The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Agenda

Monday, August 24, 2020 - 6:00 PM

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic and the Closure of Town Hall
All electronic meetings can be viewed at:
Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco TV

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1. Call to Order

2. Invocation

3. Roll Call

4. Announcements/Addenda

5. Declarations of Pecuniary Interest

6. Notice of Upcoming Public Meetings

(a) Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment (Second Public Meeting)

Re: Royal Ridge Phase 2 - 613 Ridge Road North - Owner - Royal Oak Property Developments Ltd. (Brent King) - Monday, August 31, 2020 - 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, August 27, 2020.

(b) Zoning By-law Amendment

Re: 0 Burleigh Road North - Owner - Roman Catholic Episcopal Corporation St. Catharines - Agent - Alexis Banfai - Monday, August 31, 2020 at 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, August 27, 2020.

(c) Zoning By-law Amendment

Re: 0 Townline Road - Owner - 550075 Ontario Ltd. (Joseph Zawadski) - Agent - 2639723 Ontario Inc. (Amit Khera) - Wednesday, September 2, 2020 at 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, August 27, 2020. *(Previously postponed from March 23, 2020)*

7. Closed Session - Conference Room No. 1

(a) Pursuant to Subsection 239 (2) (c) of the *Municipal Act, 2001* a proposed or pending acquisition or disposition of land by the municipality or local board, and Subsection 239 (2) (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

Re: Graeber Avenue

Resolution: To be presented.

8. Regional Councillor Report

9. Presentations and Delegations

(a) Azhar Mohammad, Partner & Executive Director, Canadian Motor Speedway Inc.

Re: Request to Endorse Extension of Sunset Clause - By-law No. 106-10 (To Amend Zoning By-law No.129-90 - 1746391 Ontario Inc. (Canadian Motorsports Speedway) South West Corner of Bowen Road and Sunset Drive) to September 13, 2021 *(PowerPoint Presentation)*

10. Consent Agenda Items

10.1 Request to Remove Consent Agenda Items

10.2 Consent Agenda Items for Approval

1. Minutes

11 - 24 (a) Approve - Council Meeting - July 20, 2020
July 20r - minutes

25 - 31 (b) Approve - Special Council Meeting - July 28, 2020
July 28sp - minutes

32 - 50 (c) Approve - Council-in-Committee Meeting - August 10, 2020
August 10c - minutes

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2. Correspondence

51 - 116 (a) Receive - Local Planning Appeal Tribunal (LPAT) - Notice of Decision - 800460 Ontario Limited (Fruitbelt Development) - Development Charges By-law No. 47-2019
Comm(a)-LPAT

117 - 122 (b) Receive & Support - Niagara Region - Councillor Sendzik's Motion - Niagara Regional Police Service - Diversity, Equity & Inclusion
Comm(b)-Niagara Region

123 - 125 (c) Receive - City of St. Catharines - Anti-Racism Advisory Committee Recommendations - Niagara Regional Police Service - Body Cameras for Police Officers
Comm(c)-St. Catharines

126 - 127 (d) Receive - City of St. Catharines - Support City of Toronto in their Legal Challenge of the Amendments made under Bill 184 (Protecting Tenants and Strengthening Community Housing Act, 2020), Section 83
Comm(d)-St. Catharines

128 (e) Receive & Support - City of Elliott Lake - Private Members Bill M-36 to Declare August 1 as "Emancipation Day" in Canada
Comm(e)-Elliott Lake

129 - 130 (f) Receive - City of St. Catharines - Support current Provincial Review and Appeal to the Federal and Provincial Governments to provide funding to Long-Term Care Homes for additional personal support workers, nurses and PPE costs
Comm(f)-St. Catharines

131 - 146 (g) Receive & Support - Niagara Region - Request from Niagara Region for support to join the Coalition of Inclusive Municipalities
Comm(g)-Niagara Region

3. Board/Committee Minutes

147 - 150 (a) Receive - Community Gaming Development Corporation - February 25, 2020
CGDC-Feb25

4. Other Matters

Consent Agenda Resolution

Resolution:

That: Council approves the Consent Agenda Items as recommended.

10.3 Items Removed to be Dealt with Separately

11. Report

151 - 162

CAO-15/LC-05-2020

Land Matters: June 30, 2020 - Special Land Committee Meeting Minutes; August 6, 2020 - Land Committee Meeting Minutes; August 18, 2020 Special Land Committee Meeting Minutes

Resolution:

That: Council receives the June 30, 2020 Special Land Committee meeting minutes attached as Appendix “1” to Report No. CAO-51/LC-05-2020; and further

That: Council receives the August 6, 2020 Land Committee meeting minutes attached as Appendix “2” to Report No. CAO-15/LC-05-2020 and further

That: Council receives the August 18, 2020 Special Land Committee meeting minutes attached as Appendix “3” to Report No. CAO-51/LC-05-2020; and further

That: Council approves the recommendations contained in Appendix “4”.

CAO-15-LC-05-2020 Land Committee minutes

12. New Business/Enquiries

(a) Notice of Resignation - Amy Brunning, Fort Erie Native Friendship Centre Representative - Fort Erie Affordable Housing Committee

Resolution:

That: Council accepts the resignation of Amy Brunning, Fort Erie Native Friendship Centre Representative, Fort Erie Affordable Housing Committee, and further

That: Council directs staff to proceed with filling the vacancy in accordance with the Procedural By-law.

(b) Appointment - Fort Erie Affordable Housing Committee - Member at Large ***(CONFIDENTIAL MEMORANDUM)***

Resolution:

That: Council appoints _____, as a member at large, to the Fort Erie Affordable Housing Committee for the period ending November 14, 2022.

163 - 166 (c) Response to Enquiry

Re: Enquiry by Councillor Noyes at the August 10, 2020 Council-in-Committee Meeting regarding the Survey and Allocation Scoring for Organizations by the Community Gaming and Development Corporation.

Noyes - Gaming Survey

167 (d) Response to Enquiry

Re: Enquiry by Councillor Lubberts at the July 20, 2020 Council Meeting regarding overgrown weeds at the Schooley Road subdivision.

Lubberts - Schooley Rd Subdivision

13. Motions

(a) Councillor Butler

Re: SPCA and Animal Control

(i)
Animal Rights and Protection

Resolution:

Whereas the Town of Fort Erie currently does not have a by-law in place that deal with animal rights, protection, and consideration of worth, and

Whereas animals have basic interests that deserve recognition, consideration and protection on both a moral and legal basis, and

Whereas there is a need to ensure that animals live free from suffering and exploitation, and

Whereas animals have an inherent worth and as such should be treated with great consideration, and

Whereas animals that may need care, treatment or require euthanasia are often not seen by a Doctor of Veterinary Medicine in good standing and board certified with a Canadian Veterinary College, and

Whereas basic standards of care in accordance with the *Provincial Animal Welfare Services Act* information has not been widely distributed nor adopted to be reflective of modern times;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to develop an Animal Rights and Protection By-law incorporating the *Pounds Act, R.S.O. 1990*, c. P. 17; Canadian Standards of Care in Animal Shelters in particular, the Guideline for Animal Shelter – UC Davis and California – revised for Canada; OMAFRA – *Animals for Research Act, R.S.O. 1990*, C. A.22 for R.R.O. 1990, Reg. 23: POUNDS, and further

That: Council directs staff to work with experts in the field that include a Doctor of Veterinary Medicine in good standing with the Canadian Veterinary College, an animal rights lawyer to ensure expert legal advice in advocacy and securement of law.

(ii)
Animal Control By-law

Resolution:

Whereas the Town of Fort Erie currently has a by-law – namely, By-law No. 119-97, as amended, that regulates, restricts and prohibits the keeping and running at large of dogs in the Town of Fort Erie, and

Whereas By-law No. 119-97 is not reflective of other types of animals, and

Whereas there is a need to identify a variety of animals that are either domestic or wild to ensure animal rights along with safe and humane handling and care are adhered to, and

Whereas a pound keeper contracted through The Corporation of the Town of Fort Erie is given recovery expense relief associated with impounding both domestic and wild animals in the form of annual compensation, and

Whereas the current Agreement with the SPCA appoints the Fort Erie SPCA as the authorized licence agent, and

Whereas the current by-law needs to be amended and reflective of modern times and encompass other animal species;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to modernize and update the Animal Control By-law to be reflective of all animal types both domestic and wild to ensure safe animal harbour, handling and protection, and further

That: Council directs staff to integrate the Animal Rights and Protection By-law once developed, into the Animal Control By-law to be more reflective of modern day realities.

(iii)
New Animal Control Contract

Resolution:

Whereas The Corporation of The Town of Fort Erie entered into a contract with the Fort Erie SPCA on May 24, 2019, commencing June 1, 2019, and

Whereas that contract is set to end on May 31, 2022, and

Whereas the current contract with the SPCA fails to enforce the Municipality's right to audit physical premises, impound intake information, health & safety, procedural policies, Veterinary visits, care of animals and disposal of animals, and

Whereas the current contract also does not allow for the Town of Fort Erie to conduct investigations into complaints or allegations towards a contracted entity, and

Whereas the SPCA has not provided detailed information regarding the qualifications, training and certification of staff tasked with euthanizing animals; animal control complaints and

outcomes; animal intake including care, control, veterinary care and outcomes; nor distinguishing between humane society activities and animal control activities, and

Whereas the current contract does not include a system in which the Town can accurately measure deliverables, and

Whereas the current contract was single sourced rather than posted for bids, and

Whereas animal control costs may not currently be reflective of the real costs associated with the work performed, and

Whereas the Town now has an opportunity to revamp its animal control services agreement to modernize and implement measures that would be reflective of animal rights and protection measures;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie directs staff to examine the current Animal Control Services Agreement in preparation of the 2022 open bid date so that changes can be made to include Animal rights and protection, revamped Animal Control By-law, and reflective of better deliverables; and rewritten to offer more control for inspection and rights to the Town of Fort Erie to ensure that professional, ethical, moral care and control of animals are followed, and further

That: Council directs staff to conduct a financial analysis and comparison to ensure that the amount provided in the contract is reflective of the financial burden/expenses to carry out the duties on an annual basis, and further

That: Council directs staff to examine the SPCA's policy and procedures with respect to Animal Control Services, qualifications of those tasked with the services, compliance of safe handling, care and control of animals brought in; and further

That: The contract be placed on an open bid system in 2022 rather than single sourced for competitive advantages and opportunities.

14. Notice of Motion

15. Consideration of By-laws

Page		
168 - 171	**77-2020**	To Exempt Certain Lots in Plan 59M-452 from Part Lot Control - Block 4, 228 and 232 Alderson Court - Park Lane Home Builders Limited (J. Hill) 77-2020 - Part Lot Control - 228 & 232 Alderson Court, Block 4 MEMO - By-law 77-20 Removal of Part Lot Control-Parts 1 to 4, Block 4, 59M-452 w attach
172 - 173	**78-2020**	To Authorize Entry into an Extension and Amending Agreement with Tokmakjian Inc. for the Provision of Conventional Public Transit Service 78-2020 Extension & Amending Agreement - Tokmakjian Inc.
174 - 175	**79-2020**	To Rename a Traveled Portion of Klauck Street to Klauck Street North 79-2020 Street Renaming - Klauck St to Klauck St N
176 - 177	**80-2020**	To Rename an Untraveled Road from Clarkson Crescent to Beachwalk Crescent and to Rename an Untraveled Road from Clarkson Court to Loganberry Court 80-2020 Street Renaming - Clarkson Cr & Ct to Beachwalk & Loganberry
178 - 179	**81-2020**	To Assume Primary Services in the Village Creek Subdivision – Phase 2, Stage 2, Plan 59M-390 (800547 Ontario Limited – Debra Hill) 81-2020 Assume Primary Services Village Creek Ph2 Stg2
180 - 181	**82-2020**	To Assume Secondary Services in the Village Creek Subdivision – Phase 2, Stage 2, Plan 59M-390 (800547 Ontario Limited – Debra Hill) 82-2020 Assume Secondary Services Village Creek - Phase 2, Stage 2
182 - 183	**83-2020**	To Assume Primary Services in the Village Creek Subdivision – Phase 3, Stage 1, Plan 59M-438 (800547 Ontario Limited – Debra Hill) 83-2020 Assume Primary Services Village Creek Ph3 Stg1
184	**84-2020**	To Accept and Declare Lands as Public Highway on the West Side of Concession Road (0 Concession Road – 2685235 Ontario Limited (Frank Renda)) 84-2020 Accept and Declare Lands as Public

Page		
		Highway - Concession Rd (2685235 Ont Ltd-Renda)
185 - 186	**85-2020**	To Appoint Mark Schmitt as Deputy Fire Chief for the Town of Fort Erie and to Repeal By-law No. 80-2017 85-2020 Mark Schmitt Deputy Fire Chief
187 - 188	**86-2020**	To Assume Primary Services in the Ridgeway By The Lake Subdivision – Phase 3, Stage 1 (Plan 59M-418) (1923286 Ontario Inc. – Alfred Beam) 86-2020 Assume Primary Services Village Ridgeway By The Lake Ph3 Stg1
189 - 190	**87-2020**	To Assume Primary Services in the Ridgeway By The Lake Subdivision – Phase 3, Stage 2 (Plan 59M-418) (1923286 Ontario Inc. – Alfred Beam) 87-2020 Assume Primary Services Village Ridgeway By The Lake Ph3 Stg2
191 - 192	**88-2020**	To Assume Secondary Services in the Ridgeway By The Lake Subdivision – Phase 3, Stage 1, Plan 59M-418 (1923286 Ontario Inc. – Alfred Beam) 88-2020 Assume Secondary Services RidgewayByTheLake - Phase 3, Stage 1
193 - 194	**89-2020**	To Assume Secondary Services in the Ridgeway By The Lake Subdivision – Phase 3, Stage 2, Plan 59M-418 (1923286 Ontario Inc. – Alfred Beam) 89-2020 Assume Secondary Services RidgewayByTheLake - Phase 3, Stage 2
195 - 199	**90-2020**	To Deem a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision - Tanya Marie Cullen - 3761 Disher Street 90-2020 - Deeming By-law - 3761 Disher - final MEMO - By-law 90-2020 - 3761 Disher - final
200	**91-2020**	To Confirm the Actions of Council at its Council-in-Committee Meeting Held on August 10, 2020 and Council Meeting Held on August 24, 2020 91-2020 Confirmatory

16. Scheduling of Meetings

17. Adjournment

The Municipal Corporation of the Town of Fort Erie

Regular Council Meeting Minutes
Monday, July 20, 2020

Council Chambers via Video Teleconference

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https://www.forterie.ca/pages/CouncilAgendasandMinutes
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or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco TV

1. Call to Order

The meeting was called to order by Mayor Redekop at 6:04 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit and Anishinaabe people, many of whom continue to occupy this area.

2. Invocation

The Invocation was read by the Clerk.

3. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

Present (Via Zoom Teleconference): Councillors Butler, Dubanow, Lubberts, McDermott, Noyes and Zanko

Absent: Regional Councillor Insinna

Staff (Via Zoom Teleconference): S. Hansen, T. Kuchyt, E. Melanson, C. Schofield, and K. Walsh

This meeting was held in compliance with the electronic participation provisions of the *Municipal Emergency Act, 2020* and Council Rules of Procedure By-law No. 36-2016, as amended.

4. Announcements/Addenda

Mayor Redekop made the following announcements:

- There is an issue which the Town is looking into regarding the Graeber Road road allowance that leads to Lake Erie off of Terrace Lane, which arose last week. The issue is in terms of ownership of property at the end of that road allowance to the lake, so the Town has hired a title searcher. This land was not moved into Land Titles from the Registry System, which would indicate that there is some confusion with respect to who actually owns the strip of land along the waterfront itself. The Town also hired a lawyer who will be working with the title searcher to give the municipality advice as to our rights going forward, with respect to ownership or with respect to, perhaps, some right-of-way accumulated by the public over the years. There will be further information coming with respect to this matter.

- Dependant upon what happens at the Regional Council meeting on July 23rd with respect to the report and the by-law relative to the requirement that masks in indoor public spaces become mandatory, he may be calling a Special Council meeting next week, and will be asking the Clerk to poll members of Council for availability. The likely target right now, in order to provide adequate notice to the public of the meeting, would be Tuesday, July 28th.

- Niagara has moved into Stage 3. At the last meeting he made reference to to what that means in terms of indoor gatherings, outdoor gatherings, what types of facilities can be utilized by the public in larger numbers, and which ones can now open. Anyone who would like information can go to the Government of Ontario website or the Region of Niagara website to find information.

5. Declarations of Pecuniary Interest

Councillor Butler declared pecuniary interests with respect to the following:

- Item No. 10 Report No. PDS-23-2020: Award of Consulting Services for the Town of Fort Erie Cannabis Legislation and Policy Study – Contract PDS-20P-FECLS, as she is an investor in a possible Cannabis Farm. She abstained from discussing or voting on the matter.
- Consent Agenda 9.2 Correspondence Item #2 (d): City of Welland – Presentation of Resolutions to the Federation of Canadian Municipalities in an Effort to Change the Approval Process and hold Existing Cannabis Facilities Accountable for their Odour and Light Emissions, as she is an investor in a possible Cannabis Farm in the Municipality of Fort Erie. She abstained from discussing or voting on the matter.

Councillor Dubanow declared pecuniary interests with respect to the following:

- Item No. 10 Report No. CAO-12-2020: E.J. Freeland Centre Capital Improvement Funding Request, as he is a member of the Boys and Girls Club of Niagara's E.J. Freeland Advisory Committee. He abstained from discussing or voting on the matter.
- Item No. 14 Closed Session Item (b): Advisory Committee Matter, as he has an interest with one of the parties involved. He removed himself from the meeting during the discussion of the matter.
- Consent Agenda 9.2 Correspondence Item 2 (b): Fort Erie SPCA – Board of Directors Minutes – June 10, 2020; July 15, 2020, as the company he works for has performed contracted services for the Fort Erie SPCA. He abstained from discussing or voting on the matter.

Councillor Zanko declared a pecuniary interest with respect to Item No. 10 Report No. CAO-12-2020: E.J. Freeland Centre Capital Improvement Funding Request as she sits on the E.J. Freeland Community Centre Fund Raising Committee. She abstained from discussing or voting on the matter.

Mayor Redekop declared pecuniary interests with respect to the following:

- Consent Agenda 9.2 Correspondence Item #2 (d): City of Welland – Presentation of Resolutions to the Federation of Canadian Municipalities in an Effort to Change the Approval Process and hold Existing Cannabis Facilities Accountable for their Odour and Light Emissions, as he represents a client that has an interest in a Cannabis Facility and is considering constructing another. He abstained from discussing or voting on the matter.
- Item No. 10 Report No. PDS-23-2020: Award of Consulting Services for the Town of Fort Erie Cannabis Legislation and Policy Study – Contract PDS-20P-FECLS, as he represents a client that has an interest in a Cannabis Facility and is considering constructing another. He abstained from discussing or voting on the matter.
- Consideration of By-laws 15, By-law No. 68-2020 to Amend Zoning By-law No. 129-90 – 986 Ridge Road North – George Parazader – Owner, as Mr. Parazader is a client of his law firm. He abstained from discussing or voting on the matter.

6. Notice of Upcoming Public Meetings

(a) Property Rezoning ***(Postponed)***

Re: 0 Townline Road - 550075 Ontario Inc. (Joseph Zawadski) - Owner - 2639723 Ontario Inc. (Amit Khera) - Applicant - Urban & Environmental Management Inc. (Greg Taras) - Agent.

The Town of Fort Erie will issue a future notice advising of the rescheduled Public Meeting date. The notice will also contain updated information on when the Information Report for the application will be available to the public.

7. Regional Councillor Report

RC Insinna sent his regrets.

8. Presentations and Delegations

None.

9. Consent Agenda Items

9.1 Request to Remove Consent Agenda Items

Correspondence Item 2 (b) was removed due to Councillor Dubanow's pecuniary interest.

Correspondence Item 2 (d) was removed due to Councillor Butler's and Mayor Redekop's pecuniary interests.

9.2 Consent Agenda Items for Approval

1. Minutes

(a) Approve - Council Meeting - June 15, 2020

(b) Approve - Council-in-Committee Meeting - July 13, 2020

2. Correspondence

(a) Proclamation - Niagara Health System / Addiction Services - July 28, 2020 as "2020 World Hepatitis Day"

That: Council proclaims July 28, 2020 as "2020 World Hepatitis Day". **(Carried)**

(c) Receive & Support - City of Sarnia - Urging the Premier of Ontario to Implement Requirements

for Long Term Care Home Improvements

(e) Receive - Niagara Region - Reconfirm Efforts through the Coalition of Inclusive Municipalities to Promote Social Inclusion, Human Rights and Diversity as Well as Eradicating all Forms of Racism and Discrimination in Niagara

(f) Receive & Support - Christian Provenzano, Mayor, City of Sault Ste. Marie - Canada/US Border Closure

3. Board/Committee Minutes

(a) Receive - Ridgeway Business Improvement Area Board of Management - June 3, 2020

4. Other Matters

Consent Agenda Resolution

Resolution No. 1
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: Council approves the Consent Agenda Items as recommended. **(Carried)**

9.3 Items Removed to be Dealt with Separately

Resolution No. 1A
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

2 (b) Receive - Fort Erie SPCA - Board of Directors Minutes - June 10, 2020; July 15, 2020 **(Carried)**

Mayor Redekop gave the Chair to Councillor Lubberts due to his pecuniary interest.

Resolution No. 1B
Moved by: Councillor Zanko
Seconded by: Councillor Noyes

2 (d) Receive & Support - City of Welland - Presentation of Resolutions to the Federation of Canadian Municipalities in an Effort to Change the Approval Process and hold Existing Cannabis Facilities Accountable for their Odour and Light Emissions **(Carried)**

Councillor Lubberts returned the Chair to Mayor Redekop.

10. Reports

CAO-12-2020 E.J. Freeland Community Centre Capital Improvement Funding Request

Resolution No. 2
Moved by: Councillor Butler
Seconded by: Councillor Noyes

That: Council amends the 2020 Capital Budget to include the rehabilitation and renovations required at the E.J. Freeland Community Centre (EFCC20) by $70,0000 from the Facilities Maintenance Reserve for capital improvements to the Town-owned building, and further

That: Council amends the 2020 Operating Budget by a reduction of $30,000 for fundraising expenses and directs staff to transfer the $30,000 to the General Levy Rate Stabilization Reserve.

(Carried)

Mayor Redekop gave the Chair to Councillor Lubberts due to his pecuniary interest.

PDS-33-2020 Award of Consulting Services for Town of Fort Erie Cannabis Legislation and Policy Study - Contract PDS-20P-FECLS

Resolution No. 3
Moved by: Councillor Noyes
Seconded by: Councillor Dubanow

That: Council accepts and approves the proposal from SGL Planning and Design Inc. for Consulting Services for the preparation of the Town of Fort Erie Cannabis Legislation and Policy Study (Contract No. PDS-20P-FECLS), to the upset limit of $61,805.35 (including 13% HST). **(Carried)**

Councillor Lubberts returned the Chair to Mayor Redekop.

IS-26-2020 Award of Tender for 2020 Stone Shouldering - Contract No. ISO-20T-RPAVED20

Postponed from the July 13, 2020 Council-in-Committee Meeting, and previously moved by Councillor Noyes as Recommendation No. 1

That: Council accepts the tender from D&D Trucking and Construction Service Inc. for the Stone Shouldering Program – Contract No. ISO-20T-RPAVED20 in the amount of $70,625.00 (including 13% HST). **(Carried)**

11. New Business/Enquiries

(a) Association of Municipalities of Ontario and the Ontario Federation of Indigenous Friendship Centres Declaration of Mutual Commitment and Friendship

Resolution No. 4
Moved by: Councillor Zanko
Seconded by: Councillor Dubanow

Whereas The Corporation of the Town of Fort Erie has entered into a Strategic Alliance with the local Indigenous Friendship Centre, being the Fort Erie Native Friendship Centre, and

Whereas the Fort Erie Native Friendship Centre has been an active contributor to the wellbeing of residents in the community, and

Whereas The Corporation of the Town of Fort Erie has an excellent ongoing relationship with the Fort Erie Native Friendship Centre and wishes to set a leading example in the area of Indigenous relations by highlighting overlapping community interest and undertakings, and

Whereas the Association of Municipalities of Ontario (AMO) and the Ontario Federation of Indigenous Friendship Centres (OFIFC) Declaration of Mutual Commitment and Friendship reflects the municipality's understanding of and working relationship with Indigenous people in the community, and

Whereas the local Indigenous Friendship Centre is contemplating the signing of this declaration and participation in related concurrent activities during the virtual AMO Conference

in August of 2020;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie authorizes the Mayor to sign in conjunction with the Fort Erie Native Friendship Centre the joint AMO-OFIFC Declaration of Mutual Commitment and Friendship on behalf of the municipality and to participate in related concurrent activities during the AMO 2020 Conference, and further

That: Council directs staff to work with AMO in order to coordinate the declaration signing and related concurrent activities in advance of the AMO 2020 Conference. **(Carried)**

(b) Appointment - Ridgeway Business Improvement Area Board of Management - Karen Arbour

Resolution No. 5
Moved by: Councillor Butler
Seconded by: Councillor McDermott

That: Council appoints Karen Arbour to the Ridgeway Business Improvement Area Board of Management for the period ending November 14, 2022. **(Carried)**

(c) Councillor Lubberts

Councillor Lubberts advised he received a call about the development in the Schooley Road and Restock Road area and noxious weeds which need cutting. It appears that the property is abandoned and the residents are enquiring whether the Town will continue cutting the weeds in the field.

Ms. Hansen advised she is not familiar with it, but will make enquiries with the Director and by-law enforcement staff, and advise Council.

(d) Councillor Lubberts

Councillor Lubberts advised that a resident enquired about some of the trees at Bay Beach which the Friends of Crystal Beach had donated money towards. He believes there are 3 elm trees that don’t have water bags on them, but the other trees do. The resident is curious as to why those trees aren’t getting watered as one looks like it is struggling.

Ms. Hansen advised that staff performed their 1 year warranty inspection at Bay Beach earlier this year and identified 2 trees that suffered a little through the winter. Those trees have been flagged and staff have been watering them. She advised she doesn't know why they don't have water bags on them, but perhaps they are taking special care with the watering of those trees that a watering bag would not permit. She will look into it. She added that those trees are under warranty and staff have reached out to the contractor that originally planted them. Staff are watching the trees and watering them.

Councillor Lubberts enquired whether under the warranty, is it the contractor's responsibility to do the watering or the Town? Ms. Hansen responded that as soon as the Town took over the site, it became the responsibility of the Town. She believes there is a 2 year warranty on the trees. Councillor Lubberts asked if the Town is doing the watering, which Ms. Hansen confirmed it is watering on a regular basis.

Councillor Lubberts requested confirmation that if the trees fail in the next year, they will still be covered under warranty because the Town has reported it before the warranty period is over. Ms. Hansen responded that that is her understanding.

12. Motions

(a) Councillor Zanko

Re: Reconsideration of Amendment to Council Rules of Procedure Regarding Conflict of Interest

Resolution No. 6
Moved by: Councillor Zanko
Seconded by: Councillor Noyes

That: Council reconsider Recommendation No. 18 which was approved at the Council-in-Committee meeting held on March 9, 2020, which read as follows:

> **"That:** By-law No. 36-2016 is amended under Section 7 Disclosures of Pecuniary Interest, Section 7.1 General by adding subsection g) Council members who declare a conflict of interest shall remove themselves from the Council Chambers before discussions begin on the conflict of interest topic and shall return when the discussion on

the topic of interest is completed." **(Carried)**

Resolution No. 6A
Moved by: Councillor Zanko
Seconded by: Councillor Noyes

That: By-law No. 36-2016 is amended under Section 7 Disclosures of Pecuniary Interest, Section 7.1 General by adding subsection g) Council members who declare a conflict of interest shall remove themselves from the Council Chambers before discussions begin on the conflict of interest topic and shall return when the discussion on the topic of interest is completed. **(Lost)**

13. Notice of Motion

(a) Councillor Butler

Councillor Butler gave notice of the following motions:

(i) Regarding new by-laws that will offer the protection and the rights of animals within the boundaries of the municipality, which would include a panel of experts to have those discussions and conduct the research.

(ii) To have antiquated notions removed and amended from the current Animal Control By-law to be reflective of animal protection and rights in line with the proposed new animal rights and protection by-laws.

(iii) The current cost for animal control be researched and analyzed to find out if the Town of Fort Erie's allotment is competitive in the marketplace.

(iv) The current contract with the SPCA be looked at and rewritten for when the contract comes up for renewal.

Mayor Redekop suggested that rather than bringing a motion for (i), Councillor Butler raise that in Corporate Services Subcommittee to get some background information from staff before Council is in a situation to vote on it. Councillor Butler advised she agrees if Council gets reports first. Mayor Redekop suggested Councillor Butler raise it and then perhaps she can better target what she is hoping to accomplish.

Mayor Redekop continued that in terms of amending the Animal Control By-law and whether the Town of Fort Erie is competitive, Council would have received that information at the time the contract was renewed, however, he suggested Councillor Butler bring it up at subcommittee and

she be able to get that information at that time.

Mr. Kuchyt clarified that the SPCA falls under By-law Enforcement and By-law Enforcement is under Planning and Development Services, not Corporate Services. Since Councillor Butler is on Corporate Services, he will have discussions internally with the Directors to see who will deal with it.

(Returnable August 24, 2020)

(a) Councillor McDermott

Resolution No. 6B
Moved by: Councillor McDermott
Seconded by: Councillor Zanko

That: Council Rules of Procedure be waived to permit Councillor McDermott to bring forward a motion without notice. **(Carried)**

Motion

Resolution No. 6C
Moved by: Councillor McDermott
Seconded by: Councillor Zanko

That: The Lease Agreement between the Town of Fort Erie and the Fort Erie Underwater Recovery Unit respecting the Kinsmen Pool be renewed for one (1) additional year under the same terms and conditions. **(Carried)**

14. Closed Session

Mayor Redekop asked each member that was in attendance electronically to confirm no one else was present with them, and that they were not recording this portion of the meeting. Each member confirmed they were alone and not recording the meeting.

Resolution No. 7
Moved by: Councillor Dubanow
Seconded by: Councillor Butler

That: Council does now go into closed session at 7:26 p.m. to discuss the following:

(a) Pursuant to Section 239 (2) (c) of the *Municipal Act, 2001* - A proposed or pending acquisition or disposition of land by the municipality or local board

Re: Proposed Acquisition of Land (DSBN) **(Carried)**

Mr. Kuchyt provided an overview of the matter. A question and answer period followed, and Council gave direction to staff.

(b) Pursuant to Section 239 (2) (e) of the *Municipal Act, 2001* - Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board

Re: Advisory Committee Matter **(Carried)**

Councillor Dubanow removed himself from the meeting prior to the commencement of discussion due to his pecuniary interest.

Mr. Kuchyt provided an overview of the matter. A question and answer period followed.

Resolution No. 8
Moved by: Councillor Zanko
Seconded by: Councillor Butler

That: Council does now rise and reconvene from closed session at 7:51 p.m. with the following:

(a) Re: Proposed Acquisition of Land DSBN, with report that staff proceed as directed, and
(b) Re: Advisory Committee Matter, without report. **(Carried)**

15. Consideration of By-laws

By-law No. 68-2020 was removed from the By-law package due to Mayor Redekop's pecuniary interest.

Resolution No. 9
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: The by-law package containing:
63-2020: To Amend Parks & Beaches By-law No. 119-03, as amended (Closed Parks)
64-2020: To Accept and Declare Lands as Public Highway on the South Side of Walden Boulevard (450 Garrison Road – 9310924 Canada Inc. – Glenn D'Silva)

65-2020: To Authorize Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Lorne Freedman
66-2020: To Authorize Entry into a Grant Funding Agreement for Physician Recruitment with Dr. Nazia Pirzada
67-2020: To Authorize the Entry into a Development Agreement with Douglas Allen Darbyson – 5045 Michener Road
69-2020: To appoint Paul Chudoba as a Municipal Law Enforcement Officer, and Coordinator, Law Enforcement for The Corporation of the Town of Fort Erie and to Repeal By-law No. 125-2001
70-2020: To Authorize the Entry into a Fire Dispatch Services Agreement with The Corporation of the Town of Tillsonburg
71-2020: To Appoint Nadean Reichelt as Deputy Chief Building Official for The Corporation of the Town of Fort Erie

is given first and second reading. **(Carried)**

Resolution No. 10
Moved by: Councillor McDermott
Seconded by: Councillor Butler

That: By-law Nos.:
63-2020
64-2020
65-2020
66-2020
67-2020
69-2020
70-2020
71-2020

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Mayor Redekop gave the Chair to Councillor Lubberts due to his pecuniary interest.

Resolution No. 10A
Moved by: Councillor McDermott
Seconded by: Councillor Zanko

That: By-law No. 68-2020 is given first and second reading. **(Carried)**

Resolution No. 10B
Moved by: Councillor McDermott
Seconded by: Councillor Butler

That: By-law No. 68-2020 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Councillor Lubberts returned the Chair to Mayor Redekop.

Resolution No. 11
Moved by: Councillor Noyes
Seconded by: Councillor Lubberts

That: By-law No. 72-2020: To Confirm the Actions of Council at its Council-in-Committee Meeting Held on July 13, 2020 and its Council Meeting Held on July 20, 2020 is given first and second reading.
(Carried)

Resolution No. 12
Moved by: Councillor McDermott
Seconded by: Councillor Butler

That: By-law No. 72-2020 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

16. Scheduling of Meetings

- Fort Erie Not-for-Profit Housing Committee Meeting on Wednesday, July 22, 2020 at 9:00 a.m. via video teleconference.
- Infrastructure Services Subcommittee Meeting on Wednesday, July 29, 2020 at 3:00 p.m., via video teleconference.
- Planning and Development Services Subcommittee Meeting on Wednesday, August 5, 2020 at 5:00 p.m. via video teleconference.

17. Adjournment

Resolution No. 13
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council adjourns at 8:04 p.m. to reconvene into a Regular Meeting of Council on August 24, 2020. **(Carried)**

_____
Mayor

_____
Clerk

The Municipal Corporation of the Town of Fort Erie

Special Council Meeting Minutes

Tuesday, July 28, 2020

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic and the Closure of Town Hall
All electronic meetings can be viewed at:
Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco TV

1. Call to Order

The meeting was called to order by Mayor Redekop at 6:06 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit and Anishinaabe people, many of whom continue to occupy this area.

2. Invocation

The Invocation was read by the Clerk.

3. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

Present (Via Zoom Teleconference): Councillors Butler, Dubanow, Lubberts, McDermott, Noyes and Zanko

Staff (Via Zoom Teleconference): T. Kuchyt, and C. Schofield

This meeting was held in compliance with the electronic participation provisions of the *Municipal Emergency Act, 2020* and Council Rules of Procedure By-law No. 36-2016, as amended.

4. Announcements/Addenda

There was one Addendum to add By-law No. 75-2020 under Section 7 Consideration of By-laws, and to re-number the Confirmatory By-law to No. 76-2020.

Mayor Redekop made the following announcements:

- There is an issue with rats being present in the Ridgeway area. He has spoken to Councillor Butler and staff is developing a plan to address this and to get public feedback as to where rats are and the potential breeding areas.

- **Mandatory Mask By-law**

  "Niagara's Mandatory Mask By-law comes into effect on July 31st, this Friday. There has been a recent upsurge of COVID-19 cases in Niagara over the past 10 days, including a new case in Fort Erie. Niagara's recent move to Stage 3 provides greater opportunities for contact between individuals in enclosed spaces and thus greater opportunities for the spread of the virus.

  The new By-law covers all of Niagara and requires individuals, with certain exceptions for human rights and medical conditions, and children under 5 years of age, to wear a mask or facial covering when inside an enclosed space, such as a store, restaurant, and office open to the public, and public transit. For clear information regarding the By-law, I suggest that you go to the Niagara Region or Town of Fort Erie websites.

  We know that COVID-19 can be spread by those with moderate or no symptoms, those who come into close contact with others, and those of all ages. For months, health authorities and governments have been urging residents to wash your hands frequently, don't touch your face, maintain at least 6 feet/2 metres distance from others and, when that is not possible, wear a facial covering. As the government moves to gradually reopen the economy and society, these rules continue to be important, but there is now an increased level of contact between people that needs to be addressed. Without assurance of their safety, many individuals – particularly those most vulnerable – will not return to public spaces and commercial facilities, thereby hampering efforts to restart the economy.

  There are those who don't believe that facial coverings are effective in reducing the spread of the virus or that facial coverings increase

the likelihood of infection. The weight of scientific research and the advice of the vast majority of health authorities clearly disagree and confirm that wearing a facial covering or mask does in fact limit the spread of the virus.

There are those who say that it is too difficult to learn how to wear a mask or facial covering properly. To assist those who are unfamiliar with the importance of wearing a mask in these times and how to properly wear and care for a mask or facial covering, information will be disseminated by the local and regional governments and Public Health.

There are those who say that compelling individuals to wear a mask is a violation of their civil liberties. That ignores the reality that not only do citizens have rights, they also have obligations. It also ignores the fact that society is governed by a plethora of rules that direct citizens and residents of Canada in our daily lives. We are all obliged to pay taxes, wear a seat belt when we are in a vehicle, wear a helmet when we drive a motorcycle, use our property in accordance with planning regulations, walk our dog on a leash, pick up after our dog, maintain our property to certain defined standards, and the list goes on.

As I have stated, the By-law does make provision for those who legitimately cannot wear a mask. Do not be judgmental if you see someone not wearing a mask or facial covering in an enclosed public space – they may be exempt from wearing one. That does not mean that it is A-okay to refuse to wear a mask in such circumstances when you are capable of doing so but simply choose to ignore the By-law. The By-law will be enforced, but the main objective is compliance.

The Niagara Region Mandatory Mask By-law is a temporary measure enacted to deal with the worst viral infection the world has seen in over 100 years. This is nowhere near the scale of deprivation required of millions of Canadians during either of the twentieth century's World Wars or the Great Depression. Those events lasted years, ruined lives and families, required thousands to put their lives on hold or themselves in harm's way, and to make sacrifices very few of us can imagine. I seriously doubt that those brave men and women who served our country in either War, or in Korea, intended that their sacrifices would enable a few individuals to defiantly refuse to comply with modest steps to protect their own families, friends and neighbours. Because that is what those who refuse to comply with basic health guidelines during this pandemic are doing – selfishly putting their loved ones and the community at

risk.

I am asking all residents of Fort Erie to comply with the provisions of the Region's Mandatory Mask By-law. As I have said in the past: This is not about any one of us, this is about ALL of us. I appeal to the better angels in all of us to do what we can to contain the virus, protect our loved ones, and facilitate the resumption of our economy. Fort Erie has been a model for managing this pandemic – let's not lose the ground that we have gained in our effort to overcome the virus and return to a semblance of normalcy. Let us be thoughtful, respectful and diligent in fulfilling our responsibilities to each other during this very difficult time. Let us show once again that Fort Erie is a truly caring community."

Mayor Redekop invited Councillor Dubanow to make comments.

Councillor Dubanow advised that he wished to touch on the need to be kind to one another. There are a small number of individuals in the community, for whatever medical reason, trauma related or due to other things, that mask use is difficult or impossible. With a family member who is personally affected by this, and with some of the messaging and commentary he has heard, he is very concerned about the possibility of individuals in the community taking it upon themselves to shame these individuals who have legitimate reasons. He advised that we know that there are many individuals who don't, and who are going to take advantage of this, and as the Mayor said, we have to appeal to our better angels and put that aside and do what's right. He would like to highlight that if you take it upon yourself to go after a person in the community who you think is just disregarding the By-law, without knowing what they suffer from, what they've been through, what medical conditions they have, and for every individual that you think you're going to shame them into compliance, there is always that risk you run of doing it to someone who has a legitimate reason. For better or worse, we have a framework in this country of taking care of our most vulnerable, and he hopes that everyone realizes that. It will be all of us working together to do the best that we can. He thanked Mayor Redekop for allowing him to comment.

