertise, promote, broker, or offer for rent or lease any Short Term Rental without a valid Licence.
- 3.5 For greater certainty, the requirements of this by-law do not apply to a hotel, motel or bed and breakfast establishment as defined in the Zoning By-law.

**SECTION 4 – APPLICATION FOR A SHORT TERM RENTAL LICENCE**

- 4.1 Any Person seeking to obtain a new License shall submit a complete application to the Licensing Officer on the forms or in the manner prescribed by the Licensing Officer.
- 4.2 Every Applicant for a License shall be the Owner of the Property.
- 4.3 The Licensing Officer shall not accept any application for a License if any of the applicants are under the age of 18 years.
- 4.4 Every Applicant for a License shall submit, to the satisfaction of the Licensing Officer, the following:
- a) the fully and correctly completed Short Term Rental application form;
  - b) the application fee, as set out in the City of Welland Fees and Charges By-law, as amended;
  - c) a certificate of insurance which confirms that the Applicant has in place at the time of the application, general liability insurance of not less than two million dollars per occurrence;
  - d) a site plan that indicates the location of the Short Term Rental Property, the adjacent Highway, and any external garbage/ recycling facilities;
  - e) a floor plan of the Short Term Rental Property clearly indicating the location and number of rooms, the proposed total occupancy limit, and for each room, accompanying photos, its dimensions, a description of its proposed use and the proposed number of beds;
  - f) a Parking Management Plan that complies with the Zoning By-law;
  - g) a Fire Safety Protocol;
  - h) a letter of compliance from the Electrical Safety Authority dated within 12 months of the date of the application indicating the Property and its proposed use comply with the Electrical Safety Code;
  - i) a Fire Safety Checklist and photographs demonstrating the location of smoke and carbon monoxide alarms;
  - j) any other information required pursuant to this By-law.

- 4.5 The Licensing Officer shall not accept any application for a Short Term Rental until all requirements relating to the application, as set out in this By-law, have been met.

## **SECTION 5 – APPLICATION FOR RENEWAL**

- 5.1 Every application for renewal of a License under this By-law, shall be made in a form satisfactory to the Licensing Officer and shall include:
- a) the fully and correctly completed renewal application form, if applicable;
  - b) the application renewal fee, as set out in the City of Welland Fees and Charges By-law, as amended;
  - c) If changes have been made to the floor plan, site plan, Parking Management Plan, or Fire Safety Protocol submitted with the original application, the Applicant shall submit a revised floor plan, site plan, Parking Management Plan, or Fire Safety Protocol.
  - d) If changes have been made to the power supply or electrical wiring of the Property, a letter of compliance from the Electrical Safety Authority dated within 12 months of the date of the renewal application indicating the Property and its proposed use comply with the Electrical Safety Code;
  - e) any other information required pursuant to this By-law.
- 5.2 A Short Term Rental License that is not renewed by the expiry date is no longer valid.

## **SECTION 6 - INSPECTIONS**

- 6.1 Upon receipt of a complete application as set out in Section 4 of this By-law, and all accompanying documentation and the required fees, the City shall schedule an inspection of the Short Term Rental Property, at a reasonable time.

## **SECTION 7 - REVIEW OF APPLICATION**

- 7.1 The Licensing Officer may reject a Licence application or its renewal where any of the documents required by this By-law are incomplete or have not been filed.
- 7.2 As a part of the review, applications may be circulated to those agencies deemed necessary or relevant by the Licensing Officer.
- 7.3 A Person is not eligible to hold a licence if the proposed use of the land, building or structure is not permitted by the Zoning By-law that applies to the Property;
- 7.4 A Short Term Rental is only permitted in a single-detached dwelling, two-unit dwelling, townhouse dwelling, multiple dwelling, apartment dwelling or an accessory Dwelling Unit and shall not contain more than three (3) guest bedrooms;
- 7.5 The Short Term Rental shall be a secondary use to the principal residential use of a dwelling, and shall maintain the residential character of the dwelling. A Short Term Rental can be a principal use in Commercial Zones where residential uses are permitted;
- 7.6 A Short Term Rental may be the principle use of an accessory Dwelling Unit in Residential, Institutional, Open Space and Agricultural Zones where Residential uses are permitted only if the operator is residing on the Property.
- 7.7 All references in this By-law to Zones shall be those Zones as so defined or described in the Zoning By-law;

## **SECTION 8 - ISSUE OF SHORT TERM RENTAL LICENCE**

- 8.1 The Licensing Officer is authorized to issue and to renew Short Term Rental Licenses in accordance with this By-law
- 8.2 All Licences issued and renewed shall be signed by the Licensing Officer.
- 8.3 The Licensing Officer may revise the Licence where the licence contains an error.
- 8.4 In the event a legal non-conforming Short Term Rental ceases to operate for a period of one year, a licence will no longer be issued for the legal non-conforming use.

- 8.5 The Licensee, upon issuance of a License and thereafter shall comply with all provisions of this By-law.

## **SECTION 9 – CARRYING ON A SHORT TERM RENTAL**

- 9.1 The submission of an application for a License, including the related fee(s), does not entitle the Applicant to carry on, or intend to carry on a Short Term Rental. The Applicant is only entitled to do so once the Licence has been issued for the Short Term Rental.

## **SECTION 10 - LICENCE CONDITIONS**

- 10.1 The following conditions are attached to each Licence issued under this By-law:
- a) the Short Term Rental is lawfully constructed;
  - b) when the premise is occupied for the purposes of a Short Term Rental, a legible copy of the Licence shall be posted in a conspicuous location within one (1) meter of the interior of the Short Term Rental's primary entrance;
  - c) a Licensee shall notify the Licensing Officer in writing within fifteen (15) days of any change to any information provided pursuant to Sections 4 and 5 of this By-law;
  - d) the Licensee shall ensure compliance with all applicable laws including:
    - i) the Fire Protection and Prevention Act;
    - ii) the Building Code Act;
    - iii) the Electrical Safety Code;
    - iv) the EMCPA;
    - v) the Reopening Ontario Act;
    - vi) the Health Protection and Promotion Act;
    - vii) the Zoning By-law;

- viii) the Traffic & Parking By-law;
  - ix) the Fireworks By-law;
  - x) the Open Air Fire By-law
  - xi) the Property Standards By-law;
  - xii) the Public Nuisance By-law;
  - xiii) the Noise By-law;
  - xiv) the Clean Yards By-law
  - xv) the Sidewalk Snow Clearing By-law;
  - xvi) the Sign By-law;
- e) when the Property is occupied for the purposes of a Short Term Rental, the Licensee shall ensure that no vehicle is stopped or parked on any part of the Short Term Rental Property except within a parking space identified on the Parking Management Plan filed pursuant to the provisions of this By-law
- f) when the Property is occupied for the purposes of a Short Term Rental, the Licensee shall ensure that a legible copy of the Fire Safety Protocol shall be posted in a conspicuous location within one (1) meter of the interior of the Short Term Rental's primary entrance, and that the occupant complies with all applicable laws;
- g) a copy of the floor plan contained within the Fire Safety Protocol shall be posted in a conspicuous location within one (1) meter of the interior of the Short Term Rental's primary entrance;
- h) the Licensee shall allow, at any reasonable time and when permitted by law, the City to inspect the Short Term Rental Property to ensure compliance with this By-law;
- i) the Licensee shall include the Licence number in any advertisement or promotion related to the renting out of the Property intended to be used as a Short Term Rental;



- j) the Licensee shall ensure that the Licensee or their Agent is available to attend to the Short Term Rental Property at all times within a period of no greater than one (1) hour from the time of contact by way of telephone or e-mail;
- k) the Licensee shall provide to the City an updated certificate of insurance as required in Section 4.4 (c) prior to the expiry date of the current certificate of insurance;
- l) the Licensing Officer may impose additional conditions as the Licensing Officer determines are appropriate in relation to the issuance of any Licence at any time during the term of the Licence, as are necessary in the opinion of the Licensing Officer to give effect to the purposes of this By-law;
- m) where a Licensee is dissatisfied with any condition imposed by the Licensing Officer pursuant to Section 10 of this By-law, the Licensee may request a review of the condition by the Appeal Tribunal.

## **SECTION 11 - REFUSAL TO ISSUE OR RENEW A SHORT TERM RENTAL LICENCE**

11.1 The Licensing Officer may refuse to issue or renew a License:

- a) if all inspections required pursuant to this By-law have not been completed and passed;
- b) where the conduct of the Applicant or Licensee including the conduct of any officer, director, employee or Agent of an Applicant or Licensee affords reasonable cause to believe that the Applicant or Licensee will not carry on or operate the Short Term Rental in accordance with the law or with honesty and integrity;
- c) where the Licensing Officer reasonably believes that issuing the License might be adverse to the public interest;
- d) where the Licensing Officer reasonably believes that issuing the License poses a threat to the health and safety of Persons or Property;
- e) the Applicant or Licensee owes any fine or fee to the City in respect of the Short Term Rental Property;

- f) the Short Term Rental is subject to an order, or orders made pursuant to or by:
  - i) a City By-law;
  - ii) the Building Code Act;
  - iii) the Fire Protection and Prevention Act;
  - iv) the Medical Officer of Health; and
  - v) any other applicable law.
- g) the Short Term Rental Property is not in compliance with the City's Zoning By-law;
- h) the Licensing Officer has received an objection to the issuance of the Licence by the Chief Building Official or the Fire Chief;
- i) a licence pursuant to this By-law has been revoked or suspended within the last two (2) years;
- j) where the Applicant or Licensee has past convictions under this By-law, or any other By-law, statute or regulation;
- k) where there is a Court order, or any federal or provincial order ceasing the activity of the Short Term Rental;

## **SECTION 12 - REFUND OF FEE/ REFUSAL TO ISSUE/ RENEW A SHORT TERM RENTAL LICENCE**

- 12.1 Where the Licensing Officer's decision to refuse to issue or renew a License is not appealed in accordance with this By-law, a portion of the fee paid in relation to the application for the Short Term Rental or application for renewal, as the case may be, equivalent to the application portion of the fees as set out in the City of Welland Fees and Charges By-law, as amended, shall be refunded to the Applicant. All other fees under this By-law are non-refundable.

**SECTION 13 - REVOKING OR SUSPENDING A SHORT TERM RENTAL LICENCE**

13.1 The Licensing Officer has the powers and authority to revoke or suspend a License at any time where:

- a) the conduct of the Licensee, including the conduct of any officer, director, employee or Agent of a Licensee affords reasonable cause to believe that the Licensee will not carry on or operate the Short Term Rental in accordance with the law or with honesty and integrity;
- b) a Licensee is charged or convicted of an offence related to the contravention of any provision of this By-law, the Building Code Act, the Building Code, the Fire Protection and Prevention Act, and the Fire Code;
- c) there are reasonable grounds for belief that an application or any other document or information provided on behalf of the Licensee contains a false statement or false information;
- d) a Licensee contravenes any condition that is required under Section 10 of this By-law;
- e) the total number of demerit points assessed against a Licence cause a Licensee to contravene any of Sections 21.4, 21.5, 21.6;
- f) the Licence was issued in error;
- g) the Licensing Officer, acting reasonably, is of the opinion that the Short Term Rental Property being licensed poses a threat to the health and safety of Persons or Property; or
- h) the Licensing Officer becomes aware of any fact or facts which, if known at the time of the application, may have resulted in the Licensing Officer refusing to issue the Licence.

13.2 A License issued under this By-law shall remain in effect until a decision to revoke or suspend the Licence has been made by the Licensing Officer or, where an appeal has been filed, the Appeal Tribunal.

**SECTION 14 - REFUND OF FEE ON REVOKATION OF SHORT TERM RENTAL LICENCE**

- 14.1 When the Licensing Officer or Appeal Tribunal makes a decision to revoke or suspend a License, no portion of the fees paid are refundable.

**SECTION 15 - CHANGES IN INFORMATION**

- 15.1 Where, at any time, there is any change in, or relating to, any of the information or documents required to be filed with the City under this By-law, the Applicant or Licensee, as the case may be, shall report the change in writing to the Licensing Officer no later than fifteen (15) calendar days following the change.

**SECTION 16 - TERM OF SHORT TERM RENTAL LICENCE**

- 16.1 Every License shall be in effect from the date of issue, as shown on the Licence:
- a) for the whole of the calendar year to which it applies, expiring on December 31<sup>st</sup> of said calendar year; or
  - b) where the application for a License is received after January 1 and prior to the 2<sup>nd</sup> Monday in November of any calendar year, for the remainder of such calendar year, expiring on December 31<sup>st</sup> of said calendar year; or
  - c) where the application for a License is received on or after the 2<sup>nd</sup> Monday in November but prior to December 31<sup>st</sup> in any calendar year, for the whole of the following calendar year, expiring on December 31<sup>st</sup> of that calendar year.
- 16.2 Every License shall be renewed no later than its date of expiry. Any License which is not renewed shall become null and void.
- 16.3 Every License shall cease to be valid if the Short Term Rental ceases to operate;

**SECTION 17 - DUPLICATE OR REPLACEMENT SHORT TERM RENTAL LICENCE**

- 17.1 In the event that a License issued in accordance with this By-law is lost or destroyed, the Licensing Officer upon request by the Applicant or Licensee, and payment of a replacement fee of \$25.00, shall issue a duplicate of the original License, upon which shall be stamped or marked "duplicate".
- 17.2 Issuance of a duplicate License in accordance with Section 17.1 shall not affect the expiry date of the License.

#### **SECTION 18 - TRANSFERABILITY, CHANGE OF OWNERSHIP, CHANGE OF LOCATION**

- 18.1 Every License issued under this By-law shall be personal to the Licensee(s) indicated on the License, and to the location as indicated on the License, and shall not be transferable from Person to Person or location to location.
- 18.2 A License shall be deemed to be void immediately upon change of ownership or location of the Short Term Rental, or upon discontinuation of the Short Term Rental.

#### **SECTION 19 - ALTERATIONS PROHIBITED**

- 19.1 No Person shall alter or deface a License in any way.
- 19.2 Every Licensee shall ensure that the License is not altered or defaced in any way.

**SECTION 20 - COMPLIANCE WITH OTHER LAWS REQUIRED**

- 20.1 The issuance of a License under this By-law does not permit or condone the violation of any by-law, statute, order, or regulation in effect in the City of Welland, the Province of Ontario or the Dominion of Canada and it shall be the responsibility of the Licensee to ensure that such applicable legislation is complied with at all times.

**SECTION 21 - DEMERIT SYSTEM**

- 21.1 A demerit point system is established without prejudice to options otherwise available to enforce this By-law or any other City By-law or provincial act or regulation including Actions pursuant to the Fire Protection and Prevention Act, the Building Code Act, and the Provincial Offences Act.
- 21.2 The number of demerit points referenced in Column 3 of Table 1 attached as Schedule "A" will be assessed against a Short Term Rental Property in respect of the matter noted in Column 1 if the Licensing Officer is of the opinion that the matter noted in Column 1 has occurred.
- 21.3 Demerit Points remain in place until the two-year anniversary of the date on which the demerit points were allocated.
- 21.4 If the total number of demerit points in effect respecting a Short Term Rental Property is at least five (5), the Licensing Officer shall suspend the License for three (3) months. The Licensee may appeal the decision in the same manner as provided for under Section 22 of this By-law.
- 21.5 If the total number of demerit points in effect respecting a Short Term Rental Property is at least ten (10), the Licensing Officer shall revoke the License for its remaining duration. The Licensee may appeal the decision in the same manner as provided for under Section 22 of this By-law.
- 21.6 If the total of all demerit points in effect respecting a Short Term Rental Property is at least fifteen (15), the Licensing Officer shall revoke the Short Term Rental License for its remaining duration, and the Licensee shall have no right to appeal the decision.

**SECTION 22 - APPEALS PROCEDURE**

22.1 Where the Licensing Officer refuses to issue or renew a License or where the Licensing Officer elects to suspend or revoke a License:

- a) the Licensing Officer shall send written notice advising the Applicant or Licensee of the refusal, suspension or revocation of the License;
- b) the written notice of the Licensing Officer shall be sent by registered mail to the Applicant or Licensee at the address of the Applicant or Licensee provided on the Application, or where a change of information has been provided by the Applicant or Licensee regarding address, at the address reflecting that change of information;

- c) written notice shall:
- i) set out the grounds for the refusal, suspension or revocation;
  - ii) be signed by the Licensing Officer; and
  - iii) indicate the final date and time by which the Applicant or Licensee may appeal the decision of the Licensing Officer to suspend, revoke, refuse to issue or renew the License, and the method for doing so, as set out in Section 22.1 (d); and,
  - iv) indicate the hearing of appeals fee, as set out in the City of Welland Fees and Charges By-law, as amended; and
- d) the Applicant or Licensee may appeal the decision of the Licensing Officer to suspend, revoke or refuse to issue or renew the Licence, by filing a written request with the City Clerk, which request must set out the grounds or basis for the request, and must be received in the Clerks Department no later than 4:00 p.m. on the fourteenth (14<sup>th</sup>) calendar day from the date on the notice is deemed received by the Applicant or Licensee. Such notice shall be deemed received five (5) business days after it has been mailed; and,
- e) the Applicant or Licensee shall have no right to appeal the decision of the Licensing Officer to suspend, revoke, or refuse to issue or renew the License as a result of a Fire Code or Building Code violations;

22.2 If no written request for an appeal is received from the Applicant(s) or Licensee(s) before the deadline as set out in Section 22.1 (d) regarding the Licensing Officers decision to suspend, revoke, refuse to issue or renew the License;

- a) no extension of the time to request an appeal or hearing will be granted; and,
- b) the decision of the Licensing Officer will be final.

22.3 The fee payable by the Owner or Licensee for the hearing shall be the set out in the City of Welland Fees and Charges By-law, as amended



**SECTION 23 - HEARING OF APPEALS**

23.1 Upon receipt of a written request for a hearing and the required fee for the hearing from the Applicant or Licensee, in accordance with Section 22.1 (d) the Appeal Tribunal shall:

- a) fix a date and time for such matter to be heard by the Appeal Tribunal within sixty (60) days of receipt of the appeal; and,

- b) send by registered mail or hand delivery the notice of hearing, which shall include the date, time and location of the hearing, at least fifteen (15) days prior to the date and time fixed for such hearing, to the Applicant or Licensee, the Licensing Officer or any other Person who has requested such notification in writing from the Appeal Tribunal.

## **SECTION 24 - HEARING PROCEDURE**

24.1 The following procedure shall be followed for appeals relating to the refusing, suspending or revoking of any License under this By-law:

- a) the Appeal Tribunal shall circulate copies of all reports from the Licensing Officer and any Officers, inspectors, investigators, employees of the corporation or other municipal, provincial, or federal agencies, police officers or Medical Officers of Health, who may be involved in the matter, to the Applicant, Licensee or any other Person to whom notice of the hearing has been given;
- b) the Applicant or Licensee, either personally or through an agent or solicitor, shall be afforded an opportunity to present such material and evidence relevant to the issue before the Appeal Tribunal, and may ask questions of any Person presenting evidence, relating to the evidence presented;
- c) the Appeal Tribunal may afford any other Person who appears to have an interest in the matters under discussion, an opportunity to present material and evidence relevant to the issue before the Appeal Tribunal;
- d) the provisions of the Statutory Powers Procedure Act, R.S.O. 1990, c.S.22, as amended, or any successor thereof, shall apply to all hearings conducted by the Appeal Tribunal under this By-law; and,
- e) any Person presenting evidence relevant to the hearing must be present to answer questions in relation to that evidence.

24.2 If the Applicant or Licensee who has been sent notice of the hearing does not appear at the appointed time and place of the hearing, the Appeal Tribunal may proceed with the hearing in the absence of the Applicant or

Licensee and if so, the Applicant or Licensee shall not be entitled to any further proceeding or further notice of proceedings.

- 24.3 At the conclusion of a hearing, the Appeal Tribunal may give its decision orally or reserve its decision, but in any case it shall provide its decision in writing, with reasons, within thirty (30) days of the hearing to the Applicant or Licensee and the Licensing Officer.
- 24.4 The Appeal Tribunal, in making its decision, may uphold or vary the decision of the Licensing Officer, or impose conditions, including special conditions as a requirement of continuing to hold a License.
- 24.5 The decision of the Appeal Tribunal issued under the By-law is final.

**SECTION 25 - ADMINISTRATION, ENFORCEMENT AND RIGHT OF ACCESS**

- 25.1 This By-law shall be administered and enforced by the City, the Licensing Officer or anyone appointed or otherwise delegated the authority of administration and enforcement.
- 25.2 If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision in this By-law shall apply.
- 25.3 It is hereby declared that notwithstanding that any part of this By-law, or parts thereof, may be found by any Court of law to be invalid or beyond the power of Council to enact such section or sections or parts there of shall be deemed to be severable and that all other sections or parts of this By-law are separate and independent there from and enacted as such.
- 25.4 Pursuant to the provisions of Sections 23.1 to 23.5 of the Act, the Clerk of the City of Welland is hereby authorized to effect any minor modifications or corrections of an administrative, numerical, grammatical, semantical, or descriptive nature or kind to this By-law as may be necessary after the passage of this By-law.
- 25.5 A Licensing Officer designated to perform inspections pursuant to this By-law, along with any Person necessary to assist the Licensing Officer with their duties, may at all reasonable times, enter upon any land and inspect any Short Term Rental for the purpose of determining whether the Property is in compliance with any Section of this By-law.
- 25.6 The Licensing Officer shall have inspection powers described in Section 436 of the Act.
- 25.7 No Person shall obstruct or hinder, or attempt to obstruct or hinder, a Licensing Officer, in the exercise of a power or the performance of a duty under this By-law.
- 25.8 No Person shall knowingly furnish false information in any form to the Licensing Officer with respect to this By-law.
- 25.9 In the absence of evidence to the contrary, if an advertisement or promotion related to the renting out of a Property intended to be used as a Short Term Rental is found, the Owner, is deemed to have posted the advertisement or promotion, or consented to the posting of the advertisement or promotion of the Property as a Short Term Rental.

**SECTION 26 - OFFENCES**

- 26.1 Every Person who contravenes any provision of this By-law, including any Schedule hereto, is guilty of an offence;
- 26.2 Every director or officer of a corporation who knowingly is involved in or aware of the contravention by the corporation of any provision of this By-law, including any Schedule hereto, is guilty of an offence.
- 26.3 Every offence under this By-law is designated as a continuing offence.
- 26.4 An Officer who finds that a Person has contravened a provision of this By-law may issue a penalty notice pursuant to the Administrative Penalty By-law 2019-135.
- 26.5 Administrative Penalty By-law 2019-135 applies to each administrative penalty issued pursuant to this By-law.
- 26.6 Any Person who contravenes any provision of this By-law shall, upon issuance of a penalty notice in accordance with Administrative Penalty By-law 2019-135, be liable to pay to the City an administrative penalty in accordance with the penalties set out in Schedule "B" attached.

**SECTION 27 - FORCE AND EFFECT**

- 27.1 This By-law comes into force and effect on January 31, 2022.