Mayor Redekop added that the By-law does indicate that an individual who is not wearing a mask in an enclosed space cannot be challenged, so we are relying upon the residents to, in essence, be on their honour. For those individuals who for various reasons cannot wear a facial mask or are under the age of 5, that's all well and good. For those who choose not to be honourable, that's another issue, and what they are doing essentially, is putting those around them at risk. Let's hope that doesn't happen, and he encourages individuals to comply and to not take a

stand on an issue of this nature which really does involve health and safety.

5. Declarations of Pecuniary Interest

Councillor Dubanow disclosed a pecuniary interest with respect to Item 6 Report No. CAO-13-2020 regarding an Agreement between The Corporation of the Town of Fort Erie and JPAS International Inc. for the Acquisition of the Former Fort Erie Public School Site – Partial Return of Land Sale Deposit and Contingent Liability Funds, as the company he works for has performed contracted services for Fort Erie International Academy. He abstained from discussing or voting on the matter.

6. Report

CAO-13-2020 Agreement between The Corporation of the Town of Fort Erie and JPAS International Inc. for the Acquisition of the Former Fort Erie Public School Site - Partial Return of Land Sale Deposit and Contingent Liability Funds

Resolution No. 1
Moved by: Councillor McDermott
Seconded by: Councillor Butler

That: Council approves a return of the Land Sale Deposit provided by JPAS International Inc. for the purchase of the Fort Erie Secondary School in the amount of $135,000.00, and further

That: Council approves a reduction in the contingent liability payment held by The Corporation of the Town of Fort Erie held as an indemnity as required by the District School Board of Niagara, from $2,000,000 to $1,000,000, and further

That: The Town of Fort Erie returns $1,135,000 of the held funds to JPAS International Inc. upon receipt of the executed Acknowledgement, attached as Appendix “1” to Administrative Report No. CAO-13-2020. **(Carried)**

7. Consideration of By-laws

Resolution No. 2
Moved by: Councillor Butler
Seconded by: Councillor McDermott

That: The by-law package containing:

73-2020: To Authorize the Entry into a Renewal Agreement with Fort Erie Underwater Recovery Unit Inc. (Kinsmen Pool)
74-2020: To Authorize entry into an Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs under the Rural Economic Development (RED) Program
75-2020 To Appoint Bryce Bailey as a By-law Enforcement Officer for The Corporation of the Town of Fort Erie

is given first and second reading. **(Carried)**

Resolution No. 3
Moved by: Councillor Noyes
Seconded by: Councillor Zanko

That: By-law Nos.:

73-2020
74-2020
75-2020

are given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

Resolution No. 4
Moved by: Councillor Zanko
Seconded by: Councillor Noyes

That: By-law No. 76-2020: To Confirm the Actions of Council at its Special Council Meeting Held on July 28, 2020 is given first and second reading. **(Carried)**

Resolution No. 5
Moved by: Councillor Lubberts
Seconded by: Councillor McDermott

That: By-law No. 76-2020 is given third and final reading to be signed by the Mayor and Clerk under the corporate seal. **(Carried)**

8. Adjournment

Resolution No. 6
Moved by: Councillor Dubanow
Seconded by: Councillor Noyes

That: Council adjourns at 5:16 p.m.to reconvene into a Regular Meeting of Council on August 24, 2020. **(Carried)**

_____
Mayor

_____
Clerk

The Municipal Corporation of the Town of Fort Erie

Council-in-Committee Meeting Minutes

Monday, August 10, 2020

Council Chambers via Video Teleconference

Due to the COVID-19 Pandemic and the Closure of Town Hall
All electronic meetings can be viewed at:
Town's Website:
https://www.forterie.ca/pages/CouncilAgendasandMinutes
Town's YouTube Channel: www.youtube.com/townofforterie
or click on the YouTube icon on the home page of the Town's website (www.forterie.ca) or Cogeco TV

1. Call to Order

The meeting was called to order by Mayor Redekop at 6:00 p.m.

Mayor Redekop acknowledged the land on which we gather is the traditional territory of the Haudenosaunee, Mississaugas of the New Credit and Anishinaabe people, many of whom continue to reside in this area.

2. Roll Call

Present (In Council Chambers): His Worship Mayor Redekop

Present (Via Zoom Teleconference): Councillors Butler, Dubanow, Lubberts, McDermott, Noyes* and Zanko

(*arrived at 6:05 a.m.)

Staff (Via Zoom Teleconference): K. Dolch, C. Grummett, J. Janzen, T. Kuchyt, C. Schofield and K. Walsh

This meeting was held in compliance with the electronic participation provisions of the Council Rules of Procedure By-law No. 36-2016, as amended.

3. Announcements/Addenda

Mayor Redekop made the following announcements:

- The EJ Freeland Community Centre recently opened under the operation of the Boys and Girls Club. The Club has also participated in the recent opening of the Kinsmen Pool. There were individuals who stepped forward during the darkest hours of the situation at the EJ Freeland Community Centre and offered to assist, and did assist the Town of Fort Erie during the negotiations with the Niagara YMCA in terms of the building, facilities and equipment. Some of these individuals continue to assist the Community Centre.

  Mayor Redekop thanked Bev Arbour, Joan Christensen, Glen Finbow, Mark Griffis, Kazi Marouf, Stu McLeod, Taralee McLean, Ted Ogilvie, Rebecca Parton, Karen Vandermeulen, Councillor Dubanow, Councillor Zanko, Tom Kuchyt and Janine Tessmer, for the time and energy that they committed to ensuring that this very valuable facility is now a part of the Town's operations and is under very reliable management by the Boys and Girls Club who have plans to expand the services available there - not only for primarily adults but also for the children in our community.

- Mayor Redekop commended the work of the Town's staff under the guidance of the Chief Administrative Officer (CAO), Tom Kuchyt, during the State of Emergency, which has existed since mid-March in the Town of Fort Erie, although it wasn't declared until early April. Staff had to step in and start to manage what was a growing health issue, not only in Fort Erie but in Niagara. In terms of the work that they've done, they've managed not only their regular schedules and the work that arises out of that from planning to infrastructure services to finance, and the list goes on, but they also had to step forward and manage the Town's operations during an extreme crisis, which the pandemic has been, and continues to be.

  He acknowledged the work of the Town's Emergency Operations Team as we gradually reopen, as well the senior staff, and the individuals in middle management who have been involved, all under the very competent and confident leadership of the CAO. On behalf of Council, he thanked Mr. Kuchyt and staff for the good work they've done and the position that they've put the Town of Fort Erie in relative to this pandemic.

4. Declarations of Pecuniary Interest

None.

5. Notice of Upcoming Public Meetings

(a) Draft Plan of Subdivision and Combined Official Plan and Zoning By-law Amendment (Second Public Meeting)

Re: Royal Ridge Phase 2 - 613 Ridge Road North - Owner - Royal Oak Property Developments Ltd. (Brent King) - Monday, August 31, 2020 - 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, August 27, 2020.

(b) Zoning By-law Amendment

Re: 0 Burleigh Road North - Owner - Roman Catholic Episcopal Corporation St. Catharines - Agent - Alexis Banfai - Monday, August 31, 2020 at 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, August 27, 2020.

(c) Property Rezoning

Re: 0 Townline Road - Owner - 550075 Ontario Ltd. (Joseph Zawadski) - Agent - 2639723 Ontario Inc. (Amit Khera) - Wednesday, September 2, 2020 at 6:00 p.m. - Via Video Teleconference. The information report will be available on Thursday, August 27, 2020. *(Previously postponed from March 23, 2020)*

6. Public Meetings

None.

7. Consent Agenda Items

7.1 Request to Remove Consent Agenda Items

7.2 Consent Agenda Items for Approval

PDS-34-2020 Region of Niagara Municipal Comprehensive Review Agricultural Systems Mapping

That: Council receives for information purposes Report No. PDS-34-2020 regarding the Agricultural Systems Mapping as part of the Region of Niagara Municipal Comprehensive Review; and

That: Council endorses, in principal, the draft Regional Agricultural Systems Mapping shown in Appendix “1” to this report. **(Carried)**

PDS-35-2020 Planning and Development Services - Development, Building and By-law Statistical Reporting - First Quarter 2020

That: Council receives Report No. PDS-35-2020 regarding development, building and by-law statistical reporting for information purposes, and further

That: Council directs staff to forward a copy of Report No. PDS-35-2020 to the Regional Planning and Development Services Department, the Fort Erie Economic Development and Tourism Service, the District School Board of Niagara and the Niagara District Catholic School Board. **(Carried)**

IS-32-2020 Award Material Testing and Geotechnical Investigation Services 2020 - Contract No. ISE-20P-GEOTEC

That: Council accepts and approves the proposal from EXP Services Inc. for Materials Testing and Geotechnical Investigation Services for 2020 and 2021 (with an option to extend for 2022) - Contract No. ISE-20P-GEOTEC to an upset limit of $81,461.70 (including 13% H.S.T.). **(Carried)**

CAO-14-2020 BIA Incremental Marketing Fund 2020 Program

That: Council receives Report No. CAO-14-2020 regarding the BIA Incremental Marketing Fund 2020 Program (“Program”) for information purposes, and further

That: Council delegates authority to the Manager of Economic Development and Tourism Services to implement changes to the Program as outlined in this report as well as any other minor changes deemed necessary to carry out the intent of the Program, and further

That: Council directs a copy of this report be forwarded to the Bridgeburg BIA, Crystal Beach BIA and Ridgeway BIA for their information. **(Carried)**

Consent Agenda Recommendation

Recommendation No.1
Moved by: Councillor Dubanow

That: Council approves the Consent Agenda Items as recommended. **(Carried)**

7.3 Items Removed to be Dealt with Separately

None.

8. Planning and Development Services

Chaired by Councillor Zanko.

8.1 Presentations and Delegations

None.

8.2 Reports

None.

8.3 New Business/Enquiries

(a) Councillor Noyes

Councillor Noyes enquired as to the berm being built on Burger Road, the size of it, the fill that’s being taken in and out, and what it's doing to the road that was improved just last year. She asked what actions are going to be coming from the Town to look into this?

Ms. Dolch advised staff received an application for a permit for the fill and site alteration. As part of that permit, the Town will take securities to deal with the road issues. There has been some commitment by the contractor that there will be some repair of the road, but the Town will ensure the repairs are done through the securities. Moving forward, staff are confirming with a couple of agencies to make sure they approve of the berm that's being constructed. Once staff have that, the Town would be in a position to issue the permit.

Councillor Noyes questioned in regards to the permit that hasn't been issued, has there been a stop order now for the trucking back and forth until we know about the agencies?

Ms. Dolch advised that staff can’t issue a stop work order, but there is a notice of violation which can be issued under the Provincial Offences Act, which will be done the next day.

Councillor Noyes advised that one of the concerns is the amount of fill that's being brought in and we don't really

know what's in the fill. It's a very, very big hole, and there's trucks coming in and out from about 7:00 a.m. until about 7:00 p.m. dumping fill. The residents are very concerned about what's going into the ground there, so they really want that investigated before it gets out of hand or causes any problems.

Mayor Redekop asked if there's something that we can do to prevent continuous activity until the application has been processed and the comments from the agencies have been obtained?

Ms. Dolch advised that there are charges under the Provincial Offences Act which goes through the court. An application for a permit has been submitted at this point. She will follow up on the notice of violation in terms of the Town’s by-law.

Mayor Redekop asked if he was correct that the work started without a permit, hence the issuance of a notice of violation? Ms. Dolch advised that is correct. Mayor Redekop asked whether continued work prior to the approval of a permit would constitute a further violation, to which Ms. Dolch responded yes.

Ms. Dolch advised that staff talked to the applicant briefly today, and advised them on what else needed to be submitted as part of the permit and raised the concerns.

Councillor Noyes questioned how can people just continue to do this, working in spite of the rules, knowing that once the rules apply, the majority of the job's done? We don't know what they're putting into the ground there, and they're continuing to wreck the road.

Ms. Dolch advised that the by-law we have in place right now goes through the Provincial Offences Act. We can look to change that to the Administrative Penalty System where there would be a fine. When staff first heard about this berm, their first concern was whether there was going to be a drainage issue on someone else's property. The Chief Building Official immediately went out to the site, determined that the only impact would be on the owner’s property, so the concern was a bit mitigated. If in the future, we'd like to look at fining immediately, that's something we could consider through the AMPS System, or the

Administrative Monetary Penalty System, because it's the fastest way. Provincial Offences Act matters through the court can take a year to two years at times, so it's not a quick process.

Councillor Noyes asked members of Council to go down Burger Road if they have the opportunity. The property is right next to the CN track.

Councillor Lubberts advised he recalled a few years back there was a similar problem in Oakhill Forest. It was agreed that the berm was illegal and should not have been put there, but it never was removed. He asked if the Town has the ability to tell the current applicants to remove the fill that they brought in?

Ms. Dolch advised that in terms of the permit application, the applicant has to identify where the fill comes from. If there is something environmentally wrong with the soil, it would be their responsibility to clean it up. Staff would contact the Ministry of Environment and let them know that there is unsafe fill being placed, and they would be responsible for clean-up. Should the permit not be approved or there are concerns with the permit, they would have to remove that fill even if it was clean fill.

8.4 Business Status Report

No changes.

9. Infrastructure Services

Chaired by Councillor Noyes.

9.1 Presentations and Delegations

None.

9.2 Reports

IS-31-2020 Contract Extension for Conventional Transit Services

Recommendation No. 2
Moved by: Mayor Redekop

That: Council accepts and approves the contract extension proposal from Tokmakjian Inc. for Conventional Transit Services for $1,915,247.37 (incl. HST) from October 1, 2020 until December 31, 2021. **(Carried)**

9.3 New Business/Enquiries

(a) Response to Enquiry

Re: Enquiry by Councillor Butler at the July 13, 2020 Council-in-Committee Meeting requesting an update with respect to the Bernard Beach cover that was going to go over the culvert.

Mr. Walsh read the response into the Minutes which is appended to the Meeting Agenda.

(b) Councillor Butler

Councillor Butler advised that there has been an issue with respect to rodent problems down in the Ridgeway downtown core at Dominion and Ridge Roads. Mr. Walsh has been working diligently to identify the solutions. She asked if he could share that.

Mr. Walsh advised that the week before last, the Town had Orkin Pest Control go for a walk through the area with staff. They identified a number of issues in the area, and most had to do with garbage cans out behind the businesses. They noted that they needed to be cleaned up. These are all private issues that the Town can't really enforce right now. They're not breaking any by-laws, certainly, but there's certainly room for improvement, and until businesses get their garbage in order, the gentleman from Orkin said there's really not much he can do. He noted a few opportunities for improvement. One of the things he noted at a couple of establishments was that they had the doors open for heat exhaustion. It's been a very hot summer, and he appreciates that, but that in itself is a rodent attractant. If businesses could make their establishments a little more air-tight, that would help as well.

Councillor Butler advised that there have been a lot of problems with garbage on the streets where individuals are dumping their own personal garbage rather than patrons of the street, and that creates a problem as well.

Mr. Walsh confirmed that is correct. The Orkin representative noted that a few garbage cans were overfilled, and they had personal garbage or refuse from takeout restaurants. One of the things he noted was that

if that garbage could be kept inside the restaurant, that would help a lot as well.

Councillor Butler noted that currently we have Modern coming in twice a week to take out the garbage on the streets. She asked if there was anything the Town can do to monitor the situation to capture those individuals that are abusing the use of cans.

Mr. Walsh advised that the Town doesn't have video monitoring down there, and even if it did, he didn't know if we could identify individuals. They would almost have to catch them red-handed.

(c) Councillor Butler

Councillor Butler advised she understands that the signage is coming, and she has been approached by a lot of walkers on the beach who have dogs on their leash and are doing it properly. She asked if there is an opportunity to change the by-law to allow for people who have dogs with leashes walk on the beach, as currently, the by-law states that you can't take your dog on the beach.

Ms. Dolch advised that currently the by-law provides that no dogs are permitted on the beach. Council would have to amend the by-law should it wish to do so. Councillor Butler could bring that forward as a request, but right now that's the by-law in place.

Mayor Redekop advised that we need to appreciate the fact that the only beach that you can really walk on that we own publicly would be Bay Beach, which is 1,000 feet. The other beaches are 66 feet wide, so that most of the beaches that people are walking on are actually private beaches, which we have no control over. He advised he is not sure we want to encourage people to necessarily walk their dog. As it is, people walk their dogs there now. Some people ride their horses. They don't necessarily clean up after their horses. So he thinks we need to bare that in mind.

Councillor Butler acknowledged that that's a very good point.

(d) Councillor Dubanow

Councillor Dubanow advised he has had a few residents reach out to him recently about the Traffic Calming Study approved in the 2020 Budget. With COVID-19, things have been kind of topsy-turvy. He asked if there is there any update on that?

Mr. Walsh responded that there were a number of Studies deferred when COVID-19 hit, not knowing the upcoming impact of COVID-19 and how it would affect Town finances. Mr. Janzen, Mr. Kuchyt, Ms. Dolch, and himself had a meeting that afternoon, and they have put projects such as that in priority. The Traffic Calming Study, Rural Speed Limit Study, Gorham Corridor Study, and the Black Creek Third Egress Study, were all on the back burner. He'll be speaking with the Manager of Engineering, a little later, and they will work up a schedule to get those going. They have been deferred, and they are green-lighted again.

9.4 Business Status Report

No changes.

10. Corporate and Community Services

Chaired by Councillor McDermott.

10.1 Presentations and Delegations

None.

10.2 Reports

None.

10.3 New Business/Enquiries

(a) Councillor Dubanow

Councillor Dubanow advised that he wished to provide an update to Council and the public on the changes with regard to gaming in Fort Erie. The Gaming Board had a meeting last week, and the Gaming Centers reopened on July 24th. They have cabinet games which are the TapTix machines, and there is a limit of 50 people allowed inside at a time. He advised that as revenue begins to flow, the

numbers are going to be less than before COVID-19. For the first 2 months, there will be no volunteers on-site, and that will be reassessed 6 weeks from now. There's been some information from the OLG and the OCGA that they'll be allocating funds based on the financial situation of the organization and community need. The Board sent out a survey to the individual organizations. Those that provide counselling services, food banks, organizations that utilize lottery funds to assist with utility bills, and that provide services to specific segments of the community were all given a high priority. Community events and schools were given a low priority. Organizations that scored low with their allocations were reallocated to higher organizations, and organizations that had a medium score on the matrix remain the same. Councillor Dubanow advised that if members of Council have any questions, they can relay them to him at Council or send an email, he will get the information from the Gaming Board, and he will relay the information to Council and the public.

Mayor Redekop requested that since the Minutes of the Board meeting won't be coming forward for a bit, would it be possible for Councillors to receive a synopsis of the items that were discussed, as some members of Council are asked questions by non-profit organizations. Councillor Dubanow advised that he would circulate the information to Council.

Councillor Noyes referenced when Councillor Dubanow talked about the allocations and the surveys, and asked him if that was done by the OLG and was the scoring done by them, or is that something being done in-house.

Councillor Dubanow responded that the OLG and OCGA gave the Board the ability to score that way, and then the Board sent out surveys that asked the specific questions that they put forward, and then the Board scored them internally in-house. At the meeting the Board had last week, they went through the matrix, and how everything was scored with each individual organization, and then they were notified of the results.

Councillor Noyes asked if members of Council could get a copy of the survey and the questions on it? Councillor Dubanow advised that he would have to take that back to the Board and make the request, but he would be happy to

do that. Councillor Noyes advised that the survey is not confidential, so she doesn't understand why Councillor Dubanow would have to go back to the Gaming Corporation and ask permission to share with the Council information that is out in the public. Councillor Dubanow advised that he is only one member of the Board and he can't speak for the Board, and he is doing his best to handle his role as a Gaming Board member and also as a Councillor. He can make the request, and if the request is fine, he will be happy to provide it. Councillor Noyes stated that the Gaming Corporation is an employee of the Town of Fort Erie, and they really aren't in a position to tell Council, as an employee, "No, we're not going to provide that information", but she will leave it at that.

Mayor Redekop spoke to this matter again later in New Business, which has been recorded here for continuity.

Mayor Redekop advised that he wished to have some clarity because he tends to agree that Councillor Dubanow is in a difficult situation, but he would like to get some clarity from the CAO as to the nature of the relationship between the Town of Fort Erie and the Manager of Gaming Services, whom he believes is an employee of the municipality.

Mr. Kuchyt advised that the Mayor is correct. The Manager is an employee of the Town, not of the Gaming Corporation. There is an Agreement between the Town and the Corporation. It had been previously reviewed and received comment from the Town's Solicitor at the time. It's in his workload to revisit that. He would like the Manager to come and do a presentation before Council and he would like to get an opinion from a solicitor on this corporation and what the Council has as far as authority in dealing with this corporation. Mayor Redekop advised that would be very helpful because there seems to be some confusion as to the nature of the relationship between the municipality and the Gaming Corporation, which acts upon policy that was created by the Municipal Council.

Councillor Dubanow advised that if he made a request right now to Ms. Gress to provide the copy of the survey as a formal Council request, that Mr. Kuchyt would be able to pass that to Ms. Gress and that that information could be brought back to Council. He asked if he were to make that formal request right now, could Mr. Kuchyt speak with Ms.

Gress and then provide the information back to Council? Mr. Kuchy advised he would be happy to make the request, but he has a feeling that Ms. Gress would likely want to take it before the Board before she would release that information. Councillor Dubanow advised he thinks it may be more operational rather than Board related because he thinks Ms. Gress was the one who actually worked on the survey along with Town staff. Mr. Kuchyt advised that Councillor Noyes makes a very good point that it's not a confidential document, and it is a survey that was sent out, so he doesn't see the issue with sharing it.

Councillor Lubberts asked would it be better to put forward a motion to request that information? That way, Mr. Kuchyt is given direction from the Council, and it's a little more formal. The Chair asked the Clerk for direction. Ms. Schofield responded that a motion could be one avenue; however, normally, when you're asking a staff member to do something in Council-in-Committee, you would ask for a vote of Council to make sure that they were in agreement to have that undertaken. She advised that she views this as a response to an enquiry made under New Business in Committee, but it could be done either way. Ms. Gress could respond through a “Response to Enquiry”, or it could be done more formally. The Chair advised that a Response to Enquiry would suffice and Councillor Noyes agreed.

Mr. Kuchyt asked for confirmation that Councillor Noyes was asking for the survey and the scoring that took place, which was confirmed by Councillor Noyes.

(b) Councillor Noyes

Councillor Noyes advised that she noticed in the Minutes of the COVID-19 staff meeting, that there is $83,000,000 allocated to non-for-profit organizations. Also, Ms. Grummett talked about the Resilient Community Fund. Councillor Noyes advised that she looked up the Fund and read it several times, and is still somewhat confused. In the parameters that they give, it doesn't seem like there's any dollars available to not-for-profit organizations for daily maintenance, paying taxes, and ongoing repairs. It seems like the majority of the money is more for administration, training, improved technology, and programs, so she is happy to hear Councillor Dubanow say that there's perhaps another pot of money coming through the OLG and OCGA

to the different organizations. She asked if there was a checklist that an organization could use to determine what they can apply for?

Mr. Kuchyt advised that staff will look into it. There were a lot of funding announcements last week, and they will be before the Grants Oversight Team to see what grants there are and what they are available for. He advised that if Councillor Noyes has specific questions, to please forward them to him to be looked into further.

Mr. Janzen advised that the announcement was very limited as to options of what could be provided. The Ontario Trillium Foundation website has a more detailed list of eligibility requirements and program eligibility as well. Some information was sent out through the Town's social media, but there is more information on the Ontario Trillium Foundation website specific to that program.

(c) Councillor Butler

Councillor Butler requested a follow-up with respect to some of the requests she made at the last Council meeting regarding the SPCA, with a more robust report, and a few of the other items that she had requested. She questioned whether the CAO has been able to speak to the SPCA with respect to those items?

Mr. Kuchyt advised that he can provide a bit of an update. He reached out to the Provincial Animal Welfare Services again today, which is the same group he reached out to back in July, asking them if they could please provide answers to the questions. He advised he has not heard back, and he's been waiting quite awhile. He thinks they're running it past their legal department to see what they can provide to him. As far as Councillor Butler's other questions or comments she had made previously, he stated he was under the understanding that those would come back as a motion to staff. The response would be very detail-specific on the request. He advised that Councillor Butler was looking for staff to review the current agreement to see what was required in revising that agreement, to review the finances of what the Town pays the SPCA, and do a comparison to another SPCA. Those are things staff are looking at, but he is waiting for the formal motion to come forward before he moved forward. Councillor Butler advised

that was okay, and that helps her in the direction that she's going to go for the motions.

Councillor Zanko spoke to this matter later in New Business, which has been recorded here for continuity.

Councillor Zanko asked Mr. Kuchyt if it would be faster to reach out to the SPCA directly and ask them for a full copy of the Provincial Audit?

Mr. Kuchyt advised he could do that, or reach out to the Council representative on the SPCA Board, being Councillor Lubberts, if he'd be interested in providing that to Council. He was hoping that he wouldn't have to reach out to the Manager, only because the Manager would have to take it before the Board to get approval. He advised that he thought by reaching out to the Province, he would get it directly from them, and the whole process would be expedited, but it wasn't. He asked if Councillor Lubberts would be interested in providing it to him, or he would reach out to the Manager of the SPCA and see if she could.

Councillor Lubberts asked if Mr. Kuchyt was talking about the review that was done recently? He advised he didn't know about an Audit. Mr. Kuchyt responded that the Province had received complaints regarding the operation of the SPCA. They went in and did an investigation, not an Audit, regarding the allegations that were made. He stated he believes that's what Councillor Butler is looking for, but he's not sure if that's what Councillor Zanko is looking for.

Councillor Butler responded that she wanted to clarify that they are also looking for the Financial Audit, to see exactly what the spend is and how that's being allocated. Mr. Kuchyt advised that staff have reached out to them regarding the Financial Audit, which the Town would have typically received in the spring. Because of COVID-19, the Audit was done late, and he believes they are waiting to have a Board meeting to get approval to circulate that to the Town, so it's behind schedule. He can check on the status.

Councillor Lubberts advised that the Financials have been done, but before the SPCA can release them, they have to have their AGM and approve them. With COVID-19 and the Province's State of Emergency, they received notice that the AGM doesn't have to be done until 6 months after the

emergency is lifted. But now that we're in phase three and can have bigger gatherings, they are getting prepared to have their Annual General Meeting sooner rather than later, but he doesn't have a date. Councillor Lubberts advised that as far as the review with the complaints, that was done, and advised that the SPCA has provided Mr. Kuchyt with the report. He continued that the gentleman that was at the SPCA said that it was a very good facility, and he made recommendations that it add a drug when euthanizing wildlife – not cats and dogs, which is what's in the Animal Control By-law. This was outside the Animal Control By-law, it's for wildlife, and it was a recommendation that the SPCA followed through with. They have ordered the drug, and any wildlife that's going to be euthanized will be given that drug. Councillor Lubberts stated that he was under the understanding that the Manager had sent the report to Mr. Kuchyt. If the Agency that did the report is not complying with what Mr. Kuchyt is asking for, he asked Council to remember that's not the SPCA. The SPCA was investigated, a report was given to the SPCA, and that's the Agency that Mr. Kuchyt is trying to contact, not the SPCA. If they're not giving the information, they may be looking to their legal department to see what information can they legally give out to the Town. When it comes to asking for information from an investigation, it's not that simple that the Agency gives you that information. It has nothing to do with the SPCA. They're not involved in anybody contacting Mr. Kuchyt. Councillor Lubberts advised that he will speak with the Manager, but he was under the impression that the report was given to Mr. Kuchyt.

Mr. Kuchyt advised that what he received was a small paragraph in an email, which wasn't an investigation as he would call it. He thinks it should be a formal report by the Province, with dates, times, who they investigate, and so forth. What he received was a simple 3 or 4 line paragraph in an email, so he was looking for something a little more substantial from the inspector who actually did the investigation.

Councillor Lubberts advised Mr. Kuchyt that what he received is what the SPCA received.

Councillor Butler stated that she finds it interesting that only a paragraph would be issued to the SPCA and that that would be the sole sharing of information. To her, that just

raises some red flags in terms of what was the investigation about and what actually was the focus. Was it just one or a number of different things? She advised that's what she thinks we need to find out, is what was the basis of the investigation and why was there an investigation. A report is fulsome and isn't a paragraph.

Councillor Lubberts advised that needs to be brought to the individual that did the investigation, not the SPCA. When they were called in to do the investigation, they received a complaint, and they followed through with that complaint. They came to the SPCA and did an investigation. The SPCA was just as much in the dark as everybody else.

Mayor Redekop called a Point of Order that only one person should be speaking at a time, and the person that speaks should be the person recognized by the Chair. The Chair recognized Mr. Kuchyt as having the floor.

Mr. Kuchyt advised he is clear on the information he is looking for, which is a fulsome report that states what the allegations were, when the investigation took place, and what was the result of each one of those complaints received by the Province. He advised that is why he reached out to the Province and would like to get it right from the Province.

(d) Councillor Butler

Councillor advised she had questions with respect to the BIA. She doesn't know about the other BIAs within the Town, but the BIA in Ridgeway is struggling to get members to stay on and to join the BIA. She believes that partially the problem stems from the COVID-19 virus and the effects it is having on the local businesses. Their ability to volunteer is somewhat limited, and she wondered if maybe there would be an opportunity to expand the by-law in the future to be able to have the general public, those who would be well-suited to sit on the Business Improvement Association Board, and would add value, to sit on the Board. Perhaps retirees could help, instead of a business owner.

Mr. Kuchyt advised that staff can take a look at that, and that he is knows that the current by-law does allow for one individual who is not a business owner to sit on the BIA Board, so staff could look at expanding that. He advised he

thinks that those would be discussions that we would want to have with the BIA and make sure that they're in agreement with how we move forward. Unfortunately, right now, Ms. Watson, who looked after our committees and our BIAs, recently resigned, so we're looking at filling that position. Ms. Schofield has her hands full right now, and he can't confirm a time when we can look at it.

Mayor Redekop advised that since he is a member as a business owner in the BIA, the concern that he would have would be since the businesses have to pay a levy each year, he would be a little concerned about having, as an example, a majority of Board members on the BIA that aren't business owners making decisions with respect to how much a levy should be and what the levy should be spent on. He advised he thinks it would be very important to make sure that we consult all of the members of all of the BIAs as we move forward in something of this nature because, really, the purpose of the BIA is to improve that area or municipal property within that area, and if the business people aren't interested, it's hard to imagine people outside that business area taking on that responsibility if the business people themselves don't see the benefit of organizing in that fashion. He advised that he thinks Councillor Butler's comment is probably correct, that it's likely COVID-19 and the impact that it's had on businesses right now because it's created a lot of stress for a lot of business people.

Councillor Butler advised she was speaking to a few of the members, and their suggestion is perhaps there are retired business people living in the Ridgeway area that could assist in organizing and hosting events when the COVID-19 virus is over. She advised that Mayor Redekop's point is well taken, and she thinks that a lot of businesses in that downtown core are looking to have Council look at 2 options, either disband the BIA completely or find a solution to bring members on board.

Mayor Redekop responded that his experience has been that it goes in cycles where sometimes there will be a lot of interest in one area, not in another area, and then it changes around, but it is a concern.

10.4 Business Status Report

No changes.

11. Scheduling of Meetings

- Mayor Redekop, President of the Niagara Health System, August 14, 2020 at 10:00 a.m.
- Association of Municipalities of Ontario Conference, August 17 -19, 2020, Via Teleconference

12. Adjournment

Recommendation No. 3
Moved by: Councillor Dubanow

That: Council-in-Committee adjourns at 7:11 p.m. **(Carried)**

_____
Mayor

_____
Clerk

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

Ontario

ISSUE DATE: July 17, 2020 **CASE NO(S).:** DC190006

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

PROCEEDING COMMENCED UNDER subsection 14 of the *Development Charges Act*, 1997, S.O. 1997, c. 27, as amended

Appellant:	800460 Ontario Limited (Fruitbelt Development)
Subject:	Development Charges By-law No. 47-2019
Municipality:	Town of Fort Erie
LPAT Case No.:	DC190006
LPAT File No.:	DC190006
LPAT Case Name:	800460 Ontario Limited (Fruitbelt Development) v. Fort Erie (Town)
Heard:	July 11, 2020 by Telephone Conference Call

APPEARANCES:

Parties	**Counsel**
Town of Fort Erie	Thomas Hanrahan
800460 Ontario Limited o/a Fruitbelt Development	Thomas Richardson

MEMORANDUM OF ORAL DECISION DELIVERED BY DAVID BROWN ON JULY 11, 2020 AND ORDER OF THE TRIBUNAL

[1] The matter before the Tribunal is an appeal filed by 800460 Ontario Limited o/a

RECEIVED
AUG 24 2020
BY COUNCIL

Fruitbelt Development (the "Appellant") from a decision of the Town of Fort Erie (the "Town") which passed By-law No. 47-2019 to establish development charges for the Town pursuant to the *Development Charges Act, 1997* (the "Act").

[2] The Town notified the Tribunal that a Settlement has been achieved with the Appellant and filed executed Minutes of Settlement. The Minutes of Settlement were filed as Exhibit 1, appended to this decision as Attachment 1. The Town filed an Affidavit, sworn January 12, 2020, from Craig Binning, a qualified municipal finance consultant, in support of the terms of the Settlement. The Affidavit was filed as Exhibit 2.

[3] Mr. Hanrahan reviewed the chronology of the Development Charges By-law No. 47-2019 (the "DC By-Law") explaining the Town engaged Hemson Consulting Ltd. to prepare a Background Study in March of 2018 in support of the Town's proposed new DC By-law. The Study was released on December 13, 2018 and after public consultation, the Town made revisions to the proposed by-law and passed the DC By-law on March 18, 2019. On April 26, 2019, the Appellant filed their Notice of Appeal.

[4] The Town and the Appellant entered into discussions resulting in the Settlement which is before the Tribunal for consideration. Mr. Hanrahan summarized the reason for the Appeal as being the calculations within the Background Study were overstated based on incorrect assumptions resulting in a higher charge then would otherwise be applicable.

[5] Mr. Hanrahan explained that after a review of the Wastewater Services, Water Supply Services, and Parks and Recreation development charge calculations, revisions were made resulting in the single detached unit charge being reduced by $2,017 and corresponding equivalent amounts for the other residential rates included in the DC By-law. Also, the non-residential charge was reduced by $6.44 per square meter.

[6] Mr. Hanrahan referred the Tribunal to Exhibit 2, for a detailed breakdown of the revisions proposed in the Settlement and the conclusion of Mr. Binning in support of the amendments proposed and the Settlement.

[7] Mr. Hanrahan explained that the terms of the Settlement include the request for the Tribunal to amend the DC By-law by deleting Schedules "B-1", "B-2" and "B-3" of the DC By-law and replacing them with the Schedules attached as Appendix 2 to Attachment 1.

[8] The Tribunal, having considered the Affidavit of Mr. Binning and the Minutes of Settlement, is satisfied that the amendments proposed are reasonable and appropriate.

[9] The Tribunal reviewed the specific adjustments to the Wastewater Services, Water Supply Services and the Parks and Recreation Services that resulted in the reduction of the development charge calculation as set out in paragraphs 17 through 22 of Exhibit 2.

[10] The Tribunal accepts the conclusions of Mr. Binning in Exhibit 2 wherein he states that the revised rates are appropriate and have been calculated in a manner that is in conformity with the Act and Ontario Regulation 82/98.

[11] The Tribunal Orders that the Appeal is allowed in part and deletes Schedules "B-1", "B-2", and "B-3" attached to the Town of Fort Erie By-law No. 47-2019 passed March 18, 2019, and replaces the Schedules with the Schedules attached as Appendix 2 to Attachment 1.

[12] This is the Order of the Tribunal.

"David Brown"

DAVID BROWN
MEMBER

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

ATTACHMENT 1

Exhibit: 1
File #: DC190006

ENVIRONMENTAL AND LAND TRIBUNALS ONTARIO
Local Planning Appeal Tribunal

IN THE MATTER OF the *Development Charges Act, 1997,* S.O. 1997, ch. 27, as amended, Section 14;

AND IN THE MATTER OF an appeal by 800460 Ontario Limited o/a Fruitbelt Development from the decision of the Council for the Town of Fort Erie to pass By-law No. 47-2019 being a by-law to establish development charges for the Town of Fort Erie pursuant to the *Development Charges Act, 1997* (the "*Act*");

AND IN THE MATTER OF Municipal File No. 121002; and LPAT Case No. DC190006 – Town of Fort Erie;

MINUTES OF SETTLEMENT

Parties	**Counsel**
Town of Fort Erie	Edward Lustig
800460 Ontario Limited o/a Fruitbelt Development	Thomas A. Richardson

1. On December 10, 2018 the Council of the Town of Fort Erie (the "Town") received a Staff report on the 2019 Development Charges Background Study (the "Study").

2. The Study, prepared by Hemson Consulting Ltd. dated December 13, 2018 was released and posted on the Town's website on December 13, 2018 and the draft Development Charges by-law was posted on December 21, 2018.

3. On January 14, 2019 the Council of the Town held a Public Meeting to hear persons in support of or opposition to the proposed Development Charges.

4. As a result of submissions received, the Town made revisions to the Study including reducing the amount of the proposed Development Charges.

5. On March 4, 2019 the Council of the Town approved the Study, as amended, and on March 18, 2019 it passed Development Charges By-law No. 47-2019, attached as Appendix "1" hereto.

6. On April 26, 2019 800460 Ontario Limited o/a Fruitbelt Development (the "Appellant") filed a Notice of Appeal appealing Development Charges By-law No. 47-2019.

7. In order to resolve the Appeal, the Town and the Appellant have agreed to amendments to Development Charges By-law No. 47-2019, by deleting therefrom Schedules "B-1", "B-2" and "B-3" and inserting in lieu thereof Schedules "B-1", "B-2" and "B-3" attached as Appendix "2" hereto.

8. The effect of these amendments, if approved by the Local Planning Appeal Tribunal, will be a reduction in the Development Charges of $2,017.00 per each single and semi-detached residential unit and a reduction of $6.45 per square metre of commercial gross floor area.

9. The Appellant and the Town agree to the Local Planning Appeal Tribunal issuing an Order amending the Town's Development Charges By-law No. 47-2019, in the form appended to these Minutes of Settlement, attached as Appendix "3" hereto.

10. The Appellant and the Town agree that the parties will bear their own costs and not seek costs against each other.

11. These Minutes of Settlement may be executed in counterparts.

12. These Minutes of Settlement are subject to the final approval by the Local Planning Appeal Tribunal of the above amendments to the Town's Development Charges By-law No. 47-2019.

In witness whereof the parties have executed these Minutes of Settlement this ____ day of February, 2020.

The Corporation of the Town of Fort Erie

Per: _____
Edward Lustig, Town Solicitor
(I have the authority to bind the Corporation)

800460 Ontario Limited o/a Fruitbelt Development

Per: _____
Thomas A. Richardson
(I have the authority to bind the Corporation)

The Municipal Corporation of the Town of Fort Erie

By-law No. 47-2019

Being a By-law to Establish Development Charges For The Town of Fort Erie and to Repeal By-law No. 43-2014

Whereas subsection 2(1) of the *Development Charges Act, 1997*, c. 27 (hereinafter called "the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the needs for services arising from development of the area to which the by-law applies; and

Whereas the Council of The Corporation of the Town of Fort Erie ("Town of Fort Erie") has given Notice in accordance with Section 12 of the *Act* of its intention to pass a by-law under Section 2 of the said Act; and

Whereas the Council of the Town of Fort Erie received a report entitled Development Charges Background Study dated December 13, 2018 prepared by Hemson Consulting Ltd., wherein it was indicated that the development of any land within the Town of Fort Erie will increase the need for services as defined herein; and

Whereas copies of the Development Charges Background Study were made available on December 13, 2018 and copies of the proposed Development Charges By-law were made available on December 13, 2018 to the public in accordance with Section 12 of the *Act*; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 approved the Development Charges Background Study, dated December 13, 2018, as amended (the "Study"), in which recommendations were made relating to the establishment of a development charge policy for the Town of Fort Erie pursuant to the *Act*; and

Whereas the Council of the Town of Fort Erie heard all persons who applied to be heard no matter whether in objection to, or in support of, the proposed development charges at a Public Meeting held on January 14, 2019; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, including any capital costs, will be met by updating the capital budget and forecast for the Town of Fort Erie, where appropriate; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 approved the Study and determined that no further public meetings were required under Section 12 of the Act; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 determined that the future excess capacity identified in the Study, shall be paid for by the development charges contemplated in the said Study, or other similar charges; and

Whereas the Council of the Town of Fort Erie has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as "area rating" or "area specific development charges", and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis; and

Whereas the Study includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle; and

Whereas the Council of the Town of Fort Erie will give consideration to incorporating the Asset Management Plan outlined in the Study within the Town of Fort Erie's ongoing practices and Corporate Asset Management Plan; and

Whereas the Council of the Town of Fort Erie approved the planned level of service for Transit services, as identified in the Study which has been estimated in accordance with the requirements of the *Act* and Ontario Regulation 82/98.

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1.0 DEFINITIONS

1.1 In this by-law,

(a) "***Act***" means the *Development Charges Act, 1997,* S.O. 1997, c. 27, as amended, or any successor thereto;

(b) **"agricultural use"** means use or intended use for farming or hobby farming purposes

a. including (but not limited to):

(i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;

(ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and

(iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

b. but excludes any portion used for residential, commercial or industrial use;

(c) **"apartment"** means a building consisting of one or more dwelling units with a private bathroom and kitchen facilities in each dwelling unit which is not a single detached dwelling, a semi-detached dwelling, a farm help house or a multiple dwelling;

(d) "**bedroom**" means a room located within a dwelling unit and used primarily for sleeping;

(e) "**benefitting area**" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

(f) "**Board of Education**" means a board defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E. 2 as amended, or any successor thereto;

(g) **"Building canopy"** means an overhead fixed roof structure that does not contain any walls or is enclosed by other means that is attached to a principal structure which is able to provide shelter from the weather or is decorative;

(h) "**Building Code *Act***" means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, or any successor thereto;

(i) **"brownfield sites"** means abandoned, vacant, derelict, idled or underutilized property in the urban area of the Town of Fort Erie with an active potential for redevelopment, where redevelopment is complicated by real or perceived environmental contamination. Brownfields are also often characterized by building deterioration/obsolescence, and/or inadequate infrastructure. Brownfields can include many uses such as old landfills and abandoned factories to dry cleaners and former gasoline stations. Most brownfields are located in urban areas and many are located in key areas such as the downtown or along the waterfront;

(j) "**capital cost**" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by the municipality or local board, as set out in Section 5 of the *Act*;

(k) **"cellar"** means that portion of a building between two floor levels with a minimum height of 1.9 m which is partly or completely underground, and which has more than one-half of its height from floor to ceiling below grade;

(l) "**commercial**" when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work;

(m) "**Council**" means the Council of The Corporation of the Town of Fort Erie;

(n) "**development**" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;

(o) "**development charge**" means a charge imposed pursuant to this By-law;

(p) "**dwelling unit**" means a suite of habitable rooms which:

(i) is located in a building;

(ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;

(iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and

(iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building;

(q) "**existing industrial building**" has the same meaning as in O.Reg. 82/98, as amended;

(r) **"farm help house"** means a dwelling unit constructed on agricultural land used for agricultural uses and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;

(q) "**grade**" means the average elevation of the finished surface of the ground of a building or structure, exclusive of any artificial embankment abutting such building or structure;

(r) "**gross floor area**" means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor area of any private garage;

(s) "**industrial**" means the use of land, buildings or structures for the manufacturing, production, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses;

(t) **"institutional"** means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and without limiting the generality of the foregoing includes churches, places of worship, public or private schools, day nursery, public or private hospital, children's home, nursing home, home for the aged or infirm, monastery, convent, and training school;

(u) "**local board**" has the same meaning as in the *Act*;

(v) "**local services**" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41,51 or 53 of the *Planning Act* R.S.O. 1990, c. P. 13 as amended, or any successor thereto;

(w) **"marijuana production facilities"** means a building used, designed or intended for growing, producing, testing, destroying, storing or distribution of marijuana or cannabis and does not include retail sales;

(x) "**mobile home**" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use;

(y) "**multiple dwelling**" means a residential building consisting of three or more dwelling units where units may be attached by a vertical wall or walls. Multiple dwelling units refer to all dwellings units other than single detached dwellings, secondary suites, semis and apartments and may include but is not limited to townhouses, street townhouses, back to back townhouses, stacked townhouses and duplexes;

(z) "**Municipality**" means The Corporation of the Town of Fort Erie;

(aa) "**non-residential use**" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;

(bb) **"Non-profit housing"** means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by i) a non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or ii) a non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act, R.S.O. 1990, c.C.35, as amended;

(cc) "**Owner**" means any person whose interest in a parcel of land is registered on title in the appropriate Land Registry Office;

(dd) **"place of worship"** means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the *Assessment Act, R.S.O. 1990*, c A.31 as amended, but excludes a residential use;

(ee) "**Regulation**" means O. Reg. 82/98; as amended, or a successor thereto, made under the *Development Charges Act, 1997*;

(ff) "**residential use**" means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals but does not include a room or suite of rooms in hotels or motels;

(gg) **"secondary dwelling unit"** means a dwelling unit, whether contained within an existing or proposed single detached dwelling, semi-detached dwelling, or multiple dwelling or located in an accessory building to a single detached dwelling, a semi-detached dwelling or multiple dwelling including but not limited to a structure constructed above an existing garage or other structure separate from the primary dwelling unit, which:

(i) comprises an area less than the gross floor area of the primary dwelling unit; and

(ii) is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit;

(hh) "**semi-detached dwelling**" means a residential building containing two dwelling units separated by vertical division, each of which units has a separate entrance to grade;

(ii) "**services**" (or "**service**") means those services set out in Schedule "A" to this By-law;

(jj) "**servicing agreement**" means an agreement entered into in connection with the development of land including an agreement under Section 51 or Section 53 of the *Planning Act*, but not including an agreement under Section 41 of the *Planning Act;*

(kk) "**single detached dwelling unit**" means a dwelling unit which is freestanding, separate and detached from other main buildings or main structures;

(ll) **"site"** means a parcel of land which can be legally conveyed pursuant to Section 50 of the *Planning Act* and includes a development having two or more lots consolidated under identical ownership;

(mm) **"special care/special needs dwelling unit"** means a residential building or the residential portion of a mixed-use building that has a common entrance at street level, where such units may or may not have exclusive use of sanitary or culinary facilities, or both and which occupants have the right to use, in common, hallways, stairs, yards, common rooms and where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided as appropriate to occupants and includes but is not limited to retirement homes, senior living accommodations, group homes, and hospitals;

(nn) **"stacked townhouse building"** means a residential building containing four (4) or more dwelling units which are horizontally and vertically separated with dwelling units entirely or partially above another and where

each dwelling unit egresses directly outside to grade (no egress to a common corridor) and for the purposes of this by-law are defined as apartment units;

(oo) **"Vehicle canopy"** means an overhead fixed roof structure that is used to shelter areas used for parking and loading or unloading of vehicles from the weather and includes canopies over a gas bar.

2.0 DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

(a) library services;
(b) fire protection services;
(c) parks and recreation services;
(d) public works and fleet;
(e) parking services;
(f) transit services;
(g) administration;
(h) roads and related;
(i) storm water drainage and control services;
(j) wastewater services; and
(k) water supply services.

2.2 A development charge shall include a charge in respect of:

(a) library services;
(b) fire protection services;
(c) parks and recreation services;
(d) public works and fleet;
(e) parking services;
(f) transit services;
(g) administration;
(h) roads and related;
(i) storm water drainage and control services;
(j) wastewater services, if available; and
(k) water supply service, if available.

2.3 Components of the services designated in Subsection 2.1 are described in Schedule "A" to this By-law.

3.0 APPLICATION OF DEVELOPMENT CHARGES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

(a) the lands are located in the area described in Subsection 3.2; and

(b) the development of the lands requires any of the approvals set out in Subsection 3.5 (a).

Area to Which By-law Applies

3.2 (a) Subject to Subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Fort Erie whether or not the land or the use of the land is exempt from taxation under Section 3 of the *Assessment Act*.

(b) The Development Charges described in Schedule "B" to this By-law shall be calculated and collected on all lands in the geographic area of the Town of Fort Erie.

3.3 This By-law shall not apply to development of lands that are owned by and used for the purposes of:

(a) The Corporation of the Town of Fort Erie or a local board thereof;

(b) a Board of Education;

(c) The Regional Municipality of Niagara or a local board thereof;

(d) the Niagara Peninsula Conservation Authority;

(e) the Crown in right of Ontario or the Crown in right of Canada;

(f) the Niagara Parks Commission.

3.4 This By-law shall not apply to development of lands that are leased by the Niagara Parks Commission.

Approvals for Development

3.5 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

(i) the passing of a zoning by-law or an amendment to a zoning by-law under Section 34 of the *Planning Act;*

(ii) the approval of a minor variance under Section 45 of the *Planning Act*;

(iii) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act,* applies;

(iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*;

(v) a consent under Section 53 of the *Planning Act*;

(vi) the approval of a description under Section 50 of the *Condominium Act, 1998*, S.O. 1998, c. 19 as amended, or any successor hereto; or

(vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

(b) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in Subsection 3.5(a) are required before the lands, buildings or structures can be developed.

(c) Despite Subsection 3.5(b), if two or more of the actions described in Subsection 3.5(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions for Intensification of Housing

3.6 (a) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

(i) an enlargement of an existing dwelling unit;

(ii) the creation of the first two additional dwelling units in an existing single detached dwelling; or

(iii) the creation of the first additional dwelling unit in any other existing residential building;

(b) Despite Subsection 3.6(a), development charges shall be imposed if the total gross floor area of the additional one or two dwelling units exceeds the gross floor area of the existing single detached dwelling.

(c) Despite Subsection 3.6(a), development charges shall be imposed if the additional unit has a gross floor area greater than:

(i) in the case of a semi-detached dwelling or multiple dwelling, the gross floor area of the existing dwelling unit; and

(ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the existing residential building.

Exemption for Industrial Expansion

3.7 (a) Notwithstanding any other provisions of this By-law, no development charge is payable with respect to one or more enlargements of an existing industrial building on the same site up to a maximum of fifty percent (50%)

of the existing gross floor area on that site before the first enlargement; and

(b) For greater certainty in applying the exemption in this Subsection, the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment, and the existing industrial building, and the enlarged area is to be used for or in connection with an industrial purpose as set out in Subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this Subsection shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.

Other Exemptions

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

(a) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;

(b) places of worship;

(c) agricultural uses;

(d) secondary dwelling units;

(e) development in relation to institutional use;

(f) vehicle canopies;

(g) rooms associated with building services that include but are not limited to electrical rooms, mechanical rooms, garbage rooms, elevator machine rooms;

(h) development occurring within the boundaries of the core areas as set out in Schedules "H", "I" "J", "K" and "L" to this By-law;

(i) Properties subject to eligibility in the Brownfield Development Charge Exemption Program. Exemptions /reductions to development charges shall be subject to the Brownfield Development Charge Exemption Program as outlined herein.

The Brownfields Development Charge Exemption Program will provide a financial incentive in the form of a reduction of Town's portion of development charges payable equal to the cost of environmental remediation (Items a) – f) in Section 5.4.2 of the Brownfields Rehabilitation Grant Program of the Town of Fort Erie Community Improvement Plan, approved by By-law 109-10, as amended. This reduction of development charges will equal up to 75% of the Town

development charge payable with respect to development on a brownfield site.

The applicant with an approved application and agreement for a property under the Brownfields Rehabilitation Grant Program will have the option of applying the costs of environmental remediation against the Town development charges payable for that property (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the costs of remediation applied against the Town's development charges payable (development charges exempted) will be deducted from the Brownfields Rehabilitation Grant to be paid. In the case of any project that achieves at least an 80% tax increment grant level under the Brownfields Rehabilitation Grant Program, the costs of remediation applied against the development charges payable (development charges exempted) will not be deducted from the Brownfields Rehabilitation Grant to be paid.

The Development Charge Exemption Program is not an application based program. Therefore, an application for a development charge exemption at the time of building permit application will not be required. The development charge exemption will be applied at the time development charges are normally paid, i.e., building permit.

Requirements for the Development Charge Exemption Program are specifically outlined in Section 5.6.3 of the Town of Fort Erie Community Improvement Plan;

Notwithstanding the above, the total accumulated amount of credit and/or exemption by both the Municipal Corporation of the Town of Fort Erie, and the Regional Municipal of Niagara By-law 2017-98, shall not exceed more than 100% of the total remediation costs;

(j) lands, buildings and structures used for industrial purposes;

(k) lands and buildings used or intended to be used as municipal housing project facilities, as set out in section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25, O.Reg.603/06 under the *Municipal Act, 2001*, and the Region's Municipal Housing Facility By-law, all as may be amended;

(l) lands and buildings used for affordable housing projects that receive funding or are developed in conjunction with Niagara Regional Housing or a department or designated agency of the Niagara Region, the Canada Mortgage and Housing Corporation (CMHC) or other affordable housing provider provided that:

(i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and

(ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an

agreement with the Town under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

(m) lands and buildings used for affordable housing projects constructed by Habitat for Humanity or a non-profit housing provider provided that:

(i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and

(ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an agreement with the Town under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

3.9 Notwithstanding the provisions of this By-law, a partial development charges exemption shall be given with respect to:

(i) Building canopies in which case the total development charges shall be 50% of the amount that would otherwise be payable.

Reduction of Development Charges Where Redevelopment

3.10 In the case of the demolition of all or part of a residential building or structure:

(a) A credit shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the last five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit was issued;

(b) If a development or redevelopment involves the demolition of and replacement of a residential building or structure, the credit shall be equivalent to the number of dwelling units demolished multiplied by the applicable residential development charge in place at the time the development charge is payable;

(c) If a development or redevelopment involves the demolition of a replacement of a non-residential building or structure, the credit shall be equivalent to the gross floor area demolished multiplied by the applicable non-residential development charge in place at the time the development charge is payable; and

(d) No credit shall exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt from the payment of development charges under this By-law.

4.0 CALCULATION OF DEVELOPMENT CHARGES

Residential

4.1 The development charges described in Schedule "B" to this By-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

4.2 The development charges described in Schedule "B" to this By-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Time of Payment of Development Charges

4.3 Development charges shall be calculated, payable and collected as of the date a building permit is issued in respect of each dwelling unit, building or structure.

4.4 Not withstanding Subsection 4.3, the Municipality may enter into an agreement with any person who has negotiated to pay a development charge providing for all or part of the development charge to be paid before or after the time it would otherwise be payable.

4.5 Where any Development Charge, or part thereof, remain unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in like manner as taxes.

4.6 Where any unpaid Development Charges are collected as taxes under Subsection 4.5 the monies so collected shall be credited to the Development Charges reserve fund or funds.

4.7 Despite the payments required under Section 4.0, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this By-law.

5.0 INDEXING

5.1 Development charges imposed pursuant to this By-law as set out in Schedule "B" shall be adjusted annually, without amendment to this By-law, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) as follows:

(a) The initial adjustment shall be January 1, 2020, and

(b) Thereafter, adjustment shall be made on January 1 of each year.

5.2 For greater certainty, on January 1 of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule "B" plus the accumulated annual indexation adjustment from previous years if any.

6.0 PHASE-IN OF DEVELOPMENT CHARGES AND TRANSITION PROVISIONS

6.1 The development charges imposed pursuant to this by-law are being phased-in pursuant to Schedules "B-1", "B-2" and "B-3", subject to the exemptions and indexing provision herein, from the effective date of this by-law.

7.0 RESERVE FUNDS

7.1 Development charge payments received by the Municipality pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of Subsection 5(1) of the Act.

8.0 INTEREST

8.1 The Municipality shall pay interest on a refund under Subsection 18(3), and 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

9.0 FRONT ENDING AGREEMENTS

9.1 The Municipality may enter into agreements with an owner or owners of land in accordance with Section 44 of the Act.

10.0 SCHEDULES

10.1 The following schedules to this by-law form an integral part thereof:

Schedule "A" - Components of Services Designated in Subsection 2.1

Schedule "B" - Residential and Non-Residential Development Charges

Schedule "C" to Schedule "G" - Urban serviced lands for which Development Charges apply

Schedule "H" to Schedule "L" – Core Areas for Municipal Exemption

11.0 SERVICES INSTALLED PURSUANT TO THE PLANNING ACT

11.1 Nothing in this by-law prevents Council from requiring, as a condition of approval under Sections 41, 51 or 53 of the Planning Act that an owner, at his or her own expense, install such local services as Council may require, or that the owner pay for local connections to watermains, sanitary sewers and storm drainage facilities installed at the owner's expense.

12.0 DATE BY-LAW IN FORCE

12.1 This By-law shall come into force upon its final passage thereof.

13.0 DATE BY-LAW EXPIRES

13.1 This By-law shall expire five years from the date of passage, unless it is repealed at an earlier date.

14.0 REPEAL

14.1 By-law No. 43-2014 is hereby repealed.

15.0 CORRECTIONS

15.1 The Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 18th day of March, 2019.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 47-2019 of the said Town. Given under my hand and the seal of the said Corporation this ___ day of _____, 20___.

_____

Schedule "A"
To By-law No. 47-2019
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Library Services
   - Buildings
   - Land
   - Materials
   - Furniture and Equipment

2. Fire Protection Services
   - Buildings
   - Land
   - Furniture and Equipment at Stations
   - Vehicles
   - Equipment and Gear

3. Parks and Recreation Services
   - Indoor Recreation
   - Neighbourhood Parks
   - Community Parks
   - Specialized Parks
   - Parks and Open Space Vehicles

4. Public Works and Fleet
   - Buildings
   - Land
   - Furniture and Equipment
   - Vehicles and Equipment

5. Parking Services
   - Parking Spaces
   - Equipment

6. Transit Services
   - Equipment
   - Vehicles

7. Administration
   - Studies

8. Roads and Related
   - Roads
   - Bridges and Culverts

9. Storm Water Drainage and Control Services
   - Channels, Drainage and Ponds

10. Wastewater Services
    - Sewers

11. Water Supply Services
    - Supply Systems

Schedule "B-1"
To By-law No. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM THE DATE THE BY-LAW COMES INTO FORCE TO SEPTEMBER 18, 2019

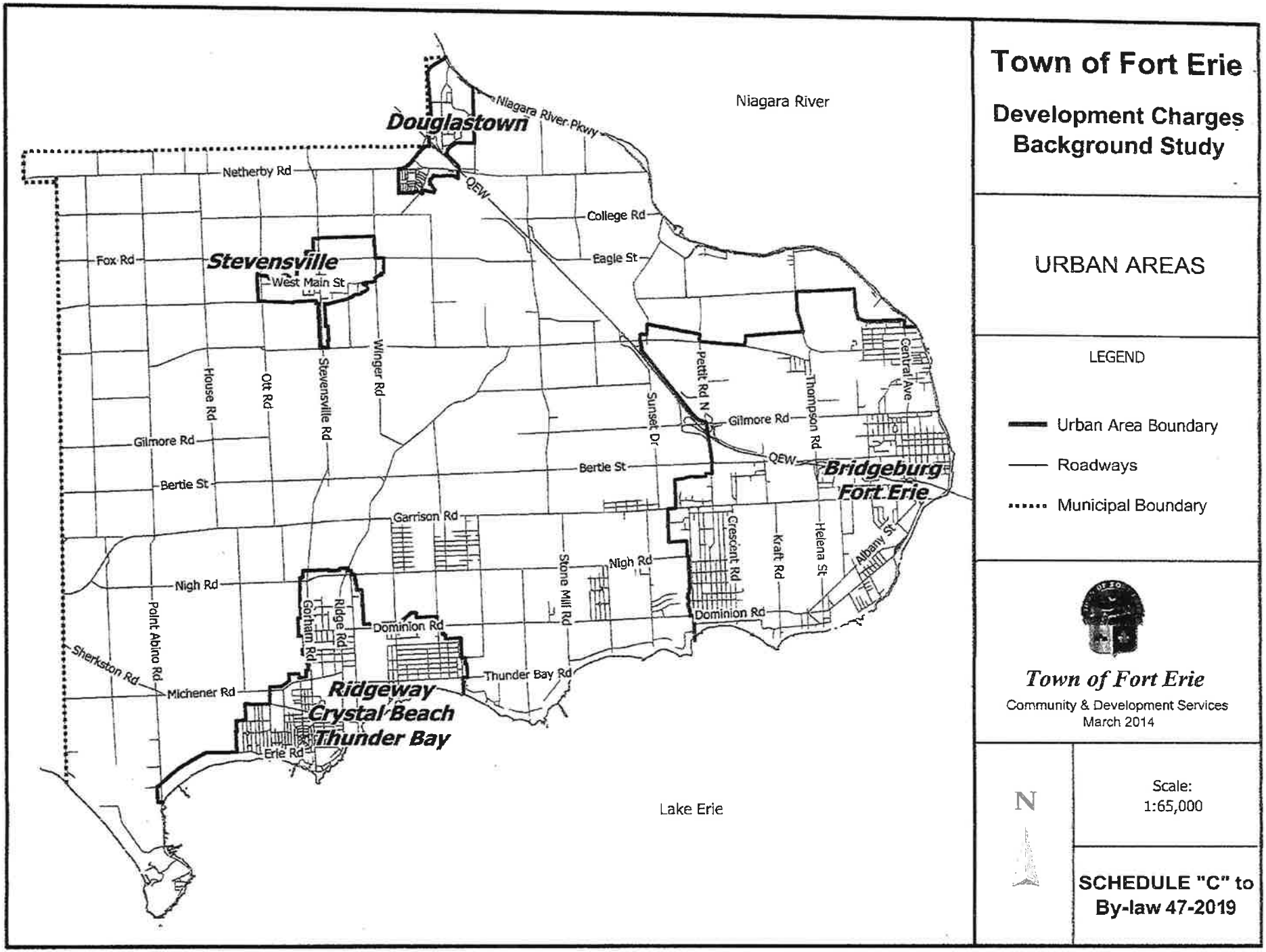
Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$48	$39	$36	$22	$0.00	$0.00
Fire Protection	$185	$150	$136	$84	$1.34	$0.00
Parks And Recreation	$3,811	$3,092	$2,806	$1,725	$0.00	$0.00
Public Works And Fleet	$525	$426	$386	$238	$3.81	$0.00
Parking	$21	$17	$15	$9	$0.15	$0.00
Transit Services	$158	$128	$116	$72	$1.15	$0.00
Administration	$232	$188	$171	$105	$1.68	$0.00
Roads And Related	$1,491	$1,209	$1,097	$675	$10.94	$0.00
Subtotal Town-Wide Services	**$6,471**	**$5,249**	**$4,763**	**$2,930**	**$19.07**	**$0.00**
Storm Water Drainage And Control Services	$2,591	$2,103	$1,907	$1,174	$18.99	$0.00
Wastewater Services	$3,032	$2,461	$2,232	$1,373	$22.13	$0.00
Water Supply Services	$251	$204	$185	$114	$1.84	$0.00
Subtotal Urban Area Services	**$5,874**	**$4,768**	**$4,324**	**$2,661**	**$42.96**	**$0.00**
TOTAL CHARGE PER UNIT	**$12,345**	**$10,017**	**$9,087**	**$5,591**	**$62.03**	**$0.00**

Schedule "B-2"
To By-law No. 47-2019
DEVELOPMENT CHARGES EFFECTIVE SEPTEMBER 19, 2019 TO MARCH 17, 2020

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$58	$43	$40	$25	$0.00	$0.00
Fire Protection	$222	$165	$153	$97	$1.39	$0.00
Parks And Recreation	$4,581	$3,413	$3,160	$1,999	$0.00	$0.00
Public Works And Fleet	$630	$470	$435	$275	$3.94	$0.00
Parking	$25	$19	$17	$11	$0.16	$0.00
Transit Services	$190	$142	$131	$83	$1.19	$0.00
Administration	$278	$208	$192	$122	$1.74	$0.00
Roads And Related	$1,791	$1,335	$1,235	$782	$11.32	$0.00
Subtotal Town-Wide Services	**$7,775**	**$5,795**	**$5,363**	**$3,394**	**$19.74**	**$0.00**
Storm Water Drainage And Control Services	$3,113	$2,321	$2,148	$1,359	$19.65	$0.00
Wastewater Services	$3,643	$2,716	$2,513	$1,591	$22.90	$0.00
Water Supply Services	$301	$225	$208	$132	$1.90	$0.00
Subtotal Urban Area Services	**$7,057**	**$5,262**	**$4,869**	**$3,082**	**$44.45**	**$0.00**
TOTAL CHARGE PER UNIT	**$14,832**	**$11,057**	**$10,232**	**$6,476**	**$64.19**	**$0.00**

Schedule "B-3"
To By-law No. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM MARCH 18, 2020 TO BY-LAW EXPIRY

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$68	$48	$45	$29	$0.00	$0.00
Fire Protection	$259	$181	$170	$110	$1.43	$0.00
Parks And Recreation	$5,347	$3,735	$3,512	$2,273	$0.00	$0.00
Public Works And Fleet	$736	$514	$484	$313	$4.08	$0.00
Parking	$29	$20	$19	$12	$0.16	$0.00
Transit Services	$222	$155	$146	$94	$1.23	$0.00
Administration	$325	$227	$214	$138	$1.80	$0.00
Roads And Related	$2,091	$1,460	$1,373	$889	$11.70	$0.00
Subtotal Town-Wide Services	**$9,077**	**$6,340**	**$5,963**	**$3,858**	**$20.40**	**$0.00**
Storm Water Drainage And Control Services	$3,635	$2,539	$2,388	$1,545	$20.31	$0.00
Wastewater Services	$4,254	$2,971	$2,794	$1,808	$23.68	$0.00
Water Supply Services	$352	$246	$232	$150	$1.96	$0.00
Subtotal Urban Area Services	**$8,241**	**$5,756**	**$5,414**	**$3,503**	**$45.95**	**$0.00**
TOTAL CHARGE PER UNIT	**$17,318**	**$12,096**	**$11,377**	**$7,361**	**$66.35**	**$0.00**



Town of Fort Erie

Development Charges Background Study

URBAN AREAS

LEGEND

- Urban Area Boundary
- Roadways
- Municipal Boundary

Town of Fort Erie

Community & Development Services
March 2014

N

Scale:
1:65,000

SCHEDULE "C" to By-law 47-2019

Town of Fort Erie

Development Charges Background Study

BRIDGEBURG
AND FORT ERIE
URBAN AREA

LEGEND

- Urban Area Boundary
- Roadways
- Parcel Fabric

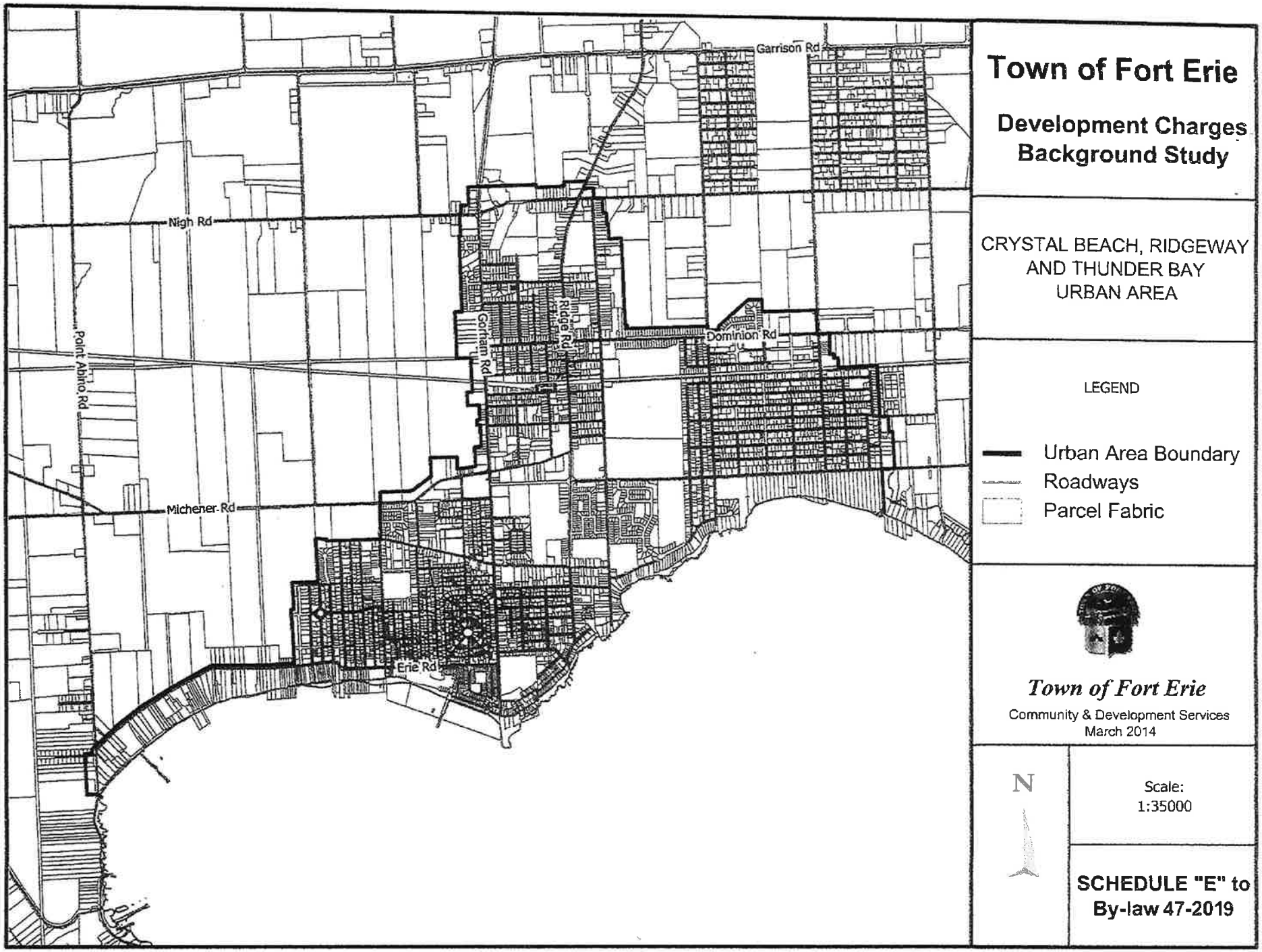
Town of Fort Erie

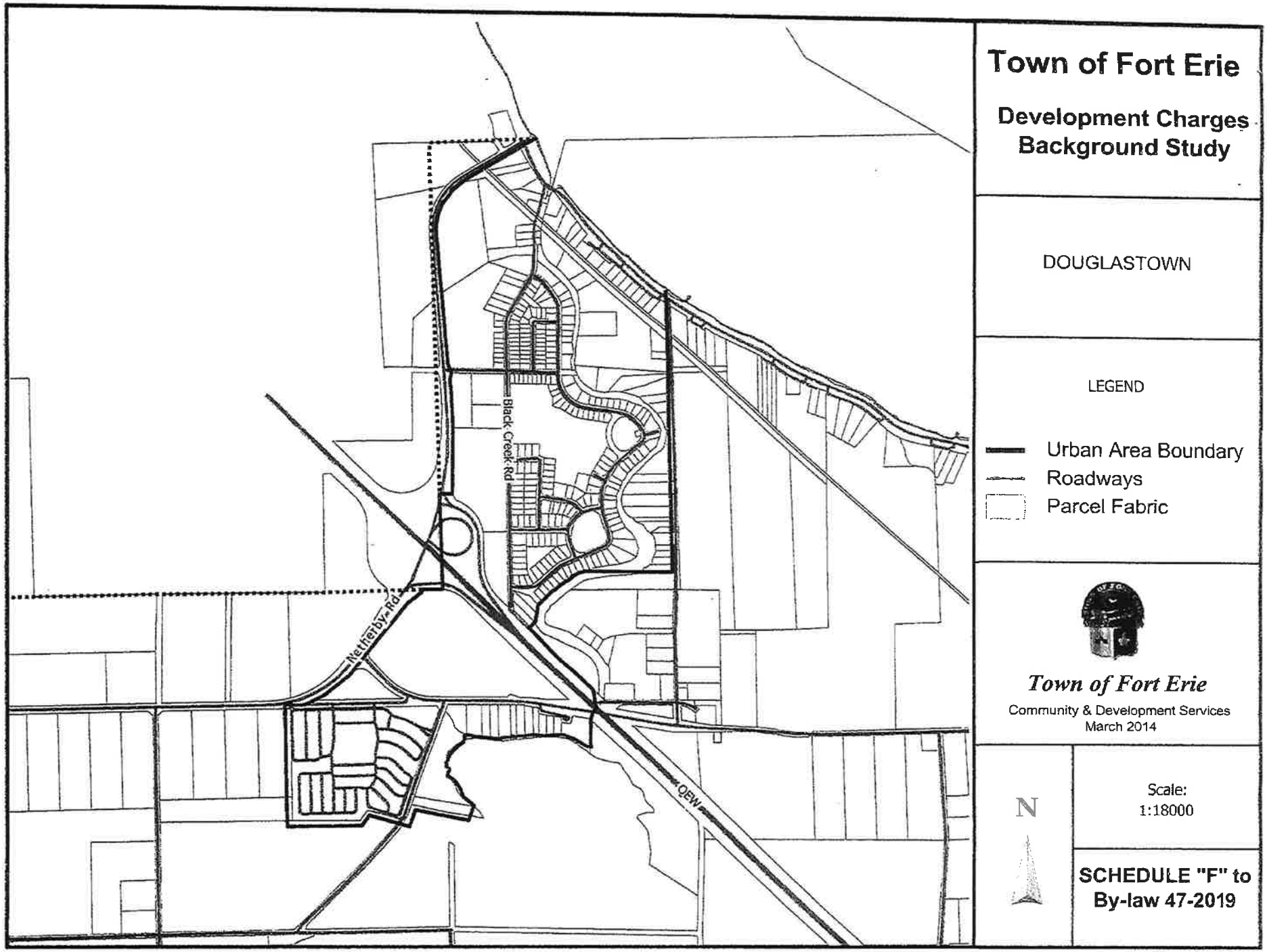
Community & Development Services
March 2014

N

Scale:
1:50000

SCHEDULE "D" to By-law 47-2019


Garrison Rd
Nigh Rd
Point Abino Rd
Gorham Rd
Ridge Rd
Dominion Rd
Michener Rd
Erie Rd
Town of Fort Erie
Development Charges Background Study
CRYSTAL BEACH, RIDGEWAY AND THUNDER BAY URBAN AREA
LEGEND
Urban Area Boundary
Roadways
Parcel Fabric
Town of Fort Erie
Community & Development Services
March 2014
N
Scale:
1:35000
SCHEDULE "E" to By-law 47-2019



Town of Fort Erie

Development Charges Background Study

DOUGLASTOWN

LEGEND

- Urban Area Boundary
- Roadways
- Parcel Fabric

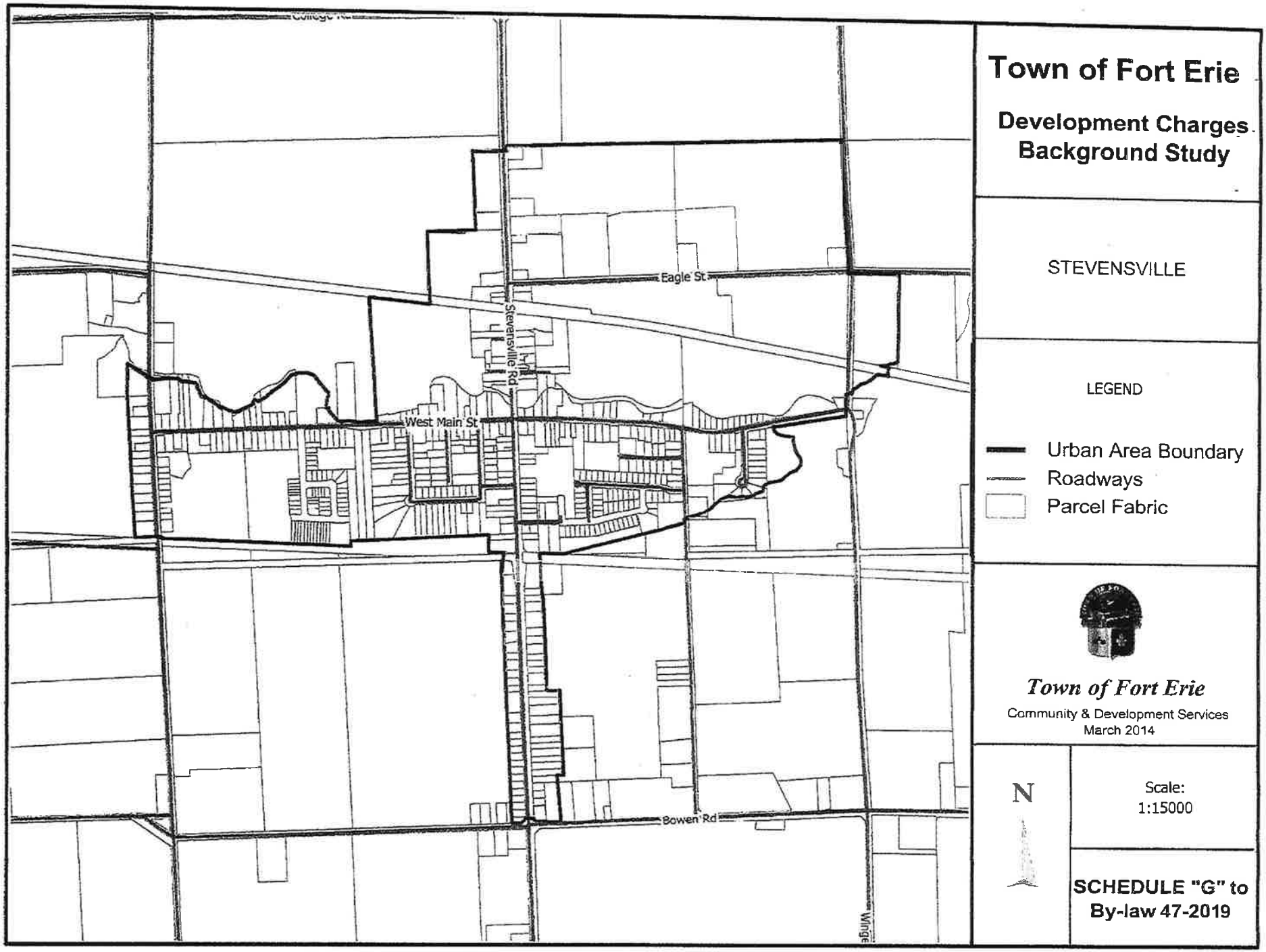
Town of Fort Erie

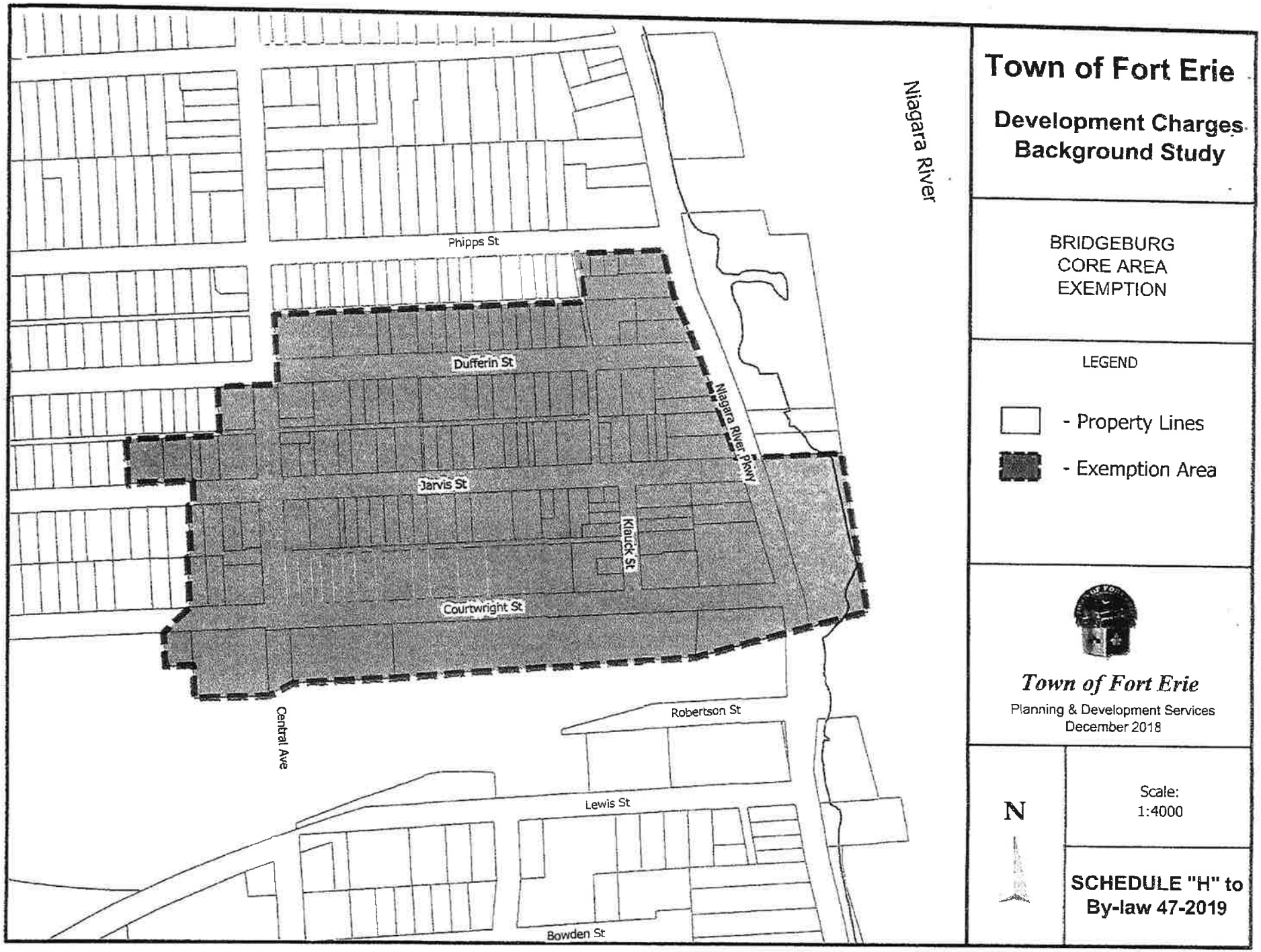
Community & Development Services
March 2014