**SCHEDULE "A"****TABLE 1****DEMERIT POINTS**

<b>COLUMN 1</b>	<b>COLUMN 2</b>	<b>COLUMN 3</b>
<b>INFRACTION</b>	<b>SECTION</b>	<b>DEMERIT POINTS</b>
Fire Protection & Prevention Act	10.1 (d) i	10
Fire Safety Protocol	10.1 (f)	10
Obstruction	25.7	10
Building Code Act	10.1 (d) ii	8
Electrical Safety Code	10.1 (d) iii	8
Orders under the EMCPA	10.1 (d) iv	8
Reopening Ontario Act	10.1 (d) v	8
Open Air Fire By-law	10.1 (d) x	8
Health Protection and Promotion Act	10.1 (d) vi	8
Public Nuisance By-law	10.1 (d) xii	6
Noise By-law	10.1 (d) xiii	6
Fireworks By-law	10.1 (d) ix	6
Non-availability of Licensee/ Agent	10.1 (j)	4
Not posting Licence number	10.1 (i)	4
Not posting Licence	10.1 (b)	4
Not providing updated information	10.1 (c)	3
Parking Management Plan	10.1 (e)	3
Zoning By-law	10.1 (d) vii	3
Property Standards By-law	10.1 (d) xi	3
Clean Yards By-law	10.1 (d) xiv	2
Sidewalk Snow Clearing By-law	10.1 (d) xv	2
Sign By-law	10.1 (d) xvi	2

**SCHEDULE "B"****CITY OF WELLAND  
SET FINE SCHEDULE****CITY OF WELLAND BY-LAW 2019-XX, BEING A BY-LAW TO PROVIDE  
REGULATIONS FOR THE LICENSING AND INSPECTING OF SHORT TERM  
RENTALS**

<b>ITEM</b>	<b>COLUMN 1 Short Form Wording</b>	<b>COLUMN 2 Provision Creating or Defining Offence</b>	<b>COLUMN 4 Penalty</b>
1.	Carry on a Short Term Rental with out a Licence	3.1	\$1000.00
2.	Carry on a Short Term Rental with an expired/ revoked/ suspended licence	3.2	\$1000.00
3.	Communicate to rent an unlicensed Short Term Rental	3.3	\$1000.00
4.	Advertise an unlicensed Short Term Rental	3.4	\$1000.00
5.	Failure to display licence	10.1 (b)	\$300.00
6.	Failure to provide updated information	10.1 (c)	\$250.00
7.	Carry on a Short Term Rental without conforming to applicable laws	10.1 (d)	\$500.00
8.	Failure to display fire safety protocol	10.1 (f)	\$300.00
9.	Failure to display floor plan	10.1 (g)	\$300.00
10.	Failure to include licence number in advertisement or promotion	10.1 (i)	\$750.00
11.	Licensee/ Agent fail to attend Short Term Rental	10.1 (j)	\$400.00
12.	Failure to provide an updated certificate of insurance	10.1 (k)	\$200.00
13.	Alter/ Deface a License	19.1	\$200.00
14.	Licensee fail to ensure License not altered/ defaced	19.2	\$200.00
15.	Obstruction	25.7	\$400.00

16.	Furnish false information	25.8	\$400.00
-----	---------------------------	------	----------



**From:** [Earl, Lindsay](#)  
**To:** [Nicolas Aiello](#); [Rachelle Larocque](#)  
**Cc:** [Development Planning Applications](#); [Tikky, Alexandria](#); [Busnello, Pat](#)  
**Subject:** RE: Notice of Virtual Public Meeting - Short-Term Rentals, Welland (ZA-21-0086)  
**Date:** August 31, 2021 3:34:12 PM

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

Hi Nicolas,

Thank you for circulating the notice of public meeting for the City-wide Zoning By-law Amendment to permit short-term rental use (City File No. 2021-08). Please note that Regional staff have not received any additional information to review other than this notice, and would offer no objection, in principle, to the Amendment from a Regional and Provincial perspective subject to the following comments.

#### **Short Term Accommodations in the Urban Area**

Lands designated in the Urban Area for the City of Welland are within a Settlement Area under the 2020 Provincial Policy Statement (PPS), and subject to the policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These lands are designated Urban Area in the Regional Official Plan (ROP), and further delineated as Built-up Area or Designated Greenfield Area.

The PPS calls for the sustainability of healthy, liveable and safe communities by accommodating an appropriate range and mix of residential (including rental accommodations), employment, institutional, recreation, park and open space and other uses to meet long-term needs. The Growth Plan contains policies that encourage the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. The ROP permits a full range of residential, commercial and industrial uses generally within the Urban Area, subject to the availability of adequate municipal services and infrastructure. The policies emphasize intensification and infill as the preferred form of development to help achieve complete communities that have a mix of land uses, employment opportunities and are active transportation and transit supportive. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

The proposal to introduce permissions for short term accommodations within the all dwelling units in the Urban Area will provide further temporary accommodation options in those areas, contributing to the creation of a complete community. The proposal is generally supported by Provincial and Regional policy.

#### **Short Term Accommodations in the Agricultural Area**

Given the broad nature of the proposed Amendment, Regional staff assume that the By-law also aims to permit short term accommodations in dwelling units outside of the Urban Area Boundaries. These lands are within the Prime Agricultural Area under the 2020 Provincial Policy Statement (PPS) and are designated as Rural or Good Agricultural Area in the ROP.

Such lands shall be protected for long-term use for agriculture with specialty crop areas being given the highest priority for protection, and a full range of agricultural, agriculture-related and secondary/on-farm diversified uses are permitted within these designations. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations. The PPS defines agriculture-related uses as farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity. On-farm diversified uses are defined in the PPS as uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

Regional staff consider short term accommodations, including Bed and Breakfast operations, to be an agri-tourism use that would be permitted as an on-farm diversified use. In reviewing the proposed By-law Amendment, City staff should be guided by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Guidelines on Permitted Uses in Prime Agricultural Areas, which contain criteria that must be met in order for a use to qualify as agriculture-related or on-farm diversified.

### **Policy Comments**

Regional staff notes there is limited data in Niagara regarding the impacts of short-term rentals on our housing supply. The following [research article](#) published in 2020 does provide a general assessment of short-term rental impacts across Canada. The data suggests that there are some census tracts in Niagara where the operation of short-term rentals has resulted in the removal of housing that would otherwise be available on the long-term rental market, thereby reducing housing supply and affordability. However, it is unclear where in Niagara these impacts are concentrated.

A more concrete takeaway from the paper is that a significant portion of short-term rentals in Niagara (i.e. 43%) are operated as commercial listings. With that in mind, it is important that any future licensing consider separate requirements for both operators that are renting out their own home and larger companies.

Regional planning staff suggest that the City of Welland look at the approach implemented by other municipalities like Toronto and Blue Mountains as part of the completion of the zoning by-law amendment and future Licensing By-law which may prove helpful.

Trusting this information is useful. Please feel free to contact our department, should you require anything further.

Kind Regards,

**Lindsay Earl**, MES, MCIP, RPP  
Senior Development Planner  
Planning and Development Services  
Regional Municipality of Niagara  
Phone: 905-685-4225 ext. 3387  
Toll Free: 1-800-263-7215  
Fax: 905-687-8056

**Regional Municipality of Niagara Confidentiality Notice:**

The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you!

**From:** Nicolas Aiello <nicolas.aiello@welland.ca>  
**Sent:** Thursday, July 29, 2021 12:03 PM  
**Subject:** Notice of Virtual Public Meeting - Short-Term Rentals (File No. 2021-08)

Good Afternoon,

Please find attached file to review the Notice of Virtual Public Meeting regarding Short-Term Rentals in the City of Welland.

Kind regards,



**Nicolas Aiello**  
Policy Planner  
Development and Building Services  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4  
**Phone:** (905)735-1700 Ext. 2132 **Fax:** (905)735-8772  
[www.welland.ca](http://www.welland.ca)



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

The Regional Municipality of Niagara Confidentiality Notice The information contained in

this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

**From:** [Matt Richardson](#)  
**To:** [Nicolas Aiello](#)  
**Cc:** [Grant Munday](#); [Ali Khan](#); [Adam Eckhart](#); [Steve Zorbas](#)  
**Subject:** Short Term Rentals  
**Date:** May 20, 2021 12:53:19 PM

---

Nicolas,

As discussed, the Fire Department will be taking an approach similar to other Fire Department's in the Region. A declaration and "check-list" will be required to be completed by the operator which verifies working smoke and carbon monoxide alarms exist in the home, in addition to a portable fire extinguisher and an evacuation plan. As these are often single-family dwellings, the Fire Code requirements for single-family homes would be required anyway. We would include as part of the declaration that if at any time the Fire Department responds to the address and finds these fire safety requirements missing or not maintained, automatic enforcement would result in addition to any administrative penalties tied to the By-Law. The Fire Department would also like included that the number of occupants within the residence should not exceed what it is designed for (i.e. Part 9 OBC determination of two (2) persons per bedroom).

With respect to fees, the Fire Department would want the council approved "Bed and Breakfast" fee of \$250 plus HST. The Fire Department would require that annually the operator provides their test and check records of their fire and life safety devices.

Thanks,



**Matt Richardson, B.A., CFEI, CCFI-C, CMM I**  
 Director of Fire Prevention  
 Welland Fire and Emergency Services  
 Corporation of the City of Welland  
 636 King Street, Welland, Ontario L3B 3L1  
**Phone: (905)735-1700 Ext. 2408 Fax: (905)732-2818**  
[www.welland.ca](http://www.welland.ca)



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

**From:** [Matt Richardson](#)  
**To:** [Ali Khan](#); [James Cronshaw](#)  
**Cc:** [Nicolas Aiello](#); [Burt Lamoureux](#); [Adam Eckhart](#)  
**Subject:** Wording  
**Date:** August 12, 2021 1:32:15 PM

---

Good Afternoon,

As promised, see below:

Electrical Inspection Suggested Language:

Each occupancy housing a short term rental shall be subject to a general inspection by the Electrical Safety Authority (ESA), as defined in the Electricity Act, 1998, with the inspection fees paid for by the applicant. Electrical hazards identified during the inspection shall be repaired in accordance with the Electrical Safety Code by a licenced electrical contractor. A letter of compliance from the ESA shall be provided to the City as part of the application. The ESA can be notified at 1-877-ESASAFE or book online [www.eleccheck.ca](http://www.eleccheck.ca).

NOTE: "Eleccheck" inspections are on a temporary hold due to COVID at the moment, but presumably would resume in 2022. If the public health climate doesn't get to a point in 2022 where they would resume I suppose we would entertain an inspection from an electrician. We would have to discuss that scenario.

RE: Fire Safety Protocol Sec. 2.20

Remove the portion of the last sentence, "which also includes a fire safety plan which would be required under the Fire Protection and Prevention Act". The criteria to require a fire safety plan for an occupancy is outlined in the Ontario Fire Code, which would not include the short term rentals since it's capped at three (3) rooms. The initial language in defining the "fire safety protocol" includes the majority of the information that would technically be included within a fire safety plan anyway. Let's keep the initial language, but I would ask that the floor plan with location of exits be posted conspicuously beside the protocol.

Suggested language: A copy of the floor plan, which includes location of exits and fire safety rules shall be posted conspicuously in conjunction with the fire safety protocol.

A "fire safety checklist" shall be completed by the applicant and submitted as part of the application.

We would also require photographs to be provided electronically demonstrating the location of smoke and carbon monoxide alarms.

If you require further information please let me know.

Thanks,



**Matt Richardson, B.A., CFEI, CCFI-C, CMM I**  
Director of Fire Prevention  
Welland Fire and Emergency Services  
Corporation of the City of Welland  
636 King Street, Welland, Ontario L3B 3L1  
**Phone: (905)735-1700 Ext. 2408 Fax: (905)732-2818**  
**[www.welland.ca](http://www.welland.ca)**



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.



Dear Mayor and Councillors,

On behalf of Welland's Airbnb host community, we want to thank you for your leadership during these difficult times. As we begin to see hope on the horizon and attention turns to economic recovery, it's important to consider how travel and tourism can play a vital role. In particular, there is a tremendous opportunity for individuals to leverage their homes, often their most expensive and valuable asset, to earn extra income. This is particularly important as, in 2019, 52% of our hosts in the province said that they host because it helps them make ends meet. Among them, 57% are women, one of the worst impacted demographics during the pandemic.

I wanted to write to you in advance of the council meeting today. While every municipality has unique needs when it comes to regulating short-term rentals (STR), we encourage Innisfil to consider the following methods of regulating and monitoring home sharing:

- **Registration:** Putting in place a registration process for short-term rental hosts allows municipalities to monitor hosting activity and determine a local responsible party should an issue arise. What we've found is that the simplest system is often the best, and systems with fewer barriers in place to registration tend to see the greatest level of compliance.
- **Good Neighbour Policy:** Enforcement is often most effective when tied to a community's specific quality of life concerns. While these issues are very rare, some cities have targeted STR enforcement in response to complaints about nuisance properties and other neighbor concerns.
- **Insurance:** Insurance provides peace of mind for hosts, guests, and neighbors alike. That's why Airbnb provides a Host Guarantee to our users, offering protection for up to \$1,000,000 to a host for damages to covered property in the rare event of guest damages above the security deposit or if no security deposit is in place.

We had an opportunity to speak with Welland staff on this issue and gain a better understanding of what the municipality is trying to solve for. We appreciate all of the time and work that staff put into the report in front of you today. However, we disagree on two key points in the report that we feel will greatly hurt the Welland host community.

1. **Registration** - as outlined in the report, the current proposed registration process would be too onerous to complete and would discourage Welland hosts from complying. The bylaw inspection requirement alone is unnecessary as all short-term rentals were inspected upon building and purchasing by current owners. In municipalities similar to Welland, we have found that a simple, straightforward registration process will yield a higher percentage of registrations and make it that much easier for municipalities to enforce their regulations.
2. **Licensing fee** - the Welland host community operates on a very occasional basis. This community is made up of people who are looking to make a little extra money from a spare room every few months



or host their homes when they travel. As a result, hosts will not find it financially beneficial to register their home if they must pay over \$1,000. We have found that pricing the fee closer to \$100 is not only reasonable but also, will encourage a larger percentage of hosts to register.

We encourage you to review successful short-term rental by-laws and registration systems in cities like Calgary and Vancouver where they have implemented simple and effective systems to regulate, monitor and enforce their local regulations.

### Trust and Safety

We understand Welland has faced a couple of nuisance properties that may be short-term rentals and we are happy to work with the city to help with a number of tools we have created to address issues such as these. Our community's safety, both online and offline, is our priority. There have been more than half a billion guest arrivals in Airbnb listings to date, and negative incidents are extremely rare.

Even so, we're constantly working to improve our platform, our policies, and our protections, because even one incident is one too many. As a result, we have pioneered a series of tools that are already available to Airbnb users at no charge and which cover all jurisdictions where we operate. You can find a detailed report of these initiatives by reading our latest [Trust Report](#).

Some of the most important tools available include:

- **Neighborhood Support Line:** Providing direct access for guests, hosts, and the communities in which we operate is critical to trust on our platform. In January 2020, we launched a neighborhood support hotline in Canada so that neighbors can reach us directly with their concerns.
- **Party House Ban:** In November 2019, our CEO took a stand against "party houses" and formally banned them from our platform in accordance with our policies. We went on to expand on that ban with more transparency about the policy, including a ban on "open-invite" parties.
- **Global Ban on Parties:** To build on our efforts to crack down on "party houses"—and in the context of the ongoing public health crisis—in August 2020, we announced a global ban on all parties and events at Airbnb listings, in accordance with our policies and in the interest of public health, until further notice. This was accompanied by a new occupancy cap of 16 people in a listing.
- **Risk Detection Tools:** We have implemented high-risk detection systems that flag potentially problematic reservations for manual review. Thanks to these systems, we have identified and proactively cancelled nearly 9,000 high-risk reservations in the United States and Canada. Additionally, to complement this risk detection technology, earlier this year we shared out additional safety defenses aimed at protecting our hosts and stopping as many large gatherings as possible, including an initiative that restricts certain bookings by US and Canadian guests under the age of 25 of entire home listings in their local area. This technology has blocked over 770,000 distinct reservation attempts in the US and Canada. This restriction does not block guests from booking private room listings and hotel rooms through Airbnb.

### Airbnb's Commitment to Collecting Taxes and Supporting Public Services

Airbnb believes that short-term rentals should support core public services, infrastructure and tourism development. That's why, in addition to developing critical public safety tools, we are committed to working with provinces to efficiently and effectively collect and remit lodging taxes on behalf of our hosts and guests.

For example, in 2019 we collected and remitted nearly \$100,000 in MAT to the city of Windsor on behalf of our hosts worldwide. While Airbnb is not in a position to enter into additional voluntary collection agreements in Ontario at this time, we encourage the Town to advocate for changes to the MAT as outlined in our Ontario budget submission attached here. Airbnb is the only platform with voluntary collection agreements in Ontario and BC. Our competitors are not collecting these accommodation taxes. Our proposal calls on Ontario to make the MAT province-wide, mandatorily collected by platforms and remitted to the province to be then sent to municipalities based on the amounts collected. We encourage Council to write to your local MPP and to AMO to support this position.

While we recognize the need of some jurisdictions to regulate some aspects of short-term rentals, we urge Innisfil to develop common-sense rules for engaging in home sharing which set clear expectations for the host community. We believe it is possible to set in place fair guidelines which target bad actors without stifling the economic opportunities and flexibility home sharing provides families. Airbnb welcomes the opportunity to discuss regulatory solutions for your town. Please do not hesitate to reach out with questions or concerns.

All the best,

Shanthi Bolla

**From:** [Vivian Dilts](#)  
**To:** [Nicolas Aiello](#)  
**Subject:** short term rental by-laws  
**Date:** August 12, 2021 7:43:29 PM

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

Hi Nicholas

Further to tonight's meeting , when you mentioned that the existing short term rentals would be grandfathered in for location , do they also need to have someone living there permanently either themselves or a tenant.?

I think that giving one hour of notification should be adequate . Felix who stated it wasn't long enough doesn't reside in the Niagara Region so it would seem to be imperative to have someone residing in the home as an owner or tenant so that they could comply with the one hour notice.

Vivian Dilts  
Sent from [Mail](#) for Windows

---

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

**From:** Douglas Smith  
**To:** [Nicolas Aiello](#); [John Mastroianni](#); [Councillor Claudette Richard](#); [Councillor John Chiocchio](#)  
**Subject:** Short term housing  
**Date:** August 12, 2021 7:36:00 PM

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

Good evening; sorry for flying off the handle, but I don;t like liars. He has no cameras on the property unless they are in the floodlights, and I introduced myself when he was inspecting his property and told me he and his family were going to live on the main floor. I thought this was one sided not listening to the complaints of area residents. Yes it was about the bylaws, here again like I mentioned to you before when I was on the Town and Gown Committee, it is all for the landlords. He should not be allowed in through a grandfather clause, This happen right after the city changed their zoning bylaws to low density housing, if he things he add more people to a room, then the Ministry of landlord and tenant act steps in also the health department, plus plumbing issues to see if the lines are big enough to carry that amount of waste. He just started cleaning up the property because of this meeting and the tenant wasn't long term and was house because of a fire, the police report says differently.

I thought this was all one sided.

Again I apologize for my outburst.

Doug Smith

---

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

**From:** [Shanthi Bolla](#)  
**Cc:** [council](#); [Nicolas Aiello](#); [Rachelle Larocque](#); [Grant Munday](#)  
**Subject:** Short-Term Rental Hearing Follow Up  
**Date:** September 9, 2021 7:20:38 PM

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

Dear Mayor & Councilors,

Thank you for giving me the opportunity to speak to you at Tuesday's meeting on Welland's proposed short-term rental regulations. I understand from some of the conversation at the meeting that there have been a number of nuisance properties within Welland.

We are happy to investigate any specific properties you or your constituents feel might be an Airbnb listing and is causing issues for the community. Additionally, I wanted to provide you with further details about our Neighborhood Support Line I mentioned on Tuesday, which is accessible to the Welland community.

The **Neighborhood Support Line** provides direct access for guests, hosts, and the communities in which we operate is critical to trust on our platform. In January 2020, we launched a neighborhood support hotline in Canada so that neighbors can reach us directly with their concerns. It allows community members to directly speak or message with a member of our support team to express any concerns that might come up with a potential Airbnb listing.

Please let me know if you have any further questions or if there are any specific properties you would like us to look into.

Thank you for your time.

-Shanthi



**Shanthi Bolla**  
North America Policy Program Manager

---

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

**From:** [felixv](#)  
**To:** [Nicolas Aiello](#)  
**Cc:** ["Michael Ritter"](#)  
**Subject:** RE: Welland Short-Term Rentals Public Information Meeting Presentation  
**Date:** September 7, 2021 4:11:04 PM

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

Hi Nicolas,

Hope all is well with you.

Below are some comments and items for further considerations with respect to the presentation slides provided:

Slide 7, clause c): How long can the primary residential unit remain vacant if the intent of that unit is to maintain it a standard straight rental unit? i.e. main floor unit of the dwelling is a straight rental and the other 1 or 2 legal accessory dwellings (in a 3 unit home) are being used as short term rentals.

Slide 10 – RE: parking: Can the additional required parking space be a tandem parking space? For example, can short term rental guests park behind long term tenant’s vehicle?

Slide 11 – RE: Licencing By-Law: - When will application be required/due? Will city provide all templates necessary re: Fire Safety Checklist, Parking Management Plan, etc.

- For Eleccheck Inspection: will require sufficient time to both schedule such inspection with a licenced electrician and allow for sufficient time to have electrician issue a report. Need sufficient and reasonable lead time to comply without being penalized by City by-law

Slide 12 – RE: Renewal Application requirements – Inspections: When will these be required and how much lead time will by-law enforcement require to inspect each short term rental upon initial applications? 1-2 days? 1-2 months? Should be reasonable time frames for all concerned without unintentionally impacting short term rental operations with undue delays?

Slide 15 – License Conditions: - RE: “Fire Safety Protocol”: Will city provide a template to short term rental operators to maintain consistency and uniformity of info required by the city from all short term rental operators?

Slide 15 – License Conditions: - RE: “Ensure compliance with all applicable laws” – These should all be reasonable and no more onerous than what is currently acceptable and required for neighbouring single family and multi-family properties. Also, how does city intend to avoid

penalizing short term rental operators if NIMBY (not in my back yard) neighbours constantly call city by-law officers regardless of whether their complaints are valid or not, solely for the purposes of trying to shut down their neighbouring short term rental operators. This will likely be an issue especially given the very Robust Demerit point system proposed on slides 17, 18 and 19 especially in situations where neighbours are committed to shutting down their neighbouring short term rental operators at all costs, regardless of whether their reasons are valid or not (i.e. how do we deal with NIMBY neighbours to maintain fairness to all parties concerned without negatively impacting or inadvertently and unreasonably penalizing one party vs another? Conversely, why are short term rentals being provided with significantly much higher standard of care and risk of penalties and even a potential of being completely shut down by the city, whereas owner occupied neighbours are not subject to the same standard of care or requirements (i.e. who do we know whether neighbouring owner occupied homes are also compliant with the same applicable laws as what short term rental operators need to provide evidence of compliance for, such as: Fire Code, Building Code, ESA, Fireworks by-law, clean yards by-law, noise by-law, property standards by-law, sidewalk snow clearing by-law, etc. There should not be a double standard here for short term rental operators. By-laws should be fairly applied to all parties.