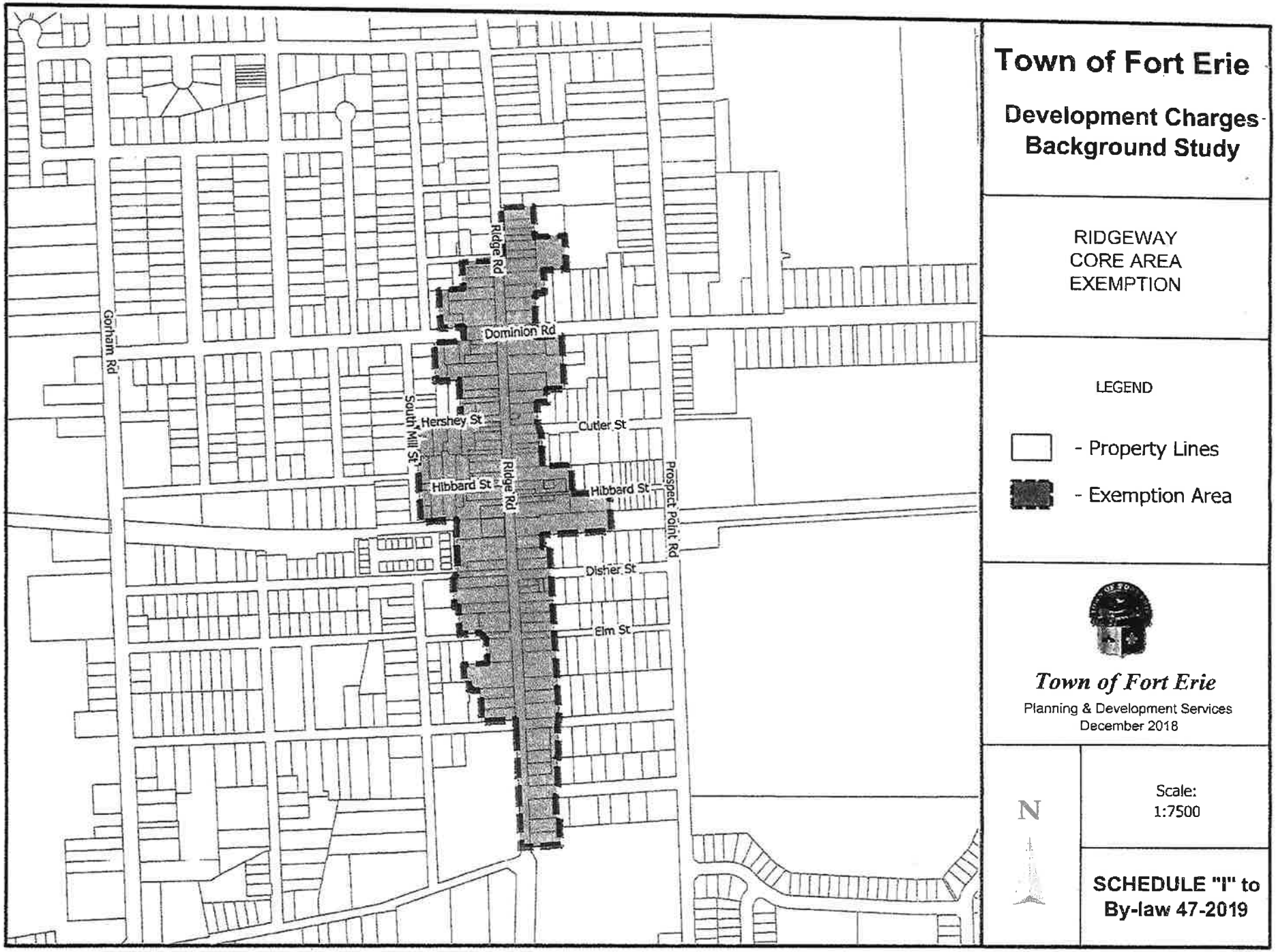
N

Scale:
1:18000

SCHEDULE "F" to By-law 47-2019


Eagle St
Stevensville Rd
West Main St
Bowen Rd
Town of Fort Erie
Development Charges Background Study
STEVENSVILLE
LEGEND
Urban Area Boundary
Roadways
Parcel Fabric
Town of Fort Erie
Community & Development Services
March 2014
N
Scale:
1:15000
SCHEDULE "G" to
By-law 47-2019


Phipps St
Dufferin St
Jarvis St
Courtwright St
Niagara River Pkwy
Klauck St
Niagara River
Central Ave
Robertson St
Lewis St
Bowden St
Town of Fort Erie
Development Charges Background Study
BRIDGEBURG CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:4000
SCHEDULE "H" to By-law 47-2019



Town of Fort Erie

Development Charges Background Study

RIDGEWAY
CORE AREA
EXEMPTION

LEGEND

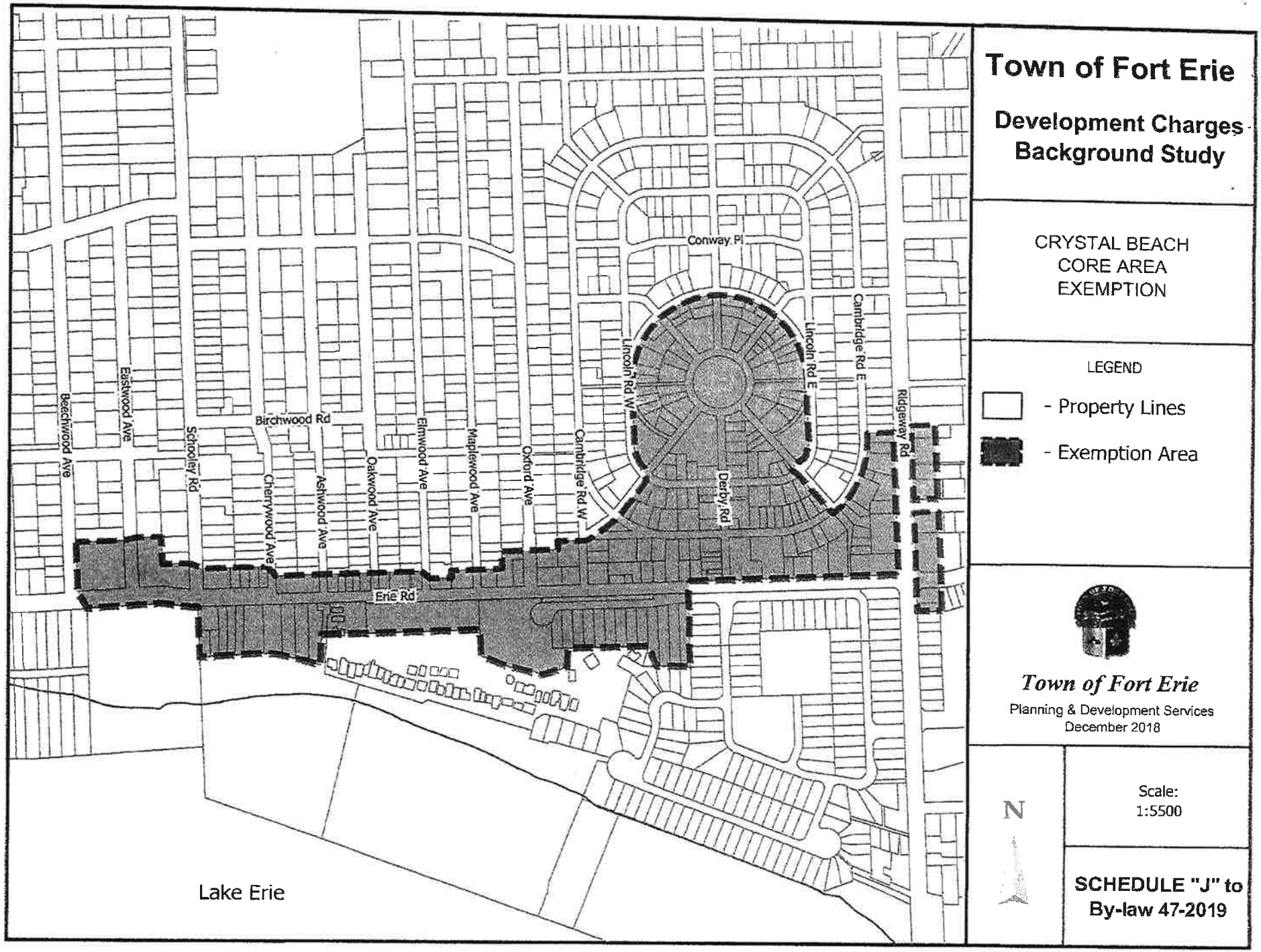
- Property Lines
- Exemption Area

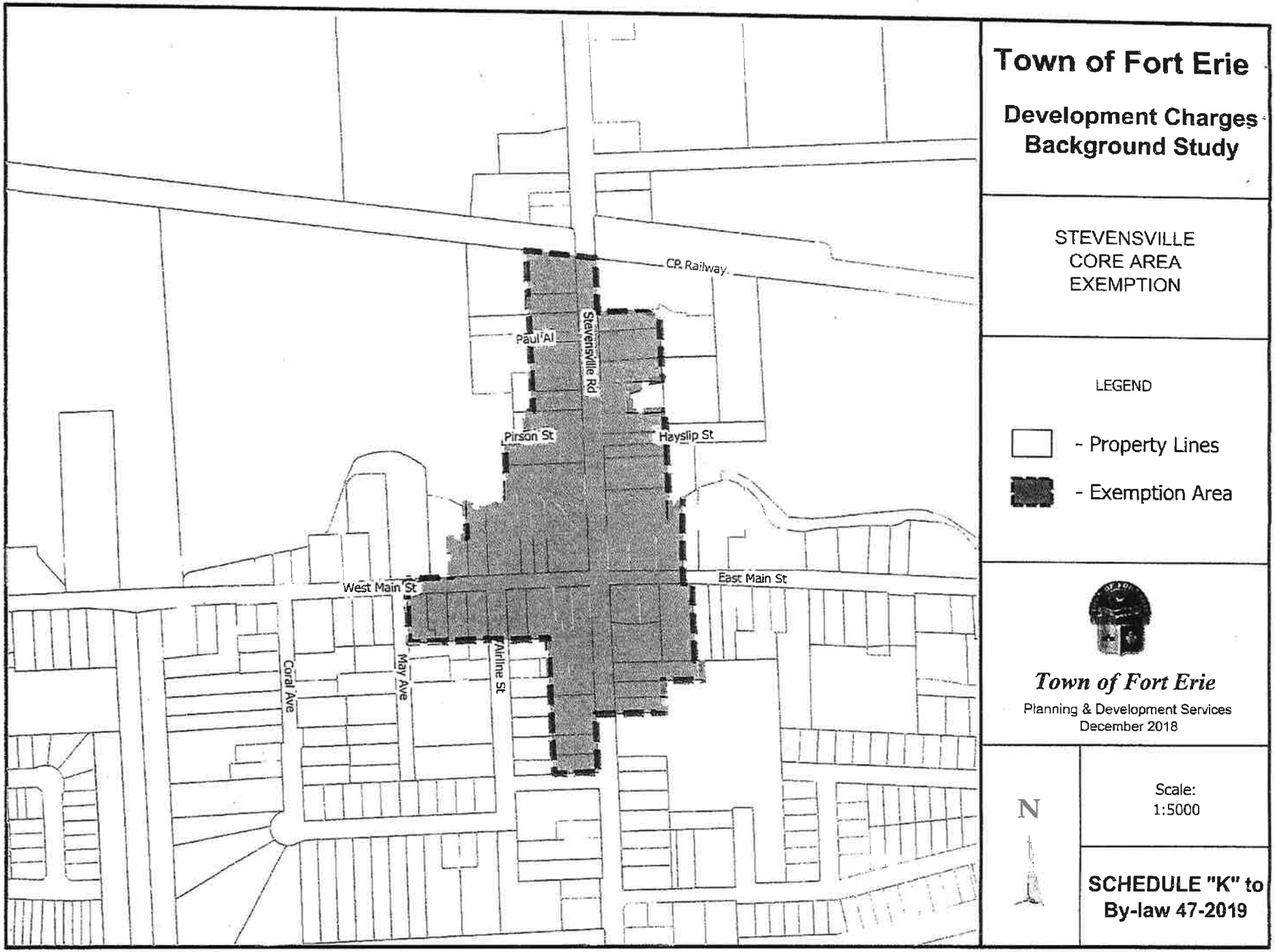
Town of Fort Erie
Planning & Development Services
December 2018

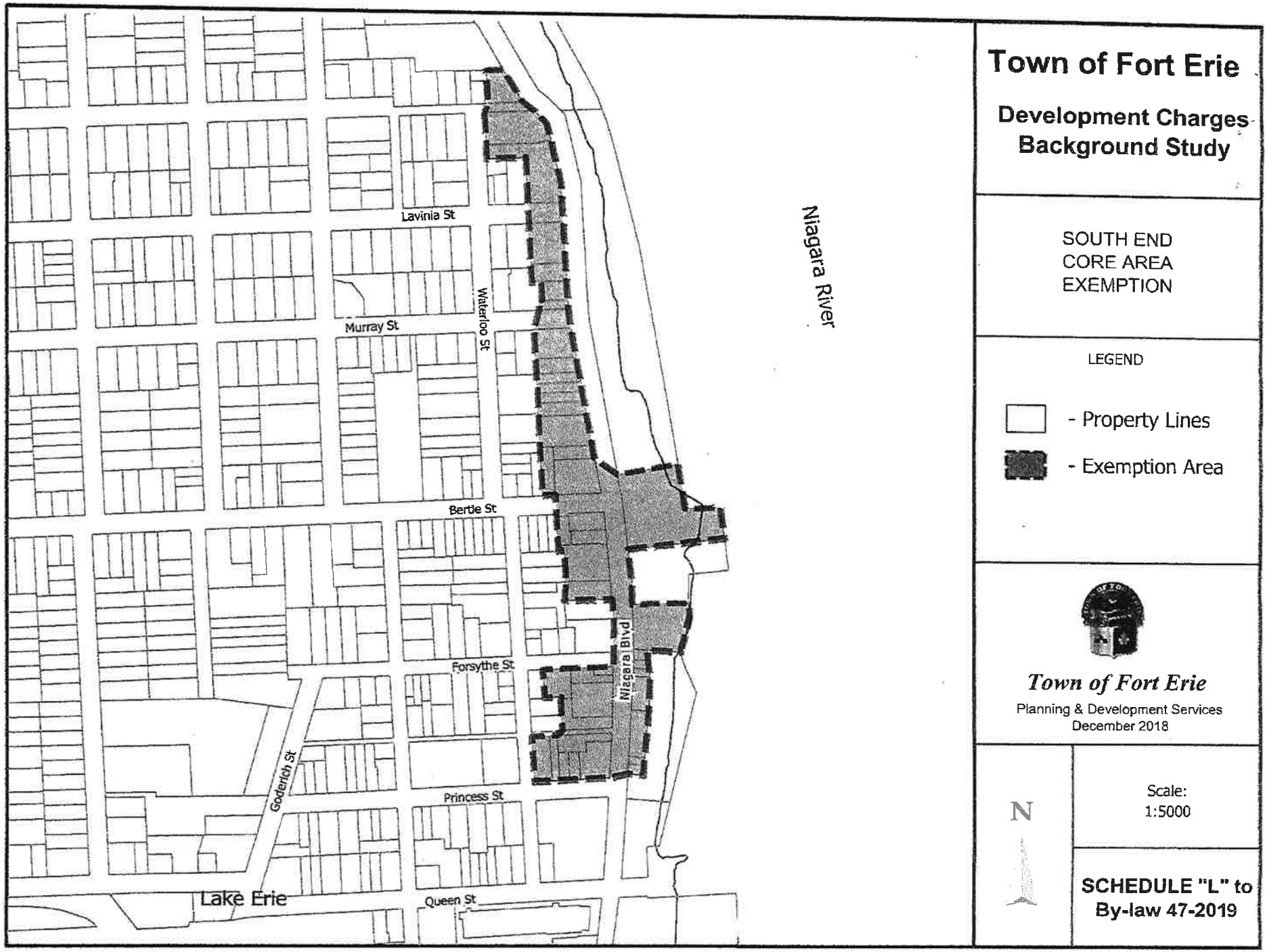
N

Scale:
1:7500

SCHEDULE "I" to By-law 47-2019


Town of Fort Erie
Development Charges Background Study
CRYSTAL BEACH CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale:
1:5500
SCHEDULE "J" to By-law 47-2019
Conway Pl
Lincoln Rd W
Lincoln Rd E
Cambridge Rd E
Ridgeway Rd
Cambridge Rd W
Derby Rd
Oxford Ave
Maplewood Ave
Elmwood Ave
Oakwood Ave
Ashwood Ave
Cherrywood Ave
Birchwood Rd
Schooley Rd
Eastwood Ave
Beechwood Ave
Erie Rd
Lake Erie


Town of Fort Erie
Development Charges Background Study
STEVENSVILLE CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:5000
SCHEDULE "K" to By-law 47-2019
CP Railway
Paul Al
Stevensville Rd
Pirson St
Hayslip St
West Main St
East Main St
Coral Ave
May Ave
Airline St


Lavinia St
Murray St
Waterloo St
Bertie St
Forsythe St
Niagara Blvd
Goderich St
Princess St
Queen St
Lake Erie
Niagara River
Town of Fort Erie
Development Charges Background Study
SOUTH END CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale:
1:5000
SCHEDULE "L" to By-law 47-2019

Appendix "2" to Minutes of Settlement

Schedule "B-1"
TO BY-LAW NO. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM THE DATE THE BY-LAW COMES INTO FORCE TO SEPTEMBER 18, 2019

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$55	$45	$40	$25	$0.00	$0.00
Fire Protection	$209	$170	$154	$95	$1.48	$0.00
Parks And Recreation	$3,622	$2,937	$2,666	$1,640	$0.00	$0.00
Public Works And Fleet	$594	$482	$437	$269	$4.22	$0.00
Parking	$23	$19	$17	$11	$0.17	$0.00
Transit Services	$179	$145	$132	$81	$1.27	$0.00
Administration	$262	$213	$193	$119	$1.86	$0.00
Roads And Related	$1,687	$1,369	$1,242	$764	$12.11	$0.00
Subtotal Town-Wide Services	**$6,631**	**$5,380**	**$4,881**	**$3,004**	**$21.11**	**$0.00**
Storm Water Drainage And Control Services	$2,933	$2,380	$2,159	$1,328	$21.03	$0.00
Wastewater Services	$2,500	$2,029	$1,840	$1,132	$17.88	$0.00
Water Supply Services	$281	$228	$207	$127	$2.01	$0.00
Subtotal Urban Area Services	**$5,714**	**$4,637**	**$4,206**	**$2,587**	**$40.92**	**$0.00**
TOTAL CHARGE PER UNIT	**$12,345**	**$10,017**	**$9,087**	**$5,591**	**$62.03**	**$0.00**

Appendix "2" to Minutes of Settlement

Schedule "B-2"
TO BY-LAW NO. 47-2019
DEVELOPMENT CHARGES EFFECTIVE SEPTEMBER 19, 2019 TO MARCH 17, 2020

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$61	$46	$43	$27	$0.00	$0.00
Fire Protection	$234	$175	$162	$102	$1.46	$0.00
Parks And Recreation	$4,055	$3,037	$2,807	$1,774	$0.00	$0.00
Public Works And Fleet	$665	$498	$460	$291	$4.15	$0.00
Parking	$26	$20	$18	$11	$0.16	$0.00
Transit Services	$201	$150	$139	$88	$1.25	$0.00
Administration	$294	$220	$203	$128	$1.83	$0.00
Roads And Related	$1,889	$1,415	$1,308	$826	$11.91	$0.00
Subtotal Town-Wide Services	**$7,425**	**$5,561**	**$5,140**	**$3,247**	**$20.76**	**$0.00**
Storm Water Drainage And Control Services	$3,284	$2,459	$2,274	$1,437	$20.67	$0.00
Wastewater Services	$2,800	$2,097	$1,938	$1,225	$17.57	$0.00
Water Supply Services	$314	$235	$218	$138	$1.97	$0.00
Subtotal Urban Area Services	**$6,398**	**$4,791**	**$4,430**	**$2,800**	**$40.21**	**$0.00**
TOTAL CHARGE PER UNIT	**$13,823**	**$10,352**	**$9,570**	**$6,047**	**$60.97**	**$0.00**

Appendix "2" to Minutes of Settlement

Schedule "B-3"
TO BY-LAW NO. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM MARCH 18, 2020 TO BY-LAW EXPIRY

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$68	$48	$45	$29	$0.00	$0.00
Fire Protection	$259	$181	$170	$110	$1.43	$0.00
Parks And Recreation	$4,489	$3,135	$2,949	$1,908	$0.00	$0.00
Public Works And Fleet	$736	$514	$484	$313	$4.08	$0.00
Parking	$29	$20	$19	$12	$0.16	$0.00
Transit Services	$222	$155	$146	$94	$1.23	$0.00
Administration	$325	$227	$214	$138	$1.80	$0.00
Roads And Related	$2,091	$1,460	$1,373	$889	$11.70	$0.00
Subtotal Town-Wide Services	**$8,219**	**$5,740**	**$5,400**	**$3,493**	**$20.40**	**$0.00**
Storm Water Drainage And Control Services	$3,635	$2,539	$2,388	$1,545	$20.31	$0.00
Wastewater Services	$3,099	$2,165	$2,036	$1,317	$17.26	$0.00
Water Supply Services	$348	$243	$229	$148	$1.94	$0.00
Subtotal Urban Area Services	**$7,082**	**$4,947**	**$4,653**	**$3,010**	**$39.51**	**$0.00**
TOTAL CHARGE PER UNIT	**$15,301**	**$10,687**	**$10,053**	**$6,503**	**$59.90**	**$0.00**

The Municipal Corporation of the Town of Fort Erie

By-law No. 47-2019

Being a By-law to Establish Development Charges For The Town of Fort Erie and to Repeal By-law No. 43-2014

Whereas subsection 2(1) of the *Development Charges Act, 1997*, c. 27 (hereinafter called "the Act") provides that the council of a municipality may pass by-laws for the imposition of development charges against land for increased capital costs required because of the needs for services arising from development of the area to which the by-law applies; and

Whereas the Council of The Corporation of the Town of Fort Erie ("Town of Fort Erie") has given Notice in accordance with Section 12 of the *Act* of its intention to pass a by-law under Section 2 of the said Act; and

Whereas the Council of the Town of Fort Erie received a report entitled Development Charges Background Study dated December 13, 2018 prepared by Hemson Consulting Ltd., wherein it was indicated that the development of any land within the Town of Fort Erie will increase the need for services as defined herein; and

Whereas copies of the Development Charges Background Study were made available on December 13, 2018 and copies of the proposed Development Charges By-law were made available on December 13, 2018 to the public in accordance with Section 12 of the *Act*; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 approved the Development Charges Background Study, dated December 13, 2018, as amended (the "Study"), in which recommendations were made relating to the establishment of a development charge policy for the Town of Fort Erie pursuant to the *Act*; and

Whereas the Council of the Town of Fort Erie heard all persons who applied to be heard no matter whether in objection to, or in support of, the proposed development charges at a Public Meeting held on January 14, 2019; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 determined that the increase in the need for services attributable to the anticipated development as contemplated in the Study, including any capital costs, will be met by updating the capital budget and forecast for the Town of Fort Erie, where appropriate; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 approved the Study and determined that no further public meetings were required under Section 12 of the Act; and

Whereas the Council of the Town of Fort Erie on March 4, 2019 determined that the future excess capacity identified in the Study, shall be paid for by the development charges contemplated in the said Study, or other similar charges; and

Whereas the Council of the Town of Fort Erie has given consideration of the use of more than one Development Charge By-law to reflect different needs for services in different areas, also known as "area rating" or "area specific development charges", and has determined that for the services, and associated infrastructure proposed to be funded by development charges under this by-law, that it is fair and reasonable that the charges be calculated on a municipal-wide uniform basis; and

Whereas the Study includes an Asset Management Plan that deals with all assets whose capital costs are intended to be funded under the Development Charge By-law and that such assets are considered to be financially sustainable over their full life-cycle; and

Whereas the Council of the Town of Fort Erie will give consideration to incorporating the Asset Management Plan outlined in the Study within the Town of Fort Erie's ongoing practices and Corporate Asset Management Plan; and

Whereas the Council of the Town of Fort Erie approved the planned level of service for Transit services, as identified in the Study which has been estimated in accordance with the requirements of the *Act* and Ontario Regulation 82/98.

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1.0 DEFINITIONS

1.1 In this by-law,

(a) "***Act***" means the *Development Charges Act, 1997,* S.O. 1997, c. 27, as amended, or any successor thereto;

(b) **"agricultural use"** means use or intended use for farming or hobby farming purposes

a. including (but not limited to):

(i) cultivation of crops, whether on open land or in greenhouses, including (but not limited to) fruit, vegetables, herbs, grains, field crops, marijuana, sod, trees, shrubs, flowers, and ornamental plants;

(ii) raising of animals, including (but not limited to) cattle, horses, pigs, poultry, livestock, fish; and

(iii) agricultural animal husbandry, dairying, equestrian activities, horticulture, fallowing, pasturing, and market gardening;

b. but excludes any portion used for residential, commercial or industrial use;

(c) **"apartment"** means a building consisting of one or more dwelling units with a private bathroom and kitchen facilities in each dwelling unit which is not a single detached dwelling, a semi-detached dwelling, a farm help house or a multiple dwelling;

(d) "**bedroom**" means a room located within a dwelling unit and used primarily for sleeping;

(e) "**benefitting area**" means an area defined by a map, plan or legal description in a front-ending agreement as an area that will receive a benefit from the construction of a service;

(f) "**Board of Education**" means a board defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c. E. 2 as amended, or any successor thereto;

(g) **"Building canopy"** means an overhead fixed roof structure that does not contain any walls or is enclosed by other means that is attached to a principal structure which is able to provide shelter from the weather or is decorative;

(h) "**Building Code *Act***" means the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, or any successor thereto;

(i) "**brownfield sites"** means abandoned, vacant, derelict, idled or underutilized property in the urban area of the Town of Fort Erie with an active potential for redevelopment, where redevelopment is complicated by real or perceived environmental contamination. Brownfields are also often characterized by building deterioration/obsolescence, and/or inadequate infrastructure. Brownfields can include many uses such as old landfills and abandoned factories to dry cleaners and former gasoline stations. Most brownfields are located in urban areas and many are located in key areas such as the downtown or along the waterfront;

(j) "**capital cost**" means costs incurred or proposed to be incurred by the municipality or a local board thereof directly or by others on behalf of, and as authorized by the municipality or local board, as set out in Section 5 of the *Act*;

(k) **"cellar"** means that portion of a building between two floor levels with a minimum height of 1.9 m which is partly or completely underground, and which has more than one-half of its height from floor to ceiling below grade;

(l) "**commercial**" when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work;

(m) "**Council**" means the Council of The Corporation of the Town of Fort Erie;

(n) "**development**" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot;

(o) "**development charge**" means a charge imposed pursuant to this By-law;

(p) "**dwelling unit**" means a suite of habitable rooms which:

(i) is located in a building;

(ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment;

(iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof; and

(iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building;

(q) "**existing industrial building**" has the same meaning as in O.Reg. 82/98, as amended;

(r) **"farm help house"** means a dwelling unit constructed on agricultural land used for agricultural uses and not attached to any other building or structure, with sleeping, cooking, living and sanitary facilities, and used for seasonal, interim or occasional residential uses by farm labourers;

(q) "**grade**" means the average elevation of the finished surface of the ground of a building or structure, exclusive of any artificial embankment abutting such building or structure;

(r) "**gross floor area**" means the aggregate of the floor areas of all storeys of a building or structure, other than an attic or a cellar, excluding the floor area of any private garage;

(s) "**industrial**" means the use of land, buildings or structures for the manufacturing, production, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses;

(t) **"institutional"** means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and without limiting the generality of the foregoing includes churches, places of worship, public or private schools, day nursery, public or private hospital, children's home, nursing home, home for the aged or infirm, monastery, convent, and training school;

(u) "**local board**" has the same meaning as in the *Act*;

(v) "**local services**" means those services, facilities or things which are under the jurisdiction of the municipality and are related to a plan of subdivision or within the area to which the plan relates in respect of the lands under Sections 41,51 or 53 of the *Planning Act* R.S.O. 1990, c. P. 13 as amended, or any successor thereto;

(w) **"marijuana production facilities"** means a building used, designed or intended for growing, producing, testing, destroying, storing or distribution of marijuana or cannabis and does not include retail sales;

(x) "**mobile home**" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, notwithstanding that such vehicle is jacked up or that its running gear is removed, but not including any vehicle used or intended for the living, sleeping, or eating accommodation of persons therein for permanent year-round use;

(y) "**multiple dwelling"** means a residential building consisting of three or more dwelling units where units may be attached by a vertical wall or walls. Multiple dwelling units refer to all dwellings units other than single detached dwellings, secondary suites, semis and apartments and may include but is not limited to townhouses, street townhouses, back to back townhouses, stacked townhouses and duplexes;

(z) "**Municipality**" means The Corporation of the Town of Fort Erie;

(aa) "**non-residential use**" means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses;

(bb) **"Non-profit housing"** means housing which is or is intended to be offered primarily to persons or families of low income on a leasehold or co-operative basis and which is owned or operated by i) a non-profit corporation being a corporation, no part of the income of which is payable to or otherwise available for the personal benefit of a member or shareholder thereof; or ii) a non-profit housing co-operative having the same meaning as in the Co-operative Corporations Act, R.S.O. 1990, c.C.35, as amended;

(cc) "**Owner**" means any person whose interest in a parcel of land is registered on title in the appropriate Land Registry Office;

(dd) **"place of worship"** means any building or part thereof that is owned by a church or religious organization that is exempt from taxation as a place of worship pursuant to the *Assessment Act, R.S.O. 1990*, c A.31 as amended, but excludes a residential use;

(ee) "**Regulation**" means O. Reg. 82/98; as amended, or a successor thereto, made under the *Development Charges Act, 1997*;

(ff) "**residential use**" means lands, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one or more individuals but does not include a room or suite of rooms in hotels or motels;

(gg) **"secondary dwelling unit"** means a dwelling unit, whether contained within an existing or proposed single detached dwelling, semi-detached dwelling, or multiple dwelling or located in an accessory building to a single detached dwelling, a semi-detached dwelling or multiple dwelling including but not limited to a structure constructed above an existing garage or other structure separate from the primary dwelling unit, which:

(i) comprises an area less than the gross floor area of the primary dwelling unit; and

(ii) is not capable of being legally conveyed as a separate parcel of land from the primary dwelling unit;

(hh) "**semi-detached dwelling**" means a residential building containing two dwelling units separated by vertical division, each of which units has a separate entrance to grade;

(ii) "**services**" (or "**service**") means those services set out in Schedule "A" to this By-law;

(jj) "**servicing agreement**" means an agreement entered into in connection with the development of land including an agreement under Section 51 or Section 53 of the *Planning Act*, but not including an agreement under Section 41 of the *Planning Act;*

(kk) "**single detached dwelling unit**" means a dwelling unit which is freestanding, separate and detached from other main buildings or main structures;

(ll) **"site"** means a parcel of land which can be legally conveyed pursuant to Section 50 of the *Planning Act* and includes a development having two or more lots consolidated under identical ownership;

(mm) **"special care/special needs dwelling unit"** means a residential building or the residential portion of a mixed-use building that has a common entrance at street level, where such units may or may not have exclusive use of sanitary or culinary facilities, or both and which occupants have the right to use, in common, hallways, stairs, yards, common rooms and where support services such as meal preparation, grocery shopping, laundry, housekeeping, nursing, respite care and attendant services may be provided as appropriate to occupants and includes but is not limited to retirement homes, senior living accommodations, group homes, and hospitals;

(nn) **"stacked townhouse building"** means a residential building containing four (4) or more dwelling units which are horizontally and vertically separated with dwelling units entirely or partially above another and where

each dwelling unit egresses directly outside to grade (no egress to a common corridor) and for the purposes of this by-law are defined as apartment units;

(oo) **"Vehicle canopy"** means an overhead fixed roof structure that is used to shelter areas used for parking and loading or unloading of vehicles from the weather and includes canopies over a gas bar.

2.0 DESIGNATION OF SERVICES

2.1 The categories of services for which development charges are imposed under this By-law are as follows:

(a) library services;
(b) fire protection services;
(c) parks and recreation services;
(d) public works and fleet;
(e) parking services;
(f) transit services;
(g) administration;
(h) roads and related;
(i) storm water drainage and control services;
(j) wastewater services; and
(k) water supply services.

2.2 A development charge shall include a charge in respect of:

(a) library services;
(b) fire protection services;
(c) parks and recreation services;
(d) public works and fleet;
(e) parking services;
(f) transit services;
(g) administration;
(h) roads and related;
(i) storm water drainage and control services;
(j) wastewater services, if available; and
(k) water supply service, if available.

2.3 Components of the services designated in Subsection 2.1 are described in Schedule "A" to this By-law.

3.0 APPLICATION OF DEVELOPMENT CHARGES

3.1 Development charges shall be payable in the amounts set out in this By-law where:

(a) the lands are located in the area described in Subsection 3.2; and

(b) the development of the lands requires any of the approvals set out in Subsection 3.5 (a).

Area to Which By-law Applies

3.2 (a) Subject to Subsection 3.3, this by-law applies to all lands in the geographic area of the Town of Fort Erie whether or not the land or the use of the land is exempt from taxation under Section 3 of the *Assessment Act*.

(b) The Development Charges described in Schedule "B" to this By-law shall be calculated and collected on all lands in the geographic area of the Town of Fort Erie.

3.3 This By-law shall not apply to development of lands that are owned by and used for the purposes of:

(a) The Corporation of the Town of Fort Erie or a local board thereof;

(b) a Board of Education;

(c) The Regional Municipality of Niagara or a local board thereof;

(d) the Niagara Peninsula Conservation Authority;

(e) the Crown in right of Ontario or the Crown in right of Canada;

(f) the Niagara Parks Commission.

3.4 This By-law shall not apply to development of lands that are leased by the Niagara Parks Commission.

Approvals for Development

3.5 (a) Development charges shall be imposed on all lands, buildings or structures that are developed for residential or non-residential uses if the development requires:

(i) the passing of a zoning by-law or an amendment to a zoning by-law under Section 34 of the *Planning Act;*

(ii) the approval of a minor variance under Section 45 of the *Planning Act*;

(iii) a conveyance of land to which a by-law passed under Subsection 50(7) of the *Planning Act,* applies;

(iv) the approval of a plan of subdivision under Section 51 of the *Planning Act*;

(v) a consent under Section 53 of the *Planning Act*;

(vi) the approval of a description under Section 50 of the *Condominium Act, 1998*, S.O. 1998, c. 19 as amended, or any successor hereto; or

(vii) the issuing of a permit under the *Building Code Act* in relation to a building or structure.

(b) No more than one development charge for each service designated in Subsection 2.1 shall be imposed upon any lands, buildings or structures to which this By-law applies even though two or more of the actions described in Subsection 3.5(a) are required before the lands, buildings or structures can be developed.

(c) Despite Subsection 3.5(b), if two or more of the actions described in Subsection 3.5(a) occur at different times, additional development charges shall be imposed if the subsequent action has the effect of increasing the need for services.

Exemptions for Intensification of Housing

3.6 (a) Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

(i) an enlargement of an existing dwelling unit;

(ii) the creation of the first two additional dwelling units in an existing single detached dwelling; or

(iii) the creation of the first additional dwelling unit in any other existing residential building;

(b) Despite Subsection 3.6(a), development charges shall be imposed if the total gross floor area of the additional one or two dwelling units exceeds the gross floor area of the existing single detached dwelling.

(c) Despite Subsection 3.6(a), development charges shall be imposed if the additional unit has a gross floor area greater than:

(i) in the case of a semi-detached dwelling or multiple dwelling, the gross floor area of the existing dwelling unit; and

(ii) in the case of any other residential building, the gross floor area of the smallest dwelling unit already contained in the existing residential building.

Exemption for Industrial Expansion

3.7 (a) Notwithstanding any other provisions of this By-law, no development charge is payable with respect to one or more enlargements of an existing industrial building on the same site up to a maximum of fifty percent (50%)

of the existing gross floor area on that site before the first enlargement; and

(b) For greater certainty in applying the exemption in this Subsection, the gross floor area of an existing industrial building is enlarged where there is a bona fide increase in the size of the existing industrial building, the enlarged area is attached to the existing industrial building, there is a direct means of ingress and egress from the existing industrial building to and from the enlarged area for persons, goods and equipment, and the existing industrial building, and the enlarged area is to be used for or in connection with an industrial purpose as set out in Subsection 1(1) of the Regulation. Without limiting the generality of the foregoing, the exemption in this Subsection shall not apply where the enlarged area is attached to the existing industrial building by means only of a tunnel, bridge, canopy, corridor or other passageway, or through a shared below-grade connection such as a service tunnel, foundation, footing or parking facility.

Other Exemptions

3.8 Notwithstanding the provisions of this By-law, development charges shall not be imposed with respect to:

(a) lands, buildings or structures used or to be used for the purposes of a cemetery or burial ground exempt from taxation under the *Assessment Act*;

(b) places of worship;

(c) agricultural uses;

(d) secondary dwelling units;

(e) development in relation to institutional use;

(f) vehicle canopies;

(g) rooms associated with building services that include but are not limited to electrical rooms, mechanical rooms, garbage rooms, elevator machine rooms;

(h) development occurring within the boundaries of the core areas as set out in Schedules "H", "I" "J", "K" and "L" to this By-law;

(i) Properties subject to eligibility in the Brownfield Development Charge Exemption Program. Exemptions /reductions to development charges shall be subject to the Brownfield Development Charge Exemption Program as outlined herein.

The Brownfields Development Charge Exemption Program will provide a financial incentive in the form of a reduction of Town's portion of development charges payable equal to the cost of environmental remediation (Items a) – f) in Section 5.4.2 of the Brownfields Rehabilitation Grant Program of the Town of Fort Erie Community Improvement Plan, approved by By-law 109-10, as amended. This reduction of development charges will equal up to 75% of the Town

development charge payable with respect to development on a brownfield site.

The applicant with an approved application and agreement for a property under the Brownfields Rehabilitation Grant Program will have the option of applying the costs of environmental remediation against the Town development charges payable for that property (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the costs of remediation applied against the Town's development charges payable (development charges exempted) will be deducted from the Brownfields Rehabilitation Grant to be paid. In the case of any project that achieves at least an 80% tax increment grant level under the Brownfields Rehabilitation Grant Program, the costs of remediation applied against the development charges payable (development charges exempted) will not be deducted from the Brownfields Rehabilitation Grant to be paid.

The Development Charge Exemption Program is not an application based program. Therefore, an application for a development charge exemption at the time of building permit application will not be required. The development charge exemption will be applied at the time development charges are normally paid, i.e., building permit.

Requirements for the Development Charge Exemption Program are specifically outlined in Section 5.6.3 of the Town of Fort Erie Community Improvement Plan;

Notwithstanding the above, the total accumulated amount of credit and/or exemption by both the Municipal Corporation of the Town of Fort Erie, and the Regional Municipal of Niagara By-law 2017-98, shall not exceed more than 100% of the total remediation costs;

(j) lands, buildings and structures used for industrial purposes;

(k) lands and buildings used or intended to be used as municipal housing project facilities, as set out in section 110 of the *Municipal Act, 2001*, S.O. 2001 c. 25, O.Reg.603/06 under the *Municipal Act, 2001*, and the Region's Municipal Housing Facility By-law, all as may be amended;

(l) lands and buildings used for affordable housing projects that receive funding or are developed in conjunction with Niagara Regional Housing or a department or designated agency of the Niagara Region, the Canada Mortgage and Housing Corporation (CMHC) or other affordable housing provider provided that:

(i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and

(ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an

agreement with the Town under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

(m) lands and buildings used for affordable housing projects constructed by Habitat for Humanity or a non-profit housing provider provided that:

(i) this exemption shall only apply to that proportion or number of units in a development which are designated or identified as affordable housing; and

(ii) the owner of the lands continues to use the lands and buildings for affordable housing. If the owner ceases to use the proportionate share of the lands and buildings for affordable housing, the development charges exempted under this section shall become due and payable. The owner shall be required to enter into an agreement with the Town under section 27 of the Act respecting the timing and calculation of payment of development charges, notice of which the owner shall register on the title to the lands at its sole cost and expense with the intention that the provisions shall bind and run with title to the lands.

3.9 Notwithstanding the provisions of this By-law, a partial development charges exemption shall be given with respect to:

(i) Building canopies in which case the total development charges shall be 50% of the amount that would otherwise be payable.

Reduction of Development Charges Where Redevelopment

3.10 In the case of the demolition of all or part of a residential building or structure:

(a) A credit shall be allowed, provided that the land was improved by occupied structures (or structures capable of occupancy) within the last five years prior to the issuance of the building permit, and the building permit has been issued for the development or redevelopment within five years from the date the demolition permit was issued;

(b) If a development or redevelopment involves the demolition of and replacement of a residential building or structure, the credit shall be equivalent to the number of dwelling units demolished multiplied by the applicable residential development charge in place at the time the development charge is payable;

(c) If a development or redevelopment involves the demolition of a replacement of a non-residential building or structure, the credit shall be equivalent to the gross floor area demolished multiplied by the applicable non-residential development charge in place at the time the development charge is payable; and

(d) No credit shall exceed the amount of the development charge that would otherwise be payable, and no credit is available if the existing land use is exempt from the payment of development charges under this By-law.

4.0 CALCULATION OF DEVELOPMENT CHARGES

Residential

4.1 The development charges described in Schedule "B" to this By-law shall be imposed on residential uses of lands, buildings or structures, including a dwelling unit accessory to a non-residential use and, in the case of a mixed use building or structure, on the residential uses in the mixed use building or structure, according to the type of residential unit, and calculated with respect to each of the services according to the type of residential use.

Non-Residential Uses

4.2 The development charges described in Schedule "B" to this By-law shall be imposed on non-residential uses of lands, buildings or structures, and, in the case of a mixed use building or structure, on the non-residential uses in the mixed use building or structure, and calculated with respect to each of the services according to the gross floor area of the non-residential use.

Time of Payment of Development Charges

4.3 Development charges shall be calculated, payable and collected as of the date a building permit is issued in respect of each dwelling unit, building or structure.

4.4 Not withstanding Subsection 4.3, the Municipality may enter into an agreement with any person who has negotiated to pay a development charge providing for all or part of the development charge to be paid before or after the time it would otherwise be payable.

4.5 Where any Development Charge, or part thereof, remain unpaid after the due date, the amount unpaid shall be added to the tax roll and shall be collected in like manner as taxes.

4.6 Where any unpaid Development Charges are collected as taxes under Subsection 4.5 the monies so collected shall be credited to the Development Charges reserve fund or funds.

4.7 Despite the payments required under Section 4.0, Council may, by agreement, give a credit towards a development charge in exchange for work that relates to a service for which a development charge is imposed under this By-law.

5.0 INDEXING

5.1 Development charges imposed pursuant to this By-law as set out in Schedule "B" shall be adjusted annually, without amendment to this By-law, in accordance with the Statistics Canada Quarterly Construction Price Statistics (catalogue number 62-007) as follows:

(a) The initial adjustment shall be January 1, 2020, and

(b) Thereafter, adjustment shall be made on January 1 of each year.

5.2 For greater certainty, on January 1 of each year, the annual indexation adjustment shall be applied to the development charge as set out in Schedule "B" plus the accumulated annual indexation adjustment from previous years if any.

6.0 PHASE-IN OF DEVELOPMENT CHARGES AND TRANSITION PROVISIONS

6.1 The development charges imposed pursuant to this by-law are being phased-in pursuant to Schedules "B-1", "B-2" and "B-3", subject to the exemptions and indexing provision herein, from the effective date of this by-law.

7.0 RESERVE FUNDS

7.1 Development charge payments received by the Municipality pursuant to this By-law shall be maintained in a separate reserve fund or funds for each service to which the development charge relates and shall be spent only for the capital costs determined under paragraphs 2 to 8 of Subsection 5(1) of the Act.

8.0 INTEREST

8.1 The Municipality shall pay interest on a refund under Subsection 18(3), and 25(2) of the Act at a rate equal to the Bank of Canada rate on the date this By-law comes into force.

9.0 FRONT ENDING AGREEMENTS

9.1 The Municipality may enter into agreements with an owner or owners of land in accordance with Section 44 of the Act.

10.0 SCHEDULES

10.1 The following schedules to this by-law form an integral part thereof:

Schedule "A" - Components of Services Designated in Subsection 2.1

Schedule "B" - Residential and Non-Residential Development Charges

Schedule "C" to Schedule "G" - Urban serviced lands for which Development Charges apply

Schedule "H" to Schedule "L" – Core Areas for Municipal Exemption

11.0 SERVICES INSTALLED PURSUANT TO THE PLANNING ACT

11.1 Nothing in this by-law prevents Council from requiring, as a condition of approval under Sections 41, 51 or 53 of the Planning Act that an owner, at his or her own expense, install such local services as Council may require, or that the owner pay for local connections to watermains, sanitary sewers and storm drainage facilities installed at the owner's expense.

12.0 DATE BY-LAW IN FORCE

12.1 This By-law shall come into force upon its final passage thereof.

13.0 DATE BY-LAW EXPIRES

13.1 This By-law shall expire five years from the date of passage, unless it is repealed at an earlier date.

14.0 REPEAL

14.1 By-law No. 43-2014 is hereby repealed.

15.0 CORRECTIONS

15.1 The Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 18th day of March, 2019.

Mayor

Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 47-2019 of the said Town. Given under my hand and the seal of the said Corporation this ___ day of _____, 20___.

_____

Schedule "A"
To By-law No. 47-2019
DESIGNATED MUNICIPAL SERVICES UNDER THIS BY-LAW

1. Library Services
   - Buildings
   - Land
   - Materials
   - Furniture and Equipment

2. Fire Protection Services
   - Buildings
   - Land
   - Furniture and Equipment at Stations
   - Vehicles
   - Equipment and Gear

3. Parks and Recreation Services
   - Indoor Recreation
   - Neighbourhood Parks
   - Community Parks
   - Specialized Parks
   - Parks and Open Space Vehicles

4. Public Works and Fleet
   - Buildings
   - Land
   - Furniture and Equipment
   - Vehicles and Equipment

5. Parking Services
   - Parking Spaces
   - Equipment

6. Transit Services
   - Equipment
   - Vehicles

7. Administration
   - Studies

8. Roads and Related
   - Roads
   - Bridges and Culverts

9. Storm Water Drainage and Control Services
   - Channels, Drainage and Ponds

10. Wastewater Services
    - Sewers

11. Water Supply Services
    - Supply Systems

Schedule "B-1"
TO BY-LAW NO. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM THE DATE THE BY-LAW COMES INTO FORCE TO SEPTEMBER 18, 2019

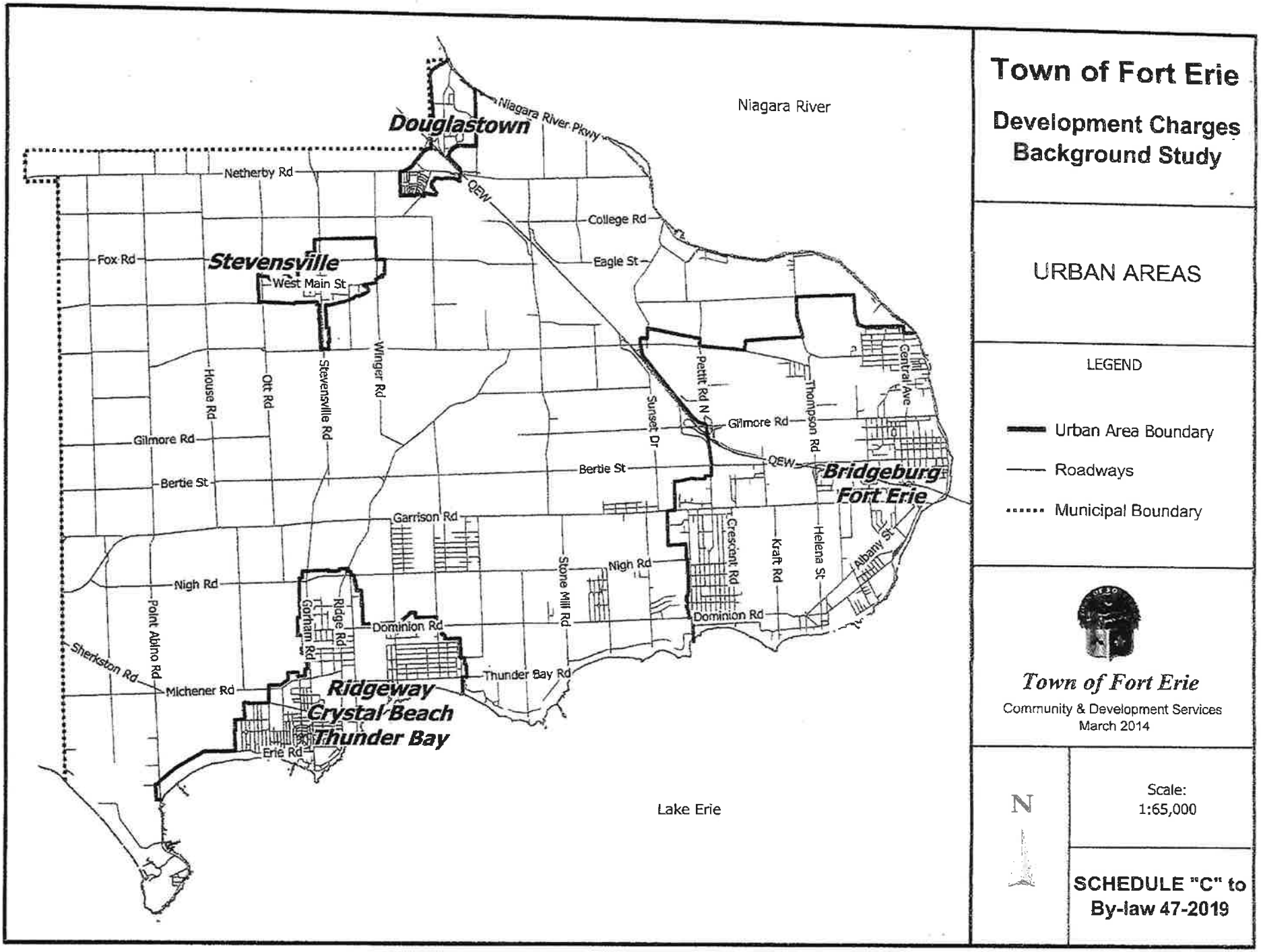
Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$55	$45	$40	$25	$0.00	$0.00
Fire Protection	$209	$170	$154	$95	$1.48	$0.00
Parks And Recreation	$3,622	$2,937	$2,666	$1,640	$0.00	$0.00
Public Works And Fleet	$594	$482	$437	$269	$4.22	$0.00
Parking	$23	$19	$17	$11	$0.17	$0.00
Transit Services	$179	$145	$132	$81	$1.27	$0.00
Administration	$262	$213	$193	$119	$1.86	$0.00
Roads And Related	$1,687	$1,369	$1,242	$764	$12.11	$0.00
Subtotal Town-Wide Services	**$6,631**	**$5,380**	**$4,881**	**$3,004**	**$21.11**	**$0.00**
Storm Water Drainage And Control Services	$2,933	$2,380	$2,159	$1,328	$21.03	$0.00
Wastewater Services	$2,500	$2,029	$1,840	$1,132	$17.88	$0.00
Water Supply Services	$281	$228	$207	$127	$2.01	$0.00
Subtotal Urban Area Services	**$5,714**	**$4,637**	**$4,206**	**$2,587**	**$40.92**	**$0.00**
TOTAL CHARGE PER UNIT	**$12,345**	**$10,017**	**$9,087**	**$5,591**	**$62.03**	**$0.00**

Schedule "B-2"
TO BY-LAW NO. 47-2019
DEVELOPMENT CHARGES EFFECTIVE SEPTEMBER 19, 2019 TO MARCH 17, 2020

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$61	$46	$43	$27	$0.00	$0.00
Fire Protection	$234	$175	$162	$102	$1.46	$0.00
Parks And Recreation	$4,055	$3,037	$2,807	$1,774	$0.00	$0.00
Public Works And Fleet	$665	$498	$460	$291	$4.15	$0.00
Parking	$26	$20	$18	$11	$0.16	$0.00
Transit Services	$201	$150	$139	$88	$1.25	$0.00
Administration	$294	$220	$203	$128	$1.83	$0.00
Roads And Related	$1,889	$1,415	$1,308	$826	$11.91	$0.00
Subtotal Town-Wide Services	**$7,425**	**$5,561**	**$5,140**	**$3,247**	**$20.76**	**$0.00**
Storm Water Drainage And Control Services	$3,284	$2,459	$2,274	$1,437	$20.67	$0.00
Wastewater Services	$2,800	$2,097	$1,938	$1,225	$17.57	$0.00
Water Supply Services	$314	$235	$218	$138	$1.97	$0.00
Subtotal Urban Area Services	**$6,398**	**$4,791**	**$4,430**	**$2,800**	**$40.21**	**$0.00**
TOTAL CHARGE PER UNIT	**$13,823**	**$10,352**	**$9,570**	**$6,047**	**$60.97**	**$0.00**

Schedule "B-3"
TO BY-LAW NO. 47-2019
DEVELOPMENT CHARGES EFFECTIVE FROM MARCH 18, 2020 TO BY-LAW EXPIRY

Service	Residential Charge By Unit Type				Non-Residential Charge per Square Metre	
	Singles & Semis	Multiples	Apartments 2+ Bedrooms	Apartments Bachelor or 1 Bedroom	Commercial	Industrial
Library Services	$68	$48	$45	$29	$0.00	$0.00
Fire Protection	$259	$181	$170	$110	$1.43	$0.00
Parks And Recreation	$4,489	$3,135	$2,949	$1,908	$0.00	$0.00
Public Works And Fleet	$736	$514	$484	$313	$4.08	$0.00
Parking	$29	$20	$19	$12	$0.16	$0.00
Transit Services	$222	$155	$146	$94	$1.23	$0.00
Administration	$325	$227	$214	$138	$1.80	$0.00
Roads And Related	$2,091	$1,460	$1,373	$889	$11.70	$0.00
Subtotal Town-Wide Services	**$8,219**	**$5,740**	**$5,400**	**$3,493**	**$20.40**	**$0.00**
Storm Water Drainage And Control Services	$3,635	$2,539	$2,388	$1,545	$20.31	$0.00
Wastewater Services	$3,099	$2,165	$2,036	$1,317	$17.26	$0.00
Water Supply Services	$348	$243	$229	$148	$1.94	$0.00
Subtotal Urban Area Services	**$7,082**	**$4,947**	**$4,653**	**$3,010**	**$39.51**	**$0.00**
TOTAL CHARGE PER UNIT	**$15,301**	**$10,687**	**$10,053**	**$6,503**	**$59.90**	**$0.00**



Town of Fort Erie

Development Charges Background Study

URBAN AREAS

LEGEND

- Urban Area Boundary
- Roadways
- Municipal Boundary

Town of Fort Erie

Community & Development Services
March 2014

N

Scale:
1:65,000

SCHEDULE "C" to By-law 47-2019

Town of Fort Erie

Development Charges Background Study

BRIDGEBURG
AND FORT ERIE
URBAN AREA

LEGEND

- Urban Area Boundary
- Roadways
- Parcel Fabric

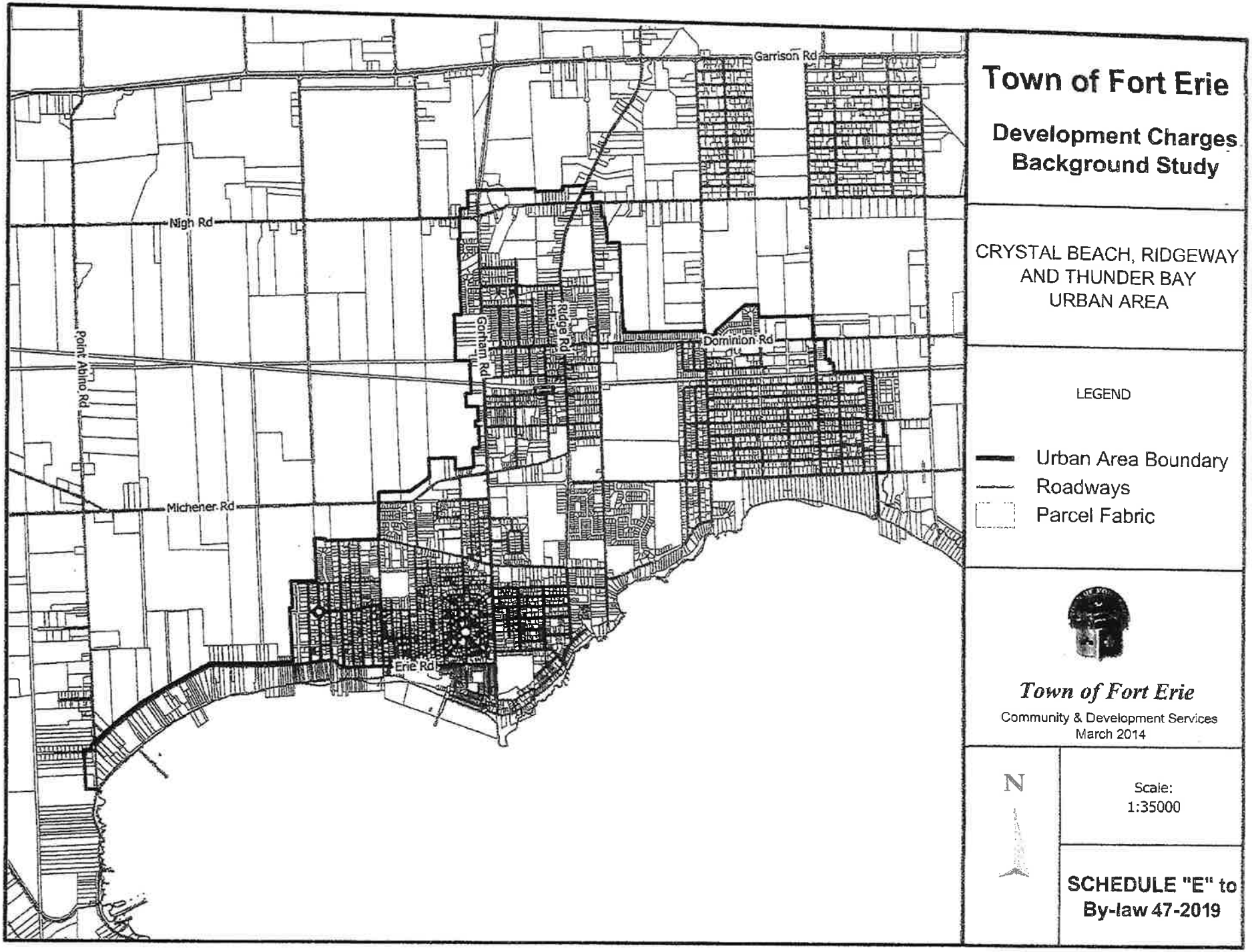
Town of Fort Erie

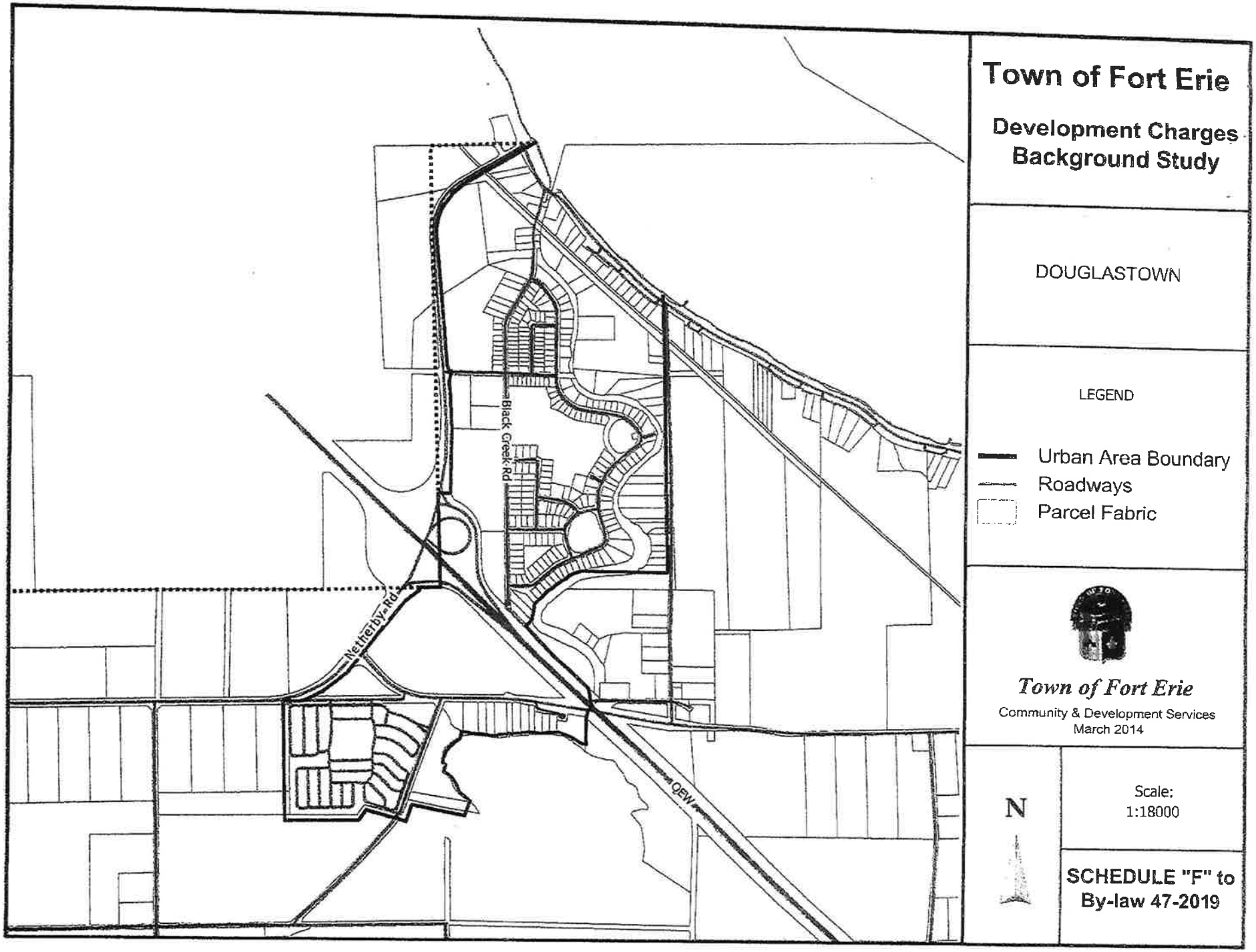
Community & Development Services
March 2014

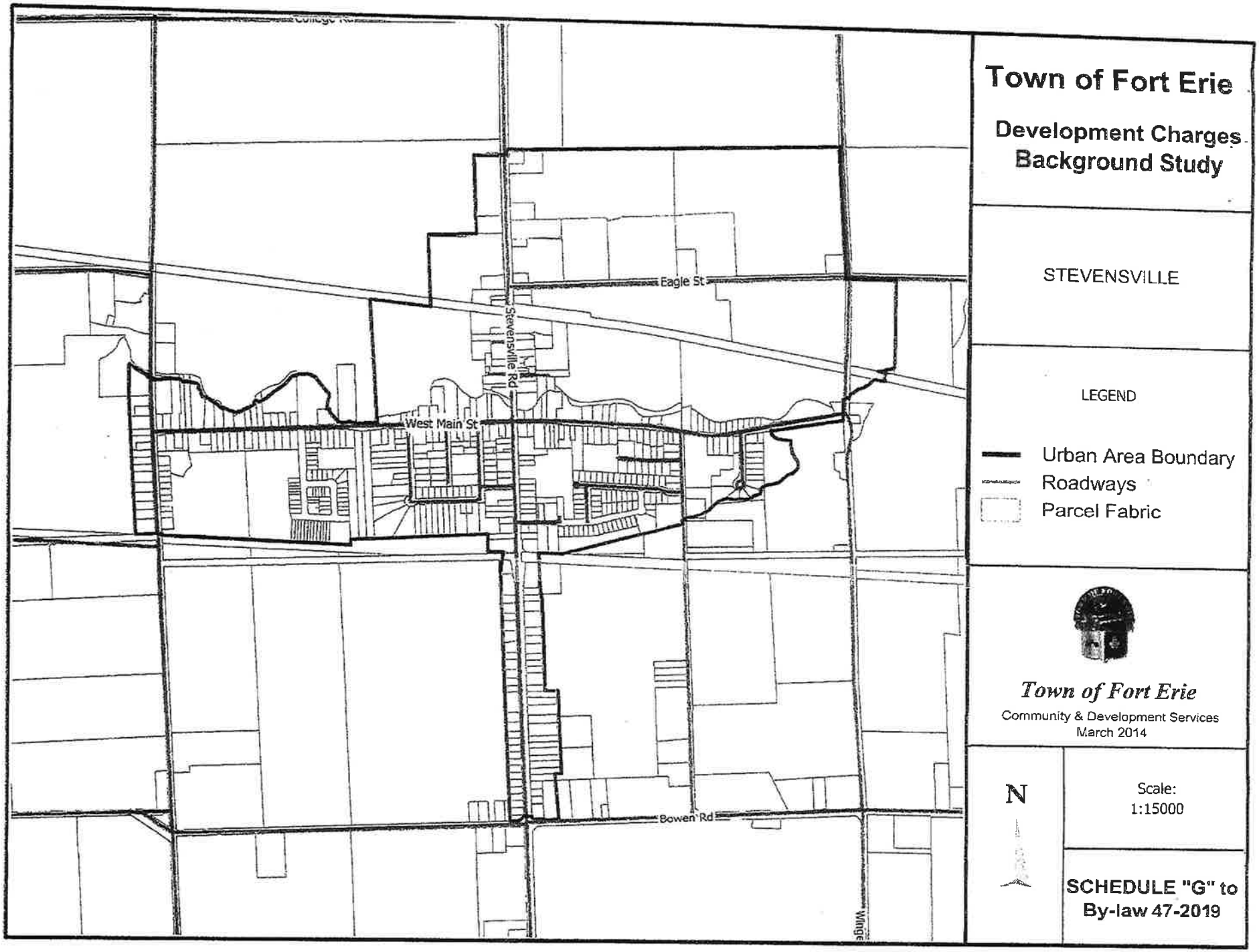
N

Scale:
1:50000

SCHEDULE "D" to By-law 47-2019


Garrison Rd
Nigh Rd
Point Abino Rd
Gorham Rd
Ridge Rd
Dominion Rd
Michener Rd
Erie Rd
Town of Fort Erie
Development Charges Background Study
CRYSTAL BEACH, RIDGEWAY AND THUNDER BAY URBAN AREA
LEGEND
Urban Area Boundary
Roadways
Parcel Fabric
Town of Fort Erie
Community & Development Services
March 2014
N
Scale:
1:35000
SCHEDULE "E" to By-law 47-2019


Black Creek Rd
Netherby Rd
QEW
Town of Fort Erie
Development Charges Background Study
DOUGLASTOWN
LEGEND
Urban Area Boundary
Roadways
Parcel Fabric
Town of Fort Erie
Community & Development Services
March 2014
N
Scale:
1:18000
SCHEDULE "F" to By-law 47-2019


Eagle St
Stevensville Rd
West Main St
Bowen Rd
Wingfield
Town of Fort Erie
Development Charges Background Study
STEVENSVILLE
LEGEND
Urban Area Boundary
Roadways
Parcel Fabric
Town of Fort Erie
Community & Development Services
March 2014
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Scale:
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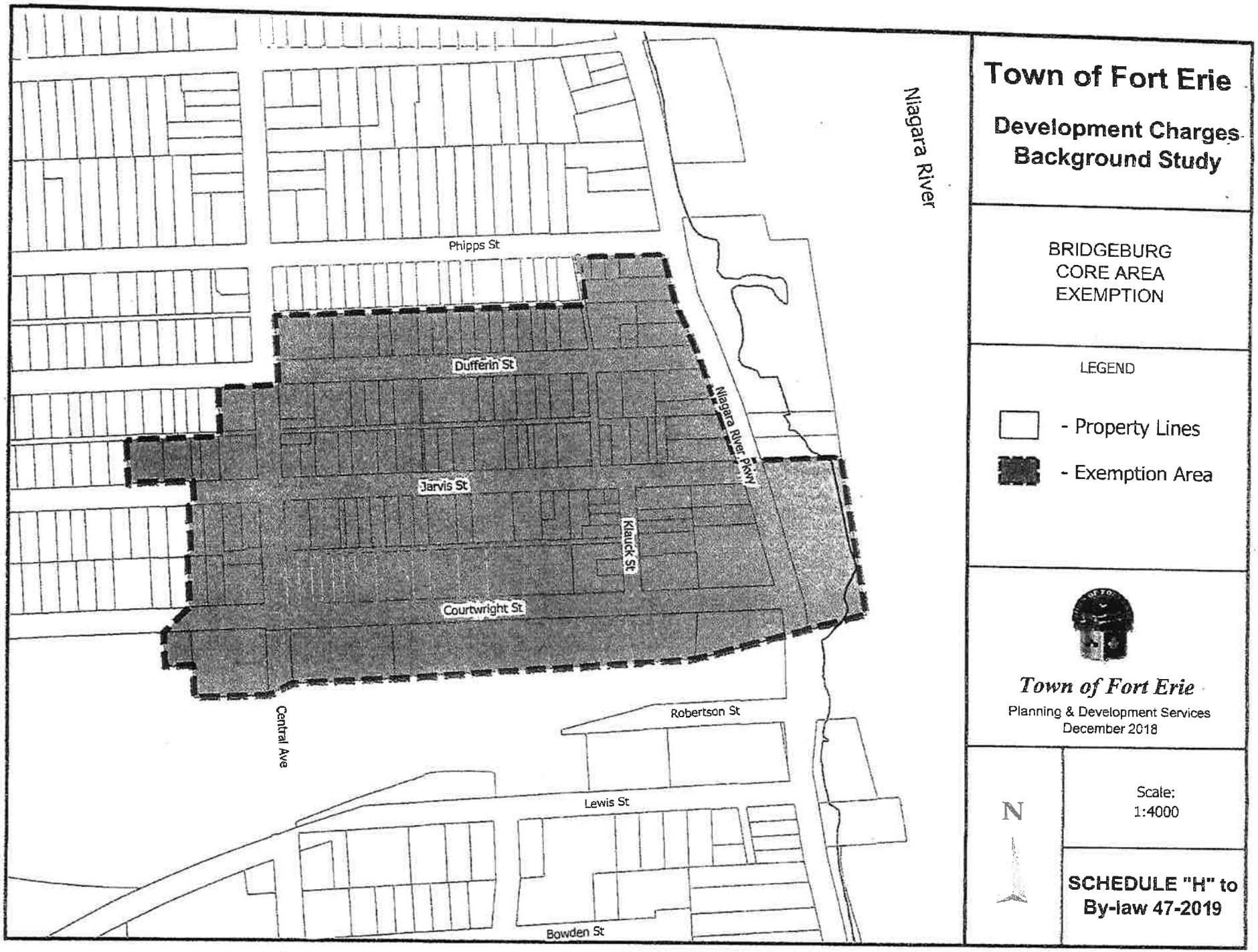
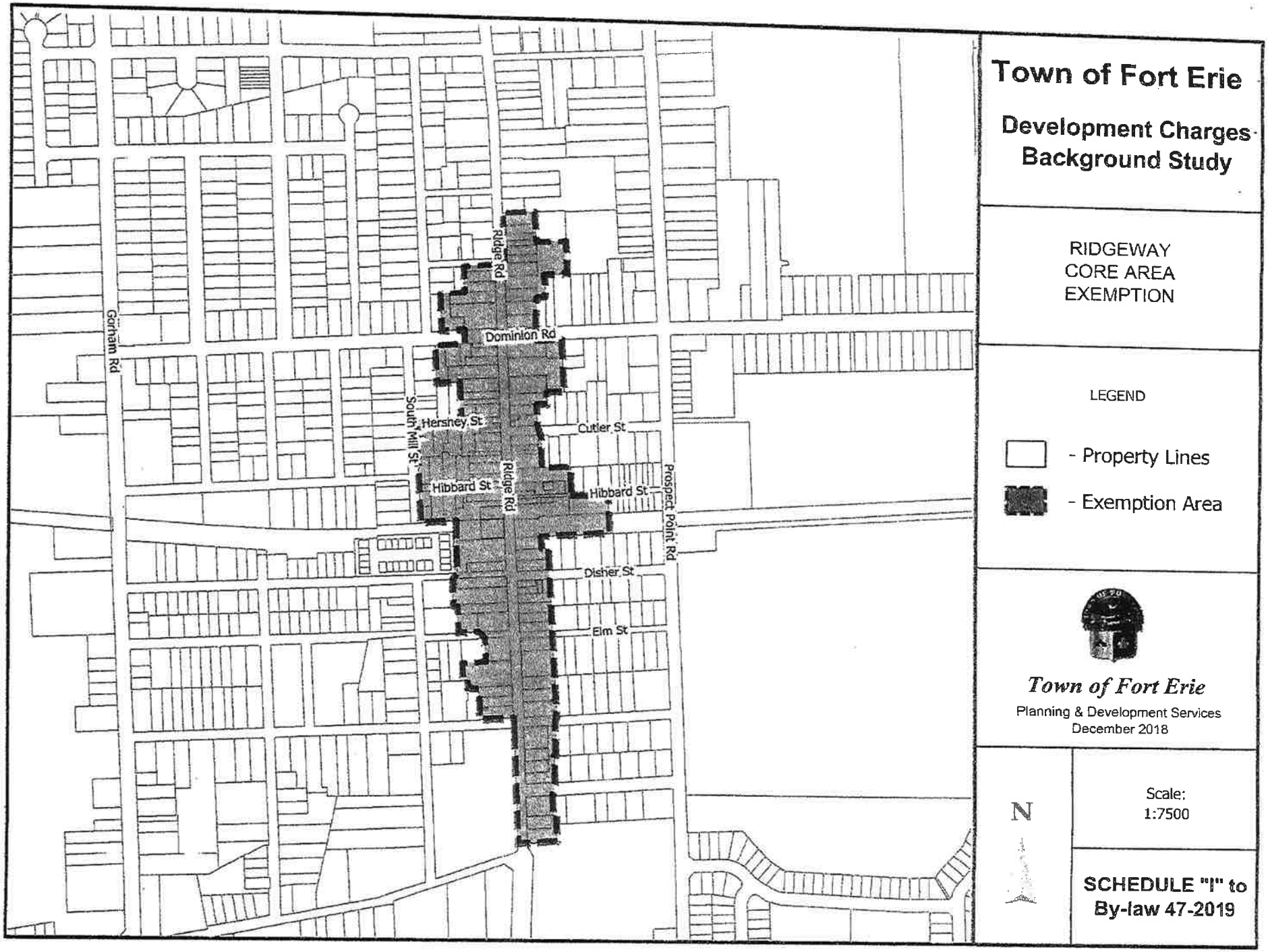
SCHEDULE "G" to By-law 47-2019