Slide 15 – License Conditions: - RE: “Licensee of Agent to attend the property within 1 hour of notification (phone and/or email): 1 hour lead time is unreasonable regardless of whether licensee or their agent attends such meetings. Also, contact must be made by by-law officers by phone always, and email as well. From a practical standpoint, if by-law officer tries to contact an a Licensee by email at 3 a.m. when everyone is sleeping that would not be reasonable. However, as an alternative, city should consider allowing licensee’s to provide access details to bylaw officers if/when 1 hour notification is not practical or reasonable to enable by law officers to inspect units asap. Further, city can enable by-law officers and licensees to set up mutually convenient time to meet in the next few days if such meeting is required to further discuss and go over any items requiring either an online (i.e. Zoom or other meeting) or face to face in person meeting? This way, by law officers can gain access to inspect the respective short term rental units in a timely fashion while at the same time being able to communicate with the short term rental licensee or their agent real time via phone call when required, while also providing for sufficient time to discuss and go over any issues or findings at a later time but also in a timely manner if this is further deemed necessary by city by-law.

Slide 16 – Licence Term: - What is the start date of initial licence? January 1, 2022? Will city provide reasonable and sufficient time for licensee’s to both file their application, compile all required information, plans and reports, get Eleccheck scheduled, etc?

Slide 16 – Transfer of Licence: We disagree with STR license not being transferable and/or becoming void immediately upon change of ownership. These proposals are likely contrary to how other “legal non-conforming” other types of properties are being treated by the city, as those would typically continue to be used as legal non-conforming even when ownership transfers and can continue being used the same way by a new owner (i.e. legal non-conforming duplexes, triplexes, etc.). Then why are short term rental operators being proposed a double standard rules/restrictions that go above and beyond what is currently being allowed for other legal non-conforming dwellings recognized by the city as such???

Slide 17 – Penalties and Enforcement: Proposed license suspension for 3 months with only 5 Demerit points is unreasonable especially as rare exceptions, largely outside of licensees control could easily result in more than 5 demerit points and 3 months license suspension very easily. For example items noted on Slide 18 from “Fire Protection & Prevention Act through to Fireworks by-laws”. Fyi – most if not all short term rental operators would like to avoid all guests who are looking to party or who create excessive noise or set off fireworks. However, if a guest decides to disconnect a smoke alarm without notifying a licensee or if a guest chooses to disregard licensees rules, including those required to be posted by licensees and those that licensees have indicated on their short term rental booking platforms, licensee would then have their licenses revoked for the duration, which is unreasonable as this would be enforcing short term rental by laws by exceptions rather than the rules. If the city, wishes to go this route than it should be prepared to also hold owner occupied neighbour to the same standards and proposed fines as well. As an alternative, city should consider issuing an order that would need to be resolved prior to continuation of operation of a short term rental to ensure they are in full compliance prior to doing so. The demerit system proposed on Slides 17, 18 and 19 are to onerous, not equitable and too harsh and could easily inadvertently penalize short term rental operators who are otherwise compliant, based solely on exceptions. Yet, similar harsh by-laws currently don’t exist for owner occupied or long term straight rental home operators. All we are asking for here is fairness and consistency across the board regardless of who occupies each one of these units (i.e. owner or tenant or short term rental guest, ect... city by-laws, penalties and fees should be the same for all regardless of who occupies each respective unit)

Slide 18, clause 8): impractical since current proposal of 1 hour max lead time is not practical. Clauses 10 and 11 are also impractical if it is the short term rental guest who defaces a short term rental license inadvertently, why would licensee then be penalized for this especially if city by law officers will have access to database outlining all licensees and location of all licensed short term rental units in the city. Licensees have zero reason to deface a license willingly.

Slide 20, Appeals: How often will city hear appeals? Daily, weekly, monthly? Should be reasonable and timely to prevent any undo operation delays to licensees

Thank you once again for your consideration.

Kind regards,

Felix Vortsman

**From:** Nicolas Aiello <nicolas.aiello@welland.ca>

**Sent:** August 17, 2021 9:59 AM

**Subject:** Welland Short-Term Rentals Public Information Meeting Presentation

Good Morning All,



This email is to inform you that the presentation slides for the August 12 Public Information Meeting regarding Short-Term Rentals in the City of Welland have been added to the City's Your Channel page. Please see below link to view the page.

<https://yourchannel.welland.ca/short-term-rentals>

Kind Regards,



**Nicolas Aiello**  
Policy Planner  
Development and Building Services  
Corporation of the City of Welland  
60 East Main Street, Welland, Ontario L3B 3X4  
Phone: (905)735-1700 Ext. 2132 Fax: (905)735-8772  
[www.welland.ca](http://www.welland.ca)



This email may contain confidential and/or privileged information for the sole use of the intended recipient. Any review, disclosure, or distribution by others is strictly prohibited. If you have received this email in error, please contact the sender immediately and delete all copies.

---

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

# Short Term Rental Survey

---

## **SURVEY RESPONSE REPORT**

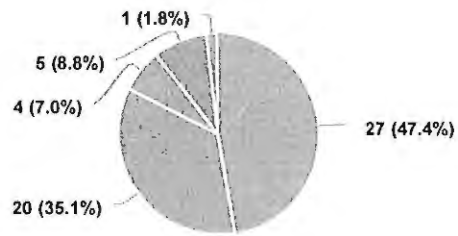
12 April 2021 - 17 May 2021

**PROJECT NAME:**

Short Term Rentals



**SURVEY QUESTIONS**

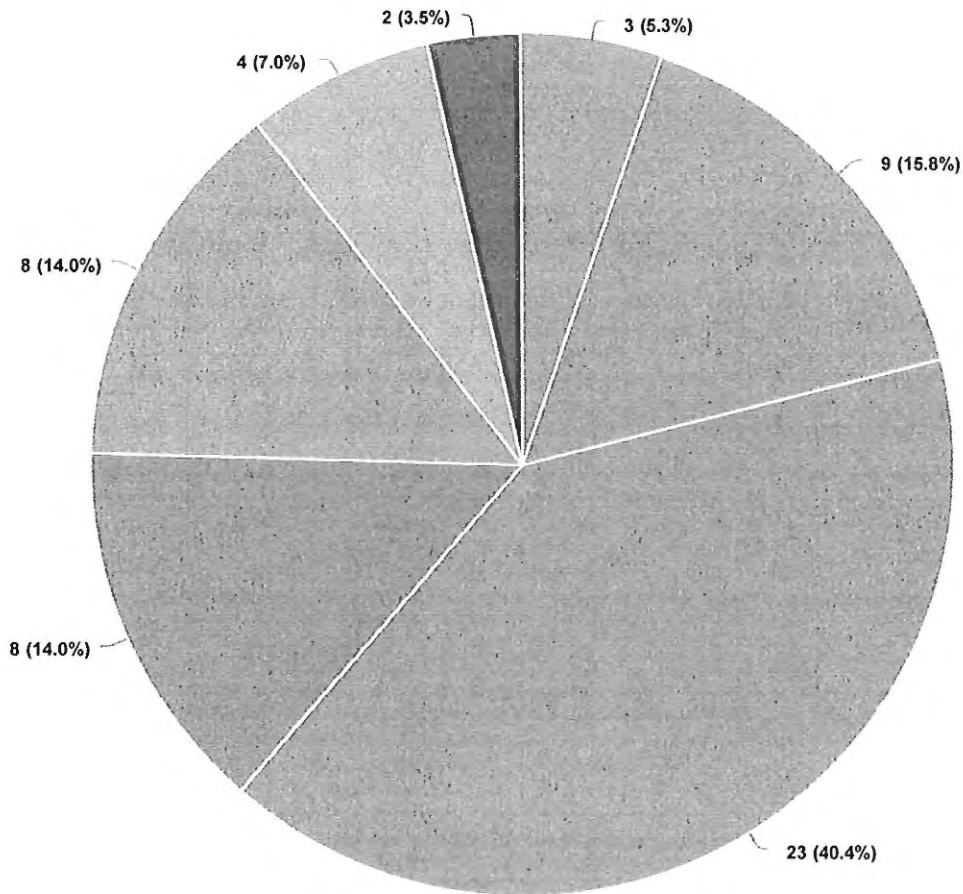
**Q1 Which of the following statements apply to you?****Question options**

- I am a resident in Welland
- I own residential property/properties in Welland
- I rent residential property/properties in Welland
- I own, operate and/or facilitate short-term accommodations such as a bed and breakfast, hotel, motel or short term rental platform (i.e. Airbnb, VRBO, Flipkey, etc.)
- The statements above do not apply to me, but I have an interest in short-term rentals

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*

**Q2 Ward Map** Please select the ward in which you reside



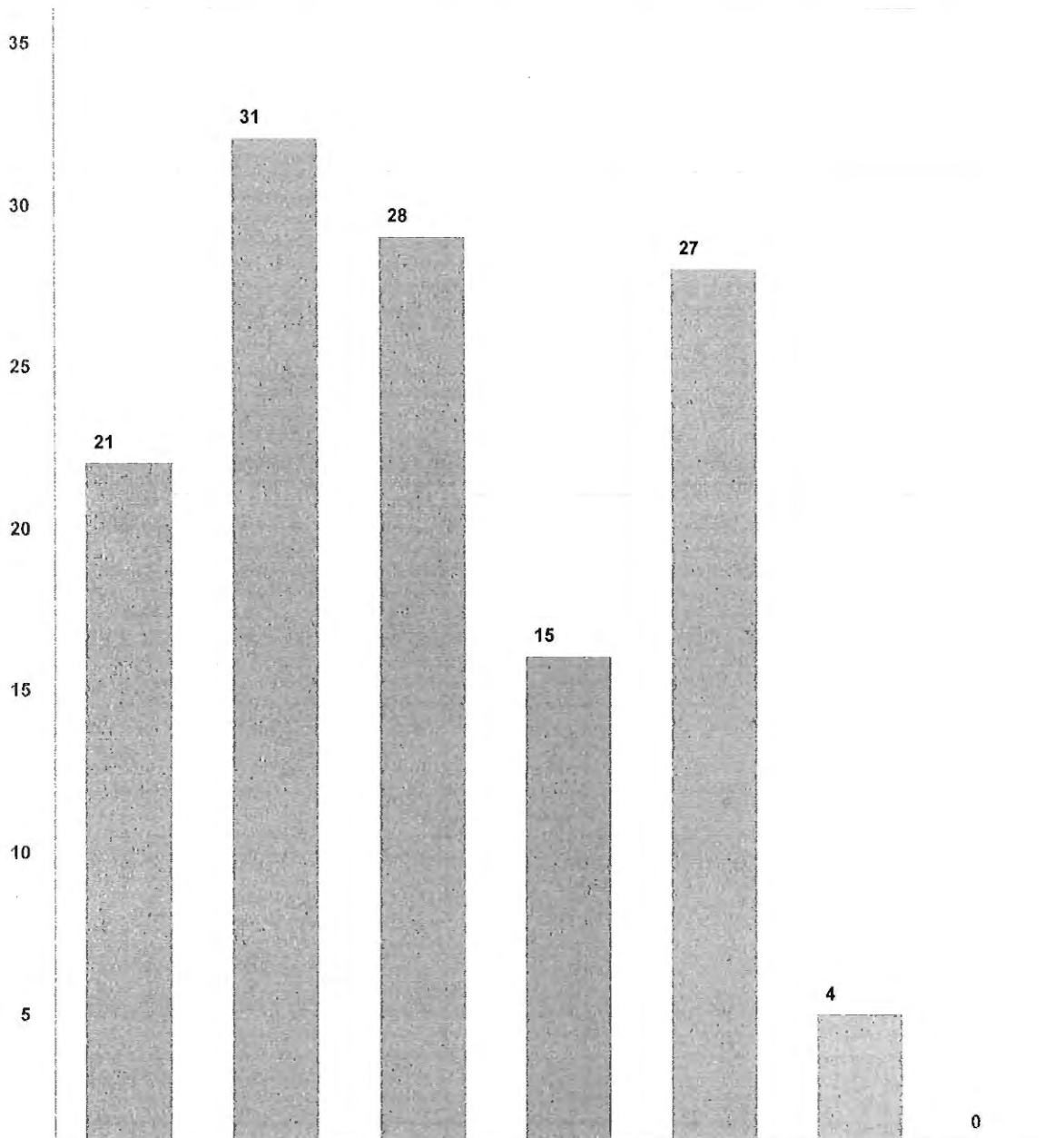
**Question options**

- Ward 1
- Ward 2
- Ward 3
- Ward 4
- Ward 5
- Ward 6
- I do not live in Welland

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*

**Q3 In what way(s) do you think short-term rentals benefit the community?**

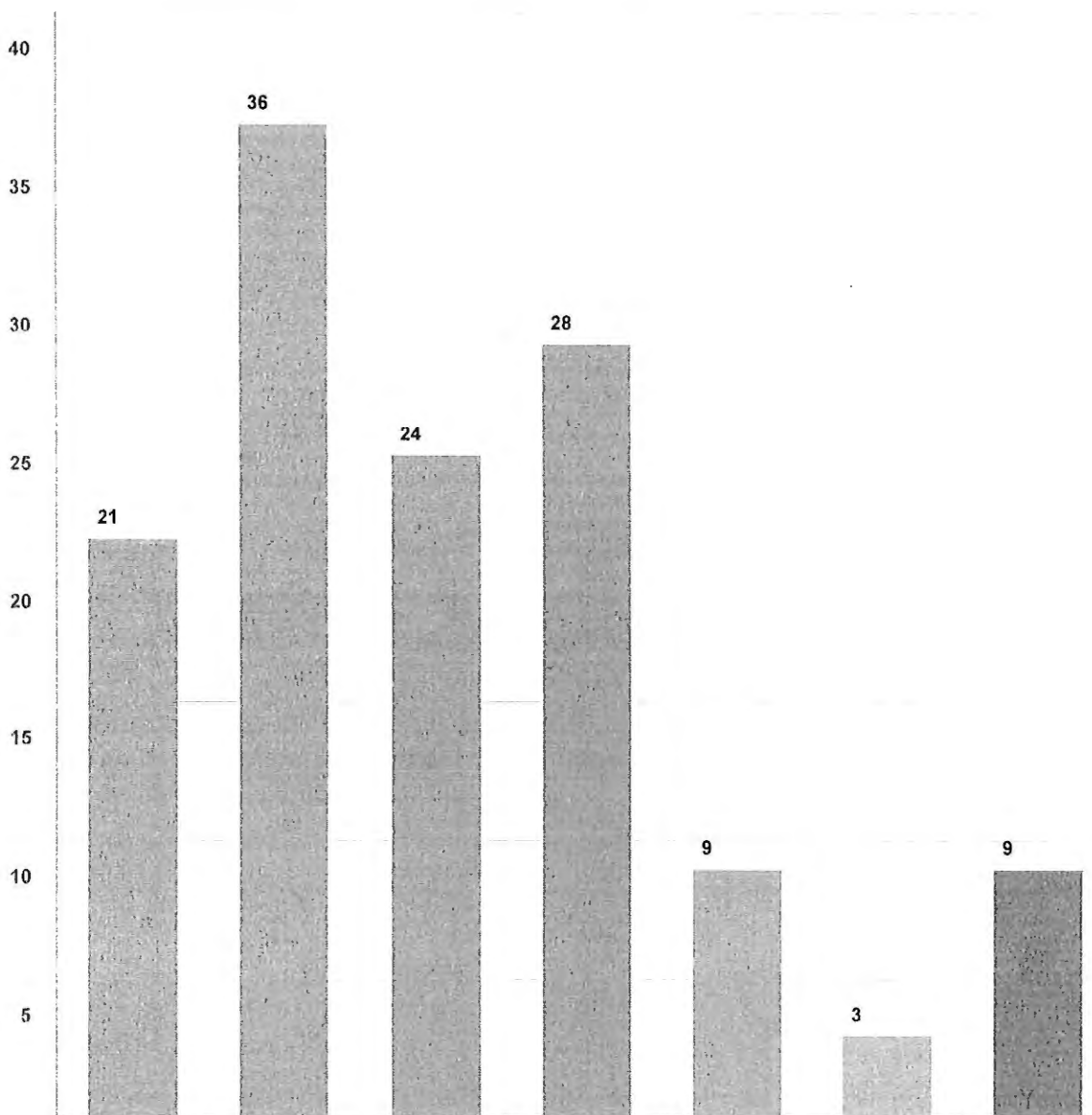


**Question options**

- No benefit
- Offers an alternative form of accommodation for tourists and visitors to the City
- Provides additional income for the owner or occupant of the dwelling unit
- Makes use of underutilized residential dwellings
- Supports spending of tourist dollars in the community to support local businesses
- Other (please specify)
- Unsure

Mandatory Question (57 response(s))  
 Question type: Checkbox Question

**Q4 : In what way(s) do you think short-term rentals negatively affect the community?**

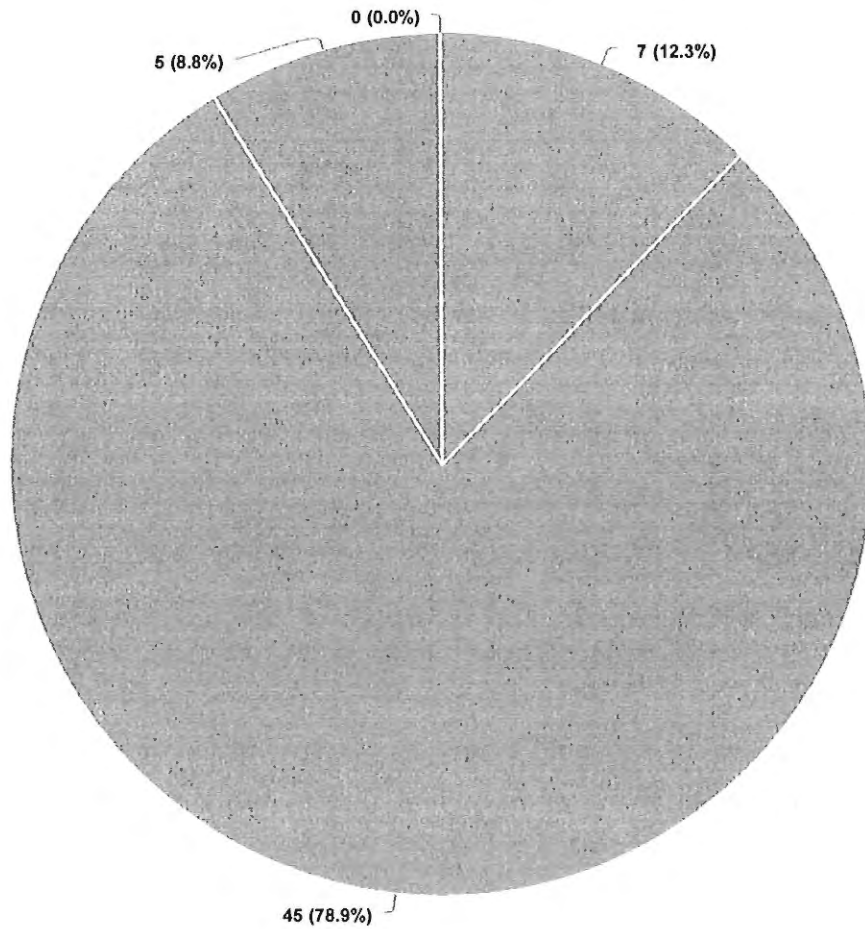


**Question options**

- Reduces the inventory of units available for long-term rental
- Short-term renters can be noisy neighbours (special event gatherings, parties etc.)
- Short-term renters use on street parking that is otherwise available to permanent residents
- Short-term renters do not maintain a property the same way permanent residents do
- No negative effect
- Unsure
- Other (please specify)

*Mandatory Question (57 response(s))  
Question type: Checkbox Question*

**Q5** Have you ever listed your home or a room on a short-term rental website (i.e. Airbnb)?



**Question options**

- Yes    No    No - but I would consider doing so under certain conditions    I'd prefer not to say

*Mandatory Question (57 response(s))*  
*Question type: Radio Button Question*



**Q6 Under what conditions would you list your home or room on a short-term rental website?****dory**

11/17/2021 10:02 AM

**After the pandemic, during busy  
tourist season.****Pidge**

11/17/2021 9:12 AM

**Only for large events happening in  
the City or adjacent municipalities ei  
Olympics****StrongJones99**

11/16/2021 11:05 AM

**Being property set up for such a  
business****rainasun**

11/17/2021 9:01 AM

**I have extra time besides work and  
family****cbyfirez**

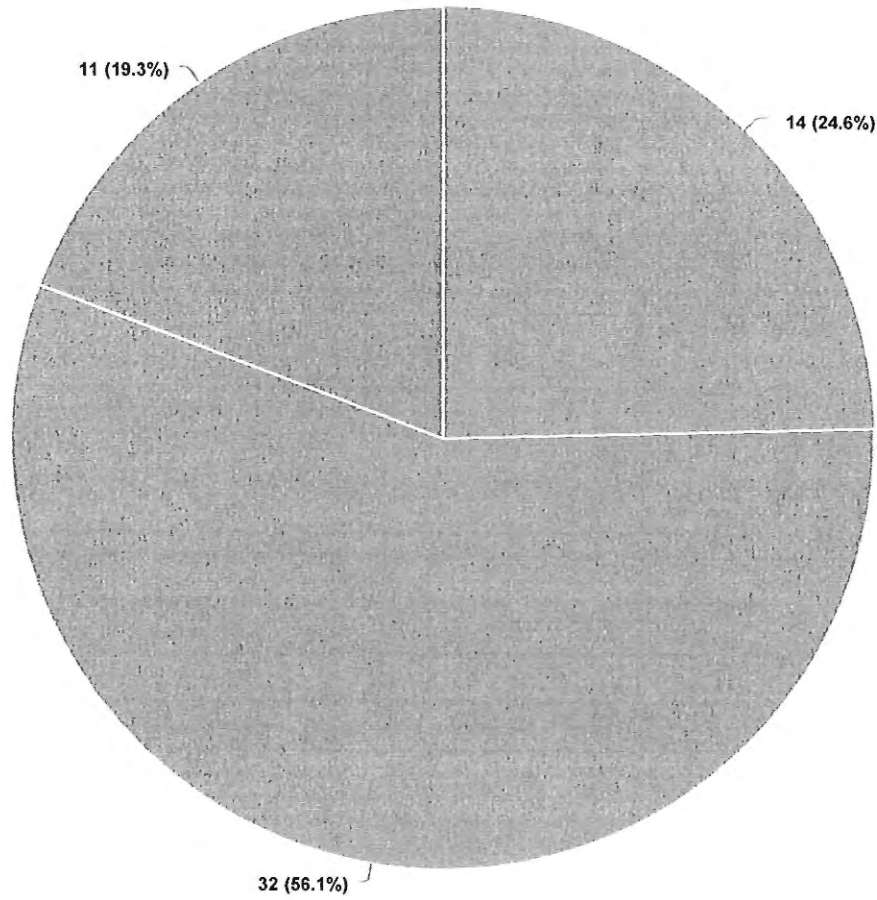
11/16/2021 7:00 AM

**if it was not prohibited by the city**

Optional question (5 response(s), 52 skipped)

Question type: Essay Question

**Q7** | Would you be comfortable with short-term rentals in your neighbourhood?



**Question options**

- Yes
- No
- Yes, under certain conditions

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*

### Q8 : Under what conditions would you be comfortable with short-term rentals in your neighbourhood?

**Lbryan9**

04/17/2021 09:15 AM

Only if the rental were something like a basement apartment and the owner lived above. The key thing is the presence of the owner and the owner's ability to control what happens in the rental.