Niagara River
Phipps St
Dufferin St
Niagara River Pkwy
Jarvis St
Klauck St
Courtwright St
Central Ave
Robertson St
Lewis St
Bowden St
Town of Fort Erie
Development Charges Background Study
BRIDGEBURG CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:4000
SCHEDULE "H" to By-law 47-2019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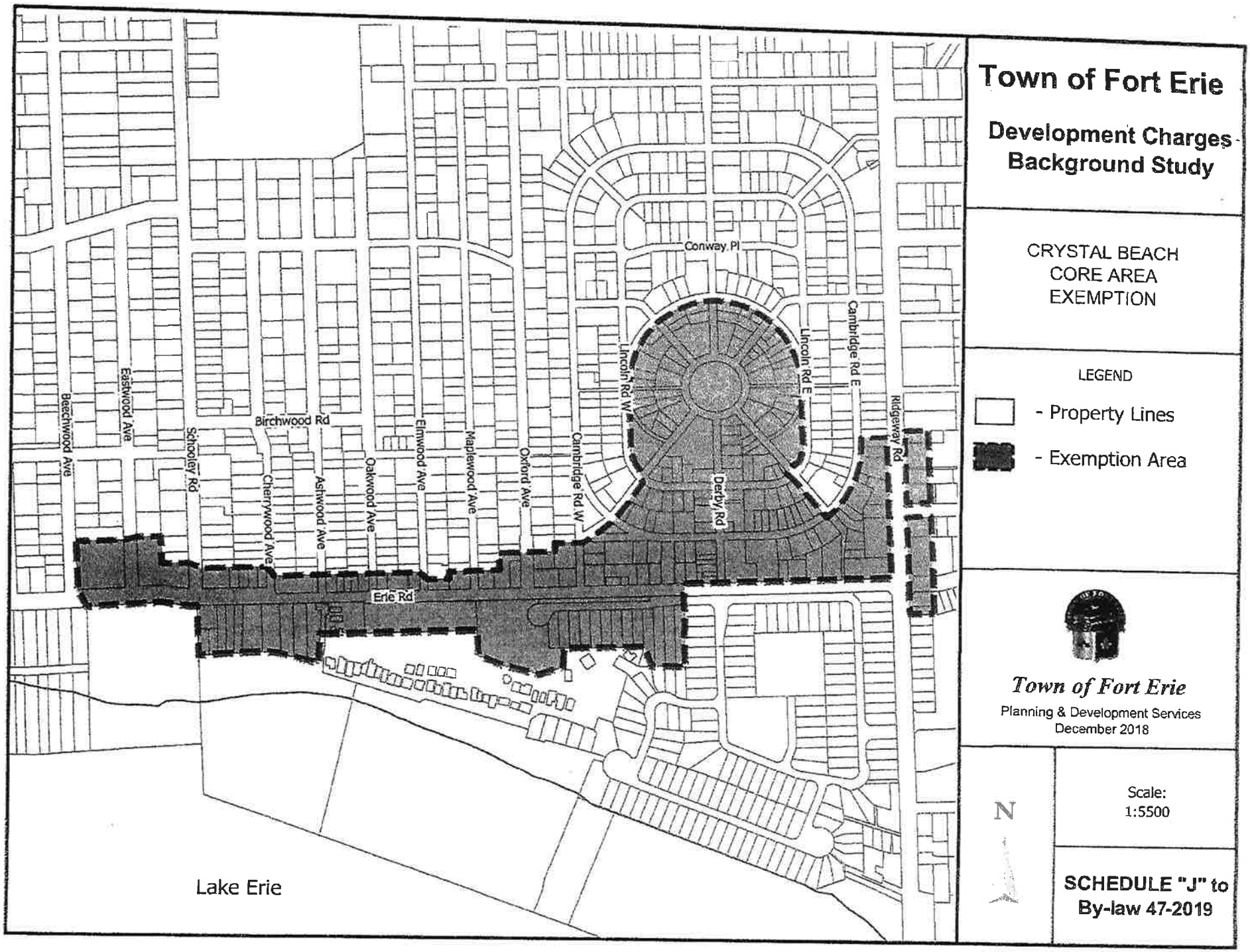
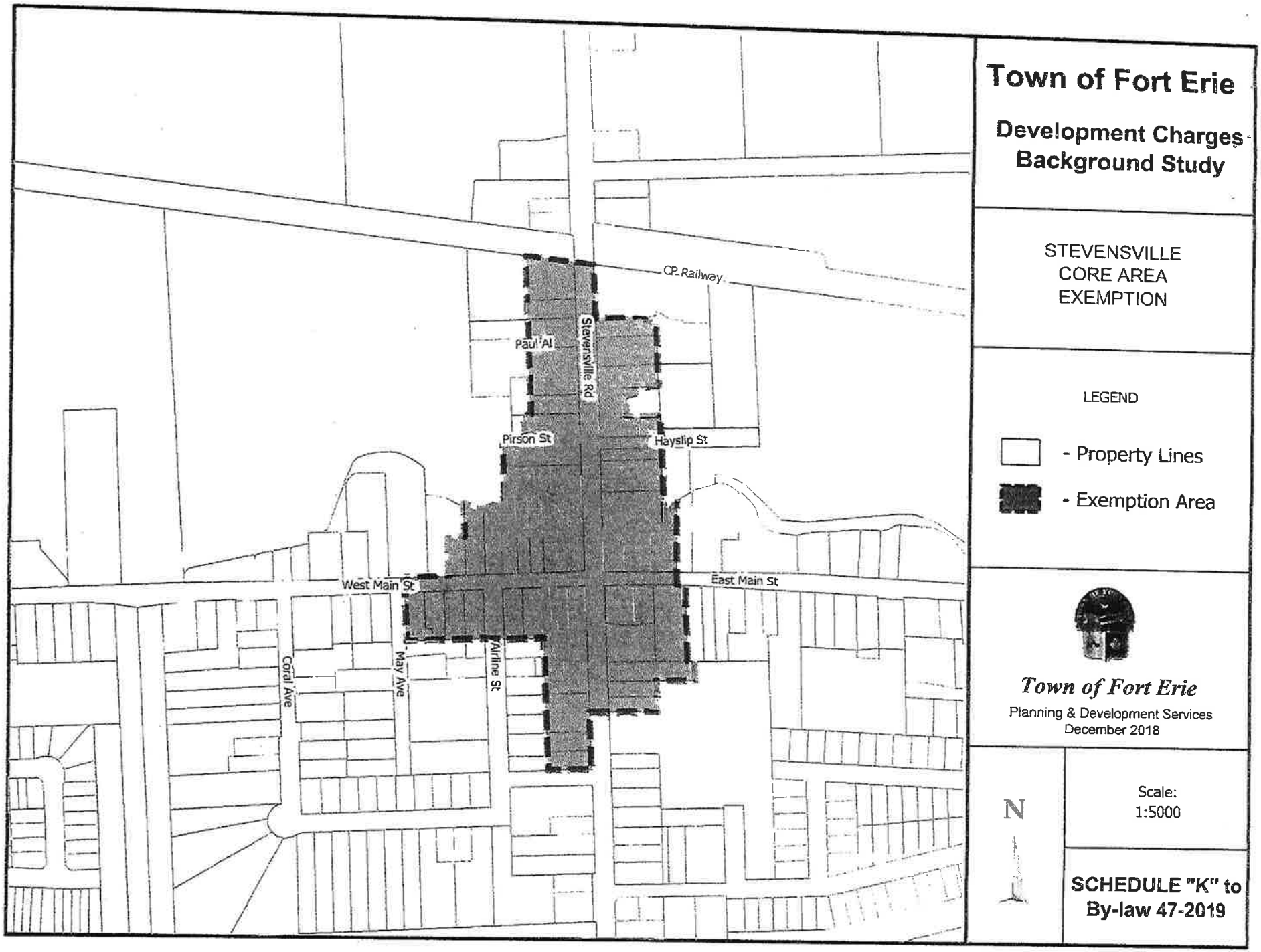
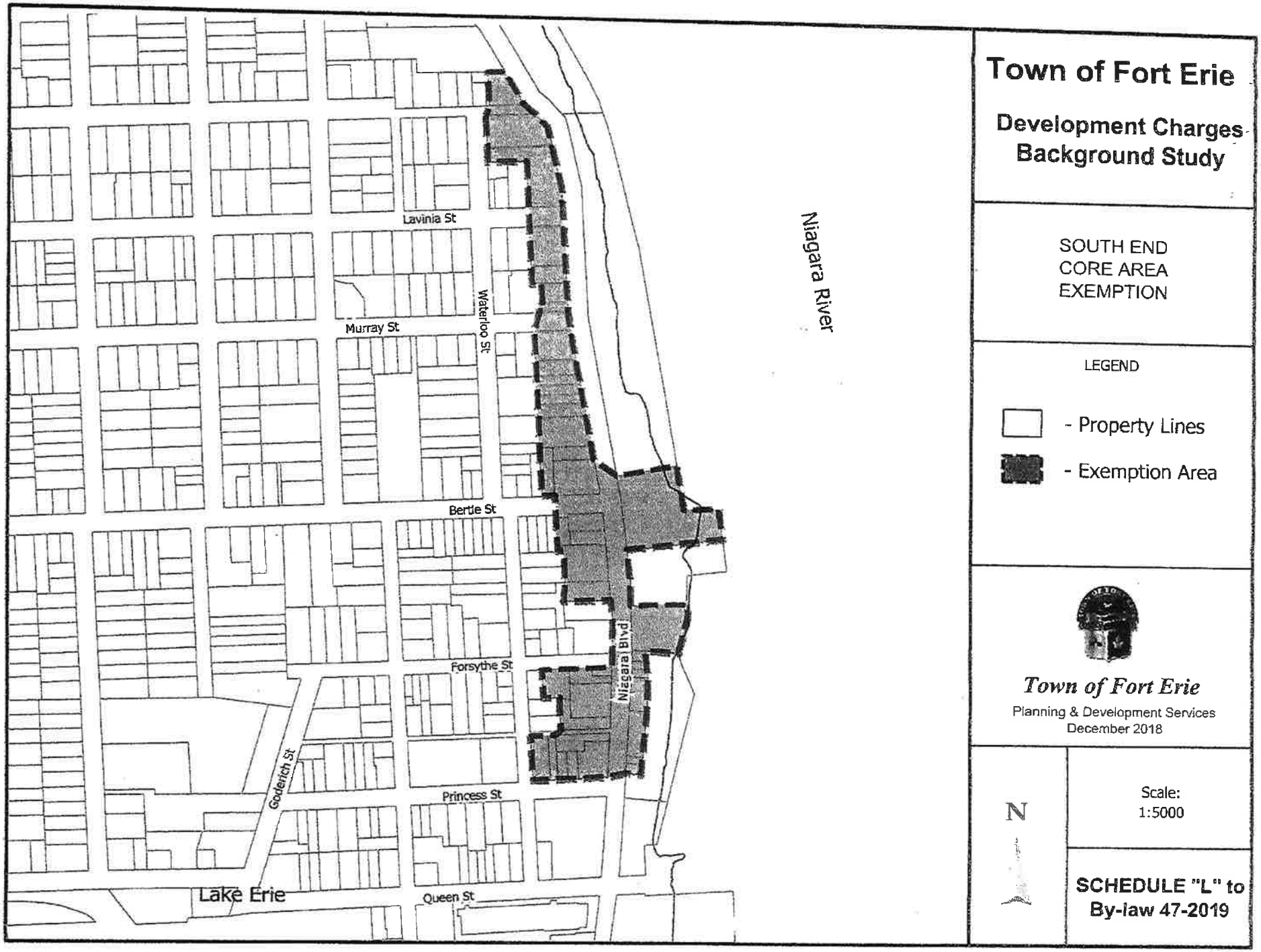
Ridge Rd
Dominion Rd
South Mill St
Hersney St
Cutler St
Hibbard St
Ridge Rd
Hibbard St
Prospect Point Rd
Disher St
Elm St
Town of Fort Erie
Development Charges Background Study
RIDGEWAY CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:7500
SCHEDULE "I" to By-law 47-2019


Town of Fort Erie
Development Charges Background Study
CRYSTAL BEACH CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:5500
SCHEDULE "J" to By-law 47-2019
Lake Erie
Erie Rd
Conway Pl
Lincoln Rd W
Lincoln Rd E
Cambridge Rd E
Ridgeway Rd
Derby Rd
Cambridge Rd W
Oxford Ave
Maplewood Ave
Elmwood Ave
Oakwood Ave
Ashwood Ave
Cherrywood Ave
Birchwood Rd
Schooley Rd
Eastwood Ave
Beechwood Ave


Town of Fort Erie
Development Charges Background Study
STEVENSVILLE CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:5000
SCHEDULE "K" to By-law 47-2019
CP Railway
Stevensville Rd
Paul Al
Pirson St
Hayslip St
West Main St
East Main St
Coral Ave
May Ave
Airline St


Lavinia St
Murray St
Waterloo St
Bertie St
Forsythe St
Niagara Blvd
Goderich St
Princess St
Queen St
Lake Erie
Niagara River
Town of Fort Erie
Development Charges Background Study
SOUTH END CORE AREA EXEMPTION
LEGEND
- Property Lines
- Exemption Area
Town of Fort Erie
Planning & Development Services
December 2018
N
Scale: 1:5000
SCHEDULE "L" to By-law 47-2019

B

B

Niagara Region

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

August 17, 2020

Special Regional Council, August 13, 2020
Councillor Sendzik Motion re NRPS

Carol Schofield,
Manager, Legislative Services/Clerk
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario
L2A 2S6

SENT ELECTRONICALLY

RE: Councillor Sendzik – Motion re Niagara Regional Police Service - Diversity, Equity & Inclusion
Minute Item 6.1 CL 14-2020, August 13, 2020

Dear Ms. Schofield,

Regional Council, at its Special meeting held on August 13, 2020, passed the following motion put forward by Councillor Sendzik regarding Niagara Regional Police Service - Diversity, Equity & Inclusion:

Whereas systemic racism against Black people, Indigenous people and other people of colour (BIPOC) exists in Niagara;

Whereas the tragic deaths of Black people and Indigenous people in Canada and United States by police has created an urgency to challenge and change systems of policing in communities across Canada;

Whereas the Regional Municipality of Niagara is the funding body for the Niagara Regional Police Services;

Whereas the Niagara Regional Police Services Board is an oversight body of the Niagara Regional Police Services, and includes members of Niagara Regional Council;

Whereas the Niagara Regional Police Services Board approved its NRPS 2020-2022 Diversity, Equity & Inclusion Strategic Plan that includes aspects of working with the BIPOC communities;

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Whereas more work must be undertaken by the Niagara Police Services Board and Chief of Police to engage with our BIPOC community with an objective to better understand, address and eliminate any prejudice, racism and bias in our Police Service; and

Whereas the Niagara Regional Police Services Board has established a partnership with the Canadian Mental Health Association Niagara Branch to provide mental health emergency support through the Mobile Crisis Rapid Response Team.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Region Council **REQUESTS** the Niagara Regional Police Services Board direct the Chief of Police to undertake the following:

a. Prepare a report outlining all training, (pre-badge and during badge) on de-escalation techniques, diversity, cultural sensitivity and anti-racism training (both internal and external facing from the membership) and that the Chief include any recommendations for furthering this training to the Niagara Regional Police Services Board for further consideration, and that the Niagara Regional Police Services Board members commit to training on these issues on an annual basis;

b. That a report outlining the public complaint process be brought forward for information with any recommendations as to provide ease of access to any methods of submitting complaints including but not limited to a communications campaign that makes this process better understood;

c. That seeing that Statistics Canada just announced it will start collecting race-based crime data, that the Chief also work to bring back a report with metrics and/or data over the last five (5) years (or appropriate time horizon) on various crime statistics including but not limited to anything that further provides information on/or a picture of police interactions with racialized communities;

d. That information on data entry, including how calls for service are entered into the record management system be examined with any recommendations for further expansion of data entry to identify interactions with anyone from the Black, Indigenous, ethno-cultural or people of colour community to further transparency;

e. That an independent, third party survey be undertaken to gain a better understanding and receive feedback on interactions between the Niagara Regional Police Service and Niagara residents;

f. That the Chief of Police examine opportunities to work with TOES Niagara, Niagara Multicultural Centre, YWCA, Welland Heritage Council and Multicultural Centre and any other group working with newcomers and recently arrived immigrants;

g. That the Police Services Board direct the Chief of Police, alongside the Senior Leadership Team to provide an analysis on the implications of directing dollars towards further social service and community outreach initiatives as part of the 2021 budget, versus increases to operational and capital budgets unless deemed essential;

h. That the Police Services Board develop a diversity plan for board appointees that reflect the diversity of the Niagara community; and

i. That a report on the number and specific types of calls related to mental health and addictions, be brought forward and that the report include an actionable plan, including options for both an extension of the current MCRRT but also an alternate NRP led plan funded by the Niagara Region, developed in partnership with Niagara EMS and local mental health, addictions, and crisis agencies, to respond to these calls in line with guidance and recommendations from the Canadian Mental Health Association; and

2. That the correspondence from the City of St. Catharines Council, dated August 11, 2020, containing the recommendations of the City of St. Catharines Anti-Racism Committee, **BE FORWARDED** to the Niagara Regional Police Services Board for consideration.

A copy of the correspondence from the City of St. Catharines Council referenced in recommendation 2 is attached for your information.

Yours truly,

Ann-Marie Norio
Regional Clerk

CLK-C 2020-184

St. Catharines

August 11, 2020

Deb Reid
Executive Director
Niagara Regional Police Service Board
5700 Valley Way
Niagara Falls, ON L2E 1X8

Sent via email: Deb.Reid@niagarapolice.ca

Re: Motion regarding Body Cameras for Police Officers - Comments from City of St. Catharines Anti-Racism Advisory Committee
Our File 35.65.75

Dear Ms. Reid,

At its meeting held on August 10, 2020, St. Catharines City Council approved the following motion:

WHEREAS St. Catharines City Council asked for advice from the Anti-Racism Advisory Committee on body cameras for police and other reforms;

THEREFORE BE IT RESOLVED that City Council endorse the following recommendations from the Anti-Racism Advisory Committee:

Training

- Increase Crisis Intervention Training to being offered at least 4 times a year or until as close to 100% of front line officers as possible at any given time would have completed the training;
- Add cross-cultural mental health training to its Crisis Intervention Training;
- Add implicit bias and anti-racism trainings in its refresher trainings and that these trainings be led by experts from equity seeking groups, along the lines of the African Canadian Legal Clinic's recommendations to the Ipperwash Inquiry: "That police forces develop an anti-racism curriculum and training program to be incorporated into any existing training programs on use of force and which will be mandatory for recruits, new officers, and serving officers. The training should be designed and delivered by independent experts in anti-racism to ensure a full understanding of racially biased policing, racial discrimination and the racialized communities police serve, particularly with respect to use of force. This training should be provided as a refresher on a regular basis. The training program should be independently and regularly evaluated to assess its efficacy with respect to effecting anti-racist behavioral and attitudinal change."

PO Box 3012, 50 Church St., St. Catharines, ON L2R 7C2
Tel: 905.688.5600 | TTY: 905.688.4889 | www.stcatharines.ca

St. Catharines

Re-assessing police service standards to shift its budget

- The NRPS Chief and Board re-assess "adequate policing" requirements based on removing welfare checks, mental health, and suicide threat calls, as well as foot patrols that are only demanded because of perception;
- That the Niagara Regional municipality shift these funds from the reduction of the NRPS budget to a dispatched civilian service such as the EMS;

Civilian Review

- The establishment of a local purely civilian (no former police officers) body including members from equity seeking groups with oversight, disciplinary powers, and the power to refer charges for prosecution over police officers;
- Establish the office of a purely civilian (no former police officers) Ombudsperson with full access to police records and data;

Releasing Statistics

- Publish online details of police-reported hate crimes for each incident including location, date and time, the protected group which was attacked, and the nature of the crime;
- Publish online the use of force by race data required to be submitted to the Ministry of the Solicitor General under the Anti-Racism Act;
- Extend the collection of race data to traffic stops and publish online these statistics as well as the outcome (any charges) for traffic stops;

Hiring

- Increase diversity hiring to at least 15% of the recruiting class over three years, and further as per the African Canadian Legal Clinics recommendation to the Ipperwash Inquiry:
  "That police recruits be screened for prejudicial and racially discriminatory attitudes, similar to screening already being done for personality attributes, criminal record, and family background. That police forces be encouraged to retain independent employment equity experts to develop concrete, measurable and attainable goals to increase the number of racialized people, particularly African Canadians and Aboriginals, especially in positions of responsibility, in order to achieve a "critical mass" of representation and diversity to promote cultural and organizational change";
- That these independent employment equity experts undertake a comprehensive review of the hiring, recruitment, selection, and management practices of the NRPS;

St. Catharines

8 Can't Wait Campaign

- Require all officers to have a duty to intervene against excessive use of force or abuse;
- Prohibit shooting at moving vehicles;

Performance Reviews

- As per the African Canadian Legal Clinic's recommendation to the Ipperwash Inquiry:
  "That police forces ensure that complaints and concerns against police officers relating to use of force, particularly when the complainant is racialized, are reflected and factored into the assessment of each officer's performance review and or promotions."; and

BE IT FURTHER RESOLVED that St. Catharines City Council call on the Niagara Region, through the Police Services Board, to immediately begin the process of implementing the above recommendations; and

BE IT FURTHER RESOLVED that this motion be forwarded to all local municipalities; the offices of all Niagara-area MPPs and MPs; the offices of the Attorney General of Ontario Doug Downey, the Attorney General of Canada David Lametti and Federal Public Safety Minister Bill Blair; and request comment from the Solicitor General of Ontario Sylvia Jones. FORTHWITH"

If you have any questions, please contact the Office of the City Clerk at extension 1524.

Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc. Hon. Bill Blair, Minister of Public Safety and Emergency Preparedness, Bill.Blair@parl.gc.ca
Hon. David Lametti, Minister of Justice and Attorney General of Canada, David.Lametti@parl.gc.ca
Hon. Doug Downey, Attorney General, doug.downey@pc.ola.org
Chris Bittle, MP - St. Catharines, Chris.Bittle@parl.gc.ca
Dean Allison, MP - Niagara West, Dean.Allison@parl.gc.ca
Vance Badawey, MP - Niagara Centre, Vance.Badawey@parl.gc.ca
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Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Kenneth Gansel, Chair, Niagara Regional Police Service Board
Ann-Marie Norio, Regional Clerk, Ann-Marie.Norio@niagararegion.ca
Niagara Area Municipalities

St. Catharines

August 11, 2020

Deb Reid
Executive Director
Niagara Regional Police Service Board
5700 Valley Way
Niagara Falls, ON L2E 1X8

Sent via email: Deb.Reid@niagarapolice.ca

Re: Motion regarding Body Cameras for Police Officers - Comments from City of St. Catharines Anti-Racism Advisory Committee
Our File 35.65.75

Dear Ms. Reid,

At its meeting held on August 10, 2020, St. Catharines City Council approved the following motion:

WHEREAS St. Catharines City Council asked for advice from the Anti-Racism Advisory Committee on body cameras for police and other reforms;

THEREFORE BE IT RESOLVED that City Council endorse the following recommendations from the Anti-Racism Advisory Committee:

Training

- Increase Crisis Intervention Training to being offered at least 4 times a year or until as close to 100% of front line officers as possible at any given time would have completed the training;
- Add cross-cultural mental health training to its Crisis Intervention Training;
- Add implicit bias and anti-racism trainings in its refresher trainings and that these trainings be led by experts from equity seeking groups, along the lines of the African Canadian Legal Clinic's recommendations to the Ipperwash Inquiry: "That police forces develop an anti-racism curriculum and training program to be incorporated into any existing training programs on use of force and which will be mandatory for recruits, new officers, and serving officers. The training should be designed and delivered by independent experts in anti-racism to ensure a full understanding of racially biased policing, racial discrimination and the racialized communities police serve, particularly with respect to use of force. This training should be provided as a refresher on a regular basis. The training program should be independently and regularly evaluated to assess its efficacy with respect to effecting anti-racist behavioral and attitudinal change."

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St. Catharines

Re-assessing police service standards to shift its budget

- The NRPS Chief and Board re-assess "adequate policing" requirements based on removing welfare checks, mental health, and suicide threat calls, as well as foot patrols that are only demanded because of perception;
- That the Niagara Regional municipality shift these funds from the reduction of the NRPS budget to a dispatched civilian service such as the EMS;

Civilian Review

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- Establish the office of a purely civilian (no former police officers) Ombudsperson with full access to police records and data;

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- Publish online details of police-reported hate crimes for each incident including location, date and time, the protected group which was attacked, and the nature of the crime;
- Publish online the use of force by race data required to be submitted to the Ministry of the Solicitor General under the Anti-Racism Act;
- Extend the collection of race data to traffic stops and publish online these statistics as well as the outcome (any charges) for traffic stops;

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  "That police recruits be screened for prejudicial and racially discriminatory attitudes, similar to screening already being done for personality attributes, criminal record, and family background. That police forces be encouraged to retain independent employment equity experts to develop concrete, measurable and attainable goals to increase the number of racialized people, particularly African Canadians and Aboriginals, especially in positions of responsibility, in order to achieve a "critical mass" of representation and diversity to promote cultural and organizational change";
- That these independent employment equity experts undertake a comprehensive review of the hiring, recruitment, selection, and management practices of the NRPS;

St. Catharines

8 Can't Wait Campaign

- Require all officers to have a duty to intervene against excessive use of force or abuse;
- Prohibit shooting at moving vehicles;

Performance Reviews

- As per the African Canadian Legal Clinic's recommendation to the Ipperwash Inquiry:
  "That police forces ensure that complaints and concerns against police officers relating to use of force, particularly when the complainant is racialized, are reflected and factored into the assessment of each officer's performance review and or promotions."; and

BE IT FURTHER RESOLVED that St. Catharines City Council call on the Niagara Region, through the Police Services Board, to immediately begin the process of implementing the above recommendations; and

BE IT FURTHER RESOLVED that this motion be forwarded to all local municipalities; the offices of all Niagara-area MPPs and MPs; the offices of the Attorney General of Ontario Doug Downey, the Attorney General of Canada David Lametti and Federal Public Safety Minister Bill Blair; and request comment from the Solicitor General of Ontario Sylvia Jones. FORTHWITH"

If you have any questions, please contact the Office of the City Clerk at extension 1524.

Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc. Hon. Bill Blair, Minister of Public Safety and Emergency Preparedness, Bill.Blair@parl.gc.ca
Hon. David Lametti, Minister of Justice and Attorney General of Canada, David.Lametti@parl.gc.ca
Hon. Doug Downey, Attorney General, doug.downey@pc.ola.org
Chris Bittle, MP - St. Catharines, Chris.Bittle@parl.gc.ca
Dean Allison, MP - Niagara West, Dean.Allison@parl.gc.ca
Vance Badawey, MP - Niagara Centre, Vance.Badawey@parl.gc.ca
Tony Baldinelli, MP - Niagara Falls, Tony.Baldinelli@parl.gc.ca
Jennifer Stevens, MPP - St. Catharines, JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Kenneth Gansel, Chair, Niagara Regional Police Service Board
Ann-Marie Norio, Regional Clerk, Ann-Marie.Norio@niagararegion.ca
Niagara Area Municipalities

D D

St. Catharines

August 17, 2020

Ulli S. Watkiss
City Clerk
City of Toronto
100 Queen St. W.
Toronto, ON M5H 2N2

Sent via email: clerk@toronto.ca

Re: Support to the City of Toronto in their Legal Challenge of the Amendments made under Bill 184, Section 83
Our File 35.2.2

Dear Ms. Watkiss,

At its meeting held on August 10, 2020, St. Catharines City Council approved the following motion:

> WHEREAS the COVID-19 pandemic has caused much financial strain to residents of St. Catharines; and
>
> WHEREAS many residents without income supports face the reality of evictions under the July 26, 2020 amendment of Provincial Bill 184 Section 83; and
>
> WHEREAS Section 83 of Bill 184 states:
>
> > "Refusal for certain arrears of rent"
> > If a hearing is held in respect of an application under section 69 for an order evicting a tenant based on arrears of rent arising in whole or in part during the period beginning on March 17, 2020 and ending on the prescribed date, in determining whether to exercise its powers under subsection the Board shall consider whether the landlord has attempted to negotiate an agreement with the tenant including terms of payment for the tenant's arrears; and
>
> WHEREAS the City Council of Toronto voted 22-2 in support of a legal challenge of Bill 184 Section 83;
>
> THEREFORE BE IT RESOLVED that the City of St. Catharines, City Council show support to the City of Toronto in their legal challenge of the amendments made under Bill 184, Section 83; and

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St. Catharines

BE IT FURTHER RESOLVED that this resolution be provided to the Premier's Office; the Honourable Steve Clark, Minister of Municipal Affairs and Housing; and Niagara MPPs and MPs; and

BE IT FURTHER RESOLVED that a copy of this resolution be circulated to all Ontario municipalities requesting their support.

If you have any questions, please contact the Office of the City Clerk at extension 1524.

Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc. Premier Doug Ford, doug.fordco@pc.ola.org
Honourable Steve Clark, Minister of Municipal Affairs and Housing, steve.clark@pc.ola.org
Chris Bittle, MP - St. Catharines, Chris.Bittle@parl.gc.ca
Dean Allison, MP - Niagara West, Dean.Allison@parl.gc.ca
Vance Badawey, MP - Niagara Centre, Vance.Badawey@parl.gc.ca
Tony Baldinelli, MP - Niagara Falls, Tony.Baldinelli@parl.gc.ca
Jennifer Stevens, MPP - St. Catharines, JStevens-CO@ndp.on.ca
Jeff Burch, MPP - Niagara Centre, JBurch-QP@ndp.on.ca
Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Ontario Municipalities

E

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THE CORPORATION OF
THE CITY OF ELLIOT LAKE

CERTIFIED TRUE COPY

Moved By: T. Turner
Seconded By: L. Cyr

THAT the City of Elliot Lake Council acknowledges and supports the following Private Member Bill put forward by Majid Jowhari: M-36, Emancipation Day, 43rd Parliament, 1 Session that reads as follows:

"THAT the House recognizes that:

The British Parliament abolished slavery in the British Empire as of August 1, 1834;

Slavery existed in the British North America prior to the abolition in 1834; Abolitionists and others who struggled against slavery, including those who arrived in Upper and Lower Canada by the Underground Railroad, have historically celebrated August 1st as Emancipation;

The Government of Canada announced on January 30, 2018 that it would officially recognize the United Nations International Decade for people of African Descent to highlight important contributions that people of African descent have made to Canadian society, and to provide a platform for confronting anti-Black racism;

The heritage of Canada's peoples of African descent and the contributions they have made and continue to make to Canada and in the opinion of the House, the Government should designate August 1 of every year as "Emancipation Day" in Canada; and

THAT support for this motion be sent to the Member of Parliament for Algoma and all House of Commons representatives; and

THAT support for this motion be sent to all municipalities in Ontario.

Resolution No. 249/20 Carried Mayor Dan Marchisella

Certified True Copy.

Natalie Bray

City Clerk August 14, 2020

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BY COUNCIL

St. Catharines

August 17, 2020

Honourable Patty Hajdu
Minister of Health
House of Commons
Ottawa, ON K1A 0A6

Sent via email:
Patty.Hajdu@parl.gc.ca

Honourable Christine Elliott
Minister of Health
5th Floor - 777 Bay St.
Toronto, ON M7A 2J3

Sent via email:
christine.elliott@pc.ola.org

Honourable Merrilee Fullerton
Minister of Long-Term Care.
6th Floor - 400 University Ave.
Toronto, ON M7A 1T7

Sent via email:
merrilee.fullerton@pc.ola.org

Re: Long-Term Care Homes
Our File 35.2.2

Honourable Ministers,

At its meeting held on August 10, 2020, St. Catharines City Council approved the following motion:

> WHEREAS many seniors in residing in local long term care facilities are residents of St. Catharines; and
>
> WHEREAS the COVID-19 pandemic has demonstrated a need for additional support; and
>
> WHEREAS subsequent outbreaks and a second wave of COVID-19 is a real possibility recurring in long term care homes;
>
> THEREFORE BE IT RESOLVED that City Council support the current provincial review of the long term care system that will hopefully identify further changes to protect and to serve residents; and
>
> BE IT FURTHER RESOLVED that City Council encourage the Ministry of Long Term Care to provide a minimum of 4 hours of direct care per day per resident in long term care homes; and

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BE IT FURTHER RESOLVED that City Council encourage the Ministry of Long Term Care to support mandatory testing for all staff providing services to seniors in assisted living, life lease or retirement housing workplaces; and

BE IT FURTHER RESOLVED that City Council supports the Ministry of Long Term Care to build new long term care beds; and

BE IT FURTHER RESOLVED that City Council appeal to the Federal and Provincial Governments to provide funding as quickly as possible for additional personal support workers, nurses and PPE costs associated with the COVID-19 pandemic and increase staffing to adequate levels in long term care homes to sufficient capacity to provide care; and

BE IT FURTHER RESOLVED that this resolution be forwarded to all local area municipalities; all Niagara MPPs and MPs; the Honourable Patty Hajdu, Minister of Health; the Honourable Christine Elliott, Minister of Health; and the Honourable Merrilee Fullerton, Minister of Long-Term Care.

If you have any questions, please contact the Office of the City Clerk at extension 1524.

Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

Cc. Chris Bittle, MP - St. Catharines, Chris.Bittle@parl.gc.ca
Dean Allison, MP - Niagara West, Dean.Allison@parl.gc.ca
Vance Badawey, MP - Niagara Centre, Vance.Badawey@parl.gc.ca
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Jennifer Stevens, MPP - St. Catharines, JStevens-CO@ndp.on.ca
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Wayne Gates, MPP - Niagara Falls, wgates-co@ndp.on.ca
Sam Oosterhoff, MPP - Niagara West-Glanbrook, sam.oosterhoff@pc.ola.org
Niagara Area Municipalities

Niagara Region

Acting Chief Administrative Officer | Ron Tripp
1815 Sir Isaac Brock Way, PO Box 1042 Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-685-6243
niagararegion.ca

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MAYOR'S OFFICE
TOWN OF FORT ERIE

February 28, 2020

Mayor Redekop
Town of Fort Erie
1 Municipal Centre Drive
Fort Erie, Ontario, L2A 2S6

Dear Mayor Redekop,

On September 19, 2019, Niagara Regional Council approved a motion for the Niagara Region to join the Canadian Coalition of Inclusive Municipalities. By way of background, I have enclosed for you the report titled "**CAO 14-2019 Action and Resources to Join the Coalition of Inclusive Municipalities**" which outlines the staff recommendations and resourcing to support this initiative.

On December 12, 2019, Niagara Regional Council approved the resource recommendations in the report as part of the 2020 Regional budget process, and we would like to finalize our commitment by officially joining the Coalition of Inclusive Municipalities in early 2020.

What this entails, is signing a declaration to join the Coalition of Inclusive Municipalities, including a formal announcement via a media release and possible media event.

We would like to invite all twelve municipalities to join in signing this declaration, and participating in a media event, as one Niagara region. For municipalities to participate, the Coalition of Inclusive Municipalities has requested that each municipal Council pass a motion of support. Attached is a draft declaration, which includes all twelve municipalities working with the Niagara Region to develop a joint Plan of Action.

We know that diversity, equity and inclusion matter to all of us in Niagara, and we are determined to work supportively together to tackle racism and discrimination and promote human rights and diversity.

Please respond to indicate your interest in joining in this work. Cassandra Ogunniyi will be reaching out in the coming weeks to follow up on any questions you may have, or additional information we can provide to you, your staff, or your municipal Council.

With thanks,

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

cc: Area Municipal Mayors
Area Municipal CAOs

RECEIVED
AUG 24 2020
BY COUNCIL

United Nations Educational, Scientific and Cultural Organization | Canadian Commission for UNESCO

Organisation des Nations Unies pour l'éducation, la science et la culture | Commission canadienne pour l'UNESCO

The Coalition of Inclusive Municipalities is endorsed by

CASHRA ACCCDP — Canadian Association of Statutory Human Rights Agencies / Association canadienne des commissions et conseil des droits de la personne

CRRF FCRR — Canadian Race Relations Foundation | Fondation canadienne des relations raciales

Declaration to Join the Coalition of Inclusive Municipalities

Given that:

1 The Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Coalition of Inclusive Municipalities and to be part of UNESCO's international Coalition launched in 2004; and

2. The Federation of Canadian Municipalities (FCM) endorses the Call for a Coalition of Inclusive Municipalities and encourages its members to join; and

Whereas:

3. Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's *Charter of Rights and Freedoms* as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

Be it resolved that:

4. The Regional Municipality of Niagara, The Corporation of the Town of Fort Erie, The Corporation of the Town of Grimsby, The Corporation of the Town of Lincoln, The Corporation of the City of Niagara Falls, The Corporation of The Town of Niagara-on-the-Lake, The Corporation of the Town of Pelham, The Corporation of the City of Port Colborne, The Corporation of the City of St. Catharines, The Corporation of the City of Thorold, The Corporation of The Township of Wainfleet, The Corporation of the City of Welland, and The Corporation of the Township of West Lincoln agree to join the Coalition of Inclusive Municipalities and, in joining the Coalition, endorses the Common Commitments (see Appendix A) and agree to develop or adapt a joint Plan of Action led by the Regional Municipality of Niagara accordingly.

5. These Common Commitments and the Municipalities' joint Plan of Action will be an integral part of the Municipalities' vision, strategies and policies.

6. In developing or adapting and implementing the joint Plan of Action toward progressive realization of the Common Commitments, the Municipalities will cooperate with other organizations and jurisdictions, including other levels of government, Indigenous peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights.

7. The Municipalities will set their priorities, actions and timelines and allocate resources according to their unique circumstances, and within their means and jurisdiction. The Municipalities will exchange their expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

The Regional Municipality of Niagara, insert date (month day, year)

COALITION OF INCLUSIVE MUNICIPALITIES — eliminating racism and discrimination — Canadian Commission for UNESCO

His Worship, Regional Chair Jim Bradley

SIGNATURE OF THE CHAIR

United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture
Canadian Commission for UNESCO
Commission canadienne pour l'UNESCO

The Coalition of Inclusive Municipalities is endorsed by

CASHRA ACCCDP
Canadian Association of Statutory Human Rights Agencies
Association canadienne des commissions et conseil des droits de la personne
CRRF FCRR
Canadian Race Relations Foundation
Fondation canadienne des relations raciales

The Corporation of the Town of Fort Erie, insert date (month day, year)

His Worship ***Wayne Redekop*** _____
SIGNATURE OF THE MAYOR

The Corporation of the Town of Grimsby, insert date (month day, year)

His Worship ***Jeff Jordan*** _____
SIGNATURE OF THE MAYOR

The Corporation of the Town of Lincoln, insert date (month day, year)

Her Worship ***Sandra Easton*** _____
SIGNATURE OF THE MAYOR

The Corporation of the City of Niagara Falls, insert date (month day, year)

His Worship ***Jim Diodati*** _____
SIGNATURE OF THE MAYOR

The Corporation of the Town of Niagara-on-the-Lake, insert date (month day, year)

Her Worship ***Betty Disero*** _____
SIGNATURE OF THE MAYOR

The Corporation of the Town on Pelham, insert date (month day, year)

His Worship ***Marvin Junkin*** _____
SIGNATURE OF THE MAYOR

The Corporation of the City of Port Colborne, insert date (month day, year)

His Worship ***Bill Steele*** _____
SIGNATURE OF THE MAYOR

United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture
Canadian Commission for UNESCO
Commission canadienne pour l'UNESCO

The Coalition of Inclusive Municipalities is endorsed by

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Association canadienne des commissions et conseil des droits de la personne
CRRF FCRR
Canadian Race Relations Foundation
Fondation canadienne des relations raciales

The Corporation of the City of St. Catharines, insert date (month day, year)

His Worship ***Walter Sendzik*** _____
SIGNATURE OF THE MAYOR

The Corporation of the City of Thorold, insert date (month day, year)

His Worship ***Terry Ugulini*** _____
SIGNATURE OF THE MAYOR

The Corporation of the Township of Wainfleet, insert date (month day, year)

His Worship ***Kevin Gibson*** _____
SIGNATURE OF THE MAYOR

The Corporation of the City of Welland, insert date (month day, year)

His Worship ***Frank Campion*** _____
SIGNATURE OF THE MAYOR

The Corporation of the Township of West Lincoln, insert date (month day, year)

His Worship ***Dave Bylsma*** _____
SIGNATURE OF THE MAYOR

Appendix A: Coalition for Inclusive Municipalities, Common Commitments

The municipality as a guardian of the public interest

1. Increase vigilance against systemic and individual racism and discrimination.
2. Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination.
3. Inform and support individuals who experience racism and discrimination.
4. Support policing services in their efforts to be exemplary institutions in combating racism and discrimination.

The municipality as an organization in the fulfillment of human rights

5. Provide equal opportunities as a municipal employer, service provider, and contractor.
6. Support measures to promote equity in the labour market.
7. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing.

The municipality as a community sharing responsibility for respecting and promoting human rights and diversity

8. Involve citizens by giving them a voice in anti-racism initiatives and decision-making.
9. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning
10. Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.

Subject: Actions & Resources to Join the Coalition of Inclusive Municipalities

Report to: Regional Council

Report date: Thursday, September 19, 2019

Recommendations

1. That Council **RESOLVE** to join the Coalition of Inclusive Municipalities (CIM), formerly known as Canadian Coalition for Municipalities Against Racism and Discrimination (CCMARD) and **SIGN** a declaration to support the ten CIM commitments; and

2. That staff **BE DIRECTED** to create supporting governance structures with internal and external stakeholders to advise on internal diversity, equity, and inclusion issues and support the creation of a Diversity, Equity, and Inclusion Action Plan; and

3. That the dedicated resources required for developing the Diversity, Equity, and Inclusion Action Plan **BE REFERRED** for consideration as part of the 2020 budget process.

Key Facts

- The purpose of this report is to outline the action and resources involved for Niagara Region to join the Coalition of Inclusive Municipalities, in response to the motion of Council (COM 14-2019) on May 16, 2019.
- In 2017, there were 21 hate crimes reported to police in Niagara, which was an increase from 11 in 2016. In London there were 26, Windsor had 19, Hamilton had 91 and was the second highest rate per 100,000 in Canada. In Canada the majority of hate crimes are motivated by race or ethnicity (45%), religion (35%), sexual orientation (11%).
- The population of Niagara is growing, as is the diversity of those coming to Niagara. According to the 2016 census, 8.9% of people in Niagara are a visible minority (38,810 individuals), up from 7.0% in 2011. There are 18,625 people (4.3%) in Niagara with North American Indigenous origins (First Nations, Inuit, or Métis). In 2011, there were 14,720 people (3.8%) with North American Indigenous origins.
- Recognizing the importance of attracting and retaining a diverse workforce for achieving economic prosperity, a Global Attractiveness project was undertaken under the previous Council Strategic Plan. The 2017 report outlined actions associated with three objectives (see Appendix 1):
    - Supporting community readiness
    - Marketing to migrants
    - Supporting retention programs

- A strategic marketing manager has been hired to address one of the objectives, however, work has not yet been able to progress for the other two objectives absent dedicated resources.
- There are 77 municipalities across Canada that have joined CIM, with 20 in Ontario, including City of Hamilton, City of London, and City of Windsor.
- Other municipalities that have supported CIM have resourced at least one FTE for developing and implementing an action plan, and/or up to one FTE support for advisory committees.

Financial Considerations

Based on the experiences of other municipalities in Canada, providing dedicated resources is crucial to realize Council-led action pursuant to joining CIM.

Dedicated resources are recommended for a two-year period in order to fulfill the requirements of joining the CIM. The annual operating impact is estimated at $144,000, which includes one temporary non-union FTE dedicated for the duration of the project, student support, and funds for training, conferences, mileage and community engagement. We estimate a total project cost of $288,000 over two years. If the recommendations in this report are approved, a business case will be submitted for consideration through the 2020 budget approval process. The financial implication of these resources would be equivalent to 0.04% of the levy.

This potential financial implication should be considered in context of new budget commitments previously endorsed by Council and new budget pressures outlined by staff, as summarized in the following table presented to Budget Review Committee to illustrate the potential levy impact estimated for the 2020 budget.

Previously Identified Budget Commitments/Pressures	Council Report	Levy Amount (M$)	Levy Increase %
Suicide Prevention Initiative	PHD 8-2019	0.200	0.05%
Niagara Airports	CAO 04-2019	2.240	0.61%
Waterfront Investment Program – Base funding	CSD 40-2019	1.000	0.27%
Smarter Niagara Incentive Program – Base funding	CSD 40-2019	0.600	0.16%
Brock LINC request for funding	ED 9-2019	1.500	0.41%
Niagara Regional Transit - phase in cost	CSD 40-2019	6.213	1.70%
NRPS 2019 position hiring deferral	BRC-C 7-2019	0.706	0.19%
Long-Term Care Home Redevelopment capital funding	COM 32-2019	5.899	1.62%
GO Project - Station Operations	CSD 17-2019	1.410	0.39%

Previously Identified Budget Commitments/Pressures	Council Report	Levy Amount (M$)	Levy Increase %
EMS Central Hub capital funding	CSD 40-2019	0.390	0.11%
Potential Budget Pressure To-date		**$20.158**	**5.51%**

Analysis

Background

The Niagara Region Global Attractiveness Committee Report was submitted in February 2017, written by external consultants, Sarah Wayland and Huyen Dam, in conjunction with the internal Niagara Region Global Attractiveness Committee. The report outlined current immigration patterns, the attraction and retention factors in Niagara, and an action plan with three objectives:

1. To support community readiness to be a welcoming region through engagement and fostering collaboration with key stakeholders using tailored information and data.
2. To improve Niagara's existing marketing and migrant/immigrant focused literature and create new marketing to attract primary and secondary migration from within Canada and internationally.
3. To support further implementation of concrete programs that will retain immigrants and international students.

The objectives were supported by six tactics, and short, medium, and long term actions (see Appendix 1). A Strategic Marketing Manager was hired to address the second objective, however, work has not yet progressed on the other two objectives due to a lack of dedicated resources. Although these objectives focus on Niagara being a welcoming community, able to retain immigrants, it was not focused specifically on addressing discrimination and racism as in the CIM ten common commitments.

The Canadian Coalition Against Racism and Discrimination (CCMARD) was launched in 2004 as part of the International Coalition of Inclusive and Sustainable Cities (ICCAR) supported by the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The name changed to Coalition of Inclusive Municipalities in 2019. Joining the Coalition and working actively towards the 10 commitments is beneficial for municipalities to be able to build respectful, inclusive and diverse societies, for the whole region, and specifically for newcomers, immigrants, refugees, Indigenous peoples, visible minorities, people with disabilities, and the LGBTQ2S+ community.

Additional benefits of joining CIM include access to a network of municipalities across the world to share best practices and resources, strengthening community partnerships,

involving diverse community stakeholders to understand their realities, and working together to form an Action Plan. Joining CIM can lead to increased accountability to citizens around issues of racism and discrimination, and increased trust, loyalty and respect towards the municipality, as the government works towards equity, inclusion, and appreciation of diversity in the community.

Creating an inclusive and diverse workforce and municipality leads to greater economic innovation and increased profitability. A 2018 report by McKinsey & Company called *Delivering through Diversity* described research conducted with 1,000 companies in 12 countries.[1] The research found that companies in the top-quartile for gender diversity on executive teams were 21% more likely to outperform on profitability and 27% more likely to have superior value creation. Companies in the top-quartile for ethnic/cultural diversity on executive teams were 33% more likely to have industry-leading profitability.

Focus groups and interviews with community partners and residents of Niagara conducted while developing the Public Health & Emergency Services Health Equity Strategic Plan found that discrimination based on race, gender, religion, sexuality, and other characteristics is experienced by people in multiple locations across the region. This results in negative health, social, and justice impacts for individuals and groups of people.[2] These negative results include physical harm as well as social or emotional impacts.[2] Studies have shown that when services have been withheld from people from certain populations due to stereotypes and misconceptions, has led to negative social and health outcomes and reluctance to access services when issues arise in the future.[3] This applies not only for that individual, but for other family members as well. There is an over-representation of Indigenous peoples and visible minorities in many social services, including Family and Children's Services, the justice system, and in the homeless shelters.

Joining the Coalition

There are six steps to join the Coalition:

1. Prepare the case
2. Adopt a resolution to join
3. Sign the Declaration
4. Inform the Canadian Commission for UNESCO
5. Announce your involvement to local partners and residents
6. Agree to develop or adapt a unique plan of action

[1] Hunt V, Prince S, Dixon-Fyle S, & Yee L. (2018). Delivering through Diversity. McKinsey & Company.
[2] Paradies Y, Ben J, Denson N, Elias A, Priest N, Pieterse A, et al. (2015). Racism as a Determinant of Health: A Systematic Review and Meta-Analysis. PLoS ONE 10(9): e0138511. https://doi.org/10.1371/journal.pone.0138511
[3] Ben J, Cormack D, Harris R, & Paradies Y. (2017). Racism and health service utilisation: A systematic review and meta-anaysis. PLoS ONE 12(12): e0189900. https://doi.org/10.1371/journal.pone.0189900

A summary of the ten Common Commitments grouped under three categories are listed in Appendix 2 with examples of current internal and external facing work from across the Regional departments and potential opportunities.

Other Municipal Action

There are 77 municipalities across Canada that have joined CIM, and 20 within Ontario. Here are some of the activities and resources of other similar municipalities.

Municipality	Committee	Action Plan	Staff Resources
Region of Peel	Diversity, Equity, and Anti-Racism Committee Seven members		Office of Culture and Inclusion – seven staff
City of Hamilton	Hamilton Committee Against Racism	Equity, Diversity, and Inclusion Plan (announced 2019)	Human Rights, Diversity and Inclusion Office – eight staff
City of London		Diversity and Inclusion Strategy (2015-2019)	One staff member (Coordinator, Government & External Relations)
City of Windsor	Diversity Committee Nine members		One staff (Diversity & Accessibility Advisor) – Clerks Office
Region of Waterloo (Not part of CIM)	Grand River Accessibility Advisory Committee (GRAAC) 12 members	Diversity, Equity and Inclusion Plan (2018-2022)	One staff member

Based on the learnings and experiences of other municipalities in Canada, we recommend dedicated personnel and operating costs. Personnel would coordinate the governance structures with internal and external stakeholders, and draft a Diversity, Equity, and Inclusion Action Plan.

Drafting the Action Plan would include conducting literature reviews, community engagement, and an environmental scan of best practices across Canada and internationally, as well as identifying needs, best practices, resources, and areas of focus for advancing a more inclusive Niagara that supports the ten CIM commitments.

Alternatives Reviewed

Staff considered waiting until the 2021 budget cycle to request dedicated resources for this initiative. This is not recommended as there are no staff that can be reassigned in the meantime to support the proposed governance structures. This alternative would result in the work towards the commitments and action plan to progress slower, with an action plan not being created until 2021-2022.

A second alternative considered was for potential FTE support through the Community Safety and Well-Being (CSWB) Plan. There is potential alignment between the CSWB Plan and the CIM recommendations for some aspects of the two projects, however, this would require the community consultations to identify diversity, equity, and/or inclusion as a key issue. This option is dependent on many variable factors, and does not offer committed support for CIM.

A third alternative considered was to hire a consultant to conduct research and draft an Action Plan. However, this would still require FTE support in directing the consultant, and would not be able to provide sustainable support to the internal Task Force or the Advisory Committee. A consultant would also not be able to develop and sustain quality internal and external stakeholder relationships that are important for this work.

A final alternative considered was leveraging existing resources by repurposing a current position. This option is not recommended, as there are no staff available for reallocation without significant impact on core Region operations or other strategic priorities.

Relationship to Council Strategic Priorities

Supporting Business and Economic Growth, which works towards a coordinated approach to fostering economic growth in Niagara. Research has shown that culturally diverse regions are more innovative and economically prosperous.

Healthy and Vibrant Community, specifically with objective 2.1: Enhancing Community Wellbeing with the intended outcome to foster a safe and inclusive community. Council will contribute to creating a healthy and vibrant community through advancing the ten commitments, which include monitoring and taking action against racism and discrimination in the region, supporting people who experience racism and discrimination, as well as the police as they combat racism and discrimination.

Sustainable and Engaging Government, through committing to high quality, efficient, fiscally sustainable and coordinated services. Creating an inclusive, equitable, and diverse region will enhance Council's ability to provide customer focused services, demonstrates a value to continuous improvement, collaboration and innovation, and be inclusive through reaching and maximizing the assets of all members of the community.

Other Pertinent Reports

- COM 14-2019 - Canadian Coalition of Municipalities Against Racism and Discrimination (CCMARD)
- CAO 08-2019 - Community Safety and Well-Being Plan
- CWCD 70-2017 - Global Attractiveness Committee Report

Prepared by:
Cassandra Ogunniyi
Strategic and Health Equity Initiatives Coordinator
Public Health and Emergency Services

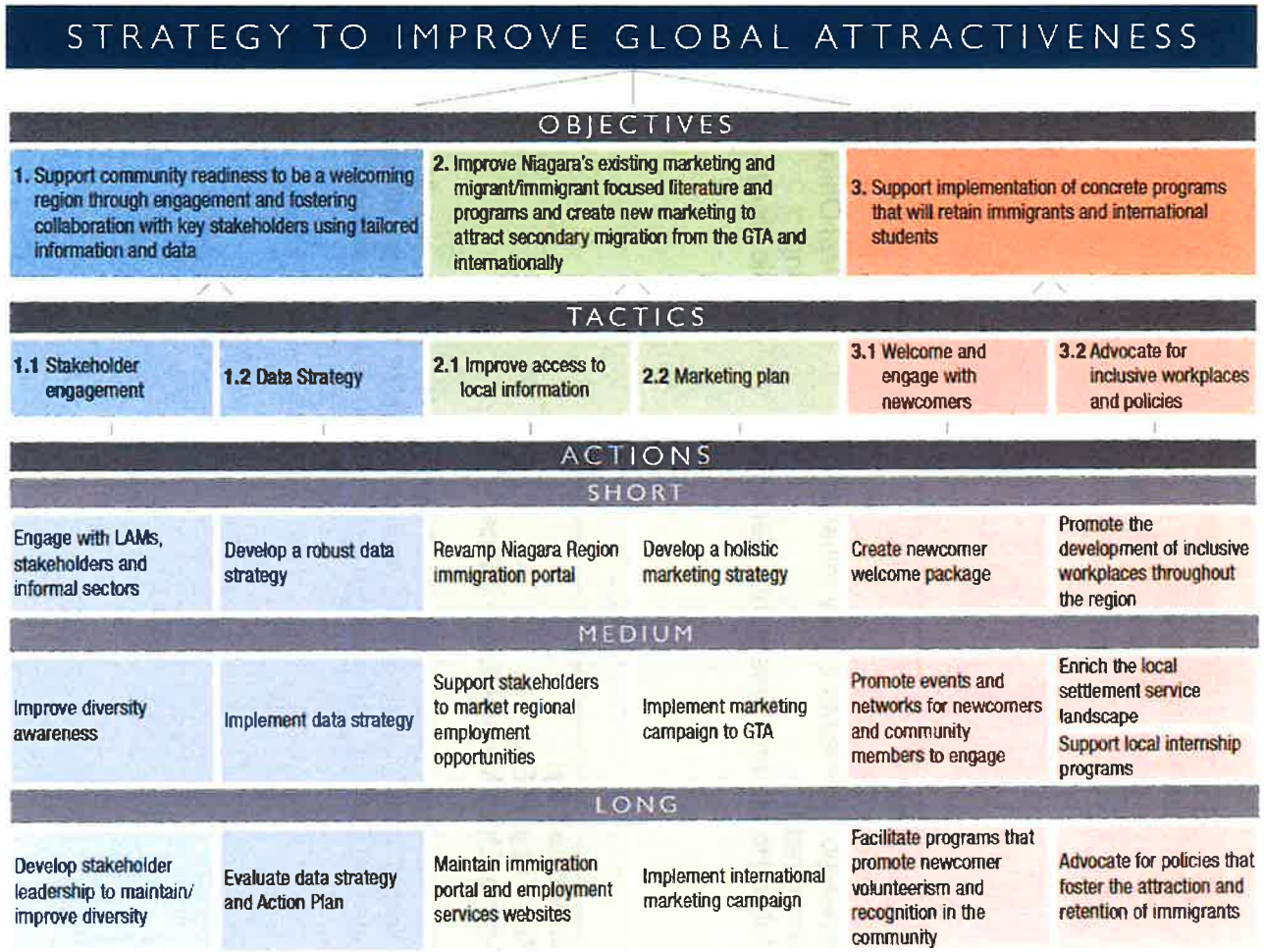
Recommended by:
M. Mustafa Hirji, MD MPH RCPC
Medical Officer of Health/Commissioner (Acting)
Public Health and Emergency Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Farzana Crocco, Strategic Marketing Manager; Sandy Dupuis, Corporate Performance Specialist; Donovan D'Amboise, Manager, Program Financial Support, and reviewed by Dr. Andrea Feller, Associate Medical Officer of Health.

Appendices

Appendix 1 Global Attractiveness Action Plan



Appendix 2 CIM Commitments - Current and Potential Future Activities

The municipality as a guardian of the public interest

1. Increase vigilance against systemic and individual racism and discrimination.

Current Internal Activities: HR policies
Potential Opportunities: Establish an external consultation or advisory committee

2. Monitor racism and discrimination in the community more broadly as well as municipal actions taken to address racism and discrimination.

Current Activities: None
Potential Opportunities: Report on the incidence of hate crimes, racism, and discrimination, as well as the responses taken, including areas such as housing, recreation, health, and other social programs

3. Inform and support individuals who experience racism and discrimination.

Current Internal Activities: HR Policies
Potential Opportunities: Use awareness materials and campaigns to inform citizens about their rights and obligations, including available resources and mechanisms for prevention and redress, as well as penalties for racist acts or behaviour and other forms of discrimination

4. Support policing services in their efforts to be exemplary institutions in combating racism and discrimination.

Potential Opportunities: Consult with local communities to hear concerns and receive input on responsive measures. Establish or enhance a comprehensive anti-racism and anti-discrimination vision statement and implement effective policies and procedures (including a complaints mechanism), as well as staff training to help prevent and respond to issues of racism and discrimination in policing services and in the community.

The municipality as an organization in the fulfillment of human rights

5. Provide equal opportunities as a municipal employer, service provider, and contractor.

Current Internal Activities: HR Policies
Current External Activities: Support Social Procurement
Potential Opportunities: Examine equity at a systemic level, such as auditing different aspects of the municipality's operations, including corporate planning, policy and program development, and procedures and practices with respect to employment, service delivery and contracting, as well as organizational culture; take steps to eliminate barriers; and finally, measure progress. Educate and sensitize elected officials and civil servants on mutual respect, citizenship and the obligation to protect and promote human rights.

6. Support measures to promote equity in the labour market.
Current Internal Activities: Corporate Diversity Training
Current External Activities: SAEO Employment Services, Bend the Curve
Potential Opportunities: In partnership with local chambers of commerce, set up a certification program for businesses, organizations, and professional bodies to integrate mechanisms into their own organizations for combating racism and building inclusive and respectful workplaces. Facilitate monitoring and removal of systemic barriers that impede fair and equitable access for full participation of Aboriginal and racialized communities in the economic life of the municipality, as well as access to professions and trades for foreign trained professionals.

7. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in housing.
Current External Activities: 10 Year Housing and Homelessness Action Plan, Niagara Housing Statement
Potential Opportunities: Work with landlords and social housing providers, with the assistance of tenant associations and community organizations, including legal clinics, to adopt equitable policies and practices with respect to qualifying applicants and selecting tenants for market rent units consistent with human rights principles. Work with homebuilder, realtor, rental, hotel, tourist and hospitality associations to draw up anti-discrimination codes of practice for their respective industry businesses and organizations.

The municipality as a community sharing responsibility for respecting and promoting human rights and diversity

8. Involve citizens by giving them a voice in anti-racism initiatives and decision-making.
Current Internal and External Activities: Accessibility Advisory Committee, Lived Experience Advisory - homelessness, Mental Health Client Advisory, Youth Advisory Committee (YAC), Lived Experience Advisory Network (LEAN) - poverty, Council Strategic Plan (Shape Niagara)
Potential Opportunities: Take steps to facilitate and increase the representation of Aboriginal and racialized communities on municipal boards, commissions and committees. Organize regular community forums in collaboration with existing organizations and mechanisms in order to offer citizens an opportunity to discuss and be heard on issues of racism and discrimination in the municipality, including effectiveness of local policies and programs

9. Support measures to challenge racism and discrimination and promote diversity and equal opportunity in the education sector, and in other forms of learning
Current Internal Activities: Public Health – Indigenous Cultural Safety Training

Current External Activities: SAEO – Local Immigration Partnership (LIP)
Potential Opportunities: Support partnerships between educators and front-line community organizations to reach out to vulnerable youth whose access to education is adversely affected by bullying and violence or discriminatory discipline policies or practices. Create a program to recognize schools for their anti-racism and anti-discrimination initiatives.

10. Promote respect, understanding and appreciation of cultural diversity and the inclusion of Aboriginal and racialized communities into the cultural fabric of the municipality.

Current Internal Activities: Public Health - Indigenous Cultural Safety Training, Public Health - Health Equity Strategic Plan, Seniors Services and Community Programs – Diversity and Inclusivity Committee, Diversity Calendar for new International Plaza and Civic Park
Current External Activities: SAEO - LIP, 10 Year Housing and Homelessness Action Plan, Indigenous Community Engagement Consultant, Overdose Prevention and Education Network of Niagara (OPENN), Public Health - Health Equity Strategic Plan, Economic Development marketing and promotion of Niagara, Diversity Calendar for new International Plaza and Civic Park
Potential Opportunities: Support initiatives that increase expertise and capacity within ethno-cultural organizations to effect change in their communities and enable their members to participate fully in society. Promote awareness of the fact that integration of a community's cultural fabric, together with its economic, educational, social and security interests, strengthens and benefits the whole community.

Town of Fort Erie	**MINUTES**	**Community Gaming Development Corporation**

Meeting Date, Time, and Location

Wednesday, February 25, 2020 at 5:30 p.m. in Conference Room #1

Members

Board of Directors

Rayomand Darukhanawalla - *regrets*
John Hill – Vice-Chair
Yvonne Hopkins - *regrets*
Wyndmill Hoskin - *regrets*
Chris Knutt
John Mollicone – *arrived 5:35 pm*
Stephen Passero - Chair
Scott Winger – Secretary/Treasurer
CouncillorNick Dubanow

Staff Resources

Grace Gress, Coordinator, Gaming Compliance
Karlee Griffin, Manager, Accounting Services

1) Call to Order

The Chair convened the meeting at 5:38 pm.

2) Approve Agenda

Resolution No. 28-20
Moved by Councillor Dubanow
Seconded by Scott Winger

THAT: The CGDC agenda for the meeting of February 25, 2020 be accepted.

(***CARRIED)***

3) Declaration of Conflict of Interest

Stephen Passero declared a conflict of interest with respect to Fort Erie Festivals under Business Arising from Minutes as he is a member of the organization.

He abstained from discussing the matter.

4) Adoption of the Community Gaming Development Minutes of January 29, 2020

Resolution No. 29-20
Moved by Chris Knutt
Seconded by Scott Winger

THAT: The Community Gaming Development Corporation hereby adopts the minutes of the meeting held on January 29, 2020. ***(CARRIED)***

5) Business Arising from Minutes

The Chair was turned over to the Vice-Chair due to the Chair's conflict of interest.

Fort Erie Festivals – Update

Staff provided the Board with a confidential email from the Chair of the Fort Erie Festivals organization. The email gave Board members an idea of some of the events that the organization is planning for this year's event. Staff is working closely with the organization and will keep the Board apprised.

Mr. Passero resumed the Chair.

Sub Committee By-law Review - Update

The subcommittee met for the first time on February 18th to review the gaming policy. The next meeting is scheduled for March 6th.

Presentation to Council - Update

The Chair made presentation to Council on February 18th. The presentation was informative and well received. In attendance at the Council meeting were the Chair, Vice-Chair, Secretary/Treasurer and staff.

Media Release

Staff circulated a copy of the media release to be circulated to the media through the Town's Communications Advisor. All Board members were in agreement with the release.

6) Correspondence for Board Consideration

There was no correspondence for the Board to consider.

7) Financial – Grace Gress

NET PROCEEDS AVAILABLE TO CHARITIES REPORT

The Board reviewed and discussed the documents.

MONTHLY EVENT SHARE

The Board reviewed and discussed the documents.

NON-COMPLIANCE – AUGUST YEAR-END FINANCIAL STATEMENTS

Within a memorandum, Ms. Gress reminded the Board that as a condition to receive a lottery permit it is mandatory that organizations provide a copy of their year-end financial statements within 180 days of their year-end.

First notices are sent to all organizations that are delinquent, reminding them to submit their information. Second notices are sent to those organizations that remain in non-compliance notifying them that if the information is not received by a specific date, a first, second or third level infraction, where applicable will be sanctioned against their organization.

The Board of Directors carried the following resolution;

Resolution No. 30-20
Moved by John Mollicone
Seconded by John Hill

THAT: The Board of Directors of the Community Gaming Development Corporation hereby supports the Coordinator, Gaming Compliance's actions by imposing a first, second or third level infraction where applicable on any permittee that does not come into compliance through submission of their year-end financial statements per Sections 9.1 and 9.2 of By-law No. 25-2015 as amended and further,

THAT: Board members are notified of any suspensions forthwith by e-mail. ***(CARRIED)***

8) **New Business**

There was no new business to discuss.

9) **Board Enquiries and Discussion**

Boys & Girls Club of Niagara – On February 11th, staff met with members of the Boys & Girls Club. The purpose of the meeting was to provide staff with an overview of how the model in Fort Erie would work once they settled into the EJ Freeland building.

Temporary Leave of Absence – Rayomand Darukhanawalla – Mr. Darukhanawalla has asked for a temporary leave of absence from the Board until March. His job takes him out of town on Wednesdays until March. The Board had no concerns with the request.

Volunteer Recognition Event – National Volunteer Recognition Week is April 19-25, 2020. A Volunteer Recognition Event will be held on Wednesday, April 22, 202 at 6:00 pm in the Atrium at Town Hall. It will kick off in the council chambers with the Mayor and members of Council, welcoming the volunteers and thanking them for their volunteerism, dedication and commitment to their community followed by an hors d'oerves/dessert reception in the Atrium.

Organizations in Non-Compliance – Request for Information

Board members discussed a request that was made of staff by the Mayor to release the names of the organizations that were in non-compliance to Mayor and Council. Board members unanimously agreed that the names of the organizations should not be released to protect the confidentiality of the organization in non-compliance. Board members invited the Mayor to appear at the next CGDC Board meeting to discuss the issue further.

10) **Action Item List**

The next meeting for the Steering Committee is set for Friday, March 6th at 2:30 pm in Conference Room #4.

11) **Next Meeting**

The next meeting is scheduled for Wednesday, March 25th, 2020 at 5:30 pm in Conference Room #1.

12) **Adjournment**

Resolution No. 31-20
Moved by Councillor Dubanow
Seconded by Chris Knutt

THAT: The meeting does hereby adjourn at 6:44 pm. ***(CARRIED)***

Minutes prepared by:

_____
Grace A. Gress, Coordinator,
Gaming Compliance - CGDC

Minutes approved by:

_____
Stephen Passero, Chair
CGDC

Office of the C.A.O.

Prepared for	Special Council	**Report No.**	CAO-15/LC-05-2020
Agenda Date	August 24, 2020	**File No.**	120902

Subject

LAND MATTERS:

JUNE 30, 2020 SPECIAL LAND COMMITTEE MEETING MINUTES
AUGUST 6, 2020 LAND COMMITTEE MEETING MINUTES
AUGUST 18, 2020 SPECIAL LAND COMMITTEE MEETING MINUTES

Recommendations

THAT Council receives the June 30, 2020 Special Land Committee meeting minutes attached as Appendix "1" to Report No. CAO-51/LC-05-2020; and further

THAT Council receives the August 6, 2020 Land Committee meeting minutes attached as Appendix "2" to Report No. CAO-15/LC-05-2020 and further

THAT Council receives the August 18, 2020 Special Land Committee meeting minutes attached as Appendix "3" to Report No. CAO-51/LC-05-2020; and further

THAT Council approves the recommendations contained in Appendix "4".

Relation to Council's 2018-2022 Corporate Strategic Plan

Land Committee Minutes are provided to Council together with recommendations associated with property and land matter requests.

List of Stakeholders

- Residents, organizations and businesses of Fort Erie as contained in the report

Prepared by:	Approved by:
Original Signed	*Original Signed*
Bev Bradnam, DPA, CMM III Manager, Strategic Initiatives	Tom Kuchyt, CET Chief Administrative Officer

Purpose of Report

The purpose of this report is to ensure that members of Council are provided with current land information and staff's deliberations associated with the land matters discussed at the June 30, 2020 Special Land Committee meeting, the August 6, 2020 Land Committee meeting and the August 18, 2020 Special Land Committee meeting.

Land Committee minutes are intended to be presented to Council for approval on a regular basis. While not all reports will provide recommendations for Council's deliberations, they will provide background information on land matters discussed.

Analysis

Attached as Appendix "1" to the Report is a copy of the June 30, 2020 Special Land Committee meeting minutes. This meeting was held to discuss the issues arising from people attending the private beach adjacent to the Crystal Beach Waterfront Park. Attached as Appendix "2" to the Report is a copy of the August 6, 2020 Regular Land Committee meeting minutes. Attached as Appendix "3" to the Report is a copy of the August 18, 2020 Special Land Committee meeting minutes.

At the June 30, 2020 Special Land Committee meeting, Recommendation No. 1 was passed by the Committee as outlined in Appendix "4", related to the waterfront lands adjacent to the Crystal Beach Waterfront Park. The Recommendation is only for Council's information until further details are researched regarding the private waterfront property. At the August 18, 2020 Special Land Committee meeting, Recommendation No. 1 was passed by the Committee related to Truk-King Logistic Inc.'s request to release the "No Speculation Clause" registered on title.

Members of the Land Committee will be in attendance during Council's deliberation to answer any questions arising from the minutes.

Financial/Staffing and Accessibility (AODA) Implications

Detailed in the June 30, 2020 Special Land Committee meeting minutes, the August 6, 2020 Regular Land Committee meeting minutes and the August 18, 2020 Special Land Committee meeting minutes.

Policies Affecting Proposal

By-law No. 168-91, as amended, established and appointed members to the Land Committee. The By-law sets out the role of the Land Committee and defines mandates and responsibilities of its members. The sale of land is governed by By-law No. 60-2017.

Comments from Relevant Departments/Community and Corporate Partners

The Land Committee is represented by the Mayor, the Chief Administrative Officer, the Director of Financial Services, the Director of Community and Development Services, the Director of Infrastructure Services and the Manager, Economic Development and Tourism Services. The Executive Director of the Fort Erie Native Friendship Centre also attends the Land Committee meetings.

Other staff members are invited to participate in the Land Committee meetings depending upon their specific duties, responsibilities and specific area of expertise.

Communicating Results

Not applicable.

Alternatives

No alternatives are provided.

Attachments

Appendix “1” - June 30, 2020 Special Land Committee Meeting Minutes
Appendix “2” - August 6, 2020 Land Committee Meeting Minutes
Appendix “3” - August 18, 2020 Special Land Committee Meeting Minutes
Appendix “4” - Recommendation for Council’s Approval

MINUTES

Special Land Committee Meeting

Meeting Date, Time, and Location
Tuesday, June 30, 2020 at 9:00 a.m. via zoom

Members	Support Staff
Mayor Wayne Redekop **T. Kuchyt**, Chief Administrative Officer, Chair **K. Dolch,** Director, Planning and Development Services (regrets) **C. Grummett**, Manager, Economic Development and Tourism Services (regrets) **J. Janzen,** Director, Corporate Services (regrets) **K. Walsh,** Director, Infrastructure Services **J. Dockstader,** Executive Director, Fort Erie Native Friendship Centre	**S. Hansen**, Manager, Community Planning **B. Critelli,** Law Clerk **C. Schofield,** Manager, Legislative Services and Clerk **B. Bradnam**, Manager, Strategic Initiatives **L. Richardson,** Senior Community Planner

1) **New Business**

1) Waterfront Lands adjacent to the Crystal Beach Waterfront Park

The memorandum prepared by the Senior Community Planner under date of June 29, 2020 was reviewed. As noted, the Director, Planning and Development Services, had reached out to the owner due to the issues arising from people attending the beach and leaving garbage behind and discussion regarding potential sale of the property took place. The Senior Community Planner provided excerpts from the 2017 Waterfront Strategy including how to secure additional waterfront lands, one of Council's key goals to make the lakeshore more accessible. Discussion took place regarding the reserve amounts available for acquiring waterfront property. The CAO noted that the piece of property is quite large and includes a large water area but asked why it was called "stinky" beach. The Mayor explained that algae would accumulate in all of these similar bay-like areas but as a result of the zebra mussels any of these areas where flow is restricted no longer have a build-up of algae. The Mayor noted that our mandate is to acquire waterfront. The Director, Infrastructure Services, advised that he has not yet had an opportunity to speak with the Manager, Parks & Facilities, as it would be his staff's responsibility but he thinks it is an excellent opportunity and would require 1-2 additional summer students. Discussion took place related to the development of Crystal Beach Waterfront Park. The Law Clerk was requested to search the title as there may be a lease for use on the property.

The Mayor asked if there would be any Indigenous significance on the property and the Executive Director responded that there is none that she is aware of but it is along the waterfront and she would be in favour of the Town acquiring because if something of significance was found it is easier to have that conversation with the Town.

1) **New Business, continued**

1) Waterfront Lands adjacent to the Crystal Beach Waterfront Park, continued

The CAO asked the Law Clerk to arrange to have an appraisal conducted on the property.

The following recommendation was passed by the Committee:

Recommendation No. 1:

THAT Land Committee recommends that staff continue discussions with the property owner and undertake a market appraisal; and further

THAT the Law Clerk search the title of the property to determine if there are any long term leases on the property; and further

THAT staff report back to the Land Committee with the results of the market appraisal, title search and any further discussions with the property owner.

(CARRIED)

2) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, August 6, 2020 at 9:00 a.m. via Zoom (to be determined based on agenda items).

Minutes recorded and prepared by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Minutes approved by:

Tom Kuchyt, CET
Chief Administrative Officer

MINUTES

Land Committee Meeting

Meeting Date, Time, and Location
Thursday, August 6, 2020 at 9:00 a.m. via zoom

Members	Support Staff
Mayor Wayne Redekop (regrets) **T. Kuchyt**, Chief Administrative Officer, Chair **K. Dolch,** Director, Planning and Development Services (regrets) **C. Grummett**, Manager, Economic Development and Tourism Services **J. Janzen,** Director, Corporate Services **K. Walsh,** Director, Infrastructure Services **J. Dockstader,** Executive Director, Fort Erie Native Friendship Centre	**S. Hansen**, Manager, Community Planning **B. Critelli,** Law Clerk **C. Schofield,** Manager, Legislative Services and Clerk (regrets) **B. Bradnam**, Manager, Strategic Initiatives

1) **New Business**

1) Draft Plan of Subdivision – Proposed Parkland Dedication – 3285 Thunder Bay Road

The Manager, Community Planning, provided an overview of the proposed parkland dedication for the development at 3285 Thunder Bay Road. Discussion took place regarding the provisions of both the Town's Parkland Dedication By-law and Waterfront Strategy. The Law Clerk was requested to obtain appraisals of Blocks 2 and 4 and report back to the Land Committee.

2) **Outstanding Parks and Open Space Development Land Matters**

1) Coal Dock's Property

The Director, Infrastructure Services, advised that the Niagara Parks Commission has confirmed that the tender documents are expected this week and they will be tendering this month with award in September and construction starting late September or October.

3) **Outstanding Land Matters for Discussion**

1) Request to purchase old Ridgeway Public Works Yard

The Chief Administrative Officer confirmed that the interested developer is still waiting to see what happens at the Ridgeway-Crystal Beach Highschool. Remain on outstanding.

2) Property Acquisition, Land Exchange and Road Widening at the North East corner of Hagey Avenue and Concession

The Law Clerk advised that she followed up with the Municipal Engineer – Infrastructure Renewal and he has not yet received any appraisal details from the Ministry of Transportation Ontario. The Manager, Community Planning, advised that the Director has been in contact with the telecommunications company that was interested in this location and they are now looking at private sites due to the length of time this has taken. Remain on outstanding.

3) 0 Winger Road

The Manager, Economic Development and Tourism Services provided an update on the potential development of the property and still allow for the owner to retain 5 acres for expansion purposes. Remain on outstanding.

4) Request to construct a washroom along the Friendship Trail in downtown Ridgeway

The Manager, Community Planning, advised that a meeting was held in early June with Councillor Butler, members of the Ridgeway BIA, the Ridgeway Lions Club, the Director, Infrastructure Services, and Manager, Facilities and Parks. Both the Ridgeway BIA and Lions Club agreed to work together to fundraise, agreed that now is not the right time to do so, and they will be revisiting the construction in early 2021. The CAO noted that the Province just announced funding for not-for-profits through the Trillium Foundation and eligible projects will include those that are COVID-related as well as those that are activity-related. The CAO noted that the funding announcement also made reference to parks. The Manager, Economic Development and Tourism Services, confirmed that she distributed the announcement to all not-for-profits, including the Ridgeway Lions Club. Remain on outstanding.

5) 0 Catherine Street Part of Lot 22, West side Niagara Street adjacent to Sewage Pumping Station

The Manager, Community Planning, will follow-up with the Planning Technician to determine the status of the appraisal that was to be conducted prior to a report coming forward to Council on the potential sale.

3) **Outstanding Land Matters for Discussion, continued**

6) Purchase of Waterfront Lands adjacent to the Crystal Beach Waterfront Park

The Law Clerk confirmed receipt of the appraisal. Discussion took place regarding the parking issues that are presently occurring at the Crystal Beach Waterfront Park and whether the issues would be escalated if the Town were to purchase the lands. The Manager, Community Planning, advised that the recent parking study that was conducted for Crystal Beach noted that the only deficient area is the Crystal Beach Waterfront Park. The Law Clerk was directed to request that the appraiser break down the appraisal by the three parcels. It was noted that the lands are designated as hazard and cannot be developed. Once more details related to the appraisal are received a Closed Session meeting of Council will take place with an accompanying report.

4) **Other Matters**

No other matters were discussed.

5) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, September 24, 2020 at 9:00 a.m. via Zoom.

The August 6, 2020 Land Committee meeting adjourned at 9:27 a.m.

Minutes recorded and prepared by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Minutes approved by:

Tom Kuchyt, CET
Chief Administrative Officer

MINUTES

SPECIAL Land Committee Meeting

Meeting Date, Time, and Location

Tuesday, August 18, 2020 at 10:00 a.m. via zoom

Members	Support Staff
Mayor Wayne Redekop **T. Kuchyt**, Chief Administrative Officer, Chair **K. Dolch,** Director, Planning and Development Services (at 10:25 a.m.) **C. Grummett**, Manager, Economic Development and Tourism Services **J. Janzen,** Director, Corporate Services **K. Walsh,** Director, Infrastructure Services **J. Dockstader,** Executive Director, Fort Erie Native Friendship Centre	**S. Hansen**, Manager, Community Planning **B. Critelli,** Law Clerk (regrets) **C. Schofield,** Manager, Legislative Services and Clerk **B. Bradnam**, Manager, Strategic Initiatives

1) **New Business**

1) Truk-King Logistics Inc. – Notice of Intent – No Speculation Clause (0Pettit Road)

In a letter under date of August 12, 2020, Truk-King Logistics Inc. provided a formal notice to sell 0 Pettit Road and a copy of the "No Speculation Clause"" with the Town. The CAO noted that some investment has been made on the vacant property and there is no sanitary sewer across the frontage. The "No Speculation Clause" allows the Town to repurchase lands outside the improved lands, which is very limited. The Town has 15 days to respond. The CAO noted that the present owner will continue to be a partner on the subject property. The CAO will direct the Law Clerk to have external counsel review the "No Speculation Clause" to determine if it can remain on title. The Manager, Legislative Services/Town Clerk, advised that we have previously allowed the sale of the property and entered into a new right to reconveyance which runs on the land for 20 years. A map highlighting the property is attached Appendix "1.1" to the Minutes.

Recommendation No. 1:

THAT: The Land Committee recommends that the Town does not enact the First Right of Refusal at this time on the property known as 0 Pettit Road (PINC 64238-0091 LT) as the initial purchaser will continue to be a partner on the subject property; and further

THAT: The "No Speculation Clause" for 0 Pettit Road (PIN 64238-0091 LT) remain on title, pending confirmation from external counsel.