**pbryan3**

04/27/2021 09:13 AM

The ONLY condition under which short term rentals should be allowed is if the property owner is onsite during the rental term.

**Piklbalr**

04/28/2021 09:56 AM

That the owner is onsite for the rental duration.

**Anna Macpherson**

04/29/2021 10:17 AM

Close watch by owner always. Rental to families. Rentals run by reputable owners or agencies that are honest and held accountable for their actions.

**dory**

04/29/2021 01:21 PM

If the owner also resides in the property.

**Alexandrina Plopp**

04/29/2021 11:00 PM

Some restrictions pertaining to my answers to q4

**Pidge**

04/04/2021 07:32 AM

The owner is home and there is sufficient parking on street or driveway

**Happy to help**

04/30/2021 09:48 AM

Maintain a level of neighbourly pride with well maintained property and always be accessible with contact information

**scottkv25**

5/13/2021 12:40 PM

Adhering to a noise bylaw, no later than 11 p.m. Maximum number of guests at 4-6. No parties.

**lynn**

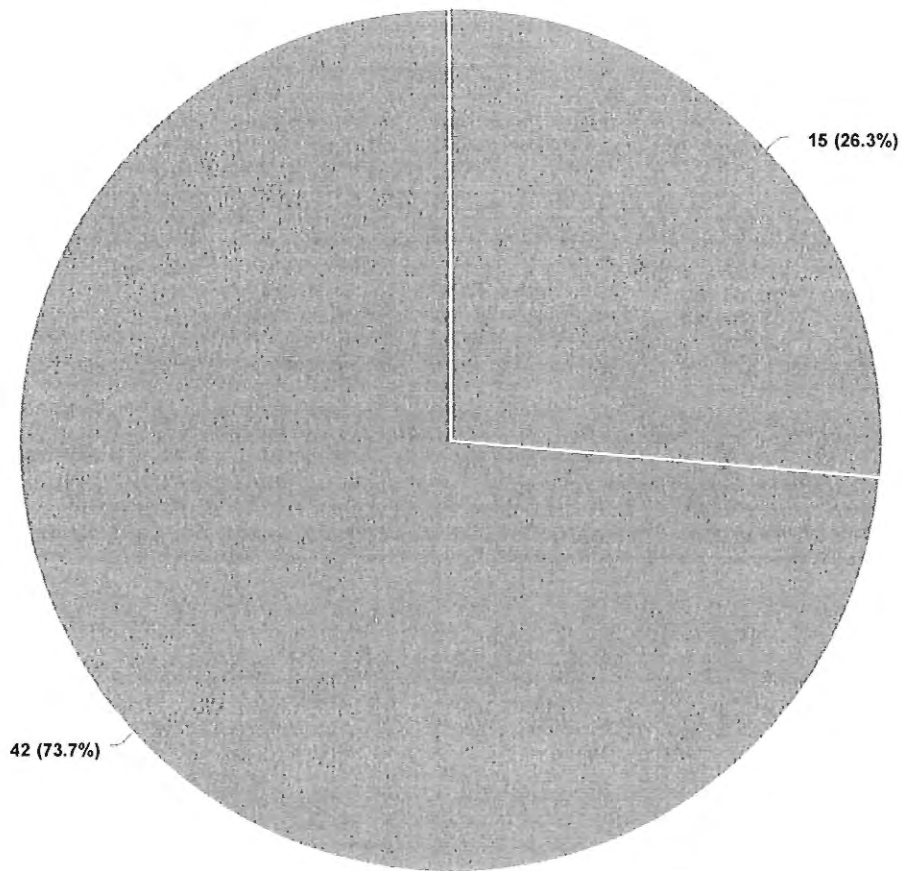
5/17/2021 11:58 AM

Window of the unit has a phone number to call the property owner if there are any issues with noise, garbage, parking, etc.

Optional question (10 response(s), 47 skipped)

Question type: Essay Question

**Q9** | Have you ever experienced an issue related to a short-term rental in your neighbourhood?



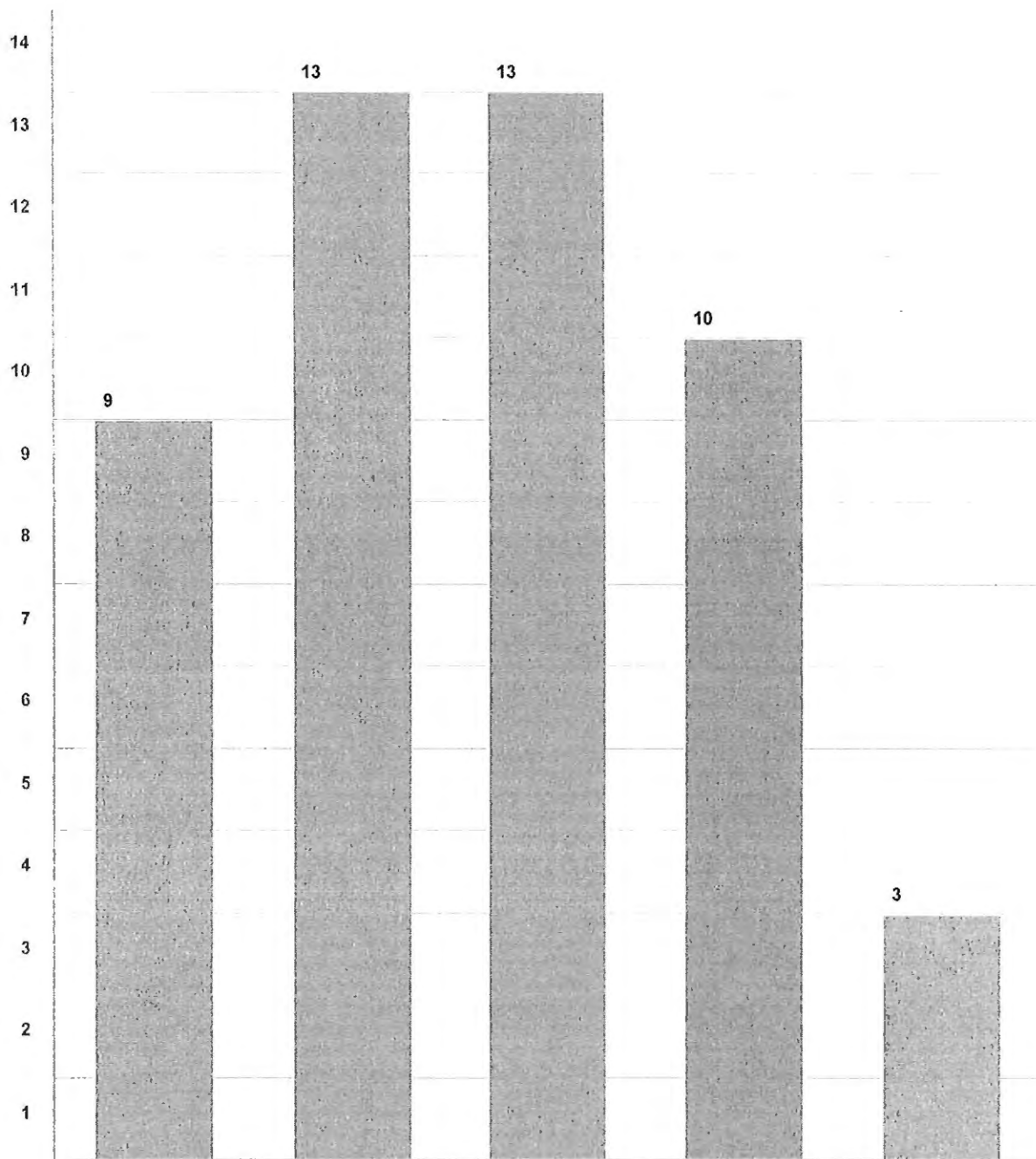
**Question options**

- Yes
- No

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*

**Q10** If you have experienced issues related to short-term rentals; check all that apply



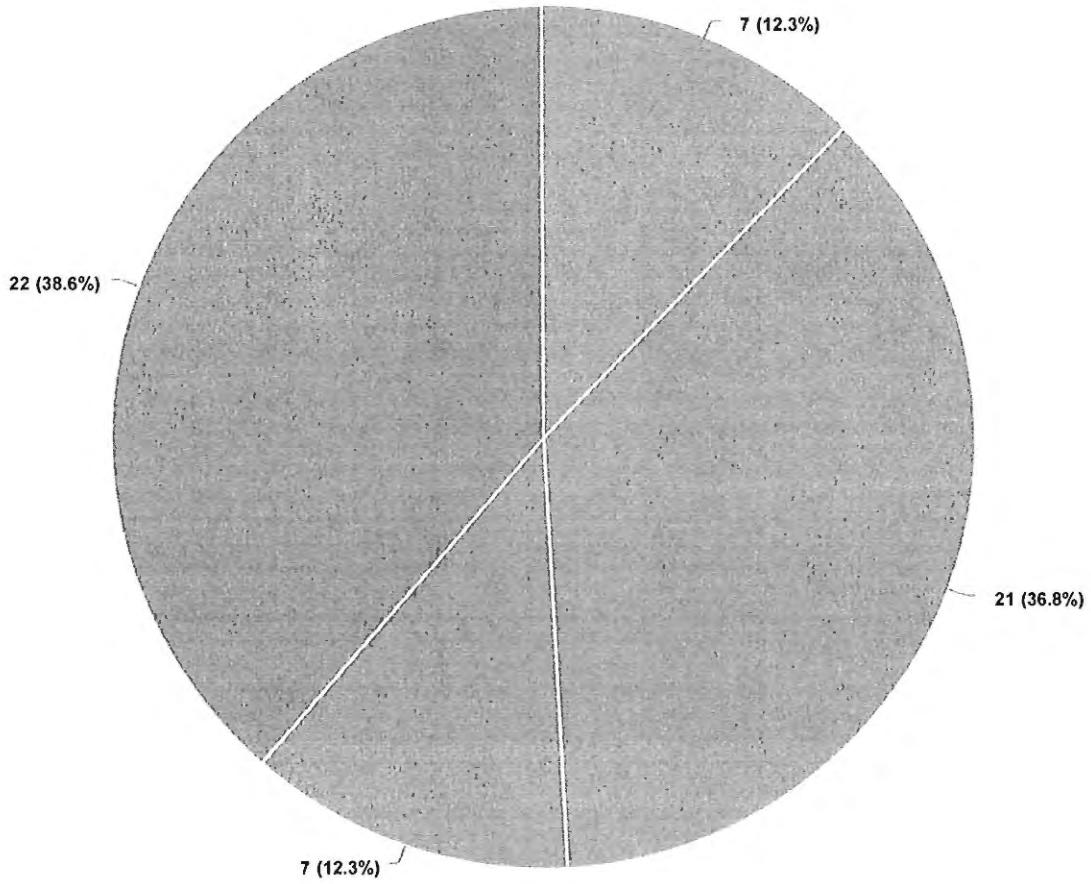
**Question options**

- Parking
- Noise
- Unruly behaviours
- Safety Concerns
- Other (please specify)

*Optional question (15 response(s), 42 skipped)*

*Question type: Checkbox Question*

**Q11** | Do you think short-term rentals should only be limited to certain zones within the City?

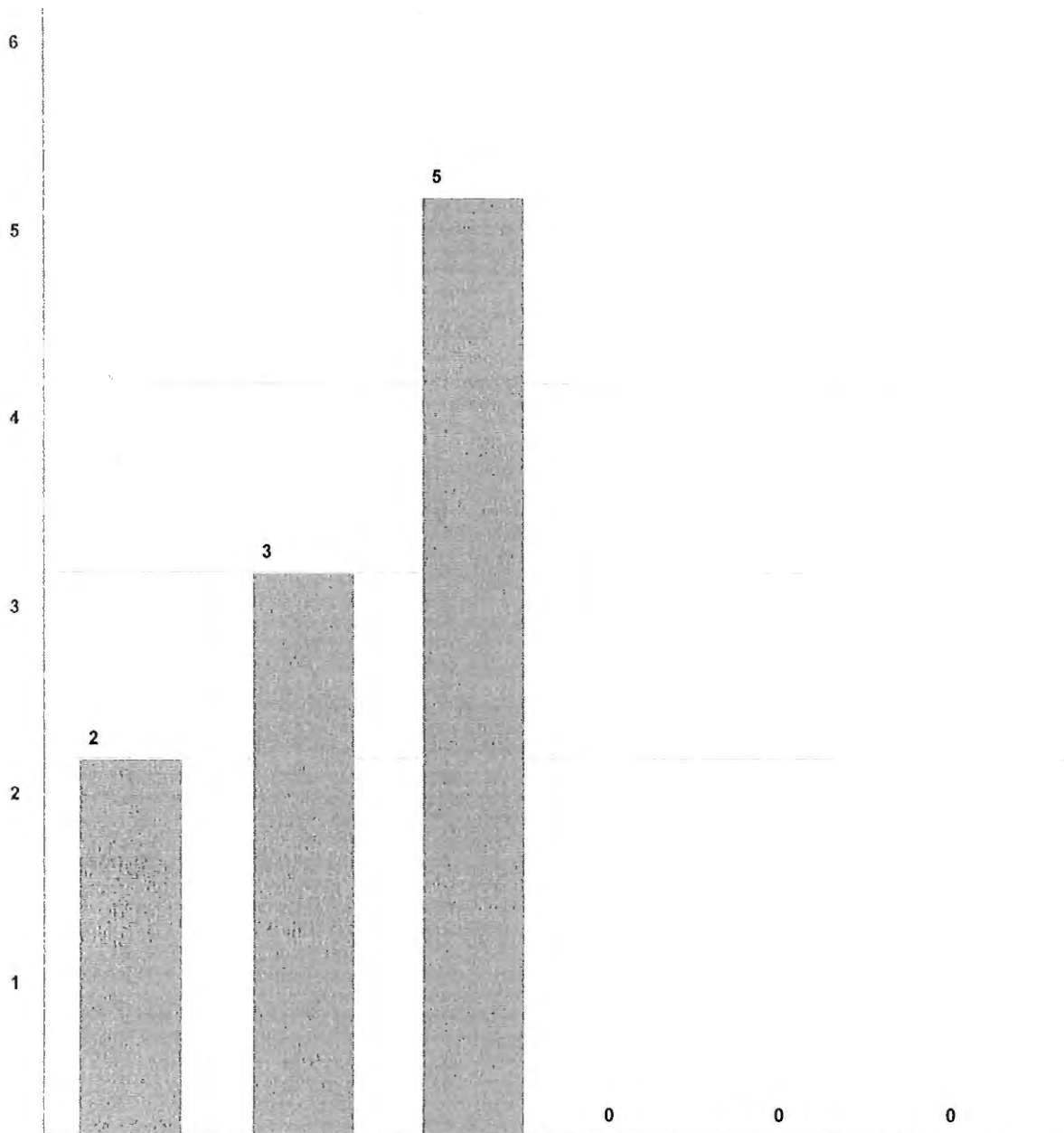


**Question options**

- Yes
- No
- Unsure
- None of the above - I do NOT support short-term rentals

*Mandatory Question (57 response(s))*  
*Question type: Radio Button Question*

**Q12 | What designated zones should they be permitted in?**



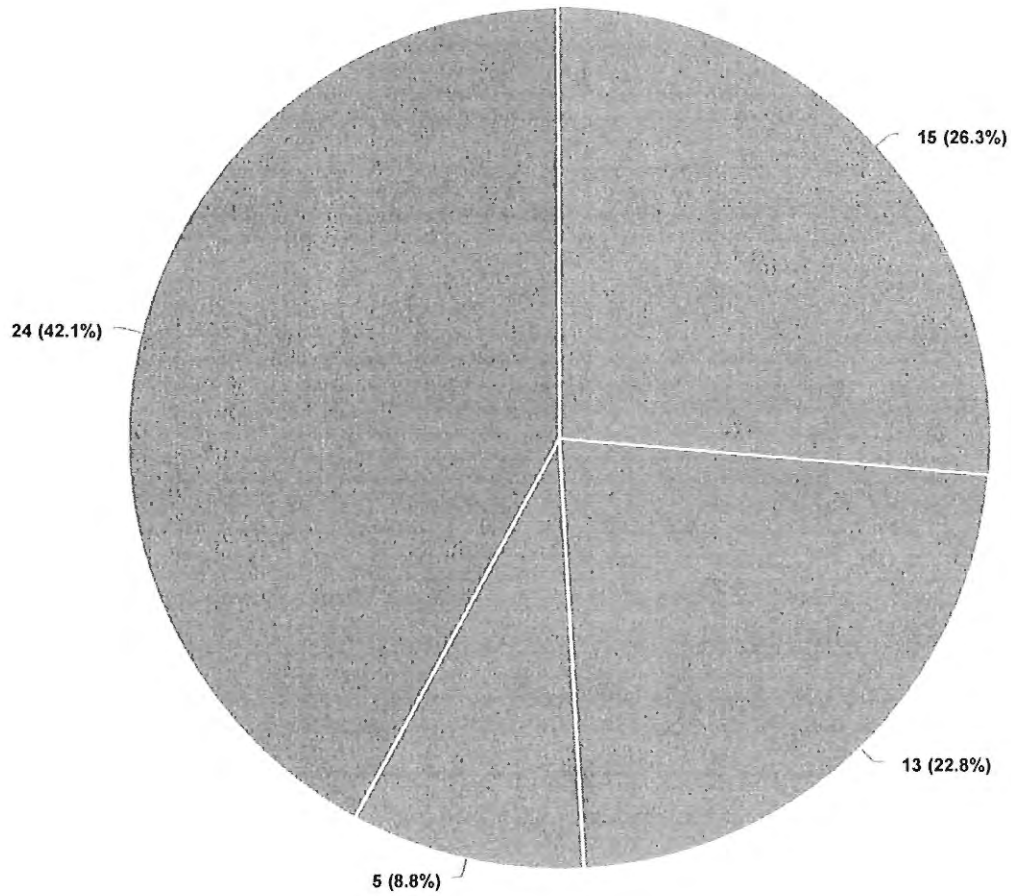
**Question options**

- Residential Low Density
- Rural zones (where residential uses are permitted)
- Commercial zones (where residential uses are permitted)
- Residential Medium Density
- Residential High Density
- Other (please specify)

*Mandatory Question (7 response(s))*  
*Question type: Checkbox Question*



**Q13** Do you think the number of bedrooms at a short-term rental should be limited?



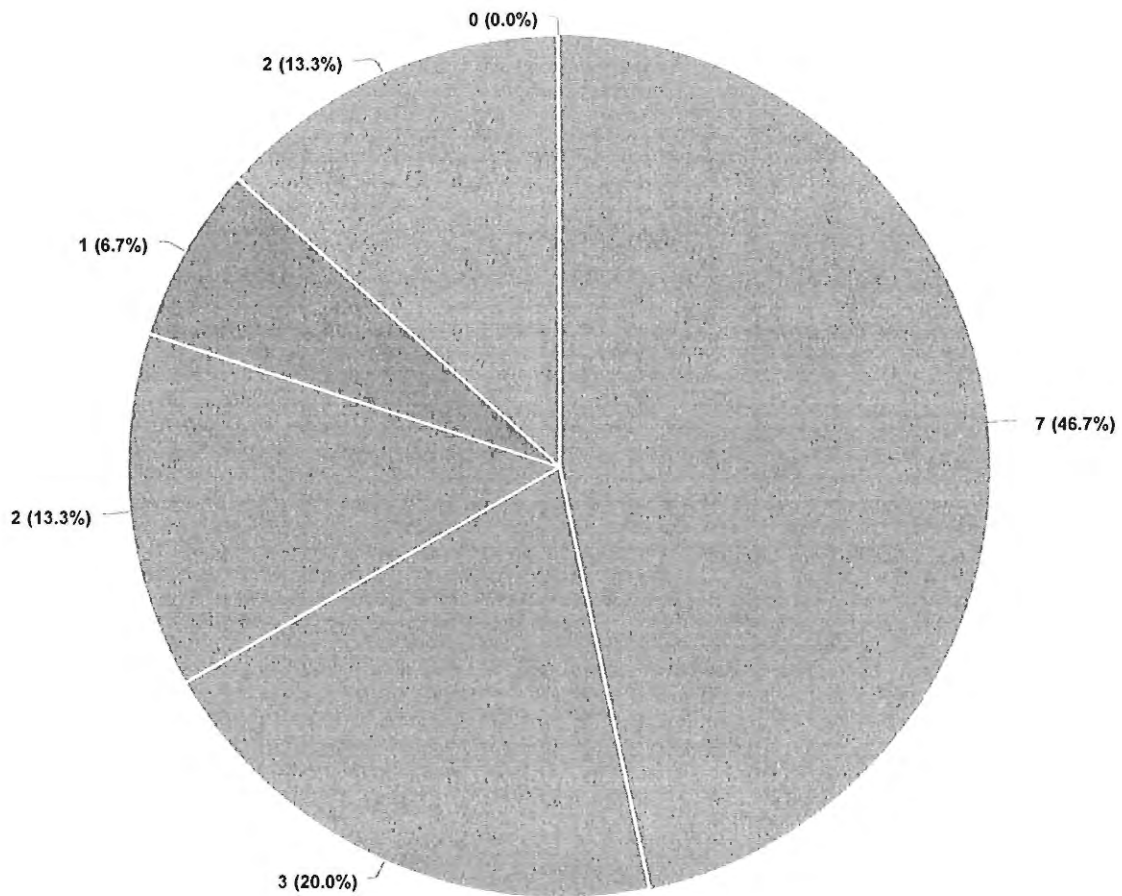
**Question options**

Yes  No  Unsure  None of the above - I do NOT support short-term rentals

**Mandatory Question (57 response(s))**

**Question type: Radio Button Question**

**Q14** What number of bedrooms would be appropriate?



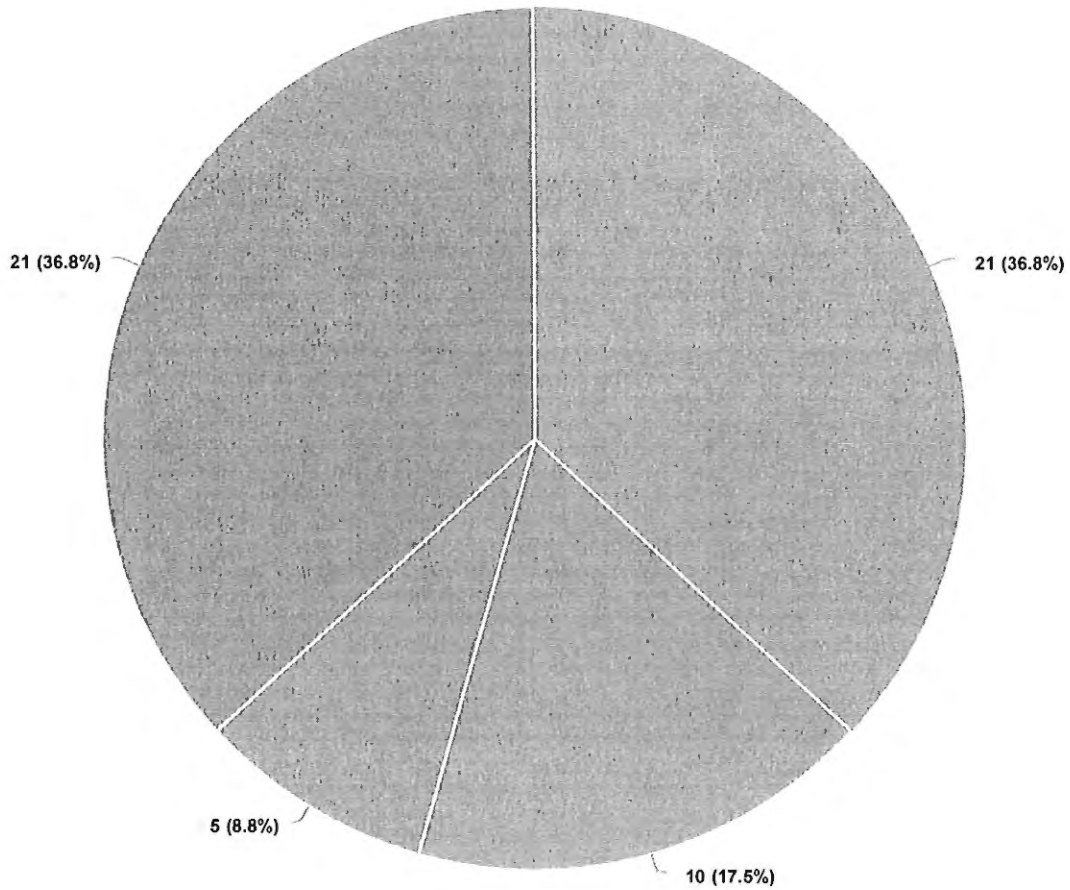
**Question options**

- 2 or less
- 3 or less
- 4 or less
- 5 or less
- Other (please specify)
- 6 or less

*Optional question (15 response(s), 42 skipped)*

*Question type: Radio Button Question*

Q15 | Do you think hosts should be required to have a license to operate short-term rentals?