(CARRIED)

1) **New Business, continued**

2) Revised Appraisal Report of the Beach Lands/Water Lot – West side of Ridgeway Road

As requested by the Land Committee at the August 6, 2020 meeting, a revised Appraisal Report from Colliers International was obtained. The appraiser has advised that initially he attempted to apply individual values to the sites but thought it made more sense to value them as combined due to water lot access constraints and comparable sales data. The Land Committee members discussed how the acquisition fits into the Waterfront Strategy. The Executive Director spoke about the stewardship of the property and the ability to carry on the legacy of stewardship of waterways, noting that there is a lot of competition regarding who owns what of the lake. In keeping with Treaties, bodies that would assume ownership for stewardship, such as how the Niagara Parks was developed, should continue the language of stewardship for waterways and beaches.

The CAO confirmed that he will seek a second opinion on the appraisal and he and the Director, Planning and Development Services, will reach out to a local developer who may have first right of refusal on the property, and report back to the Committee.

2) **Other Matters**

1) Potential Waterfront Acquisition

The Manager, Community Planning, described a property adjacent to a local waterfront road allowance that is for sale and fits in with the Town's Waterfront Acquisition Strategy. The Manager advised that the property does not include the beach lot, which belongs to an association. It was agreed that a legal opinion would be sought to determine if the Town would be able to become a member of an association and then provide access to the public.

3) **Next Meeting Date and Adjournment**

The next Land Committee meeting date will take place on Thursday, September 24, 2020 at 9:00 a.m. via Zoom.

The August 18, 2020 Special Land Committee meeting adjourned at 10:26 a.m.

Minutes recorded and prepared by:

Bev Bradnam, DPA, CMM III
Manager, Strategic Initiatives

Minutes approved by:

Tom Kuchyt, CET
Chief Administrative Officer

0-13468 PETTIT ROAD
Open in Property Manager
Zoom to
1799
1863
1886
1818
1300
Bridge Street
0-13366

Appendix "4" to Administrative Report No. CAO-15/LC-05-2020

Date of Meeting	Land Matter	Rec. No.	Tasks identified/ Recommendation of Land Committee	Status/Council Action Required
June 30/20 **Special Meeting**	**Waterfront Lands adjacent to the Crystal Beach Waterfront Park**	**1**	**THAT** Land Committee recommends that staff continue discussions with the property owner and undertake a market appraisal; and further **THAT** the Law Clerk search the title of the property to determine if there are any long term leases on the property; and further **THAT** staff report back to the Land Committee with the results of the market appraisal, title search and any further discussions with the property owner. **(CARRIED)**	**Pending further Report to Council**
August 18/20	**Truk-King Logistics Inc. – Notice of Intent – No Speculation Clause (0 Pettit Road)**	**1**	**THAT:** The Land Committee recommends that the Town does not enact the First Right of Refusal at this time on the property known as 0 Pettit Road (PINC 64238-0091 LT) as the initial purchaser will continue to be a partner on the subject property; and further **THAT:** The "No Speculation Clause" for 0 Pettit Road (PIN 64238-0091 LT) remain on title, pending confirmation from external counsel.	**Requires Council's approval**

RESPONSE TO COUNCIL ENQUIRIES

Date of Response: August 24, 2020

Responsible Department: CAO ☐ COS ☐ PDS ☐ FES ☐ IS ☐ CS ■

Date of Enquiry:

☐ Council Meeting Date:
■ Council-in-Committee Meeting Date: **August 10, 2020**

Enquiry by: Councillor Noyes

Nature of Enquiry: Councillor Noyes requested a copy of the questionnaire that was sent to all c-gaming recipients along with the mechanism that was used to score them.

Response:

Gaming Centres re-opened on July 24th with cabinet game (Taptix Machines) play only and a limit of 50 customers inside at a time.
As revenue begins to slowly trickle back to the charitable and non-profit organizations, the OLG and OGCA strongly encouraged us to allocate funds based on the financial situation of the organization and community need. We have been asked to defer organizations with less priority to later in the year.
For the first two months, volunteers are not required to be in attendance at the gaming centre (to be reassessed after six weeks). Since there are no volunteers, there are no unique factors to consider such as availability of volunteers. A consistent approach and methodology for allocating assignments is provided across all organizations.

In order to assist the CGDC Board of Directors to better understand the unique scenarios facing organizations during Covid-19, questionnaires were sent out to all organizations save and except for schools.

1. 3 questions were asked…
   i) **Program Status** – have programs increased, running as normal, decreased or cancelled all together?
   ii) **Financial Impact** – have costs increased/revenue decreased significantly, cost increased/revenue decreased slightly or has there been minimal impact?
   iii) **Cash Flow Impact** – if operations continue "as is" will the current cash position sustain operations for 1-3 months or less, 3-6 months or 6 months and beyond
   iv) A box was also provided for the organization to provide any relevant information
2. Although not included in the survey organizations were scored based on the services they provide to the community.

3. Organizations that scored between 4 – 8 were considered a **low** priority, between 9 – 14 were considered to be a **medium** priority and between 15-19 were considered to be a **high** priority.

A copy of the survey and matrix is attached

Read and Recorded into Minutes: _____
(Date)

Status:
☒ Completed ☐ Ongoing ☐ Other (explain) _____

Prepared By: *"original signed"*
Signature

Grace Gress, Coordinator, Gaming Compliance
Name/Title

Read and Recorded into Minutes: _____
(Date)

(ORGANIZATION NAME)

The Community Gaming Development Corporation Board of Directors values your responses to the survey questions below, as they will help the Board better understand the unique scenarios facing organizations at this time. Please be aware that your responses may impact allocations in the immediate term and may be subject to verification.

Kindly complete the survey below by selecting one box per question. Please return no later than **July 31, 2020.**

1. Program Status – Please indicate how programs in Fort Erie are currently operating as of July 17 2020	
Programs have Increased	
Running as Normal (no change)	
Reduced Programs (suspended or cancelled)	
Not Running (all programs cancelled)	

2. Financial Impact – Overall please rate the financial impact of Covid-19 on your organization. Have your costs increased/revenue decreased during the current fiscal year (please consider net of cost savings and funding from other sources)	
Costs Increased/Revenue Decreased Significantly	
Costs Increased/Revenue Decreased Slightly	
Minimal Impact	

3. Cash Flow Impact – Overall, please indicate how long your current cash position will sustain operations, if operations continue "as is"	
1-3 months of operations or less	
3-6 months	
6 months and beyond	

4. Additional Information - Please provide any relevant information

1. Program Status	
Increased	4
Running as Normal	3
Reduced	2
Not Running	1
2. Financial Impact - Overall, please rate how your costs have increased/revenue has decreased during the current fiscal year (please consider net of cost savings and funding from other sources)	
Significantly	5
Slightly	3
Minimal Impact	1
3. Cash Flow Impact - Overall, please indicate how long your current cash position will sustain operations, if operations continue "as is"	
1-3 month of operations or less	5
3-6 months	3
6 months and beyond	1

4. Type of Organization (not included in survey - based on Provincial Essential Services and Policy Priorities)	
Organizations that provide counselling services	5
Organizations that provide food services	5
Organizations that utilize lottery funds to pay utilities	5
Organization that provide specific services	5
Organizations that provide youth activities	3
Organizations that have the ability to donate	2
Organizations that provide community events	1
Organizations that provide conservation services	1
Schools	1

Low Priority	4	8
Medium Priority	9	14
High Priority	15	19

The Municipal Corporation of the Town of Fort Erie

FOLLOW-UP TO COUNCIL ENQUIRIES

Date of Response: July 24, 2020

Responsible Department: ☐ CAO ☐ Clerk's ■ PDS ☐ CS ☐ IS

Date of Enquiry:

■ Council Meeting Date: July 20, 2020

☐ Council-in-Committee Meeting Date: _____

Enquiry by: Councillor Lubberts

Nature of Enquiry: Conveyed a complaint about overgrown weeds at the Schooley Road subdivision and requested that staff look into the matter.

Response: The Town's assumption of these lands is not expected for a few more years, meaning maintenance responsibility is still that of the developer.

PDS staff contacted the developer on July 21, 2020 relative to maintenance of the weeds and subsequently met the developer and consultant on site. Maintenance of the weeds along the stormwater management pond and along the existing residential properties has been requested. Staff will continue to monitor the site until the weeds have been cut. Staff will also monitor the site in the future.

Status:

☒ Completed ■ Ongoing ☒ Other (explain) _____

☒ Read and Recorded into Minutes (Date) _____

Prepared By: *Original Signed*
Signature

Signe Hansen, Manager. Community Planning
Name/Title

Dist:
cc: Mayor and Council
CAO
Department Directors
Deputy Clerk

The Municipal Corporation of the Town of Fort Erie

By-law No. 77-2020

Being a By-law to Exempt Certain Lots in Plan 59M-452 from Part Lot Control, Block 4, 228 and 232 Alderson Court Park Lane Home Builders Limited (J. Hill)

File No. 350304

Whereas the Municipal Council of The Corporation of the Town of Fort Erie deems that the lands described in Section 1 of this By-law should be exempted from the provisions of Subsection 5 of Section 50 of the *Planning Act* since such lands are to be used for a dwelling unit as permitted by Zoning By-law No. 129-90 as amended;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the provisions of Subsection 5 of Section 50 of the *Planning Act, R.S.O. 1990, c.P.13* as amended shall not apply to the lands described as follows:

   (a) Block 4, Plan 59M-452, Fort Erie,
   being all of PIN 64464-0168 (LT),

   for the purpose of creating two (2) lots for residential development as follows:

   i) Part 1 and Part 2 on Reference Plan 59R-16744; and
   ii) Part 3, Part 4 and Part 5 on Reference Plan 59R-16744.

2. **That** in accordance with Subsection 7.3 of Section 50 of the *Planning Act, R.S.O. 1990, c.P. 13* as amended, this By-law shall expire 6 months from the date of the registration of this by-law in the Land Registry Office at which time Subsection 5 of Section 50 of the *Planning Act R.S.O. 1990* shall apply to those lands in the registered plan described in Section 1 of this by-law.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause this By-law to be registered in the local Land Registry Office.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August 2020.

_____

Mayor

_____

Clerk

I, Carol Schofield, the Clerk of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 77-2020 of the said Town. Given under my hand and the seal of the said Corporation this _____ day of _____, 2020.

_____

Interoffice Memorandum

August 13, 2020
File No. 350304

To: Mayor and Council
From: Aaron Butler, Manager, Development Approvals,
Subject: **REMOVAL OF PART LOT CONTROL**
BY-LAW NO. 77-2020
BLOCK 4, PLAN 59M-452, 228 AND 232 ALDERSON

Included in the Council package for August 24, 2020 is By-law No.77-2020 exempting Parts 1 to 5, 59R-16744, Block 4, Plan 59M-452 from the Part Lot Control provisions of *The Planning Act*.

Attached is a copy of Registered Plan 59R-16744 indicating the proposed parts to be created for the future residential development on Parts 1 to 5. The current application will allow the conveyance of two lots for semi-detached dwellings. Parts 2, 4 and 5 contain registered easements.

The Planning Act also allows the Part Lot Control By-law to expire at the end of a specified time period. The purpose of the specified time period is to provide a time window to sell the lots and register the reference plan. In this case, a 6 month time frame is sufficient to allow the owner to complete the transactions necessary to convey the subject properties.

In order to permit the conveyance, staff recommends approval of By-law No. 77-2020 exempting Parts 1 to 5, 59R-16744, Block 4, Plan 59M-452 from Part Lot Control.

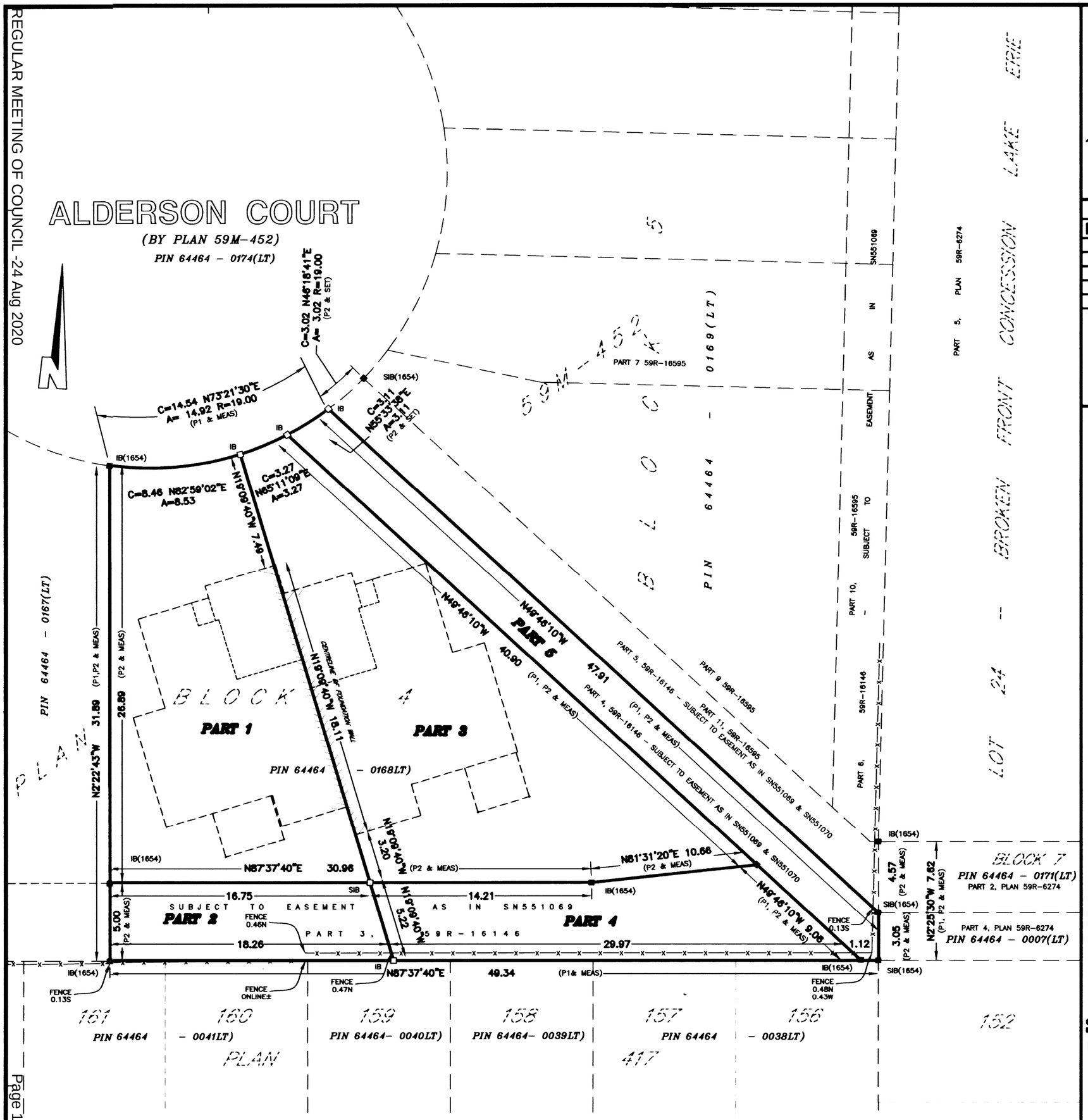
All of which is respectfully submitted,

Original Signed

Aaron Butler, MCIP, RPP
Manager, Development Approvals

Attachment: Appendix "1" – Registered Plan 59R-16744

cc: Tom Kuchyt, Chief Administrative Officer
Kira Dolch, Director of Planning and Development Services
Bonnie Critelli, Law Clerk
Carol Schofield, Town Clerk



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE JULY 7, 2020

DONALD G. CHAMBERS, B. Sc., O.L.S.

PLAN 59R- 16744

RECEIVED AND DEPOSITED

DATE July 15, 2020

R. Lane

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF NIAGARA SOUTH(59)

SCHEDULE

PART	LOT	PLAN/CONCESSION	PIN
1	BLOCK 4	PLAN 59M-452	64464-0168(LT)
2			
3			
4			
5			

PARTS 1, 2, 3, 4, AND 5 COMPRISES ALL OF PIN 64464-0168(LT)
PARTS 2, AND 4 ARE SUBJECT TO EASEMENT AS PER SN551069
PART 5 SUBJECT TO EASEMENT AS PER SN551069 & PER SN551070

PLAN OF SURVEY OF
BLOCK 4
REGISTERED PLAN 59M-452

TOWN OF FORT ERIE

REGIONAL MUNICIPALITY OF NIAGARA

SCALE 1 : 250

0 1 2 3 4 5 10 15 25 METRES

DONALD G. CHAMBERS
ONTARIO LAND SURVEYOR

LEGEND

—■—	DENOTES	SURVEY MONUMENT FOUND
—□—	"	SURVEY MONUMENT SET
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
IB	"	IRON BAR
MEAS	"	MEASURED
WIT	"	WITNESS
N/S/E/W	"	NORTH/SOUTH/EAST/WEST
PIN	"	PROPERTY IDENTIFICATION NUMBER
P1	"	REGISTERED PLAN 59M-452
P2	"	DEPOSITED PLAN 59R-16146
1654	"	D. G. CHAMBERS, O.L.S.

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;
2) THE SURVEY WAS COMPLETED ON THE 3rd DAY OF JUNE 2020

JULY 7, 2020
DATE

DONALD G. CHAMBERS, B. Sc., O.L.S.

BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010)

DISTANCE NOTE

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99989.

METRIC NOTE

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

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD 83 (CSRS) (2010). CO-ORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
ORP A	4748136.87	658697.20
ORP B	4748200.56	658658.25

CO-ORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

CHAMBERS AND ASSOCIATES
SURVEYING LTD
12 THOROLD ROAD EAST
WELLAND ONTARIO
L3C 3T2
(905) 735-7841 / 735-7844
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The Municipal Corporation of the Town of Fort Erie

By-law No. 78-2020

Being a By-law to Authorize the Entry into an Extension and Amending Agreement with Tokmakjian Inc. for the Provision of Conventional Public Transit Service

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Whereas the Town of Fort Erie and Tokmakjian Inc. entered into an Agreement dated September 14, 2012 and authorized by By-law No. 46-12, wherein Tokmakjian Inc. agreed to deliver conventional public transit services for the Town of Fort Erie (the "Agreement"); and

Whereas the Agreement had an Initial Term of five (5) years, which expired on September 30, 2017; and

Whereas the Agreement automatically renewed for a further three (3) year term commencing October 1, 2017 and expiring on September 30, 2020 in accordance with Section 1.2 of the Agreement; and

Whereas Report No. IS-31-2020, was considered and approved at the Council-in-Committee Meeting held on August 10, 2020 to enter into an Extension and Amending Agreement with Tokmakjian Inc. to extend the Conventional Transit Services from October 1, 2020 to December 31, 2021 and amend the full-cost model to provide for all revenue to be retained by the Town; and

Whereas it is deemed desirable to enter into an Extension and Amending Agreement with Tokmakjian Inc. for the provision of conventional public transit services;

Now therefore the Municipal Council of The Corporation of theTown of Fort Erie enacts as follows:

1. **That** the entry into an Extension and Amending Agreement with Tokmakjian Inc. to extend the provision of conventional public transit services for the Town of Fort Erie from October 1, 2020 to December 31, 2021 and amend the full-cost model to provide for all revenue to be retained by the Town, in a form acceptable to the Chief Administrative Officer and Director, Infrastructure Services, is authorized and approved.

2. **That** the Mayor and Clerk are authorized and directed to execute the Extension and Amending Agreement and to affix the corporate seal thereto.

3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 78-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 79-2020

Being a By-law to Rename a Traveled Portion of Klauck Street to Klauck Street North

WHEREAS the Street Naming and Wayfinding Committee at its meeting of December 10, 2019 recommended the renaming of a traveled portion of Klauck Street to Klauck Street North, to assist with emergency response; and

WHEREAS at the February 18, 2020 Regular Council Meeting, Council considered and approved the Street Naming and Wayfinding Committee's recommendations contained in the Street Naming and Wayfinding Committee's Minutes of December 10, 2019 to rename a traveled portion of Klauck Street to Klauck Street North; and

WHEREAS pursuant to the requirements of Street Naming Policy By-law No. 15-04 notice of the proposed street renaming was published in The Post for two consecutive weeks on August 13th and 20th, 2020, and posted on the Town's website; and

WHEREAS no objections were received to the proposed street renaming; and

WHEREAS it is deemed desirable to proceed to rename a traveled portion of Klauck Street to Klauck Street North, in order to assist with emergency response;

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** a traveled portion of Klauck Street, legally described as Firstly: Lane, Plan 348, Village of Bridgeburg, abutting Lot 124, South Side of Dufferin Street and Lot 247, North Side of Jarvis Street; Secondly: Part Lot 247, North Side of Jarvis Street, Plan 348, Bertie, as in BR1866; Part Lot 124, South Side of Dufferin Street, Plan 348, Bertie, as in BR1736; Between Dufferin and Jarvis Streets (aka Klauck Street); Fort Erie, being all of PIN 64232-0175 (LT), in the Town of Fort Erie, in the Regional Municipality of Niagara, is renamed "Klauck Street North".

2. **That** the Town Law Clerk shall cause this by-law to be registered in the local land Registry Office.

3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 79-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 80-2020

Being a By-law to Rename an Untraveled Road from Clarkson Crescent to Beachwalk Crescent and to Rename an Untraveled Road from Clarkson Court to Loganberry Court

WHEREAS the Street Naming and Wayfinding Committee at its meeting of December 10, 2019 recommended the renaming of an untraveled road from Clarkson Crescent to Beachwalk Crescent and the renaming of an untraveled road from Clarkson Court to Loganberry Court; and

WHEREAS at the February 18, 2020 Regular Council Meeting, Council considered and approved the Street Naming and Wayfinding Committee's recommendations contained in the Street Naming and Wayfinding Committee's Minutes of December 10, 2019 to rename an untraveled road from Clarkson Crescent to Beachwalk Crescent and to rename an untraveled road from Clarkson Court to Loganberry Court; and

WHEREAS pursuant to the requirements of Street Naming Policy By-law No. 15-04 notice of the proposed street renamings was published in The Post for two consecutive weeks on August 13th and 20th, 2020, and posted on the Town's website; and

WHEREAS no objections were received to the proposed street renamings; and

WHEREAS it is deemed desirable to proceed to rename an untraveled road from Clarkson Crescent to Beachwalk Crescent and to rename an untraveled road from Clarkson Court to Loganberry Court;

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** an untraveled road known as Clarkson Crescent, legally described as PCL Streets-1, Sec M65; Clarkson Crescent, Plan M65; Fort Erie, being all of PIN 64184-0254 (LT), in the Town of Fort Erie, in the Regional Municipality of Niagara, is renamed "Beachwalk Crescent".

2. **That** an untraveled road known as Clarkson Court, legally described as PCL Streets-1, Sec M65; Clarkson Court, Plan M65; Fort Erie, being all of PIN 64184-0253 (LT), in the Town of Fort Erie, in the Regional Municipality of Niagara, is renamed "Loganberry Court".

3. **That** the Town Law Clerk shall cause this by-law to be registered in the local land Registry Office.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 80-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 81-2020

Being a By-law to Assume Primary Services in the Village Creek Estates Subdivision – Phase 2, Stage 2 (Plan 59M-390) (800547 Ontario Limited – Debra Hill)

Whereas By-law No. 09-12 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Village Creek Estates Subdivision – Phase 2; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services for Phase 2, Stage 2 of the said subdivision; and

Whereas it is deemed desirable to assume the Primary Services for Phase 2, Stage 2 of the said subdivision;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** the following Primary Services identified on the approved servicing plans for Phase 2, Stage 2 of the Subdivision registered as Plan No. 59M-390 are assumed by the Town of Fort Erie, namely:

a) Water Distribution System;
b) Sanitary Sewer System;
c) Storm Drainage System, excluding Storm Water Management; and
d) Streetlighting,

pursuant to the Certificate of Final Acceptance for Primary Services dated July 24, 2020.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 81-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 82-2020

Being a By-law to Assume Secondary Services in the Village Creek Subdivision - Phase 2, Stage 2, Plan 59M-390 (800547 Ontario Limited – Debra Hill)

Whereas By-law No. 09-12 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Village Creek Subdivision – Phase 2; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas pursuant to the Subdivision Agreement the Secondary Services includes all finished streets and roadways as constructed by the Developer for the Plan of Subdivision; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Secondary Services for the said subdivision; and

Whereas it is deemed desirable to assume the Secondary Services installed pursuant to the Subdivision Agreement, including certain highways within the Plan of Subdivision;

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** the following Secondary Services identified on the approved servicing plans for the Village Creek Subdivision – Phase 2, Stage 2 registered as Plan No. 59M-390 are assumed by the Town of Fort Erie, namely:

a) Municipal Roads, including boulevards;
b) Driveway Aprons;
c) Sidewalks; and
d) Tree Plantings,

pursuant to the Certificate of Final Acceptance for Secondary Services dated July 24, 2020.

2. **That** the following parcel of land situated in the Town of Fort Erie are assumed as public highway:

Street	Plan Number	PIN Number
Part of Village Creek Drive (commencing at a point approximately 47 metres west of Old Mill Road westerly to the end)	***59M-390***	***Part of PIN 64175-0588 (LT)***

3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 82-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 83-2020

Being a By-law to Assume Primary Services in the Village Creek Estates Subdivision – Phase 3, Stage 1 (Plan 59M-438) (800547 Ontario Limited – Debra Hill)

Whereas By-law No. 137-2016 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Village Creek Estates Subdivision – Phase 3, Stage 1; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services for Phase 3, Stage 1 of the said subdivision; and

Whereas it is deemed desirable to assume the Primary Services for Phase 3, Stage 1 of the said subdivision;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** the following Primary Services identified on the approved servicing plans for Phase 3, Stage 1of the Subdivision registered as Plan No. 59M-438 are assumed by the Town of Fort Erie, namely:

a) Water Distribution System;
b) Sanitary Sewer System;
c) Storm Drainage System, excluding Storm Water Management; and
d) Streetlighting,

pursuant to the Certificate of Final Acceptance for Primary Services dated July 24, 2020.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 83-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 84-2020

Being a By-law to Accept and Declare Lands as Public Highway on the West Side of Concession Road (0 Concession Road – 2685235 Ontario Limited (Frank Renda))

Whereas pursuant to the Decision of the Town of Fort Erie Committee of Adjustment, File No. B01/20 F.E., the owner, 2685235 Ontario Limited, is required to convey lands to The Corporation of the Town of Fort Erie for road widening purposes on the west side of Concession Road, gratuitously, free and clear of all encumbrances; and

Whereas the *Municipal Act, 2001*, as amended, provides that if a municipality acquires land for the purpose of widening a highway, the land acquired forms part of the highway to the extent of the designated widening; and

Whereas it is deemed desirable to authorize the acceptance of lands for road widening purposes, and declare and assume same as public highway forming part of Concession Road;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the acceptance of land from 2685235 Ontario Limited, legally described as Part of Lot 1, North Side of Smith Street, Plan 525, Village of Bridgeburg, being Part 2 on Reference Plan 59R-16729; Fort Erie, being Part of PIN 64225-0008 (LT) (the "Lands") for road widening purposes, free and clear of all encumbrances, is authorized and approved.

2. **That** the Lands are established, laid out, declared and assumed as public highway forming part of Concession Road, for public use.

3. **That** upon final passage of this by-law, the Town Law Clerk shall cause same to be registered in the Land Registry Office.

4. **That** the Mayor and Clerk are authorized and directed to execute all documentation necessary to complete this transaction.

5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie hereby certifies the foregoing to be a true copy of By-law No. 84-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 85-2020

Being a By-law to Appoint Mark Schmitt as Deputy Fire Chief for the Town of Fort Erie and to Repeal By-law No. 80-2017

Whereas the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, (the "*Act*") subsection 5(0.1) provides that the council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality; and

Whereas the Town of Fort Erie has established, maintains and operates a fire department; and

Whereas the *Act* further provides if a fire department is established, the council of the municipality shall appoint a fire chief for the fire department and describes the powers and responsibilities of the fire chief; and

Whereas the *Act* further provides that a fire chief may delegate his or her powers or duties to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation; and

Whereas By-law No. 80-2017 appointed Jeremy Inglis as Deputy Fire Chief; and

Whereas Jeremy Inglis has resigned and it is desirable to appoint Mark Schmitt as Deputy Fire Chief;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** Mark Schmitt is appointed Deputy Fire Chief for the Town of Fort Erie effective September 8, 2020.

2. **That** Mark Schmitt, during any absence of the Fire Chief, shall be the Acting Fire Chief with the same powers, duties and responsibilities of a Fire Chief as described in the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 and as prescribed by the Council from time to time. Such powers shall include, but are not limited to, the power to delegate as prescribed by the Act.

3. **That** Mark Schmitt, while acting in his capacity as Acting Fire Chief, shall be the person ultimately responsible to the Council for the delivery of fire protection services.

4. **That** Mark Schmitt is appointed a Provincial Offences Officer pursuant to the provisions of the *Provincial Offences Act*, R.S.O. 1990, c. P.33 and is appointed a Peace Officer for the purposes of enforcing the Fire Code and related municipal by-laws.

5. **That** By-law No. 80-2017 is repealed.

6. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections, or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 85-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20__.

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The Municipal Corporation of the Town of Fort Erie

By-law No. 86-2020

Being a By-law to Assume Primary Services in the Ridgeway By The Lake Subdivision – Phase 3, Stage 1 (Plan 59M-418) (1923286 Ontario Inc. – Alfred Beam)

Whereas By-law No. 95-2015 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Ridgeway By The Lake Subdivision – Phase 3, Stage 1; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services for Phase 3, Stage 1 of the said subdivision; and

Whereas it is deemed desirable to assume the Primary Services for Phase 3, Stage 1 of the said subdivision;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** the following Primary Services identified on the approved servicing plans for Phase 3, Stage 1of the Subdivision registered as Plan No. 59M-418 are assumed by the Town of Fort Erie, namely:

a) Water Distribution System;
b) Sanitary Sewer System;
c) Storm Drainage System, including Storm Water Management; and
d) Streetlighting,

pursuant to the Certificate of Final Acceptance for Primary Services dated August 17, 2020.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 86-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 87-2020

Being a By-law to Assume Primary Services in the Ridgeway By The Lake Subdivision – Phase 3, Stage 2 (Plan 59M-418) (1923286 Ontario Inc. – Alfred Beam)

Whereas By-law No. 95-2015 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Ridgeway By The Lake Subdivision – Phase 3, Stage 2; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Primary Services for Phase 3, Stage 2 of the said subdivision; and

Whereas it is deemed desirable to assume the Primary Services for Phase 3, Stage 2 of the said subdivision;

Now therefore the Council of the Town of Fort Erie enacts as follows:

1. **That** the following Primary Services identified on the approved servicing plans for Phase 3, Stage 2of the Subdivision registered as Plan No. 59M-418 are assumed by the Town of Fort Erie, namely:

a) Water Distribution System;
b) Sanitary Sewer System;
c) Storm Drainage System, excluding Storm Water Management; and
d) Streetlighting,

pursuant to the Certificate of Final Acceptance for Primary Services dated August 17, 2020.

2. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 87-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 88-2020

Being a By-law to Assume Secondary Services in the Ridgeway By The Lake Subdivision - Phase 3, Stage 1, Plan 59M-418 (1923286 Ontario Inc. – Alfred Beam)

Whereas By-law No. 95-2015 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Ridgeway By The Lake Subdivision – Phase 3; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas pursuant to the Subdivision Agreement the Secondary Services includes all finished streets and roadways as constructed by the Developer for the Plan of Subdivision; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Secondary Services for the said subdivision; and

Whereas it is deemed desirable to assume the Secondary Services installed pursuant to the Subdivision Agreement, including certain highways within the Plan of Subdivision;

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** the following Secondary Services identified on the approved servicing plans for the Ridgeway By The Lake Subdivision – Phase 3, Stage 1 registered as Plan No. 59M-418 are assumed by the Town of Fort Erie, namely:

a) Municipal Roads, including boulevards;
b) Driveway Aprons;
c) Sidewalks, Pedestrian Walkways and Foot Paths;
d) Tree Plantings; and
e) Fencing and Landscaping, including Storm Water Management pond,

pursuant to the Certificate of Final Acceptance for Secondary Services dated July 24, 2020.

2. **That** the following parcels of land situated in the Town of Fort Erie are assumed as public highway:

Street	Plan Number	PIN Number
Derbyshire Drive	***59M-418***	***64188-0418 (LT)***
Trillium Crescent	***59M-418***	***64188-0420 (LT)***
Butlers Drive	***59M-418***	***64188-0419 (LT)***
Driftwood Trail	***59M-418***	***64188-0417 (LT)***

3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 88-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 89-2020

Being a By-law to Assume Secondary Services in the Ridgeway By The Lake Subdivision - Phase 3, Stage 2, Plan 59M-418 (1923286 Ontario Inc. – Alfred Beam)

Whereas By-law No. 95-2015 authorized the Mayor and Clerk to execute the Subdivision Agreement for the Ridgeway By The Lake Subdivision – Phase 3; and

Whereas Section 10.8 of the Subdivision Agreement provides that municipal services shall be assumed by the Town in two stages, namely, by Council first passing an Assumption By-law for Primary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Primary Services, and second, an Assumption By-law for Secondary Services after the Director of Infrastructure Services approves the Certificate of Final Acceptance for Secondary Services; and

Whereas pursuant to the Subdivision Agreement the Secondary Services includes all finished streets and roadways as constructed by the Developer for the Plan of Subdivision; and

Whereas the Director of Infrastructure Services has approved the Certificate of Final Acceptance for Secondary Services for the said subdivision; and

Whereas it is deemed desirable to assume the Secondary Services installed pursuant to the Subdivision Agreement, including certain highways within the Plan of Subdivision;

Now therefore the Municipal Council of the Town of Fort Erie enacts as follows:

1. **That** the following Secondary Services identified on the approved servicing plans for the Ridgeway By The Lake Subdivision – Phase 3, Stage 2 registered as Plan No. 59M-418 are assumed by the Town of Fort Erie, namely:

a) Municipal Roads, including boulevards;
b) Driveway Aprons;
c) Sidewalks;
d) Tree Plantings; and
e) Fencing and Landscaping, including Storm Water Management pond,

pursuant to the Certificate of Final Acceptance for Secondary Services dated July 24, 2020.

2. **That** the following parcels of land situated in the Town of Fort Erie are assumed as public highway:

Street	Plan Number	PIN Number
Derbyshire Drive	***59M-418***	***64188-0418 (LT)***
Butlers Drive	***59M-418***	***64188-0419 (LT)***

3. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 89-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20

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The Municipal Corporation of the Town of Fort Erie

By-law No. 90-2020

Being a By-law to Deem a Certain Registered Plan of Subdivision Not to be a Registered Plan of Subdivision Tanya Marie Cullen 3761 Disher Street

Whereas Subsection 4 of Section 50 of the *Planning Act* R.S.O. 1990, c.P.13 authorizes the Council of a municipality to designate by by-law any plan of subdivision or part thereof that has been registered for eight years or more which shall be deemed not to be a registered plan of subdivision for the purposes of Subsection 3 of Section 50 of the said *Planning Act*; and

Whereas it has been requested by the applicant to designate these lands pursuant to the provisions of Subsection 4 of Section 50 of the said *Planning Act* to merge a full lot with a part lot on title;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** that part of the registered plan of subdivision described in Section 2 of this by-law is hereby deemed not to be a part of a registered plan of subdivision for the purposes of Subsection 3, Section 50 of the Planning Act, R.S.O. 1990, c.P.13.

2. **That** the lands referred to in Section 1 are described as Lot 122, Plan 397, Bertie; Fort Erie, being part of PIN 64191-0222 (LT).

3. **That** the Town Law Clerk shall cause this by-law to be registered in the local Land Registry Office.

4. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

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Mayor

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Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 90-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , .

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Interoffice Memorandum

August 20, 2020

File No.350311

To: Mayor and Council
From: Aaron Butler, Manager, Development Approvals, Planning and Development Services
Subject: **DEEMING BY-LAW NO. 90-2020**
3761 DISHER STREET
TANYA MARIE CULLEN

Included in the Council package for August 24, 2020 is By-Law No. 90-2020 deeming Lot 122, Plan 397, Bertie, being part of PIN 64191-0222 (LT). An application for a Deeming By-law has been received from the owner, Tanya Marie Cullen to deem the lot located on the south side of Disher Street not to be a lot in a registered plan of subdivision pursuant to the provisions of *The Planning Act*.

Lots that are located within a registered plan of subdivision are individual, conveyable parcels of land. The total property at 3761 Disher Street consists of two separate, conveyable lots within a separate plan of subdivision (Lots 122 and 123, Plan 397). Provisional consent has been granted by the Town's Committee of Adjustment (File No. B-12/20) for a boundary adjustment between Lots 122 and 123 on Plan 397. A 2.29 m strip of land is proposed to be severed from Lot 123 and merged to the lands at Lot 122, which are currently vacant. In order to affect the merging of the lands in title, Lot 122 must be deemed not to be in a registered plan of subdivision. The newly merged lands may then be conveyed separately.

Pursuant to Subsection 4, Section 50 of *The Planning Act,* the Town Council is authorized to designate by By-law, any plan of subdivision or part thereof that has been registered for eight years or more not be a registered plan of subdivision for the purposes of Subsection 3, Section 50 of *The Planning Act.*

A certified copy of the Deeming By-law is registered by the Town Clerk in the Land Registry Office for Niagara South and does not come into effect until such time as the by-law has been registered. All costs associated with the processing of the Deeming

By-law are the responsibility of the applicant and are covered by the application fee.

All of which is respectfully submitted,

"Original Signed"

Aaron Butler, MCIP, RPP
Manager, Development Approvals, Planning and Development Services

Att: Appendix "1" – Location Map

Cc: Tom Kuchyt, Chief Administrative Officer
Kira Dolch, Director of Planning and Development Services
Carol Schofield, Clerk
Bonnie Critelli, Law Clerk

PROPOSED DEEMING BY-LAW - TANYA MARIE CULLEN
3761 DISHER STREET

Lot 122, Plan 397

Subject Property - 3761 Disher Street

Lot Proposed to be Deemed

Planning & Development Services
Map created August 20, 2020

FORT ERIE ONTARIO Our Focus: Your Future

The Municipal Corporation of the Town of Fort Erie

By-law No. 91-2020

Being a By-law to Confirm the Actions of Council at its Council-in-Committee Meeting Held on August 10, 2020 and Council Meeting Held on August 24, 2020

Whereas it is desirable to have the actions and proceedings of Council adopted, ratified and confirmed by by-law;

Now therefore the Municipal Council of The Corporation of the Town of Fort Erie enacts as follows:

1. **That** the actions of Council at its Council-in-Committee Meeting Held on August 10, 2020 and Council Meeting Held on August 24, 2020 including all motions, resolutions and other actions are adopted, ratified and confirmed as if they were expressly embodied in this by-law, except where the law requires the prior approval of the Ontario Municipal Board or other authority.

2. **That** where no individual by-law has been or is passed with respect to the taking of any action authorized in or with respect to the exercise of any powers by the Council, then this by-law is deemed for all purposes to be the by-law required for such authorization or exercise of any powers.

3. **That** the Mayor and officers of The Corporation of the Town of Fort Erie are authorized and directed to do all things necessary to give effect to such actions or to obtain approvals where required**.**

4. **That** except where otherwise provided, the Mayor and the Clerk are authorized and directed to execute all documents arising from such actions.

5. **That** the Clerk of the Town is authorized to effect any minor modifications, corrections or omissions, solely of an administrative, numerical, grammatical, semantical or descriptive nature to this by-law or its schedules after the passage of this by-law.

Read a first, second and third time and finally passed this 24th day of August, 2020.

_____
Mayor

_____
Clerk

I, Carol Schofield, the Clerk, of The Corporation of the Town of Fort Erie certifies the foregoing to be a true copy of By-law No. 91-2020 of the said Town. Given under my hand and the seal of the said Corporation, this day of , 20 . _____