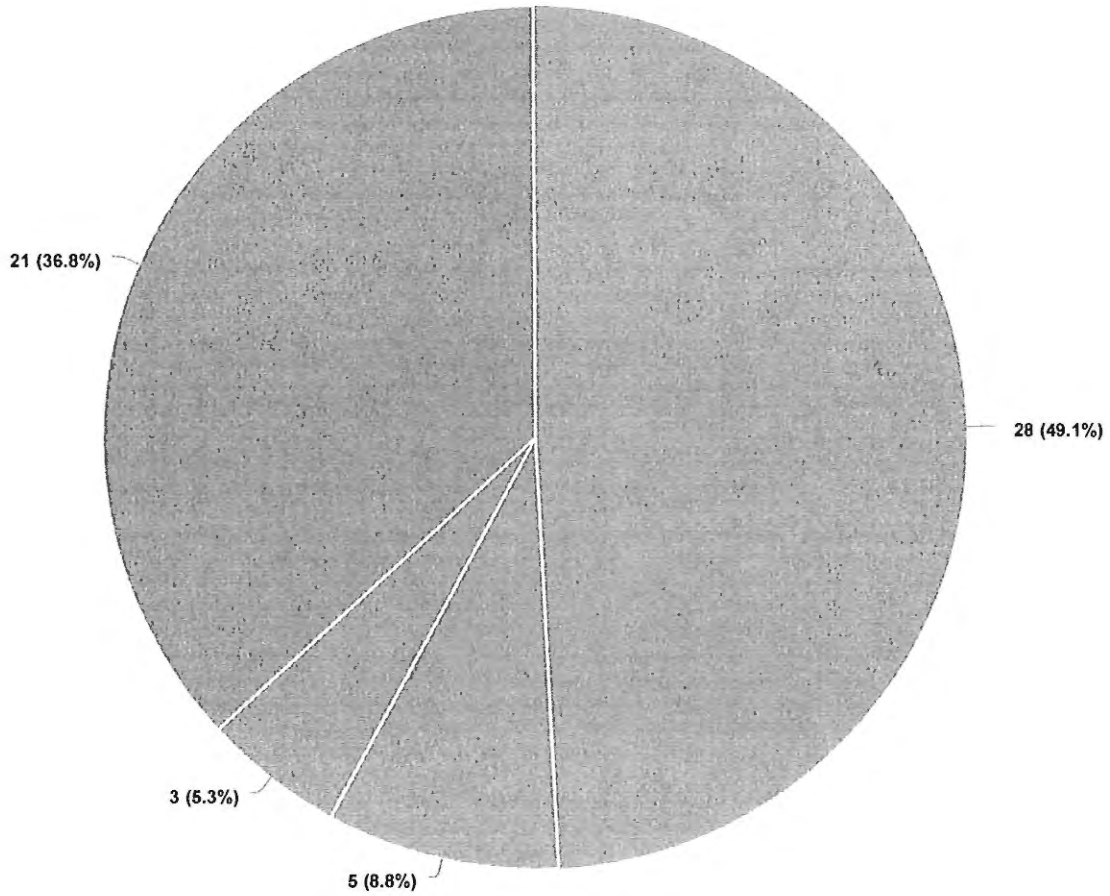
**Question options**

Yes  No  Unsure  None of the above - I do NOT support short-term rentals

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*

**Q16** Do you think the number of occupants staying at a short-term rental should be limited?

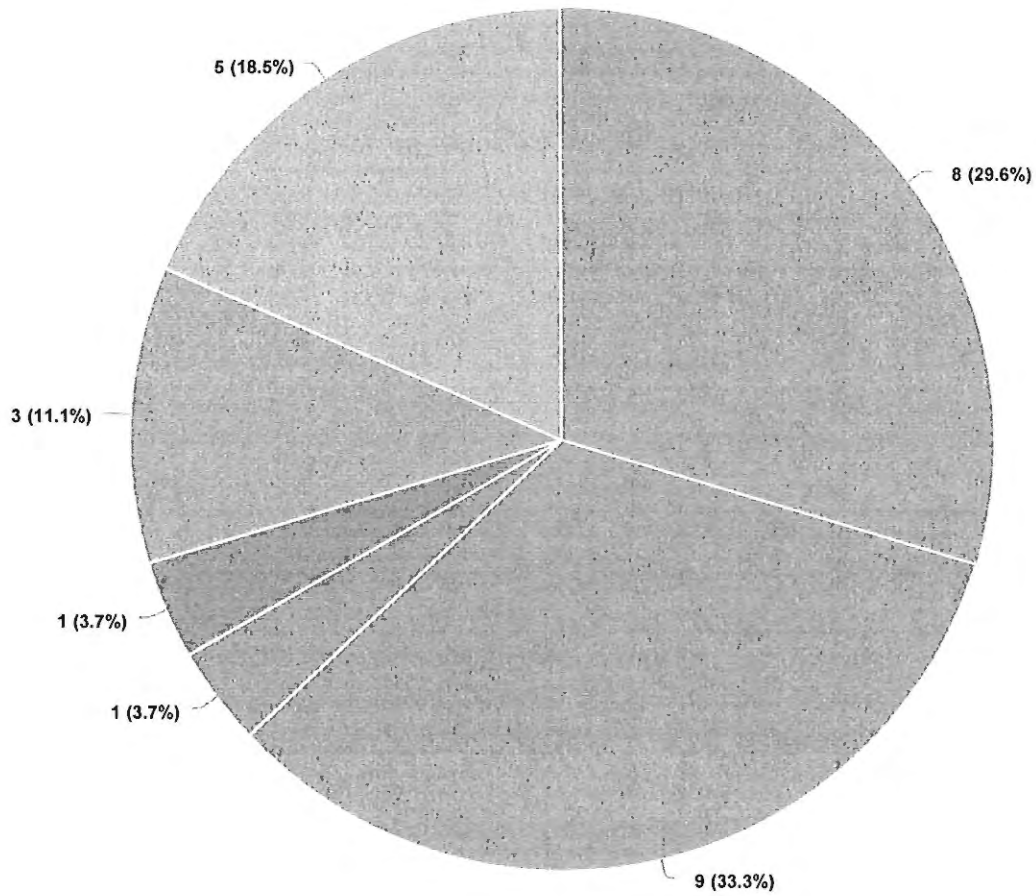


**Question options**

- Yes
- No
- Unsure
- None of the above - I do NOT support short-term rentals

Mandatory Question (57 response(s))  
Question type: Radio Button Question

**Q17** What number of occupants would be appropriate?



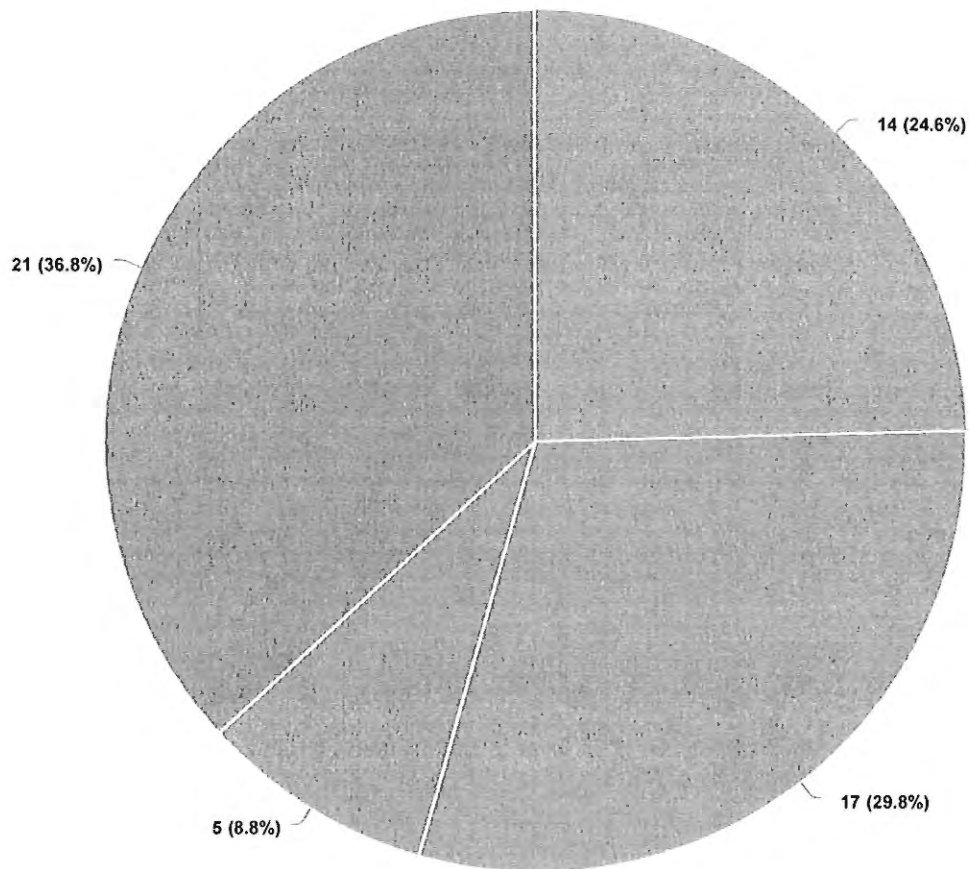
**Question options**

- 3 or less
- 5 or less
- 8 or less
- 10 or less
- 12 or less
- Other (please specify)

Optional question (27 response(s), 30 skipped)

Question type: Radio Button Question

**Q18** | Do you think the short-term rental unit should be required to be the primary residence of the host? (the host does not have to be on site during the rental period)



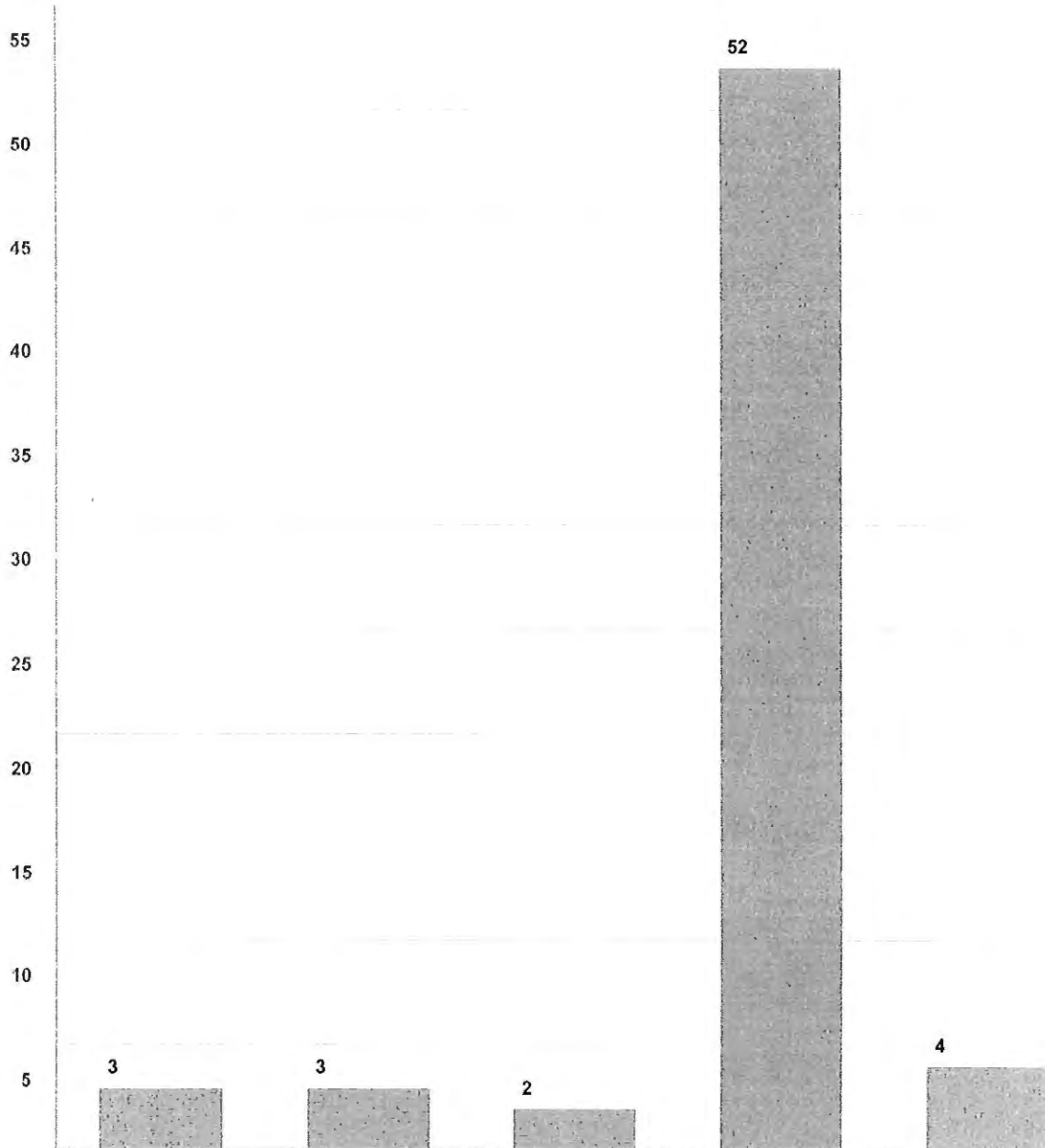
**Question options**

Yes  No  Unsure  None of the above - I do NOT support short-term rentals

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*

**Q19** If you have ever stayed in a short-term rental in Welland, what was the purpose of your stay?



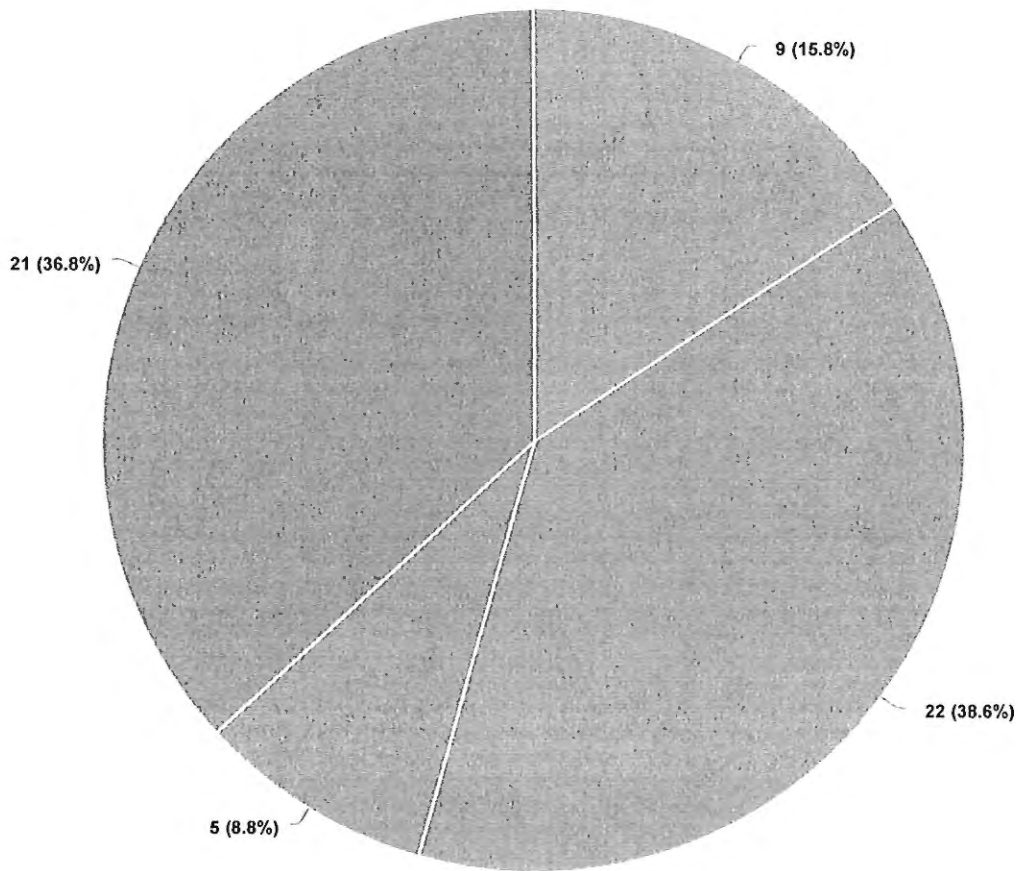
**Question options**

- Attending a special event (e.g. sports, concert, theatre, craft show)
- Site seeing (Niagara Falls, Welland Canal, wineries and vineyards, craft breweries etc.)
- I have never stayed in a short-term rental in Welland
- Visiting friends and/or family (e.g. wedding)
- Other (please specify)

*Mandatory Question (57 response(s))*

*Question type: Checkbox Question*

**Q20** Should renters be permitted to list their unit for short-term rental with the landlord's permission?



**Question options**

- Yes
- No
- Unsure
- None of the above - I do NOT support short-term rentals

*Mandatory Question (57 response(s))*

*Question type: Radio Button Question*



---

**Q21 Do you have any additional comments you would like to share about short-term rental accommodations?**

**DawnCE**

01/10/21 09:56 AM

With Welland being promoted as a 'sporting' town (rowing, paddling...), I would consider (post Covid) renting out space so, this topic is of interest to me.

**L.bryan9**

01/07/21 00:34 AM

Our only experience with this was renting a basement apartment for six days in Winnipeg. It was perfect for our needs, and the owner lived upstairs with her child. She was friendly but not intrusive, and it all worked well. Of course, we didn't cause the owner any problems, and she earned a fair bit from us. When it works like this, Airbnb or equivalent can bring money in to the city. When it doesn't work, it can cause terrible problems. We've seen this with student rentals in our neighbourhood. On-the-spot supervision is the key, I think. Pilot project in order?

**Douglas Smith**

01/16/21 04:53 AM

They should not be place in a residential area, and follow up on permits on exactly what they are suppose to be.

**pbryan3**

01/10/21 08:06 AM

Regarding question 16, I believe that the owner **MUST** be on-site. Owners should **NOT** be allowed to rent out their properties while they travel to another location.

**Mamabutterfly**

01/17/21 08:06 AM

For the purpose of Covid-19 I do not think short-term rental accommodations should be restricted. Property owners should still be able to rent or lease their properties as they are private unlike the large hotels that publicly share restaurants, entrances, elevators etc. Having responsible people act responsibly is not what is spreading

---

<b>mgrocholsky</b>	<p>Covid-19. The protocol should only be set to adhere to the regular rules of protocol ie: proof of residence, bubble size, even vaccinations. Whatever the case be there may be a need for the short term rental and the property owners shouldn't be penalized for it if they are following the rules.</p>
01/20/21 09:03 AM	<p>I do not see a benefit to short term rentals being permitted in residential zones. It encourages investors to further buy up housing that could otherwise be occupied by Welland community members.</p>
<b>Barry Rolph</b>	<p>I live next door to a short-term rental in Welland. It has no bedrooms and large groups show up to party on weekends. As a Welland business owner as well I see no benefit locally as they show up from out of town with their groceries already purchased. I believe short term rentals are purchased, in my case, by out of town investors that have no interest or care in how their rental impacts their neighbours. The renters are not covered by the Landlord and Tenant act and use up housing that would otherwise be available for long term local renters. I'm not against owner-occupied short or long-term rentals as they are a great benefit to students etc and any noise issues wouldn't exist with the owner on-site.</p>
01/29/21 16:11:36	
<b>JoanneLysiak</b>	<p>As a host myself since 2015, I have never had an issue with noise, parties, trashing etc. As a local realtor, I see much need for temporary accommodation for different reasons....I turn down other realtor requests for short term rentals all the time because I am usually fully booked with families who are in temporary need of housing for various reasons.... such as the clients</p>
01/21/21 10:19 AM	

---

houses have closed and they are building or in between houses, folks who are renovating their own homes and need somewhere furnished to live other than a hotel room, insurance claimants who are temporarily displaced because of fire etc.(I've had several of these who have stayed from 6 months to 13 months), folks who are in Welland (or area) on contract work for various reasons (I've had a preacher and his wife for 2 months, GE plant foreman here from the US for months, forestry workers, short term teaching contracts at Niagara College ( for a week or more) international student families (not individuals) for up to 6 months. I've had families who have been visiting other family in the area over a weekend or longer. I've also had many bookings through Airbnb, VRBO, Flipkey during local rowing events, dragon boat races, PanAm games, war games events, model car racing events. Families prefer to stay in a house where they can cook, watch tv, bbq etc all together rather than a hotel room. In 2020 I hosted a family from Italy who was stranded in Canada due to COVID 19. In past years I've also had guests who have come as tourists, or for weddings or funerals. I have been very diligent of keeping my two places 5- star and my neighbours happy. I often ask the neighbours for feedback as to how the guests are. Some of them have become friends. I have NEVER had a complaint. As a host, I've made sure that my houses are insured with specific Short term rental insurance (different from regular residential insurance), are up to code as far as all electrical, fire extinguishers etc. I know other short term rental owners who do the same. It would be a

---

---

<p><b>oakcrestswede</b> 4/15/2021 10:52 AM</p>	<p>shame to see these eliminated due to a few bad apples. Create a hefty fine for violations. Have hosts show proof of proper insurance etc. I'd be happy to speak to anybody in person about this if it would be helpful</p>
<p><b>cashmorep</b> 4/15/2021 11:34 AM</p>	<p>Short-term rentals may be accepted for properties in low-density (rural) areas. The hosts (property owner) should have a license to operate considering the rental is taxable income, there are safety concerns, fire hazards, fire/smoke/CO detection, emergency exits, compliance with codes/standards, etc. etc.</p> <p>It appears to me that lately the downside of short-term rentals totally overwhelms the benefits. Maybe this is a result of media attention focussing on the 'party' examples. These examples definitely do not help tourism.</p>
<p><b>Anna Macpherson</b> 4/17/2021 10:57 AM</p>	<p>Thank you for this opportunity. In January 2020 my American family booked a place to stay here in Welland for our July family reunion. The booking went through Niagara Smart Stays. My family cancelled in May due to the pandemic and border closure. They used a debit card on a Canadian account my sister has here in Welland at TDCT bank. To date this money has NEVER been refunded!!!! We have been trying for over a year. They took the deposit and balance all in January, totals \$675.75. Niagara Smart Stays says the refund went to the bank, the bank has investigated extensively for months to help us and this refund has not arrived. I can't reach Niagara Smart Stay by phone, I have left numerous messages and no one calls me back. My niece from the US has sent many, many emails as well.</p>

---

---

<p><b>Tmurre</b>  <small>11/17/2021 10:57 AM</small></p>	<p>I see online that there are others who have had bad experiences with this company. Is there anyway you can help us? And please be sure that this never happens to anyone else using short term rentals. Thanks for this chance to ask for help. Please, if you have any suggestions let me know.</p>
<p><b>william downie</b>  <small>11/17/2021 11:50 AM</small></p>	<p>Ontario as a whole and especially Niagara are in a housing crisis. House owners using their secondary properties as short term rentals is a contributing factor to this crisis.</p>
<p><b>Majic</b>  <small>11/17/2021 11:03 PM</small></p>	<p>Renters are enough trouble; without having a short term in the mix.</p> <p>I do not support Air BnB type places where the host is not on site. I support BnB where the owner/host is present during the rental.</p>
<p><b>dory</b>  <small>11/17/2021 11:03 PM</small></p>	<p>Renters of a long-term rental should not be permitted to list their unit for short-term rental.</p>
<p><b>Kdickson1</b>  <small>11/17/2021 11:43 PM</small></p>	<p>There is already a limited supply of long term and affordable housing in Welland. Short term rentals may put people who are looking for homes out on the street. In addition, It is already difficult to live with the tenants in my neighbouring unit, short term rentals would make it worse.</p>
<p><b>Weatherman</b>  <small>11/17/2021 11:44 PM</small></p>	<p>Welland already is a major embarrassment with its handling of Off Campus Student Housing. Without proper licencing and a specific controlling by-law you are in a position of no control or consequences. You want to licence Short Term Rentals because of a few parties and some disruptive noise... Take a good look at Off Campus Student Housing 4,000-</p>

---

5,000 Students jammed into 400-500 homes (some with 20 students),... over the years we have had several home invasion with weapons and injuries, several fire, one just recently, we had a stabbing, emergency vehicles are commonplace, drugs, crimes are higher in these wards closest to the college, there have been very large parties, parking is poorly managed and the houses are poorly maintain and it goes on ...and here we live in a city that wants to allow a few short term rentals in our already compromised subdivisions. Save your energy .. combine the initiatives and make Welland a place that is welcoming and safe so people want to come here like it was when I moved in 42 years ago.. there is the alternative, status quo, managed by a draconian system that we suffer with today ...I hope you make the right choices

24bmeredith

4155021 0527 21A

All short term rentals should be registered --check by city(for safety etc) -check to verify homeowner lives on site -sign posted so neighbors know that there are strangers in their neighborhood and a business is being operated(like how a b&b is posted on lawn) Neighbors make an accepting to noisy occasions-- birthday, BBQ odd time but when airbnb is a constant issue(because the airbnb customers are not accountable to the neighbor--do their "thing" and leave Niagara region has great hotels,motel and b&b(especially the wineries)let them have the business--they need it. I believe I heard a counselor state that 85% of jobs in Niagara Region was tourist based--so let them have the business!

**wirman**

01/07/2021 06:59 AM

2 women killed in Netherby at short term rental on parkway. Loud partys will anger close residence and use police resources

**VJ**

01/07/2021 07:37 PM

It has been hell living next door to an Airbnb , with loud music, unruly behavior including sex trades. (prostitutions) Every weekend especially during the warmer weather anxiety and anger increases not knowing what to expect in our residential area. My sleep has been interrupted with noise and fireworks ] In addition when visitors have missed the driveway to the Airbnb they just turned around by driving over my lawn. They also park in the bus stop or the middle of the intersection. I have had pimps parked in my driveway after they have dropped off prostitutes to a parties. I have not been able to walk my dog down the street during the daylight because of unwanted and abusive comments. As a home owner I have felt that we have had little recourse The owners of the Airbnb do not live or reside in Welland but seem to have more rights than actual owners. I have been in contact with my ward 3 councilors and the mayor's office

**kimmer**

01/07/2021 09:01 AM

They are flop houses we have enough motels available in this City which are cleaned maintained and they have rules and regulations

**Mike Allen**

01/07/2021 12:05 PM

Short term rentals VRBO air b&b will bring the value of homes in the general area down yet my taxes continue to rise. We have hotels for a reason!!!!

**Allyson Rolph**

01/07/2021 12:44 PM

Our next door neighbour is a short term rental. As a result, we have had to put up with loud party groups of 10 or more every weekend in the nice weather last year. They are very loud

---

	<p>at all hours and have no respect for the people around them. We are not able to enjoy our own property because of it, and have a hard time getting to sleep at night as well. It is horrible having to put up with this, it should not be allowed. Where is our rights!!!</p>
<p><b>DB</b>  <small>11/27/2021 05:46 PM</small></p>	<p>This is a real Pandora's box. Once council allows short term rentals this will cause hardship for neighbors. Who will answer the bylaws phone at 2am because of noise complaints.</p>
<p><b>Pierrette</b>  <small>11/27/2021 07:10 PM</small></p>	<p>During special events ex. Flatwater or triathlon exceptions may be in place too keep tourists in our city.</p>
<p><b>Pidge</b>  <small>11/27/2021 07:52 AM</small></p>	<p>There should be interim b &amp; b where owners while being at home can rent up to 2 rooms during large events.</p>
<p><b>Shari Toth</b>  <small>11/27/2021 09:55 AM</small></p>	<p>My sister and I are local realtors. We screen and monitor our short term rentals as we both live within .5 km of them. We have never had any issues with short term tenants.. Our neighbours fully support our professional approach to our properties and that we take pride in the maintenance and quality of the service we have to offer. We are very respectful of our neighbourhood and have Superhost status on the rental sites such as AirBnB to solidify our keen attention to help people in need. We also accommodate contract workers whom are professionals coming to the area. In my opinion if there are reports of trouble short term rentals in the city they should be respectfully dealt with on an individual basis. Our business and efforts are top notch and are an asset to the community as a whole. We care about who we deal with.</p>
<p><b>Sean Rolph</b>  <small>11/27/2021 11:29 AM</small></p>	<p>The housing market is already unobtainable for us, a dual income</p>

---



**Happy to help**

4/19/2021 09:45 AM

young family. If rental properties are further limited, I don't know what we'll do.

Short term rental accomodations should have a list of recommendations to follow and guidance in their respective cities. Guidelines make it easier for everyone. We are all on the same page

**StrongJones99**

4/19/2021 01:06 PM

Tenants should not be able to rent out short term as this affects the type of insurance required/liability coverage. This also affects the type of financial mortgages you are eligible for.

**Justin Turner**

4/19/2021 03:43 PM

Short term rentals are not a damaging part of the community, are beneficial to the home owner both financially and with little risk of "bad tenant" situations such as not paying rent and loss of income due to extremely lengthy eviction periods. Also short term renters are usually more respectful to the property because there are real consequences (negative reviews, damage deposits, Airbnb interventions) and contractual obligations that the guests have to adhere to or they will be denied further bookings. On the flip side (as a super host) my wife and I maintain a very strict cleaning regiment and provide a house that is more comfortable than any hotel in the region. You are welcome to check our reviews any time and see what our guest are saying about our place. [https://www.airbnb.ca/rooms/22491425?guests=1&adults=1&s=67&unique\\_share\\_id=5113c11b-cdbc-4140-8f1d-4df15f4d7312](https://www.airbnb.ca/rooms/22491425?guests=1&adults=1&s=67&unique_share_id=5113c11b-cdbc-4140-8f1d-4df15f4d7312)

**cbyfirez**

let people do what they want with

03/07/2021 12:48:19PM

their own properties. stop restricting every basic freedom people have because of a few complainers. The people prone to complaining about short term rentals would probably complain about whoever the permanent resident would be alternatively as well.

**Felix Vortsman**

01/02/2021 05:50:11PM

Short term rentals supports needs of local Welland residents by providing them with more affordable housing options that actually meet their housing needs where hotels, motels and bed and breakfast do not. For example, those local Welland residents who require housing as a result of insurance claims and consequently temporary and/or lengthy housing requirements as a result of fires and floods of their existing homes and/or construction delays (i.e. resident sold their home but new home builder is delayed on completing their new home hence exposing locals to becoming homeless in the interim). Short term rentals also offers more affordable housing need for out of town workers who require accomodations of several weeks or even months whereby regular hotels, motels and bed and breakfast establishments would are unable to meet their requirements or their budgets (i.e. contractor needs to come to work in Welland for a month and brings their family with them and/or team of contractors requiring accomodations for a month where a fully stocked and furnished short term rental provides full kitchens, bathrooms and multiple bedrooms, where most hotels/motels do not offer these and/or require team of contractors to book several hotel rooms instead for lengthy periods of time, which is cost prohibitive and even then do not

meet their mid-term housing needs. Tourists also prefer the more superior accommodation options conducive to visiting Welland and Niagara Region with their families and young children with accommodations that may include multiple bedrooms, full kitchens, laundry facilities, outdoor spaces, BBQ's, etc., whereas most hotels do not offer these and/or are too small to accommodate their needs and/or to cost prohibitive to what such tourists require. Simply put, short term rentals provide options to displaced locals in need of temporary and/or mid-term housing, out of town travelers and contractors and yes, tourists as well. Indeed, most tourist accommodations are limited to the summer months almost exclusively, whereas few come to the city for the other 8 months of the year. Conversely, displaced locals and contractors, divorcee's, residents impacted by insurance claims and constructions delays all require more affordable housing alternatives not offered by traditional hotels and/or motels throughout the year, which is why there is substantial need for short and mid-term rental accommodations alternatives to the traditional hotels/motels are in high demand by both locals and out of towners alike. Any of the potential common negative assumptions and impacts of short term rentals, most from my personal experience as simply not factual to begin with, are for the most part mitigated by short term rental hosts doing their proper screening prior to accepting any reservation. Indeed, there is no guarantee that the same negative consequences such as parties, excessive noise, etc. cannot also be perpetrated by

residents themselves or their neighbours. In fact, on the very rare occasions where such negative occur at short term rentals these issues are much more expediently and efficiently dealt with by the hosts. Conversely, if these negative actions were perpetrated by local owners, no one can insist that they sell their home or move out. If these were to be perpetrated by local long term straight rental tenants, given LTB and Residential Tenancy Act rules, these issues would take months to resolve. With short term rentals the issue gets resolved almost immediately. Furthermore, I highly recommend that the city obtain further insight and comment from Welland local and Niagara police departments as well, who will attest that they deal with by far more with local owners/straight renter tenant issues with respect to parties, loud noise, disrespectful neighbours, etc., than all short term rental units in the city combined each and every year. The reality is, that all the potential negatives most people assume with short term rentals are rare exceptions rather than the rule, as the vast majority of short term rental hosts are committed to being good neighbours themselves, respecting their neighbours and indeed the last thing they would ever want is to host to guest who would disturb the peace, cause damage to either their property (their own investment after all) or a neighbours property. As a result, the last thing that short term rental operators want is hosting any party animal guests who are either disrespectful of their properties (their investments) or the neighbours around them. Furthermore, short term rental units do not reduce

available for long term rentals. Short term rentals serve a niche portion of the market that is currently underserved or unable to be served by traditional hotel/motel accomodation options and are typically more affordable and superior (actually meet travellers and locals temporary housing needs) to those other traditional hotel/motel accomodations.

**Wendy W**

1/15/2021 10:09:40M

I don't feel the direction the city of welland is going is not positive. Not a class of people you want to be around and all this city does is continue to cater to them. Put them to work and maybe clean up this city. Short term rentals are only going to destroy neighbourhoods that are currently still half assed. They only blow in and blow out with no regard for anyone but themselves.

Optional question (34 response(s), 23 skipped)

Question type: Essay Question

**Q22 Please provide your email**

## IDEAS

### Comment Board

Visitors <b>15</b>	Contributors <b>4</b>	CONTRIBUTIONS <b>4</b>
--------------------	-----------------------	------------------------

<p>05 June 21</p> <p><b>Kowski</b></p> <p>VOTES <b>0</b> UNVOTES <b>0</b></p>	<p><b>LANDLORD IDENTIFICATION REQUIRED</b></p> <p>The problem with short term rentals is that anyone having an issue with the tenant cannot contact the owner/landlord to complain. The city should require and make a publicly accessible the rental property address list with the name and contact number for the landlord or short term rental property manager.</p>
<p>19 May 21</p> <p><b>scottkv25</b></p> <p>VOTES <b>0</b> UNVOTES <b>0</b></p>	<p><b>Not opposed to short term rentals</b></p> <p>As long as they are regulated and include a good sized damage deposit.</p>

IDEAS

Comment Board

6/17/2021

Felix Vortsman

VOTES

UNVOTES

(1)

(0)

Short and mid term rentals are a necessity in Welland

Short term rentals supports needs of local Welland residents by providing them with more affordable housing options that actually meet their housing needs where hotels, motels and bed and breakfast do not. For example, those local Welland residents who require housing as a result of insurance claims and consequently temporary and/or lengthy housing requirements as a result of fires and floods of their existing homes and/or construction delays (i.e. resident sold their home but new home builder is delayed on completing their new home and/or closing date of their new home where they will be moving too is a couple of days/weeks/months after closing of their current home) hence exposing locals to becoming homeless in the interim. Short term rentals also offer more affordable housing needs for out of town workers who require accommodations of several days, weeks or even months whereby regular hotels, motels and bed and breakfast establishments are unable to meet their requirements or their budgets (i.e. contractor needs to come to work in Welland for a month and brings their family with them and/or team of contractors requiring housing for a month where a fully stocked and furnished short term rental provides full kitchens, bathrooms and multiple bedrooms, whereas most hotels/motels do not offer these. Also short term rentals meet groups/teams of contractors to book several hotel rooms instead of what they need (a larger unit that can accommodate all of them at once) for lengthy periods of time, thereby making hotel stays cost prohibitive and even then do not meet their mid-term housing needs. Tourists also prefer the more superior accommodation options when visiting Welland and Niagara Region with their families and young children. Short term rentals best meets their needs as many such accommodations include multiple bedrooms (for privacy), fully stocked kitchens, laundry facilities, outdoor spaces, BBQ's, etc., whereas most motels/hotels do not offer most, if any, of these and/or are too small to accommodate their needs and/or too cost prohibitive to what such tourists require. Furthermore, most visitors would favour staying in nice family oriented neighbourhoods while in Welland, rather than the downtown core and/or industrial and/or areas further away from residential zones of the city where motels/hotels are typically located, some of which are sketchy areas and neighbourhoods. Visitors to the city would highly likely and unanimously favour staying in a safe place/neighbourhood that they can call their home away from home (such as residential zones) while visiting the city and all it has to offer. Limiting short term rentals to only designated city downtown core areas is therefore a bad idea. Providing tourists and short term guests to Welland with short term rental options, especially where traditional hotels and motels are ill equipped or just too expensive to meet their needs, would therefore make Welland more attractive as a destination bringing more business to Welland local businesses and would further facilitate growth to Welland's economy. Simply put, short term rentals provide options to displaced locals in need of temporary and/or mid-term housing, out of town travelers and contractors and yes, tourists as well. Indeed, most tourist accommodations are limited to the summer months almost exclusively, whereas few come to the city for the other 8 months of the year. Conversely, displaced locals and contractors, divorcees, residents impacted by insurance claims and construction delays all require more affordable housing alternatives not offered by traditional hotels and/or motels throughout the year, which is why there is substantial need for short and mid-term rental accommodations alternatives to the traditional hotels/motels accommodation options and these are in high demand by both locals and out of towners alike. Any of the potential negative impacts indicated above are mainly mitigated by short term rental hosts doing their proper screening prior to accepting any reservation. Indeed, the last thing that short term rental operators want is hosting any party animal guests who are either disrespectful of their properties (their investments) or the neighbours around them. Furthermore, short term rental units do not reduce availability for long term rentals (this is just one of the myths rather than facts that people assume with short term rentals). They only serve a niche portion of the market that is currently underserved or unable to be served by traditional hotel/motel accommodation options. I would highly encourage the City of Welland staff to obtain feedback from the local police and fire departments who will undoubtedly attest that they receive substantially less complaints from short term rental operations than long term rental and owner occupied properties. Indeed, complaints from local residents and neighbours of short term rental operators in close proximity to their own homes tend to be rare and exceptions to the rule rather than being rooted in any facts or any semblance of reality. Indeed, unlike long term/straight rentals or even owner occupied residences, since short term rentals are not governed under the residential tenancy act, any issues that could arise can be much more expediently dealt with and resolved. Whereas as with long term rental tenants, landlords are rebound and find themselves at the mercy of the Landlord Tenant Board, lengthy delays in getting hearings and/or any resolution with respect to potentially disruptive and/or irresponsible and/or dangerous long term tenants/owner occupied neighbours who the city or the authorities cannot simply ask to move or put their homes on the market.

## IDEAS

### Comment Board

02 July 21

Caswell Thompson

VOTES

0

UNVOTES


0

### Short Term Rental is a needed service in Welland

AirBnB/Short Term Rental has become a growing need not only in Welland, but in communities across Canada, and the world. There are expressed concerns associated with the operation of AirBnB/Short Term Rental as there have been with other businesses in operation. Noise, litter, the lack or absence of property management and supervision are some examples. Similarly, existing regulations that govern community noise, litter, the lack or absence of property management or supervision, and safe business operation in general, could be applied to Short Term Rental in Welland to make it inclusive and viable.



COUNCIL  
OFFICE OF CAO  
TRANSIT DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

21-13

REPORT TRANS 2021-16  
NOVEMBER 2<sup>ND</sup>, 2021

**SUBJECT: PROPOSED REDUCED FARE INITIATIVE FOR LOW-INCOME CUSTOMERS**

**AUTHOR: STEVE ZORBAS, CAO**

**RECOMMENDATIONS:**

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report TRANS 2021-16; and further

THAT Welland City Council authorizes the Mayor and Clerk to execute all necessary by-laws and agreements.

**ORIGIN AND BACKGROUND:**

Welland Transit has recognized a need within our fare structure to assist a demographic of our riders to make transit more accessible. Such need has been identified as a reduced fare for qualified "low-income" passengers.

**COMMENTS AND ANALYSIS:**

In collaboration with neighboring Municipalities' transit properties, Welland Transit is the only property that does not currently offer any program for qualified individuals. In order to continue providing the best service to our customers, and maintain consistency across all transit properties, Welland Transit will provide a reduced 31-Day Pass.

Qualified customers are classified as those actively registered with the Ontario Disability Support Program (ODSP). Implementation would take effect January 1<sup>st</sup>, 2022.

Eligibility for ODSP is classified as follows:

- i) be at least 18 years old
- ii) be an Ontario resident
- iii) be in financial need and
- iv) meet the program's definition of a person with a disability, or be a member of a Prescribed Class
  - a. Prescribed Class is defined as;
    - i. A person who, on May 31, 1998, was a recipient, or the spouse of a recipient, of benefits under specific case classes under the Family Benefits Act, 1992.
    - ii. A person who is 65+ years old and not eligible for Old Age Security (OAS).
    - iii. People who receive either of these disability pension benefits:
    - iv. Canada Pension Plan Disability (CPP-D) benefits

- v. Quebec Pension Plan Disability (QPP-D) benefits
- vi. A person in receipt of an award under the English and Wabigoon River Systems Mercury Contamination Settlement Agreement Act, 1986.
- vii. A person who was a former resident of a Schedule 1 facility under the former Development Service Act (DSA), who ceased to be resident of that facility on or after June 1, 1998.
- viii. The Schedule 1 facilities under the former DSA include Huronia Regional Centre (Orillia), Rideau Regional Centre (Smith Falls) and Southwestern regional Centre (Blenheim).
- ix. A person who is already determined eligible for services and supports and funding under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 (SIPDDA). This includes:
  - x. persons living in the community as a renter, owner, a tenant or a border
  - xi. persons living in an intensive support residence as defined under the SIPDDA
  - xii. persons living in a supported group living residence as defined under SIPDDA
- xiii. Visit Developmental Services Ontario to learn more about eligibility for adult developmental services
- xiv. A person who currently resides in a home under the Homes for Special Care Act or a person who resided in a home under that Act on or after January 1, 2018, but has since left that home (e.g. living in the community as a renter, owner, a tenant or a border).
- xv. A resident or former resident of homes that are part of the program of the Ministry of Health and Long-Term Care known as Community Homes for Opportunity.
- xvi. Persons residing in one of the following places (but only while residing there):
  - xvii. A facility that was a former Provincial Psychiatric Hospital
  - xviii. The Centre for Addiction and Mental Health (in Toronto)
  - xix. The Homewood Health Centre (in Guelph)

Privacy and confidentiality of the qualified individuals is of the utmost concern for Welland Transit. To ensure this is protected, we will continue with our existing partnership with The Hope Centre to sell and disseminate the passes accordingly. The issued passes will be coded from the provider with the applied discount, however the pass itself will not differ in appearance to that of a regularly priced pass.

#### **FINANCIAL CONSIDERATION:**

The current price for an Adult 31-Day Municipal pass is \$85.00.

The reduced price for the aforementioned customers would be \$65.00.

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

N/A

**SUMMARY AND CONCLUSION:**

It is recommended that Council approves this initiative to support those in need. Transit is an essential service and staff are continuing to ensure it is made accessible to all current and potential customers.

**ATTACHMENTS:**

N/A

**Administration**

Office of the Regional Clerk

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

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

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

October 25, 2021

CL 20-2021, October 21, 2021

COTW 5-2021, October 7, 2021

PDS 37-2021, October 7, 2021

**LOCAL AREA MUNICIPALITIES****SENT ELECTRONICALLY**Regional Incentives Information and Alternatives

PDS 37-2021

Regional Council, at its meeting held on October 21, 2021, passed the following recommendation from its Committee of the Whole meeting:

That Report PDS 37-2021, dated October 7, 2021, respecting Regional Incentives Information and Alternatives, **BE RECEIVED** for information; and

That Report PDS 37-2021 **BE CIRCULATED** to the local municipalities.

A copy of Report PDS 37-2021 is enclosed for your reference.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann-Marie".

Ann-Marie Norio

Regional Clerk

CLK-C 2021-162

cc: M. Bannerman, Incentives and Grants Program Manager  
 M. Sergi, Commissioner, Planning and Development Services  
 N. Oakes, Executive Assistant, Planning and Development Services

21-139

---

**Subject:** Regional Incentives Information and Alternatives

**Report to:** Committee of the Whole

**Report date:** Thursday, October 7, 2021

---

### Recommendations

1. That this report **BE RECEIVED** for information; and
2. That Report PDS 37-2021 **BE CIRCULATED** to the Local Municipalities.

### Key Facts

- This report is in response to Council direction to provide additional information, proposals and clarifications regarding Niagara Region incentives: existing incentives; newly aligned incentives proposed through the Niagara Region Incentives Policy outlined in Report PDS 31-2021; and potential incentive programs as outlined in the proposed amendment to Report PDS 31-2021.
- Report PDS 31-2021 presented the Niagara Region Incentives Policy, which consolidated into a single document Regional incentive programs aligning with the four Priority Areas directed by Regional Council: Affordable Housing, Employment, Brownfield Remediation and Public Realm. The incentives included in the Niagara Region Incentives Policy comprised the majority of existing Regional incentive programs as shown in Slide 5, Appendix 3 of this report. These programs have been updated and repurposed to accomplish the incentive review goals of aligning with Regional priorities and responsibilities, addressing current and future needs, providing meaningful and measurable results, and being sustainable, clear and accountable.
- On August 5, 2021, Committee of the Whole (COTW) considered Report PDS 31-2021, Niagara Region Incentives Policy, amending the report recommendations. Minutes of this COTW meeting were considered at Regional Council on August 26, 2021 where further amendments to the report were considered (Appendix 1). A final vote was not taken on this occasion as meeting time expired.
- At a Special Council meeting held on August 31, 2021, Council approved a motion (Appendix 2) to refer the report to a COTW meeting on October 7, 2021, to be accompanied by a report from staff.

- 
- This report provides the information requested through the August 31 referral motion that includes:
    1. What programs would be cancelled in moving to the 4 Pillar Suite of Incentives;
    2. Articulates which of those programs would attain any of the 4 Pillar objectives;
    3. Identify what programs from the Old Suite or the 4 Pillar Suite incentivize greenfield development;
    4. Provides recommendations for grandfathering and expiration timelines;
    5. Provides recommendations for annual reporting to Council on program costing;
    6. Provides an incentive option for the 4 Pillar model pertaining to “Downtown Core” improvements/developments for Council consideration;
    7. Provides a full costing to maintain both program Suites (Old & 4 Pillar) in accordance with the recommended changes;
    8. Articulates how each scenario (Old Suite, 4 Pillar or dual offering) will impact the upcoming levy budget.

## **Financial Considerations**

Two of the information requests in the referral report have financial implications associated with them and the alternatives put forward to address them. These items (7 and 8) will be included in the Analysis section below in the order of the referral motion.

## **Analysis**

### **A. Terminology**

The following clarifications are very important to ensure shared understanding of what programs are being discussed and proposed.

**Community Improvement Plan (CIP)** – this refers to plans which outline CIP project areas and incentive programs which may be operative in those areas. “CIP” refers to the plan itself, not to the programs within CIPs.

**Smarter Niagara Incentive Program (SNIP)** – an umbrella term for a Regional suite of eleven incentives, which operate differently and have different legislative and funding sources. It will be important to specify what SNIP incentives are being referenced when considering recommendations to continue or transition these programs.

**Table 1 Smarter Niagara Incentive Program (SNIP) grants**

<b>SNIP Simple Grants</b> These are funded through an annual budget line (more recently, through reserves), and match eligible, locally approved CIP projects within Regional program parameters
Residential Grant
Planning Grant (CIP/Secondary Plan)
Environmental Assessment Study Grant
Building and Façade Improvement Grant
Heritage Restoration and Improvement Grant
<b>SNIP Tax-related Grants</b> These require different approval processes from simple grants, are longer in duration, and are deducted from assessment growth
Property Rehabilitation and Redevelopment Tax Increment Grant
Brownfield Tax Assistance Program
<b>Other SNIP Grants</b> These have had no uptake (agriculture grants); were never developed or funded (affordable housing grant); or were replaced (public domain, by the Public Realm Improvement Program).
Agricultural Buildings and Facilities Revitalization Grant (TIG)
Agricultural Feasibility Study Grant
Affordable Housing Grant
Public Domain Incentive Grant

**Tax Increment Grant (TIG)** – A TIG refunds back to the developer/property owner a portion of the incremental increase in taxes on a property related to assessment increase following development. TIG rates vary from 10-100% of the tax increment depending on the municipality's program. They may be at a flat, unchanging percentage rate for the duration of the grant, or on a sliding scale. Typically, TIGs are for more money over a longer period of time (usually 10 years) than other grants. Currently RDC grants represent the largest share of the annual budget for incentives; however, as Slide 11, Appendix 3 demonstrates, the growth in incentives is primarily in TIGs, particularly for brownfields.

The Region currently offers TIGs in both the SNIP and Gateway CIP incentive programs: two SNIP TIGs – the Property Rehabilitation and Redevelopment TIG (which includes brownfield and non-brownfield TIGs) and the Agricultural Buildings and

---

Facilities Revitalization Grant – and a Gateway CIP TIG. Regional funding for TIGs is budgeted annually based on forecasting from the local municipalities indicating what projects will be invoiced in the coming year, usually aligned with project completion and collection of the incremental taxes from the property.

All new construction in the Region creates new assessment that must go into the calculation of the tax rates. All properties, including those eligible for a TIG, must be billed their share of taxes at the tax rate for that property class times the assessment for the property. This tax revenue is part of the overall general tax levy collected by the Region. Once taxes are paid by a property owner who has a TIG, the owner is then entitled to a refund of the approved TIG amount of those taxes, and the payment to the property owner is recorded as an operating expense in the general levy budget. Regional TIGs are funded each year in the budget from annual assessment growth revenue, as it generally incorporates the new tax revenue from the development be entitled to the grant.

It is assumed that when item 1(a) of the proposed amendment to Report PDS 31-2021 (Appendix 1) refers to “the current Regional TIG,” what is meant is the SNIP Property Rehabilitation and Redevelopment Tax Increment Grant. This program matches brownfield and non-brownfield TIG projects approved by local municipalities in their CIP areas in alignment with Regional program parameters.

It is assumed that when item 1(b) in the proposed amendment to Report PDS 31-2021 (Appendix 1) refers to “SNIP,” what is meant is one or more programs in the group listed as SNIP simple grants in Table 1.

Clarity and confirmation regarding what incentives are specifically intended in items 1(a) and (b) is required.

## **B. Responses to Referral Motion Information Requests**

This section addresses information requested in items 1-6 of the referral motion.

### **(1) What programs would be cancelled in moving to the 4 Pillar Suite of Incentives**

The majority of existing incentive programs would be repurposed in the new Regional Incentives Policy, as specified in Slides 3 and 4 in Appendix 3 of this report. The majority of these programs are in the Priority Area identified as most important – Affordable Housing – with the remainder falling into the remaining Priority Areas of Employment, Brownfield Remediation, and Public Realm. Most existing programs have been updated or repurposed to realize the goals of the incentive review: aligning Regional incentives with Strategic Priorities of Council, to make sure incentives are



---

addressing key current and future needs; stipulating meaningful metrics to measure program performance; targeting programs and budget dollars to ensure sustainability and effectiveness; and improving administration and reporting to provide timely adjustment and accountability.

The following programs would have Regional funding discontinued under the proposed Niagara Region Incentive Policy:

- Waterfront Investment Program
- Niagara Investment in Culture Program
- Heritage Tax Rebate
- SNIP
  - Brownfield Tax Assistance Program
  - Building and Façade Improvement Grant/Loan
  - Heritage Restoration and Improvement Grant/Loan
  - Agricultural Feasibility Study Grant

It is important to note that the only programs which are entirely cancelled are the two Regionally-run programs: Waterfront Investment Program and Niagara Investment in Culture program. The other programs on the list (SNIP programs and Heritage Tax Rebate program) are not cancelled: they are owned or funded by local municipalities or the province and can continue to be run. The Region just would not participate as a funding partner.

Development charge incentives are subject to the approval of the new RDC By-law in 2022 and informed by the work of the RDC Policy Task Force. However, it is recommended that the following RDC discretionary grants be removed from the RDC By-law and not continue:

- Hotel/Motel
- Long-Term Care Homes
- Phase-in Rates
- Parking Structures
- Agriculture
- Place of Worship
- Canopies [i.e., Gas Stations]

---

**(2) Articulates which of those programs would attain any of the 4 Pillar objectives**

The only one of the programs above which falls into one of the four Priority Areas is the Brownfield Tax Incentive Program (BTAP), which falls into the Brownfield Remediation Priority.

This program was not recommended to continue with Regional funding due to the fact that eligible costs under most BTAP incentives are also eligible costs under the proposed Brownfield Tax Increment Grants (BTIGs) and the Brownfield Regional Development Charge (RDC) Deferral, which are both included in the proposed Niagara Region Incentive Policy; the smaller grant amounts relative to the administrative and legislative requirements of the program; the fact that the BTAP incentives provided in Niagara rarely leverage eligible matching provincial incentives; and inconsistent and incomplete information on invoicing/payment of these grants from local municipal partners making them challenging to track.

**(3) Identify what programs from the Old Suite or the 4 Pillar Suite incentivize greenfield development**

The term “greenfield” refers more to geography than to characteristics of land. Designated Greenfield Areas (DGAs) were established by the Province in the 2006 Growth Plan, and designated through mapping completed in 2008. DGAs are land inside settlement areas but outside built up areas – that is, land in settlement areas that was not developed as of 2008. Appendix 4 provides a map of DGAs in Niagara Region.

DGAs that did not have development in 2008 may have developed since that time in a variety of ways. DGAs may also have properties with different characteristics and planning uses on them. For instance, it is possible to have residential or employment development in DGAs. It is also possible to have contaminated lands, or brownfields, in DGAs.

Existing incentives do not incentivize development in DGAs because they are greenfields. However, some properties within DGAs have received Regional incentives because they are permitted under current incentive and CIP program parameters. Proposed incentives similarly do not incentivize development in DGAs because they are greenfields. However, they may also provide incentives to projects in greenfield areas that achieve goals within the four Priority Areas, such as affordable housing, employment or brownfield remediation. The key difference is that proposed incentives achieve objectives in Council’s strategic Priority Areas; existing incentives may not.

**(4) Provides recommendations for grandfathering and expiration timelines**

Three options may be considered regarding start and end dates for programs and program transitions.

**Option 1 Original recommendation in Report PDS 31-2021**

Dec 31, 2021	<u>Expire:</u> all current non-RDC incentive programs
Jan 1, 2022	<u>Begin:</u> all NR Incentive Policy programs
Aug 31, 2022	<u>Expire:</u> all discretionary RDC incentives <u>Begin:</u> NR Incentive Policy RDC incentives (subject to new RDC bylaw)

- Transition time to new programs: 3 months
- Transition policies: 0
- Overlapping Programs: 0

**Option 2 Proposed amendment to Report PDS 31-2021**

Dec 31, 2021	<u>Expire:</u> WIP, NIC, Heritage Tax Rebate
Jan 1, 2022	<u>Begin:</u> all NR Incentive Policy programs except RDC programs
Aug 31, 2022	<u>Expire:</u> all discretionary RDC incentives except Smart Growth RDC <u>Begin:</u> NR Incentive Policy RDC programs (subject to new RDC bylaw)
Oct 1, 2024	<u>Expire:</u> SNIP Rehabilitation & Redevelopment TIG, Smart Growth RDC grant -- unless replaced earlier by "residential intensification, employment enhancements and brownfield remediation" programs

- Transition time to new programs: 3 – 35 months
- Transition policies: 0
- Overlapping Programs: 4

**Option 3 Alternative proposal for potential consideration**

Dec 31, 2021	<u>Expire:</u> WIP, NIC, Heritage Tax Rebate, Public Housing Partnership pilot (repurposed as Partnership Housing Program), SNIP -- Affordable Housing, Public Domain, Agriculture Study, Agriculture TIG
Jan 1, 2022	<u>Begin:</u> Partnership Housing Program

Aug 31, 2022	<u>Expire:</u> all discretionary RDC incentives <u>Begin:</u> NR Incentive Policy RDC incentives (subject to new RDC bylaw)
Mar 31, 2023	<u>Expire:</u> SNIP -- Façade Improvement, Heritage, Planning, ESA, BTAP, Rehabilitation and Redevelopment TIG; Secondary Suite program
Apr 1, 2023	<u>Begin:</u> all NR Incentive Policy programs; Downtown Intensification TIG, Façade Improvement grant

- Transition time to new programs: 3 -18 months
- Transition policies: 3
- Overlapping Programs: 0

#### Recommended Transitions:

**Smart Growth RDC grant** - Applicants that have received preliminary assessments that they meet eligible criteria and where building permits are pulled by Aug 31, 2022 will be eligible for the grant provided the project is completed and a formal application is submitted by Aug 31, 2023.

**SNIP Rehabilitation and Redevelopment TIG** - Applicants with projects approved by a local municipality by Mar 31, 2023 will be eligible under the existing program if the municipality submits a complete Regional matching funding application by June 1, 2023.

**Downtown Core Incentives** - Existing overlapping programs (i.e., SNIP Rehabilitation and Redevelopment TIG, SNIP Façade Improvement grant) will expire on the start date of new incentives, with the SNIP Rehabilitation and Redevelopment TIG transitioning as outlined above.

Given the strong and polarized views expressed to date by Council, option 3 was developed to reflect a compromise (middle ground) for potential consideration. It provides reasonable timelines for expiry and transition of existing incentive programs and the beginning of the proposed aligned incentives, while minimizing the potential confusion and cost of overlapping programs.

Any projects currently allocated funding by Niagara Region will continue under the program parameters and agreements in place at the time of their approval regardless of which timelines are adopted.

---

**(5) Provides recommendations for annual reporting to Council on program costing**

Reports to Council on incentive programs, including program costs but also other key performance indicators and the achievement of Priority Area objectives, is recommended annually. To accurately report on program costs and effectiveness, the assistance of local area municipalities in providing data for matching programs in a timely and complete manner will be key.

It is further recommended that a comprehensive report to Council be provided within one year of expiration of existing programs (date to be determined). If adopted the Niagara Region Incentive Policy also recommends a comprehensive review of its incentive programs after five years from the date of their start.

To ensure Council receives the most useful reporting on incentives, it is also recommended that existing and proposed programs which overlap not be run simultaneously. To do so may prove expensive; may confuse applicants, stakeholders and funding partners; could skew understanding and reporting on program effectiveness; and might delay accomplishing strategic objectives.

To take TIGs as one example, if the existing SNIP Rehabilitation and Redevelopment TIG were to continue to run simultaneously with the proposed Brownfield TIG program, the Niagara Business Attraction TIG and potentially a Downtown Intensification TIG all of which would overlap with it, it would be difficult to be clear on the various program criteria, to calculate which program would be most advantageous, to know how to budget for the programs, to understand how matching funding would work, which programs may be stackable, what administrative requirements (application, invoicing, forecasting) would be operative, which programs may be achieving which strategic objectives and why, what programs, grant levels or criteria may continue, how costs could be forecast over time, and how data could be accurately provided and usefully analyzed.

**(6) Provides an incentive option for the 4 Pillar model pertaining to “Downtown Core“ improvements/developments for Council consideration**

Most proposed incentives in the Niagara Region Incentive Policy are eligible in Downtown Core areas, if they align with the four Priority Areas. It would be possible to receive several different proposed incentives which would improve and intensify Downtowns that also attain strategic objectives identified by Council.

Should Council wish to consider additional incentive options for Downtown Core areas, the following two program suggestions are offered:

	Downtown Intensification Tax Increment Grant	Façade Improvement Grant
Description and Objective	A matching tax increment grant program to encourage intensification, i.e., increase residential and employment options, in downtown core areas	A matching grant program to encourage improvement of facades of commercial or mixed use buildings in downtown core areas
Key Parameters	<ul style="list-style-type: none"> <li>• Matching fixed TIG for 10 years at 45% (65% if affordable housing is included)</li> <li>• Available in Downtown Cores as currently identified in the Official Plans of local area municipalities, with appropriate matching programs</li> <li>• Phasing and sunset clauses as per other Regional TIG programs</li> <li>• Can only stack with eligible RDC incentives</li> </ul>	<ul style="list-style-type: none"> <li>• Matching grant for up to \$10k/property, \$15k/property for heritage building</li> <li>• One grant per property every 5 years</li> <li>• Must be eligible improvement to façade only (includes signage)</li> <li>• Biannual intake up to annual program budget determined by Council</li> <li>• Available in local municipal CIP areas</li> </ul>
Metrics	<ul style="list-style-type: none"> <li>• Number and types of residential units built</li> <li>• Amount of affordable housing generated</li> <li>• Number and types of businesses opening</li> <li>• Number and types (FT, PT) of jobs generated</li> <li>• Increase in assessment value generated</li> </ul>	<ul style="list-style-type: none"> <li>• Number of grants provided</li> <li>• Location of grants provided</li> <li>• Before/after photos for qualitative assessment</li> </ul>

These programs would have some advantages: The Downtown Intensification TIG would promote non-brownfield intensification in downtown core areas; could increase assessment value and thus longer-term tax revenues; could make efficient use of existing infrastructure and transit options; and though not directly aligned with the four Priority Areas, has the potential to generate affordable housing and employment. The Façade Improvement Grant could enhance attractiveness and improve urban design of downtown commercial, mixed use buildings, and could be seen as a support to small businesses.

---

There could also be disadvantages: A TIG such as the one proposed would likely divert funding from programs targeting strategic priorities, especially affordable housing, though this may be mitigated if a more advantageous grant level were added to the program similar to that for the proposed Brownfield TIG. The similar existing SNIP Rehabilitation and Redevelopment TIG has not produced significant increases in affordable housing or employment. A more focused façade program may address some issues with the current broad patchwork of programs, but may also fund work that would have happened anyway.

**(7) Provides a full costing to maintain both programs Suites (Old Suite and 4 Pillar) in accordance with the recommended changes**

It is difficult to understand the full cost of maintaining both the existing and proposed suite of incentives as staff do not have a comprehensive listing of all proposed development in the Region. Staff have used historical experience and knowledge of several significant brownfield and other developments which are in the planning stages to make estimates of their eligibility under current and new programs. These estimates are based on the information at the time of this report, but it should be noted other funding requests and construction delays are likely to affect the amounts and timing reflected here.

The bars on the graph in Slide 11, Appendix 3 illustrate the estimated cost of existing and proposed incentives. The solid bars represent the forecast of new incentives broken down by policy priority. The hashed area of the bars represents the incremental cost of supporting existing incentives in addition to the proposed programs. The new incentive programs are projected to increase the current cost from \$12M to \$27M mainly due to brownfield tax increment grants. Existing incentives are estimated to add anywhere from \$3.8M to \$9.8M to the cost depending on the timing of development, but in total an amount in excess of \$47M over the 10 year period. Unaligned incentives have also been included as the cost of these has been committed through existing agreements and funding must be maintained until their expiry.

Staff have included in this estimate the cost of brownfield transition agreements from the 2012 to the 2017 RDC bylaw which preserve developers' right to use the 2012 incentives which were not capped at remediation costs. These agreements are set to expire August 31, 2022; however Council has already been requested to extend one of those agreements, and further requests are likely forthcoming. Therefore, the full estimated amount of these agreements has been included in 2022 and 2023 to ensure a comprehensive assessment of the cost of all incentives in flight.

---

**(8) Articulates how each scenario (Old Suite, 4 Pillar or dual offering) will impact the upcoming levy budget.**

The incentives are funded either from base budget levy increases or assessment growth revenue each year. Both have an impact on budgets as they limit the available levy dollars or growth dollars (new levy) to fund base programs and services and growth-related costs in accordance with the Budget Planning By-law as follows:

- Infrastructure gap funding
- Incremental operating costs of growth -- for example, more new roads result in increased cost to maintain them which should be funded from growth dollars
- New capital assets or services -- for example, Canada Summer Games Park, transit consolidation
- Council strategic priorities – for example, GO, hospitals, hospice

The background shading in Slide 11, Appendix 3 identifies the dollars funded from base levy versus assessment growth. Funding required for RDC programs begins to decline in 2022 due to the revised new suite of incentives. However, it is not recommended that the budget be decreased at that time as it would be required to address funding of brownfield transition agreements if extended, and could be repurposed to other priorities such as affordable housing incentives. In the absence of available funding for the brownfield agreements, deficits would result, which have to be funded either from:

- Tax levy increases
- Regional Taxpayer Relief Reserve reserves which limits available funding for other unknowns and tax mitigation
- DC reserve payback to the levy, but this may impact RDCs available for crucial growth capital projects

The growth in the new incentives is primarily in the area of brownfield TIGs, which are funded from assessment growth. Slide 12, Appendix 3 provides a look at the historical assessment growth dollars used to fund TIGs, as well as a projection based on a 2% budget increase applied to growth to demonstrate the proportion of assessment growth that would be incrementally dedicated to incentives based on best estimates. Similar to the information on Slide 11, Appendix 3, these forecasts are subject to change.



---

## Alternatives Reviewed

This report provides information and recommendations in response to a Council request. Alternatives as outlined in the report, and the recommended option, are:

- (1) Adopt the recommendations in Report PDS 31-2021;
- (2) Adopt the proposed amendment to Report PDS 31-2021 which would institute the proposed incentives in the Niagara Region Incentive Policy but also continue certain existing incentive programs;
- (3) Adopt the incentive programs and alternative reporting, timelines and transitions associated with them as outlined in Option 3 and elsewhere in this report.

The incentive review and the recommendations stemming from it in the Niagara Region Incentive Policy fulfilled Council direction to align Regional incentives into four Priority Areas and make the programs more consistent, sustainable and accountable. The three year review conducted wide-ranging research, careful data analysis, program comparisons and engagement to produce competitive, data-driven, best-practice recommendations that align with Council strategic priorities. Staff proposals in this report incorporate subsequent Council feedback and direction, and would further optimize this important opportunity to clearly, reasonably and sustainably transition from existing to newly aligned and focused incentives.

## Relationship to Council Strategic Priorities

The recommendations in this report support the following 10 objectives in all four Council strategic priorities:

### Priority 1: Supporting Businesses and Economic Growth

- Objective 1.1: Economic Growth and Development
- Objective 1.2: Support retention and development of skilled labour force
- Objective 1.3: Collaborative Approach to Business Growth and Retention
- Objective 1.4: Strategically Target Industry Sectors

### Priority 2: Healthy and Vibrant Community

- Objective 2.1: Enhance Community Wellbeing
- Objective 2.3: Addressing Affordable Housing Needs

### Priority 3: Responsible Growth and Infrastructure Planning

- Objective 3.2: Environmental sustainability and stewardship (14)

---

**Priority 4: Sustainable and Engaging Government**

- Objective 4.1: High quality, efficient and coordinated core services
- Objective 4.2: Enhanced Communication
- Objective 4.3: Fiscally Sustainable

**Other Pertinent Reports**

- PDS 42-2017 Overview of 2018 Incentive Review
- PDS-C 19-2018 ICOP Phase 1 Audit Report on Regional Incentive Review
- PDS-C 31-2018 ICOP Phase 2 Audit Report on Regional Incentive Review
- PDS-C 38-2018 Local Municipal Responses to Incentive Review Audit Report
- PDS 22-2019 Regional Incentives Financial Information
- PDS 34-2019 Grants and Incentives Review
- CSD 55-2020 Sustainability Review Final Report
- RDCPTF-C 7-2021 Development Charges Grant Expenditures under 2017 Regional Development Charges By-law
- PDS 31-2021 Niagara Region Incentives Policy

---

**Prepared by:**

Marian Bannerman, PhD  
Program Manager, Grants and  
Incentives  
Planning and Development Services

---

**Recommended by:**

Michelle Sergi, MCIP, RPP  
Commissioner  
Planning and Development Services

---

**Submitted by:**

Ron Tripp, P.Eng.  
Chief Administrative Officer

This report was prepared in consultation with the Regional Incentive Review team (Community Services: Donna Woiceshyn, Director, Niagara Housing Services, CEO of Niagara Regional Housing; Corporate Services: Todd Harrison, CPA, CMA, Commissioner of Corporate Services, /Treasurer; Helen Chamberlain, CPA, CA,

---

Director, Financial Management and Planning/Deputy Treasurer; Robert Fleming, Senior Tax and Revenue Analyst; Lyndsey Ferrell, Program Financial Specialist; Economic Development: Valerie Kuhns, Associate Director; Ken Scholtens, Manager, Business Development and Expedited Services; Planning and Development Services: Michelle Sergi, MCIP, RPP, Commissioner, Planning and Development Services; Doug Giles, BUS, MEP, Director, Community and Long-Term Planning; Marian Bannerman, Program Manager, Grants and Incentives).

### **Appendices**

Appendix 1	Proposed Amendment to Report PDS 31-2021
Appendix 2	Referral Motion August 31, 2021
Appendix 3	PDS 37-2021 Presentation
Appendix 4	Designated Greenfield Areas in Niagara Region

**Appendix 1: Pending Motion to Amend PDS 31-2021**

The following motion to amend PDS 31-2021 was on the floor for consideration at the Special Council meeting on August 31, 2021:

1. That the Niagara Region Incentives Policy (Appendix 1 of Report PDS 31-2021) which promotes Council's four Priority Areas for Niagara Region, namely Affordable Housing, Employment, Brownfield Remediation, and Public Realm, BE APPROVED with the following additions:
  - a) That the current Regional TIG and Smart Growth DC programs be maintained in municipal CIP districts until October 1 2024 or until new programs are approved by Regional Council that further support municipal CIP Districts with criteria that supports residential intensification, employment enhancements and brownfield remediation;
  - b) that the SNIP (Smarter Niagara Incentive Program) be maintained with a maximum dollar figure available for grants that is determined during the annual budget process;
2. That staff PROVIDE sunset clause policies for currently approved programs that include reasonable expiration dates;
3. That staff formally REVIEW and REPORT to Regional Council prior to October 2024 on the effectiveness, challenges and any recommended changes to the Region's Incentive Programs, after consulting with the local area municipalities;
4. That staff BE DIRECTED to explore the inclusion of the Niagara Investment in Culture Program as part of the updated policy; and
5. That Report PDS 31-2021 BE CIRCULATED to the Local Area Municipalities.

**Appendix 2: Referral Motion from August 31, 2021 Special Council Meeting**

The following motion was approved at the Special Council Meeting on August 31, 2021 to refer PDS 31-2021 to a Committee of the Whole meeting on October 7, 2021 and directing staff to provide a report at that time which includes:

1. What programs would be cancelled in moving to the 4 Pillar Suite of Incentives;
2. Articulates which of those programs would attain any of the 4 Pillar objectives;
3. Identify what programs from the Old Suite or the 4 Pillar Suite incentivize greenfield development;
4. Provides recommendations for grandfathering and expiration timelines;
5. Provides recommendations for annual reporting to Council on program costing;
6. Provides an incentive option for the 4 Pillar model pertaining to "Downtown Core" improvements/developments for Council consideration;
7. Provides a full costing to maintain both program Suites (Old & 4 Pillar) in accordance with the recommended changes;
8. Articulates how each scenario (Old Suite, 4 Pillar or dual offering) will impact the upcoming levy budget.

# Niagara Region Incentive Information and Alternatives

Regional Council Committee of the Whole

October 7, 2021

220

# Terms

## Smarter Niagara Incentive Program (SNIP)

Residential Grant

Planning Grant (CIP/Sec Plan)

Environmental Assessment Study Grant

Building and Façade Improvement Grant

Heritage Restoration and Improvement Grant

Property Rehabilitation and Redevelopment Tax Increment Grant

Brownfield Tax Assistance Program

Agricultural Buildings and Facilities Revitalization Grant

Agricultural Feasibility Study Grant

Affordable Housing Grant

Public Domain Incentives Program

## Tax Increment Grant (TIG)

Existing:

Gateway CIP TIG

SNIP Agricultural Buildings and Facilities

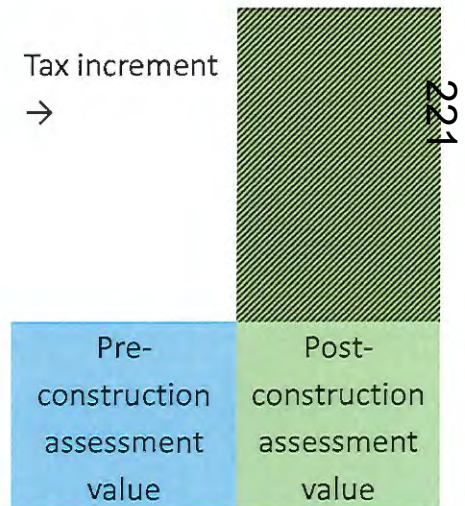
SNIP Rehabilitation and Redevelopment (incl BTIG)

Proposed:

Gateway CIP TIG

Niagara Business Attraction TIG

Brownfield TIG (two tiers)



# Repurposed and Continuing Programs

New/ Repurposed Programs	Repurposed from	Existing Program
<b>Affordable Housing</b>		
Public Housing Partnership	→	Partnership Housing Program (pilot) SNIP Affordable Housing Grant Municipal Housing Project Facility RDC Grant
Non-Profit RDC Grant Program	→	Non-Profit RDC Grant Program
Intensification RDC Grant	→	Intensification RDC Grant Granny Flats RDC Grant
Affordable and Supportive Housing RDC Grant	→	Affordable Housing RDC Grant
Residential Rental Grant	→	Niagara Renovates Secondary Suite
Small Building Rental Grant	→	SNIP Residential Grant
Welcome Home Niagara -- Home Ownership Downpayment Assistance	→	Welcome Home Niagara -- Home Ownership Downpayment Assistance
Niagara Renovates for Homeowners	→	Niagara Renovates for Homeowners
Niagara Renovates Multi-residential	→	Niagara Renovates Multi-residential
Non-Profit and Co-op Capital Repair Costs	→	Non-Profit and Co-op Capital Repair Costs
Housing Provider Capital Loan Program	→	Housing Provider Capital Loan Program
<b>Employment</b>		
Gateway CIP Tax Increment Grant	→	Gateway CIP Tax Increment Grant
Gateway CIP Regional DC Reduction Grant	→	Gateway CIP Regional DC Reduction Grant
Niagara Business Attraction Tax Increment Grant	→	SNIP Property Rehabilitation and Redevelopment Tax Increment Grant
Employment RDC Grant	→	Industrial RDC Grant
50% Industrial Expansion RDC Grant	→	50% Industrial Expansion RDC Grant



# Repurposed, Continuing and Unaligned Programs

New/ Repurposed Programs	Repurposed from	Existing Program
<b>Brownfield Remediation</b>		
Brownfield Tax Increment Grant (Tiers 1 and 2)	→	SNIP Property Rehabilitation and Redevelopment Tax Increment Grant SNIP Environmental Assessment Study Grant
Brownfield RDC Deferral	→	Brownfield RDC Grant
<b>Public Realm</b>		
Public Realm Improvement Program	→	SNIP Public Domain Incentives Program
<b>Other</b>		
PDS Departmental Resourcing	→	SNIP CIP/Secondary Plan Planning Grant

## Unaligned Grants

Continuing (mandatory)	
Local Municipality, Board, Region RDC Grant	Board of Education RDC Grant
Not continuing	
SNIP Building and Façade Improvement Grant	Smart Growth RDC Grant
SNIP Heritage Restoration and Improvement Grant	Hotel/Motel RDC Grant
SNIP Agricultural Feasibility Study Grant	Long-Term Care Home RDC Grant
SNIP Agricultural Buildings and Facilities Revitalization Grant	Phase-in Rates RDC Grant
SNIP Brownfield Tax Assistance Program	Parking Structures RDC Grant
Niagara Investment in Culture (NIC) Program	Agriculture RDC Grant
Waterfront Investment Program (WIP)	Place of Worship RDC Grant
Heritage Tax Rebate Program	Canopies (i.e., Gas Station) RDC Grant

223

# Programs and Priority Areas

	Number of Programs	Repurposed/ Continuing	Not Continuing	Discontinued Program In a Priority Area
Smarter Niagara Incentive Program (SNIP)	11	6	5	1 Brownfield Tax Assistance Program
Gateway CIP	2	2	--	--
NRH programs	6	6	--	--
Regional DC Incentives	18	10	8	0
Other Incentives	5	2	3	0
New Incentive	1	1	--	--

224

- Of 42 programs, 26 continuing, 16 not continuing, 1 new
- Only 1 of 16 discontinued programs is in a Priority Area
- All Incentive Policy programs are in Priority Areas

# Greenfield Incentives

Designated Greenfield Area (DGA) – land in settlement areas undeveloped as of 2008 provincial mapping

- Refers to geography not characteristics (e.g., not opposite of brownfield)
- Can have brownfield, employment or residential in DGAs
- Development has occurred in DGAs since 2008
- Existing /proposed incentives could be permitted in DGAs
- Neither existing/proposed incentives expressly target DGA development

**Key difference: Proposed incentives achieve objectives in Priority Areas; existing incentives may not**

# Timeline Options

## Option 1 PDS 31-2021

Dec 31, 2021	<b>Expire:</b> All current non-RDC incentive programs	Transition time to new programs: 3 months Transition policies: 0 Overlapping Programs: 0
Jan 1, 2022	<b>Begin:</b> All NR Incentive Policy programs	
Aug 31, 2022	<b>Expire:</b> all discretionary RDC incentives <b>Begin:</b> NR Incentive Policy RDC incentives (subject to new RDC bylaw)	

## Option 2 Pending Motion

Dec 31, 2021	<b>Expire:</b> WIP, NIC, Heritage Tax Rebate	Transition time to new programs: 3 - 35 months Transition policies: 0 Overlapping Programs: 4
Jan 1, 2022	<b>Begin:</b> All NR Incentive Policy programs; Continue: SNIP simple grants (TBD), SNIP Rehabilitation and Redevelopment TIG	
Aug 31, 2022	<b>Expire:</b> All discretionary RDC incentives except Smart Growth RDC <b>Begin:</b> NR Incentive Policy RDC incentives (subject to new RDC bylaw)	
Oct 1, 2024 latest	<b>Expire:</b> SNIP Rehabilitation and Redevelopment TIG, Smart Growth RDC grant -- unless replaced earlier by "residential intensification, employment enhancements and brownfield remediation" programs	

226

# Potential Downtown Core Incentives

Most proposed incentives are eligible in downtown cores and align with priority areas

	Downtown Intensification TIG	Façade Improvement Grant
Description and Objective	A matching tax increment grant program to encourage intensification, i.e., increase residential and employment options, in downtown core areas	A matching grant program to encourage improvement of facades of commercial or mixed use buildings in downtown core areas
Key Parameters	<ul style="list-style-type: none"> <li>• Matching fixed TIG for 10 years at 45% (65% if affordable housing is included)</li> <li>• Available in Downtown Cores as currently identified in the Official Plans of local area municipalities, with appropriate matching programs</li> <li>• Phasing and sunset clauses as per other Regional TIG programs                             <ul style="list-style-type: none"> <li>• Can only stack with eligible RDC incentives</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Matching grant for up to \$10k/property, \$15k/property for heritage building                             <ul style="list-style-type: none"> <li>• One grant per property every 5 years</li> </ul> </li> <li>• Must be eligible improvement to façade only (includes signage)</li> <li>• Biannual intake up to annual program budget determined by Council                             <ul style="list-style-type: none"> <li>• Available in local municipal CIP areas</li> </ul> </li> </ul>
Metrics	<ul style="list-style-type: none"> <li>• Number and types of residential units built</li> <li>• Amount of affordable housing generated</li> <li>• Number and types of businesses opening</li> <li>• Number and types (FT, PT) of jobs generated</li> <li>• Increase in assessment value generated</li> </ul>	<ul style="list-style-type: none"> <li>• Number of grants provided</li> <li>• Location of grants provided</li> <li>• Before/after photos for qualitative assessment</li> </ul>

227

# Timeline and Transition Option

## Option 3 PDS 37-2021 Alternative

Dec 31, 2021	<b>Expire:</b> WIP, NIC, Heritage Tax Rebate, Public Housing Partnership pilot, SNIP Affordable Housing, SNIP Public Domain, SNIP Agriculture Feasibility Study, SNIP Agriculture TIG	Transition time to new programs: 3 - 18 months Transition policies: 3 Overlapping Programs: 0
Jan 1, 2022	<b>Begin:</b> Partnership Housing Program	
Aug 31, 2022	<b>Expire:</b> All discretionary RDC incentives <b>Begin:</b> NR Incentive Policy RDC incentives (grants subject to new RDC bylaw)	
Mar 31, 2023	<b>Expire:</b> SNIP -- Façade Improvement, Heritage, Planning, ESA, BTAP, Rehabilitation and Redevelopment TIG; Secondary Suite program	
Apr 1, 2023	<b>Begin:</b> all NR Incentive Policy programs	

228

## Transition Policies

**Smart Growth RDC Grant** -- Applicants that have received preliminary assessments and where building permits are issued by Aug 31, 2022 will be eligible for the grant provided the project is completed and a formal application is submitted by Aug 31, 2023

**SNIP Rehabilitation and Redevelopment TIG** -- Applicants with projects approved by local municipalities by Mar 31, 2023 will be eligible under current program if municipality submits complete Regional funding application by June 1, 2023

**Downtown Core Incentives** -- If adopted, existing overlapping programs (e.g., SNIP Rehabilitation and Redevelopment TIG, SNIP Façade Improvement) expire on the start date of new incentives, with SNIP Rehabilitation and Redevelopment TIG transitioning as outlined

# Incentive Reporting

## Operating Regional Incentive Programs: Annual

Including program costs but also other key performance indicators and the achievement of Priority Area objectives

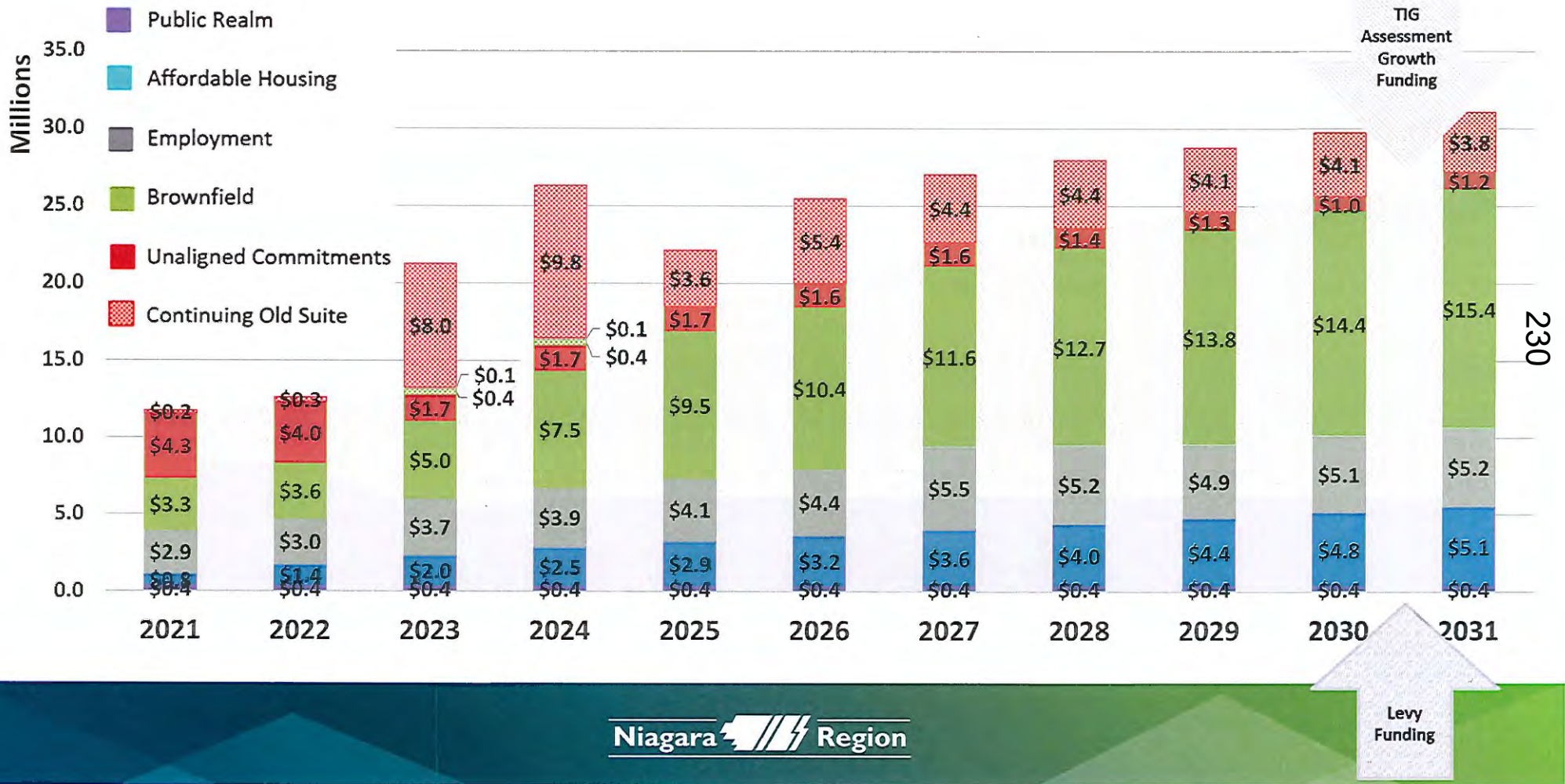
## Existing Incentive Programs: Within a year of expiry (TBD)

Comprehensive report on existing incentive programs

## Niagara Region Incentive Policy: Five years from start date

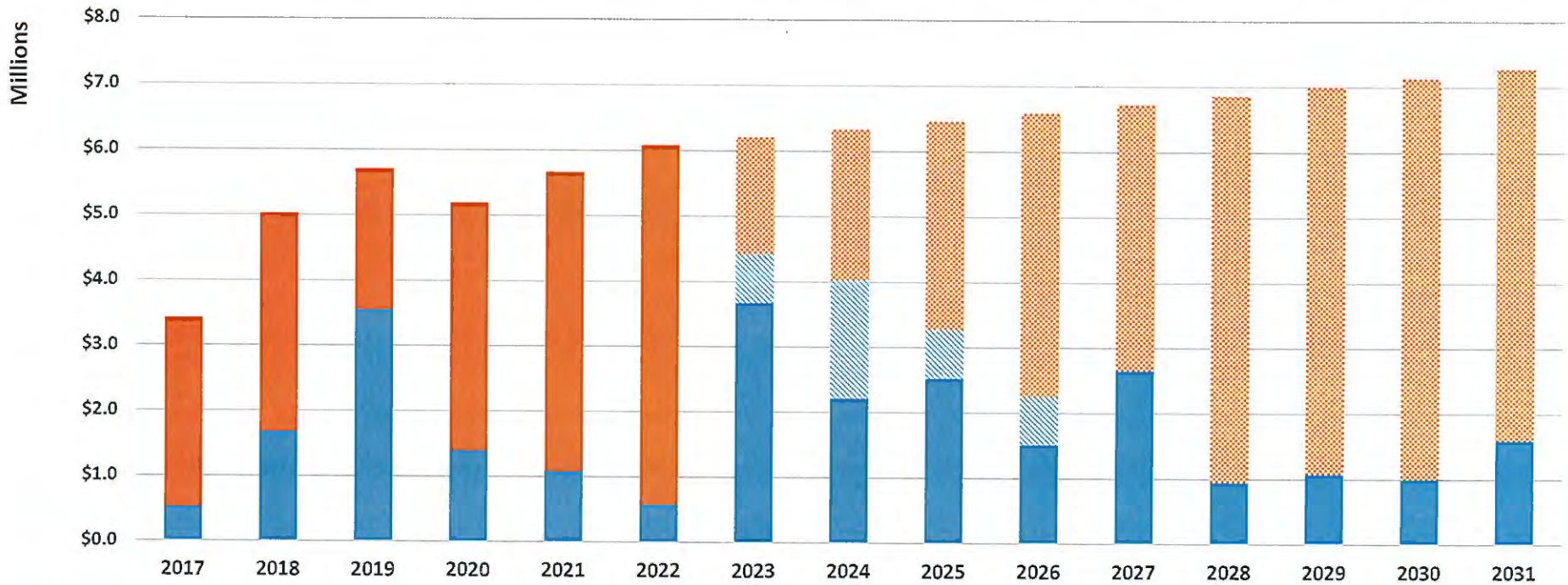
Comprehensive report on newly aligned incentives

# Forecast of Proposed/Existing Incentive Costs and Funding Sources





# Assessment Growth Dollars Used for Tax Incremental Grants



231

■ Assessment Growth Allocated to Grants    
 ▨ Assessment Growth to Continue Residential TIGs    
 ■ Assessment Growth Allocated to Program Areas

# Preferred Alternative

- Provides reasonable timelines for expiry and transition of existing incentive programs to the newly aligned incentives, without the potential confusion and cost of overlapping programs
- Includes input from Council to propose downtown core intensification incentives in a targeted and sustainable way
- Uses wide-ranging research, careful data analysis, program comparisons and engagement to produce data-driven, best-practice recommendations that align with Council Priorities
- Ensures annual program reporting and regular comprehensive reporting on existing and new incentive policies and programs
- Tracks meaningful and measurable results to ensure programs remain successful and accountable

Appendix 4: Designated Greenfield Areas in Niagara Region

